



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Wednesday, September 23, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious and merciful God, You guide the humble and teach them Your way. What can keep us from praising You? Even amid life's toils and tears, we find tokens of Your care and providence. Thank You for the beauty of sunrise and the glory of sunset, for nourishing food and the support of family and friends. We are grateful for the joys of work well done and for even the challenges that strengthen our faith. Lord, we praise You for a nation of rich resources, high privilege, and enlarging freedoms.

Thank You also for our Senators and all who faithfully work with them. Today, gladden their hearts and reward them for their service. May they live this day as a never-to-be-repeated opportunity to glorify You. We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 23, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. UDALL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 90 minutes, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 45 minutes and the Republicans will control the final 45 minutes.

Following morning business, the Senate will resume consideration of the Interior Appropriations bill. Last night, I filed cloture on the bill and the substitute amendment. As a result, Senators must have their germane amendments filed at the desk prior to 1 p.m. today.

I also want to remind Senators there is a reception and buffet dinner in S. 211 tonight—that is the LBJ room—at 6 o'clock to celebrate Henry Clay in the Senate.

There is a wonderful story about a 150-year-old painting that was discovered. It is a magnificent painting, right outside these doors, and we will talk a little about that tonight. It is historic and a great way to recognize the success of this country over the years.

We will need to be out of session at 5:30 for the Senate reception room to be swept by the security folks. This event is hosted by the Senate Commission on Art, and our spouses will be expecting us to be on time.

I want to say also that 45 minutes of our time is going to be controlled by Democratic freshmen Senators. The American people are going to see here today the quality of the people who are new Senators—all successful prior to

coming here, from many different walks of life, men and women. As I have watched these past 9 months the bringing of these men and women into Senate business, I am so impressed and understand how they did so well before coming here. Today, they are going to talk about health care.

As an example of the quality of our Senators—and I am not going to run through all the freshmen Senators—we have our Presiding Officer. The Presiding Officer had a long and successful career before coming to the Senate as Attorney General of the State of New Mexico, as a long-time Member of Congress, and now as a Member of this body.

I had one of the pleasures of my life a month or so ago in being able to go to New Mexico and spend about an hour with the Presiding Officer's father—the historic Stewart Udall. What a wonderful visit we had. We talked about his brother Morris Udall, whom I had the good fortune of being able to serve with in the House of Representatives. I am sure that Morris Udall is beaming up in Heaven that his son MARK is now serving in the Senate.

What a quality group of people they are, and the American people are going to be seeing them in a few minutes as they talk about health care. I don't know what they are going to talk about with regard to health care, but I can almost bet that one of the things all these fine Senators are going to say is that we do not have as an option in health care to do nothing. The status quo will not work.

Because of the monopolistic handle the insurance company has on everything that happens—all the profits being made by the insurance industry, the pharmaceutical industry—the cost of health care is leaving 50 million American people uninsured, with many people losing their insurance. Today, 14,000 people will wake up in America with health insurance and go to bed without it. In the State of Nevada—sparsely populated, relatively speaking—220 people will wake up this morning with health insurance and go to bed tonight losing it, 7 days a week.

I admire and appreciate the freshmen Senators speaking out on the need to do something about health care.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 45 minutes and the Republicans controlling the second 45 minutes.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the time for morning business not begin until a quarter to 10.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### HEALTH CARE

Mr. MCCONNELL. Mr. President, yesterday afternoon I came to the floor to speak out against one of the tactics that supporters of the President's health care proposal have resorted to in recent days.

It appears that a particular Senator has encouraged the administration to use its powers to clamp down on an opponent of the administration's health care policy—to clamp down—to use the administration to clamp down on an opponent of the President's health care policy. What is more, the administration snapped to attention at the Senator's request. It followed the Senator's advice and almost immediately the government clamped down on a private health care company in my home State that had been sharing its concerns about the administration's health care proposal with seniors on Medicare.

Yesterday, we saw how legitimate those concerns were when the Director of the nonpartisan, independent Congressional Budget Office said the administration's proposed Medicare cuts would indeed lead to significant cuts in benefits to seniors.

Let me say that again. We had the Director of the Congressional Budget Office just yesterday confirm that what was said by this health insurance company to its customers was true. Yesterday, we saw how legitimate those concerns were when the Director of the nonpartisan, independent Congressional Budget Office said that the administration's proposed Medicare cuts would indeed lead to significant cuts in benefits to seniors. So a part of the administration is putting a gag order on a company for telling the truth to its customers.

First and foremost, this episode should be of serious concern to millions of seniors on Medicare who deserve to know what the government has in mind for their health care. But it should also frighten anyone—anyone—who cherishes their first amendment right to free speech, whether in Louisville, Helena, MT, San Francisco, or anywhere else. It should concern anyone who is already worried about a government takeover of health care. Why? Because it seems that in order to advance its goals, the administration and its allies are now attacking citizens groups and stifling free speech.

Let's review. At the instigation of the chairman of the Finance Committee, the author of the health care legislation now working its way through Congress, the executive branch, through the Centers for Medicare and Medicaid Services, has launched an investigation—believe it or not, an investigation—into Humana for explaining to seniors how this legislation would affect their coverage.

One more time: A private health care provider told its elderly citizens how its health care legislation might affect their lives. Now the Federal Government is putting its full weight into investigating that company at the request of the Senator who wrote the legislation in question. Now we find out the concerns the company was raising to its clients were perfectly legitimate, according to the Director of CBO. So, for telling the truth to your clients, you get investigated by the government. This is so clearly an outrage it is hard to believe anyone thought it would go unnoticed. For explaining to seniors how legislation might affect them, the Federal Government has now issued a gag order on that company and any other company that communicates with clients on the issue, telling them to shut up—shut up or else. This is precisely the kind of thing Americans are worried about with this administration's health care plan.

They are worried that handing government the reins over their health

care will lead to this kind of intimidation. They are worried that government agencies, which were created to enforce violations evenhandedly, will, instead, be used against those who voice a different point of view.

That is apparently what is happening here, and to many Americans it is a preview of what is in store for everyone under the administration's health care plan. It is hard to imagine any justification for this. But if people behind this latest effort believe they have some legal justification for shutting up a private company, then they need to explain themselves to the American people. More specifically, they need to explain to 11 million seniors on Medicare Advantage why they should not be allowed to know how the cuts to this program will affect their coverage.

Yesterday, my office called CMS to ask for the legal authority that would warrant them imposing an industry-wide gag order on an issue of public concern. We are still waiting for a response. So this morning I am asking the Centers for Medicare and Medicaid Services to provide my office with its justification for telling a company it cannot communicate with its seniors.

Over the past several months, we have seen a pattern of intimidation by supporters of the administration's health care proposals, including efforts to demonize serious-minded critics at townhall meetings across the country. Now we are seeing something even worse, the full power of the Federal Government being brought to bear on businesses by the very people writing the legislation. This was troubling enough in itself. It is even more troubling now that we are told that Humana was exactly right—exactly right in what it was telling its clients. Americans are already skeptical about the administration's plan. They should be even more skeptical now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

#### HEALTH CARE REFORM

Mr. WARNER. Mr. President, I rise with a group of my freshmen colleagues to discuss an issue that is on all our minds and on the minds of many Americans and that is the issue of health care reform. The subject most of us are going to address today is what happens if we do nothing on this critically important issue because we, as recent additions to this body, are united by a simple but important truth: the rising cost of health care is hobbling American business, stressing family budgets and, if we do nothing and it is left unchecked, it will explode our national debt.

While many of my colleagues have raised important and valid questions about some of the health care proposals, one of the things I hope all my

colleagues will realize is that doing nothing to reform our health care system is a policy choice. It would be a misguided choice, an irresponsible choice, but it is a choice nonetheless.

Today, health care costs in America consume nearly 17 percent of our GDP. This is projected to grow to one-third of our GDP by 2040 if we do nothing. This chart shows this ever-escalating cost of health care and its percentage of our GDP. Here we see the cost in actual dollar amounts, \$2.4 to \$2.5 trillion spent on health care in the past year.

Our per capita health care cost is double that of virtually every other developed nation in the world—nations we compete against every day. As we come out of this recession and American business has to compete against these countries around the world, our economy is hobbled by costs that, on average, include \$3,000 more per employee due to our higher health care costs than our competing nations.

If we look at an issue that is equally important and one that I know our colleagues, especially my freshmen colleagues, continue to raise—but we hear concerns about from our friends on the other side of the aisle—that is the concern about our Federal deficit. The primary cause of our Federal deficit and our overall debt is the increasing per-person costs of Medicare and Medicaid. We pay more and more dollars in the Federal budget each year to basically pay for the same level of care. As this chart shows, increasing Medicare and Medicaid costs alone will exceed all other Federal spending. Clearly, this situation is not sustainable.

In my home State of Virginia, since 2000, insurance premiums have increased nearly 90 percent, while wages have only increased 27 percent. If we do nothing, and this was reaffirmed by the Business Roundtable report just last week, nationwide insurance premiums are projected to double by 2016. This is of particular concern to small businesses. Today, small businesses are the only group that still pay retail for their health care services. Their size makes their bargaining power weak and makes them susceptible to enormous increases in health care premiums.

Once again, it is a policy choice. Doing nothing means exploding our Federal debt and deficit. Doing nothing means doubling health care premium costs for American families. Doing nothing means American companies will be less competitive in a global market and our small businesses will continue to pay retail for health care.

Mr. President, I think I speak for all my freshmen colleagues when I say we were not elected to do nothing. We did not run for office because we were satisfied with the direction of our Nation. We were elected to work together with willing Republicans and Democrats to help turn this country around. I hope

this will be the first of a series of statements from the freshman class, who are not only here to point out the challenges we face but to join Senators from both sides of the aisle who are committed to getting things done.

I would now like to yield 5 minutes to my colleague, the distinguished Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I wish to begin by recognizing and thanking Senator WARNER for his efforts today to organize the freshmen to talk about why it is so critical that we get something done to reform health care in this country. He and I both belong to the former Governors caucus, and I come to this debate with the work, years of work that I did as Governor and the perspective we have to do something to improve the availability of health care for all Americans and certainly for the families in New Hampshire.

Over the past several months, my office has responded to thousands of letters and phone calls about health care. I have traveled all across New Hampshire, talking to small business owners and families who are desperate for help. I have talked to health care providers who are frustrated with the current system. Time and time again, what I have heard is that our health care system is not working. Costs are too high and access is too limited. The status quo is simply not sustainable. Now is the time to act.

Every day in New Hampshire and across our country, families are struggling with the rising costs of health care. It threatens their financial stability and leaves them exposed to higher premiums and deductibles and puts them at risk of losing their health insurance and, in too many cases, financial ruin. According to one study, 62 percent of bankruptcies in 2007 were caused by a medical condition. I have a chart that shows this very clearly. This is the 62 percent of those bankruptcies that were the result of the costs of medical care. What is probably even more concerning is that of those 62 percent, 78 percent of them were insured. So most of the people in this country who are going bankrupt as the result of their health care costs actually have health insurance.

Health care costs are a threat to our economy, to our small businesses, and to our working families. The current health care system is simply unsustainable for our economy. As Senator WARNER pointed out, it is estimated that in 2009 our Nation will spend \$2.5 trillion or 18 percent of our gross domestic product on health care. That means health care costs account for 18 percent of the value of all the goods and services produced in this country. If we continue on this current

path, health care will make up over a third of our economy by 2040.

Senator WARNER showed that in a chart. This is a graph that shows the same thing—what happens to health care costs if we do nothing, as a portion of the entire economy of this country.

In New Hampshire, our small businesses are feeling this burden firsthand. From 2002 to 2006, there was a more than 40-percent increase in the cost of health insurance premiums for New Hampshire businesses. For those of our smallest businesses, those with fewer than 10 employees, that increase was almost double, to more than 70 percent—a 70-percent increase in just 4 years for small businesses in New Hampshire. That means that, although our small business owners want to provide their employees with health insurance, many of them cannot afford it.

Ultimately, it is our hard-working families who suffer. Today, the average family living in New Hampshire pays about \$14,600 for their insurance premium. In New Hampshire, we have the highest premiums in the country for those people who have group rates.

I wish to say that one more time because in New Hampshire we are paying the highest premiums in the country for group health insurance. If we continue on this current path, families will be paying almost \$25,000 in the next 10 years, by 2019. Again, here is another graph that shows what is going to happen to New Hampshire families—\$25,000 in 10 years. This is not affordable.

The good news is that we know how to bring down costs. At the Center for Informed Choice at Dartmouth, research shows that more spending does not translate into better outcomes. In fact, it shows that up to 40 percent of the time, patients who are engaged in the decisions related to their care will choose the less invasive and less costly procedures. These choices produce better outcomes with higher rates of patient satisfaction.

The health care industry can do better for less. We can find savings in our system. For example, experts have estimated that we can save \$5,000 per Medicare beneficiary by reducing costly hospital readmissions. I have introduced legislation with Senator SUSAN COLLINS from Maine called the Medicare Transitional Care Act. This bipartisan legislation will reduce Medicare costs and offer better support and coordination of care to Medicare patients. This will not only improve the quality of health care for our seniors, but it will also save taxpayers money.

I was very pleased to see that many of these provisions were in the markup that came out of the Finance Committee.

Although the numbers and statistics are compelling, it is really the stories I have heard from my constituents

which best illustrate why reform cannot wait. This is not just about politics, this is about real people.

A few weeks ago I received a letter from a young woman named Jennifer. Jennifer and her husband had recently decided they wanted to start a family. They both work for small businesses that do not offer health insurance, so they shopped around for an individual insurance plan. The policy they could afford did not cover standard maternity care, but they were told they would be covered in case of an emergency: if Jennifer needed a C-section or if she had other health problems during the pregnancy.

Unfortunately, Jennifer suffered a rare complication, a molar pregnancy, resulting in a loss of the pregnancy and requiring extensive followup. But the insurance company told them it would not cover "that" emergency. So during their time of grieving, Jennifer and her husband are not only facing piles of medical bills, they are wondering how they will ever be able to afford a baby in the future.

No young family should have to go through this. We have the opportunity to stabilize health care costs and reform our health care system for people such as Jennifer and her husband. We know this is not easy. It is one of the greatest challenges of our time. But the time has long passed for action. We need to act now to stabilize costs and provide coverage for Americans.

I look forward to working with my colleagues on both sides of the aisle to achieve this goal.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. I thank my colleague, the Senator from New Hampshire, on her very excellent comments. We are running a little behind. I do want to come back, if we have time, to talk about the costs to State budgets, something both she and I experienced.

I yield 5 minutes of our time to the distinguished Senator from Delaware.

Mr. KAUFMAN. I thank the Senator.

I join my freshmen colleagues this morning to discuss the Nation's health care system and urge Congress to pass reform legislation this year. I think there are two major reasons we need to enact health reform this year, and they both require controlling health care costs.

First, we need to pass health care reform because failure to do so could literally bankrupt the country. Just look at Medicare and Medicaid. One of the biggest driving forces behind our Federal deficit is the skyrocketing cost of Medicare as well as Medicaid. In 1966 Medicare and Medicaid accounted for only 1 percent; that is, 1 percent of all government expenditures. Today they account for 20 percent. If we do nothing to start bending the cost curve down for Medicare and Medicaid, we will eventually spend more on these two

programs than all other Federal programs combined.

Medicare spending is growing rapidly for the same reasons that private health care spending is growing rapidly: increases in the cost and utilization of medical care. Between 1970 and 2007, Medicare's spending for each enrollee rose by an average of 8.5 percent annually, while private health insurance increased by 9.7 percent per person per year.

The Congressional Budget office estimates that Federal spending on Medicare and Medicaid was approximately 4 percent of the Nation's gross domestic product in 2008. If we fail to act—and we cannot fail to act—Federal spending on Medicare and Medicaid will rise to 7 percent of GDP by 2025. We must bend these cost curves down and slow the level of growth in Medicare and Medicaid programs if we are ever to get our budget situation under control.

The second major reason we have to act is because failure to do so will drive more and more Americans into personal bankruptcy. Today bankruptcy involving medical bills accounts for more than 60 percent of U.S. personal bankruptcies, a rate 1.5 times that of just 6 years ago.

Keep in mind, more than 75 percent of families entering bankruptcy because of health care costs actually have health insurance. I think we have a popular idea that the people going bankrupt are people who cannot manage their money, who do not have health insurance. These are people who have health insurance. Again, two-thirds of all Americans filing for bankruptcy because of medical bills already have insurance. These are middle-class Americans who are well educated and own their own homes. They just cannot keep up with the alarming rise in costs associated with medical care.

We have to act so that Americans no longer have to worry about how they are going to afford their medical bills. We need to pass health care reform and give Americans more stability in these rough economic times so they no longer have to choose between paying their medical bills or paying their home mortgages or their children's tuition payments. Controlling health care costs is a major reason we need to pass health care reform today.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. I thank my colleague from Delaware for pointing out the enormous cost of inaction both to our Federal deficit and to families who are struggling with these costs.

Now I yield 4 minutes of our time to the distinguished Senator from Alaska.

Mr. BEGICH. Mr. President, I am pleased to stand with my freshman colleague this morning. We often share the back bench, but today we bring our message front and center. The time has come for action on health insurance re-

form. We represent the North and South. For me, everyone comes from the South. But today we see that no matter where you live in this country or what you do for a living the cost of inaction is simply unacceptable. All of us can cite alarming statistics from our States.

In my State, there are now 133,000 uninsured Alaskans. The raw numbers may not be much when compared to Virginia, Illinois, or Colorado, but in Alaska that number represents 20 percent of the population.

To me, and I hope to my colleagues on both sides of the aisle, this is unacceptable. Average insurance premiums in Alaska have doubled in the past decade to more than \$12,000 annually. If we do not act, they will double again about the time my 7-year-old son starts high school. Families cannot afford that.

Already, the average Alaskan family pays a hidden tax of \$1,900 in premiums to cover the cost of uncompensated care provided to people without insurance, and it will only get worse as time moves forward. The problem is especially tough for small businesses in my State because Alaska has a high proportion of small business owners: fishermen, float plane operators, construction contractors, independent realtors, and the like.

Some 52 percent of all the jobs in Alaska are held by small business workers or the self-employed. They know better than anyone that a broken health care system leads to lost jobs, reduced productivity, less investment, and stalled business growth. Just this weekend I met with a small business townhall and there was one clear message from them to me, to Congress: Do something. Do it now. Each one cited their increases ranging from 14 to 41 percent in health care costs this year alone. That is why one of the best ways we in the Senate can strengthen and grow Alaska's and American business is to pass meaningful health care reform not sometime down the road but this year.

I joined the small business majority earlier this year as they released the compelling report on the need for reform. The bottom line, even with middle-of-the-road reform: American small business will spend \$800 billion more than they need to over the next 10 years.

If they can save that, with just the middle-of-the-road reform, we can save them money and put it to the best use. Considering that small business is driving economic recovery in America, that is huge. Eight hundred billion dollars saved is available for infrastructure, innovation, and providing stable jobs.

It is not just small business that needs reform. The Business Roundtable, which has been spoken about already this morning, which represents



much bigger companies, released a report last week that said health care costs will triple over the next decade to nearly \$29,000 per employee.

There is plenty to debate about health care reform in the weeks ahead. I still have questions of my own. But there is one thing I hear from all across my State and across this country, from e-mails and messages we receive: support for health care reform is truly support for America's businesses.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. I thank my friend from Alaska for pointing out, particularly, with small businesses, that in our current system they are the only people who pay retail for their health care expenses. Reform must rectify that.

I yield 4 minutes to the Senator from Oregon.

Mr. MERKLEY. Mr. President, during 11 townhalls in Oregon this August I heard a lot of heartfelt anger and confusion from Oregonians about health care in our Nation. I am sure it echoed the confusion and frustration from voices across our Nation.

A lot of Oregonians came out to tell me that they did not like one bit the description of the reform plan they were hearing on radio and on television. If reform means they would have to give up their insurance or give up their doctor, they did not want any of it.

If reform meant that government panels would deny care to seniors, then they wanted me to know that was outrageous, that they would never support it. And I agree with them. If reform had those features, it sure would not get my vote. I do not think it would get a single vote in this Chamber.

But as most of America now knows, those claims were lies told to scare the bejebeers out of citizens by folks who profit from our current health care system. It says a lot, does it not, that those who want to block repairs to our broken health care system have to resort to creating myths in order to whip up opposition.

The opponents of reform have their own plan, which is continue to profit from the current system, our current broken system. Their plan, simply put, is a terrible plan for America. The opponents' status quo plan features shutting out folks with potential health care risks, those who most need health care, from our health care system. Their plan features denying coverage for citizens with preexisting conditions. Their plan involves dumping citizens out of coverage who, after years of paying their premiums, develop a health care problem and then they lose their health care.

The opponents' status quo plan is to continue a broken system in which pre-

miums double every 7 years, putting health care out of reach to America's working families and robbing workers of their pay raises that could improve their standard of living.

The opponents' plan is to continue health care rationing by insurance company bureaucrats who make money denying the claims. The opponents' plan is to continue lifetime limits that pile massive debt on those unfortunate enough to get sick or injured.

The opponent's plan is to continue a system in which health care costs drive more than half the bankruptcies in America, tearing the financial foundations out of our working families, setting them back decades, if, in fact, they ever recover at all.

What I did hear from citizens back home is they do not like that status quo plan. They want to see those problems fixed. They want an individual to be able to join a pool and get a much better deal. They as a small business want to know that they will be able to control health care costs and keep providing health insurance, and maybe even get a better deal, and not have to pay the transfer costs of all of the folks who do not have health care and end up in the emergency room.

So for small businesses to thrive in our Nation, for American families to thrive, for large businesses to compete internationally, we must fix our broken health care system. The status quo plan put forward by opponents is simply wrong for America, wrong for families and wrong for business.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. I thank my friend from Oregon for pointing out, in vivid terms, the challenges the status quo presents to so many American families. I yield 4 minutes to my friend, the distinguished Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am here with my fellow freshmen Senators because we are united in our determination to pass health insurance reform this year. Our late and giant colleague Senator Ted Kennedy said it best when he called health reform "the great unfinished business of society."

We are presented this fall with a historic opportunity to finally succeed, and, for me, failure is not an option. The cost of inaction is too great, both for American families and for our economy. We have a bloated \$12 trillion Federal debt which is being fed every day by growing health care costs. Every day, small and large businesses are laying off workers and slashing benefits to their employees. Those Americans who have coverage still do not have the peace of mind that comes from knowing insurance companies will keep their promises. Premiums are rising at three times the rate of wages. The number of uninsured is growing at a faster rate every day. In my State of

Colorado, nearly one in four is uninsured in some areas. The Treasury Department recently released a study showing that one out of every two Americans will lose coverage at some point over the next 10 years. We can't allow this to become America's future, but it will if we don't act now.

There are many reasons health care reform cannot wait, but there is one that I know strikes a chord with many Coloradans; that is, the lack of freedom our current system provides. Workers across our country are afraid to leave their jobs for fear they won't be able to provide health care to their families.

That lack of freedom affects our economy because fostering the growth of small business is one of the keys to economic success. In our current system, Americans are afraid to follow their dreams and start a small business or travel to go to work for a new company. Small businesses run on thinner margins than their big-company counterparts, and they are being hit hardest by the rise in health care costs. In Colorado, we have a disproportionate share of small businesses. As a result, we have more citizens who are uninsured. Those who do offer benefits are finding themselves increasingly facing no-win decisions. They are faced with either hiring fewer employees or slashing benefits or dropping coverage completely or, in some cases, going out of business forever.

The proposals in front of us are tailor-made to help small businesses. The ideas in place would provide tax credits and create a simplified, well-regulated, pooled marketplace to help small businesses find cheaper and higher quality coverage. It is estimated that reform will save small businesses more than \$500 billion over 10 years or more than \$3,500 per worker. That is real money that can be reinvested in business growth and adding additional jobs to fuel our economic recovery.

The burden on individuals is only one of the culprits preventing economic growth. Our deepening Federal deficit and long-term fiscal outlook are also closely linked to a broken system. As President Obama said in his address to Congress 2 weeks ago: Our Nation's health care problem is our deficit problem. Just think, we spend \$2 trillion on health care per year. That is more than \$1 out of every \$5 spent in the economy, more than twice what any other industrialized nation spends. I think we would all agree we are not twice as healthy for our money. If this number continues to grow, there is no hope for reining in long-term deficits.

Health insurance reform is a golden opportunity to begin to control our deficit. We can and we need to grab this opportunity and make health care the springboard from which we clean up our long-term fiscal mess. The President reminded us that the growth of health care costs, if slowed by one-

tenth of 1 percent a year, would help bring down the deficit by \$4 trillion.

There are many excellent ideas on the table to help us get there—by ensuring Medicare's solvency, reforming Medicare's payment structure to bring down cost growth in the long-term, and discouraging overgenerous health plans which encourage overutilization of the system.

As Senator WARNER and others have pointed out, many of the proposals being discussed are politically difficult to support. But not facing politically difficult decisions head-on is what has caused so much of the inertia that has brought us to where we are today. We don't all agree on exactly the best way forward, but we do agree it is time for every Member of Congress and every Member of the Senate to think about health insurance reform for what it is: A huge and necessary step to putting our economy back on track and finally providing stability, security, and freedom to the people. If we do this, I know we can find common ground. We must because the cost of inaction is too great.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague from Colorado.

We are hearing a common theme. These freshman Members all care about driving down cost, and they see health care reform as stimulative to the American economy and recognize that ensuring the growth of our economy means we have to get the deficit under control. That means driving health care costs down.

I yield 4 minutes to my colleague from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I am proud to join our class today to talk about the cost of inaction.

Mr. President, health insurance reform is one of the defining challenges of our time. Every person in our country has a stake in what we do at this moment, in this place. And while there are a lot of proposals out there, there is one thing we know for sure: Maintaining the status quo is not an option.

It is what has been done for years. It has been the easy choice. Kick the can down the road a couple yards . . . a couple of years . . . but never get at the root of the problem. Maintaining the status quo is the one coward's way out. And one doesn't need an economics degree to see where that approach has gotten us.

Part of meeting the challenge of reforming health insurance is being honest about the consequences we face if we don't. So I rise today to talk about the high price of doing nothing.

It is a price we will all pay—a human price, an economic price, a societal price. All equally devastating if we don't muster the courage, if we don't have the political will to stand up and say: Not anymore. Not on our watch.

The human price is the price we feel most personally when we see our family, our friends, our neighbors struggling to obtain health care, to afford health care, or to hold on to the health care they already have.

If we do nothing—if we maintain the status quo—more Americans will be uninsured or underinsured. More Americans will become sick. More will die because of lack of care, and more families will experience financial ruin.

A new report that came out last week found that family premiums have already increased by about 5 percent this year. Over the past 10 years, premiums have gone up 131 percent. It is a vicious cycle. America's families, America's workers and businesses—especially small businesses—can't keep up.

In New Mexico, we have been paying the human price of the status quo for years. In my State, nearly one in four residents lacks health insurance. That makes us the second-highest uninsured State in the Nation. And three-quarters of uninsured New Mexicans work or are from working families. Added to that, 80 more New Mexicans lose their health care coverage every day.

People like a woman I met in Raton, NM, last month. She and her husband just got a renewal notice from their health care insurer. Their premium rose 24 percent this year alone. It is an increase they can't afford, and they don't know what to do. They are paying the human price for the status quo.

Along with the human price, there is the economic price.

By now it is a familiar refrain. The health care system as we know it is unsustainable. It is unsustainable for taxpayers, who are picking up the costs for those who can't afford or can't obtain insurance on their own. It is unsustainable for businesses which aren't able to afford skyrocketing costs to cover their employees. And it is unsustainable for our government. As President Obama said recently:

Our health care problem is our deficit problem. Nothing else even comes close.

Without health care reform, if we do nothing but maintain the status quo, the problems that seem insurmountable today will look like child's play compared with the catastrophic news of tomorrow.

If we fail to act, the number of uninsured Americans will increase from more than 46 million last year to more than 53 million in 2019. And that is a best case scenario. The actual number could be as high as almost 58 million. For New Mexico, failure to act would mean that insured New Mexicans continue paying \$2,300 in hidden subsidies for the uninsured.

If we fail to act, U.S. spending on health care will climb from almost \$2.4 trillion last year to almost \$4.3 trillion in 2017. And insurance companies will continue to profit at the expense of

America's health and America's pocketbooks.

If we fail to act, businesses will continue to flounder under the crushing costs of health care coverage. Fewer businesses will open their doors. More will call it quits for good. And, most chillingly, the entrepreneurial spirit that is so uniquely American could be badly damaged.

If we fail to act, government at all levels will suffer. Budgets will continue to shrink. Priorities like education, energy innovation and job creation will continue to be underfunded. Americans will continue to pay the economic price.

Finally, along with the human and economic costs, there is one more price to consider if we don't step up to our responsibilities and deliver on health care. That price is more figurative, but no less painful.

I am talking about the price we pay as a country for not living up to the ideals on which America was founded.

America is heralded as the land of opportunity. But realizing that opportunity should not be dependent on whether you have enough money in your bank account to afford health care.

America is a place where "all men are created equal." But how can that be true if access to something as fundamental as health care is divided between the haves and have nots?

Harry Truman—who was the first President to attempt to provide every American with health care—put it simply:

We are a rich nation and can afford many things. But ill-health which can be prevented or cured is one thing we cannot afford.

More than 60 years later, his words ring true:

We cannot afford ill-health which can be prevented or cured.

We cannot afford to maintain the status quo.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I know our time allotment is drawing to a close and we still have more Senators who wish to speak.

I yield 3 minutes to my distinguished colleague, the Senator from Illinois.

Mr. BURRIS. Mr. President, I am honored to be able to join my freshman colleagues as we speak on this important issue of health care reform. On September 9, the President stood before the Congress and issued a resounding call for health care reform. It is time for us to answer. We need to recognize, as our President does, that this is our moment to stand for freedom and opportunity.

Health care reform is nothing less than a moral imperative. For years, costs have been rising and the quality of care has been going down. For the giant corporations that provide health insurance, rising costs have meant rising profits. They rake in millions of

dollars by denying coverage to sick Americans. But for those of us who are not health care insurance executives, rising costs have become a terrible burden.

In the early 1990s, when President Clinton and the Democratic Congress tried to pass health care reform, insurance companies brought costs under control. From 1993 to 1995, health care costs grew by an average of only \$38 billion. Insurance corporations must have been afraid that reform would hurt profits, so they self-regulated, keeping costs under control until the threat of reform had passed. But when the Republicans took back the Congress, health care reform was dropped and costs skyrocketed, however. Between 1995 and 2006, costs increased by almost \$102 billion annually. These numbers are clear. We are spiraling out of control, and inaction is not an option. We cannot stand by as millions of Americans all across the country are forced into bankruptcy by medical bills.

Some say we are moving too quickly, that we need to wait. I ask, wait for what, for more people to get sick and die because they don't have access to health care? The American people have been waiting far too long. We must not wait any longer. It is time to make sure everyone has access to quality care and affordable health care. It is time to make sure no one can be dropped because of preexisting conditions and to provide a public option to compete with the private insurers. It is our duty to stand up for what we know is right.

Mr. President, 45 years ago another Illinois Senator saw this same need as Congress debated the Civil Rights Act. The bill was under fire. There were some who could not accept reform. But Senator Everett Dirksen knew equality was woven into the moral fabric of this Nation, and he knew America had waited long enough for change to happen. Standing on the floor of this Chamber, he echoed Victor Hugo, who said: Stronger than all the enemies is the idea whose time has come. The time has come. Let's vote in health care reform.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator from Illinois. I also thank my distinguished colleague from Tennessee for granting our group 4 additional minutes.

Mr. ALEXANDER. I ask unanimous consent that each side be granted 4 additional minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. I now yield 4 minutes to the Senator from North Carolina, my friend.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I rise with my colleagues to discuss the urgent need for comprehensive health care reform and why I believe the cost of inaction is simply too high for North Carolina and America's working families.

As I traveled across the State during the August recess, it was clear that North Carolinians are concerned about the rising cost of health care. In the past 10 years in my State, the cost of health care premiums has increased 98 percent, whereas wages have increased only 18 percent. That is a startling statistic. Just last week, the chamber of commerce from Dunn, NC, came to visit me in Washington. One man has a company that employs 600 employees. The cost of health care last year for his company increased 28 percent—in 1 year. That is simply unsustainable for America's businesses.

The Treasury Department issued a stern warning just last week: If we do nothing to tackle the skyrocketing cost of health care, nearly half of all Americans under the age of 65 will lose their health insurance in 10 years. Those are frightening numbers.

Right now, the average family's health insurance premium is \$13,375. If Congress does not send our President a reform bill, premiums are expected to rise to a staggering \$25,000 in 2016. Today, this average premium represents a little over a quarter of a family's income. But, by 2016, that average premium will represent almost half of a family's income. How are people going to be able to afford to pay for mortgages and save for college tuition if they are paying half their monthly income for insurance premiums?

This past year, North Carolina's unemployment rate rose to 11 percent. Many of the thousands of North Carolinians who have lost their jobs in this recession have also lost their health care, and many more families are facing this frightening reality: One medical emergency could send them into bankruptcy.

In 2005, nearly half of all Americans who filed for bankruptcy cited major medical expenses as the reason for their financial decline. Between 2001 and 2008, the number of uninsured in North Carolina increased from 1.1 million to 1.4 million people. Without action, this number is going to continue to grow.

The Senate Health, Education, Labor, and Pensions Committee crafted a bill that ensures that people who like their insurance and their doctors keep them. It also expands access to health insurance for those without it, and slows down the skyrocketing cost of health care—the three critical components President Obama called for in his speech to Congress 2 weeks ago.

The President has been adamant that health care reform must not add one dime to our Federal deficit now or in

the future, which has been a requirement of mine all along. The exploding cost of health care has put our Nation's economic security at risk. We simply cannot afford inaction any longer.

In 1960, health care spending was 4.7 percent of GDP. Today, it is 18 percent. On the current trajectory, by 2030, health care costs will account for 28 percent of GDP.

We need health care reform to get our deficit under control. We need a reform package that ensures a pre-existing condition, such as diabetes or cancer, no longer prevents anyone from obtaining health insurance. We need health care reform to ensure America's families do not have to fear bankruptcy when a loved one gets sick.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague from North Carolina and all these freshmen Senators who have talked today about the very real costs of inaction.

I would like to now call on our final colleague, my friend, the junior Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I thank the Senator from Virginia and the rest of my colleagues.

I have a few slides I wish to go through. But the basic point is, no matter what one thinks about the various health care bills that are out there and the various prescriptions that have been suggested, the status quo is not an option.

For me, this starts with fiscal responsibility. We have seen an unbelievable explosion in debt in our country, from \$5 trillion, from the beginning of the previous administration, to \$12 trillion today. If you look at what is causing it: As you can see from this slide, this is our revenue line. The biggest drivers of our deficit are the interest payments we have on this debt—that we are managing to pass on to our kids and our grandkids because we are unwilling to make the tough choices that need to be made—and rising Medicare and Medicaid costs, which is the red line right here. So one cost of inaction is we will continue to drive these insane deficits we are facing as a country.

In my State of Colorado—and the senior Senator from Colorado is in the Chamber as well—our working families and small businesses are suffering mightily because the economy is not working for them. Over the last decade, median family income in the State of Colorado has actually declined by \$800 in real dollars, and that has happened all across the United States of America, where we see median family income down by \$300.

At the same time, health care premiums have risen by 97 percent. The

cost of higher education, by the way, has gone up 50 percent. Our working families are being asked to do more with less just for the basic necessities that are required to move your family ahead. These are not "nice to haves." These are essential, if working families and the middle class are going to be able to move ahead.

The second reason we need reform is, as the Senator from Virginia said at the beginning of his comments, we are spending almost a fifth of our GDP on health care. That is more than twice as much as what any other industrialized country in the world is spending on their health care system.

As I have said in townhall meetings all across our State, this is no different than if you have two small businesses across the street from one another, with one spending a fifth of their revenue on their light bill and the other spending less than half that on their light bill. You do not need an MBA to know which of those two companies is going to be able to invest in their business plan and grow their business.

We have a lot to do to make sure this economy can compete in the 21st century. I would say one of the things we ought to do is not to devote a fifth of our economy to health care if we expect to compete.

This slide shows the rate of insurance premium increase in our State versus the rate of the increase in wages. These are absolutely related to each other. If you talk to small businesses in any State—I am sure this is true in Virginia, as well as it is true in Colorado—small business owners are desperately trying to keep their employees insured, but the choice they are making is to pay them less in wages. This wage compression is related directly to the rate of the insurance premium.

The other chart of this slide simply shows if we change nothing there are going to be families all across this country who, by 2016, are going to be spending 40 percent of their income on health care—that is before you get to higher ed; that is before you get to rent or food—40 percent of every dollar on health care. It is absurd.

We see that health care is bankrupting middle-class Americans all over this country. We know 62 percent of bankruptcies are health care related. What is staggering to me is, 78 percent of those bankruptcies are happening to people who had insurance. The entire reason people buy insurance is so they have stability when their child gets sick or their spouse gets sick or they get sick. Seventy-eight percent of these bankruptcies have happened to people who had insurance.

Then, finally, no one is burdened more by the current system than small business and the employees who work for small businesses. In our State, small business pays 18 percent more for health insurance just because they are

small. When I say that, sometimes people say: Well, Michael, don't you understand that is because the pool is smaller and it is harder to spread the risk. I say: I understand that. But from a business point of view—and the Senator from Virginia and I both have spent a lot of time in our careers working in the private sector—from a business point of view, that is absurd because these small businesses, if they are investing 18 percent more, ought to be expecting to be 18 percent more productive or, at a minimum, ought to have 18 percent better health care, and that is absolutely not the case.

Mr. President, I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BENNET. My final point, Mr. President, is we have been having a healthy debate about how we should do this reform, and there are a lot of people who are concerned about things such as a public option, things such as government control over health care. I would argue that the status quo is what is producing that because fewer and fewer of our working families are covered at work—which is what this slide shows—and for every one of those people who then goes on uncompensated care, it is paid for by the American people.

So I join my colleagues today in saying, we absolutely cannot maintain this status quo. It is absolutely unsustainable. I look forward to a thoughtful, commonsense reform that works for working families and small businesses in my State.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our colleagues on the other side of the aisle for the additional time.

I appreciate the opportunity we have had to make our statements.

The ACTING PRESIDENT pro tempore. The time is expired.

Mr. ALEXANDER. Mr. President, how much time is available for the Republican side?

The PRESIDING OFFICER (Mr. BENNET). Forty-nine minutes.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Thank you very much, Mr. President.

#### HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, I commend my friends on the Democratic side for their interest in health care reform and their coming here to express their views. I can say to them very clearly there is 100 percent agreement on the Republican side that we do not want the status quo, and there is 100 percent agreement on the Republican side that there would be one

thing worse than the status quo and that would be higher premium costs, more debt for the government, and higher taxes.

I am afraid that is what my friends are arguing for because they are continuing to say they want to insure at least 30 million more people, they want to improve the benefits for people already on insurance, and they want to reduce costs. That does not add up. So I think it is time we get down to some reality in this discussion about: How can we best achieve health care reform in this country?

We, on the Republican side, want health care reform, but we do not want more debt, more taxes, and higher premium costs for people who cannot afford their insurance policies now. Yet the proposals we have seen on that side of the aisle do that.

Our focus should be about one thing. Health care reform should be about one thing: reducing costs, reducing costs to individuals and small businesses who are paying for health care, and reducing the cost to our government, which is the responsibility of every single one of us taxpayers in this country.

We have had several proposals from the Democratic side that increase the debt and increase the cost, and the President himself, in effect, rejected them in his address to Congress the other day because he said there cannot be one dime of deficit, not one dime. So the bill that came out of the HELP Committee in the Senate—it is out of here. The bill that is coming out of the House of Representatives that has been through several committees—it cannot be considered under the President's own standard that it cannot increase the deficit one dime.

I am glad he is saying that. I am glad he is saying that because he is already proposing we increase our national debt by \$9 trillion over the next 10 years—doubling our national debt, tripling it over 10 years, spending more over the next 10 years, three times as much as we spent in World War II—amounts that have most people in this country alarmed about the debt of this government. So this should be a straightforward discussion about costs, reducing the cost of health care to you, if you are buying health care, and reducing the cost of health care to your government, which you are responsible for.

So the President has done us a favor. He said do not worry about the Senate bill that came out of the HELP Committee because—in effect, he said this—it adds to the deficit, so it has to go. For the bills coming out of the House of Representatives, the Congressional Budget Office has told us it adds to the deficit in the first 10 years, and it adds to the deficit even more in the next 10 years, so it has to go.

So now we have a new bill, and it is already a 250-page—I misspoke. It is

not a bill yet. It is 250 pages of concepts. It is important for the American people to understand this. I think one of the things we have all heard, as much as anything, when we have gone home is: Did you read the bill? That is a pretty good question. It is a pretty big job because we have gotten in the habit around here of coming up with 1,000-page bills that Senators and Congressmen do not read. So the American people are saying to us: At least read the bill. They are saying to us, second: At least know what it costs. So that is a bare minimum of what we should insist on as we are going forward.

The bill introduced by the distinguished Senator who is the chairman of the Finance Committee is 250 pages of concepts. So everyone understands where we are in the process, the Finance Committee is meeting. They will be meeting all week. My guess is they will be meeting next week. They are trying to agree on what those concepts will finally be. The chairman has recommended what he thinks they ought to be, and now the committee is going to say what they think they should be.

Then, as I understand it, the Democratic leader is going to try to fit this bill that came out of the HELP Committee—that the President, in effect, has rejected because he says no deficit—well, it has a deficit—and he is going to try to put that bill that raises costs with the Baucus bill and turn it into one bill. The bill that came out of the HELP Committee is already nearly 1,000 pages. I do not know yet what will be coming out of the Finance Committee.

So in a week or two, we are going to be having another big bill we will have to read. Then the Congressional Budget Office, which is our official non-partisan outfit that tells us what things cost—appointed by the majority but still nonpartisan—told Senator BAUCUS yesterday it would take about 2 weeks for them to tell us how much it will cost.

So the way I am adding up the weeks, I am saying a week or two for the Finance Committee to come up with a bill—maybe a week to write the bill—and the Congressional Budget Office says after the bill is written, it takes 2 weeks to know the formal cost. Then we ought to have several weeks to debate the bill. That is what we did with the Energy bill for 4 or 5 weeks and, of course, we should do just that. So we need the time to do it, and we need to be able to say to people when we go home: I read the bill and I know exactly what it costs and here is what I think about it.

What about the Baucus concepts—not the Baucus bill; they don't have the bill yet—but the concepts. The Congressional Budget Office released an analysis of the impact of the Baucus budget plan on insurance. It shows that the premiums for those in the indi-

vidual market under the Baucus bill don't go down, they go up. This is supposed to be about reducing the cost of premiums that Americans have for their health care, and under the Baucus bill so far, on its first day of consideration by the full Finance Committee, the premiums go up and taxes on insurers, drugs, and devices would be passed on to consumers in the form of higher premiums. This is not fearmongers saying that; this is not Republicans saying that; it is the doctors saying that; it is the Congressional Budget Office appointed by the majority, the Democratic majority. Premiums go up under the Baucus bill. That means Americans will pay more, not less, for their health insurance under the bill as it is today.

Here is what the Congressional Budget Office said:

Under current law, premiums on employment-based plans would not include the effect of the annual fees imposed under the proposal on manufacturers and importers of brand-name drugs and medical devices, on health insurance providers, and on clinical laboratories.

These are new taxes.

Premiums for exchange plans—

These would be plans in the exchange that you might choose if you were an individual—

Premiums for exchange plans would include the effect of those fees, which would increase premiums by roughly 1 percent.

That is the Congressional Budget Office about the Baucus concepts.

CBO, the Congressional Budget Office, went on to say:

At the same time, premiums in the new insurance exchanges—

These are the marketplaces where under this plan you would go to buy your insurance—

would tend to be higher than the average premiums in the current-law individual market.

So the premiums under the new bill and the new exchange would be higher than you are paying today. CBO says:

Again, with other factors held equal, because the new policies would have to cover preexisting medical conditions and could not deny coverage to people with high expected costs for health care.

CBO goes on to say:

People with low expected costs for health care, however, would generally pay higher premiums.

So if you make a promise to improve the benefits, somebody else is going to pay for them. That is mathematics. That is the way the world works. Fortunately, we have the Congressional Budget Office to say under this plan premiums would go up. It continues:

For families, premiums plus cost-sharing payments would range from about \$2,900 for those with incomes of \$30,000, to nearly \$20,000 annually for premiums for those with incomes above \$96,000.

So costs go up to individuals under the Baucus concepts. Additionally, we

should consider the cost to our government. Most Americans are very much aware—I think that is why they have been turning out in record numbers in town meetings—that the government is not some remote, abstract thing; we own it, and we own the debt too. According to the Budget Committee staff, the real 10-year cost of the Baucus concept when fully implemented will be \$1.67 trillion because the main spending provisions won't go into effect until 2013.

In other words, when we talk about 10-year costs around here, the next 10 years aren't an accurate picture because the bill isn't fully implemented until you get on down the road 3 or 4 years to 2013. So if you take a full 10 years—a full implementation of the bill—the Budget Committee says it is about \$1.67 trillion in new costs. However, there are new taxes and fees to pay for that: \$838 billion over 10 full years of implementation, and those new taxes and fees go into effect immediately.

The long-term deficit reductions predicted in the bill depend on Congress—that is us—approving cuts year after year to Medicare providers. Medicare providers are doctors, hospitals, hospices, and home health agencies. In other words, to make this bill balance the budget and not add to the deficit, we are going to have to have cuts year after year to Medicare, cuts to doctors, cuts to hospitals, cuts to hospices, and cuts to home health agencies.

I thought I heard the President say in his speech the other night there will be no cuts to Medicare. He did say that. It turns out not to be true in the Baucus proposal. It could be true if Congress were willing to support cuts year after year to Medicare, hospitals, doctors, home health agencies, and hospices, but we have never done that. In fact, a few years ago we Republicans tried to restrict the growth of Medicare by \$10 billion a year—I think it was from 43 percent to 41 percent over 5 years—and we had to bring the Vice President back from overseas to cast the deciding vote because everybody on the Democratic side wouldn't even vote for \$10 billion in reduced savings to Medicare. Yet what we are proposing here assumes that suddenly we have all changed and we are going to allow cuts year after year to people who provide services to Medicare.

CBO found that its projections “assume that the proposals are enacted and remain unchanged throughout the next two decades, which is often not the case,” it wisely said.

CBO goes on: “For example, the sustainable growth rate”—we call that the “doc fix” around here when we come in once a year and automatically—doctors' payments under Medicare, which is already only 80 percent—doctors earn only about 80 percent under Medicare compared to what they earn when

they see private patients—so we automatically cut their pay by 20 percent and we always come in and raise it back up to about what it was the year before.

So CBO is telling us that the sustainable growth rate—the “doc fix” “governing Medicare to physicians—has frequently been modified.” That is an understatement. It has been modified almost every year “to avoid reductions in those payments” and that “the long-term budgetary impact could be quite different if those provisions were ultimately changed or not fully implemented.”

So unless we have massive cuts in Medicare, we are not going to be able to balance the budget with this bill.

We don't know how much this bill will cost State governments. The distinguished Senator from Nebraska is on the floor. He was a Governor. I was a Governor. We have all struggled with Medicaid. I think our view is that dumping another 15 million low-income Americans into Medicaid is not health care reform. Doctors and providers are only reimbursed about 61 or 62 percent of their costs for providing services to Medicaid patients, so 40 percent of doctors won't see Medicaid patients. Dumping a low-income American into the Medicaid program is like giving them a bus ticket to a bus line that only runs 60 percent of the time. It is not health care reform. Even so, this will cost State governments, and all the Governors—Democrats and Republicans—are opposed to the concept in this bill that transfers some of the cost of increased Medicaid to the States. Their view is—and I think they are right on this—if the Federal Government wants to expand Medicaid, the Federal Government should pay for it. I haven't been able to even get an estimate of how much this will cost Tennessee. We are trying to figure that out. Senator CORNYN said his estimate is about \$2 billion a year for Texas.

Additionally, the proposal cuts nearly \$500 billion from Medicare to fund this new government program even though Medicare will start going bankrupt in 2017. Yesterday I heard the president of the Mayo Clinic on National Public Radio say that any public option that looked like Medicare would bankrupt the country overnight, since trustees have said that Medicare is likely to go broke in 2015 to 2017.

I am afraid we need to start over. I admire Senator BAUCUS's effort, but we don't do comprehensive very well here. A 1,000-page bill is not likely to solve the problem. It is time to bring an end to the era of these 1,000-page bills that are so complicated no one can understand them or have time to read them. Instead, I believe we should move step by step to lower health care costs and re-earn the trust of the American people.

I see the Senator from Nebraska and I will soon defer to him, or to the Sen-

ator from South Dakota, whichever one is next. But in conclusion, these are the things we can start doing today to move step by step in the right direction to lower costs: allow small businesses to pool to reduce health care costs; reform medical malpractice laws; allow individual Americans the ability to purchase health insurance across State lines; ensure that Americans who currently qualify for existing programs such as Medicaid and SCHIP who are not enrolled to be signed up; create health insurance exchanges so you can find coverage; and incentivize health reform technology. We can agree on those things. We can take those steps and we can reduce the costs of health care to each American family and to our government.

I thank the President and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I wish to thank the Senator from Tennessee for very effectively making the arguments that many Americans want to hear voiced in this debate about health care and a whole range of other issues. The Senator from Tennessee has pointed out as a former Governor—and we have another former Governor, the Senator from Nebraska, here today as well—the impact that many of these proposals would have on State budgets. The former Governor of Tennessee has described it as “the mother of all unfunded mandates.” I think that is a view that is shared by many other Governors across this country, about the impact some of these expansions would have, not just on Federal budgets but on State budgets.

I have had numerous discussions with the Governor of South Dakota about this and he last suggested that the minimum amount, the conservative amount of additional funding that would be required each year to meet some of these expansions of Medicaid that are called for in these various health care reform bills would be about \$45 million a year. Around here that doesn't sound like a lot of money, but in the State of South Dakota that is real money. That is a real impact and it would require higher taxes or significant cuts in their budget in my State of South Dakota. So that is one aspect of this argument.

I might say that like some of my colleagues who over the month of August were out in their individual States listening to their constituents, I was doing the same thing. I conducted a series of townhall meetings in my State and I heard from people all across my State in every geographic region. Of course, as is typical in the Midwest, people were very respectful and it was a very civil discussion. But one could not miss the intensity people felt on not only the health care issue, because that happened to be the main subject

of debate, but a range of other issues. I think it comes down to two fundamental issues. I think at least in my State of South Dakota this seems to be the case—as it was in some of the other meetings around the country in other States—that people were concerned about two issues. One was the issue of control and the other was the issue of cost.

With the issue of control, it is a question of who has the power when it comes to the debate about health care and when it comes to the debate about higher energy costs. Is all this sort of consolidation and expansion of the Federal Government here in Washington, DC going to mean people in this country have less control when it comes to their own health care? Is the government going to be stepping in and intervening more and making a lot of these decisions and dictating out of some bureaucracy in Washington, DC what happens in the world of health care, which for most people is very personal to them? That is why I think there was such a visceral reaction across the country to some of these proposals.

I think the other issue is cost. People have a sense that things are sort of spinning out of control. I think there are a couple of sort of basic principles that are fairly pervasive in the mindset of most people where I come from in the upper Midwest and that is, No. 1, you can't spend money you don't have; and No. 2, when you borrow money, you do have to pay it back. They see this incredible borrowing spree and this incredible spending spree here in Washington, DC and they are wondering, How is this all going to end? What does it mean not only for me and for my family but for future generations? Are we borrowing at levels that are not sustainable into the future? I think that has really gripped people across this country as they have looked at not only the health care debate but also the question of all of these government takeovers of financial services and insurance companies and auto manufacturers, and the list sort of goes on and on.

The most recent example of that would be student loans where, again, we see the Federal Government trying to pull the reins in and move all of the guaranteed loan programs that currently operate in this country through the financial services industry and commercial banks into the Federal Government. The Federal Government would be the entity that makes all of these loans directly. Well, that ends up adding several hundred billion dollars to the Federal debt which we are already talking about raising here in the middle of next month. In the middle of October the debt limit is going to have to be raised. So we have all of that student loan exposure now, liability coming on to folks from the Federal Government. We have TARP which is said

to expire at the end of this year, on December 31, unless Secretary Geithner certifies to Congress that he is going to extend it.

I wrote a letter—and last week 39 of my colleagues signed it—asking the Secretary of the Treasury when TARP expires on December 31 not to extend it because, there again, there are unobligated balances in TARP funding that could be used that would reduce the overall amount of the debt, the overall amount of the deficit.

And the truth be known, I don't think any American wants to see the TARP funds becoming a slush fund to fund other types of endeavors the Federal Government might undertake. They want to see this program that was temporary and was designed to prevent imminent financial collapse and provide stability to the financial services industry expire. Now that that purpose has been served, we should not continue to have hundreds of billions of dollars of taxpayer dollars out there that could be recycled or put into some other industry the government decides to select.

I hope the Secretary will heed the suggestion made by myself and 39 colleagues in our letter and let the TARP program expire. I say that because this paints a broader picture, a narrative, that I believe is of great concern to the American people, which is the reason we saw so much intensity at many townhall meetings over the break.

The health care debate is occurring right now in real time. We have had four of the five committees record bills that have jurisdiction over health care in the Congress—three in the House and one in the Senate. The Senate Finance Committee is marking up their bill this week. We expect that will be completed and that this could be put on the floor sometime in the next few weeks. That seems to be a very fast schedule considering the consequence of what we are doing. We are talking about one-sixth of the American economy, about reorganizing one-sixth of the American economy. Mr. President, \$2.5 trillion annually is spent on health care in this country. I think we better make sure we do it right. All we have seen so far in the Finance Committee is a 220-page summary, which we assume, when translated into legislative language, is going to be more than 1,000 pages. That is something many of us will want to have time to digest, and we would like our constituents to look at it to see whether it makes sense to them.

I think probably the biggest reaction I saw during the August break in the discussions I had with constituents in South Dakota was a negative reaction in opposition to the notion of a government plan, that the government would create this public plan option—essentially a government plan. A lot of people who derive health care coverage in

the private marketplace today would by default be pushed into that government plan, and you would have the government involved at a much higher level in driving a lot of the health care decisions in this country. There was a real reaction to that.

The point I made earlier as to what I think people were reacting to is the issue of control, power. Who has the power? Is the Federal Government trying to buy this expansion, create more power in Washington, and take away some of the power and decisionmaking that should occur between patients and their doctors? That was the one issue. The Finance Committee plan, to their credit, has done away with that—at least for the time being. They decided to proceed in a different direction.

That being said, the issue remains that people were responding to during August; that is, the issue of cost. According to the Congressional Budget Office, the overall cost of this, for the immediate 10 years, is a little under \$1 trillion. When fully implemented, the cost of the plan is still \$1.7 trillion, which has to be paid for somehow. They said they are not going to add to the deficit. The proposal is to reduce Medicare by \$500 billion. The balance will be raised in the form of tax increases, revenue raisers.

People are looking at this and saying: OK, a \$1.7 trillion expansion; what do we get in exchange for that? People will be covered who are not currently covered, but a lot of people who don't have insurance still won't be covered under the proposal the Finance Committee is currently considering. But it is still going to cost \$1.7 trillion.

If you are a taxpayer saying: OK, what is this going to cost and how may it impact my insurance premiums if I already have health insurance coverage, I think the answer was given by CBO Director Doug Elmendorf in response to a question. Senator CORNYN posed the question, and it had to do with: Will this lead to higher premiums? If you read from the letter, it says:

Senator, our judgment is that that piece of the legislation would raise insurance premiums by roughly the amount of the money collected.

Whatever is collected in the higher taxes that are going to be put on somebody else—that is always the assumption—is going to be put, in this case, on the insurance companies. But does anybody believe for a minute that will not be passed on to the American consumer? It is going to be.

So what does this legislation actually do to drive costs down? My whole argument in this health care reform debate has been that anything we do ought to bend the cost curve down, not raise it. Almost every proposal we have seen increases or raises the cost curve. This is another example, according to the CBO, of a plan that, in the end, is

going to raise insurance premiums for most Americans.

The other thing I think is important to note here—and the same response was given by the chief of staff of the Joint Tax Committee. He answered the question the same way: We analyzed this largely falling on the consumer, and that would happen in a couple of different ways. This is going to be eventually little paid by the consumer. It is a tax increase.

The other point is that the assumption is that the portion that is not raised through revenue increases, tax increases, will be paid for in the form of Medicare reductions. Do we really believe \$500 billion in Medicare reductions will be achieved by the Congress? And we know how difficult it is around here to talk about reducing Medicare. My view is, if we are talking about making Medicare more sustainable, we ought to look at how we can reform it and find savings. But this is going to take a new entitlement program and put it on top of a program that we are told will be bankrupt by 2017.

I still think we can do health care reform here that does bend the cost curve down, lowers costs for most Americans, and provides access to more Americans as well. We have not seen a proposal yet that doesn't include a significant increase in the amount of Federal Government control, of power in Washington, DC, an expansion of the Federal Government. We have not seen a proposal that actually does anything to get costs under control for most consumers. For most consumers, that is the issue; it is a cost issue. Furthermore, we are looking at proposals, from a taxpayer's standpoint, that will increase spending and borrowing and it will pass more and more of that debt on to future generations.

So we need to proceed slowly and get this right. We need to focus on ideas that actually reduce costs, such as allowing people to buy insurance across State lines or to join small business health plans, which is something we have tried to get through for a long period of time, unsuccessfully, or dealing with medical malpractice reform, so people can get insurance in the private marketplace.

This level of government expansion, this level of spending and borrowing is unacceptable to the American people. That is why they are reacting so negatively. It comes down to control and who has the power. Is it the Federal Government or the American people? It comes down to costs. What are we doing to future generations with the amount of spending and borrowing we are doing?

I hope we will take it slower and get it right and focus on initiatives and ideas that will get costs under control and that before Congress adopts health care reform, that will be the focus, not



expansion of government in Washington, DC, at trillions of dollars in additional costs to the American taxpayer and no savings to the ratepayer out there trying to get their insurance premiums under control.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNES. Mr. President, I wish to start out this morning by complimenting the distinguished Senator from Tennessee and the Senator from South Dakota. They have raised some excellent points. As I have listened to them, I have to tell you, I think they have offered a lot to move the debate forward.

I rise today to shine the light on what I consider budgetary gimmicks and omissions in the Finance Committee health care proposal.

Both Republicans and Democrats should be able to agree that one of the things we need to do in accomplishing true health care reform is to do it in a fiscally responsible way. We all went back home in August, and I heard the message very loud and clear from Nebraskans. They want honesty and full transparency as we attempt to achieve health care reform.

Americans believed the President when he said he wanted an open and transparent process. We all agree on that. Unfortunately, what we have is not transparent, and I argue that it is based on false assumptions. Honestly, an American family would have to hire a whole team of accountants to understand all that is hidden in the Finance Committee draft.

While the CBO has scored the bill as \$774 billion, the real cost of the bill—and that cost is moving up every day—is closer to \$1.7 trillion over 10 years, as the previous two Senators have pointed out. What its supporters neglect to tell you is that the main spending provisions in this proposal don't go into effect until 2013. That is right, the American public will have to wait 4 years before most of the new initiatives even get off the ground. So none of us should be surprised when the American people really laugh at an arbitrary deadline of the end of the week or the first of next week for finalizing committee action. They don't understand the need to hurry. The proponents claim it is such a crisis that we should rush through. Yet their fixes don't take effect for 4 years.

You can understand the American public's frustration and skepticism. They must watch the evening news—whatever their flavor of news is—and look at the Capitol dome and ask the question: What is going on? What is happening out there? They have to be scratching their heads in amazement. If they ran their business or household this way, they would be in bankruptcy.

If that weren't enough to fill an entire gymnasium full of townhall par-

ticipants, there is, unfortunately, much more. The proposal requires new taxes on everything from medical device manufacturers, health insurance premiums, and pharmaceutical manufacturers, topped off with additional Medicare cuts of about \$500 billion and, of course, unfunded mandates on the States in the form of the expansion of Medicaid, which I am all too familiar with as a former Governor.

Let me translate this. Higher taxes will be passed on to the American people. All these taxes, these fees, and these mandates will only increase the cost of health care. They don't decrease it when all this is passed on to the American consumers.

While the promised benefits don't kick in until year 4, the taxes and fees, interestingly enough, start right away, almost on day one.

In effect, the bill is structured to impose 10 years and \$848 billion worth of new taxes and fees, and you get in return 6 years of additional benefits under this bill. The creative accounting, unfortunately, only appears to get cheers inside the beltway. Yet the average American thinks we don't have a clue.

Another hidden cost is the new mandate on States through an expansion of Medicaid. I wish to spend a moment on that.

Partial costs to expand the Medicaid Program up to 133 percent of the poverty limit will be put on the States. This unfunded mandate will cost States—and estimates will vary—about \$42 billion. Of course, that is not built into the cost estimate, not because the American people don't pay for it, because they will, but because it doesn't fall on the Federal budget. Who gets to pay the costs here? Well, obviously, once again, it will fall on the American people.

I come from a State that is fiscally responsible. We have only two ways to deal with this kind of issue because our constitution prohibits us from borrowing money. What a unique concept; Nebraska doesn't borrow money. We have only two choices: we can cut programs or we can raise taxes. If we cut programs, things such as education, senior initiatives, infrastructure projects, prisons to keep the bad guys out of society, and other very valuable programs could find their budgets destroyed.

In these times of tight budgets, States have already slashed their budgets. They are down to the bone, and they are trying to figure out how they will balance next year's budget. I suggest the Federal Government giving them another layer of spending is not the answer.

The other alternative is to raise taxes, hit the consumer again. But that is not the right way to go either. But it seems that what we are doing with this mother of all unfunded mandates is making this choice inevitable.

Folks in Nebraska and across the country are going to resent seeing their State paying higher taxes because the Federal Government put them in this fiscal straitjacket. In addition, one of the main pay-fors in this legislation is \$400 billion, \$500 billion in Medicare cuts. Despite the fact that the Medicare trustees report projects that Medicare will be bankrupt by 2017, none of the \$400 billion goes toward shoring up our already pending fiscal crisis.

The false promise being made is that we can both fund this new entitlement with Medicare money and keep our commitment to senior citizens. I am not naive enough to buy that bag of goods and neither are our seniors. We are asking them to choose the prize behind the curtain when the prize is a goat.

I am deeply concerned that we are compounding the problem by not reinvesting these dollars back into Medicare. That is why I hope the Finance Committee will see the light today and adopt important amendments by the junior Senators from Kansas and Nevada.

Even the nonpartisan Congressional Budget Office Director admitted yesterday that these cuts to Medicare will decrease current insurance benefits that our seniors now enjoy.

Finally, this Finance Committee proposal is built on false assumptions when it comes to cost containment. The bill is based on the fantasyland assumption that scheduled sometimes double-digit payment cuts to medical professionals will be allowed to take place. The history is very much the opposite. We do the doctor fix on an annual basis.

Any Senator who votes for this Finance Committee proposal should be required to publicly state their support for a 25-percent cut in physician reimbursement rates beginning in 2 years.

Their proposals credit themselves free money by assuming savings in this area. Yet they know Congress waives the Budget Act, waives pay-go, and suspends these cuts year in and year out with a lot of support, I might add.

In fact, the Congressional Budget Office states:

These projections assume that the proposals are enacted and remained unchanged throughout the next two decades, which is often not the case for major legislation.

For example, the sustainable growth rate, SGR, mechanism governing Medicare's payments to physicians has frequently been modified to avoid reductions in those payments.

Therefore, I am not going to count on Congress acting any differently in the near future, and any cost estimate that assumes otherwise, I say, is not based on reality. We all know what they say about good intentions, but I still believe you do not spend money until you know from where the money is coming.

The American public simply deserves a very transparent discussion about

our current and future actions, what they are going to cost, and what they will lead to in terms of our health care system instead of a house of cards. The American people have asked us to be transparent. They know we have to make tough decisions. They just want to understand the ramifications of what we are deciding. That means they want us to read the bill. They want us to do that before we vote. They want us to have a full picture of how this will affect budget deficits and the fiscal outlook. And they want us to communicate that to them.

The American people want to know how this proposal will impact them and what it will do to the current health care system and their costs. Basically, they want us to know all the details before we rush into a vote. That means we need the time to look at this bill. This is going to be a 1,000-page bill, a Senate Finance Committee with no legislative language that is working now, a plan to consider almost 500 amendments, and yet they want to get it done this week. Mr. President, it is time to call a timeout and get this right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, as I listen to all of the discussion about health care, I have come to several conclusions. No. 1, there is a 100-percent bipartisan agreement that something has to be done. But No. 2, there is a growing strong bipartisan agreement that this bill is not the something that should be done.

From the New York Times:

The first big fight over the Senate Finance Committee's health care legislation erupted Tuesday night: a rollicking brawl over a deal that the Obama administration cut with the pharmaceutical industry to achieve \$80 billion in saving on drug costs over 10 years, money that would help pay for the legislation. Top House Democrats have hated the deal from the get-go. Senate Democrats are now bitterly divided. . . .

This resonates with the comment that the Republican leader made where he says the only truly bipartisan thing about this bill is the opposition to it. I think this demonstrates that we need to slow down, start over, and do it right.

We have heard many speeches saying we can't wait. We see people carrying signs: "Health Care Reform Now." We have just heard from the Senator from Nebraska that this bill will give us health care reform not now—4 years from now. Four years is a long time to wait. We can do it faster than 4 years, but we can do it faster only if we slow down, start over, and do it right. We can do it in this Congress if we slow down, start over, and do it right.

What are the things on which we need to start over? The looming challenge in this whole debate is cost. The numbers that are being thrown around

are astronomical, and we still don't know exactly what they are. These are still estimates. The Senate Finance Committee has not reduced their proposal to legislative language. The CBO says: We can't give it a score until we get legislative language, and by the time we get the language, it is at least 2 weeks before we can produce a score. Yet we are being told we must pass this bill next week? Slow down, start over, and do it right.

We are going to pay for it, we are being told, by taking \$500 billion out of Medicare. And every study of Medicare says at least \$500 billion is being wasted, so that is easy. Let's take \$500 billion out, and we will solve the problem.

We can take \$500 billion out of Medicare with a meat cleaver, and that means we are cutting the programs that are good in Medicare, the things about Medicare that work as well as the things that do not work. Maybe we should slow down, start over, and do it right by taking the \$500 billion out of Medicare with a surgeon's scalpel rather than a meat cleaver and spend the time to find out where the money is being wasted, how it could be changed, where the incentives need to be altered so that the \$500 billion comes out of the right part of Medicare instead of with a slash with a meat cleaver.

Medicare is not the only one where more careful examination could produce significant savings. We are told that Medicaid in 2007 spent \$30 billion improperly. If we extrapolate that over the 10-year period that we use to make these projections, that is \$300 billion that could come from Medicaid. Are we going to take a meat cleaver to Medicaid and say we are going to arbitrarily cut \$300 billion out of Medicaid in the next 10 years because there is a study that says that much is being wasted or are we going to listen to the Governors, bipartisan, Democrat as well as Republican, who are telling us: What you are doing in this bill on Medicaid is going to bankrupt the States because they simply cannot sustain the kinds of increases that are built into it and nothing will be done about the \$30 billion of waste and abuse that is there.

How are we going to get at it? How are we going to discover what that \$30 billion is? How are we going to deal with it in a way that does not bankrupt the States? To answer that question, we need to slow down, start over, and get it right.

If I can be provincial and parochial for just a moment, my home State of Utah has done a great amount of work on health care. They have been very entrepreneurial and innovative. They have come up with ideas to deal with health care, ideas from which we at the Federal level could learn a great deal, but we cannot learn anything from the experimentation that is going on in the States if we continue this rush to an arbitrary deadline, to get this thing done within a couple of weeks.

The States have great experience with this. There is much the States can teach us. There is much the Governors need to tell us before we rush to spend this much money, which means we should slow down, start over, and do it right.

As I talk with the businesses, as I talk with my constituents in Utah, I come back to the same thing I said at the beginning. There is a 100-percent bipartisan agreement that something has to be done. Our long-term challenges with health care are absolutely unsustainable, to use a Washington word. That is another word for disastrous.

We have to deal with this, and we have to deal with it in an intelligent way. The numbers are very large, and we have to recognize the stakes are very high. But that is, again, the message that comes from those who will be most affected by what we do, either in their businesses or their personal lives or their tax returns. It is very important that we get it right; and if we are going to get it right, we have to start over. If we are going to start over, we have to slow down.

That is the wisdom this body should adopt as it deals with this challenge so that we can change the reality of where the bipartisan agreement is. Instead of the bipartisan agreement growing in opposition to the bill, we need a circumstance where a bipartisan agreement will grow in support of a bill that will solve our problem. The bill before the Finance Committee is not that bill, and a large number of Members of this body of both parties are increasingly coming to that conclusion.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from New York.

#### DEMANDING AN APOLOGY FROM THE GOVERNMENT OF LIBYA

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 253, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 253) expressing the sense of the Senate that the Government of Libya should apologize for the welcome home ceremony held to celebrate the release of convicted Lockerbie bomber Abdel Baset al-Megrahi.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 253) was agreed to, as follows:

S. RES. 253

*Resolved*, That the Senate—

(1) condemns the August 20, 2009, release from prison in Scotland of Abdel Baset al-Megrahi, the lone person convicted in connection with the 1988 bombing of a Pan Am flight over Lockerbie, Scotland, that killed 270 people, including 189 Americans;

(2) condemns the lavish welcome home ceremony held in Tripoli, Libya, to celebrate the release of Mr. al-Megrahi; and

(3) calls on the Government of Libya to apologize for the public celebration of Mr. al-Megrahi's release.

Mr. SCHUMER. Mr. President, I have a brief statement I would like to make about the resolution.

I rise today in support of S. Res. 253, a resolution condemning the release and vile welcome home celebration held for Libyan terrorist and convicted Lockerbie bomber, Abdel Baset al-Megrahi. I also express my sincere thanks and appreciation to my colleagues, Senators LAUTENBERG, GILLIBRAND, WEBB, VOINOVICH, CARDIN, CASEY, MCCASKILL, MENENDEZ, and MIKULSKI for agreeing to cosponsor this resolution.

Mr. President, it is upsetting that Libyan leader COL Muammar Qaddafi is in New York City at this very moment and will be given an opportunity to speak before the United Nations General Assembly. I am disappointed because I sympathize enormously with the families and victims of the deadly Pan Am terrorist attack who will be reminded of that deadly day in December almost 21 years ago when they see Qaddafi grandstanding at the U.N.

On December 21, 1998, Pan Am Flight 103, en route from London's Heathrow Airport to New York's John F. Kennedy International Airport, suddenly exploded over the town of Lockerbie, Scotland, killing all 259 on board and 11 people on the ground. Many New Yorkers and New Jersey residents were among the 189 Americans killed in the bombing. A young man from my neighborhood, whose family was active in a neighboring parish—Our Lady Help of Christians—was killed in the bloom of his early life. That story could be repeated over and over because there were many students who were coming back from a program affiliated with Syracuse University. We know people all over New York State were lost, and many young college students.

In 2001, at least the families of the victims found some solace when justice appeared to have been delivered as Abdel Baset al-Megrahi was convicted of murder and sentenced to life in prison. But to the shock of many people on both sides of the Atlantic, on August 20 of this year, the Scottish Government released al-Megrahi, who is currently suffering from prostate cancer and is predicted to have about 3 months to

live. The Scottish Government claimed the release was a compassionate gesture given his failing health.

Upon his return, thousands of young men, who had been transported by the Libyan Government, gathered at the airport in Tripoli to greet the terrorist. They waved banners, threw flower petals after al-Megrahi was escorted from prison by Seif al-Islam el-Qaddafi, the son of COL Muammar Qaddafi. The hero's welcome Libya gave to this terrorist truly shocks the conscience and deserves a formal rebuke.

It is outrageous that the Libyan Government would so blatantly disregard the suffering the families have endured for more than two decades. S. Res. 253 demands the Government of Libya apologize for the gross homecoming celebration of al-Megrahi.

This resolution does three important things: First, it condemns the August 20, 2009, release from prison in Scotland of Abdel Baset al-Megrahi, the lone person convicted in connection with the 1988 bombing of a Pan Am flight over Lockerbie, Scotland, that killed 270 people; second, it condemns the lavish welcome home ceremony held in Tripoli to celebrate the release of al-Megrahi; and third, it calls on the Government of Libya to apologize for the public celebration of al-Megrahi's release.

Al-Megrahi only served 8 years in jail. He committed one of the most dastardly terrorist attacks that has been known in the last 100 years. Eight years later, the families haven't recuperated. They live with their losses every day, every minute. There is a hole in their hearts that will never heal. To release al-Megrahi is terrible; to celebrate the release of this awful terrorist is even worse. And for the world to remain silent, the U.N. not to condemn but to greet Qaddafi—strike three. It is an awful situation.

I call on the Senate to support S. Res. 253 condemning the release and the vile welcome home celebration. I hope all Senators will join us in cosponsoring the resolution. Murder and terrorism are not forgivable offenses, and refuge should never be offered to those determined to terrorize and murder the innocent. If we do so, we are encouraging future terrorists to repeat these awful crimes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

#### COMMENDING SENATOR MEL MARTINEZ

Mr. COCHRAN. Mr. President, I was deeply saddened by the recent announcement of the distinguished Senator from Florida, Mel Martinez, that he had decided to resign from the Senate. Although he had served in the Senate for a relatively short period of time—since January 4, 2005—he had be-

come a very important influence in this body.

As the first Cuban American to serve in the Senate, he shared with us his personal experiences and insights into his early life in Cuba, including his separation from his parents at a young age as he traveled to Florida to embark upon a very successful new life of learning and leadership in the United States. He earned undergraduate and law degrees from Florida State University. He served as a member of the Orlando Utilities Commission and was elected Mayor of Orange County. President George W. Bush selected him to serve as a member of his Cabinet, as Secretary of Housing and Urban Development. He was elected a United States Senator in 2004 and quickly established himself as an effective advocate for his State in the Senate.

Mel Martinez quickly became an active and influential member of the Armed Services Committee as well as the Banking, Housing and Urban Affairs Committee, and the Commerce, Science and Transportation Committee. His constituents benefitted in particular from his service as ranking member of the Senate's Special Committee on Aging.

Mr. President I congratulate my friend from Florida on his very successful service and important contributions through his dedicated public service in Florida and in our Nation's Capital. I have enjoyed serving with him, and I wish him all the best in the years ahead.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2996, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Carper amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

Collins amendment No. 2498, to provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all

reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports bi-annually to Congress.

Isakson modified amendment No. 2504, to encourage the participation of the Smithsonian Institution in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009.

Vitter motion to commit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate forthwith with Vitter amendment No. 2508 (to the instructions on Vitter motion to commit the bill), to prohibit the use of funds to delay the implementation of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the floor is now open for amendments to the Interior bill. I hope Senators will come to the floor if they have an amendment. The filing deadline is 1 o'clock this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I say to the Senator from California that I join her in urging our colleagues to come to the floor and offer their amendments so we can move on through the bill. There is an opportunity to offer them and to debate them.

Mr. President, if someone comes to the floor I will finish quickly so they can take the floor and we can move on with the bill, but while we are waiting for that, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. ALEXANDER. Mr. President, with great respect to the President of the United States, I am still shaking my head a little bit in disbelief at his speech yesterday on climate change at the Climate Change Summit in New York. Here we had 100 leaders from around the world in our country to talk about climate change and the President said what he has said before, which is that we need to stop putting so much carbon in the air because carbon is the principal greenhouse gas that contributes to climate change, in the opinion of most scientists.

But in saying that, the President did not mention the one way we have to create a lot of low-cost electricity without putting any carbon in the air, and that is nuclear power—a process that the United States invented; a process that the United States operates more efficiently than any other country in the world. It produces 19 percent of our electricity, and our plants operate 90 percent of the time. Even France, which gets 80 percent of its electricity from nuclear power, only operates its plants 80 percent of the

time. He failed to mention nuclear power even though it produces 70 percent of our carbon-free electricity, and even though every one of the other top five carbon emitting nations in the world are committed to a full-scale construction program for nuclear power.

This is what the President said:

The developed nations that caused much of the damage to the climate over the last century have the responsibility to lead—and that includes the United States.

Well, according to the Wall Street Journal on Monday, September 21, in its news pages, we know who produces the carbon: China is No. 1—6 million metric tons; the United States is No. 2—nearly 6 million metric tons. So we produce about the same. Russia is next—1.7 million; India is next; Japan is next. Those are the top five carbon emitting nations.

President Obama lectured other countries when he said:

But those rapidly developing nations—

And here he means China and India—that will produce nearly all the growth in global carbon emissions in the decade ahead must do their part as well.

He is right about that. The President went on to say:

We cannot meet these challenges unless all the largest emitters of greenhouse gas pollution act together. There's no other way.

He is right about that. But then, to my great astonishment—and I am sure to others—he stopped there and he basically was saying to China and to Russia and to India, as well as Japan: You must do something about carbon. We are going to take the lead. Yet they all are building nuclear power plants that emit zero carbon and we haven't started one new reactor in 30 years, even though we invented it. How can the President of the United States lecture other countries about the carbon they produce—the principal greenhouse gas—when they are expanding the one technology that could do the most to solve the problem?

Let's be very elementary here. Coal and natural gas plants produce nearly 40 percent of the carbon when they produce electricity. The President did boast of how the United States is committed to building windmills and solar panels. In fact, his administration wants to build 20 percent of our electricity from wind turbines. These aren't grandma's windmills, these are the giant 50-story wind turbines that they want to string along the Appalachian Mountain tops, from the Smoky Mountains to the White Mountains, along the coastlines, and run 19,000 miles of transmission lines to get the power to our homes and businesses. That is the plan. And to a point, that plan can help. I mean, renewable energy—solar panels, wind turbines—is a supplement to the electricity we need. But today, wind turbines and solar panels produce about 3 to 4 percent of

America's carbon-free electricity. Nuclear power produces 70 percent of our carbon-free electricity. So why not expand nuclear power? Yet we haven't built a new nuclear powerplant in 30 years.

What is happening around the world? Well, they are not slowing down. They are taking full advantage, as the world often has, of American ingenuity. We invented nuclear power here. And after we invented the atom bomb, President Eisenhower and other scientists in the 1950s said: Let's have an atoms for peace program.

So we went off on two tracks. We used nuclear reactors to operate our Navy, which we have done successfully, without incident ever since the 1950s. Admiral Rickover pioneered that. So today we have about 80 Navy vessels operated by reactors and, during the 1970s and 1980s, we built 104 nuclear reactors. This was the Atoms for Peace Program. We took what probably was the greatest scientific invention of the last century, the reactor, and used it to produce a lot of low-cost, reliable energy—which is the dream of the world, to have a lot of low-cost, reliable energy for everyone in the world. That is the one of the single best steps toward reducing poverty and increasing prosperity.

So here we are in the United States, using our 104 nuclear reactors—not having built a new one in the last 30 years—to produce 19 percent of our electricity and 70 percent of our carbon-free electricity. But what is happening around the world? There are 44 new nuclear powerplants under construction in the world. China has four under construction. This was the first country the President would be lecturing: Do something about carbon-free electricity. So China is planning 132 nuclear powerplants and we are constructing zero. We have not constructed one in 30 years. How can we lecture China about carbon if they are building 132 nuclear powerplants, which would be enough to produce one-fourth of all the electricity the United States uses? That is more than we produce today through nuclear power.

Russia is building two a year. One reason Russia is doing it is because they want to sell their natural gas to Europe at a lot more expensive price, so they are taking advantage of nuclear power to raise their standard of living. Japan is 36 percent nuclear power today. Japan, as everyone knows, suffered under the two atom bombs that were dropped. But they have come to terms with the safe use of atoms for peace, nuclear-power-produced electricity—36 percent of their electricity is nuclear. They are building two more plants. The United States has not built a plant in 30 years.

South Korea, one of the most successful emerging countries—in America, one of those countries that the

President might be saying you need to do something about climate change—they are. Forty percent of their electricity is carbon-free nuclear power and they are building eight more nuclear plants by 2015 and we have not built one in 30 years.

India, the largest democracy—we point our finger at them and say we don't have to do anything about climate change until you do. They are. They are considering a thorium reactor. They are committed to nuclear power, partly because of the agreement between the United States and the Bush administration and India, and we are helping them build nuclear powerplants. We are helping China as well. But we have not built one in 30 years.

The President even said Iran has the right to build a nuclear powerplant; not a nuclear bomb but a nuclear powerplant. We have not built one in 30 years.

France—we don't usually like to say the French are ahead of us. We have a little love-hate relationship with France, but look what they have done. They have taken our nuclear reactor invention and 80 percent of the electricity in France comes from nuclear power. They have among the lowest rates of carbon emissions in the entire European Union. They have among the lowest electricity prices in the European Union. They are selling electricity to Germany, which is the only one of the European countries that has said they don't want any nuclear power. So they are buying nuclear power from France.

There are many other countries in the world that are using nuclear power. But as the Wall Street Journal said: China, the United States, Russia, India, and Japan produce most of the carbon. Scientists believe carbon produces 40 percent of the greenhouse gases that cause global warming and the United States is the only one of those five countries that is not committed to the construction of new nuclear powerplants.

The President's plan instead is an energy tax and renewable mandates that would force us to build more giant wind turbines. Wind turbines work some places. They don't work in my part of the country. The wind doesn't blow enough, and we don't want to see them on our mountaintops. I am a sponsor of Senator CARDIN's mountaintop removal bill. We don't want people blowing up our mountaintops and dumping the tops of the mountains in our streams. We don't want them putting 50-story wind turbines that don't turn more than 19 percent of the time up there either. So there is a growing recognition that in addition to the unreliability of renewable energy, the energy sprawl on our landscape is something we should think about.

One thing we should think about is think about where to put renewable en-

ergy installations, to make sure they are in appropriate places. The other thing to think about is are there any alternatives to renewable energy. The answer, of course, is, yes, there are alternatives to renewable energy. The principal one is nuclear power.

Let me be specific. In order to make 20 percent of our electricity in the United States from carbon-free sources, we could either build about 186,000 wind turbines—these are 50 stories tall—that would cover an area about the size of West Virginia. Or we could build 100 new nuclear reactors. We have 104 today. Remember, China is building 132. Today, nuclear produces about 20 percent of all our electricity; wind provides about 1.3 percent.

Nuclear power is baseload power because it operates 90 percent of the time. That means we could have it on almost all the time. Wind power is intermittent. It only works when and where the wind blows and there is no way today to commercially store large amounts of that electricity.

Nuclear, as I mentioned earlier, operates 90 percent of the time. Wind operates about 33 percent of the time.

When you read that you have 1,000 megawatts of electricity from nuclear, that means you have 900 megawatts because it operates 90 percent of the time. When you read you have 1,000 megawatts of wind, that means you probably have 300 or 350 megawatts because it only operates a third of the time and, as they found in Denmark and other places, the wind often blows at night when we don't need it. We have lots of unused electricity at night.

As far as additional infrastructure, building 100 new nuclear reactors would take very little new infrastructure because you could locate them mostly on the existing sites where we now have the 104 nuclear reactors we have today. Wind turbines, on the other hand, as I said, would take an area the size of West Virginia, plus 19,000 miles of new transmission lines that would go from unpopulated areas, through suburban areas, to populated areas where people need the electricity.

What about the Federal subsidy? Sometimes people say these big new nuclear plants must have a big federal subsidy, but the fact is they do not. To produce the first 100 plants that we have, they were built without much federal subsidy. To build 100 more, the estimates are for \$17.5 billion over 10 years, including a capped nuclear production tax credit—that would build the 100 nuclear plants. To build 186,000 wind turbines the taxpayer would shell out about \$170 billion.

We hear a lot of about green jobs, let's have renewable electricity because that produces green jobs. Green jobs are good jobs. We have two big new plants in Tennessee that the Gov-

ernor recruited and they make polysilicone, which is for the purpose of making solar panels. We hope solar energy works and we believe it will. Today it costs four to five times in our area what other electricity costs, but we hope the price comes down and we are all for that. But the estimate for nuclear's green jobs to build 100 reactors would be about 250,000 construction jobs. To build 180,000 1.5 megawatt wind turbines would be about a third of that, 73,000 construction jobs, and then 70,000 permanent jobs for nuclear and 77,000 permanent jobs for the wind turbines. They would be about the same.

The lifetime of a nuclear plant is about 60 to 80 years. The lifetime of the wind turbines is about 20 to 25 years. At a recent hearing which was chaired by the Senator from California, we talked with the Interior Secretary about the possibility of bonds for the developers who are putting up these 186,000 turbines. What if they wear out after 15 or 20 years, which is what they are expected to do? Or what if policies change? Or what if subsidies disappear? Or what if we decide we prefer other forms of energy? Who is going to take them down? We need to think about that, just as we did not think about abandoned mines all over the country—47,000 alone in California.

Then there is the visual impact I mentioned. If you build 100 big nuclear powerplants, 100 reactors, they have tall cooling towers. There is a visual impact there. But you do it mostly on the sites where the 104 are today, where they are well accepted by the people in those communities and it is only 100 of them and it only takes about 100 square miles. Mr. President, 186,000 wind turbines would cover 25,000 square miles, which is an area the size of West Virginia.

I hope as we proceed, after health care, to our debate on energy and climate change, that we will take a more realistic attitude. I am one of those Senators who believe climate change is a problem. I believe humans are contributing to it. I think it is time for us to stop emitting so much carbon into the air. But I would like for us to do that in a low-cost, sensible way that permits us to keep our jobs in this country and not in a high-cost way that causes us to drive jobs overseas, looking for cheap energy. Every single Republican Senator has endorsed an energy plan that is, No. 1, 100 new nuclear powerplants in 20 years; No. 2, electrify half our cars and trucks in 20 years; No. 3, offshore exploration for natural gas, which is low carbon and oil—we should use our own while we use it; and, No. 4, doubling research and development for alternative energy. How can we make solar cost-competitive? How can we find a way to recapture carbon from coal plants? How can we have advanced biofuels? How can we find the fourth generation of

nuclear energy that recycles used nuclear fuel in a way that doesn't produce any plutonium?

It is not just the 40 Republican Senators who are interested in that. I have had a number of Democratic Senators talk with me about that. Many were far out in front of the issue before I began to speak so much about it.

My hope would be that, as we look more seriously at the issue of climate change and energy, that we adopt a low-cost energy strategy. We don't need an energy tax that raises everybody's electric bill. We don't need a renewable energy mandate that requires us to put up wind turbines in the Southeast, where the wind doesn't blow, anymore than we need a nuclear energy mandate that requires people to put up nuclear plants where people don't want them or a hydroelectric mandate that requires States to put up dams where there is no river. We need a low-cost, clean energy policy. Almost every other major country in the world is deciding that nuclear power is the key to the future.

Wind is a supplement. One day solar may be widely used as supplement. But for baseload power for a prosperous country there is no choice, in my view. So climate change may be the inconvenient problem, as my friend and fellow Tennessean, Al Gore, says. But nuclear power, I am afraid, is the inconvenient solution, and I hope we will move to the day when the President of the United States will go to a summit on climate and say: Yes, we are building wind turbines in appropriate places; yes, we are having solar thermal panels in appropriate places; yes, we have doubled and tripled our investment in research and development for alternative energy. But as the country that invented low-cost, reliable, clean, carbon-free nuclear energy, I, the President of the United States, have set as a goal that we will double the amount of electricity we will produce from nuclear power.

If the President went to Copenhagen and said we were committed to build 100 new nuclear powerplants in 20 years and to electrify half our cars and trucks in 20 years, just implementing those two goals would get us close to the Kyoto Protocol standards in 2030; just implementing those two goals—100 new nuclear plants and electrifying half our cars and trucks—and we can do both. We already did both. Between 1970 and 1990 we built 104 reactors, not to mention the 81 U.S. Navy vessels powered by nuclear reactors, so we have done that. Most experts, including many in the Obama administration, agree we can electrify half our cars and trucks, and probably without building one new powerplant because we have so much unused electricity at night. We can plug them in at night. We will be reducing imported oil, keeping the price of fuel low, we will be cleaning

the air, and we will be dealing with global warming.

So why are we engaged in a 1,000-page energy tax, a cap-and-trade system that doesn't effectively deal with fuel, that adds to taxes, and it runs jobs overseas, when we have before us the technology we invented that would lead us into the next century?

So I hope those issues evolve. I have seen that sometimes we do not have the votes on this side of the aisle, but we have the right message. Sometimes we find if we work with our colleagues on the other side, we can have the same message.

So I believe there are many Democrats and all of the Republicans who will join in setting a new national goal of 100 new nuclear plants in the next 20 years. I believe we already have consensus on electrifying half of our cars and trucks. So if that will help us reach the climate change goals, why don't we do that instead of a national goal that raises the price of energy, increases poverty, runs jobs overseas, and causes all sorts of unanticipated problems?

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, one of my delights has been to work with the distinguished ranking member. I think anyone who was listening to this does see his erudition and knowledge on this particular subject. So I would like to thank him and commend him for his remarks. Senator ALEXANDER is correct. If we are going to address global warming, all of the options have to be on the table and we have to rethink and relook at nuclear power as being a viable alternative as a clean fuel.

What has surprised me today is that so many people do not believe we face an emergency. So I have spent quite a bit of time trying to go back and look at global warming, look at books written by scientists, talk with people who have knowledge, who have expertise. And I have come to the conclusion that, unfortunately, it is real, that it is happening, and that it is substantially impacting our Earth. So since there is no one on the floor of the Senate wishing to offer an amendment—and I would be very happy to cease and desist should there be someone on the floor wishing to offer an amendment—I would like to say a few words about what I see happening kind of as, not a contretemps to what the Senator said but as a supporter of what he has said.

I think the science, as I said, is overwhelming. Our climate is changing. The Earth's climate has, in fact, warmed by 1.1 to 1.6 degrees Fahrenheit since the industrial revolution. People look at this and say: Oh, that is not very much. In fact, it is very much, and it changes the dynamic. It impacts species. It kills some. It diminishes the carbon sink of the ocean. It does a

number of things. But let me read to you something that the Intergovernmental Panel on Climate Change warned in 2007.

Warming of the climate system is unequivocal. Observational evidence from all continents and most oceans show that many natural systems are being affected by regional climate change.

So I just pulled a few charts, and I would like to put them up and show them to you, which is the evidence of the change in our climate.

This is the Greenland Ice Sheet. The year is 1979. Since 1979, 30 percent of the ice sheet has melted. Here is Greenland in 1979, both the rust color as well as the interior. Here it is in 2007.

The source is the National Aeronautics and Space Administration. So this is an actual rendering. It is pretty clear how much has melted. Here is the Arctic at the end of the 2007 ice melt. The sea ice cover was 23 percent smaller than it was in 2005 and 39 percent below the long-term average from 1979 to the year 2000.

So here is the whole Arctic ice sheet. We now know the Northwest Passage is open and is open for the first time in history all during the year. You can see in 2005 the Arctic went all of the way out. 2007, here it is. The source of this is the National Aeronautics and Space Administration.

These are a couple of satellite photos from intelligence. We have large satellites in the air. They have photographed, as part of a project, some of the melt. This happens to be the Beaufort Sea, both in August of 2001 and 2007.

This site near the edge of the ice pack in summer as shown here has ponds of melted water forming on the surface. These dark pools absorb more of the summertime solar radiation than does the surrounding ice, enhancing melting.

So observations of sea ice conditions reveal considerable year-to-year variability. But these images display the variability with regard to the amount of melting and are an example of the long-term sequential record needed to support and understand this dynamic system. So pond coverage, monitored over time, contributes to the estimate. But this is the Beaufort Sea in 2001, and here it is in 2007. The dark is all open water. I think it is pretty clear.

This other satellite photo is of Barrow, AK. Here we see the Chukchi Sea in 2006, and it is pretty clear. Here it is in July of 2007, as photographed by a U.S. satellite. What they say is sea ice forms along the coast in the winter and generally melts or is breaking away by mid-July. Observation of sea ice reveals considerable year-to-year variability.

This is similar to the other one, but I think this really shows the difference in satellite photographs, and there is a project to continue from the atmosphere to prove the change in the ice



map and the breakup of ice masses. So we know Greenland is melting at an extraordinary pace.

This week NOAA's National Climatic Data Center announced that the world's ocean surface temperature this summer was the warmest ever recorded. These records date back to 1880.

In the Arctic, researchers have found that the widely documented summer shrinking which I have just showed you again resulted in the first ever opening of the Northwest Passage.

In 2007, the winter thickness of that sea ice diminished by a record 19 percent in one winter, and scientists fear if the glaciers of Antarctica and Greenland melt at the same time, sea levels could rise by 20 feet. People say: Oh, that cannot possibly happen. I tell my constituents when they come: If you live near a beach in California, imagine what happens if the worldwide sea levels move up by 20 feet? In fact, some of this movement is already being felt in some of the Southern Pacific Islands, with people even making arrangements to move from those islands.

In California we have seen a dramatic increase in catastrophic wildfires. I have spoken about that on the Senate floor. I have spoken about it to my ranking member. We have spoken about it in committee. We believe this bill meets the challenge because for the first time it funds the fire suppression needs of the Forest Service.

But in the last 5 years, wildfires have burned more than 10,000 homes in California alone. Scientists now are predicting a 70- to 90-percent diminution of the Sierra snow pack. This is important because the Sierra Nevada Mountains provide the water for most of California. As a matter of fact, it provides the water for two-thirds of the State. That water could be lost due to climate change. At the same time annual rainfalls are decreasing, and the State's forests are burning up like never before. Here is the point: Can this warming be stopped? I have read a lot about it. I have talked to many people. I have talked to scientists I respect very much. What they tell me is it cannot be diminished, but it might be able to be controlled.

The reason for this is that carbon released into the atmosphere does not dissipate. It has remained in the atmosphere since the beginning of the industrial revolution. So as carbon begins to pile up in the atmosphere, it creates the warming, and it also creates the potential catastrophe.

So what do we do? We need to begin by reducing emissions of carbon, and that is pretty clear now. I have seen no serious science that diminishes this at this point in time. Instead, what they tell me is that we need to reduce emissions by 65 to 80 percent below 1990 levels, and all by the middle of this century.

That translates to a goal of 450 parts per million of carbon dioxide in the at-

mosphere. So I think, as Senator ALEXANDER alluded to, there is no single policy we can implement to curb our Nation's emissions, no silver bullet. Rather, we need all the tools available, and this includes laws designed to protect the public from dangerous air pollution like the Clean Air Act.

Global warming is real. It is happening today. It is being charted by our satellites. It is being charted by our scientists. It is being charted by those of us in this body, and I think the real key is if we are ready to admit that fact and take the action to make the necessary conversion.

The Senator from Tennessee just spoke, I think eloquently, about the merits of nuclear power. I am one who believed originally that the human element and the waste element was such that it was not a viable alternative source. I no longer believe that. I think it is a viable alternative source, if we can fix the permit process that enables state-of-the-art nuclear technology to be built in a relatively short period of time.

The yield from a nuclear plant, as we know, of clean energy is very large indeed. So that is a positive thing. We are debating now the placement of solar facilities: where they should go, how big they should be, and this is cutting edge for us. We have talked about it. I have indicated my concern about projects that are too big, like 20 square miles in pristine areas of the California desert that we have been trying to protect with public funds over time.

We have learned that the largest solar facilities are perhaps 250 megawatts. So if you have them way up to 800, 1,000, this is without precedent. So we need to discuss if this is wise. If so, where should they be? What is the upside? What is the downside? Do they require new transmission corridors or are our existing transmission corridors adequate?

So I think these are the kinds of discussions that are most fruitful, how we deal with the present circumstances. I hope that more Members of this body recognize it is only a question of time.

I remember the days when there was never a funnel cloud off the coast of California. Now people report that they see funnel clouds off the coast of California. Of course, one of the results of global warming is volatility increases of weather patterns. Raindrops are bigger, more volatile. Hurricanes, tornadoes are more volatile. We have to begin to deal with that.

There are people who believe the Earth is immutable, that the Earth will not change. Again, as I go back and read the literature and go back 255 million years, what is posited is that there was effectively one land mass on Earth and, geologically, that can be shown today. Yet various events have broken up the land masses. Volcanic activity that produces some of the

greatest mountain ranges in the world also is believed to be responsible for the separation of the continents millions of years ago. I don't know, but this is much of what we see as we read some of the scientific material.

I do not believe the Earth is immutable. That is what has been so interesting about foraging into Mars to try to see if Mars ever, in fact, had water on it. Time is infinite. Therefore, one never knows when the planet Earth was born, what it was like when it was born, how it has changed over the millennia. One thing we know in the instant of this millennia we share, we have a problem, and we have to solve it.

I thank the Senator from Tennessee for bringing to the debate what is a valuable alternative source of energy that should be continued, just as wind, just as solar, just as biofuels, and just as moving away from the internal combustion engine into hydrogen, electricity, those things which can guarantee our future.

The one thing that is frightening about all this is we will not do it fast enough and we will not do it in a way that is able to stop the climate change which is now taking place, halt it. We can't reverse it but halt it. The time has come for the United States to take a leadership role. We have a big conference at the end of the year, which we have briefly discussed, where nations will come together and where they will look at the United States and say: You are the wealthiest country on Earth. You have 5 percent of the population, but you use 25 percent of the energy. Therefore, you have an obligation to lead. Certainly, the Chinese will believe this, although, as the Senator has pointed out, the Chinese have rapidly overtaken the United States in their release of global warming gases. But certainly India looks to us as well. So China, India, the big developing countries that so impact the release of global warming gases, it is very important that our President stand tall, that the United States stands tall and that we are willing to offer real leadership to the world.

Whether this happens remains a cipher, but I very much hope and pray it does.

I thank the Senator from Tennessee for his remarks. I am happy to make this small addition.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I congratulate the Senator from California. She is characteristically balanced in her approach and passionate about it which becomes a former mayor who is accustomed to making practical decisions. We have all had to change our minds about some things as we go along. There is in this body an entire range of views about climate change. Some are about ready to jump off the cliff. Others believe it is a complete hoax. That is



probably the way it is in the country today among a variety of views.

My own view is that if I had this much information about my house probably catching on fire, I would buy some fire insurance. What we need to do in the Senate is say: Yes, it is a problem, and we are helping to cause it. What makes the most practical sense for dealing with it in a rapid way without running our jobs overseas where they are looking for cheap energy?

There are a variety of ways to do that. I totally agree that renewable energies are an important new source, but we need to be smart about it. One way to be smart is intensive research. We may find a way to make solar power a fourth the cost of what it is today. Then we have rooftops instead of thousands of square miles of thermal powerplants we can use. We may find cost effective ways to recapture carbon from coal plants. That would be a blessing not only for us but for the world because it would mean low-cost energy without polluting the world. It is important to recognize that the Obama administration's chief scientist, Dr. Chu, the Nobel Prize-winning physicist, says unequivocally that nuclear power is safe and used nuclear fuel can be safely stored onsite for 40 to 60 years, while we have a mini Manhattan project to find the best way to recycle that used nuclear fuel, most likely in a way that doesn't produce highly enriched uranium of the kind that causes proliferation concerns.

So the two questions often raised regarding nuclear power—what to do with the waste and is it safe. The chief scientist in this administration says those concerns aren't a problem. If that is the case, then nuclear power has to be a big part of the solution.

I am delighted I had a chance to hear the Senator speak on climate change. I hope, as we talk more about this over the next several months, we can agree on a consensus and permit the President to go to international summits and show the United States is actually leading.

Mrs. FEINSTEIN. Once again, Mr. President, I thank my colleague, the ranking member, the distinguished Senator from Tennessee, for his comments. I agree with him.

The floor is open. We are going back and forth using the time, but I don't want Members to believe that if they come to the floor to offer an amendment, we will not promptly hear their amendment. The floor is open. So, please, if you have an amendment, come to the floor. The filing deadline is in 36 minutes. Hopefully, we will know what we are facing in about 36 minutes. We would like to move this bill and move on to Defense appropriations.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. CHAMBLISS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNIZING ANGEL FLIGHT AND MACK SECORD

Mr. CHAMBLISS. Madam President, I rise today to recognize the great work that is done by the Angel Flight organization and, in particular, one of its Georgia members, Mack Secord. In the world of nonprofits, Angel Flight stands out for its determination to bring those in need lifesaving medical care. In a world of dedicated volunteers, Mack Secord stands out for coupling his passion for flying with his passion to help his fellow man.

Angel Flight's creed is that the cost of travel should never stand in the way of patients receiving necessary medical care. Through a network of volunteer pilots, Angel Flight specializes in flying those in need to medical facilities at distant locations.

In Georgia, we are proud that the DeKalb Peachtree Airport in metro Atlanta is home to Angel Flight, the original volunteer pilot organization serving those who live in or traveling to or through Georgia, Alabama, Mississippi, Tennessee, and the Carolinas.

Since the year 2000, Angel Flight's missions of hope have increased more than 760 percent. Last year, these generous volunteer pilots flew 2,266 missions, serving patients with 167 different medical conditions who ranged in age from newborn to 100 years old.

In some of our Nation's most trying hours, the pilots and coordinators of Angel Flight were there. In the aftermath of 9/11, they transported relief workers, firefighters, Red Cross personnel, and FBI agents to New York and Washington when commercial air traffic was grounded. They served as first responders during Hurricanes Katrina and Rita, flying 450 relief missions that carried supplies, medical equipment, and volunteers into disaster areas, and reunited families separated by the storms.

In recognition of the service of its volunteers, Angel Flight received awards from the Red Cross and the National Aeronautic Association.

One of Angel Flight's dedicated volunteers is Mack Secord of Atlanta. Simply put, Mack's life has always been about service. He is one of the original 15 pilots of Angel Flight of Georgia. But before he found his calling transporting adults and children to hospitals, burn centers, and cancer treatment facilities, Mack had another calling: his country. Mack spent 42

years as a pilot in the U.S. Air Force. For 5 of those years, he served as the Air Force's senior spokesman at the Pentagon.

Flying and helping others have always been Mack's twin passions. In 1964, while in the Air Force, he participated in a daring humanitarian airlift in the Congo that saved more than 2,000 people who had been taken hostage. For his efforts, Mack and his colleagues received the prestigious Mackay Trophy awarded by the Air Force for the most meritorious flight of the year.

Since 1985, Mack has donated his time, his Cessna 180, and the cost of his fuel to Angel Flight. On his first mission, he picked up a little boy in Columbus, GA, who had terrible burns on his face and body from pulling a frying pan off a stove. Mack says he didn't know burn patients require continuing treatment. He said:

I realized during the first flight that this was an important service and that I could make a difference.

Mack is a one-man cheering section for Angel Flight. He spreads the word to the Lions Clubs, Kiwanis Clubs, Rotary Clubs, pilots associations, schools, churches, and anyone who will listen. He jokes that he will give his 20-minute PowerPoint presentation to any group of people who will sit still. This remarkable man also volunteers at the Hartsfield-Jackson Airport USO, works at the Atlanta Community Food Bank, and participates in a program to read to the blind. But his first love is flying.

Last August, Mack received the Wright Brothers Master Pilot Award from the FAA to commemorate 50 years of flying without accidents, incidents, or violations. In October, Mack was given the first-ever Lifetime Achievement Award from Angel Flight, marking his 23 years of service. Fittingly, it will be renamed the "Mack Secord Award." Just this month, Mack was honored with the National Aeronautical Association's Public Benefit Flying Award for decades of going above and beyond as a volunteer pilot, bringing lifesaving medical care to families in need. This recognition couldn't come to a more deserving organization than Angel Flight, nor to a more deserving individual than Mack Secord.

On behalf of those who need help, thanks to Angel Flight, and to Mack Secord, for letting your passion for service take flight and for making hope soar.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to share a few thoughts about the process we are going through and the impact it is having on spending by the U.S. Government. We are at a rate that everyone agrees is unsustainable.

Worse than that, I think it is irresponsible, and we do not need to be

doing the things we are doing now. I object. The ramp-up in discretionary spending for the appropriations in fiscal year 2010 is unprecedented. We know we have the biggest deficits we have ever had in the history of the Republic. Now we are passing more appropriations bills that will take effect next year that will have unprecedented spending levels. For example, the agriculture bill; I have always tried to support Agriculture Appropriations in the Senate. I have not always been able to do so. It had an increase of 14.5 percent. At that rate, spending on agriculture will double in 5 years. The average increase in agricultural spending, compounded over the past 7 years, from 2003 through 2009, was just 2.1 percent. So we have 14 percent.

Now we have the Interior and EPA funding and their increases this year in the bill before us today, which is 16.6 percent. What is inflation? Two percent or less. That is a 16-percent spending increase in 1 year. At that rate, spending for Interior and EPA would double every 4 to 5 years. Within this bill, the increase for the EPA is 33 percent. I guess that would double in 2 to 3 years. Since EPA was added to the Interior financing in 2006, it is difficult to compare—at least prior to that. However, we have added EPA funding to the Interior funding to get a comparison over previous years. The average annual increase in Interior-EPA Appropriations, from 2001 to 2009, is 1 percent but this year 16.6 percent. And we have the largest deficit in the history of the Republic this year.

When we pass a stimulus bill that is huge, in terms of additional spending, that is not being counted in what I am making reference to today.

We also passed the Transportation HUD bill, commonly called the THUD bill. Looking at its configuration for the past 3 years, we are able to conclude how that developed. From 1995 to 2009, we have seen a 5.2-percent average increase in discretionary spending—5.2 over the last 8 years. This year, what do you think it is? It is 23 percent. At a 23-percent rate, spending for highways in America would double in 3 to 4 years.

Why is this important? Let me back up one more time and mention the stimulus package. We passed, this year—the President insisted on it, and he was able to force it through—an \$800 billion stimulus package. It was supposed to be to fix our crumbling infrastructure, our highways and bridges. Did you know only 4 percent or less of that \$800 billion went to highways and bridges? That was a flimflam. The number I am talking about in the basic highway budget we passed, I guess, a few weeks ago, that bill has a 23-percent increase, in addition to the money they got out of the stimulus package.

To show you how large that \$800 billion is—the stimulus package—spend-

ing only 4 percent on highways increased the Federal highway funding by about 40 percent. It may be more. You can say: Well, Jeff, the economy isn't doing well, so we need to spend more money. I submit that we are spending money to a degree that it is putting a cloud over the future of our Nation, and people who are involved in finance and investment and business are worried not about what is going to happen in the next year but about what is going to happen in the next 5 to 10 years. How can we sustain something that is unsustainable? The administration said this cannot be sustained and Democratic Senators have said it. Certainly, I say it.

In 2008, the entire national debt from the beginning of the founding of our Nation through 2008 was \$5.8 trillion. According to our Congressional Budget Office, which I believe is a fair and impartial group, they calculated the President's budget and what it would mean to the deficit. They concluded that in 5 years—and the President submitted a 10-year budget—that would double to \$11.8 trillion. That which we took over 200 years to accumulate—\$5.8 billion—would be doubled in 5 years. By 2019, 10 years from now, it would triple to \$17.3 trillion in debt.

The road we are on today will triple the national debt. I am not making up these numbers. These are the Congressional Budget Office numbers. It is stunning. In fact, it is based on the assumption that unemployment would top out at about 8 percent. What are we moving to now? About 10 percent. It also assumed a vigorous bounce-back in economic growth next year, which it doesn't look like we are going to get. So the results of those numbers can be worse than it appears here because the economy isn't coming back as rapidly as we would like it to.

It is hard to figure this. Some might say: I am unable to understand this, Sessions. How much money is this? A trillion dollars doesn't mean much to me.

Well, we spend less than \$100 billion a year on education now. We spend about \$40 billion on highways. Do you know how much we spend on interest on the debt? People think you can just print the money, and that is not what happens. We borrow. We sell Treasury bills and notes; people buy them and we have to pay them interest. Right now, interest rates are pretty low. It is expected those interest rates are going to increase from the financial sector on Wall Street, and the CBO, which calculates these numbers—everybody assumes the interest rates will go up some. How much, we don't know. They took a moderate increase in interest rates.

In 2009, this year, the interest on our debt is expected to be \$170 billion. That is going to go up every year. Why? Because the deficit this year is going to

be about \$1.8 trillion. We have never had such a deficit in the history of the Republic. Last year, we had a \$450 billion deficit, the largest deficit in the history of the Republic. This year, it will be \$1.8 trillion. What does that mean? We have to borrow that money.

Over the 10-year budget window, as assumed by the CBO, the deficits will never fall below \$600 billion. In fact, it will average over \$900 billion—almost \$1 trillion a year. That is how you get to \$17 trillion after 10 years. So we have to borrow that money in the world marketplace. Countries such as China bought huge amounts of our Treasury. We pay them interest on that money. What does this mean over the 10 years? I think this can help the American people understand how sizable this debt is.

As I noted, we spend \$100 billion on education federally and \$40 billion on transportation. This year, 2009, we spent \$170 billion on interest. In 2009, under the red line here on the chart, it will be \$799 billion—\$800 billion—money that we used to be in a position to do things with, such as build roads and do other things the Nation needs. That is now going to have to be spent every year—\$800 billion—to pay interest. That is why Alan Greenspan, Wall Street experts, Ben Bernanke, and others have said this is unsustainable; we cannot continue this course.

What do we get from the Appropriations Committee and the Senate leadership? We get an Interior bill that increases funding 16.6 percent. That is not acceptable. That is simply too much spending. As I indicated, a lot of money is being pumped into Interior and environmental appropriations from this \$800 billion stimulus. I am not counting that. This is baseline spending. So next year, if somebody in this Congress were to have an epiphany and become frugal, and we cut the budget and don't increase it a bit, what will be the average increase over 2 years? It would be 8 percent. That is totally unacceptable.

In the last 3 years, spending for interior and the environment, 2007 had a 5.6-percent increase; in 2008, a 3.7-percent increase; last year, minus 2.9. So you are averaging far less than that. This is a thunderous increase in spending in this Appropriations bill. I cannot support it. There are a lot of good things in this legislation, and I would like to support it. But I will not vote for a bill that increases discretionary spending by 16 percent.

Has anybody been in a townhall lately and talked to their constituents? How concerned are they? They think we have lost our minds up here. Have we not? Is the message not getting through? Look at this highway bill—a 23-percent increase in HUD and highway spending. It is 23 percent, and that doesn't include the stimulus money, which amounts to a 40-percent increase

on top of that. This is baseline spending. When you put it in the baseline and do not make it an emergency, stimulus spending, you have created momentum for continuing increases in the future. How many people think we are going to cut spending for next year? How many people think we will have spending for HUD and transportation that will be below or equal to the inflation rate?

Unless the American people get heard soon, we will have another budget with a big increase. We have never seen 23 percent and those kinds of baseline expenditures before. I don't want to go on anymore at length. I don't want to vote against these bills. I would like to vote for the good things in them. But we have to simply recognize what we are doing is unacceptable. The American people are furious with us. They are rightly furious with us. We need to get our act together. When we had a shortage, one of the most significant votes I recall we took—it was so irresponsible—was when Senator VITTER, from Louisiana, offered an amendment that said the shortage in gas tax revenue that we find with the highway bill, that should be made up by taking money from the stimulus package. That had been unspent—\$800 billion. If it only takes \$20 billion or something such as that, that is what the bill was supposed to be for—crumbling infrastructure. He proposed that and it was voted down. Why? Because they did not want to take a dime out of the \$800 billion stimulus bill, even if it was not spent, and they wanted to fill that gap with more debt. Since we are already in deficit, to find another \$20 billion or so to complete the highway bill over the next year or two, we just have to increase the debt. That is what we have been doing. It is an unsustainable course.

I urge my colleagues to begin to say no. Let's vote no on this legislation. Let's start sending the American people a message that we hear their concerns, we know their concerns are legitimate and right, and it is time for us to be responsible.

I yield the floor.

Mr. ALEXANDER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Madam President, I understand I cannot call up an amendment right now because of the rules that are currently in place, but I wish to speak about an amendment I will be offering at a later time when the rules permit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Madam President, the amendment I will be offering speaks to what I see as a very fundamentally flawed process in our appropriations in Congress. I am not in the majority in this body as it relates to the subject of earmarks. I realize I am one of very few in my party and a few more but not a whole lot on the other side of the aisle who do not participate in the earmarking process.

I hope my amendment is calling attention to how this process is flawed and why we need to change the process. There are many problems with the process, but two of them I am going to speak briefly about today.

One, the process is fundamentally unfair. It is rather mysterious how much money gets set aside for earmarks and who does it and where it happens. It is even more mysterious as to how the decision is made as to how the earmarks are distributed among the Members.

I point out that in looking at the appropriations bills that we have handled so far, it is very clear that the process is heavily weighted toward the Members who serve as appropriators. I get that. That is part of the culture that has grown up around earmarking; that is, if you are an appropriator, you are entitled to get more. I am not sure that is a good way to spend public money, but I think it is important to point out that is the process.

Fifty percent of all the earmarks in this bill are going to the members of the committee. Last week, it was even more egregious. I don't think most Members realized when we voted on the T-HUD bill, the Transportation, Housing and Urban Development bill last week, that in the Transportation part of the bill, there was \$1.6 billion in earmarks. Over 50 percent of that money went to four Members, four States. So out of 50 States, four States got more than half of all the money. Well, when I tell that to people in Missouri, they say: Huh? How does that happen? How can that happen? And I frankly don't have a very good answer for them.

The other problem I wish to call to the attention of my colleagues today is not just the process as it relates to how earmarks are distributed but where these earmarks come from. This money is not growing on a secret tree somewhere that we are harvesting. It is coming out of programs. It is coming out of budgets. One of the things I found most troubling is that many of these earmarks are coming out of competitive grant programs or formula grant programs.

Formula is a formula because there is a way that is predictable about how the money is distributed—based on the size of the State, based on population; depending on the program, based on geography. It is a formula everybody understands. Taking money out of a formula to fund earmarks takes it from a predictable process based on merit to a

very unpredictable process based on who you are.

The same thing with competitive grant programs. Competitive grant programs are ones where merit is supposed to rule the day based on criteria set forth. The amendment I will offer basically wipes out the earmarks in one of these competitive grant programs. The program I am referring to is a great program—it is called Save America's Treasures. It was created by executive order in 1998. It is a public-private partnership, and there are specific criteria as to what a project has to have in order to qualify for this money—\$20 million.

This is a small example. I admit this is not going to change anything, as we keep talking about bending the cost curve, but it is a great example of what I am talking about. It began as a competitive program and it has begun to morph into something more than a competitive program because now half of the money this year will be earmarked, leaving only \$10 million for a competitive program.

So if your State doesn't get an earmark, either in the House or the Senate, in the bill, then the chances of your State getting any money out of this program have been cut in half. It is only \$10 million for the entire country for these grants which are to restore America's historic treasures across the country. That is a problem.

Is this an isolated problem? No. No. In fairness to this subcommittee, this is a little problem compared to some of the other competitive grant programs that have been raided for earmarking. The hijacking of public money for earmarking from the competitive grant bus is going on everywhere, and let me give another couple of examples.

Last week, when we did the Transportation, Housing and Urban Development Appropriations bill, there were two good examples. They are programs that began to provide competition to valued programs across the country. The first one is the Neighborhood Initiatives at HUD, the Housing and Urban Development Department. In 1998, Congress created this program. The interesting thing is it was created to help people who were doing welfare-to-work projects. Great intentions; great program.

Ironically, HUD began granting these awards to people based on the competitive criterion that Congress had given them. Congress passes the program, funds the program, and tells HUD these are the competitive bases on which you should make these grants. There were no earmarks in the program at all in 1999—none—after Congress created the program. Beginning in 2001, however, every dime in this program under the Neighborhood Initiatives Program has gone to earmarks. Once again, a competitive merit process morphs over into a completely earmarked process.

How about another example of a program—the Economic Development Initiative, also in HUD. Congress introduced the program in 1994; once again, a congressional program. Funds were to be awarded competitively, and for the first couple of years they were. EDI funds were awarded competitively. Congress started earmarking the account beginning in 1998. By 2001, the entire account was earmarked. So Congress began it as a good idea, and said do it competitively. By 2001, competition was gone.

Ironically, the statute that sets out the criteria for competitive EDI is still on the books. It is still in the law, but we no longer follow it because there has been a decision to morph that competitive program into an earmark program. I think that competition is a good thing, and this isn't about a bureaucrat somewhere sprinkling fairy dust and supplementing their judgment for the judgment of Congress.

In fact, the examples I have given are programs that were designed to be competitive, and in two or three instances they were designed to be competitive by Congress itself and then somehow they have morphed over into a pecking order of priorities based on someone's seniority or the committee they serve on, or even if they are in some political trouble. It seems to me a goofy way to spend money, especially the public's money.

I ask my colleagues to consider this amendment. All it does is restore the program to a competitive basis and allow every State to compete on the same basis for the money in that competitive program. When the time is right, I will call up the amendment, once the rules allow me to do so.

I yield the floor.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I have consulted with the manager and the ranking member, and I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Mr. DORGAN. Madam President, there is now underway—beginning yesterday in the Finance Committee—a discussion about health care reform. It is complicated, controversial, difficult, but important. I know they are working hard to try to figure out what they might do to see if they can put some downward pressure on health care costs and also to extend coverage to those who don't have health coverage.

There has been a lot of generous discussion on the floor of the Senate. We have had a so-called Gang of 6, now there is a gang—a larger number—of the Finance Committee members, and soon there will be a gang of 100 Senators who are trying to consider what to do about health care issues. We have had people come to the floor of the Senate to say there is a proposal for a government takeover of health care. I don't support that. I don't believe anybody has proposed that but, nonetheless, we have had people come to the floor of the Senate saying that is what is being proposed. I don't support a health care reform plan that lifts the ban on using Federal funding for abortion services. I don't support government rationing of health care. I don't believe that has been proposed, although it has been alleged it has been proposed. I don't support providing health care benefits to those who have come to this country illegally. And I don't support doing anything that undermines Medicare for the elderly or in any way diminishes or undermines VA health care.

All of these have been discussed by people who have trotted over to the floor of the Senate to make allegations about thing one or another. At some point we will consider and vote on the floor of the Senate on legislation that I think meets the interests of this country, meets the test of being in the public interest, and does not represent a government takeover of health care. But having said that, let me make a point that one of the things that has not been adequately discussed, but will be, is the issue of price increases for health care—cost increases—and especially that portion that relates to prescription drugs.

Let me be quick to say with respect to prescription drugs that the pharmaceutical industry plays a very important role in this country. The development of prescription drugs some with private investment funding in research and development by the pharmaceutical industry, some is a result of what we spend in public funding through the National Institutes of Health and then make what we have learned available to these companies—all of these in my judgment benefit this country and reflect the public interest.

The relentless march of increased costs of health care in virtually all areas includes the increased cost of prescription drugs, and the question is: What do we do about that? There is very little discussion about it, but I want to talk about it for a couple of minutes today.

I have introduced—for some number of sessions of the Congress now, along with my colleague on the other side of the aisle, Senator SNOWE—a piece of legislation that has had broad bipartisan support. It includes the late Sen-

ator Ted Kennedy as a cosponsor during this session of the Congress. It includes Senator Barack Obama as a cosponsor in the last Congress. It includes Senator JOHN MCCAIN, Senator JOHN THUNE, and Senator GRASSLEY. It is bipartisan and has had very broad support. Yet we have not been able to get it through the Congress because it is controversial. Let me describe what it is. It is legislation that tries to put some downward pressure on the escalating prices of prescription drugs.

I understand it is legislation that causes great concern to the pharmaceutical industry. I understand that because they price prescription drugs in this country the way they want to price them, and the way they want to price them is for brand-name prescription drugs we pay the highest prices in the world by far, not even close.

I have a pretty good description of that in my desk. These are empty bottles. Let me ask unanimous consent I be able to show them on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. These are bottles in which Lipitor is deposited. It is made in Ireland. The company which makes Lipitor, which is the highest selling prescription drug for the control of cholesterol of any drug in the world, I think—it is very popular.

As we can see this drug is made in a factory in Ireland and then sent around the world. This is actually the same bottle—one is blue and one is red. But this was sent to Canada and this was sent to the United States. The only difference is that in the United States, if we buy a tablet of Lipitor in this order, we pay \$4.48, and the Canadian consumer pays \$1.83.

It is not just the U.S. versus Canada. It is the U.S. price versus prices almost anywhere. Again, the same drug put in the same bottle in a plant sends medicine around the world to Germany, Italy, Spain, France, England and, yes, Canada and the United States, and what is the difference? There is no difference. It is the same pill put in the same bottle. The difference is price. We get to pay double what most other people in the world pay for Lipitor. Fair? Not as far as I am concerned. It does not make much sense to me.

How do we make that stick? We make that stick by saying to the American people: You can't purchase that same FDA-approved drug when it is sold in other parts of the world. You can't purchase that for half the price because we will not allow you to bring it back into this country because we are worried, the pharmaceutical industry says, that counterfeit drugs would come into the country.

Let me talk just a bit about that. When I say this, I don't want anybody to believe our drug supply is unsafe, but I do want to say this: 40 percent of

the active ingredients in U.S. prescription drugs currently come from India and China. I am going to talk about that just for a minute. I am saying this because the pharmaceutical industry continues—including yesterday as a result of stories about this—continues to say if we pass the legislation that a broad bipartisan group of us want to pass, that gives the American people freedom—yes, freedom; the freedom to purchase the identical FDA-approved drug from wherever they choose to purchase it—they say if we do that we undermine the safety of prescription drugs, there are counterfeits, and so on—safety.

Forty percent of the active ingredients in prescription drugs come from India and China. Last year the Wall Street Journal did a very large story and did some first rate journalism, I might say.

More than half the world's heparin, the main ingredient in a widely used anti-clotting medicine, gets its start in China's poorly regulated supply chain.

So ingredients go into medicine that comes into this country, heparin in this case. Let me describe the photographs in the Wall Street Journal. They went to find out where the heparin came from.

Here is an example of a man using a tree branch to stir a caldron of material coming from pig intestines that becomes heparin, from which the ingredient for heparin is extracted. You can see the kind of facility this is; uninspected, by the way. Never inspected. Pig intestines coming out of this machine. These are Wall Street Journal photographs, not mine, that describe heparin, the active ingredient, heparin, originating in this sort of unregulated area in rural China.

The industry is saying to me if we pass legislation that requires batch lots and pedigrees and controls, manufacturing controls on anything that comes in, and chain of custody, somehow we would injure the safety of the drug supply? Come on, that is not the case at all.

In fact, what we will do with the legislation that we have created is dramatically improve the safety of all of our drug supply because of what we provide for the FDA and what we require to be done to assure the safety of the chain of custody for the drug supply.

Dr. David Kessler, former head of the FDA, says this about our proposal. The Dorgan-Snowe bill "provides a sound framework for assuring that imported drugs are safe and effective. Most notably, it provides additional resources to the agency to run such a program, oversight by the FDA of the chain of custody of imported drugs back to the FDA-inspected plants, a mechanism to review imported drugs to ensure that they meet FDA's approval standards, and the registration and oversight of

importers and exporters to assure that imported drugs meet these standards and are not counterfeit."

The question is this: It is not whether the pharmaceutical industry is a good industry—it is. It is not whether it does good things for our country—it does. I have supported the pharmaceutical industry in many ways. I support the research and development tax credit from which they benefit. I have always supported that. I am very interested in driving more research, so I support that. I have written that I would even support an increase in the patent period in cases where it takes them longer than it should take to get their product to market. They do have a point about that. I am not interested in injuring anybody, especially this industry.

I do think, however, if we are going to talk about how to deal with the relentless march of increased health care costs, we cannot ignore the increased costs of prescription drugs.

The pharmaceutical industry and the White House had announced a deal by which the pharmaceutical industry would contribute \$80 billion over 10 years to help pay for what they had described. Basically, it is providing a benefit to help partially fill the so-called doughnut hole—I know this is Washington jargon—for senior citizens in Medicare; to partially fill that it provides rebates for purchases of brand-named drugs.

I think that is fine. But that is not a proxy for trying to restrain the relentless increase in the cost of prescription drugs in this country.

In 2008, the average price increase for the most widely used brand-name prescription drugs was 8.7 percent, more than twice the rate of general inflation. The fact is, if we go back we see what has happened to the cost of these prescription drugs in our country. It is up, up, and way up, and too many people are having to determine whether they purchase their medicine or buy their groceries, or purchase their medicine or pay their rent. I think there are ways for us to address it.

My colleagues and I are offering legislation when a health care bill comes to the floor of the Senate. We are going to offer legislation that will be the Dorgan-Snowe bill with, I think, somewhere around 30 cosponsors or so, that is very simple. It simply provides the freedom for the American consumer to purchase the FDA-approved drug where they choose to purchase the drug, and we outline the countries in which there is a nearly identical chain of custody to the chain of custody we have in our country for prescription drugs, then provide the resources for the FDA to monitor and to deal with that.

Second and most important, we provide requirements for pedigrees and batch numbers and lot numbers to be able to trace back prescription drugs.

One of the things we discovered with the heparin issue is we couldn't trace it back to find out where it came from. That does not make any sense to me. We do need legislation, in my judgment.

I received a letter from a woman in North Dakota a while back. She is suffering from fibromyalgia. She had the disease 20 years and tried many different treatments. The disease impairs her cognitive skills and causes her fatigue every day, and she is trying a new drug that she says helps with the fatigue and her concentration. She said:

I have taken my first pill now and noticed improvement immediately, but the drug costs \$348 a month, \$11.60 a pill, so I am going to have to try to find a way to work despite the fact I really can't work in order to pay this drug bill.

She says:

Byron, I am beat up but I ain't used up. This pill could be the difference between working and filing for Social Security disability. Is there some way that people can afford this drug which doesn't yet have a generic version? Is there some way to put some downward pressure on prices?

The answer is yes, there is; legislation we introduced in the Senate. The Congressional Budget Office says this saves \$50 billion, I believe it is, in 10 years, a \$50 billion saving, and \$10.6 billion of that is savings to the National Government. The National Federation of Independent Business—and I will ask unanimous consent to have this printed in the RECORD—the NFIB has just written, September 21, 2009, saying:

On behalf of the NFIB I would like to express our support for S. 1232, the Pharmaceutical Market Access and Drug Safety Act of 2009. . . .

It is signed by Susan Eckerly, the senior vice president of public policy.

Madam President, I ask unanimous consent that a copy of the NFIB letter dated September 21, 2009, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION  
OF INDEPENDENT BUSINESS,

Washington, DC, September 21, 2009.

Hon. BYRON DORGAN,

U.S. Senate,

Washington, DC.

Hon. OLYMPIA SNOWE,

U.S. Senate,

Washington, DC.

DEAR SENATORS: On behalf of the National Federation of Independent Business (NFIB), I would like to express our support for S. 1232, the "Pharmaceutical Market Access and Drug Safety Act of 2009." This bill would allow for the importation of prescription drugs while ensuring that appropriate safeguards are in place to protect the integrity of imported medications. Importation offers a means of reducing one of the most rapidly rising healthcare costs facing consumers today: spending on prescription drugs.

This much-needed bipartisan legislation comes at a critical time for men and women in the small business community struggling

with the ever-increasing cost of healthcare. Small firms pay an average of 18 percent more than their larger counterparts for the same healthcare benefits and are continually seeking out ways to lower their healthcare costs. With U.S. prescription drug spending expected to increase over the next decade, it is clear that the small business community must pursue viable opportunities to improve affordability and access to healthcare goods and services. The Congressional Budget Office has estimated that this legislation could result in a direct savings of \$50 billion. Those savings could provide some much-needed and long overdue relief to small business.

The "Pharmaceutical Market Access and Drug Safety Act of 2009" secures a framework for the safe and legal importation of prescription drugs. NFIB is pleased that your legislation includes specific requirements to ensure that every imported drug must meet U.S. safety standards. The benefits for small business are also achieved by allowing licensed pharmacies and drug wholesalers to import Food and Drug Administration-approved medicines for commercial purposes.

Providing access for the importation of prescription drugs enjoys broad support. Seventy-eight percent of NFIB members favor allowing individuals to purchase drugs from other countries—support that is affirmed by other public opinion research including a Wall St. Journal poll indicating that eighty percent of Americans support importation.

Thank you for your continued efforts to increase access to affordable healthcare for the small business community. We look forward to working with you on this important piece of legislation.

Sincerely,

SUSAN ECKERLY,  
Senior Vice President,  
Public Policy.

Mr. DORGAN. Many other organizations have supported this legislation. The reason I wanted to visit about it today briefly is to say that whatever is considered in the Finance Committee and then developed as between the Finance and the HELP Committees and brought to the Senate floor for debate when health care is debated on the Senate floor, I will intend to be here with my colleagues. I know Senator MCCAIN, Senator STABENOW, Senator SNOWE—many others will want to be here to offer this amendment at the front end of a discussion and debate on health care on the floor of the Senate.

This has been a long, tortured trail—too long, in my judgment—to get this done. I understand, as will have been the case in the past and likely will be the case this year, we will have people stand up on the Senate floor and oppose us, saying it is going to undermine or somehow compromise the safety of the drug supply. It is simply not true. All of the experts who have looked at this have said we have created something that will actually improve the safety of the drug supply coming into this country.

Let me describe it in the easiest and best way I know, and that is with a very popular prescription drug. Somebody once said so many people take this they ought to put it in the water supply. I guess I don't support that, but Lipitor is the most popular drug, medi-

cine for lowering cholesterol, by far. There are others as well. I should not fail to name them, but I believe this is the biggest selling cholesterol-lowering drug. The American people get to pay twice as much for the same pill put in the same bottle as virtually everybody else in the world. I think that is not fair. I think it is not fair that the American people pay the highest prices in the world. It wouldn't happen if the American people had a little bit of freedom, and that is the freedom to purchase this prescription drug from a FDA-approved plant with pedigreed lot numbers in a supply stream or chain of supply that is judged safe by our FDA.

We will have this amendment, have debate, have a vote. My fervent hope is that this is the time. There is a time and place for everything. My hope is that at long last this is the time Congress will pass this kind of legislation. I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Tennessee is recognized.

#### FEDERAL STUDENT LOANS

Mr. ALEXANDER. Mr. President, the pending business is the Interior appropriations bill. I know several Senators have amendments. If they would like to come and speak on those amendments, this is a good time to do that. Then, working with the Senator from California, who is chairman of the committee, we will try to move those amendments to a vote as quickly as possible. If Senators do come to speak on amendments, I will stop talking and give them the floor. But for the time being, I would like to say a few words about Federal student loans.

President Obama said the other day, in what I thought was a very perceptive comment, that he understood the health care debate and all its intensity is a proxy for a larger debate, and that is about the role of government in our society. What I and many Republicans believe and, I think, many Independents and Democrats, as well, in the State of Tennessee, and I suspect across the country—is that we have suddenly seen too many taxes, too much spending, too much debt, and too many Washington takeovers. The President says, and he is correct to an extent with this, that some of these Washington takeovers were not his fault, were not his doing. I suppose he would say that about some of the bank takeovers and the insurance company takeovers. I am not so sure about the takeover of the automobile companies or the takeover of the farm bonds or the proposal to take over health care. But here is a voluntary takeover that is absolutely unnecessary, is unwise, and the American people should pay attention to this.

This goes to the center of what the President said. If health care is a proxy for a debate about the extent to which the American Government ought to be

involved in our society, then the proposal by the President to take over the entire student loan program and move it from the private sector into the government is a perfect example of what we ought not to be doing.

Let me speak first to the dimensions of this program. The United States has the best system of higher education in the world. One of the greatest aspects of it, one of the greatest contributors to its quality, is that we have a generous amount of Federal dollars which permit about half or more of our students to either get a Federal grant, which we usually call Pell grants, or a Federal student loan which follows them to the institution of their choice. So unlike our elementary and secondary schools, your Pell grant—your grant going all of the way back to the GI bill in 1944—can follow you wherever you go. That choice and that competition and that money have helped to create not just some of the best colleges and universities in the world but virtually all of them. Most observers agree on that.

The higher education system today is 6,000 institutions. These are the universities of North Carolina and Tennessee. That is what we might think of first, but there are also community colleges, the 2-year schools. There are also non-profit colleges. There are also the religious institutions—Notre Dame and Brigham Young and many others. So there are 6,000 institutions.

Last year, 4,400 of those 6,000 institutions used the regular student loan program. That is the one where you go to the bank, usually your community bank or local bank, and you get a student loan. And 1,600 schools, or about one-fourth, used the direct loan program, which was put in at the time I was Secretary of Education about 20 years ago, and you just go to the U.S. Department of Education and get your money. On the private side of it, which is what 3 out of 4 students choose, there are 2,000 lenders that participate in the program. This year, there are nearly 18 million loans to students and parents—18 million—and 14 million of them are in the regular student loan program, 4.5 million through the government. There was \$86 billion of loans made. So the regular student loan volume through the private lenders was about \$64 billion; the direct loan volume was \$22 billion.

So all in all outstanding, \$617 billion of volume for both programs, and the President has said we are going to take all of that and put it in the U.S. Department of Education. So what his proposal is, if you are one of the 14 million students today who are getting their student loans from their local banks, starting in January you are out of luck. You better line up outside the U.S. Department of Education with the other 19 million people who want a student loan and hope they can provide



you with the same sort of service your community bank or lending institution or nonprofit organization in your area provides you today.

There is a lack of evidence to show that the U.S. Department of Education can do a better job of making loans than banks can. I used to work at the U.S. Department of Education. I was the Secretary. It is one of the smaller departments in government. The people there know a lot about education, but none of them really is running for banker of the year.

Arne Duncan is President Obama's Education Secretary. He is one of his best appointments. I would much prefer seeing him in Memphis working on charter schools or in Denver trying to find ways to pay outstanding teachers more or trying to help create a better system of colleges and universities or community colleges instead of trying to manage the problem of, how do I grant \$100 billion in new loans to 19 million people every single year? How do I replace 2,000 private lenders?

Let me give you an example of what a private lender might do. In Tennessee, we have EdSouth. This is a nonprofit provider. Here is what they do. They had five regional outreach counselors to canvass Tennessee to provide college and career planning, financial aid training, college admissions assistance, and financial aid literacy. They made 443 presentations at Tennessee schools through college fairs, guidance visits, and presentations. They worked with 12,000 Tennessee students to improve their understanding of the college admissions and financial aid process. They provided training to over 1,000 school counselors so those counselors could work better with their students. They distributed almost 1.5 million financial aid brochures to Tennessee students and families. Will the U.S. Department of Education start providing those services, or will the 19 million students who want student loans simply line up outside the U.S. Department of Education or one of its offices somewhere and apply for a loan? I think I know the answer to that question.

According to the Department of Education, it costs them about \$700 million a year to administer the loans they make today. That is for one-quarter of all the students. They estimate they can make those same loans to 19 million students at about the same amount of money. I doubt if that is true, which brings me to the point of the savings—the alleged savings of this program.

Senator GREGG and I—the Senator from New Hampshire, who is the former chairman of the Budget Committee, ranking member now—talked about the alleged savings in moving all of these loans from the lending institutions that make them to 19 million students today, to the U.S. Department of Education.

Senator GREGG received a letter from the Congressional Budget Office on July 27. I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 27, 2009.

Hon. JUDD GREGG,  
Ranking Member, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR SENATOR: This letter responds to your request for an estimate of the change in federal costs, adjusted for the cost of market risk, that might result from enactment of the President's proposal to prohibit new federal guarantees of student loans and to replace those guarantees with direct loans made by the Department of Education. The Federal Family Education Loan Program (FFELP) provides federal guarantees for loans made to students by private lenders and is the predominant source of loans for higher education; the Congressional Budget Office (CBO) projects that, under current law, guaranteed loans will account for 70 percent of all new direct and guaranteed student loans made over the next 10 years. Under the President's proposal, the Department of Education, through the William D. Ford Direct Loan Program, would provide federal support for student loans only by lending money directly to students.

In its July 24, 2009, cost estimate for H.R. 3221 (the Student Aid and Fiscal Responsibility Act of 2009, as approved by the House Committee on Education and Labor), which would incorporate the President's proposal, CBO estimated that replacing new guarantees of student loans with direct lending would yield gross savings in federal direct (or mandatory) spending of about \$87 billion over the 2010–2019 period. (Mandatory spending is governed by existing provisions of law and does not require future appropriations.) About \$7 billion of those savings would represent a reduction in the administrative costs of the guaranteed loan program, which are recorded in the budget as mandatory spending. In contrast, most of the administrative costs for the direct loan program are funded in appropriation bills and recorded as discretionary spending. Thus, of the \$87 billion reduction in direct spending, roughly \$7 billion would be offset by an increase in future appropriations for administrative costs, for an estimated net reduction in federal costs from the President's proposal of about \$80 billion over the 2010–2019 period.

Those estimates follow the standard loan-valuation procedure called for in the Federal Credit Reform Act of 1990 (FCRA). The law specifies that the cost of federal loans and loan guarantees be estimated as the net present value of the federal government's cash flows, using the Treasury's borrowing rates to discount those flows; that calculation does not include administrative costs, which are recorded in the budget year by year on a cash basis (that is, undiscounted). The FCRA methodology, however, does not include the cost to the government stemming from the risk that the cash flows may be less than the amount projected (that is, that defaults could be higher than projected). CBO found that after accounting for the cost of such risk, as discussed below, the proposal to replace new guaranteed loans with direct loans would lead to estimated savings of about \$47 billion over the 2010–2019 period—about \$33 billion less than CBO's es-

timate under the standard credit reform treatment.

#### ESTIMATING SUBSIDY COSTS USING CREDIT REFORM PROCEDURES

To determine whether a proposal to change the federal student loan programs would lead to budgetary savings requires comparing the federal government's costs for the subsidies that the two programs provide. Those subsidy costs depend on the various cash flows of the direct loan and guaranteed loan programs, the interest rates used to discount those cash flows, and the programs' administrative costs.

FCRA calls for using a present-value subsidy concept—in what is otherwise a largely cash budget—to better compare the strikingly different patterns of federal cash flows under the two programs. In the direct student loan program, the federal government makes a large, one-time outlay for the amount of the loan (net of various fees) and then receives a stream of principal and interest payments over time. In the guaranteed student loan program, the federal government faces a more complicated set of payments. It does not disburse a principal amount (loans are disbursed by private lenders) but instead receives some up-front fees, makes a stream of subsidy payments (known as special-allowance payments) to lenders, partially compensates lenders for loans that go into default, and pays certain borrower benefits, in addition to various other receipts and payments.

FCRA facilitates the comparison of the budgetary effects of direct loans and loan guarantees by converting the net outlays for each program into a single lump-sum estimate of net costs (that is, the discounted present value of all cash flows). Those cash flows are discounted using the government's costs of borrowing—that is, the interest rates it pays on Treasury securities of comparable maturities. The resulting subsidy estimate is recorded in the federal budget in the year of a loan's disbursement. Subsidies computed under FCRA do not include the government's costs for administering the loans; those administrative costs are recorded separately, on a cash basis.

Under the FCRA accounting rules, the guaranteed loan and direct loan programs have very different subsidy rates, and thus different budgetary costs, even though the programs result in very similar loans to borrowers. CBO estimates that over the 2010–2019 period, the subsidy cost for each dollar of a guaranteed loan will exceed the subsidy cost for each dollar of a direct loan by between 10 cents and 20 cents. Generally, in CBO's estimation, the direct loan program will have a negative subsidy rate (that is, the net receipts to the government on a present-value basis are projected to be greater than its disbursements), whereas the guaranteed loan program will have a positive subsidy rate (that is, a net cost on a present-value basis). The difference in subsidy rates under FCRA for direct and guaranteed loans occurs primarily because of certain payments made for the latter—in particular, interest payments made on behalf of borrowers for subsidized loans and special-allowance payments to lenders. The latter are made by the government to lenders in the guaranteed loan program to ensure that they receive a specified interest rate on their student lending. The difference in the programs' subsidy rates led to CBO's estimate that under the procedures specified in FCRA, enactment of the President's proposal (as included in H.R. 3221) would yield net budgetary savings of approximately \$80 billion (representing \$87



billion in mandatory savings and \$7 billion in discretionary costs) over the 2010–2019 period.

#### ADJUSTING FOR RISK

The full value of the subsidy provided by the government's student loan programs depends on what students would have to pay to obtain loans in the private market without federal support. That cost depends on the riskiness of the loans. Estimates of subsidies that are made using the techniques specified by FCRA do not provide a comprehensive picture of the costs of loan programs, mainly because they do not fully account for the riskiness of the loans. That methodology, which uses yields on Treasury securities as discount rates, tends to understate the subsidy provided under each program; but it generally understates the subsidy costs of the direct loan program to a greater degree than it does those of the guaranteed loan program. Alternative estimates of the value of the programs' subsidies that might better reflect the costs they represent for the government would incorporate the estimated cost of the market risk that taxpayers bear through such lending—a cost analogous to the higher returns that private investors expect for making risky investments.

When conditions in the financial markets are relatively benign, as CBO assumes will be the case after the first few years of the 2010–2019 projection period, the private sector's pricing of student loans that do not carry a federal guarantee suggests that the cost of raising capital for such loans will be 2 to 3 percentage points more per year than the interest that the government pays on Treasury securities with comparable maturities. That difference reflects the risk involved in extending long-term, unsecured credit to an individual consumer; participants in private-sector loan markets generally demand a higher rate of return for bearing that risk. (Put differently, the cost of capital for the firms that make such loans will be higher than the rates on Treasury securities.) A private entity that issued or insured student loans would recognize that higher cost of capital by discounting its expected cash flows from the loans at that higher rate. (A private entity would also approach administrative costs somewhat differently, but administrative costs account for little of the difference between the costs of the direct and guaranteed loan programs.)

Applying a set of risk-adjusted discount rates to the cash flows from the government's student loans would raise the subsidy rates for both student loan programs, but the rate for the direct loan program would increase by more than the rate for the guaranteed loan program because of differences in the timing and riskiness of the estimated cash flows. CBO estimates that if projected savings for the President's proposal were calculated using risk-adjusted discount rates, those savings would be \$47 billion over the 2010–2019 period—a difference of \$33 billion relative to CBO's cost estimate for H.R. 3221 issued on July 24.

Although the use of subsidy rates that have been adjusted for the cost of risk generally improves the ability to compare the costs of financial programs, the approach does raise some concerns. As the recent financial turmoil has shown, risky assets, including student loans, can fluctuate wildly in value. Those fluctuations can lead to large changes in market-based estimates of subsidy rates for student loans from one year to the next. Quite similar assets may trade at widely divergent values for reasons that are difficult to establish. Nevertheless, CBO believes that risk-adjusted subsidy rates pro-

vide useful information about the cost of federal programs in terms of the value of the economic resources that are devoted to those programs. The Congress adopted the approach of incorporating the cost of market risk into budget estimates for the 2009 enactment of the Troubled Asset Relief Program (TARP). That approach requires that the costs of assets purchased under the program be estimated using a present-value approach that, except for its requirement of an adjustment for the cost of market risk, is similar to the way loans and loan guarantees are evaluated under the Federal Credit Reform Act.

I hope this information is helpful. If you have further questions, we would be happy to address them. The CBO staff contact for this analysis is Sam Papenfuss.

Sincerely,

DOUGLAS W. ELMENDORF,

Director.

Mr. ALEXANDER. Senator GREGG basically asked: Is it true that if we stop making loans through private and nonprofit lenders whereby the Federal Government guarantees the loans and pays a regulated subsidy to the lender—if we stop that and start making all of them through the government directly, will we save \$87 billion? And the short answer—if you want the long answer, the letter is available—the short answer is no, you do not save \$87 billion; you are likely to realize \$47 billion in savings over the next 10 years.

Then, in addition to that, we have to deduct for the—I see the Senator from Oklahoma. Is he ready to speak on his amendments?

Mr. COBURN. In a moment after we are set up.

Mr. ALEXANDER. I will be through in about 4 or 5 minutes. I welcome him and look forward to his comments.

Instead of saving \$87 billion, we save \$47 billion. Then we have to deduct the administrative costs. Remember, instead of making some of the loans, the Department of Education is going to make 19 million loans. The Department estimates it might cost it \$7 billion over the 10 years to do that. Others think it might cost \$30 billion. So the real savings—the real savings are either \$47 billion or more like \$20 billion or \$23 billion in savings over 10 years.

In order to do that, of course, we are going to have to raise the Federal debt. We are going to have to borrow \$1 billion a year for the next 5 years. So at a time when we are concerned that we are adding \$9 trillion to the debt over the next 10 years, we are going to add another half trillion over 5 years so we can make student loans instead of doing it through private institutions.

Here is the real clincher. When you press and say: In order to make these loans, what is the real reason you think you can do this if the savings aren't really \$87 billion but they are more like \$47 billion or more like \$23 billion over 10 years?

They say: Well, the real reason is the government can borrow money cheaper than the private banks can.

That is true. The government can borrow money at a quarter of a percentage point, and then it loans it to the students at 6.8 percentage points.

Well, my first point would be that I don't think the government ought to be making a profit by overcharging students for their student loans and then turn around and take credit for starting new programs. What the government is actually going to be doing is charging a student who has a job and is trying to get a student loan—is going to say: OK, we are going to borrow the money at one-quarter of 1 percent and loan it to you at 6.8, and then we are going to take that money and pay for your Pell grant or pay for someone else's Pell grant.

In other words, they are going to overcharge the student to make the Congressman look good. That is what we are doing. We are going out and announcing all of these programs. So we are spending \$87 billion, when it is really between \$23 and \$47 billion—that is the amount we really have—and we make that money by overcharging the students.

At the very least, if we are going to take all of these loans into the government, we ought to reduce the interest rate so we don't overcharge the students.

I see the Senator from Oklahoma. I am going to defer to him and welcome him to the floor. But I hope, as we think about the issue the President so accurately described—he said: The health care debate is really a proxy for the role of government in our society. He is exactly right about that. And while some of the Washington takeovers may not have been avoidable at the beginning of the year, there is no reason in the world why Washington should take over 19 million student loans, eliminate 2,000 lenders, stop students on 6,000 campuses from having a choice in competition, and say: The government is the best banker in America; line up outside the Department of Education, all 19 million of you, in January and get your student loan.

So I am thinking of introducing an amendment that is called a truth-lending amendment if this legislation were to pass, and it would say to every one of the 19 million students: Truth in lending—beware. Your government is overcharging you so your Congressman and your Senator can take credit for starting a new program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wanted to spend a few minutes—I guess I would inquire of the chairman and ranking member, we are not allowing amendments to be brought up at this time; is that correct?

Mrs. FEINSTEIN. That is correct, through the Chair. There is a disagreement with the Senator from Louisiana

and there is a hold on anything coming before this body.

Mr. COBURN. I have germane amendments, most of which will be germane postcloture.

Mrs. FEINSTEIN. The Senator can certainly talk about his amendments.

Mr. COBURN. We cannot call them up and make them pending.

Mrs. FEINSTEIN. That is correct.

Mr. COBURN. I thank the Chair.

I wanted to spend a little time talking about the appropriations process before I speak on the amendments. I have seven amendments, maybe eight. All are commonsense amendments. Most people in America would agree with them.

But this first chart I am showing shows that what we are doing this year is, out of every dollar the Federal Government spends, we are borrowing 43 cents against our kids, against our grandkids. That is even true in this bill. This bill we have before us—a large portion of the money to pay for this Interior appropriations bill is going to come from our children.

So one of the things you say is, well, what is the inflation out there in terms of what are the costs that are actually increasing and how do we compare to what everyone else is facing in terms of spending based on increased costs? And in 2008, 2009, during that fiscal year, we actually had a minus three-tenths of 1 percent inflation. That is called deflation. And so far this year, we have had 1.6 percent, and it is probably going to go lower than that when we see the end of the fiscal year. So let's say 1.6 percent is the cost we are seeing in terms of inflation this year.

Well, one of the first bills we passed was the Legislative Branch appropriations bill, and when we had a minus three-tenths of 1 percent increase, we increased our expenses in the Congress by 10.88 percent. This year, we have already passed the bill, and we increased it three times what the rate of inflation is. So just even in our own budget, running our own offices, running the Congress, we are increasing what we spend three times faster than the rate of inflation.

If we look at the Homeland Security appropriations—all these numbers, by the way, don't include the billions of dollars each of these agencies received with the stimulus package—from 2008 to 2009, Homeland Security was increased 9.97 percent. That is a number of infinity in terms of inflation because we had no inflation. So a 9.97-percent increase, almost 10 percent, as compared to no inflation, we grew the government in this area. This year what we have passed already is another 7.22 percent growth, despite tens of billions of dollars going to the Department of Homeland Security with the stimulus package.

Then we had the Agriculture appropriations bill. For the 2008–2009 fiscal

year, we increased it 13 percent. This year we are increasing it 12.68 percent. At this rate, we will double the size of Homeland Security and the Agriculture Department in 4.75 years, if we take the multiple of this, if we continue at this rate. The Transportation–HUD appropriations, which we passed last week, 13.31 percent in the 2008–2009 fiscal year. This year we have 22 percent we have increased it, fully 15 times more than inflation. And in transportation, the costs have actually gone down in terms of what it costs to build a road or to repair a bridge because of the economy.

Then we have this bill. Last year we increased Interior 4.13 percent. Now we are increasing it again 16.28 percent. Does anybody out there have anything on which they are seeing those kinds of increases in income in America? Remember, 43 percent of this is borrowed from our children's futures.

To sum up, look at what we have done so far. Legislative branch, increased 4.75 percent; Homeland Security, 7.2; Energy and Water, 1.41—we actually did one that is at inflation—Agriculture, 12.68; Transportation and HUD, 22.54; Interior, 16.28—all the time when we have an inflation rate of 1.6 percent. What is going on? The American people ought to be highly concerned with the appropriations bills flowing through here. It is all borrowed money. All the increases are borrowed against our children and grandchildren.

Here is what we have done so far in the Senate. There is no question the Interior bill will pass. The appropriators will make sure of that. They have their earmarks in it. Whether they claim to be a fiscal conservative or not doesn't matter. They will vote for the bill to protect their earmarks. We can see what kind of growth we are experiencing in the last 2 years in this country in expanding the size of the Federal Government. These aren't small increases. They are gigantic. Nothing in the 8 years preceding this came anywhere close to it. We have this ballooning Federal Government that at the rate we are going this year will double in less than 5 years. The size of the Federal Government, if we continue this trend, will double in the next 5 years.

That doesn't count a health care bill that will add another 150,000 Federal employees and another \$1 trillion of expenditure. We ought to be worried about our future. We ought to be paying attention to what the Chinese are saying, the biggest purchaser of our bonds and bills: You are spending too much money.

They are right. They are absolutely right.

How is it, in a time of economic decline and almost nonexistent inflation, we can justify rates of increase that will double the size of the Federal Government in 5 years? I don't understand

that. I don't believe 80 or 90 percent of the American people understand that, unless they are not paying any taxes and don't care. But their grandchildren will care.

Let me translate what will happen. What is going to happen with this kind of explosive government growth, with an almost \$12 trillion debt we have now that will double in the next 5 years and triple in the next 10 years, according to the budget plan passed by those on the other side of the aisle, is that our children and grandchildren will see a standard of living 30 percent below what we have today. That is the consequence of borrowing 43 percent of everything we do. Interest rates are not always going to be as low as they are. In 2013, this government is going to pay over \$1 trillion in interest costs per year. That is \$1 trillion we are taking from the American people that is not going to help anybody. It is just going to offset this terrible precedent we are setting on spending. We can't afford it. If we want the dollar to sink and we want inflation to come roaring back, all we have to do is keep doing what we are doing.

Then the value of our homes, the value of retirements, although already hit by the decline, will erode even further. We cannot create wealth by trying to borrow our way out of trouble.

What I see, as I look at my five grandchildren, is we are acting totally irresponsibly. There is no other thing we could do to describe what we are going to do. Yet tomorrow, when we get into cloture on this bill and we finally pass the bill, what are we going to do? We are going to mortgage the future of this country.

Let me explain. That means stealing hope, the propensity to think about tomorrow being better, when, in fact, we, the Members of Congress, have ensured it will not be. We are taking away the hard-earned assets, not only through taxes but through inflation, of the American worker. We have a real problem in front of us. We have an irresponsible Appropriations Committee that continues to send bills out that are growing the government at a rate that is absolutely unsustainable.

What is the answer? The answer is to ask Congress to start making hard choices. Just like every other family is doing out there today, make the hard choice of prioritizing. What is most important? What is next most important? What is superfluous? What is not absolutely necessary now that we want to steal from our grandchildren to be able to have today? The heritage of this country, the thing that created American exceptionalism, the thing that built the most powerful, most successful economic model in the history of the world was a heritage of one generation saying: We will sacrifice to create opportunity for the next generation. These bills and this one, in particular,

abandon that heritage. What we are saying is: We want for us now, and we don't care about our children and grandchildren. These are indisputable numbers. These are CBO numbers. At a minimum, this is what we are going to do. At a maximum, it is going to be much worse.

Next year we are going to borrow more than 43 percent. We are going to approach 50 percent of everything we spend based on the budget plan. We are going to have another \$1.6 trillion deficit. That is Washington accounting, Enron accounting. The real deficit, when we take all the money stolen from all the trust funds, will put it closer to \$1.9 trillion. Do the math: 300 million people into \$1.9 trillion; we are spending \$6,000 more for every man, woman, and child than we are taking in.

I carry with me, based on last year's numbers, what the Federal Government does per family, per household. The year that ends this month, we will spend \$34,000 of your money—not counting the States, not counting municipalities—\$34,000 per household through Federal Government programs; 43 percent of which, which comes out to about \$15,000 per household, is borrowed. We will spend \$9,000 on Medicare and Social Security; \$5,800 on defense; antipoverty programs, almost \$5,000; this year per family \$1,210; in 3 years, \$850 per family. Federal employee retirement benefits per family, you are paying \$1,000 per family for Federal employees' generous retirement benefits. We are paying \$800 for veterans benefits. For regulation and research, we are paying \$700 per family. For highways, we are paying \$500 per family; for justice administration, \$452; and for unemployment benefits, \$900 per family.

If we total all that—all the others count \$1,361 per family—we come up with \$33,800 per family. That is going to be \$40,000 next year per family that comes through the Federal Government, of which almost 50 percent will be borrowed.

We can't continue to do what this bill purports to do. It is not only unconscionable that we would not make the tough choices, and the reason we don't make the tough choices is politicians don't want to offend anybody. It is not only unconscionable that we will not make the tough choices; what we are doing is immoral. We are stealing opportunity. We are stealing the potential American dream of our children and grandchildren because we are going to shackle them with a debt they cannot get out of.

I delivered babies for a living before I came up here. I have delivered thousands of babies. When I deliver a baby now, it is a mixed blessing. It is a wonderful thing to see that new life come into the world, to look at the parents' faces, to see the glow and to think

about all their hopes and dreams for that young child. But the downside is, if you are born today, you have the responsibility to pay off the interest of over \$480,000 of expenditures that are coming that we haven't provided the revenues for.

Now, think about your grandchildren and your children. Do you really want to load them down with that kind of number? Just paying the interest—if interest is 5 percent—you are talking about they have to make up \$20,000, at least, before they are even just carrying the debt service on that kind of load.

We are destroying this country through the lack of discipline and the cowardice of not making the hard choices that need to be made right now—not tomorrow, not next week, right now.

For us to bring a bill to the Senate floor that increases the Interior spending by 16 percent, in a time when we have 1.6 percent inflation, and to not make the hard choices about priorities and getting it to where we do not spend any more right now so we start creating that hope of opportunity for our next generations, I do not understand.

I walk off this floor and beat my head against the wall because I do not think the Senate gets it. They do not understand what the average family is doing today in terms of making these hard choices. They are making the hard choices at home, only to see us not make the hard choices, and to offset the tremendous difficulties you have in making those hard choices by making sure your kids are going to have to make even tougher ones.

Even when the economy turns around, this does not go away. America is the longest surviving Republic in the history of the world. If we look at the history of the republics—all of them that have ever been created—what happened to them? They all collapsed. Do you know why they collapsed? Some of them were defeated externally, but the reason they were defeated externally is because they became a fiscal mess, much like we are, and they all ultimately collapsed over the lack of fiscal discipline and limiting the size of the government's take in terms of the size of the economy.

It is projected that in America, in 10 years—if things keep going the way they are—the Federal Government will consume 40 percent of our GDP. When it gets to 50 percent, we are over, we are gone. What we have today is a situation that is not irreversible. But all prophetic indications would say, if we keep doing this, it is going to be irreversible.

I know those are tough things, but let me tell you how Senators think. Senators think in the short term because it seems too often the most important thing is getting to the next election. So we do the short-term, ex-

pedient things that make us look good to a group of people in one State by sacrificing the greater good of the country.

What is needed today in America is people with long-term visionary thought, combined with the courage to lose an election to do what is best for the American public in the long run. What is best is for us to get back to the roots and our oath that is outlined in the Constitution of the United States.

This bill strays a long way from that, and my amendments will show some of that. We no longer have a limited Federal Government. We have an overly expansive Federal Government. It is not going to be long when we will not need States because the Federal Government is going to be involved in everything and telling the States what to do on everything anyway—and there comes the collapse of our Republic.

These are just little warning symptoms that say we do not have our eye on the ball, that we have our eye on the wrong ball, that we do not believe in the oath we took to honor the Constitution and its prescribed method of maintaining a limited Federal Government, with everything else, as depicted in the 10th amendment, left and reserved for the States and the people of this country.

When we are growing the Department of Interior by 16 percent, what we are doing is abandoning that. There is no justification. If you read this appropriations bill and the report that goes along with it—if the American people were to read it, they would throw up. They would throw up at the lack of priorities. They would throw up at the tremendous parochialism that says we put our State ahead of our country. They would throw up at the waste, and they would throw up at the earmarks. They would be literally sick.

So we find ourselves with multiple appropriations bills that are inexcusable, given the situation we find ourselves in, and, more importantly, the sacrifices that American families are having to make now in their own budgets. But, more importantly, it is inexcusable to steal the hope and future from the next two generations, and this bill does that, and so do the rest of them.

We are stealing. We are selfish. We are saying: I would rather be reelected to the Senate than do what is best for America. I would rather protect my parochial interests than do what is better for America. I would rather not have to make the hard choices of eliminating some things that are not a priority rather than do what is in the best long-term vision for this country.

It is discouraging. It is disappointing. The only way it changes is if the American people demand that it start changing. There should not be 10 votes for this bill, but it will get 60 or 70 because there is no backbone. There is no backbone to do the right, best thing for the

country, even if it costs us. Serving your country means sacrificing. Service without sacrifice is not service at all. If it is not costing you something, you are not doing anything, and we shun the responsibility of doing the best and the right thing for America.

Let me talk for a minute, if I may, about the amendments I have. I will preview those amendments and will not spend a lot more of the chairman's and ranking member's time. I have a total of seven amendments—actually eight. Let me talk about them since I cannot call them up.

One amendment is on transparency. My friend, President Obama, wants us to be a transparent government. Throughout this bill are tons of reports that you, as American citizens, will never get to see. As a matter of fact, I will not even get to see them because they are directed only to the Appropriations Committee. What is that all about? As a Member of the Senate I cannot see reports that are committed by this bill in terms of reporting back from agencies. Yet only the Appropriations Committee can see them? More importantly, you cannot see them to be able to hold us accountable to see whether we are doing our job? So one of the amendments just says, if there are reports required, and they do not compromise national security interests, everybody in America ought to get to see them.

In the last appropriations bill that amendment was accepted. But I will tell you what will happen to it. They will take it out in conference. They will say: Oh, it did not make it through conference. The American people cannot see this. They will not come out and say it. I will have to publicize it. But they will deny the ability for you to see the very reports they are asking for in this bill.

There is an earmark in this bill for a building less than two blocks from here called the Sewall-Belmont House. That house is used for a multitude of things. They have \$4 million cash in the bank right now, and we are going to give them another \$1 million. They have money in the bank, but we are going to give it to them anyway. Mostly what happens over there is fundraisers for Members of Congress, for which they charge \$5,000 to use. They make money. Yet we have decided we are going to give them \$1 million. Tell me that is a priority right now in this country.

So what we do is we take that \$1 million and send that \$1 million to the National Park Service because right now we have an \$11 billion backlog in our national parks, and they are falling down. But we refuse to fund them because we are doing things like this.

There is another amendment I have. We now have a conflict between agencies where the Fish and Wildlife Service and the Department of Interior will not allow Homeland Security to pro-

tect our southern border because they are afraid it will mess up the environment. So what we have done is we have said protecting wilderness areas is more important than protecting our border.

This amendment says none of the funds in this bill can be used to prohibit or impede the Department of Homeland Security from protecting us on the southern border. Yet it is happening every day. We have testimony. We have internal documents that show the Department of Interior is limiting the ability of Homeland Security to protect our southern border. It makes sense that we should not do that. We should protect the environment, but we will not have that environment if we do not protect our southern border.

What we do know is, those areas where our Border Patrol cannot get to are where all the infiltration is coming today. It is where the drug trafficking is coming today. It is where multiple, multiple people are being raped by the people who are transporting illegal aliens through those wilderness and fish and wildlife areas.

So what this amendment says is, you cannot use money in the Department of Interior to preclude Homeland Security and the Border Patrol from doing their job, which is to protect us from the illegal transport of people and drugs and weapons into this country.

I have another amendment. We want to try to become more energy independent. We have all the renewable we are trying to do—whether it is wind or solar—yet the Department of the Interior is blocking the ability to create the transmission lines from where we have renewable sources. They will not allow the transmission lines to go across those areas. We want to get off foreign oil. We want to decrease our carbon use. Now we have started to develop alternative, renewable sources, and we have an agency that is blocking the ability to get that power to us. It makes no sense.

We can do that in an environmentally friendly way. So we cannot allow the Department of the Interior to block that and the ultra-environmentalists, who say they want us to have renewable energy but, by the way, they do not want us to be able to use it. So we will develop it and not have a way to use it.

There is several hundred million dollars in this bill to be used for the Federal Government to acquire more land. The Federal Government owns about 35 percent of all the land in the country today, but we cannot take care of the land we have. I mentioned earlier the backlog at the national parks. The National Mall has a backlog. The Statue of Liberty has a \$600 million backlog. Some of our biggest and best parks—the Grand Canyon, Mount Rushmore, several others—have hundreds of millions of dollars in backlog.

All the national park backlog grew \$400 million last year. In other words, we are letting what we have crumble as we go and spend almost \$360 million more on buying more land. This amendment says: Do not buy the land. Put the money in fixing our national parks, bringing them up. They are falling down. We actually have testimony where we are putting visitors at risk because our maintenance backlog is so great.

Third from the last is an amendment to require a report so we know what we actually own. We don't know what we own. The last time we had any estimate it was of 658 million acres and that was 2005. Nobody has done anything to know what we own, prioritize what we own, or say what is important. What do we need to protect the most? What do we need to get the backlogs straight on? How do we manage what we own? You can't manage what you own if you don't know what you own. All it does is require a report on the total land owned by the Federal Government and the cost to maintain the land so we can make coherent judgments about how to make priorities of what is important and what is not. This appropriations bill shoots from the hip, because they don't have the facts with which to make the decisions on how to prioritize.

Finally, we have this idea of national heritage areas. We now have four times more than was ever authorized in the original bill. What happens is we create a national heritage area and pretty soon you are out there on your farm or in your neighborhood and because it is a national heritage declaration, we fund special interest groups that come in to lobby to make sure what happens to your land is what they want to happen, not what you want to happen with your land. So what we say with this amendment is if we are going to create a national heritage area, all the landowners ought to be notified. If they want to be included in that, allow them to opt in. Allow them to choose to be in the national heritage area. But if they don't want to be, their property rights ought to be secure. So what we say is allow them to decide whether they want in or out and they have to opt in if they want in.

Our Bill of Rights guarantees our right to our property, an unfettered right. The national heritage areas destroy that and allow groups with an interest that is funded by the Federal Government—you didn't get any of the money—to come in and have the power and the money to lobby to change the restrictions and land codes against your will. Most people who have found themselves in a heritage area don't know it until they get ready to do something with their own land and find out that: Oh, my goodness, the Federal Government has caused somebody to change my ability to do what I want to

do with my land. I am not talking crazy; I am talking responsible action by a landowner. So what we are doing is denying a fundamental right guaranteed under the Bill of Rights as we create all of these heritage areas.

It is fine if you want to be in one, but if you don't want to be in one, you ought to have the ability to not be in it and it shouldn't be assumed you are in it because we in Washington say you should. You ought to be able to say you should and you ought to have the knowledge with which to make that decision. That is called real transparency. That is called protecting freedom. That is called letting people be responsible for their property rather than us mandating from Washington what will and won't happen with our property.

Then, finally, an amendment I offer on every appropriations bill. It comes from what President Obama said he wanted to do, and that is to mandate competitive bidding on everything we buy—no more well-connected, well-heeled inside deals but competitively bid so that the American taxpayers truly get value for the dollars they are sending here and, even more importantly, the 43 percent our kids are going to be paying for, that they get value. Since we are borrowing their money, we are borrowing their future, at least when we borrow it, we ought to—and we are going to do misguided priorities and we are going to overspend and we are going to grow the government and double it in the next 5 years—the least we could do is to get real value when we go to spend your money and your kids' money.

As my colleagues can see, I am not a very big fan of this bill. As a matter of fact, I am not a big fan of any of the appropriations bills, because the whole premise under which they operate is: Here is what we had last year and we are going to start from there, without ever looking at: Here are how many billions we are spending and is it being spent properly? Is there great oversight? No, there is not. There is terrible oversight. Is there duplication? We don't even care; we don't even look. We don't make the hard choices that the next two generations need us to make.

The most powerful committee in the Senate and the most powerful committee in the House is the Appropriations Committee, and \$400 billion of your money will be appropriated this year that is not even authorized. The appropriators don't even pay attention to the authorizing language because they are going to appropriate \$400 billion of things that aren't authorized. So then we have this parliamentary rule that says you can't legislate on an appropriations bill. Yet they legislate all the time by funding things that have never been authorized or have expired authorizations for spending. So

we can eliminate \$400 billion tomorrow by following the rules of the Senate and the rules of the Constitution, but we play the game and people come to kiss the rings, to get what they want at home, to look good at home. Consequently, we are extorted to pay with a vote for a bill that is like this one—this big 16.28 percent increase—so we can look good at home.

I want to tell my colleagues the American people are waking up. There is a rumble out there like I have never seen. It is a rumble I have been praying for. This country needs to be taken back by the people. This country needs to hold the Members of this body absolutely accountable. The only way that happens is if the citizens stay informed.

I will end with this. There was a President named Ronald Reagan. My little 3-year-old daughter at the time called him President Raisin because she couldn't say Reagan. He said one of the most profound things I have ever heard said. He said: Freedom is a precious thing. It is not ours by inheritance. It is never guaranteed to us. It has to be fought for and defended by each and every generation.

I am telling you in the last 20 years, our generations haven't come up to defend it. He wasn't talking about our military; he was talking about us being well informed citizens, holding us accountable, creating the pressure for us to be transparent so that you can, in fact, know and count on us doing the right, best thing every time and that we put ourselves second and the country first. That is what he was talking about.

The rumble that is occurring in this country can't come soon enough or big enough to change both the Senate and the Congress. It is not partisan. It is sick on both sides of the aisle. What we need is a real revolt against the status quo and an engagement and an enlistment by the average American to speak out, to come out and hold us accountable to do what is best for the generations that follow and cause us to reembrace what built this country, which is a heritage of sacrifice today to create opportunity for the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

The Senate is on H.R. 2996.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 18 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FINANCIAL MARKET INNOVATION

Mr. KAUFMAN. Mr. President, Wall Street has undergone a radical transformation in recent years. We saw the rise of high-frequency trading where buy and sell orders move in milliseconds. We saw the emergence of so-called dark pools which permit confidential trading in growing volumes to take place away from the public eye. We now see some trading firms' computer servers enjoying the advantage of onsite location, a practice known as colocation. We have seen the creation of flash orders which allow certain traders to see orders before anyone else. There have been new developments in payments for order flow, a practice that permits market centers to pay a broker to route a trade its way. These and myriad other practices, almost too complicated to describe, have fundamentally changed how our markets operate. We now have a high-tech, profit-driven arms race, which continues to escalate every day, that has transformed the ways and the places and the speeds in which stocks and other securities are traded.

There are at least two questions that must be posed—questions we must look to the markets' regulators to answer. First, have these opaque, complex, increasingly sophisticated trading mechanisms been beneficial for retail investors, helping them to buy at the lowest possible price and sell at the highest price with the lowest possible transaction costs or have they left them as second-class investors, pushed aside by powerful trading companies able to take advantage of small but statistically and financially significant advantages? And second, do these high-tech practices and their ballooning daily volumes pose a systemic risk? To take just one example, is anyone examining the leverage these traders use in committing their capital in such huge daily volumes? What do we really know about the cumulative effect of all these changes on the stability of our capital markets?

The proponents of these technological developments tell us this transformation has benefited all investors. But how can we know—truly, how can we know that—when so much of the market is opaque to the public and to the regulators? How can we be confident when the measurement and enforcement techniques used by regulators for ensuring best execution seem stuck in the past and when so many trade in milliseconds across fragmented markets to take advantage of so-called market latencies? And why should we assume it all operates in the public interest when these changes have not been fully analyzed, individually or collectively, to determine and protect the interests of long-term investors?

That is why, on August 21, I wrote to SEC Chairman Mary Schapiro calling for “a comprehensive, independent, ‘zero-based regulatory review’ of a broad range of market structure issues, analyzing the current market structure from the ground up before piecemeal changes built on the current structure increase the potential for execution unfairness.” I told her then that “we need a thorough review . . . so that our laws and regulations can keep pace with market developments.” In a written response to me on September 10, Chairman Schapiro announced that not only was the SEC reviewing dark pools and flash orders, studies it had begun earlier this year, but that it would broaden its review to include regulation ATS threshold levels, direct market access, high-frequency trading, and colocation, which I explained earlier.

Adding action to these words, last week the SEC unanimously approved a proposal to ban the use of flash orders in our financial markets. Flash orders undermine the credibility of our markets by giving a select group of market participants a sneak peek at stock quotes. As Chairman Schapiro noted, “Flash orders provide a momentary head start in the trading arena that can produce inequities in the market.” I applaud the SEC for this action. The proposal must be put out for public comment which the SEC will review before making a final decision.

I am hopeful that last week’s action was a true beginning. Banning flash orders is only a small, though significant—very significant—step in the review of recent market developments.

Accordingly, I was also very pleased last week to hear Chairman Schapiro, the Commissioners, and the SEC staff voice their support not just for a flash order ban but also for the need for a comprehensive, ground-up review at the Commission of current market structure issues.

Chairman Schapiro asserted last Thursday that “other market practices may have . . . opaque features” and that she expects the Commission to “consider initiatives in the near future” that address “forms of dark trading that lack market transparency.”

James Brigagliano, Co-Acting Director, Division of Trading and Markets, added:

I want to emphasize that today’s recommended proposal is a first step in an ongoing review of market structure issues. The securities markets have experienced extraordinary changes over the last few years in trading technology and practices. Some of these changes have led to serious concerns about whether the regulatory structure remains up to date. The division is examining a wide range of market structure issues, including certain practices with respect to undisplayed or “dark trading interests” in addition to flash orders that are the subject of today’s proposal. We anticipate making additional recommendations to the Commission in the coming months for proposals to

address discreet issues, such as flash orders, that warrant prompt attention. There is also a spectrum of broader market issues and practices that affect the interests of investors and need to be examined closely.

I cannot tell you how pleased I am to hear that the Commission is taking the review seriously. I say bravo to the SEC. The agency tasked with upholding the integrity of our markets should actively review the rapid technological developments of the past few years and analyze their costs and benefits to long-term investors.

Eugene Ludwig, former Comptroller of the Currency, recently reminded us that each of the financial crises of the past 25 years—the collapse of the savings and loan industry, the Internet stock bust a decade later, and last year’s credit market meltdown—was the result of inadequate regulation.

Another former regulator, Brooksley Born, a former Chairman of the CFTC, warned us of the opaqueness of the derivatives markets at a time when they were becoming big enough to cause trouble. Earlier this year, she recalled her warnings:

I was very concerned about the dark nature of these markets.

And further:

I didn’t think we knew enough about them. I was concerned about the lack of transparency and the lack of any tools for enforcement and the lack of prohibitions against fraud and manipulation.

Unfortunately, history proved Brooksley Born right—unchecked, unexamined innovation severely weakened our markets and, as we all know, ultimately led to our financial disaster. Sometimes small, apparently technical innovations in our vast and complicated financial system can generate great benefits for all, and other times they can generate disastrous unintended consequences.

It is also fair to say that well-intentioned regulation in a complex market can also have unintended consequences. That is why we need regulators on the job, undertaking a thoughtful and reasoned analysis so we can have a clear view of where innovations may be taking us and whether wise regulations can help curb abuses. Regulators must keep pace with the latest market developments, and we in Congress must give regulators the tools they need to observe and stay abreast of the sophisticated financial players they are charged with regulating. I say that again. We in the Congress must give regulators the tools they need to observe and stay abreast of the sophisticated financial players they are charged with regulating.

Three examples from the current debate are especially illustrative of this need: colocation of servers at the exchanges, flash orders, and direct market access.

When the exchanges first began to permit traders to place computers on-

site, giving these traders a few microseconds’ advantage, the SEC did not insist on regulatory approval. The Commission simply let it occur. There was no active consideration then, as I have called for now, of the means by which fair access can be preserved.

The same is true for flash orders. In May, the SEC permitted the NASDAQ and BATS exchanges to introduce flash-order offerings even though both admitted that the practice was of dubious value and that they simply were being driven to adopt it by the loss of market share to competitors. Both exchanges later reversed those decisions voluntarily, which is commendable, but let’s not forget that this was a telling example of rote, piecemeal review by the SEC staff applying outdated floor-based precedents to electronic-age developments.

Direct market access is another practice that deserves closer examination. Such agreements allow high-frequency traders to use their broker’s market participant identification to interact directly with market centers. In order to maximize speed of execution, many sponsored access participants may neglect important pretrade credit and compliance checks that ensure faulty algorithms cannot send out erroneous trades.

According to John Jacobs, chief operations officer at Lime Brokerage, this risk is quite significant. He says:

At 1,000 shares per order and an average price of \$20 per share, \$2.4 billion of improper trades could be executed in this short timeframe . . . The next long term capital meltdown would happen in a five-minute time period.

When did direct access begin, and has the SEC ever considered its ramifications from a comprehensive standpoint?

Some are now saying that colocation and flash orders are very old-fashioned concepts and perhaps colocation, for its part, will ultimately be practiced better in the automated environment than it has been on the floors. I am sure some old hands can tell hair-raising stories about the old days and floor space out of the Chicago pits.

But that is the point: Colocation and flash are two of many transformational changes this decade that have been considered piecemeal and only in the context of existing policies. Like direct access, these changes may have been found equal or even superior to their floor-based antecedents, but in an automated age these changes need to be subjected to a holistic analysis of their collective impact on the markets and our regulatory infrastructure.

The same is true for high-frequency trading, dark pools, payment for order flow, liquidity rebates, and other market structure issues.

The rapid rise of high-frequency trading and dark execution venues has quite simply left our regulatory agencies playing catch-up. High-frequency



traders can execute over 1,000 trades in a single second. Let me say that again—1,000 trades in a single second. According to the TAB Group, these traders are now responsible for over 70 percent of all daily U.S. equity trades—70 percent; that is 7-0 percent.

We are learning more about high-frequency trading every day. According to one industry expert:

Most high-frequency shops have huge volumes but few transactions. About 95 to 97 percent of trades are orders sent and canceled.

What does all this mean for the long-term investor? Trading is not only faster, it is also quickly becoming less transparent. Twelve percent of trades are now conducted in dark pools, compared to less than 1 percent 6 years ago, and substantial percentages of trades are internalized at broker-dealers, never reaching a public exchange.

Maybe in the old days there were block trades happening in the dark too. I don't doubt it. But many commentators have raised concerns about whether the darkening trends today truly threaten to undermine public price discovery. The strength of a free market is in its public display of price quotes to all market participants.

These recent developments quite simply need to be better understood.

Yet still, after all the disasters, the billions of dollars lost, the homes foreclosed, the jobs lost—after all the pain that has been caused across this country—some on Wall Street reject even the notion of regulatory scrutiny.

They become defensive about the politicization of the process when Congress asks basic questions. They say Congress and the media can never understand high-frequency trading. They point to the benefits of high-frequency trading—narrowed spreads, added liquidity, and faster executions—and ask everyone to trust there will be no side effects, no unintended consequences. Some still argue that the market operates best without any regulation; that changes in market structure are the natural consequence of the innovative and competition and there is nothing good to be gained from regulators or Congress studying possible sources of inequity.

To their credit, not everyone on Wall Street has reacted this way. Others have said that now is the right time for a comprehensive review of market structure developments. These Wall Street leaders—true leaders—acknowledge there are indeed many valid questions being raised about dark pools, payment for order flow, other market innovations, and enforcement of best execution.

Indeed, some high-frequency traders have said they welcome a regulatory examination of high-frequency trading because they are confident high-frequency trading will pass the test with flying colors. That is the correct atti-

tude. We need a regulatory review with Wall Street's cooperation.

It is in the nature of our financial markets to push the envelope, to take on more and more risk, and to exploit any crack in the wall when there are profits to be won. There is nothing wrong with this. But to have a full accounting, we also need to add up the costs to the long-term investor, to financial stability, to innocent bystanders of each new generation of innovation.

In years past, without a sufficient regulatory presence, an aura of invincibility developed at many financial institutions. We failed to ask questions, we failed to ensure regulators were on the field with the tools they need to do their jobs, and the results are clear: Millions of Americans have lost their jobs, their homes, and their savings. We must not repeat that mistake. We must be sure that when financial markets push the envelope, take on more and more risk, and exploit any crack in the wall, they are monitored and regulated to assure it is in the public good.

It is time for Congress and the regulators to ask questions and for Wall Street to step forward responsibly and answer them with the data to back up those answers. We cannot simply react to problems after they have occurred. We need the information and resources to identify problems before they arise and stop them in their tracks.

Our goal is not to stop high-frequency trading. We don't want to slow it down. Liquidity, innovation, and competition are critical components of our financial markets. But at the same time, we cannot allow liquidity to trump fairness, and we cannot permit the need for speed to blind us to the potentially devastating risks inherent in effectively unregulated transactions.

We cannot forget that fair and transparent markets are the cornerstones of our American system. As I have said before, fairness in the financial markets may be an elusive and ever-evolving concept, but it must be defined and then vigorously defended by our regulators. The credibility of the markets and investor confidence simply demand that regulators be ever watchful, sophisticated, and tough against those who would breach the rules.

I am not demanding an immediate, wide-ranging regulatory overhaul. I will not place symbolic action over prudent investigation. That would be impulsive and irresponsible. But it is only prudent, given the risks of the past, that I will not allow potentially risky market practices to go on unexamined. I will ask questions and strive to improve my understanding of these opaque market practices and, if necessary, push appropriate reforms. I am very pleased the SEC has agreed to do the same.

If we fail to learn from past mistakes, we can be sure history will repeat itself.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the time until 4:15 p.m. be for debate with respect to the Vitter motion to recommit and McCaskill amendment No. 2514, with the time divided as follows: 5 minutes each, Senators FEINSTEIN, ALEXANDER, VITTER, and MCCASKILL or their designees, with no amendments in order to the motion or the amendment prior to the vote in relation thereto; that prior to the second vote there be 2 minutes of debate, equally divided and controlled; that once this consent is granted, the majority manager be recognized to call up the McCaskill amendment; further, that the votes occur in the order listed.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2514

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 2514.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mrs. MCCASKILL, proposes an amendment numbered 2514.

Mrs. FEINSTEIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the earmarks for the Save America's Treasure program and to provide criteria for the distribution of grants under that program)

On page 135, line 2, before the period at the end, insert the following: “, of which, notwithstanding the chart under the heading ‘Save America's Treasures’ on page 30 of Senate Report 111-38, the entire amount shall be distributed by the Secretary of the Interior in the form of competitive grants on the basis of the following criteria: (1) the collection or historic property must be nationally significant; (2) the collection or historic property must be threatened or endangered; (3) the application must document the urgent preservation or conservation need; (4) projects must substantially mitigate the threat and must have a clear public benefit; (5) the project must be feasible; and (6) the application must document adequately the required non-Federal match”.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment proposed by the distinguished Senator from Missouri, Mrs. McCASKILL. This amendment would eliminate 16 congressionally directed spending items in the National Park Service's Save America's Treasures Program. I would like to say what these are: in Alabama, Swayne Hall, Talladega; in California, Mission Santa Barbara, Santa Barbara; in Florida, Freedom Tower, Miami; Iowa, Des Moines Art Center, Des Moines; Kansas, Colonial Fox Theater, Pittsburgh; Michigan, Big Sable Light-house, Luddington; Madison County Courthouse, Mississippi; Mississippi, Medgar Evers site, Jackson; Nevada, the Lincoln County Courthouse, Pioche; New York, the Strand Theater, Plattsburgh; New York, the Richard Olmstead Complex, Buffalo; Oregon, the Wallowa County Courthouse, Enterprise; Rhode Island, the Warwick City Hall, Warwick; the State Theater, Sioux Falls, SD; the Blount Mansion, Knoxville, TN, and the Capitol Theater, Wheeling, WV.

Those are the 16 that would be eliminated.

The underlying argument is that this bill continues business as usual when it comes to earmarking funds, and this is hardly the case. The Senate leadership and the chairman and ranking member of the Appropriations Committee have built on the reforms established by the last Congress when it comes to congressionally directed spending. To offer more opportunity for public scrutiny of Member requests, Members are now required to post detailed information concerning their earmark requests on their official Web sites at the time the request is made. Each Senator must explain the purpose of the earmark and why it is a valuable use of taxpayer funds.

A list of every congressionally directed spending item in this bill has been on the Internet for public scrutiny since June 17, 2009, when it was first marked up by the Interior Subcommittee. For every congressionally directed spending item contained in this bill, the Senator has certified that he or she or his or her immediate family has no financial interest in the item requested. These letters of certification are available to the public on the Internet.

These reforms are not the status quo. They represent significant improvements in the transparency and accountability for the spending decisions contained in the various appropriations measures being brought before this body.

Let me now explain the process used to evaluate these specific Save Amer-

ica's Treasures earmarks. As Senator ALEXANDER and I have reviewed each of the 128 funding requests the Interior Subcommittee has received, we applied the same criteria that has been applied for the past 10 years and that has been codified in the program's authorization. When we did that, only 16 projects passed muster.

For example, if the project received funding in the past it was ineligible for a grant this year. If the project was a building and the building was not listed on the National Register of Historic Places, then it was ineligible for a grant this year. If the local authorities did not have the required one-to-one matching funding in hand, then it was ineligible for a grant this year.

Then, even if the project cleared those hurdles, we still set aside those requests that were not considered the highest priority by the requesting Members.

When that process was complete, what we ended up with were the 16 very good and credible projects that I have just read. So I urge a "no" vote on the McCaskill amendment.

Mr. President, I move to table the amendment.

The PRESIDING OFFICER (Mr. BURRIS). The motion will be in order at the appropriate time.

Who yields time?

Mrs. FEINSTEIN. Mr. President, I believe there is a time agreement so I cannot move to table at this time. I withdraw my motion to table.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2508

Mrs. FEINSTEIN. Mr. President, it is my understanding that there is 2 minutes equally divided on the Vitter motion to recommit. I ask unanimous consent to speak for 1½ minutes on the amendment.

Mr. VITTER. Reserving the right to object, I ask unanimous consent to have equal time on the amendment.

Mrs. FEINSTEIN. I have no objection to equal time.

Mr. VITTER. I have no objection to the modified request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I oppose this motion to recommit be-

cause it would prevent the Obama administration from presenting its oil and gas development plan in favor of a draft plan issued by the Bush administration on its last business day in office. The amendment would overturn Interior Secretary Salazar's decision to extend the public comment period over a 5-year plan for oil and gas development on the Outer Continental Shelf by 180 days. The amendment would make the last-minute Bush draft binding. The Bush plan only allowed for a 60-day deadline for public comment. That is not enough time. The Interior Department received 350,000 public comments during the extended comment period. The Department should not be prevented from studying these comments and proposing the best plan it can.

In addition, there is currently insufficient data on available resources for the Atlantic seaboard where the Bush plan would extend drilling.

We should not make decisions to sell off taxpayer resources based on old information.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, of course, nothing in my amendment prevents the Interior Department from reading all those comments, from digesting them. My amendment is simple and straightforward. It says: Remember last summer where almost all of America said this is ridiculous, drill here, drill now, let's use our own resources and not be held captive to foreign interests. Remember that. My amendment is about whether we listen to that or whether we will ignore it. Right now this administration and this Interior Department have pledged to ignore that and have pledged to forestall and put off the OCS development plan previously developed that is on the books and about to move forward. This question is simple: Did we listen to the American people when they spoke so loudly, so clearly, or is Congress going to ignore the clear will of the American people yet again?

Mrs. FEINSTEIN. Mr. President, I move to table the motion to recommit and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to table the motion to recommit.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 293 Leg.]

## YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

## NAYS—42

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Begich	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker

## NOT VOTING—1

Byrd

The motion to table was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2514

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided between each side to discuss the McCaskill amendment No. 2514.

Who yields time? The Senator from Missouri.

Mrs. McCASKILL. Mr. President, this amendment is a very small step. It restores a competitive grant program—a small competitive grant program. Over the last decade, competitive and formula grant programs have been decimated by earmarking. Earmarks have become more transparent under reforms that have been made, and that is great. Is the process still fair? No, probably not. The lion's share of the earmarks in this bill, in this program, and in all of the appropriations bills go to the very few Members who serve on one committee. This will allow us to put this money back into a competitive process so all the States in the Nation have an equal opportunity to participate.

Thank you, Mr. President.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, regrettably, I wish to speak against the amendment. There has been a rigorous

vetting process of these projects. We looked at 128 requests. Only 16 of those passed muster. Earlier, I outlined the criteria which were strictly observed in selecting these projects. I outlined what the projects are. We applied the same criteria that is in the law. These are all excellent projects. I urge my colleagues to support the committee bill and oppose this amendment.

I move to table the McCaskill amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 294 Leg.]

## YEAS—72

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Baucus	Gregg	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Hatch	Reid
Bingaman	Inouye	Roberts
Bond	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Brownback	Kohl	Shaheen
Burris	Landrieu	Shelby
Cantwell	Lautenberg	Snowe
Cardin	LeMieux	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Cochran	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	McConnell	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wicker
Franken	Murkowski	Wyden

## NAYS—26

Barrasso	DeMint	Kaufman
Bayh	Ensign	Kyl
Bunning	Enzi	McCain
Burr	Feingold	McCaskill
Chambliss	Grassley	Risch
Coburn	Hutchison	Sessions
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	

## NOT VOTING—1

Byrd

The motion was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is my understanding that we have to vacate the Chamber at 5:30 p.m. so the room can be swept for the ceremony. I

know Senator ENSIGN wishes to speak. I have stated to him that he could speak, so I would like to have the floor open to him to speak for the remaining time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, tomorrow, from what I understand, I will have a motion to recommit this bill with instructions that hopefully will be part of the unanimous consent agreement. Let me describe exactly what my motion to recommit says.

Last week, I did a similar motion to recommit on the T-HUD appropriations bill because that bill was dramatically increased. And this week's appropriations bill on Interior has yet another huge increase. In 2008 to 2009, the increase was 4 percent. This year, the increase is 16.28 percent.

Every local government, State government, probably almost everyone in the United States is cutting their budgets. Almost every business is cutting its budget. Most households in America are cutting their budgets because of these difficult economic times. But what do we do in Washington, DC? We print money and we dramatically increase spending.

The National Taxpayers Union has agreed with me, and they are asking the Senate to vote "YES" on my motion to recommit, which I will be offering tomorrow. They are saying we need to have fiscal discipline at this time. And we just cannot keep running up spending around here. That is what we are doing.

If we look at each one of the appropriations bills so far this year, Legislative Branch, last year was an 11-percent increase, this year it is about a 5-percent increase; Homeland Security, almost 10-percent last year, and it is going up by 7 percent this year; Energy and Water had the smallest increase; Agriculture had about a 13-percent increase last year and about the same percentage increase this year; T-HUD, Transportation and Housing and Urban Development appropriations, had a 13-percent increase last year and almost a 23-percent increase this year; and, of course, the bill we have before us now, which is Interior, a 4-percent increase last year, and over a 16-percent increase this year.

By the way, here is the inflation rate. Last year was negative inflation. This year, there is almost no inflation. Yet around here we keep running up our deficits.

So far this year we have \$1.56 trillion in deficits. This says it pretty well: 43 percent of every dollar we are spending this year is deficit spending. We are borrowing from future generations so we can give us what we want, so we can get reelected, so we can go back home and pass out the goodies. That is what a lot of these appropriations bills are—they are passing out the goodies, they

are increasing spending on the backs of future generations.

When are we going to get serious in this body about fiscal restraint? The other side of the aisle criticized us during the last 7–8 years for spending too much money. In some regards, they were right. But compared to what they are doing right now, we were fiscal conservatives by a large degree. What they are doing is dramatically raising Federal spending.

The problem with this increase we have before us today in this spending bill, over 16 percent, is if we keep these kinds of spending increases up, it will double the spending within 5 to 6 years. What happens this year is we spend more money. That gets put in the baseline budget for next year, so any increase next year is on top of the increase this year. And so each year is increased and increased and then increased some more. We never seem to go backward or reduce spending in this body. We only go higher and higher as far as spending levels are concerned. It seems there is no limit to our appetite for spending around here.

The American people have woken up. And I am actually the most encouraged I have been, I think, in my entire political career, watching people getting involved, hearing from them from all over my State of Nevada, and seeing them all over the country getting involved, saying: It is time that we think about the greater good in America; that we do not think about pet projects or pet programs or any of these massive spending increases. It is time we show fiscal responsibility and we start getting back to what the Framers of our Constitution envisioned when they saw a limited Federal Government, not this expansive Federal Government.

Tomorrow, when we vote, I urge hope this Chamber will say: Now is the time that we are going to start showing some fiscal restraint. We are going to say: Yes, we will tighten our belts. We will snug it up a little bit. We will make some of the tougher votes. We will say NO to some of the special interest groups around the country that come to our offices every year for more and more money. Let's make priorities. Let's look at things that are working and some that are not. Let's take the money away from the ones that are not and reduce the deficit. That is what we need to be thinking about in this body.

I hope my words do not fall on deaf ears. I hope people in this body will actually start thinking about future generations instead of just thinking about their favorite projects that they want to fund and their special interest groups to whom they want to pay attention.

Mr. President, I have concluded my remarks. I yield the floor.

Mr. BEGICH. Mr. President, I rise to speak about 3 amendments. The first provides funding of an environmental

impact statement important to the future of residents of my State.

On March 30, 2009, the President signed the Omnibus Public Lands Act, Public Law 111–11. That bill enacted many important conservation provisions including the first major new wilderness areas in many years.

That bill also provides a path for a major land exchange in Alaska which would lead to the designation of the first new wilderness in Alaska in a generation. A part of the act directs the Secretary of Interior, through the U.S. Fish and Wildlife Service, to perform an environmental analysis and then for the Secretary to determine if the land exchange tentatively approved in the Omnibus Public Lands Act should be executed.

My amendment provides necessary funding, in the amount of \$1 million, for the EIS which this Congress has ordered. Because the bill was only enacted in March, there was no time for the regular budget process to take into account the requirements of this important study.

The Fish and Wildlife Service is also seeking funding in the fiscal year 2010 budget process, but Alaskans have waited long enough for resolution on this issue. Not only is the land exchange critical to provide key new wilderness and refuge additions, it is the path for a group of my Alaska Native constituents, 800 residents of the village of King Cove, to get safe access to the Cold Bay Airport.

Because this issue was debated in the Halls of Congress for a number of years, I will not go into great detail here. In short, however you feel about this land exchange, whether you favor the interests of the indigenous people with roots in the area going back 4,000 years or more or if you do not approve of the land exchange and the road corridor it facilitates, the people of King Cove deserve the answer that the government has promised them.

They suffer from some of the worst weather on the planet. Anytime of the year, residents with emergency medical needs can risk their lives either flying over or crossing Cold Bay to get to Alaska's third largest airport at Cold Bay, AK. Over the last 20 years, a number of my constituents have been killed trying to make this trip. The only safe alternative is a road.

The land exchange to be studied is of monumental importance. It provides 61,723 acres of new wilderness and refuge lands for a mere 206 acres to be used as a road corridor.

Ultimately, the decision on whether this exchange is to be executed rests with Secretary Salazar after completion of the EIS. All my amendment does is fund that EIS and keep the Congress's promise to the Aleut residents of King Cove that this process will move forward expeditiously.

Mr. President, I have drafted this amendment so it will have no budget

impact. It will not add new spending. Instead, it provides that funding should come from the overall bill. This should not be subject to any budget point of order.

The next amendment would allow the Chugach National Forest, in the Alaska region of the U.S. Forest Service, to retain receipts from a proposed sale of gravel and other minerals further development of a popular hiking and tourism enhancement program.

It has become a tired cliché to say that we should run government like a business. But in the best sense of the phrase we imply that, like the private sector, we should reward individual management decisions that creatively solve problems and make good use of limited resources. The amendment in front of you does just that.

The National Forest System is based on a theory of managing for multiple uses. The gravel resource at Spencer Mountain is sought after commodity for building projects around Southcentral Alaska and can be easily developed and sent to market via the Alaska Railroad. This amendment proposes to allow the Chugach National Forest System to retain the revenue from that gravel operation to enhance the wildly popular Chugach Whistle Stop Project, a joint initiative of the Forest Service and the Alaska Railroad.

The Whistle Stop Partnership uses efficient self-propelled railcars called DMUs—diesel multiple unit—to transport smaller groups of passengers to track side destinations developed by the Chugach National Forest. These destinations include hiking trails, picnic grounds, rental cabins and no-fee campgrounds, and guided rafting and canoeing operations run by private outfitters.

Begun in 2007, the program has proved overwhelming popular and provides unique and appropriate access to backcountry destinations, allowing residents and tourist alike to enjoy remote parts of the Chugach National Forest. When complete, the experience will allow hut-to-hut hiking and other personalized recreational opportunities. The estimated remaining cost to complete the project is \$13 million. This includes an additional self-propelled rail car, 4 additional Whistle Stop locations, 30 miles of trail with associated bridges, 6 public-use cabins, and 24 backcountry campsites.

Despite the combination of mineral resource development and tourism promotion into one project, the Whistle Stop Project and this budget request have no significant opposition. At a time when the tourism industry in Alaska is suffering a 25-percent drop in visitors, this project would immediately provide an important, if targeted, shot in the arm.

Mr. President, I ask for your assistance in rewarding good management,

allowing residents and visitors to enjoy the Alaska backcountry, and promoting an important industry in Alaska.

The third amendment provides full and adequate funding for the subsistence management budget for the Alaska region of the U.S. Forest Service.

The United States settled its lands claims agreement with the Native people of Alaska with the passing of the Alaska Native Claims Settlement Act, ANCSA, by Congress in 1971. Through ANCSA, Congress promised Alaska Natives that they would retain their right to subsistence harvest of the fish and game in Alaska. Congress made good on that promise through title VIII of the 1980 Alaska National Interest Lands Conservation Act, ANILCA. Title VIII provides rural Alaskan residents a subsistence priority to harvest fish and wildlife on Federal lands over sport and commercial uses.

That Federal statute is now in direct conflict with the Alaska State Constitution, which does not allow a priority based on residency. As a result, the Federal Government assumed responsibility for subsistence management on Federal public lands in 1990 and expanded its responsibility to federally reserved navigable waters in 1999. Federal subsistence is a joint effort of the Departments of the Interior and Agriculture, with management on National Forest System lands the responsibility of the Forest Service.

Three main aspects of the Federal program are regulatory, law enforcement and education, and information gathering. The regulatory program includes establishing the basic rules for fish and wildlife harvest and seasonal and in-season adjustments to address immediate conservation issues. Information gathering includes the fish and wildlife monitoring necessary for regulatory purposes. This generally consists of stock assessments that are often contracted out to local groups, primarily Alaska tribal organizations. The final general category is law enforcement and education to make subsistence hunters and fishers aware of the regulations and enforce them.

In fiscal year 2009, the Alaska Region Forest Service funding level for subsistence management activities in the two largest forests in the National Forest System—the 17 million acre Tongass National Forest—an area roughly the size of West Virginia—and the 5.6 million acre Chugach National Forest—totaled \$5 million. The current bill before you would only fund half this amount, \$2,582,000.

The need has not suddenly changed, and I hope Congress has not suddenly forgotten its obligation to the Alaska Native people. I can only hope that the fiscal year 2010 amount resulted from the innocent ignorance of an incoming administration about the obligation the Federal Government has to the Alaska Native people.

Subsistence hunting, fishing, and gathering is about more than simple economics. It is about the survival of a way of life and identity of Alaska's Native peoples. However, its economic importance is central to rural Alaska life and cannot be overstated. Rural Alaska residents harvest approximately 44 million pounds of fish and wildlife for food, the replacement value of which is \$220 million.

Subsistence is a major source of employment and sustenance for families in rural Alaska; subsistence participants work to feed and clothe their families. Wild foods supply one-third of the caloric requirements of rural Alaskans, in many remote communities it can total 75 percent or more.

One in every five Alaskans lives in a rural area, about 125,000 people in more than 250 communities. Most rural settlements are off the road network and are comprised of fewer than 500 people, the majority made up of Native villages. In a State where approximately 15 percent of the population is Alaska Native, nearly half of all rural Alaskans are Alaska Native.

Of subsistence foods taken by Alaskans, 60 percent of the catch is made up of fish, land mammals make up 20 percent, marine mammals make up 14 percent, birds, shellfish, plants, and berries make up the remaining 6 percent of the rural harvest of wild food.

Mr. President, I ask for your assistance in helping the Federal Government honor its commitment to the Alaska Native people and fully fund the Alaska Region Forest Service subsistence management budget.

#### MORNING BUSINESS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO VIVIA MOTSINGER

Mr. REID. Mr. President, I rise today to honor a good friend, Vivian Motsinger, on the recent celebration of her 90th birthday. A longtime resident of Washington, DC, Vivian's 90 years may best be characterized by her incredible work ethic, as well as her undying devotion to public service.

Vivian Motsinger was born the daughter of a shipbuilder in Portsmouth, VA, on September 20, 1919. Years later, Vivian's father moved the family to our Nation's Capital in order to work in the construction of government buildings. She went to school at Roosevelt High, where she graduated in 1935 at the age of 16. Tragically, 2 years later her father died, making teenaged Vivian the only breadwinner in her family. Grateful to have the aid of Social Secu-

rity to supplement her meager earning power, Vivian started out her career working hard to assist her mother and younger sister.

Vivian's professional career saw her begin as a clerk at a naval gun factory during WWII. Later, she found employment as a stenographer and an administrative assistant at the U.S. Department of State. Mrs. Motsinger's final position, before she retired, was that of a Foreign Service worker. She is very proud of the accomplishments that she has made and grateful for her years of service to the Federal Government.

Vivian has been blessed with a loving family. She married a remarkable husband, who worked as an officer for the Central Intelligence Agency, and raised a son who is now employed by NASA. She loves her church, the Church of Jesus Christ of Latter Day Saints, and is proud to have become a member some 34 years ago. She has spent her years of retirement studying her heritage, a hobby which has driven her to become avidly involved with genealogy and research.

With her optimism and strong work ethic, Vivian represents the spirit of America. Despite challenging circumstances, she has achieved great things. I congratulate Vivian Motsinger on this her 90th birthday.

#### GOLD STAR MOTHER'S DAY

Mr. DURBIN. Mr. President, this Sunday marks Gold Star Mother's Day, a day for us to honor the mothers of servicemembers lost while serving in our Armed Forces.

This Sunday, the last Sunday in September, is a day that is part of a larger Gold Star tradition, one that brings together all family members who have lost a son or daughter in uniform.

The gold star has its roots in World War I, when families would display in the windows of their homes a blue star for every family member who was serving and a gold star for every family member who had died in the war. In 1936, Congress established the last Sunday in September as Gold Star Mother's Day.

America has been home to hundreds of thousands of Gold Star Mothers, each of whom has lost a child. They often choose to become part of an organization of other Gold Star Mothers, one that—in the words of one mother—"none of us ever wanted to become eligible to join but we are grateful to have." It is a testament to their strength that so many continue to volunteer and to remember, long after they learn of their own loss.

On Sunday, the American people are encouraged to display our flag and also to hold meetings to publicly express the love, sorrow, and reverence we have for Gold Star Mothers.

Gold Star Mothers from across the country will visit our Nation's capital,

to remember. They will visit the Vietnam Veterans Memorial Wall, a short distance from this place, where many will lay wreaths for their sons or daughters. They will travel to Arlington National Cemetery and view the Tomb of the Unknown Soldier.

In Illinois, Gold Star Mothers will be recognized in ways big and small, from the Governor's annual ceremony in Chicago, to a barbeque held in their honor at the Middle East Conflicts Wall Memorial in Marseilles, IL, to commemorations in townhalls and on radio shows.

Gold Star Mothers affect every community in this country. Their presence is another reminder that in the Senate, the vote for war is among the most significant votes a Senator will ever take.

I hope all Americans will take a moment out of their day this Sunday to honor Gold Star Mothers, their families, and their children who died while serving our country.

#### PUBLIC OPTION LITE

Mr. KYL. Mr. President, a September 17, 2009, editorial in the Wall Street Journal, "Public Option Lite," clearly and concisely describes how the Finance Committee chairman's health care plan would result in a near total government takeover of the health care industry.

Because it does not include the public option, the chairman's plan has been touted as a more moderate proposal than other bills before Congress. But, as the Journal writes, the absence of the public option "is a political offering without much policy difference. His plan remains a public option by other means."

Near total government control would be achieved through the bill's two main mechanisms: an individual mandate for all Americans to purchase government-approved insurance and the regulatory insurance "exchange." The inevitable outcomes of these mechanisms would be "vast new insurance regulation" and "a vast increase in the government's share of U.S. health spending, forcing doctors, hospitals, insurance companies, and other health providers to serve politics, as well as, or even over and above patients." Thus, power would be centralized with politicians and bureaucrats, rather than patients and doctors.

Along the way, as the editorial points out, the bill would increase the cost of insurance through new taxes and mandates, reduce consumer choice, and ultimately ration health care in an attempt to keep costs under control.

The editorial also explains that most of the Medicare cuts used to help pay for this plan "come from supposedly automatic cuts that a future Congress is unlikely to ever approve, that is, until this entitlement spending swamps the entire federal budget."

Then, "The government will have no choice but to raise taxes to European welfare-state levels or impose drastic restrictions on patient care. Or likely, both."

The article concludes that this plan is "a recipe to ruin healthcare" and "bankrupt the country."

I ask unanimous consent to have this article printed in the RECORD and urge my colleagues to consider the facts and arguments contained in this editorial.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Wall Street Journal, Sept. 17, 2009]

#### PUBLIC OPTION LITE

Senate Finance Chairman Max Baucus finally unveiled his health-care plan yesterday to a chorus of bipartisan jeers. The reaction is surprising given that President Obama all but endorsed the outlines of the Baucus plan last week. But the hoots are only going to grow louder as more people read what he's actually proposing.

The headline is that Mr. Baucus has dropped the unpopular "public option," but this is a political offering without much policy difference. His plan remains a public option by other means, imposing vast new national insurance regulation, huge new subsidies to pay for the higher insurance costs this regulation will require and all financed by new taxes and penalties on businesses, individuals and health-care providers. Other than that, Hippocrates, the plan does no harm.

The centerpiece of the Obama-Baucus plan is a decree that everyone purchase heavily regulated insurance policies or else pay a penalty. This government mandate would require huge subsidies as well as brute force to get anywhere near the goal of universal coverage. The inevitable result would be a vast increase in the government's share of U.S. health spending, forcing doctors, hospitals, insurance companies and other health providers to serve politics as well as or even over and above patients.

The plan essentially rewrites all insurance contracts, including those offered by businesses to their workers. Benefits and premiums must be tailored to federal specifications. First-dollar coverage would be mandated for many services, and cost-sharing between businesses and employees would be sharply reduced, though this is one policy that might reduce health spending by giving consumers more skin in the game. Nor would insurance be allowed to bear any relation to risk. Inevitably, costs would continue to climb.

Everyone would be forced to buy these government-approved policies, whether or not they suit their needs or budget. Families would face tax penalties as high as \$3,800 a year for not complying, singles \$950. As one resident of Massachusetts where Mitt Romney imposed an individual mandate in 2006 put it in a Journal story yesterday, this is like taxing the homeless for not buying a mansion.

The political irony here is rich. If liberal health-care reform is going to make people better off, why does it require "a very harsh, stiff penalty" to make everyone buy it? That's what Senator Obama called it in his Presidential campaign when he opposed the individual mandate supported by Hillary Clinton. He correctly argued then that many people were uninsured not because they didn't want coverage but because it was too

expensive. The nearby mailer to Ohio primary voters gives the flavor of Mr. Obama's attacks.

And the Baucus-Obama plan will only make insurance even more expensive. Employers will be required to offer "qualified coverage" to their workers (or pay another "free rider" penalty) and workers will be required to accept it, paying for it in lower wages. The vast majority of households already confront the same tradeoff today, except Congress will now declare that there's only one right answer.

The subsidies in the Baucus plan go to people without a job-based plan and who earn under three times the federal poverty level, or about \$66,000 for a family of four. Yet according to a Congressional Budget Office analysis we've seen, the plan isn't much of an improvement over the current market.

Take a family of four making \$42,000 in 2016. While government would subsidize 80% of their premium and pay \$1,500 to offset cost-sharing, they'd still pay \$6,000 a year or 14.3% of their total income. A family making \$54,000 could still pay 18.1% of their income, while an individual earning \$26,500 would be on the hook for 15.5%, and one earning \$32,400 for 17.3%. So lower-income workers would still be forced to devote huge portions of their salaries to expensive policies that they may not want or be able to afford.

Other Democrats want to make the subsidies even bigger, but Mr. Baucus told reporters on Monday that, "We're doing our very best to make an insurance requirement as affordable as we possibly can, recognizing that we're trying to get this bill under \$900 billion total." Another way of putting this is that he is hiding the real cost of his bill by pinching pennies to meet a less politically toxic overall spending number. In that sense, the House health bill which clocked in at \$1.042 trillion because it was more generous upfront was more honest, though not by much.

Like the House bill, Mr. Baucus uses 10 years of taxes to fund about seven years of spending. Some \$215 billion is scrounged up by imposing a 35% excise tax on insurance companies for plans valued at more than \$21,000 for families and \$8,000 for individuals. This levy would merely be added to the insurers' "administrative load" and passed down to all consumers in higher prices. Ditto for the \$59 billion that Mr. Baucus would raise by taxing the likes of clinical laboratories and drug and device makers.

Mr. Baucus also wants to cut \$409 billion from Medicare, according to CBO, though the only money that is certain to see the budget ax is \$123 billion from the Medicare Advantage program. Liberal Democrats hate Advantage because it gives 10.2 million seniors private options. The other "savings" come from supposedly automatic cuts that a future Congress is unlikely to ever approve that is, until this entitlement spending swamps the federal budget. Then the government will have no choice but to raise taxes to European welfare-state levels or impose drastic restrictions on patient care. Or, most likely, both.

To sum up, the Baucus-Obama plan would increase the cost of insurance and then force people to buy it, requiring subsidies. Those subsidies would be paid for by taxes that make health care and thus insurance even more expensive, requiring even more subsidies and still higher taxes. It's a recipe to ruin health care and bankrupt the country, and that's even before liberal Democrats see Mr. Baucus and raise him, and then attempt to ram it all through the Senate.



## HONORING OUR ARMED FORCES

SERGEANT WILLIAM CAHIR

Mr. LIEBERMAN. Mr. President, I rise to honor the exceptional life and service of SGT William Cahir of Alexandria, VA, who died last month while serving with the Fourth Civil Affairs Group in Afghanistan's Helmand Province. Sergeant Cahir was a patriot, wholly committed to the values and principles of the United States. We will remember Bill Cahir for his courage, his generosity of spirit, and his commitment to the very best ideals of this country.

In the last 8 years since 9/11, our homeland has not been attacked. For this, we owe deep gratitude to brave men and women like Sergeant Bill Cahir who made the heroic commitment to defend our liberty and security. In the aftermath of the horrific attacks of September 11, 2001, Sgt. Cahir left his job as a journalist and enlisted in the U.S. Marine Corps Reserves. At 34 years old, he was certainly not the youngest reserve officer, but he ranked among the most skilled and effective. I would like to include in the record a tribute to Sergeant Cahir written by Dan Gerstein who worked with me here in the Senate for years; Dan's piece eloquently captures the tremendous service, character, and spirit of Bill Cahir.

By all accounts, Sergeant Bill Cahir was a talented and loyal member of the Marine Corps. His fellow marines remember him as a man who would have risked his life for anyone on their team and did on countless occasions. His positive attitude and commitment to the challenging job at hand inspired his colleagues, even in the most difficult of circumstances. Bill Cahir was, without question, a force for good in the country that he loved.

Sergeant Cahir served two tours in Iraq during some of the most challenging periods of the war for U.S. forces. He was one among those brave men and women who took part in the "surge" strategy in Anbar Province in 2007. It was the courage and skill of marines like Sergeant Cahir that helped transform the security situation in Iraq and put the U.S. mission there on the track toward success.

Each day, countless Americans offer their service so that we might enjoy freedom and security. It is our duty to remain dedicated to the causes for which men and women like Sergeant Cahir have given their last full measure of devotion—the cause of freedom, the cause of security, and the cause of victory in our necessary war against terror.

We have lost a true patriot and a great American, but his life and service will never fade from our memory. My condolences and prayers are with Sergeant Cahir's wife, Rene Browne, and the entire Cahir family.

## A REAL PATRIOT ACT

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the article titled "A Real Patriot Act" by Dan Gerstein be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Forbes.com, Aug. 19, 2009]

DANGEROUS THOUGHTS—A REAL PATRIOT ACT  
(By Dan Gerstein)

In this hothouse season of health care hollering, the most popular rallying cry seems to be "Read the bill!" But I would suggest that every politician—and, really, every American—would be better off taking a break from the accusations and acrimony of the moment to read about Bill. That would be Marine Corps Sgt. Bill Cahir, who was killed in action in Afghanistan last week, and whose immense sense of service stands out as a one-man antidote to the cynicism and selfishness that pervades our politics.

You almost have to read Bill's story to believe it. The son of two civic-minded parents from outside State College, Pa., Bill went to Washington right out of college to work on Capitol Hill (where I met him about a dozen years ago). When the partisanship and shallowness became too much to bear, he opted for another form of public service, taking a job as a reporter covering his home region of Pennsylvania from D.C. But after the terrorist attacks of Sept. 11, 2001, something gnawed at him. He did not feel right sitting on the sidelines. His country had been attacked, as one friend told me, and he felt the overriding need to do something about it.

So after a long internal struggle over how to heed this calling, and fairly soon after meeting the woman he would marry, Bill Cahir, at age 34, joined the Marine Corps Reserves.

"We all thought he was crazy," said another friend. So did the Corps commanders. They were so incredulous that a 34-year-old reporter would give up his cushy life for a sure ticket to Iraq that they made him take a psychological test to prove he was of sound mind. His drill instructors at Parris Island were equally suspicious. They thought he was there to write an exposé, or that he might have a hero complex. So they punished him with special fervor, trying to break him. But they misjudged Bill.

"People kept asking him, 'You know what you're doing, right?'" one of the friends I interviewed said. "But he knew exactly what he was doing. He knew he was going to Iraq. He not only knew it, he embraced it."

And the Marines who served with Bill on his two tours in Iraq, including a highly dangerous stretch in Fallujah and the Anbar province as part of the "surge" strategy, embraced him in return. None of them questioned his motives (or that he once worked for Ted Kennedy).

"All I know [is] that he loved his Marines and we loved him," said Jason Brezler, Bill's team commander in Fallujah in 2006 and 2007. "I'm sure you've heard the whole notion that it isn't necessarily the U.S. flag that calls Marines to duty, but the love for their fellow Marines. I know that he would have risked life and limb for any of us on the team, because I watched him do it on countless occasions. And I know that the relationship was reciprocated by us in return."

"What amazed me about Bill was his consistent positive attitude," said Maj. Dan Whisnant, a former company commander in the 24th Marines. "Bill and I spent hours

talking to Sheiks, children and the locals, and his sense of service to these people was infectious. He personally was going to create a better life for these folks. I remember him playing with one of the Sheiks' young sons, and you could sense that the two had connected. Bill's sense of service, attitude and example to the younger Marines was something to behold."

Brezler noted that Bill's maturity was also a tremendous asset to their unit's mission. "Bill was a smart and compassionate warrior. There were instances where he could have employed his weapon against a group of kids who had attacked our convoy with grenades, but he exercised tremendous discipline and did not engage them, because he knew that the second- and third-order effects outweighed the immediate results." Brezler says he often tells this story when explaining effective counterinsurgency. "Many Americans—and even some in uniform—just don't get it," he said.

That was vintage Bill. He always did things the right way. A colleague of his at the Lehigh Valley Express-Times, Tony Rhodin, wrote that his favorite memory of Bill was from election night 2000, when Bill came down from Washington to help cover the campaigns on the ground. While everyone was riveted by the unresolved presidential race, Bill was still working the phones at 5 a.m., trying to get the latest results of an equally close congressional contest in the area. "He was here. There was news. It was the right thing to do."

So was running for Congress. When Bill returned from his second tour in 2007, he could have easily returned to journalism and settled down with his wife, René, to start a family. But he still burned to serve. He decided to go back to his hometown region and compete for the Democratic nomination in the Fifth District. His heroism in Iraq and his family's deep roots in the community were well-known to voters. But Bill was still concerned about being labeled a carpetbagger. To show his commitment to the community, he bought a home there. "This is important," he said to friends.

So too was going to Afghanistan in March with his unit, the Fourth Civil Affairs Group. After losing the congressional primary last fall, Bill went to work as a consultant. When he got called up again by the Marines, he could have avoided going to a hot spot. Instead, he sought it out. "This is what I signed up to do," he explained in an e-mail he sent out to his disbelieving friends.

I read about Bill last Friday, the day after he was killed by enemy fire in the Helmand province, a Taliban stronghold and the site of some of the heaviest fighting in Afghanistan, less than a week before the country's national election. It hit me in a deeply personal, visceral way. Bill was one of the most decent, genuine people I had ever known in Washington, and I remember speaking with him last summer about his campaign. I was crushed to hear that his wife was pregnant with twin girls, and that they would never get to know their honor-defining father.

But more than that, it made me truly realize, in a way that only the death of a friend and peer can, just how much we in politics take for granted the men and women who fight our wars for us. Not all of us, and certainly not all the time. But unless you have lost someone close to you, our recent military actions—especially the "forgotten war" in Afghanistan that took Bill's life—rarely and barely touch us. They are at best debate subjects, and at worst political footballs.

It also made me think about how the word "patriotism" has been demeaned and cheapened by blind partisans on both sides questioning their opponents' "American-ness." Perhaps if our leaders read about Bill, and learned more about what love of country really means from his example, they would think twice before casually hurling these hurtful accusations again.

Fortunately, word about Bill's remarkable story is spreading—he was the subject of a moving segment on *Hardball* Monday. And his family and friends have paid tribute to his memory by setting up a memorial fund to help assist his wife and their twins.

I heard from many of Bill's loved ones (some of them mutual friends, some of whom I had never met) in preparing this tribute, and none of them could fully explain where his overwhelming commitment to service came from. Bill was not one to toot his own horn. "He would probably be embarrassed by all this attention and being called a hero," one friend told me.

But while they may not have understood its source, they more than appreciated his impact, the lives he saved and the lives he touched. Perhaps the most fitting elegy came from Bill's brother Bart. "I won't offer any anecdotes," he said, "but rather a quote that I think summarized his life from Ben Franklin: 'If you would not be forgotten as soon as you are gone, either write things worth reading or do things worth writing.' My view is that my brother did both." *Semper fi*, indeed.

#### 25TH ANNIVERSARY OF THE AAO— CODE OF ETHICS

Mr. KOHL. Mr. President, I would like to congratulate the American Academy of Ophthalmology as this year marks the 25th anniversary of their groundbreaking ethics code. One of the first of its kind in the medical world, the Academy Code of Ethics represents a milestone. This self-initiated code of ethics paved the way and set the standard for numerous other codes of conduct within professional medical organizations. Since the code's inception in 1983, the academy's Ethics Committee has reviewed over 3,500 inquiries about ethical behavior and concerns about member conduct.

The American Academy of Ophthalmology is the largest national membership association of ophthalmologists, with 430 in Wisconsin alone. Its members are committed to advancing the highest standards of comprehensive eye care and are dedicated to enhancing the quality of life for every patient they serve. The academy uses its code of ethics, a consensus of the members' views on the ethical issues encountered in ophthalmology, to do just that.

I would also like to note the AAO's commitment to educating its members about unintended influence from the drug industry that can result from the acceptance of excessive gifts and payments. Since 1991, its Ethics Committee has encouraged its members to disclose potential conflicts to patients, the public, and colleagues. AAO's internal policies on this matter, which have been continually updated through the

years, are very much in line with the Physician Payments Sunshine Act, S. 301, of which I am a lead sponsor.

Because so many complex ethical dilemmas affect nearly every facet of our health system, the fact that the academy was one of the very first organizations in professional health care to develop an ethical code is truly commendable. Therefore, I once again express my congratulations to the American Academy of Ophthalmology on the 25th anniversary of their code of ethics.

#### ADDITIONAL STATEMENTS

##### REMEMBERING IRVING KRISTOL

• Mr. LIEBERMAN. Mr. President, I wish to pay tribute to the exceptional life, character, and work of Irving Kristol. Irving was an inventive entrepreneur of ideas who was boundless in his wit, creativity, and insight. Though we have lost an intellectual giant, we will continue to cherish and learn from Irving Kristol's rich legacy for years to come.

Irving understood that ideas have consequences—and his immense influence was the result of his unique ability to shape the American political landscape with the power of creative thought. He harnessed this power most impressively in his writing, editing, and publishing. Beginning in 1942 when he cofounded his first magazine—*Enquiry: A Journal of Independent Radical Thought*—this began a tradition of launching small magazines with immense influence. He became instrumental in opinion journals like *Commentary*, *Encounter*, the *New Leader*, the *National Interest*, and, of course, the *Public Interest*, which he founded with Daniel Bell. Though these publications did not enjoy large numbers of subscriptions, Irving Kristol valued the quality of his readership over the quantity and maintained that he could change the world with a circulation of a few hundred. And he did.

He lived the life of the creative mind and inspired many aspiring thinkers and writers to join him in this pursuit. One among them, the noted scholar James Q. Wilson, wrote that "Irving Kristol not only helped changed the country, he changed lives. He certainly changed mine." Irving inspired in many Americans a desire for honest inquiry and a healthy dose of skepticism that humbled and better prepared us to accept the immense difficulty of making useful changes in public policy.

Though he was a force in intellectual circles around the world, Irving was also a champion for the well-being of ordinary Americans. His mission as a neoconservative, he once said, was to "explain to the American people why they are right, and to the intellectuals why they are wrong." Irving was a genuine patriot who served bravely in the

Second World War and eloquently and forcefully defended America's values and principles. It came as no surprise to me that President George W. Bush awarded Irving Kristol the nation's highest civilian honor, the Presidential Medal of Freedom, in 2002.

Hadassah and I offer our condolences and prayers to Irving's wife Gertrude, his children, Bill and Elizabeth, and the entire Kristol family. •

#### TRIBUTE TO FRANK M. MCDONOUGH

• Mr. MENENDEZ. Mr. President, today I wish to recognize a man from New Jersey who, through his leadership and commitment to service, has given much back to the country and to his community. This month Frank McDonough is retiring as president of the New York Shipping Association where his leadership will be sorely missed. Frank still speaks with a native, no-nonsense Boston accent, but he is—through and through—a New Jerseyan at heart and in spirit. He has had three accomplished careers. His first was with the U.S. Marines where he spent 21 proud and glorious years. He enlisted in 1957 and rose to the rank of major in 1976. Major McDonough served in Vietnam in combat and combat service support units. In 1968, during the siege at Khe Sanh, he was communications officer of the 1st Battalion, 13th Marines. He was appointed acting battery commander for Headquarters Battery until the headquarters was lost to enemy rocket fire.

He served as communications officer for the 2nd Battalion 26th Marines and for the 1st Reconnaissance Battalion. He was company commander of Echo Company, 2/26 and completed his tour as battalion operations officer under Marine legends COL "Wild Bill" Drumwright and LTC Bill Leftwich. In October, 1970, he was assigned to the United States Army Signal Center and School at Fort Monmouth where he graduated with honors and became the officer-in-charge of the Marine detachment and a distinguished instructor in the officer school. Major McDonough retired in 1978.

Frank McDonough's second career was in law. He completed his undergraduate degree magna cum laude at Boston University and then earned a juris doctorate in 1983. He returned to the Garden State and joined the Monmouth County Prosecutor's Office. Before long he became director of the Environmental Crimes Task Force. Then, as now, Frank McDonough had a strong sense of environmental responsibility. Frank's particular interest has been New Jersey's coastal environment.

In 1986 he entered private practice. He was a member of the bar in New Jersey and the District of Columbia and was admitted to practice before the Third Circuit Court of Appeals and the U.S. Supreme Court.

Frank McDonough's third career got its start courtesy of Governor Christine Todd Whitman. Governor Whitman knew that Frank was the right person to help the State through a developing crisis that threatened the larger bistate region served by the Port of New York/New Jersey. The Governor appointed him to the dredged materials management team that was formed to resolve the "mudlock," as the New York Times described the unprecedented dredging crisis. Early in my service as a Member of Congress I also focused efforts to find dredged material management solutions that would enable navigation dredging to resume.

In 1995 Governor Whitman appointed Frank McDonough the State's first executive director of maritime resources. He worked with me and others to help arrive at workable solutions. Resolution was achieved by 1996 with the help of the Clinton White House and the active involvement of Vice President Al Gore.

Frank McDonough must have liked the challenges of the port world because that is where he made his third career. In 2000, he retired from the State and was appointed executive director of the advocacy organization, Nation'sPort, and served as a visiting professor and advisory board member of the Center for Maritime Systems at Stevens Institute of Technology.

In 2001, Frank was elected president of the New York Shipping Association, the position from which he is now retiring. He has been the principal advocate for the marine terminal operators and steamship lines that call on the Port of New York/New Jersey, the third largest in the country. He has been responsible for negotiating and managing the labor contracts, managing the various welfare and pension programs, and hiring, training and dispatching the workers.

Frank McDonough's watch at the port has been a dynamic and challenging period. Cargo experienced double digit growth for much of that time until last year when the trade market fell as the global economy went into recession. During this period the port has been at the forefront of port security initiatives in response to a more dangerous world and new Federal mandates developed to combat it. Frank's role has included serving as vice chairman of the New York Harbor Area Maritime Security Committee.

Throughout this tumultuous time, Frank McDonough has been a steady figure on the business side of the port. He led his member companies to undertake important initiatives to reduce the port's environmental imprint even as cargo flow increased. He worked to reduce the port's dependency on trucking and increase the use of congestion-relieving rail and marine transportation for moving cargo between points in the U.S.

Frank McDonough's contributions to his community and State's natural resources are a matter of record, including serving as president of the New Jersey Jaycees, president of the Monmouth-Ocean Development Council, founding president of the Friends of the Monmouth County Parks, and trustee of the New Jersey Marine Sciences Consortium. He also has been chairman of the New Jersey Tidelands Resource Council where he has served for 14 years under five Governors.

Frank and his wife Rita have lived in Monmouth County, NJ. They have four sons and six grandchildren. I extend my sincere congratulations and thanks to Frank McDonough for making his State of New Jersey a better place to live and work.●

#### REMEMBERING RONALD EUGENE RAIKES

● Mr. NELSON of Nebraska. Mr. President, today I pay tribute to a good friend who touched the lives of many Nebraskans. Ronald Eugene Raikes of Lincoln passed away tragically at the age of 66 after a farming accident on September 5, 2009, at his farm in Saunders County, NE.

As Nebraska's Governor, I had the honor of appointing Ron to my home State's unique one-house legislature in 1997 to finish the term of the late Senator Jerome Warner. I chose Ron for this legislative seat because he was a brilliant and dedicated individual, and because he shared many other of the wonderful qualities of Senator Warner who was a storied lawmaker in his own right. The choice turned out to be inspired, as Ron quickly won the respect of his fellow state senators.

Ron served in the Nebraska Unicameral as the representative from District 25 in southeast Lincoln. He was elected to two 4-year terms before retiring in 2008 due to term limits. As chair of the Legislature's Education Committee, he was a tireless advocate for children and helped develop a number of major initiatives aimed at addressing the needs of minority and underprivileged youth.

The life of Ronald Eugene Raikes, both in public and private, was one filled with quiet dignity and integrity. He always said that our aim, whether as elected officials or individuals, should be to make a contribution. Ron succeeded in that endeavor and, as such, is sorely missed by his fellow Nebraskans. Our hearts go out to his wife Helen; his children Heather, Abbie and Justin; his brother Jeff; and his sisters Ann, Susan and Mary Jo, as well as all those who knew and worked with him. The life of Senator Ron Raikes leaves behind a legacy in Nebraska for many generations to come.●

#### TRIBUTE TO THE HEATWOLE FAMILY

● Mr. ROCKEFELLER. Mr. President, I am a proud member of the Congressional Coalition on Adoption Institute, and each year I participate in the Angel of Adoption program to recognize a family, caseworker, or judge who works in my State to promote adoptions and permanency for vulnerable children.

Throughout my career in the U.S. Senate, I have worked hard on Federal legislation to promote adoptions and permanency, and to invest in the child welfare system to improve our care and services. I am truly motivated by the families and dedicated professionals I meet thanks to the Angels in Adoption event.

This year, I was proud to accept the nomination of the West Virginia Children's Home Society of the family of Dawn and Dave Heatwole as the 2009 West Virginia Angel in Adoption.

This award is used to recognize those who reach out to vulnerable children and provide them with a safe and loving home. David and Dawn have an amazing story that has touched the lives of so many needy children, and I would like to share their story with you now.

Dawn and David had been married several years when they were told that it was unlikely they would be able to have children. Rather than becoming discouraged, the couple decided that they would like to adopt a young boy from Russia who they had found out about through their church. While waiting for the lengthy international adoption process to go through, Dawn and David decided to become foster parents.

In April 2005 the Heatwoles undertook the challenge of caring for a 7-month-old boy with serious medical problems. Less than a year later the child was placed on a donor list because he required a liver transplant. As his condition continued to worsen, Dawn's sister volunteered to be tested and proved to be an appropriate donor match. The surgery was successful and their adopted son, Adam, is now a healthy 4 year old.

Shortly after bringing Adam into their home, David and Dawn took in another infant foster child, Ethan. Nine months later they welcomed Ethan's brother Asa into their growing family. In January of 2007, the Heatwoles were able to adopt Pasha from Russia, and they did not stop there. In May of 2008, they also accepted Adam's sister as another precious child in their home.

Over the past 5 years, the Heatwoles have provided a safe and loving environment for nine children. They have opened their home to children in need, and have fought to ensure that children are the top priority in the foster care system. Dawn and David have endured the challenges that accompany

ailing and drug dependent infants, as well as the challenge of helping a non-English speaking child adapt to a new culture.

Mr. President, I have been delighted to share the Heatwole family's touching story with you. It is my firm belief that the people of West Virginia possess a great compassion to help those in need. The Heatwoles are an inspiration to us all.●

#### MESSAGES FROM THE HOUSE

At 12:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 860. An act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

H.R. 1080. An act to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes.

H.R. 2265. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes.

H.R. 2522. An act to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes.

H.R. 2741. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes.

H.R. 2802. An act to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes.

H.R. 2971. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office".

H.R. 3113. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

At 1:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1677. An act to reauthorize the Defense Production Act of 1950, and for other purposes.

At 4:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3607. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United

States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3614. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 860. An act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1080. An act to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2265. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2522. An act to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2741. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2802. An act to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2971. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3113. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3109. A communication from the Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the Beginning Farmer and Rancher Development Program"

(RIN0524-AA59) received in the Office of the President of the Senate on September 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3110. A communication from the Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Non-Formula Federal Assistance Programs—General Award Administrative Provisions and Program-Specific Administrative Provisions for the Specialty Crop Research Initiative" (RIN0524-AA28) received in the Office of the President of the Senate on September 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3111. A communication from the Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the New Era Rural Technology Competitive Grants Program" (RIN0524-AA60) received in the Office of the President of the Senate on September 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3112. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Halosulfuron—methyl; Pesticide Tolerances" (FRL No. 8436-7) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3113. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metolachlor, S—Metolachlor, Bifenazate, Bupropion, and 2,4—D; Tolerance Actions" (FRL No. 8438-9) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3114. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Certain Money Market Fund Portfolio Holdings" (RIN3235-AK33) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3115. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment" (RIN1904-AB83) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Energy and Natural Resources.

EC-3116. A communication from the Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, a report relative to the implementation of Energy Conservation Standards Activities; to the Committee on Energy and Natural Resources.

EC-3117. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Lead (Pb) Maintenance Plan Update for Marion County" (FRL No. 8961-6) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Environment and Public Works.

EC-3118. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Alabama State Implementation Plan; Birmingham and Jackson County; Correction Notice" (FRL No. 8960-1) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Environment and Public Works.

EC-3119. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometer (PM<sub>2.5</sub>); Final Rule to Stay the Grandfathering Provision for PM<sub>2.5</sub>" (FRL No. 8961-1) received in the Office of the President of the Senate on September 22, 2009; to the Committee on Environment and Public Works.

EC-3120. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule No. 47" (FRL No. 8961-3) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Environment and Public Works.

EC-3121. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/ Infectious Waste Incinerators" (FRL No. 8959-9) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Environment and Public Works.

EC-3122. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 2 on Super Completed Contract Method" (LMSB-4-0209-0006) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Finance.

EC-3123. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2009 National Pool" (Rev Proc 2009-40) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Finance.

EC-3124. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier III — Industry Director Directive — Field Directive on the Planning and Examination of IRC Section

263A Issues in the Auto Dealership Industry" (LMSB-04-0909-035) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Finance.

EC-3125. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates — October 2009" (Rev. Rul. 2009-33) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Finance.

EC-3126. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0162-2009-0164); to the Committee on Foreign Relations.

EC-3127. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to support maintenance and reconstitution of Prepositioned War Reserve Material on behalf of U.S. Air Force Central Command to Oman and the United Arab Emirates in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3128. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles related to firearms for end-use by firearms manufacturers located in the countries or governments of the United States, United Kingdom, NATO, Japan, Australia, New Zealand, and Switzerland in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURRIS:

S. 1695. A bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ:

S. 1696. A bill to require the Secretary of Energy to conduct a study of video game console energy efficiency; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN:

S. 1697. A bill to require that household cleaning products and similar products bear labels that state completely and accurately all of the ingredients of such products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. REID, Mr. DODD, Mrs. MURRAY, Mr. REED, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, and Mr. FRANKEN):

S. 1698. A bill to provide grants to the States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students

and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. KERRY, Mr. KOHL, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN, Mr. CASEY, Mr. WHITEHOUSE, and Mr. BURRIS):

S. 1699. A bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. CARDIN, Mr. SCHUMER, Mr. WICKER, Mr. FEINGOLD, and Mr. WHITEHOUSE):

S. 1700. A bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN:

S. 1701. A bill to amend title 23, United States Code, to require corrosion mitigation and prevention plans for bridges receiving Federal funding, and for other purposes; to the Committee on Environment and Public Works.

By Mr. UDALL of Colorado (for himself and Mr. RISCH):

S. 1702. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain states; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. DURBIN):

S. Res. 281. A resolution supporting the goals and ideals of "National Campus Safety Awareness Month"; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. DEMINT):

S. Res. 282. A resolution remembering the 20th anniversary of Hurricane Hugo, which struck Charleston, South Carolina on September 21 through September 22, 1989; considered and agreed to.

By Mr. REID (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, and Ms. LANDRIEU):

S. Res. 283. A resolution expressing support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009; considered and agreed to.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. Res. 284. A resolution expressing support for the designation and goals of "National Health Information Technology Week" for the period beginning on September 21, 2009, and ending on September 25, 2009; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Con. Res. 41. A concurrent resolution providing for the acceptance of a statue of

Helen Keller, presented by the people of Alabama; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 305

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 305, a bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes.

S. 451

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 451, *supra*.

S. 546

At the request of Mr. REID, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 653

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 729, a bill to amend the Illegal

Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 883

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 891

At the request of Mr. BROWNBAC, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1008

At the request of Mrs. SHAHEEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1008, a bill to amend title 10, United States Code, to limit requirements of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1065

At the request of Mr. BROWNBAC, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1158

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1158, *supra*.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1361

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1361, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1382

At the request of Mr. DODD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1481

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1481, a bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section



for supportive housing for persons with disabilities.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1576

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1576, a bill to require the Secretary of Agriculture to establish a carbon incentives program to achieve supplemental greenhouse gas emission reductions on private forest land of the United States, and for other purposes.

S. 1649

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1649, a bill to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes.

S. 1671

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1671, a bill to enhance the reporting requirements on the status of the Arab League trade boycott of Israel and other trade boycotts of Israel.

S. 1672

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1682

At the request of Ms. CANTWELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1682, a bill to provide the Commodity Futures Trading Commission with clear antimarket manipulation authority, and for other purposes.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1687

At the request of Mr. JOHANNIS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1687, a bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

S. CON. RES. 40

At the request of Mr. SPECTER, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 40, a concurrent resolution encouraging the Government of Iran to grant consular access by the Government of Switzerland to Joshua Fattal, Shane Bauer, and Sarah Shourd, and to allow the 3 young people to reunite with their families in the United States as soon as possible.

AMENDMENT NO. 2454

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 2454 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2471

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 2471 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2474

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 2474 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2493

At the request of Mr. BINGAMAN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 2493 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2498

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 2498 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2507

At the request of Mr. TESTER, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of amendment No. 2507 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN:

S. 1697. A bill to require that household cleaning products and similar products bear labels that state completely and accurately all of the ingredients of such products, and for other purposes, to the Committee on Commerce, Science, and Transportation.

Mr. FRANKEN. Mr. President, today I am introducing my second bill, the Household Product Labeling Act. This legislation will enable consumers to determine whether potentially harmful chemicals are present in the household cleaning products they use every day. I want to first thank my colleague in the House, Representative ISRAEL of New York's 2nd District, for his leadership on this issue and for the tremendous work he put into helping to craft this bill.

In many households across the country, the entire family pitches in on household cleaning chores. The effort is obviously intended to keep everyone healthy by cutting down on germs, bacteria, and mold. But unfortunately, many of the ingredients in commonly used cleaning products may be dangerous themselves. Current law requires that product labels list immediately hazardous ingredients, but there is no labeling requirement for ingredients that may cause harm over time.

Many chemicals contained in household products have been shown to produce harmful health effects. Consumers have a right to know which of these potentially harmful chemicals might be present in their kitchen and bathroom cupboards. This information is particularly important to families with small children, who as we all know have more direct contact with floors and household surfaces. This legislation simply makes that information readily available to consumers, giving them the opportunity to make an informed choice about the chemicals they bring into their homes.

How many times have you heard on the news or read in the paper about a new drug or chemical that has been recently linked to health or environmental hazards? It happens all the time. An ingredient that a company claims is "perfectly safe" today could be reclassified as "dangerous" tomorrow. And an ingredient that is safe for most people could be a major irritant for a child with asthma. Eventually, I hope that manufacturers will take preemptive action and eliminate potentially harmful chemicals from their products. In the meantime, this legislation is a common sense step in the right direction.

I urge my colleagues to support the "Household Product Labeling Act" and give consumers the right to shield their families from potentially harmful household products.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1697

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE.

This Act may be cited as the “Household Product Labeling Act of 2009”.

## SEC. 2. LABELING REQUIREMENT FOR CERTAIN HOUSEHOLD PRODUCTS.

(a) DEFINITIONS.—In this Act:

(1) CONSUMER PRODUCT.—The term “consumer product” has the meaning given the term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052).

(2) COVERED PRODUCTS.—The term “covered products” consists of the following consumer products:

- (A) Household cleaning products.
- (B) Air fresheners and deodorizers.
- (C) Floor and furniture polish.
- (D) Dishwashing soap.
- (E) Drain cleaners.
- (F) Laundry detergent and dryer sheets.
- (G) Epoxies.
- (H) Paints or stains.

(I) Any other similar consumer product designated by the Consumer Product Safety Commission for purposes of this Act.

(3) INGREDIENTS.—The term “ingredients”, with respect to a covered product, includes any fragrance, dye, or preservative, and any component of such fragrance, dye, or preservative, included in such product.

(4) INTERSTATE COMMERCE.—The term “interstate commerce” has the meaning given the term in section 2 of the Federal Hazardous Substances Act (15 U.S.C. 1261).

(5) LABEL.—The term “label” has the meaning given such term in such section 2.

(b) LABELING REQUIREMENT.—

(1) IN GENERAL.—Each covered product introduced or delivered for introduction into interstate commerce shall bear a label that states completely, accurately, and legibly all of the ingredients of such product.

(2) STANDARD LIST OF INGREDIENTS.—The Consumer Product Safety Commission shall prescribe in the rules required by subsection (d) a standardized list of the ingredients known to be included in covered products in order to ensure the uniform statement of ingredients on covered products in labels on covered products under this Act.

(c) ENFORCEMENT.—Beginning on the date that is 540 days after the date of the enactment of this Act, any covered product that is introduced or delivered for introduction into interstate commerce in violation of subsection (b) shall be treated as a misbranded hazardous substance within the meaning of section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261(p)).

(d) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall prescribe rules to carry out this Act.

By Mr. BINGAMAN (for himself, Mr. REID, Mr. DODD, Mrs. MURRAY, Mr. REED, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, and Mr. FRANKEN):

S. 1698. A bill to provide grants to the States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise grad-

uation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today, along with Senators REID, DODD, MURRAY, REED, BROWN, CASEY, MERKLEY, and FRANKEN, to introduce the Graduation Promise Act of 2009, or GPA. This bill would create Federal-State-local partnerships to improve this nation's graduation rates, and to help transform our lowest-performing high schools.

Twenty years ago, the Nation's governors met with the first President Bush in Charlottesville, Virginia, for a groundbreaking education summit. They agreed to set high expectations for education for the coming decade, including an increase in the national high school graduation rate to 90 percent by the year 2000. Today, we are not even close to achieving that goal.

Indeed, the Nation's high school graduation rate has stagnated at around 70 percent. Graduation rates for students of color are even lower. In my own home state of New Mexico, the graduation rate is only 54 percent. Yet Federal education policy and funding have focused primarily upon elementary and postsecondary education. Only about 8 percent of all Title I dollars go to high schools.

The economic cost of the high school dropout crisis is significant. According to the Alliance for Excellent Education, if the students who dropped out of the Class of 2009 had graduated, the nation's economy would have benefited from nearly \$335 billion in additional income over the course of these students' lifetimes. Failing to address the nation's dropout crisis fails our students and our country because too few young Americans are prepared to enter the workforce, which harms our economy and our standing in the world. If we don't improve our graduation rates, we will lose our competitive edge.

But low graduation rates are only one broad indicator of the crisis affecting our Nation's high schools. Even if a student makes it to graduation, only a third of all students who enter the 9th grade will graduate with the skills and knowledge necessary to succeed in college or the modern workplace. They are not receiving the kind of quality education that permits a seamless transition to a job or postsecondary education.

Fortunately, research is available to help us better understand the factors behind low graduation rates and poor student performance in high school. We can use research-based tools to identify the high schools that are producing the majority of dropouts across the country. These high schools, roughly 2,000 in all, or 15 percent of all high schools, have persistently low rates of grade promotion and graduation. If you look at the typical senior class at one of these high schools, it will have de-

creased in size by at least 40 percent since these students entered the school 4 years earlier.

Research has also shed light on the specific risk factors that predict who will drop out of high school. We can identify future dropouts with a high degree of certainty by looking at such predictors as course failure, poor attendance, behavior problems, and retention in earlier grades. Students who enter high school significantly lagging behind in their academics and who show clear signs of disengagement are likely to drop out unless additional supports are put in place.

Research-based solutions, with solid evidence of success, are transforming high schools with low graduation rates. Restructuring schools into smaller, more personalized learning environments ensures that students become engaged from the time they enter 9th grade. Sustained efforts to boost attendance ensure that they don't fall further behind. Partnerships with community-based and education organizations help facilitate successful school transformations.

Schools that have combined these efforts with high-quality curriculum and instructional improvements have been successful in improving student achievement and increasing graduation rates: transitional math and English to 9th graders helps them catch up; challenging curricula and tangible, contextual applications of learning rekindle their interest; and teaching teams and professional development targeted to the needs of the school bolster teachers' effectiveness in identifying, managing, and engaging students at risk of dropping out. In combination, these interventions are proven to improve student achievement and increase graduation rates.

In essence, we know which schools have the highest dropout rates; we know the risk factors that predict to a high degree of certainty which students will drop out; and we know which sets of interventions work to turn around failing schools and failing students. The task before us is to partner with states and local school districts to enhance and expand these efforts. By appropriately extending its education focus to include the needs of students in middle and high schools, the Federal Government can move the nation from “no child left behind” to “every student a graduate.”

To meet this critical goal, I am introducing, along with my colleagues Senators REID, DODD, MURRAY, REED, BROWN, CASEY, MERKLEY, and FRANKEN, the Graduation Promise Act of 2009.

The Graduation Promise Act will help build state and local capacity for secondary school improvement by providing states and local school districts with resources to identify and target high schools with the greatest needs. GPA recognizes that high school reform needs to start with experts on the

ground—in the states and local districts where struggling high schools exist.

It also recognizes that reform efforts must be targeted to address the unique challenges each school faces in raising achievement and graduation levels. As such, GPA would provide resources to states to establish differentiated high school improvement systems and ensure that locally-driven school improvement actions are based upon the amount and type of supports necessary to turn such schools around.

In order to be eligible to receive funds to implement these school improvement plans, local school districts would work with the school improvement teams to assess the capacity of the high school to implement the plan, as well as identify the existing resources available to the district and the school. These assessments would be used to determine the amount of resources and technical assistance needed to successfully implement the high school improvement plan.

GPA also emphasizes transparency and accountability. Both state applications and local school improvement plans would be subject to a rigorous peer-review process. Schools needing targeted interventions, whole school reform, or replacement would be required to meet measurable and meaningful benchmarks of improvement.

The cost of raising student performance and graduation rates at our chronically underperforming high schools is considerable, yet it is a necessary investment in our Nation's future economic strength. The Graduation Promise Act authorizes \$2.5 billion per year to meet this challenge, with the bulk of funding directed to states and local school districts to help turn around the high schools with the lowest student achievement and lowest graduation rates.

I submit that we cannot afford to let struggling high schools continue to push students off the path to prosperity. We must ensure the continued prosperity of our country by promising each high school student a chance to gain the skills and knowledge necessary to pursue their dreams and succeed.

I want to thank my Senate cosponsors for their commitment to improving high schools and increasing graduation rates in this country, and I am pleased to be working with them and other Senate colleagues on this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1698

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Graduation Promise Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—HIGH SCHOOL IMPROVEMENT AND DROPOUT REDUCTION FUND

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. Grants authorized.

Sec. 105. Secretarial peer review and approval.

Sec. 106. State plan to develop differentiated high school improvement system.

Sec. 107. Use of grant funds.

Sec. 108. Statewide differentiated high school improvement system.

Sec. 109. Subgrants to local educational agencies.

Sec. 110. Local educational agency implementation of school improvement system.

Sec. 111. School improvement activities.

Sec. 112. Evaluation and reporting.

Sec. 113. Authorization of appropriations.

#### TITLE II—DEVELOPMENT OF EFFECTIVE SCHOOL MODELS

Sec. 201. Purposes.

Sec. 202. Definitions.

Sec. 203. Grants authorized.

Sec. 204. Application.

Sec. 205. Secretarial peer review and approval.

Sec. 206. Use of funds.

Sec. 207. Evaluation and reporting.

Sec. 208. Authorization of appropriations.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) IN GENERAL.—The terms “distance learning”, “educational service agency”, “highly qualified”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) GRADUATION RATE.—The term “graduation rate” has the meaning given the term in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

(3) HIGH SCHOOL.—The term “high school” means a secondary school in which the—

(A) entering grade of the school is not lower than grade 6; and

(B) highest grade of the school is—

(i) grade 12; or

(ii) in the case of a secondary school approved by a State to issue a regular diploma concurrently with a postsecondary degree or with not more than 2 years' worth of postsecondary academic credit, grade 13.

(4) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) SECRETARY.—The term “Secretary” means the Secretary of Education.

(6) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### TITLE I—HIGH SCHOOL IMPROVEMENT AND DROPOUT REDUCTION FUND

##### SEC. 101. FINDINGS.

The Senate finds the following:

(1) About a third of our Nation's high school students fail to graduate in 4 years, and another third graduate without the skills and knowledge needed to succeed in college or the workplace. The outcomes for minority students are even worse: only 50 percent of American Indian, 51 percent of Black, and about 55 percent of Hispanic students graduate on time, compared to 76 percent of white students.

(2) Approximately half of the Nation's dropouts attend a school where 40 percent or more of the freshman class has dropped out by the time the students reach their senior year. These schools, which are located in nearly every State, disproportionately serve minority and poor students, and have fewer resources and less qualified teachers than schools in more affluent neighborhoods. Almost half of African American students and nearly 40 percent of Latino students—compared to only 11 percent of white students—attend high schools in which graduation is not the norm.

(3) A high school diploma is increasingly important for success in the 21st century economy. In fact, nearly 90 percent of the fastest-growing, highest-paying jobs require some sort of education beyond high school.

(4) For decades, Federal funding has largely been spent on prekindergarten through grade 6 education and higher education, with dramatically less given the middle and high school grades. While children in their early years must build a strong foundation for learning, research also clearly demonstrates the need to continue the investment at each stage of the education process or risk losing much of the benefit of the early effort.

(5) High schools receive only 10 percent of funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), leaving millions of title I eligible, high school students in low-performing schools without the focused support, external assistance, and resources for improvement that title I was created to provide. Because title I funds serve as the trigger for school improvement requirements in the Elementary and Secondary Education Act of 1965, this also means that most low-income, low-performing high schools are not required to (or supported to) implement school improvement activities.

(6) While the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) includes a strong focus on identifying low-performing schools, America still needs a comprehensive strategy to support and improve chronically low-performing schools and local educational agencies. School improvement strategies should be tailored based on a variety of indicators and data, so that educators can create and implement successful school improvement strategies to address the needs of the individual schools.

(7) Most local educational agencies and State educational agencies do not necessarily have the capacity or infrastructure to guide, support, and fund school improvement strategies where they are needed, but good models for turning around low-performing high schools do exist. Federal support should be used to build this capacity based on evidence from successful high schools.

(8) If the Nation is to maintain and increase its competitiveness in the global economy, it must invest in a systemic approach to improving its high schools so that every child graduates from high school prepared for success.

##### SEC. 102. PURPOSES.

The purposes of this title are to—

(1) improve high school student academic achievement and graduation rates and prepare all students for postsecondary education and the workforce;

(2) help States and local educational agencies develop high school improvement systems to deliver support and technical assistance to high schools identified for whole school reform or replacement, as described in clause (ii) and (iii) of section 106(b)(2)(B);

(3) ensure students graduate from high school with the education and skills necessary to compete in a global economy; and

(4) help build the capacity to develop and implement research-based, sustainable, and replicable high school improvement models and interventions that are for high schools in whole school reform and replacement and that engage the whole community.

#### SEC. 103. DEFINITIONS.

In this title:

(1) **ADEQUATE YEARLY PROGRESS.**—The term “adequate yearly progress” has the meaning given the term in section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)).

(2) **EXTERNAL PARTNER.**—The term “external partner” means an entity—

(A) that is an organization such as a non-profit organization, community-based organization, local education fund, service organization, educational service agency, or institution of higher education; and

(B) that has demonstrated expertise and effectiveness in providing targeted support such as data analysis, professional development, or provision of nonacademic support and integrated student services to local educational agencies, schools, or students that leads to improved teaching, learning, and outcomes for students, including for those students who are failing to make sufficient progress to graduate in the standard amount of years or who have dropped out of high school.

(3) **LOW-INCOME LOCAL EDUCATIONAL AGENCY.**—The term “low-income local educational agency” means a local educational agency in which not less than 15 percent of the students served by such agency are from families with incomes below the poverty line.

(4) **MIDDLE GRADES.**—The term “middle grades” means any of grades 5 through 8.

(5) **POVERTY LINE.**—The term “poverty line” means the poverty line described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902), applicable to a family of the size involved.

(6) **SECONDARY SCHOOL REFORM PARTNER.**—The term “secondary school reform partner” means an organization, such as a school reform organization, community-based organization, local education fund, educational service agency, or institution of higher education, with expertise in analyzing school performance data and a track record of success in improving student achievement and graduation rates in low-performing high schools.

#### SEC. 104. GRANTS AUTHORIZED.

(a) **IN GENERAL.**—The Secretary is authorized to make grants, through allotments under subsection (b), to State educational agencies with approved State plans that will—

(1) improve student achievement and graduation rates; and

(2) effectively target resources and technical assistance to high schools in whole school reform or replacement, as described in clause (ii) or (iii) of section 106(b)(2)(B).

(b) **DETERMINATION OF ALLOTMENTS.**—

(1) **RESERVATION OF FUNDS.**—From the total amount appropriated under section 113, the Secretary shall reserve not more than—

(A) the lesser of 3 percent or \$50,000,000, to—

(i) provide technical assistance and ongoing regional training programs that are equitably distributed—

(I) among the different geographic regions of the United States; and

(II) among State and local educational agencies serving urban and rural areas;

(ii) evaluate activities authorized under this title in order to determine the most effective strategies for improving student achievement and outcomes for students attending high schools identified for targeted intervention, whole school reform, or replacement under section 106(b)(2); and

(iii) disseminate the findings of such evaluations;

(B) the lesser of 4 percent or \$75,000,000, to build the capacity of secondary school reform partners and external partners to provide services under this Act that benefit high schools and support the development or enhancement of research-based whole secondary school reform or new secondary school models, of which not less than 35 percent of such reserved funds shall be awarded, on a competitive basis, to secondary school reform partners or external partners that will provide services under this Act that benefit high schools designated with a school locale code of Fringe Rural (41), Distant Rural (42), or Remote Rural (43), as determined by the Secretary; and

(C) 2 percent to the Secretary of the Interior, to enable the Secretary to carry out the purposes of this Act for schools operated or funded by the Bureau of Indian Affairs.

(2) **STATE ALLOTMENT.**—From the total amount appropriated under section 113 for a fiscal year and not reserved under paragraph (1), the Secretary shall make allotments as follows:

(A) **LOW-INCOME LOCAL EDUCATIONAL AGENCIES.**—From such amount, the Secretary shall allot to each State an amount that bears the same ratio to 50 percent of the sums being allotted as the percentage of students enrolled in schools served by low-income local educational agencies in the State bears to the total of such percentages for all the States.

(B) **LOWEST GRADUATION RATE CALCULATION.**—From such amount, the Secretary shall allot to each State for which the graduation rate is within the lowest one-third of the graduation rates for all States, an amount that bears the same ratio to 25 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States with the lowest one-third graduation rates.

(C) **MIDDLE GRADUATION RATE CALCULATION.**—From such amount, the Secretary shall allot to each State for which the graduation rate is within the middle one-third of the graduation rates for all States, an amount that bears the same ratio to 15 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the middle one-third graduation rates.

(D) **HIGHEST GRADUATION RATE CALCULATION.**—From such amount, the Secretary shall allot to each State for which the graduation rate is within the highest one-third of the graduation rates for all States, an amount that bears the same ratio to 10 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the highest one-third graduation rates.

(3) **REALLOTMENT.**—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

(4) **USING FIRST-YEAR DATA.**—In calculating allotments under this subsection for the second and each subsequent year of the grant period, the Secretary shall use the data relating to low-income local educational agencies and graduation rates used for the first year of the grant period.

(5) **HOLD HARMLESS.**—Notwithstanding any other provision of this subsection but subject to paragraph (6), no State shall receive an allotment under this section for a fiscal year in an amount that is less than the amount the State received under this section for the first fiscal year of the grant period.

(6) **RATABLE REDUCTION.**—If the amount appropriated in a fiscal year is not sufficient to pay the minimum allotments to all eligible institutions under paragraph (5), the amount of the minimum allotment to each such eligible institution shall be ratably reduced.

(c) **SUPPLEMENT, NOT SUPPLANT.**—A State educational agency that receives a grant under this title shall use the grant funds to supplement, and not supplant, Federal and non-Federal funds available to high schools.

(d) **MATCHING FUNDS.**—A State educational agency that receives a grant under this section shall provide matching funds, from non-Federal sources, in an amount equal to 25 percent of the amount of grant funds provided to the State to carry out the activities supported by the grant. Such matching funds may be provided in cash or in-kind, except that—

(1) not more than 10 percent of the amount of grant funds may be provided through in-kind contributions; and

(2) any in-kind contributions shall be directed toward supporting the State educational agency's technical assistance efforts or the operation of the State's differentiated high school improvement system under section 106.

#### SEC. 105. SECRETARIAL PEER REVIEW AND APPROVAL.

(a) **IN GENERAL.**—The Secretary shall—

(1) establish a peer-review process to assist in the review and approval of State plans;

(2) appoint individuals to the peer-review process who are educators and experts in educational standards, assessments, accountability, high school improvement, dropout prevention, academic needs of English language learners, and other educational needs of high school students;

(3) approve a State plan submitted under this title not later than 120 days after the date of the submission of the plan unless the Secretary determines that the plan does not meet the requirements of this title;

(4) if the Secretary determines that the State plan does not meet the requirements of this title, immediately notify the State of such determination and the reasons for such determination;

(5) if the Secretary determines that the State does not have the capacity to carry out the school improvement activities described in sections 106(b)(2) and 108, offer technical assistance to carry out such activities for States directly or through contracts with secondary school reform partners;

(6) not deny a State's plan before—

(A) offering the State an opportunity to revise the State's plan;

(B) providing the State with technical assistance in order to submit a successful plan; and

(C) providing the State an opportunity for a hearing or accepting input from the State; and

(7) have the authority to deny a State plan for not meeting the requirements of this title.

(b) ACCURACY.—In approving a State plan, the Secretary shall ensure that—

(1) the process the State educational agency proposes for differentiating school improvement actions under sections 106(b)(2) and 108, which process will assign high schools to each of the school improvement categories described in section 106(b)(2) in such a way that accurately identifies the high school and leads to the implementation of the interventions necessary to meet the needs of the students attending the high school; and

(2) the annual growth targets proposed by the State educational agency under section 106(b)(3)(D) are meaningful and achievable, and demonstrate continuous and substantial progress.

**SEC. 106. STATE PLAN TO DEVELOP DIFFERENTIATED HIGH SCHOOL IMPROVEMENT SYSTEM.**

(a) IN GENERAL.—For a State to be eligible to receive a grant under this title, the State educational agency shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) CONTENTS.—Each plan submitted under this section shall include the following:

(1) SCHOOL IMPROVEMENT PROCESS.—The State educational agency shall describe how the State educational agency will use funds authorized under this title to establish or expand a statewide differentiated high school improvement system described in section 108.

(2) STATEWIDE DIFFERENTIATED HIGH SCHOOL IMPROVEMENT.—

(A) PROCESS OF DIFFERENTIATION.—The State educational agency shall describe a data-driven process for categorizing high schools into the categories described in subparagraph (B) using—

(i) the indicators used to determine adequate yearly progress; and

(ii) data from the school performance indicators described in paragraph (3).

(B) DIFFERENTIATED HIGH SCHOOL IMPROVEMENT CATEGORIES.—The State educational agency shall describe how local educational agencies will use the process established under subparagraph (A) to categorize the high schools in the State that do not make adequate yearly progress for 2 consecutive years into one of the following school improvement categories:

(i) SCHOOLS NEEDING TARGETED INTERVENTIONS.—High schools whose performance on the school performance indicators described in paragraph (3) demonstrate a need for targeted interventions described in section 111(b) to improve student outcomes and make adequate yearly progress.

(ii) SCHOOLS NEEDING WHOLE SCHOOL REFORMS.—High schools whose performance on the school performance indicators demonstrate a need for comprehensive schoolwide reform described in section 111(c) to improve student outcomes and make adequate yearly progress.

(iii) SCHOOLS NEEDING REPLACEMENT.—High schools whose school performance indicators demonstrate a need for replacement, as described in section 111(d).

(C) SPECIAL RULE.—A State educational agency may propose in the plan under this section additional levels of differentiation within a particular school improvement cat-

egory described in subparagraph (B) to further target and prioritize school needs and to align differentiation with the State's existing State accountability systems.

(D) DEMONSTRATION OF DEVELOPMENT.—The State shall demonstrate how the State plan was developed in consultation with a representative group of local educational agencies.

(E) CONTINUOUS IMPROVEMENT.—The State educational agency shall describe how the State educational agency will evaluate annually the progress of high schools to ensure that each high school is making continuous and substantial improvement in accordance with the annual growth targets described in paragraph (3)(D) and consistent with the requirements described in section 111.

(F) AUTOMATIC DESIGNATION.—The process of categorization proposed by the State educational agency shall ensure that a high school shall be automatically identified as a school in need of whole school reform or as a school in need of replacement, if the high school has a graduation rate of 50 percent or less in the most recent year for which data are available.

(3) SCHOOL PERFORMANCE INDICATORS.—

(A) IN GENERAL.—The State educational agency shall define, in consultation with representatives from urban and rural local educational agencies in the State, a comprehensive set of school performance indicators that—

(i) shall be used, in addition to the indicators used to determine adequate yearly progress; to—

(I) analyze the performance of high schools in the State;

(II) determine the amount, intensity, and type of support each high school needs; and

(III) guide the school improvement process; (ii) demonstrate whether a high school is making substantial and continuous progress toward the goal of graduating all of the school's students prepared for success in higher education and careers; and

(iii)(I) directly measure student achievement and advancement in high school; or

(II) have been demonstrated by research to have a direct impact on high school student achievement and advancement.

(B) CATEGORIES.—

(i) IN GENERAL.—The comprehensive set of school performance indicators required by subparagraph (A) shall include indicators of—

(I) high school student engagement and effort;

(II) student advancement;

(III) educator quality; and

(IV) academic learning.

(ii) INDICATORS OF HIGH SCHOOL STUDENT ENGAGEMENT AND EFFORT.—With respect to high school student engagement and effort, the indicators—

(I) shall include student attendance rates; and

(II) may include—

(aa) the percentage of student suspensions and expulsions;

(bb) surveys of high school student engagement and effort; or

(cc) other indicators of student engagement proposed by the State educational agency and approved by the Secretary as part of the peer review process described in section 105(a).

(iii) INDICATORS OF STUDENT ADVANCEMENT.—With respect to student achievement, the indicators—

(I) shall include—

(aa)(AA) student-earned on-time promotion rates from grade to grade for all grades in the high school; or

(BB) the percentage of students who have on-time credit accumulation at the end of each grade; and

(bb) the percentage of students—

(AA) failing a core, credit-bearing, English language arts, mathematics, or science course; or

(BB) failing 2 or more courses of any type; and

(II) may include—

(aa) measures of enrollment, retention, persistence, and degree attainment in two-year and four-year institutions of higher education;

(bb) measures of the employment success of students who graduated from the high school; or

(cc) other indicators of student advancement proposed by the State educational agency and approved by the Secretary as part of the peer review process described in section 105(a).

(iv) INDICATORS OF EDUCATOR QUALITY.—With respect to educator quality, the indicators—

(I) shall include—

(aa) measures of teacher attendance, vacancies, and turnover; and

(bb) the percentage of highly qualified teachers by grade level; and

(II) may include other indicators of educator quality proposed by the State educational agency and approved by the Secretary as part of the peer review process described in section 105(a).

(v) INDICATORS OF ACADEMIC LEARNING.—With respect to academic learning, the indicators—

(I) shall include—

(aa) the percentage of students taking a college-preparatory curriculum, which may include the percentage of students taking Advanced Placement courses, International Baccalaureate courses, or postsecondary courses for dual credit;

(bb) the percentage of students reaching proficiency on the State academic assessments in reading and mathematics required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), disaggregated by the categories of students identified in section 1111(b)(2)(C)(v) of such Act (20 U.S.C. 1111(b)(2)(C)(v)); and

(cc) student success on State or local educational agency end-of-course examinations or performance-based assessments with standardized scoring rubrics aligned to State standards, where such assessments are available; and

(II) may also include—

(aa) student achievement on college entrance and placement examinations such as the ACT or SAT, or Advanced Placement examinations; or

(bb) other indicators of academic learning proposed by the State educational agency and approved by the Secretary as part of the peer-review process described in section 105(a).

(C) DEMONSTRATION OF CAPACITY TO COLLECT AND REPORT INDICATORS.—The State educational agency shall demonstrate its capacity to collect, report, and use the indicators defined and used to meet the requirements of subparagraph (A), including through the use of a statewide longitudinal data system.

(D) ANNUAL GROWTH TARGETS.—The State educational agency shall set State annual growth targets that—

(i) include a goal and a minimum percentage of expected annual growth for each school performance indicator; and

(ii) demonstrate continuous and substantial progress toward the State-defined goal and making adequate yearly progress.

(4) **DEMONSTRATION OF CAPACITY TO SUPPORT SYSTEM.**—The State educational agency shall demonstrate capacity to support the statewide differentiated high school improvement system, which shall include, at a minimum, the following:

(A) **SYSTEM ALIGNMENT.**—

(i) **ALIGNMENT WITH ACCOUNTABILITY SYSTEM.**—The State shall demonstrate an alignment of the State accountability system described in section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) and the school improvement system under section 1116(b) of such Act (20 U.S.C. 6316(b)) with the statewide differentiated high school system described in section 108.

(ii) **ADDITIONAL REQUIREMENTS.**—The State educational agency shall demonstrate, if the State's statewide differentiated high school improvement system includes additional requirements not required under section 108, how such additional requirements will lead to improved student achievement and graduation rates and system alignment.

(iii) **STRENGTHENING AND ALIGNING POLICIES.**—The State educational agency shall demonstrate how the State educational agency will strengthen and align policies affecting—

(I) interventions in schools in whole school reform or replacement under clause (ii) or (iii) of paragraph (2)(B);

(II) new school development; and

(III) implementation of effective school improvement activities that address the education needs of high school students who are off-track or who have dropped out.

(B) **DATA SYSTEMS.**—The State educational agency shall demonstrate the State educational agency's use and support of a statewide longitudinal data system, including demonstrating—

(i) that such system exists, or is being developed, and includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871(e)(2)(D)) and any additional elements described in section 14005(d)(3) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 283);

(ii) a commitment to the maintenance and growth of such system;

(iii) State policies that ensure the protection of personally identifiable information in such system and authorize such system to collect, share, and link data from multiple systems for the purposes of evaluations and continuous improvement;

(iv) governance structures to guide the collection, sharing and use of the data in such system; and

(v) that such system includes linkages between kindergarten through grade 12 data systems with early learning, postsecondary education, workforce, social services and other critical State agency data systems in order to achieve interoperability with systems in other States.

(C) **CAPACITY AND TECHNICAL ASSISTANCE.**—The State educational agency shall demonstrate how it will support the statewide differentiated high school improvement system, including—

(i) a description of the statewide system of support, including regional support services and how schools identified under this Act can utilize such supports to improve teaching, learning, and student outcomes;

(ii) a description of how the State educational agency will review, support, mon-

itor, and provide technical support for local educational agency plans in accordance with paragraph (5);

(iii) a description of the State educational agency staffing structure that is designed to—

(I) carry out the activities described in clause (ii);

(II) assist local educational agency school improvement teams described in section 110(b)(2), including supporting local educational agencies and school officials in developing and implementing school improvement plans, including through the provision of resources, training and technical assistance; and

(III) coordinate services across other State agencies to streamline and improve support provided to schools identified as needing targeted intervention, whole school reform, or replacement under paragraph (2)(B);

(iv) a description of how the State educational agency will develop and identify school improvement planning tools for use by the local educational agencies and schools, such as needs assessments; and

(v) a description of how the State educational agency will ensure local educational agencies with high numbers of schools in whole school reform and replacement and such schools will be prioritized and targeted with support.

(D) **INCREASING LOCAL CAPACITY FOR IMPROVEMENT.**—The State educational agency shall demonstrate how the State educational agency will align its resources and policies to increase State and local capacity to ensure comprehensive support for schools identified as needing targeted intervention, whole school reform, or replacement under paragraph (2)(B), including how the State educational agency will—

(i) target resources, including resources from additional funding sources, to improve teacher and principal effectiveness in such schools including using data for decision-making;

(ii) leverage resources from other funding sources, such as school improvement funds, technology and data funds, and professional development funds;

(iii) provide local educational agencies with support in finding and utilizing secondary school reform partners and other external partners;

(iv) increase access to State and regional technical assistance services;

(v) ensure an equitable distribution of teachers and principals with a demonstrated record of improving student achievement and graduation rates among the schools in the State that are identified for targeted intervention, whole school reform, or replacement under paragraph (2)(B), particularly those schools in whole school reform or replacement, as compared to schools not identified under paragraph (2)(B);

(vi) ensure access to substantially equal educational funding (for each student in the State), such as through addressing per pupil expenditures or inter-district funding disparities;

(vii) support the development of effective school leaders for high schools identified for targeted intervention, whole school reform, or replacement under paragraph (2)(B);

(viii) assist local educational agencies in developing early warning indicator systems described in section 110(b)(6)(A); and

(ix) assist local educational agencies in developing education options as described in section 110(b)(6)(B).

(5) **STATE REVIEW OF LOCAL EDUCATIONAL AGENCY PLANS.**—

(A) **REVIEW LOCAL EDUCATIONAL AGENCY PLANS.**—The State educational agency shall describe how the State educational agency will collect and review high school improvement plans described in section 110(b)(4), including a description of—

(i) how the State educational agency will measure and ensure local educational agencies have the capacity to carry out such high school improvement plans;

(ii) how a local educational agency may propose additional levels of differentiation within a particular school improvement category described in paragraph (2)(B) that are aligned with the State accountability system under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) and the local educational agency's school improvement system under section 1116(b) of such Act (20 U.S.C. 6136(b)) existing as of the time of the plan;

(iii) how the State educational agency will allow consortia of local educational agencies, particularly those in rural areas, to collaborate to develop and implement school improvement plans;

(iv) how the State educational agency will review plans with the assistance and advice of a peer review panel that includes educators and individuals who are experts in—

(I) educational standards, assessments, and accountability;

(II) high school improvement;

(III) dropout prevention, intervention, and recovery;

(IV) parental involvement; and

(V) other educational needs of high school students;

(v) how the State, in consultation with the peer review panel, shall ensure the local educational agency has identified the school improvement category described in section 106(b)(2) for each high school served by the local educational agency that did not make adequate yearly progress for 2 consecutive years in such a way that accurately identifies the high school and leads to the implementation of the interventions necessary to meet student needs;

(vi) how the State will provide local educational agencies the opportunity to revise high school improvement plans, including, if the State educational agency, in consultation with the peer review panel described in clause (iv), determines that the local educational agency's plan does not meet the requirements of this title—

(I) immediately notifying the local educational agency of such determination and the reasons for such determination; and

(II) offering the local educational agency an opportunity to revise the plan, and technical assistance for revising the plan; and

(vii) how the State will make the school improvement plans available to the public.

(B) **ALLOCATION OF SUBGRANTS.**—The State educational agency shall describe how it will award subgrants to local educational agencies consistent with section 109.

(C) **MONITORING OF SCHOOL IMPROVEMENT PLANS.**—The State educational agency shall describe how the State educational agency will review and monitor the implementation of high school improvement plans, including how the State will analyze the implementation of the high school improvement plans of high schools that do not meet the annual growth targets set in accordance with paragraph (3)(D) and defined in the school improvement plan described in section 110(b)(4).

(D) **PROVIDING TECHNICAL ASSISTANCE.**—The State educational agency shall describe how it will provide technical assistance to local educational agencies and high schools that



need support to develop and to implement high school improvement plans described in section 110(b)(4) and improve graduation rates and student achievement, including through the use of secondary school reform partners, where appropriate.

(6) **EVALUATION OF SUCCESS.**—The State educational agency shall describe how, every 5 years, the State educational agency will evaluate how the activities assisted under this title have been successful in improving student achievement and outcomes of the cohort of students whose year of entry into high school was 4 years before the evaluation, including measurement of the State educational agency's effectiveness in carrying out the activities described in the application under this subsection.

#### SEC. 107. USE OF GRANT FUNDS.

A State educational agency that receives a grant under this title—

(1) shall reserve not more than 10 percent of the grant funds—

(A) to carry out the activities described in the State plan under section 106; and

(B) to establish or expand a statewide differentiated high school improvement system described in section 108; and

(2) shall use not less than 90 percent of the grant funds to make subgrants to local educational agencies in accordance with section 109.

#### SEC. 108. STATEWIDE DIFFERENTIATED HIGH SCHOOL IMPROVEMENT SYSTEM.

A Statewide differentiated high school improvement system shall be designed by the State educational agency to—

(1) use data to identify high schools for whole school reform or replacement, as described in clause (ii) or (iii) of section 106(b)(2)(B), within the State;

(2) differentiate school improvement actions under section 106(b)(2) based on the amount and type of supports necessary to improve student achievement and graduation rates in high schools within the State;

(3) provide resources to support the evidence-based activities that school improvement teams choose, based on school performance data, to carry out under section 111;

(4) target resources and support to those high schools in the State that are identified for whole school reform and replacement;

(5) ensure that each high school identified for targeted intervention, whole school reform, or replacement that is making progress on the State's school performance indicators described in section 106(b)(3) continues to implement effective school improvement strategies identified in the high school's school improvement plan;

(6) ensure that high schools identified for whole school reform or replacement making progress on the State's school performance indicators have the resources and supports necessary to improve high school graduation rates and student achievement;

(7) build the capacity of the State educational agency and local educational agencies to assist in improving student achievement and graduation rates in high schools identified for whole school reform and replacement; and

(8) ensure that high schools identified for whole school reform and replacement making progress on school performance indicators continue to have the resources and support necessary to further improve high school graduation rates and student achievement.

#### SEC. 109. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) **AWARD BASIS.**—

(1) **PRIORITY OF WHOLE SCHOOL REFORM AND REPLACEMENT.**—In awarding subgrants under

this section, a State educational agency shall—

(A) before awarding any subgrants to local educational agencies serving high schools identified for targeted intervention under section 106(b)(2), award subgrants to, on a competitive basis, local educational agencies serving high schools identified as needing whole school reform and replacement; and

(B) ensure that each subgrant awarded to a local educational agency provides funding adequate to fulfill the school improvement needs outlined in the local educational agency's school plan, as approved by the State educational agency.

(2) **TARGETED INTERVENTIONS.**—If subgrant funds remain after the application of subsection (a), then the State educational agency shall award remaining subgrant funds to local educational agencies serving high schools needing targeted interventions.

(3) **COMPETITIVE BASIS.**—A State educational agency that receives a grant under this title shall award subgrants, in accordance with subsections (a) and (b), to local educational agencies on the basis of—

(A) the quality of the school improvement plan to improve student graduation rates and student achievement in high schools that have not made adequate yearly progress for 2 consecutive years;

(B) the capacity of the local educational agency to implement the plan; and

(C) the need of the local educational agency, based on student high school graduation rates and the percentage of students from families with incomes below the poverty line.

(b) **APPLICATION.**—

(1) **IN GENERAL.**—To be eligible to receive a subgrant under this title, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(2) **CONTENTS.**—Each application submitted under this subsection shall include—

(A) a description, for each high school identified pursuant to section 110(b)(1), of how the local educational agency will carry out activities described in section 111 for the high school;

(B) a description of the local educational agency staffing structure that is designed to—

(i) carry out the activities described in section 110(a);

(ii) assist school improvement teams, including supporting local educational agency and school officials in developing and implementing high school improvement plans, by providing resources, training, and technical assistance, and through other means; and

(iii) coordinate services across other governmental agencies and nongovernmental organizations to streamline and improve support provided to schools identified for a school improvement category described in section 106(b)(2);

(C) a description of the policies and procedures the local educational agency shall implement to ensure the distribution and assignment of high-quality teachers and leaders in a manner that first fulfills the needs of the schools identified as needing targeted intervention, whole school reform, or replacement;

(D) an assurance that the local educational agency will use subgrant funds under this title first to meet the needs of high schools served by the local educational agency that are identified for whole school reform or replacement under clause (ii) or (iii) of section 106(b)(2);

(E) an assurance that the local educational agency shall provide ongoing support and resources to high schools identified for whole school reform or replacement, and are making progress on the State's school performance indicators described in section 106(b)(3), to ensure continued improvement;

(F) a description of how the local educational agency will increase its capacity to improve high schools with low student achievement and graduation rates; and

(G) an assurance that the local educational agency will conduct the capacity and needs assessment required under subsection (b)(9) and provide the results of the assessment to the State educational agency and the Secretary.

(3) **USE OF DATA.**—The local educational agency shall describe how data will be used, consistent with the requirements of this section, to inform the classification of high schools, and development and implementation of school improvement plans, including that data described in section 110(b)(1)(A).

(c) **SUPPLEMENT, NOT SUPPLANT.**—A local educational agency that receives a subgrant under this section shall use the subgrant funds to supplement, and not supplant, other Federal and non-Federal funds available for high schools served by the local educational agency.

(d) **MATCHING FUNDS.**—

(1) **IN GENERAL.**—A local educational agency receiving a subgrant under this section shall provide matching funds, from non-Federal sources, in an amount equal to not less than 15 percent of the total subgrant award for the local educational agency, which may be provided in cash or in-kind.

(2) **USE OF MATCHING FUNDS.**—The matching funds shall be used to provide technical assistance to high schools served by the local educational agency in—

(A) developing the high schools' high school improvement plans described in section 110(b)(4);

(B) conducting the capacity and needs assessments described in section 110(b)(9); and

(C) implementing and monitoring the implementation of the high school improvement plans.

(3) **WAIVER.**—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for a local educational agency if the Secretary determines that applying the matching requirement to such local educational agency would result in serious hardship or an inability to carry out the authorized activities described in section 111.

#### SEC. 110. LOCAL EDUCATIONAL AGENCY IMPLEMENTATION OF SCHOOL IMPROVEMENT SYSTEM.

(a) **DISTRICT-WIDE HIGH SCHOOL IMPROVEMENT.**—A local educational agency that receives a subgrant under section 109 shall use subgrant funds to develop, lead, and implement a district-wide approach to high school improvement that meets the requirements of subsection (b) and carry out the activities described in section 111.

(b) **SYSTEM REQUIREMENTS.**—

(1) **DIFFERENTIATE HIGH SCHOOLS.**—The local educational agency shall—

(A) identify the category of high school improvement, as described in section 106(b)(2), using data from the school performance indicators as prescribed by the State educational agency in accordance with section 106(b), for each high school served by such agency that does not make adequate yearly progress for 2 consecutive years; and

(B) publicly identify such schools by school improvement category.

## (2) SCHOOL IMPROVEMENT TEAMS.—

(A) IN GENERAL.—The local educational agency shall convene a school improvement team for each high school served by such agency that is assigned to one of the school improvement categories described in section 106(b)(2).

## (B) MEMBERS.—

(i) MANDATORY MEMBERS.—The school improvement team for a high school shall include—

(I) the principal of the high school;

(II) at least 2 teachers from the high school representing different grade levels or disciplines; and

(III) local educational agency staff.

(ii) ADDITIONAL MEMBERS.—The school improvement team for a high school shall include at least one of the following:

(I) A parent of a student in the high school.

(II) A community representative, such as a representative of nonprofit organizations serving young people and the business community.

(III) A pupil service representative.

(IV) In the case of a school in whole school reform or replacement, secondary school reform partners.

(iii) OPTIONAL MEMBERS.—The school improvement team for a high school may include State educational agency staff, if requested by the local educational agency or assigned by the State educational agency.

(C) COLLABORATION.—The local educational agency shall ensure collaboration—

(i) of school improvement teams with personnel of middle grades schools served by the local educational agency whose students will attend high schools that are identified for one of the categories described in section 106(b)(2), to the extent appropriate; and

(ii) among or between school improvement teams at schools assigned to one of the school improvement categories and school leadership and other personnel at schools served by the local educational agency that have made adequate yearly progress.

(3) USE OF DATA.—Consistent with the requirements of this section, the local educational agency shall use, at minimum, data on the following to inform the classification of high schools:

(A) School performance indicators described in section 106(b)(3).

(B) Indicators used to determine adequate yearly progress.

(C) Information about incoming students in the initial grade of the high school.

(D) Information about the student population, including data provided through the early warning indicator system described in paragraph (6)(A).

(E) The schools' capacity and needs, as described in paragraph (9).

(4) DEVELOP HIGH SCHOOL IMPROVEMENT PLANS.—The school improvement team convened under paragraph (2) for each school shall use the data described in paragraph (3), and other relevant data and knowledge regarding the school, to develop a multiyear school improvement plan. Such plan shall—

(A) identify the school annual growth targets for the State's school performance indicators described in section 106(b)(3) that meet or exceed the State's annual growth targets described in such section;

(B) define the evidence-based academic and nonacademic interventions and resources necessary to meet the school annual growth targets and make adequate yearly progress;

(C) identify the roles of the State educational agency, the local educational agency, the school, and secondary school reform partners and other external partners, as ap-

propriate, in providing such interventions and the resources necessary to meet the school annual growth targets and make adequate yearly progress;

(D) provide for the involvement of business and community organizations and other entities, including parents and institutions of higher education, in the activities to be assisted under the subgrant;

(E) describe and direct the use of—

(i) any additional funding to be provided by the State educational agency, the local educational agency, or other sources to support activities carried out under this title; and

(ii) in the case of a high school identified for whole school reform or replacement, secondary school reform partners and external partners.

(5) IMPLEMENT HIGH SCHOOL IMPROVEMENT.—The local educational agency shall use funds to—

(A) engage in a planning period of not longer than 180 days to prepare to implement the school improvement plan for each high school, including preparation activities such as—

(i) creating a skilled leadership team and providing professional development in best practice and successful school models that educate similar student populations;

(ii) working with secondary school reform partners to identify roles and responsibilities to create a comprehensive approach and effort to implementing the school improvement plan for each school identified for targeted intervention, whole school improvement, or replacement;

(iii) planning and providing professional development to high school teachers in instruction, use of data, and working in the identified schools;

(iv) appropriately identifying teachers for each grade and course;

(v) establishing and implementing use of the early warning indicator system described in paragraph (6)(A); and

(vi) establishing a school schedule that enables the implementation of the high school improvement plan; and

(B) ensure the implementation of the high school improvement plans for the high schools identified for one of the categories described in section 106(b)(2).

(6) IMPLEMENT DISTRICT-WIDE ACTIVITIES.—The local educational agency shall support successful implementation of high school improvement plans and district-wide improvement through—

(A) establishing an early warning indicator system to identify students who are at risk of dropping out of high school and to guide preventive and recuperative school improvement strategies, including—

(i) identifying and analyzing the academic risk factors that most reliably predict dropouts, such as by using longitudinal data of past cohorts of students;

(ii) identifying specific indicators of student progress and performance, such as attendance, academic performance in core courses, and credit accumulation, to guide decisionmaking;

(iii) identifying or developing a mechanism for regularly collecting and analyzing data about the impact of interventions on the indicators of student progress and performance; and

(iv) analyzing academic indicators to determine whether students are on track to graduate secondary school in the standard number of years;

(B) providing academically rigorous education options that lead to a secondary school diploma consistent with readiness for

postsecondary education and the workforce, based on an analysis of data described in paragraph (3) and other student-level data and designed to meet the students' needs and interests, such as—

(i) effective research-based dropout prevention, credit and dropout recovery, and recuperative education programs for students who are not making sufficient progress to graduate high school in the standard number of years or have dropped out of high school;

(ii) providing students with post-secondary learning opportunities, such as through access to a relevant curriculum or course of study that enables a student to earn a secondary school diploma and—

(I) an associate's degree; or

(II) not more than 2 years of transferable credit toward a postsecondary degree or credential;

(iii) combining rigorous academic education with career training, including training that leads to postsecondary credentials, for students;

(iv) increasing access to Advanced Placement or International Baccalaureate courses and examinations; or

(v) developing and utilizing innovative, high quality distance learning strategies to improve student academic achievement;

(C) providing targeted research-based interventions for middle schools that feed into the high schools identified by the local educational agency as needing whole school reform or replacement;

(D) identifying and implement strategies for pairing academic support with integrated student services and case-managed interventions for students requiring intensive supports, which may include partnership with other external partners;

(E) providing technical assistance to high schools identified for 1 of the categories described in section 106(b)(2) through—

(i) streamlining and prioritizing resources to organize support for schools in whole school reform or replacement, such as through identifying and developing categories or clusters of schools with similar school improvement needs; and

(ii) assisting schools in identifying secondary school reform partners and other external partners; and

(F) supporting the use of data to improve teaching and learning, including—

(i) improving longitudinal student data systems;

(ii) regularly analyzing and communicating data to educators, parents, and students that they can use; and

(iii) building principals' and teachers' data and assessment literacy.

(7) ENSURE CONTINUOUS HIGH SCHOOL IMPROVEMENT.—

(A) IN GENERAL.—The local educational agency shall ensure the continuous improvement of high schools by—

(i) evaluating the progress of each high school in making continuous and substantial progress based on the high school's annual growth targets identified under paragraph (4) for the school; and

(ii) determining the high school's progress and taking appropriate actions, as provided in subparagraphs (B) and (C).

(B) ON TRACK.—Each high school that is meeting the school's annual growth targets identified in the high school improvement plan for the high school, shall continue to implement school improvement activities in accordance with the high school improvement plan.

(C) NOT ON TRACK.—

(i) ANNUAL REVIEW.—For each high school that is not meeting the high school's annual

growth targets, the local educational agency shall—

(I) after the first year that the high school fails to meet the high school's annual growth targets, review the high school improvement plan and develop and implement a new plan; and

(II) after the high school fails to meet the high school's annual growth targets for 2 or more consecutive years, reclassify the school as a school in need of whole school reform or replacement, as appropriate based on the State educational agency's categorization system described in section 106(b)(2).

(ii) **RESUBMISSION OF SCHOOL PLAN.**—For each high school that fails to meet the high school's annual growth targets for 2 or more consecutive years, the local educational agency may develop and submit to the State educational agency for review a new school improvement plan, as the local educational agency determines appropriate.

(8) **ASSURANCES.**—The local educational agency shall ensure that high schools receiving additional students due to other high schools being replaced under subsection (c) will have sufficient capacity, resources, and funding to deliver a high quality education to all students.

(9) **CAPACITY AND NEEDS ASSESSMENT.**—

(A) **IN GENERAL.**—Each school improvement team described in subsection (b)(2) and the local educational agency shall conduct a high school capacity and needs assessment for the high school served by the team that includes—

(i) a description and analysis of the high school's capacity to implement the school improvement activities identified in the high school improvement plan, including an analysis of—

(I) the number, experience, training level, responsibilities, and stability of existing administrative, instructional, and noninstructional staff for the high school; and

(II) a review of the budget, including how Federal, State, and local funds are being spent, as of the time of the assessment, for instruction and operations at the school level for staff salaries, instructional materials, professional development, and student support services, in order to establish the extent to which existing resources need to and can be reallocated to support the needed school improvement activities;

(ii) additional resources and staff necessary to implement the school improvement activities identified in the high school improvement plan; and

(iii) an analysis of the local educational agency's capacity to provide technical assistance, additional staff, and resources to implement the high school improvement plan and to improve the high school's performance.

(B) **ASSESSMENT REQUIREMENTS.**—A local educational agency shall use the information provided in the capacity and needs assessment for a high school, in coordination with the high school's school improvement plan and the understanding of the reform history of high schools, to—

(i) determine the level and direct the use of—

(I) the funds requested by the local educational agency for the high school under the subgrant under this section; and

(II) any additional funding to be provided by the State educational agency, the local educational agency, or other sources; and

(ii) to determine the number and direct the use of secondary school reform partners and external partners.

(C) **TECHNICAL ASSISTANCE.**—A local educational agency may request technical as-

sistance from the State educational agency in preparing the plan and the capacity and needs assessment required under this paragraph.

(c) **AUTHORITY TO INTERVENE.**—The State educational agency may intervene to develop or implement the high school improvement plans, or enter into contracts with secondary school reform partners to assist local educational agencies with the development and implementation of high school improvement plans, if the State educational agency determines that—

(1) a local educational agency serving a high school in whole school reform or replacement has not submitted an application described in section 109(b); or

(2) a local educational agency does not have the capacity to implement the school improvement activities described in the school improvement plan submitted under subsection (b)(4).

#### **SEC. 111. SCHOOL IMPROVEMENT ACTIVITIES.**

(a) **IN GENERAL.**—The school improvement team described in section 110(b)(2) for each high school identified for a school improvement category described in section 106(b)(2) shall ensure that the school improvement activities included in the school improvement plan are implemented.

(b) **TARGETED INTERVENTIONS.**—A high school identified for targeted interventions under section 110(b)(1) or the local educational agency serving such high school, shall implement research-based targeted interventions, using data from the school performance indicators, the early warning indicator system, other student indicators, and the capacity and needs assessment for the high school. The targeted interventions shall be designed, at a minimum, to address the specific problems identified by the indicators, including the needs of students who are not making sufficient progress to graduate in the standard number of years.

(c) **WHOLE SCHOOL REFORM.**—The local educational agency or State educational agency, with technical assistance from secondary school reform partners, shall enable and assist each school identified as needing whole school reform pursuant to section 110(b)(1) to implement whole school reform based on scientifically valid research using the data described in section 110(b)(3). Such reform—

(1) shall address the comprehensive aspects of high school reform, including—

(A) schoolwide needs;

(B) students who need targeted assistance; and

(C) students who need intensive interventions, including those who are not making sufficient progress to graduate on time;

(2) shall address schoolwide factors to improve student achievement, including—

(A) setting high expectations and infusing relevance into learning for all students;

(B) personalizing the high school experience; and

(C) improving school climate, including student attendance and behavior;

(3) shall include activities that—

(A) ensure continuous improvement by—

(i) ensuring the school improvement plan is supported to the extent practicable by all school staff;

(ii) establishing clear—

(I) goals and growth targets for implementation outcomes; and

(II) school annual growth targets; and

(iii) regularly evaluating implementation of and fidelity to the high school improvement plan, such as dedicating a staff member to support implementation of the school improvement plan;

(B) organize the school to improve teaching and learning, including through—

(i) strategic use of time, such as—

(I) establishing common planning time for subject area teachers and interdisciplinary teams who share common groups of students;

(II) utilizing block scheduling or redesigning the school calendar year or day to create extended learning time in core subjects; or

(III) creating a flexible school period to address specific student academic needs and interests such as credit recovery, electives, or service learning;

(ii) alignment of resources to improvement goals, such as through ensuring that students in their initial year in the high school are taught by teachers prepared to meet their specific learning needs; and

(iii) development of effective leadership structures, supports, and clear decision-making processes, such as through developing distributive leadership and leadership teams;

(C) improve curriculum and instruction, including through—

(i) increasing access to rigorous and advanced coursework, including adoption and implementation of a college- and work-ready curriculum, and evidence-based, engaging instructional materials aligned with such a curriculum, for all students;

(ii) increasing access to contextualized learning opportunities aligned with readiness for postsecondary education and the workforce, such as—

(I) providing work-based, project-based, and service-learning opportunities; or

(II) providing a high quality, college preparatory curriculum in the context of a rigorous career and technical education core;

(iii) regularly collecting and using data to inform instruction, such as—

(I) through use of formative assessments;

(II) creating and using common grading rubrics; or

(III) identifying effective instructional approaches to meet student needs; and

(iv) emphasizing core skills instruction, such as literacy, across content areas;

(D) provide students with academic and social support to address individual student learning needs, including through—

(i) increasing personalization through learning structures that facilitate the development of student and staff relationships such as—

(I) implementing grade 9 academies or thematic smaller learning communities;

(II) establishing teams of teachers who work exclusively with small groups of students; or

(III) creating advisor positions to provide students with study, organizational, and social skills;

(ii) offering extended-learning, credit recovery, mentoring, or tutoring options of sufficient scale to meet student needs;

(iii) providing evidence-based accelerated learning for students with academic skill levels below grade level;

(iv) coordinating and increasing access to integrated services, such as providing additional counselors, social workers, and behavior and mental health providers to deliver such services; and

(v) providing graduation and postsecondary planning and transition supports, including college awareness and planning;

(E) increase teacher and school leader effectiveness, including through—

(i) professional development activities that respond to student and schoolwide needs as identified through the data described in section 110(b)(3), such as—

(I) training teachers, leaders, and administrators together with staff from high schools making adequate yearly progress that serve similar populations and in such schools; and

(II) establishing peer learning and coaching among teachers; and

(ii) facilitating collaboration, including through professional communities across subject area and interdisciplinary groups and similar high schools; and

(F) engage families and community partners, including community-based organizations, organizations assisting parent involvement, institutions of higher education, and industry, in school improvement activities through evidence-based strategies; and

(4) may include—

(A) providing enabling policies, such as additional flexibility regarding staffing and compensation, budgeting, student credit attainment, or use of school time, that support the implementation of effective school improvement activities and educational options;

(B) implementing multiple school options or effective school models that address the needs of students who are not making sufficient progress to graduate in the standard number of years or have dropped out of high school, as informed by analysis of school performance indicator data described in section 106(b)(3) and early warning indicator system data described in section 110(b)(6)(A); and

(C) other activities designed to address whole school needs, such as implementing a comprehensive reform model for the high school.

(d) **REPLACEMENT.**—The local educational agency, in consultation with the State educational agency, secondary school reform partners, and external partners, shall replace each high school that, using data under section 110(b)(3), is identified for replacement pursuant to section 110(b)(1). The local educational agency shall ensure successful implementation of the replacement strategy through—

(1) closing and reopening the schools or implementing multiple school options or effective school models that address the needs of students in the replaced schools, including students who are not making sufficient progress to graduate in the standard number of years or have dropped out of high school;

(2) providing enabling policies, such as additional flexibility regarding staffing and compensation, budgeting, or use of school time; and

(3) implementing activities described in subsection (c).

#### **SEC. 112. EVALUATION AND REPORTING.**

(a) **LOCAL EDUCATIONAL AGENCY REPORTING.**—On an annual basis, each local educational agency receiving a subgrant under section 109 shall report to the State educational agency and to the public on—

(1) the identified category of school improvement for each high school in the school that failed to make adequate yearly progress for the most recent 2 consecutive years;

(2) the school performance indicators (as described in section 106(b)(3)) for each such high school, in the aggregate and disaggregated by the subgroups described in section 111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(3) each such high school's progress in meeting the high school's annual growth targets under section 110(b)(4)(A); and

(4) the use of funds by the local educational agency and each such school.

(b) **STATE EDUCATIONAL AGENCY REPORTING.**—On an annual basis, each State edu-

cational agency receiving a grant under this title shall prepare and submit to the Secretary, and make available to the public, a report on—

(1) the school performance indicators (as described in section 106(b)(3)) for each high school served by the State educational agency that receives assistance under this title, in the aggregate and disaggregated by the subgroups described in section 111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(2) progress in meeting the annual growth targets under section 110(b)(4)(A) for each such high school;

(3) the high schools in the State that have changed school improvement categories pursuant to section 110(b)(7);

(4) the use of funds by each local educational agency and each school served with such funds;

(5) the State definition of a new school, for purposes of whole school reform or replacement;

(6) the number of schools closed for each local educational agency in the State;

(7) the number of new schools for each local educational agency in the State; and

(8) the new schools in the State that have made adequate yearly progress.

(c) **REPORT TO CONGRESS.**—Every 2 years, the Secretary shall prepare and submit to Congress and make available to the public—

(1) a summary of the State reports under subsection (b); and

(2) a report on the use of funds by each State under this title.

#### **SEC. 113. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out the activities authorized under this title, \$2,440,000,000 for fiscal year 2011 and each of the 4 succeeding fiscal years.

### **TITLE II—DEVELOPMENT OF EFFECTIVE SCHOOL MODELS**

#### **SEC. 201. PURPOSES.**

The purposes of this title are—

(1) to facilitate the development and implementation of effective secondary school models for struggling students and dropouts in order to raise secondary school graduation rates and more effectively prepare students for postsecondary education and the workforce; and

(2) to build the capacity of State educational agencies, local educational agencies, nonprofit organizations, and institutions of higher education to implement effective secondary school models for struggling students and dropouts.

#### **SEC. 202. DEFINITIONS.**

In this title:

(1) **DROPOUT.**—The term “dropout” means an individual who—

(A) is not older than 21;

(B) is not attending any school; and

(C) has not received a secondary school diploma or its recognized equivalent.

(2) **EFFECTIVE SCHOOL MODEL.**—The term “effective school model” means—

(A) an existing secondary school model with demonstrated effectiveness in improving student academic achievement and outcomes for off-track students or dropouts; or

(B) a proposed new secondary school model design that is based on research-based organizational and instructional practices for improving student academic achievement and outcomes for struggling students or dropouts.

(3) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a local educational agency, nonprofit organization, or institution of higher education—

(i) that proposes to enhance or expand an existing effective school model for off-track students or dropouts; or

(ii) that has a track record of serving struggling students or dropouts and proposes to develop a new effective school model for off-track students or dropouts; or

(B) a partnership involving 2 or more entities described in subparagraph (A).

(4) **LATE ENTRANT ENGLISH LANGUAGE LEARNER.**—The term “late entrant English language learner” means a high school student who—

(A) enters a school served by a local educational agency at grade 9 or higher; and

(B) is identified by the local educational agency as being limited English proficient and as having experienced interrupted formal education.

(5) **STRUGGLING STUDENT.**—The term “struggling student”—

(A) means a high school-aged student who is not making sufficient progress toward graduating from secondary school with a regular diploma in the standard number of years; and

(B) includes a student who—

(i) has been retained in grade level;

(ii) is an undercredited student; or

(iii) is a late entrant English language learner.

(6) **UNDERCREDITED STUDENT.**—The term “undercredited student” means a high school student who lacks either the necessary credits or courses, as determined by the relevant local educational agency and State educational agency, to graduate from secondary school with a regular diploma in the standard number of years.

#### **SEC. 203. GRANTS AUTHORIZED.**

(a) **IN GENERAL.**—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop and implement, or replicate, effective school models for struggling students and dropouts.

(b) **PERIOD OF GRANT.**—A grant awarded under this section shall be for a period of 5 years.

#### **SEC. 204. APPLICATION.**

(a) **IN GENERAL.**—Each eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) **CONTENTS.**—Each application submitted under this section shall include a description of—

(1) how the eligible entity will carry out the mandatory activities under section 206(a);

(2) the research or evidence concerning the effective school model that the eligible entity proposes to develop and implement or replicate, including—

(A) for an existing effective school model described in section 202(2)(A), the evidence that the model has improved academic outcomes for struggling students or dropouts; or

(B) for a proposed effective school model described in section 202(2)(B), the research that supports the key organizational and instructional practices of the proposed effective school model;

(3) the eligible entity's school design elements and principles that will be used in the effective school model, including—

(A) the academic program;

(B) the instructional practices;

(C) the methods of assessment; and

(D) student supports and services, such as the supports and services provided by the

school or offered by other organizations and agencies in the community, to support positive student academic achievement and outcomes;

(4) how the eligible entity will use student data from the local educational agency or State educational agency to evaluate and improve academic outcomes for struggling students or dropouts;

(5) for each school in which the eligible entity implements or replicates an effective school model under this title, how the eligibility entity will sustain the implementation or replication of the effective school model, including the financing mechanism to be used;

(6) how the eligible entity will collect data and information to assess the performance of the effective school model and will make necessary adjustments to ensure continuous and substantial improvement in student academic achievement and outcomes; and

(7) how the eligible entity will make the performance data available to State educational agencies, local educational agencies, and schools serving struggling students or dropouts.

#### SEC. 205. SECRETARIAL PEER REVIEW AND APPROVAL.

The Secretary shall—

(1) establish a peer-review process to assist in the review and approval of applications submitted by eligible entities under section 204; and

(2) appoint individuals to the peer-review process who are experts in high school reform, dropout prevention and recovery, new school development for struggling students and dropouts, and adolescent and academic development.

#### SEC. 206. USE OF FUNDS.

(a) MANDATORY USE OF FUNDS.—An eligible entity receiving a grant under this title shall use grant funds to—

(1) enhance and expand, or replicate an existing effective school model described in section 202(2)(A), or develop a proposed effective school model described in section 202(2)(B), for struggling students and dropouts;

(2) assess the progress of the implementation or replication of the effective school model and make necessary adjustments to ensure continuous improvement;

(3) provide opportunities for professional development associated with the continuous improvement and implementation or replication of the effective school model;

(4) collect data and information on the school model's effectiveness in improving student academic achievement and outcomes for struggling students and dropouts and disseminate such data and information to State educational agencies, local educational agencies, and schools; and

(5) build the capacity of the eligible entity to—

(A) sustain the implementation or replication of the effective school model assisted under paragraph (1) after the grant period has ended; and

(B) replicate the effective school model.

(b) OPTIONAL USE OF FUNDS.—An eligible entity receiving a grant under this title may use grant funds—

(1) to identify and create partnerships needed to improve the academic achievement and outcomes of the students attending a school assisted under this title;

(2) to support family and community engagement in the effective school model; and

(3) to carry out any additional activities that the Secretary determines are within the purposes described in section 201.

#### SEC. 207. EVALUATION AND REPORTING.

(a) CONTENTS OF REPORT.—Each eligible entity receiving a grant under this title shall annually report to the Secretary on—

(1) the data and information being gathered to assess the effective school model's effectiveness in improving student academic achievement and outcomes for struggling students and dropouts;

(2) the implementation status of the models, any barriers to implementation, and actions taken to overcome the barriers;

(3) any professional development activities to build the capacity of—

(A) the eligible entity to sustain or replicate the effective school model; or

(B) the staff of a school assisted under this title to implement or improve the effective school model;

(4) the progress made in improving student academic achievement and outcomes in the effective school models for struggling students and dropouts; and

(5) the use of grant funds by the eligible entity.

(b) INDEPENDENT EVALUATIONS.—The Secretary shall reserve not more than \$5,000,000 to carry out an independent evaluation of the grant program under this title and the progress of the eligible entities receiving grants under this title.

#### SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$60,000,000 for fiscal year 2011 and each of the 4 succeeding fiscal years.

Mr. REID. Mr. President, I rise today with my friend Senator BINGAMAN, a longtime champion on the issue of dropout prevention and improving graduation rates, to introduce the Graduation Promise Act—comprehensive legislation to help improve graduation rates in this country and transform some of our lowest performing high schools. I am so pleased to be joined by Senators DODD, MURRAY, REED, BROWN, CASEY, MERKLEY, and FRANKEN in introducing this legislation.

During the August recess, I was honored to welcome the Education Secretary, Arne Duncan, to Nevada. We held a meeting with education leaders, teachers, students, parents, and other stakeholders from across Nevada to discuss the issue of dropout prevention and turning around low performing schools.

In his remarks, Secretary Duncan said something that really put the issue of high school dropouts in perspective. Four years ago, he said, there were 36,000 ninth graders in Nevada. Last year, that same class of students, was down to 22,000 twelfth graders. Where, Secretary Duncan asked, did those other 14,000 students go?

Keeping those 14,000 Nevada students in school and on track to graduate from high school is why I have joined Senator BINGAMAN and my colleagues in this effort.

Of course this issue is not just a problem in Nevada; it is a nationwide crisis. Nearly one in three high school students in the U.S. fail to graduate. For African-American and Latino students, less than 50 percent complete high school on time. In total, approxi-

mately 1.3 million students drop out each year—that is more than 7,000 a day. For those that do graduate, fewer than half are fully prepared for college or the workforce.

These statistics confirm that millions of young Americans are being robbed of their best chances to succeed.

The social and economic implications of the dropout crisis are severe and lasting. Let me illustrate with data from Nevada's class of 2008—the 14,000 Nevada students that Secretary Duncan referred to—those who started school with the class of 2008 but did not graduate with their peers.

These students will cost the State's economy an estimated \$5 billion in lost wages over the course of their lifetimes. They will earn an average of almost \$10,000 less each year compared to their classmates who finished high school. They are also more likely to become parents before they are ready, become incarcerated, or need public assistance.

This fate is particularly true of students concentrated in those high schools where 60 percent or fewer of the entering freshmen actually graduate as seniors 4 years later. Research shows that there are currently about 2,000 high schools across the Nation that collectively produce almost half of America's dropouts. Year after year, students in these schools fall further and further behind.

Where the United States once ranked at or near the top among industrial democracies in high school graduation rates, today we are 19th. In today's global economy, a high school diploma is the minimum qualification needed for jobs in the fastest-growing sectors. This situation is not only economically untenable, it is morally unacceptable.

Tackling the dropout crisis requires a comprehensive solution. As this is a nationwide problem, it requires a more robust role for the federal government. Since the No Child Left Behind Act, federal support for education has increased significantly. Yet despite these additional resources, less than 10 percent of federal education funding goes to our nation's high schools.

The legislation we introduce today would provide that needed support to struggling high schools across the country. The Graduation Promise Act would authorize \$2.4 billion to create a "High School Improvement and Dropout Reduction Fund" in order to turn around America's lowest performing high schools and ensure students graduate from high school ready for college or a career. The fund would support states and school districts as they develop comprehensive high school improvement systems.

In order to help those students who are most at risk of dropping out of school, federal resources would be directed to the lowest-performing schools. These resources would support

proven school improvement activities and strategies based on each school's needs.

Schools across Nevada are already implementing proven strategies in the schools that need them the most—strategies like extending the school day or year; dividing large urban schools into smaller, more personal learning academies; expanding summer learning opportunities; or partnering schools with colleges and universities to allow high school students to take and receive credit for college-level courses.

At Valley High School in Las Vegas, the school that recently hosted Secretary Duncan, strategies like extended learning time, weekend and after-school enrichment, smaller learning communities, and magnet programs, turned the school around and will most certainly help more students graduate on time and ready for college or the workforce.

In the Clark County Schools District in southern Nevada, some of the most cutting-edge career and technical academies in the country have recently opened. These programs—in engineering and design, medical occupations and media communications—have been recognized for helping to increase graduation rates.

In northern Nevada, the Washoe County School District has teamed up with one of the local community colleges. The Truckee Meadows Community College High School now allows students to take a combination of college and high school courses, and they get credit on both levels. Not only do these students complete more challenging, college-level coursework, but they are laying the groundwork for success in college and the workforce.

The bottom line is that all of these strategies keep students engaged and help prevent them from dropping out. The Graduation Promise Act will allow schools to replicate these strategies so that all students can achieve their full potential. I hope my colleagues will join me in supporting this important bill.

By Mr. REED (for himself, Mr. KERRY, Mr. KOHL, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN, Mr. CASEY, Mr. WHITEHOUSE, and Mr. BURRIS):

S. 1699. A bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1699

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE.

This Act may be cited as the “Unemployment Compensation Extension Act of 2009”.

# SEC. 2. ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(d) FURTHER ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter ‘additional emergency unemployment compensation’) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘further additional emergency unemployment compensation’) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

“(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if such a period would then be in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970 if—

“(A) section 203(d) of such Act—

“(i) were applied by substituting ‘6’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) section 203(f) of such Act were applied to such State—

“(i) regardless of whether or not the State had by law provided for its application;

“(ii) by substituting ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(iii) as if it did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) COORDINATION RULE.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any further additional emergency unemployment compensation, if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of additional emergency unemployment compensation.

“(4) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) by striking “then section 4002(c)” and inserting “then subsections (c) and (d) of section 4002”; and

(2) by striking “paragraph (2) of such subsection” and inserting “paragraph (2) of such subsection (c) or (d) (as the case may be)”.’.

(c) TRANSFER OF FUNDS.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “Act;” and inserting

“Act and the Unemployment Compensation Extension Act of 2009;”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

# SEC. 3. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking “through 2009” in paragraph (1) and inserting “through 2010”; and

(2) by striking “calendar year 2010” in paragraph (2) and inserting “calendar year 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

# SEC. 4. REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.

(a) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee.”.

(b) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting “, to the extent practicable,” after “Each report required by subsection (b) shall”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect six months after the date of enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

# SEC. 5. COLLECTION IN ALL STATES OF UNEMPLOYMENT COMPENSATION DUE TO FRAUD.

(a) IN GENERAL.—Subsection (f) of section 6402 of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to refunds payable on or after the date of the enactment of this Act.

By Mr. LUGAR (for himself, Mr. CARDIN, Mr. SCHUMER, Mr. WICKER, Mr. FEINGOLD, and Mr. WHITEHOUSE):

S. 1700. A bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other



purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LUGAR. Mr. President, I rise to introduce the Energy Security Through Transparency Act of 2009 on behalf of myself, Senator CARDIN, Senator SCHUMER, Senator WICKER, and Senator FEINGOLD. The Energy Security Through Transparency, ESTT, bill takes important steps towards reversing the resource curse by revealing payments made here and abroad to governments for oil, gas and minerals.

The Energy Security Through Transparency Act builds on the findings of a Senate Foreign Relations Committee staff report entitled the "Petroleum and Poverty Paradox: Assessing U.S. and International Community Efforts to Fight the Resource Curse" which noted that many resource-rich countries that should be well-off are, in fact, terribly poor. History shows that oil, gas reserves and minerals frequently can be a bane, not a blessing, for poor countries, leading to corruption, wasteful spending, military adventurism, and instability. Too often, oil money intended for a nation's poor lines the pockets of the rich, or is squandered on showcase projects instead of productive investments.

A classic case is Nigeria, the eighth-largest oil exporter. Despite half a trillion dollars in revenues since the 1960s, poverty has increased, corruption is rife, and violence roils the oil-rich Niger Delta.

The "resource curse" affects us as well as producing countries. It exacerbates global poverty which can be a seedbed for terrorism, it empowers autocrats and dictators, and it can crimp world petroleum supplies by breeding instability.

ESTT expresses the Sense of Congress that the administration should undertake to become an 'implementing' country of the Extractive Industry Transparency Initiative, EITI. EITI is a major international transparency effort which sets a global framework for companies to publish what they pay and for governments to disclose what they receive. EITI's revenue data is intended to provide citizens with basic but crucial information necessary to effectively monitor government stewardship of natural resource revenues; hold decision-makers accountable for the use of public funds; and signal investors that a given country offers a transparent, rule of law-based business environment. The Bush administration supported the EITI through its participation on the board through the initiative's critical first several years.

As an implementing country, the U.S. would commit to disclosing payments from companies for oil, gas and minerals extracted from federal lands. Norway has recently signed up to become an implementing country, along with thirty developing countries. The

U.S. commitment to implementing EITI would add to our current commitment to EITI as a supporting country. This bill would ensure that not only was the U.S. promoting EITI with other countries, but that we were benefiting from the structured transparency here at home.

This bill commits the Department of Interior to disclosing extractive payments received for resources derived from federal lands. In a letter I received from Secretary Salazar on June 19, 2009, he wrote that "the Department of the Interior is in agreement with the goals set forth in the EITI especially concerning transparency in the management of extraction of minerals from Federal Lands." He went on to add that "the DOI is committed to an ongoing effort to improve the quality of our services by taking accountability for our actions and fulfilling our commitments to the public and all our customers in an open, transparent manner."

ESTT requires companies listed on U.S. stock exchanges to disclose in their regular SEC filings their extractive payments to foreign governments for oil, gas and mining which builds on the EITI requirement that all extractive companies operating in an EITI implementing country must report their payments to the government. This would allow investors to better evaluate the potential country risk faced by companies. It would also allow people to have information about the funds sent to their governments in non-EITI implementing countries.

An issue has been raised over whether this would impose a burdensome reporting requirement on the companies and whether the payments made by companies to extractive countries are relevant to investors looking into finances of those companies. This bill would not require the companies to collect any new information, but to report publically financial figures they already maintain. Many oil companies who work in EITI countries already file this information in the form required by EITI. It is expected that the SEC will follow the reporting requirements established under EITI, which were developed in conjunction with the oil industry. The legislation also gives the SEC some discretion, which should ensure ease of compliance. Regarding materiality, many analysts say that among the root causes of the current financial crisis were a failure by investors to have access to sufficient information about their investments, and an excessive reliance on the judgments of the ratings agencies, which proved to be highly faulty. That experience argues strongly for more disclosure and information. Considering the well-established link between oil payments and the business climate, many investors might be interested in this information—particularly socially responsible investors.

This legislation also encourages the President to work with members of the G-8, G-20, the Organization for Economic Cooperation and Development and the Asia-Pacific Economic Cooperation to promote similar disclosure through their exchanges and jurisdictions. As Secretary Clinton noted in her questions for the record on January 12, 2009, "President-Elect Obama has put a high priority on promoting transparency in government more broadly. I look forward to working with the President-Elect and the Treasury Department to promote greater transparency at the G-8 and now G-20 as well."

In developing this legislation, my staff consulted with the Security and Exchange Commission, the Treasury Department, the Interior Department, energy companies, mining companies, the industry representatives, and non-governmental organizations.

When financial markets see stable economic growth and political organization in resource rich countries, supplies are more reliable and risk premiums factored into process at the gas pump are diminished. Information is critical to maintaining healthy economies and of healthy political systems. I ask for your support on passage of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1700

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Security Through Transparency Act of 2009".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is in the interest of the United States to promote good governance in the extractive industries sector because good governance strengthens the national security and foreign policy of the United States, contributes to a better investment climate for businesses in the United States, increases the reliability of commodity supplies upon which businesses and people in the United States rely, and promotes greater energy security.

(2) Developing countries that derive a significant portion of revenues from natural resource extraction tend to have higher poverty rates, weaker governance, higher rates of conflict, and poorer development records than countries that do not rely on resource revenues. The consequences of what is known as the "resource curse" including the erosion of civil society, a rise in internal conflicts and regional violence, and the proliferation of terrorism are likely to pose a long-term threat to the national security, foreign policy, and economic interests of the United States.

(3) Transparency in revenue payments to governments enables citizens to hold their leaders more accountable.

(4) There is a growing consensus among oil, gas, and mining companies that transparency in revenue payments is good for

business, since it improves the business climate in which they work and fosters good governance and accountability.

(5) Transparency in revenue payments benefits shareholders of corporations that make such payments because such shareholders have a desire to know the amount of such payments in order to assess financial risk, compare payments from country to country, and assess whether such payments help to create a more stable investment climate. Undisclosed payments may be perceived as corrupt and as decreasing the value of the corporation.

### SEC. 3. SENSE OF CONGRESS RELATING TO TRANSPARENCY FOR EXTRACTIVE INDUSTRIES.

It is the sense of Congress that—

(1) the President should work with foreign governments, including members of the Group of 8 and the Group of 20, to establish domestic requirements that companies under the jurisdiction of each government publicly disclose any payments made to a government relating to the commercial development of oil, natural gas, and minerals; and

(2) the United States Government should commit to global leadership of transparency in extractive industries by supporting—

(A) multilateral pro-transparency efforts, such as the Extractive Industries Transparency Initiative, in revenue collection, budgeting, expenditure, and wealth management;

(B) bilateral efforts to promote good governance in the extractive industries through United States missions and activities abroad;

(C) the implementation of extractive industries reporting requirements for companies under the jurisdiction of the United States similar to the requirements established under section 6 of this Act; and

(D) efforts to persuade other members of the Organization for Economic Cooperation and Development and Asia-Pacific Economic Cooperation to adopt uniform legislation to ensure a coordinated regulatory approach.

### SEC. 4. SENSE OF CONGRESS RELATING TO THE EXTRACTIVE INDUSTRY TRANSPARENCY INITIATIVE.

It is the sense of Congress that the President should commit the United States to become a Candidate Country of the Extractive Industry Transparency Initiative.

### SEC. 5. DISCLOSURE OF PAYMENTS TO THE UNITED STATES.

The Secretary of the Interior shall disclose to the public any payment (as that term is defined in section 13(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(m)), as added by section 6 of this Act) relating to the commercial development of oil, natural gas, and minerals on Federal land made by any person to the Federal Government.

### SEC. 6. DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

“(m) DISCLOSURE OF PAYMENT BY RESOURCE EXTRACTION ISSUERS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘commercial development of oil, natural gas, or minerals’ includes the acquisition of a license, exploration, extraction, processing, export, and other significant actions relating to oil, natural gas, or minerals, as determined by the Commission;

“(B) the term ‘foreign government’ means a foreign government, an officer or employee of a foreign government, an agent of a foreign government, a company owned by a foreign government, or a person who will pro-

vide a personal benefit to an officer of a government if that person receives a payment, as determined by the Commission;

“(C) the term ‘payment’—

“(i) means a payment that is—

“(I) made to further the commercial development of oil, natural gas, or minerals; and

“(II) not de minimis; and

“(ii) includes taxes, royalties, fees, licenses, production entitlements, bonuses, and other material benefits, as determined by the Commission; and

“(D) the term ‘resource extraction issuer’ means an issuer that—

“(i) is required to file an annual report with the Commission; and

“(ii) engages in the commercial development of oil, natural gas, or minerals.

“(2) DISCLOSURE.—

“(A) INFORMATION REQUIRED.—Not later than 270 days after the date of enactment of the Energy Security Through Transparency Act of 2009, the Commission shall issue final rules that require each resource extraction issuer to include in the annual report of the resource extraction issuer information relating to any payment made by the resource extraction issuer, a subsidiary or partner of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government for the purpose of the commercial development of oil, natural gas, or minerals, including—

“(i) the type and total amount of such payments made for each project of the resource extraction issuer relating to the commercial development of oil, natural gas, or minerals; and

“(ii) the type and total amount of such payments made to each foreign government.

“(B) INTERNATIONAL TRANSPARENCY EFFORTS.—To the extent practicable, the rules issued under subparagraph (A) shall support the commitment of the United States Government to international transparency promotion efforts relating to the commercial development of oil, natural gas, or minerals.

“(C) EFFECTIVE DATE.—With respect to each resource extraction issuer, the final rules issued under subparagraph (A) shall take effect on the date on which the resource extraction issuer is required to submit an annual report relating to the fiscal year of the resource extraction issuer that ends not earlier than 1 year after the date on which the Commission issues final rules under subparagraph (A).

“(3) PUBLIC AVAILABILITY OF INFORMATION.—

“(A) IN GENERAL.—To the extent practicable, the Commission shall make available online, to the public, a compilation of the information required to be submitted under the rules issued under paragraph (2)(A).

“(B) OTHER INFORMATION.—Nothing in this paragraph shall require the Commission to make available online information other than the information required to be submitted under the rules issued under paragraph (2)(A).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this subsection.”.

By Mr. UDALL of Colorado (for himself and Mr. RISCH):

S. 1702. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain states; to the Committee on Environment and Public Works.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Target Practice and Marksmanship Training Support Act. I am introducing this bill with the support of Senator RISCH, and I thank my colleague for joining me in this bipartisan effort.

This bill would provide funding flexibility to the States to help construct and maintain needed shooting ranges—safe and designated areas where people can sharpen their marksmanship and enjoy recreational shooting.

For a variety of reasons, the number of places where people can safely engage in recreational shooting and target practicing has steadily dwindled. This includes areas on our national public lands. In an effort to establish, maintain and promote safe and established areas for such activities, this legislation would allow States to allocate a greater proportion of their Federal wildlife funds for these purposes.

Currently, states are allocated funds for a variety of wildlife purposes under the Pittman-Robertson Act. This Act, which established a 10 percent excise tax on sporting equipment and ammunition, distributes these funds to States for specific purposes. One of these purposes includes hunter safety programs and the development and maintenance of shooting ranges. However, the Act currently contains certain limitations on the use of these funds for the purpose of shooting ranges.

The Target Practice and Marksmanship Training Support Act would amend the Pittman-Robertson Act by adjusting the funding limitations so that States have more funds available for the creation and maintenance of shooting ranges. Specifically, the bill would do a number of things.

First, it would authorize States to charge up to 90 percent instead of the current 75 percent of the costs for acquiring land for, expanding, or constructing a public target range on Federal or non-Federal land to its allotted Pittman-Robertson allocations, and therefore States would only need to find 10 percent match, as opposed to 25 percent.

Second, it would allow the Pittman-Robertson funds allotted to a State to remain available for 5 fiscal years, instead of the current 1 fiscal year, for use in acquiring land for, expanding, or constructing a public target range on Federal or non-Federal land.

Third, it would limit the liability exposure to the Federal land agencies, the Forest Service and the Bureau of Land Management, regarding the use of Federal land for target practice or marksmanship training.

Fourth, it would encourage the Federal land agencies, the Forest Service and the Bureau of Land Management, to cooperate with State and local authorities to maintain target ranges on Federal land so as to encourage their continued use.

To be clear, the bill would not allocate any new funding to the construction of shooting ranges, it would not raise any fees or taxes, nor would it require States to apply their allocated Pittman-Robertson funds to shooting ranges. Instead, by reducing the State matching requirements—and allowing States to “bank” these funds for 5 years, the bill allows States to use their Pittman-Robertson funds as they think best while also allowing them to extend their existing license fee revenue and other State generated funds on other important programs, such as wildlife habitat.

I would like to thank the following groups who have expressed support for this legislation: the National Rifle Association, the National Governing Body for the Olympic Shooting Sports, the Colorado Firearms Coalition, the Colorado Wildlife Federation, the Colorado Backcountry Hunters and Anglers, and the Rocky Mountain Bighorn Society.

I believe that hunting and recreational shooting are legitimate activities—activities that also are appropriate where not prohibited on our public lands. This bill is designed to maintain these activities in a safe and convenient manner. It is my hope that the public lands agencies continue to work with the States, sportsmen and hunters, the recreational shooting interests, nearby communities, and others so that these opportunities are safe and available.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1702

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Target Practice and Marksmanship Training Support Act”.

#### SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the use of firearms for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-

Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States funds that can be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this Act is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

#### SEC. 3. DEFINITION OF PUBLIC TARGET RANGE.

In this Act, the term “public target range” means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate rifle, pistol, or shotgun shooting.

#### SEC. 4. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate rifle, pistol, or shotgun shooting.”

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) NON-FEDERAL SHARE.—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) REGULATIONS.—The Secretary”; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) ALLOCATION OF ADDITIONAL FUNDS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal

year, for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided by paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(c) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

#### SEC. 5. LIMITS ON LIABILITY.

(a) DISCRETIONARY FUNCTION.—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the “Federal Tort Claims Act”), any action by an agent or employee of the United States to authorize the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.

(b) CIVIL ACTION OR CLAIMS.—Except to the extent provided in chapter 171 of title 28, United States Code, the United States shall not be subject to any civil action or claim for money damages for injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is—

(1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.); or

(2) located on Federal land.

#### SEC. 6. SENSE OF CONGRESS REGARDING CO-OPERATION.

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range in order to encourage continued use of that land for target practice or marksmanship training.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 281—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL CAMPUS SAFETY AWARENESS MONTH”

Mr. SPECTER (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 281

Whereas people on college and university campuses are not immune from the potential

acts of crime that the rest of society in the United States faces;

Whereas, pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f)), colleges and universities reported that from 2005 to 2007, 117 murders, 10,563 forcible-sex offenses, 16,632 aggravated assaults, and 3,226 cases of arson occurred on or around college and university campuses;

Whereas criminal experts estimate that between 20 to 25 percent of female undergraduate students become victims of rape or attempted rape;

Whereas the aggressor in a sexual assault is usually an acquaintance or friend of the victim;

Whereas less than 5 percent of the victims of sexual assaults report those assaults to law enforcement;

Whereas each year 13 percent of female students enrolled in an undergraduate program at a college or university will be victims of stalking;

Whereas approximately 1,825 college and university students between the ages of 18 and 24 die each year from unintentional, alcohol-related injuries, including motor vehicle accidents;

Whereas Security On Campus, Inc., a national nonprofit group dedicated to promoting safety and security on college and university campuses, has designated September as National Campus Safety Awareness Month;

Whereas, each September since 2005, Security On Campus, Inc. has partnered with colleges and universities across the United States to offer educational programming on sexual assault, alcohol and drug abuse, hazing, stalking, and other critical campus safety issues; and

Whereas National Campus Safety Awareness Month provides an opportunity for campus communities to become engaged in efforts to improve campus safety: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Campus Safety Awareness Month; and  
(2) encourages colleges and universities throughout the United States to provide campus safety and other crime awareness and prevention programs to students throughout the year.

Mr. SPECTER. Mr. President, I have sought recognition today to submit a resolution supporting the goals and ideals of a National Campus Safety Awareness Month. Educational institutions should be safe havens where we send our children to learn and grow without fear for their protection and wellbeing, but unfortunately this is not always the case. On April 5, 1986, in the early morning hours, Jeanne Clery, a 19-year-old Lehigh University student was brutally raped and murdered in her dormitory room. This heinous crime in Bethlehem, Pennsylvania opened the nation's eyes to the true extent of crime on college and university campuses.

When I was District Attorney of Philadelphia, I dealt with many incidents of campus crime and I learned firsthand of its severity. However, I believe that many would be surprised by the extent of the problem. Colleges and universities have reported that from 2005 to 2007, 117 murders, 10,563 forcible-

sex offenses, 16,632 aggravated assaults, and 3,226 cases of arson have occurred on or around college and university campuses. Criminal experts estimate that between 20 and 25 percent of female undergraduate students become victims of rape or attempted rape. And each year 13 percent of female students enrolled in an undergraduate program at a college or university are victims of stalking. Additionally, approximately 1,825 college and university students between the ages of 18 and 24 die each year from unintentional, alcohol-related injuries, including motor vehicle accidents.

Since their daughter's death, Connie Clery and her late husband Howard worked tirelessly in their daughter's memory to protect the lives of college students by warning them of these aforementioned dangers. They founded Security On Campus, Inc., a national nonprofit based in King of Prussia, Pennsylvania, which is dedicated to promoting safety and security on college and university campuses. Security On Campus, Inc. has found that the beginning of each new school year can be a dangerous time for students, especially for first-year students who are in a new environment and on their own for the first time. For this reason, Security On Campus, Inc. has designated September as National Campus Safety Awareness Month.

Each September since 2005, Security On Campus, Inc. has partnered with colleges and universities across the United States to offer educational programming on critical campus safety issues. In 2008, Security On Campus, Inc. partnered with more than 350 institutions across the country, including 29 from Pennsylvania, to participate in National Campus Safety Awareness Month during September. Campuses offered a wide array of safety programming throughout the month covering everything from the most serious issues of sexual assault and the risks of alcohol abuse to how to protect personal property from burglary. Additionally, Security On Campus, Inc. offers educational videos on sexual assault, alcohol abuse, hazing and stalking that are often integrated into NCSAM programming. Other programming includes safety carnivals set up in high pedestrian traffic areas like student centers or cafeterias, door hangers with safety tips in residence halls, residence hall floor programs, fire safety presentations, Fatal Vision goggles for DUI's, and the Rape, Abuse & Incest National Network's Get Carded Day.

When the Clerys approached me shortly after their daughter's murder, I worked with them to develop the Crime Awareness and Campus Security Act of 1989, which became law in 1990. This Act was modified and included in the Higher Education Act of 1998, as the Jeanne Clery Disclosure of Campus Se-

curity Policy and Campus Crime Statistics Act. Since this legislation was enacted, the issue of campus crime has become a routine part of the college selection process, and crime statistics are readily available on the internet so families can compare colleges. It is clear that this legislation has had a positive impact on college and university campus safety. In fact, the U.S. Department of Justice reported that between 1994 and 2004 there was a 9 percent drop in violent crime on campus and a 30 percent drop in property crime. However, it is important to remember that while the law has significantly changed the landscape of campus security for the better, it is evident that more work remains to be done. That is why I continue to advocate for the goals of the National Campus Safety Awareness Month.

Throughout the past several years, I have worked together with the Clerys, Security On Campus, Inc., and crime prevention professionals on campus across the country to help raise much needed awareness about these dangers. Thus, I urge my colleagues to join me in this effort by supporting the goals and ideals of a National Campus Safety Awareness Month.

#### SENATE RESOLUTION 282—REMEMBERING THE 20TH ANNIVERSARY OF HURRICANE HUGO, WHICH STRUCK CHARLESTON, SOUTH CAROLINA ON SEPTEMBER 21 THROUGH SEPTEMBER 22, 1989

Mr. GRAHAM (for himself and Mr. DEMINT) submitted the following resolution; which was considered and agreed to:

##### S. RES. 282

Whereas September 21 through September 22, 2009, marks the 20th anniversary of Hurricane Hugo, one of the most destructive storms in United States history, making landfall in South Carolina;

Whereas Hurricane Hugo, with a storm surge that rose as high as 20 feet along the South Carolina coast, killed 57 people in the mainland United States and 29 people in the United States Caribbean islands and left an estimated 65,000 people homeless;

Whereas Hurricane Hugo resulted in 4 presidential disaster declarations, for the United States Virgin Islands, Puerto Rico, South Carolina, and North Carolina;

Whereas Hurricane Hugo inflicted an estimated \$7,000,000,000 in total damages within the United States and an additional \$3,000,000,000 in damages to the United States Virgin Islands;

Whereas Hurricane Hugo set a record as the most expensive hurricane to strike the United States up until that time;

Whereas Hurricane Hugo underscored the critical value of early evacuation, bold leadership, and personal and regional preparation and planning;

Whereas the people of South Carolina rose to meet Hurricane Hugo, working tirelessly to prepare for the storm and to assist their fellow citizens in its aftermath;

Whereas Hurricane Hugo was a reminder of the kindness and compassion of people, as

help came from all parts of the Nation to assist in the areas damaged by Hugo;

Whereas the magnitude of the Hurricane Hugo disaster and difficulties with the Federal response led to important changes to the preparedness and response efforts of the Federal Government with respect to hurricanes in the United States; and

Whereas September is National Preparation Month and the President has emphasized the responsibility of all people of the United States to take time to prepare for potential emergencies by preparing an emergency supply kit and a family emergency plan, and to educate themselves about potential disasters: Now, therefore, be it

*Resolved That the Senate—*

- (1) recognizes the historical significance of the 20th anniversary of Hurricane Hugo; and
- (2) remembers the victims of Hurricane Hugo.

**SENATE RESOLUTION 283—EX-PRESSING SUPPORT FOR THE GOALS AND IDEALS OF THE FIRST ANNUAL NATIONAL WILD HORSE AND BURRO ADOPTION DAY TAKING PLACE ON SEPTEMBER 26, 2009**

Mr. REID (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

**S. RES. 283**

Whereas, in 1971, in Public Law 92-195 (commonly known as the “Wild Free-Roaming Horses and Burros Act”) (16 U.S.C. 1331 et seq.), Congress declared that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West;

Whereas, under that Act, the Secretary of the Interior and the Secretary of Agriculture have responsibility for the humane capture, removal, and adoption of wild horses and burros;

Whereas the Bureau of Land Management and the Forest Service are the Federal agencies responsible for carrying out the provisions of the Act;

Whereas a number of private organizations will assist with the adoption of excess wild horses and burros, in conjunction with the first National Wild Horse and Burro Adoption Day; and

Whereas there are approximately 31,000 wild horses in short-term and long-term holding facilities, with 18,000 young horses awaiting adoption: Now, therefore, be it

*Resolved, That the Senate—*

- (1) supports the goals of a National Wild Horse and Burro Adoption Day to be held annually in coordination with the Secretary of Interior and the Secretary of Agriculture;

- (2) recognizes that creating a successful adoption model for wild horses and burros is consistent with Public Law 92-195 (commonly known as the “Wild Free-Roaming Horses and Burros Act”) (16 U.S.C. 1331 et seq.) and beneficial to the long-term interests of the people of the United States in protecting wild horses and burros; and

- (3) encourages citizens of the United States to adopt a wild horse or burro so as to own a living symbol of the historic and pioneer spirit of the West.

**SENATE RESOLUTION 284—EX-PRESSING SUPPORT FOR THE DESIGNATION AND GOALS OF “NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK” FOR THE PERIOD BEGINNING ON SEPTEMBER 21, 2009, AND ENDING ON SEPTEMBER 25, 2009**

Ms. STABENOW (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

**S. RES. 284**

Whereas the Healthcare Information and Management Systems Society has collaborated with more than 5 dozen stakeholder organizations for almost 50 years to transform health care by improving information technology and management systems;

Whereas the Center for Information Technology Leadership estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately \$77,000,000,000 in expenses relating to health care each year;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas Congress has made a commitment to leveraging the benefits of the health care information technology and management systems, including through the adoption of electronic medical records that will help to reduce costs and improve quality while ensuring patients’ privacy and codification of the Office of the National Coordinator for Health Information Technology;

Whereas Congress has emphasized improving the quality and safety of delivery of health care in the United States; and

Whereas since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the health care system that the implementation of health information technology could achieve: Now, therefore, be it

*Resolved, That the Senate—*

- (1) recognizes the value of information technology and management systems in transforming health care for the people of the United States;

- (2) designates the period beginning on September 21, 2009, and ending on September 25, 2009, as “National Health Information Technology Week”; and

- (3) calls on all stakeholders to promote the use of information technology and management systems to transform the health care system in the United States.

**SENATE CONCURRENT RESOLUTION 41—PROVIDING FOR THE ACCEPTANCE OF A STATUE OF HELEN KELLER, PRESENTED BY THE PEOPLE OF ALABAMA**

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following concurrent resolution which was considered and agreed to:

**S. CON. RES. 41**

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the “double dungeon of darkness and silence” by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen’s life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became friends with many American Presidents and was the recipient of some of our Nation’s most distinguished honors;

Whereas Helen became recognized as one of Alabama’s and America’s best known figures and became “America’s Goodwill Ambassador to the World”;

Whereas Helen pioneered the concept of “talking books” for the blind;

Whereas LIFE Magazine hailed Helen as “one of the 100 most important Americans of the 20th Century—a national treasure”; and

Whereas Helen Keller will become the first person with disabilities enshrined in the Capitol and will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

**SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.**

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama’s most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

**SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.**

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2511. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2512. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2513. Mr. SCHUMER submitted an amendment intended to be proposed by him

to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2514. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra.

SA 2515. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2516. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2517. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2518. Mrs. FEINSTEIN (for herself, Mr. JOHNSON, Mr. SHELBY, Mr. BOND, Mr. BROWNBACK, and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2519. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2520. Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2521. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2522. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2523. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2524. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2525. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2526. Mr. HATCH (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2527. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2528. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2529. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2530. Ms. MURKOWSKI (for herself and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2531. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2532. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2533. Mr. MERKLEY submitted an amendment intended to be proposed by him

to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2534. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2535. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2536. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2537. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2538. Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. WYDEN, Mr. RISCH, Mr. BAUCUS, Ms. MURKOWSKI, Mrs. MURRAY, Mr. UDALL, of Colorado, Mr. BENNET, Mr. AKAKA, Mr. UDALL, of New Mexico, Mr. BEGICH, Mr. MERKLEY, Ms. CANTWELL, Mr. TESTER, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2539. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2540. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2541. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2542. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2543. Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, Mr. JOHANNES, Mr. BARRASSO, Mr. WYDEN, Mr. DORGAN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2544. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2545. Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2546. Mr. BINGAMAN proposed an amendment to the bill H.R. 1035, to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

SA 2547. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2511.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the

Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROHIBITION ON NO-BID CONTRACTS AND GRANTS.

(a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

**SA 2512.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 127, strike line 11 and all that follows through page 129, line 7, and insert the following:

resources, \$1,245,786,000, to remain available until September 30, 2011, except as otherwise provided herein: *Provided*, That not less than \$1,900,000 of that amount shall be for research on, and monitoring and prevention of, white nose bat syndrome: *Provided further*, That \$2,500,000 is for high-priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed \$22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)) of that section, of which not to exceed \$11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3) of that section, excluding litigation support, for species listed pursuant to subsection (a)(1) of that section prior to October 1, 2009: *Provided further*, That of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: *Provided further*,



That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

#### CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$39,741,000, to remain available until expended.

#### LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 4601-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$81,390,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding section 7 of that Act (16 U.S.C. 4601-9), not more than \$1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004 (Public Law 108-421; 118 Stat. 2375), and not more than \$1,400,000 shall be for the Wallkill National Wildlife Refuge: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

**SA 2513.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 185, line 21, after “*Provided*,” insert “That, notwithstanding section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) or section 1452(f) of the Safe Drinking Water Act (42 U.S.C. 300j-12(f)), in the case of the funds appropriated under this heading, each State shall use 30 percent of the amount of the capitalization grants of the State to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of those forms of assistance): *Provided further*,”.

**SA 2514.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 135, line 2, before the period at the end, insert the following: “, of which, notwithstanding the chart under the heading ‘Save America’s Treasures’ on page 30 of Senate Report 111-38, the entire amount shall be distributed by the Secretary of the Interior in the form of competitive grants on the basis of the following criteria: (1) the collection or historic property must be nationally significant; (2) the collection or historic property must be threatened or endangered; (3) the application must document the urgent preservation or conservation need; (4) projects must substantially mitigate the

threat and must have a clear public benefit; (5) the project must be feasible; and (6) the application must document adequately the required non-Federal match”.

**SA 2515.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, line 7, insert before the period at the end the following: “*Provided further*, That \$1,000,000 of the funds made available for specific land acquisition projects shall be made available to implement section 6402 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1178)”.

**SA 2516.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 197, line 1, strike “\$2,582,000” and insert “\$5,000,000”.

**SA 2517.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

#### SEC. 423. PROHIBITION ON USE OF FUNDS.

None of the funds made available under this Act may be used to apply the permit program under part C of title I, or under title V, of the Clean Air Act (42 U.S.C. 7440 et seq., 7661 et seq.) to any stationary source, on the basis of its emissions of greenhouse gases, that—

(1) is a farm, as the term is defined in section 6420(c)(2) of the Internal Revenue Code of 1986; or

(2) is not subject to the requirement to report greenhouse gas emissions under the final Environmental Protection Agency rule entitled “Mandatory Reporting of Greenhouse Gases” and numbered 2060-A079.

**SA 2518.** Mrs. FEINSTEIN (for herself, Mr. JOHNSON, Mr. SHELBY, Mr. BOND, Mr. BROWBACK, and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: “: *Provided further*, That, notwithstanding House Report 107-272, the amount of \$1,000,000 made available to the Southeast Alabama Regional Water Authority for a water facility project

and the amount of \$2,500,000 made available to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System may, at the discretion of the Administrator, be made available to the city of Thomasville for those projects: *Provided further*, That, notwithstanding House Report 108-10, the amount of \$450,000 made available to the Southwest Alabama Regional Water Authority for water infrastructure improvements may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108-401, the amount of \$450,000 made available to the Southwest Alabama Regional Water supply District for regional water supply distribution in Thomasville, Alabama, may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108-401, the amount of \$2,000,000 made available to the Tom Bevill Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, may, at the discretion of the Administrator, be made available to Fayette County, Alabama, for water system upgrades: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to the San Bernardino Municipal Water District for the Inland Empire alternative water supply project (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of San Bernardino municipal water department for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, \$170,800 may, at the discretion of the Administrator, be made available to the city of Prescott for a wastewater treatment plant construction project and \$129,200 may, at the discretion of the Administrator, be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for the

Konza Water Main Extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,300,000 made available to the City of Warrensburg, Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to Johnson County, Missouri for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,000,000 made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the Gravois Arm Sewer District for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to McDonald County, Missouri for a wastewater infrastructure expansion project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to PWS #1 of McDonald County, Missouri for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110-161 (121 Stat. 1844), the amount of \$150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District 1 for a Water Storage Tank (as described in the section entitled 'STAG Infrastructure Grants/Congressional Priorities' on page 1264 of the joint explanatory statement) may, at the discretion of the Administrator, be made available to Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$400,000 made available to the City of Lake Norden, South Dakota, for wastewater infrastructure improvements (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the City of Lake Norden, South Dakota, for drinking water infrastructure improvements".

**SA 2519.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, strike line 7 and all that follows through page 180, line 9, and insert the following:

SEC. 120. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit ("existing authorization") within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: *Provided*, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization.

**SA 2520.** Mrs. FEINSTEIN (for herself, Mr. REID, and Mrs. BOXER, and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, line 10, before the period at the end, insert the following: "*Provided further*, That of the amount provided for aquatic invasive species, up to \$800,000 shall be used for study, construction, staffing, and other expenses necessary to conduct vessel inspection and decontamination at stations to be located away from boat and vessel ramps at Lake Tahoe, Echo Lake, and Fallen Leaf Lake in the State of California".

**SA 2521.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: "*Provided further*, That, notwithstanding section 422, of the funds made available under this heading, \$500,000 shall be for the city of Eureka, California, for the Martin Slough interceptor project and \$500,000 shall be for Lake County, California, for wastewater system improvements".

**SA 2522.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking "Agricultural Research Service" and inserting "Department of Agriculture"; and

(2) by adding at the end the following:

"(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government."

**SA 2523.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL CONTROL.

None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109-367) over the international land and maritime borders of the United States.

**SA 2524.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: "*Provided further*, That, notwithstanding House Report 107-272, the amount of \$1,000,000 made available to the Southeast Alabama Regional Water Authority for a water facility project and the amount of \$2,500,000 made available to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System shall be made available to the city of Thomasville for those projects: *Provided further*, That, notwithstanding House Report 108-10, the amount of \$450,000 made available to the Southwest Alabama Regional Water Authority for water infrastructure improvements shall be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108-401, the amount of \$450,000 made available to the Southwest Alabama Regional Water supply District for regional water supply distribution in Thomasville, Alabama, shall be made available to the city of Thomasville for that project".

**SA 2525.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: "*Provided further*, That, notwithstanding House Report 108-401, the amount of \$2,000,000 made available to the Tom Bevil Reservoir Management Area Authority for construction of a

drinking water reservoir in Fayette County, Alabama, shall be made available to Fayette County, Alabama, for water system upgrades”.

**SA 2526.** Mr. HATCH (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

#### IMPLEMENTATION OF RULES

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to carry out, finalize, or implement the proposed rule of the Administrator entitled “Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” (74 Fed. Reg. 18886 (April 24, 2009)) or the proposed rule of the Administrator and the Secretary of Transportation entitled “Proposed Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards” (Document No. EPA-HQ-OAR-2009-0472 (September 15, 2009)) until such time as Congress enacts a Federal law authorizing those actions.

**SA 2527.** Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111-11) is amended by striking “December 18, 2008” and inserting “September 20, 2009”.

**SA 2528.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: “: *Provided further*, That, notwithstanding any other provision of this Act, no funds made available under this heading shall be used for water infrastructure improvements for the City of Safford, Arizona”.

**SA 2529.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

#### SECTION 4 \_\_\_\_\_. CHUGACH WHISTLE STOP PARTNERSHIP FUND.

(a) DEFINITIONS.—In this section:

(1) FUND.—The term “Fund” means the Chugach Whistle Stop Partnership Project Fund established by subsection (c)(1).

(2) NATIONAL FOREST.—The term “National Forest” means the Chugach National Forest.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) SPENCER MINERAL MATERIALS PROJECT FUNDS.—The Secretary shall deposit into the Treasury each amount received by the Secretary through the contract for the sale of mineral materials described in the notice of intent to prepare an environmental impact statement entitled “Chugach National Forest, Glacier Ranger District, Alaska—Spencer Mineral Materials Project” and published by the Secretary on March 2, 2007 (72 Fed. Reg. 9501).

(c) CHUGACH WHISTLE STOP PARTNERSHIP PROJECT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the “Chugach Whistle Stop Partnership Project Fund”, consisting of such amounts as are appropriated to the Fund under paragraph (2).

(2) TRANSFERS TO FUND.—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to the amounts deposited by the Secretary into the Treasury under subsection (b).

(3) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to carry out activities under paragraph (5).

(B) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this Act.

(C) PRIORITY REGARDING USE OF FUNDS.—Any amounts made available through an appropriations Act for use by the Secretary to carry out an activity under paragraph (5) shall be expended before the Secretary may request an amount under subparagraph (A) to carry out the activity.

(4) TRANSFERS OF AMOUNTS.—

(A) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(5) USE OF FUNDS.—The Secretary shall use amounts transferred to the Secretary under paragraph (3)(A) to carry out—

(A) the administration of the mineral materials contract described in subsection (b); and

(B) the implementation of the Whistle Stop partnership project in the National Forest, including—

(i) the restoration and enhancement of natural resources in the National Forest;

(ii) the construction, enhancement, repair, and maintenance of—

(I) recreation and rail facilities;

(II) trails, associated infrastructure, and transportation equipment; and

(III) visitor services; and

(iii) the interpretation and provision of any other visitor information or service.

(d) EFFECT.—Nothing in this Act affects the responsibility of the Secretary to comply with applicable environmental laws (including regulations).

(e) TERMINATION OF AUTHORITY.—The authority provided by this Act terminates on the date on which the mineral materials contract described in subsection (b) terminates.

**SA 2530.** Ms. MURKOWSKI (for herself and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, between lines 6 and 7, insert the following:

#### GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY CARBON DIOXIDE

SEC. 201. (a) No action taken by the Environmental Protection Agency using funds made available under this Act shall have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.) for any source other than a mobile source as described in section 202(a) of that Act (42 U.S.C. 7521(a)).

(b) Nothing in this section prohibits the expenditure of funds by the Environmental Protection Agency—

(1) to undertake studies or conduct reasonable information-gathering that is preparatory to the regulation of carbon dioxide under the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) to implement the renewable fuels standard requirements of section 211(o) of that Act (42 U.S.C. 7545(o));

(3) to continue to issue permits for the construction or modification of any sources other than a mobile source (as described in section 202(a) of that Act (42 U.S.C. 7521(a))) in areas for which the Administrator of the Environmental Protection Agency has jurisdiction, including certain portions of the outer Continental Shelf;

(4) to issue regulations governing the injection of carbon dioxide underground to enable the development of clean coal power generation facilities, including facilities eligible for funding under the Clean Coal Power Initiative of the Department of Energy and the American Recovery and Reinvestment Act of 2009 (Public Law 111-5);

(5) to issue and enforce regulations relating to the reporting of greenhouse gas emissions;

(6) to develop, or collaborate with other agencies on the development of, an innovative, voluntary carbon offset program or other approaches (including assistance measures to energy and trade intensive manufacturers) designed to lower the costs that may be associated with any global climate change mitigation measures established or approved by Congress;

(7) to permit energy infrastructure construction on or near Federal land; or

(8) to finalize and apply the proposed rule entitled “Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” (74 Fed. Reg. 18886 (April 24, 2009)), if the rule and the consequences of the rule are limited

solely to section 202(a) of that Act (42 U.S.C. 7521(a)).

**SA 2531.** Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 14, before the period, insert the following: “*Provided*, That, at the discretion of the Administrator of the Environmental Protection Agency, from the funds included under this heading, \$500,000 may be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada”.

**SA 2532.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. (a) Of the funds made available by this Act for forest products programs to be carried out by the Forest Service, not less than \$10,000,000 shall be used to accelerate the implementation of stewardship contracts, including through the conduct of reviews of stewardship contracts under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

- (1) by increasing capacity; and
- (2) through the use of local nonprofit contractors, as appropriate and consistent with each appropriate—

(A) Federal law (including regulations); and

(B) policy of the Forest Service.

(b) Of the funds made available by this Act for forestry management to be carried out by the Bureau of Land Management, not less than \$10,000,000 shall be used to accelerate the implementation of stewardship contracts (of which not less than \$5,000,000 shall be used for parcels of Oregon and California land-grant land and not less than \$5,000,000 shall be used for parcels of public domain land), including through the conduct of reviews of stewardship contracts under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

- (1) by increasing capacity; and
- (2) through the use of local nonprofit contractors, as appropriate and consistent with each appropriate—

(A) Federal law (including regulations); and

(B) policy of the Bureau of Land Management.

(c) Of the funds made available by this Act for the United States Fish and Wildlife Service, the Director of the United States Fish and Wildlife Service shall use such funds as are necessary to provide consultation and assist in the acceleration of stewardship contracts described in this section.

**SA 2533.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2996, making ap-

propriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. (a) Of the funds made available by this Act for forest products programs to be carried out by the Forest Service, not less than \$10,000,000 shall be used to accelerate the implementation of stewardship contracts, including through the conduct of reviews of stewardship contracts under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

- (1) by increasing capacity; and
- (2) through the use of local nonprofit contractors, as appropriate and consistent with each appropriate—

(A) Federal law (including regulations); and

(B) policy of the Forest Service.

(b) Of the funds made available by this Act for forestry management to be carried out by the Bureau of Land Management, not less than \$10,000,000 shall be used to accelerate the implementation of stewardship contracts, including through the conduct of reviews of stewardship contracts under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

- (1) by increasing capacity; and
- (2) through the use of local nonprofit contractors, as appropriate and consistent with each appropriate—

(A) Federal law (including regulations); and

(B) policy of the Bureau of Land Management.

(c) Of the funds made available by this Act for the United States Fish and Wildlife Service, the Director of the United States Fish and Wildlife Service shall use such funds as are necessary to provide consultation and assist in the acceleration of stewardship contracts described in this section.

**SA 2534.** Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. It the sense of the Senate that the Senate—

(1) supports the National Vehicle Mercury Switch Recovery Program as an effective way to reduce mercury pollution from electric arc furnaces used by the steel industry to melt scrap metal from old vehicles; and

(2) urges the founders of the Program to find a way to fund the Program so that the successful efforts of the Program to reduce mercury pollution may continue.

**SA 2535.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “FEDERAL TRUST PROGRAMS (INCLUDING TRANSFER OF FUNDS)” under the heading “OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS” under the heading “DEPARTMENT OF THE INTERIOR” of title I, insert “, and of which \$1,500,000 shall be available for the estate planning assistance program under section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f))” after “historical accounting”.

**SA 2536.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, line 13, strike “\$67,438,000,” and insert “\$67,638,000”.

**SA 2537.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

#### SEC. 423. CABIN USER FEES.

Notwithstanding any other provision of law, none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount greater than the amount levied on December 31, 2008.

**SA 2538.** Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. WYDEN, Mr. RISCH, Mr. BAUCUS, Ms. MURKOWSKI, Mrs. MURRAY, Mr. UDALL of Colorado, Mr. BENNET, Mr. AKAKA, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. MERKLEY, Ms. CANTWELL, Mr. TESTER, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 197, strike line 3 and all that follows through page 200, line 13, and insert the following:

#### WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$2,576,637,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be

available to reimburse State and other co-operating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That, notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, \$340,285,000 is for hazardous fuels reduction activities, \$11,500,000 is for rehabilitation and restoration, \$23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$56,250,000 is for State fire assistance, \$9,000,000 is for volunteer fire assistance, \$17,252,000 is for forest health activities on Federal lands and \$9,928,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That up to \$15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That funds made available to implement the Community Forest Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire

management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed \$10,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

#### COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND

For expenses authorized by section 4003(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)), \$10,000,000, to remain available until expended.

**SA 2539.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

#### PROHIBITION

SEC. 4 \_\_\_\_\_. Notwithstanding any other provision of law, for fiscal year 2010, no funds may be used by the Administrator of the Environmental Protection Agency to regulate emissions of carbon dioxide from stationary sources under any final version of the proposed rule of the Administrator entitled "Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act" (74 Fed. Reg. 18886 (April 24, 2009)) if the regulation of those emissions would increase electricity or gasoline prices, as determined by the Energy Information Administration.

**SA 2540.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

#### PROHIBITION

SEC. 4 \_\_\_\_\_. Notwithstanding any other provision of law, for fiscal year 2010, no funds may be used by the Administrator of the Environmental Protection Agency to regulate emissions of carbon dioxide from stationary sources under any final version of the proposed rule of the Administrator entitled "Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act" (74 Fed. Reg. 18886 (April 24, 2009)) if the regulation of those emissions would increase electricity or gasoline prices, as determined by the Energy Information Administration.

**SA 2541.** Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related

agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 185, line 18, insert before "of which" the following: "of which \$5,000,000 shall be made available to repair drinking water and wastewater infrastructure in the State of Georgia damaged by the September 2009 floods and".

**SA 2542.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to approve any permit associated with any surface mining activity that involves the removal of an entire coal seam from outcrop to outcrop, or of seams running through the upper fraction of a mountain, ridge, or hill, by removing substantially all of the overburden off the mine bench.

**SA 2543.** Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, Mr. JOHANNES, Mr. BARRASSO, Mr. WYDEN, Mr. DORGAN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, strike lines 9 through 20 and insert the following:

\$1,552,429,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) in accordance with section 4 of that Act (16 U.S.C. 4601-6a(i)): *Provided*, That, through fiscal year 2014, the Secretary of Agriculture may authorize the expenditure or transfer of such sums as are necessary to the Secretary of the Interior for removal, preparation, and adoption of excess wild horses and burros from National Forest System land and for the performance of cadastral surveys to designate the boundaries of such land: *Provided further*, That \$282,617,000 shall be made available for recreation, heritage, and wilderness: *Provided further*, That none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount beyond the amount levied on December 31, 2009.

**SA 2544.** Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 181, after line 25, insert the following:

**QUALIFIED SCHOOL CONSTRUCTION BONDS**

SEC. 1 \_\_\_\_\_. (a) For purposes of the allocation and repayment of qualified school construction bonds under section 54F(d)(4) of the Internal Revenue Code of 1986, the Secretary of the Interior (in this section referred to as the "Secretary") may establish a tribal school construction escrow account into which may be deposited—

(1) funds furnished by or on behalf of any Indian tribal government as necessary to support issuance of the bonds by such Indian tribal government (including interest earnings from the investment of the bond proceeds), and

(2) amounts from, as the Secretary determines appropriate, other Federal departments and agencies (such as amounts made available for facility improvement and repairs) and non-Federal public or private sources for purposes of supporting such issuance.

(b) The Secretary shall use any amounts deposited in the escrow account under subsection (a) for the repayment of the principal amount of such issued bonds.

(c) Notwithstanding any other provision of law, the principal amount of any qualified school construction bond issued under section 54F(d)(4) of such Code shall be repaid only to the extent of any escrowed funds provided under subsection (a).

(d) No qualified school construction bond issued under section 54F(d)(4) of such Code shall be an obligation of, and no payment of the principal of such a bond shall be guaranteed by—

(1) the United States; or  
(2) the tribal school for which the bond was issued.

(e) The Secretary may promulgate such regulations as necessary with regard to issuance of the qualified school construction bonds under section 54F(d)(4) of such Code.

**SA 2545.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, line 8, insert before the period at the end the following: ", of which \$300,000 shall be made available for a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia".

On page 240, between lines 13 and 14, insert the following:

**SEC. 423. GEORGE C. MARSHALL NATIONAL HISTORIC SITE STUDY.**

(a) **STUDY.**—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the Dodona Manor and gardens in Leesburg, Virginia, the home of George C. Marshall during the most important period of Marshall's career (referred to in this section as the "study area").

(b) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area and the surrounding area;

(2) determine the suitability and feasibility of designating the study area as an affiliated area of the National Park System;

(3) consider other alternatives for the preservation, protection, and interpretation of the study area by—

(A) the Federal Government;  
(B) State or local governmental entities;

or

(C) private or nonprofit organizations;

(4) consult with interested—

(A) Federal, State, or local governmental entities;

(B) private or nonprofit organizations; or

(C) any other interested individuals; and  
(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) **APPLICABLE LAW.**—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) **REPORT.**—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that contains a description of—

(1) the results of the study; and  
(2) any conclusions and recommendations of the Secretary.

**SA 2546.** Mr. BINGAMAN proposed an amendment to the bill H.R. 1035, to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; as follows:

Beginning on page 8, strike line 14 and all that follows through page 9, line 2.

**SA 2547.** Mr. BOND submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 2, strike "or".

On page 2, line 7, strike the period and insert "; or".

On page 2, after line 7, add the following:

(3) is in a manufacturing- or coal-dependent region of the United States (such as the Midwest, Great Plains, or South) and would face additional costs from compliance with the permit program that are sufficient to result in—

(A) the layoff of any United States employees at the stationary source; or

(B) the layoff of any United States employees of customers of the stationary source.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 23, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 23, 2009, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 23, 2009, at 10 a.m., to conduct a hearing entitled "Defense Contract Audit Agency: Who Is Responsible for Reform?"

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 23, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Reauthorizing the USA PATRIOT Act: Ensuring Liberty and Security."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 23, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

**MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY AMENDMENTS ACT OF 2009**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1035 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1035) to amend the Morris K. Udall Scholarship and Excellence in National and Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. I ask unanimous consent that a Bingaman amendment, which is at the desk, be agreed to, the



bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2546) was agreed to, as follows:

(Purpose: To strike the authorization of appropriations)

Beginning on page 8, strike line 14 and all that follows through page 9, line 2.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1035), as amended, was read the third time and passed, as follows:

H.R. 1035

*Resolved*, That the bill from the House of Representatives (H.R. 1035) entitled "An Act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.", do pass with the following amendment:

Beginning on page 8, strike line 14 and all that follows through page 9, line 2.

#### SUPPORTING GOALS AND IDEALS OF SENIOR CAREGIVING AND AFFORDABILITY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 59.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 59) supporting the goals and ideals of senior caregiving and affordability.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. JOHANNIS. Mr. President, the importance of the senior caregiving community cannot be overstated. According to the U.S. Census Bureau, in the United States, 35.9 million people are 65 years of age or older, which is 12.4 percent of the population. The U.S. Census Bureau also states that with over 8,000 Americans turning 60 years old every day, the number of people over the age of 65 is expected to more than double in the next 50 years to 86.7 million. Furthermore, the U.S. Census Bureau estimates that the 85 and older population is projected to reach 9.6 million in 2030 and double again to 20.9 million in 2050.

A report by Evercare, entitled *Study of Caregivers in Decline: A Close-up Look at the Health Risk of Caring for a Loved One*, explains that in order to address the surging population of seniors who have significant needs for in-

home care, the field of senior caregiving will continue to grow. Thus, while senior caregivers are playing an important role now, this profession will be even more important in the future.

The Dilenschneider Group, Inc., estimates that 25 percent of all seniors need some level of assistance to complete their daily activities. Senior companions provide a wide range of services, such as medication reminders, housekeeping, meal preparation, travel assistance, and general companionship. If we can keep seniors in their homes, we accomplish a number of goals. We preserve the independence and dignity of our seniors. That alone is significant. But, it also saves money in a health care system facing skyrocketing costs and soon-to-be insolvent programs. The longer a senior is able to provide for his or her own care at home, the better.

Adequate in-home care has become even more vital with the increase of dementia in our elderly population. The Alzheimer's Association estimates that 4.5 million people in the U.S. have Alzheimer's today and that this number will increase to between 11.3 and 16 million by 2050. The Alzheimer's Association further explains that 70 percent of people with Alzheimer's and other dementias live at home. These individuals can utilize in-home care provided by senior caregivers for assistance with their daily activities.

Senior caregiver services are a much preferred alternative for seniors who desire to maintain their independence. They also offer families peace of mind, knowing their loved one is being taken care of in a safe and affordable manner.

I am very pleased with the passage of my resolution to honor senior caregivers and the private home care industry. According to The Dilenschneider Group, Inc., an estimated 44 million adults in this country provide care to adult relatives or friends, and an estimated 725,000 non-family, privately paid individuals are senior caregivers. The Department of Labor estimates that in 2006, paid caregivers worked a total of 835 million hours. I salute those who provide quality care for so many Americans. I also salute the cooperative effort of both unpaid family caregivers and paid caregivers to serve the needs of seniors living in their own homes.

We need to examine Federal policy alternatives to make caregiving for seniors more accessible and more affordable for families. This resolution encourages the Secretary of Health and Human Services to continue working to educate aging Americans about the assistance options available for seniors.

I thank the senior caregivers for their service to Americans throughout this Nation, and I am pleased my colleagues agreed to support this resolution.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 59) was agreed to.

The preamble was agreed to.

#### PROVIDING FOR STATUE OF HELEN KELLER

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 41, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 41) providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. FEINSTEIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 41) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 41

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the "double dungeon of darkness and silence" by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became friends with many American Presidents and was the recipient of some of our Nation's most distinguished honors;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became "America's Goodwill Ambassador to the World";

Whereas Helen pioneered the concept of "talking books" for the blind;

Whereas LIFE Magazine hailed Helen as "one of the 100 most important Americans of the 20th Century—a national treasure"; and

Whereas Helen Keller will become the first person with disabilities enshrined in the Capitol and will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

**SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.**

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

**SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.**

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

**20TH ANNIVERSARY OF HURRICANE HUGO**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 282, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 282) remembering the 20th anniversary of Hurricane Hugo, which struck Charleston, South Carolina on September 21 through September 22, 1989.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 282**

Whereas September 21 through September 22, 2009, marks the 20th anniversary of Hurricane Hugo, one of the most destructive storms in United States history, making landfall in South Carolina;

Whereas Hurricane Hugo, with a storm surge that rose as high as 20 feet along the South Carolina coast, killed 57 people in the mainland United States and 29 people in the United States Caribbean islands and left an estimated 65,000 people homeless;

Whereas Hurricane Hugo resulted in 4 presidential disaster declarations, for the United States Virgin Islands, Puerto Rico, South Carolina, and North Carolina;

Whereas Hurricane Hugo inflicted an estimated \$7,000,000,000 in total damages within the United States and an additional \$3,000,000,000 in damages to the United States Virgin Islands;

Whereas Hurricane Hugo set a record as the most expensive hurricane to strike the United States up until that time;

Whereas Hurricane Hugo underscored the critical value of early evacuation, bold leadership, and personal and regional preparation and planning;

Whereas the people of South Carolina rose to meet Hurricane Hugo, working tirelessly to prepare for the storm and to assist their fellow citizens in its aftermath;

Whereas Hurricane Hugo was a reminder of the kindness and compassion of people, as help came from all parts of the Nation to assist in the areas damaged by Hugo;

Whereas the magnitude of the Hurricane Hugo disaster and difficulties with the Federal response led to important changes to the preparedness and response efforts of the Federal Government with respect to hurricanes in the United States; and

Whereas September is National Preparation Month and the President has emphasized the responsibility of all people of the United States to take time to prepare for potential emergencies by preparing an emergency supply kit and a family emergency plan, and to educate themselves about potential disasters: Now, therefore, be it

*Resolved that the Senate*

(1) recognizes the historical significance of the 20th anniversary of Hurricane Hugo; and  
(2) remembers the victims of Hurricane Hugo.

**NATIONAL WILD HORSE AND BURRO ADOPTION DAY**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 283, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 283) expressing support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 283) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 283**

Whereas, in 1971, in Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et

seq.), Congress declared that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West;

Whereas, under that Act, the Secretary of the Interior and the Secretary of Agriculture have responsibility for the humane capture, removal, and adoption of wild horses and burros;

Whereas the Bureau of Land Management and the Forest Service are the Federal agencies responsible for carrying out the provisions of the Act;

Whereas a number of private organizations will assist with the adoption of excess wild horses and burros, in conjunction with the first National Wild Horse and Burro Adoption Day; and

Whereas there are approximately 31,000 wild horses in short-term and long-term holding facilities, with 18,000 young horses awaiting adoption: Now, therefore, be it

*Resolved, That the Senate—*

(1) supports the goals of a National Wild Horse and Burro Adoption Day to be held annually in coordination with the Secretary of Interior and the Secretary of Agriculture;

(2) recognizes that creating a successful adoption model for wild horses and burros is consistent with Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.) and beneficial to the long-term interests of the people of the United States in protecting the wild horses and burros; and

(3) encourages citizens of the United States to adopt a wild horse or burro so as to own a living symbol of the historic and pioneer spirit of the West.

**NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 284, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 284) expressing support for the designation and goals of "National Health Information Technology Week" for the period beginning on September 21, 2009, and ending on September 25, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 284**

Whereas the Healthcare Information and Management Systems Society has collaborated with more than 5 dozen stakeholder organizations for almost 50 years to transform health care by improving information technology and management systems;

Whereas the Center for Information Technology Leadership estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately \$77,000,000,000 in expenses relating to health care each year;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas Congress has made a commitment to leveraging the benefits of the health care information technology and management systems, including through the adoption of electronic medical records that will help to reduce costs and improve quality while ensuring patients' privacy and codification of the Office of the National Coordinator for Health Information Technology;

Whereas Congress has emphasized improving the quality and safety of delivery of health care in the United States; and

Whereas since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the health care system that the implementation of health information technology could achieve: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the value of information technology and management systems in

transforming health care for the people of the United States;

(2) designates the period beginning on September 21, 2009, and ending on September 25, 2009, as "National Health Information Technology Week"; and

(3) calls on all stakeholders to promote the use of information technology and management systems to transform the health care system in the United States.

---

#### ORDERS FOR THURSDAY, SEPTEMBER 24, 2009

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, September 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of H.R. 2996, Inte-

rior appropriations. Finally, I ask unanimous consent that the filing deadline for second-degree amendments be 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

#### PROGRAM

Mrs. FEINSTEIN. Mr. President, the managers of the bill are working on an agreement to limit the number of amendments in order to the bill. If an agreement is reached, the cloture vote would not be necessary. However, if we are unable to reach an agreement on amendments, the cloture vote would occur at approximately 10:30 a.m. tomorrow.

---

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. FEINSTEIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:38 p.m., adjourned until Thursday, September 24, 2009, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Wednesday, September 23, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HOLDEN).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 23, 2009.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Rev. Dr. Martha Taylor, Elmhurst Presbyterian Church, Oakland, California, offered the following prayer:

Almighty and everlasting God, the Creator of the universe, the heavens, the Moon and the stars are Your work. You laid the foundation of this Earth. We pause in the midst of pressing demands to open our hearts and minds to hear from You.

Bless this Nation. Bless our President and each Representative of the people whom they represent and all that labor with them.

Help us not to forget the timeless principles penned by our Founding Fathers: That men and women are created equal, that we are endowed by You, our Creator, with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.

Prick our heart to make decisions that embrace these principles. Let the peace of God rule in our hearts. We pray this prayer in the name of the Most High.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Montana (Mr. REHBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. REHBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### MAKING SURE SMALL BUSINESS THRIVES AND EXPANDS

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, I come to the floor this morning to dispel a misleading rumor I recently heard about small business and health care reform.

Some are saying that, by requiring employers to offer health insurance for their employees or to opt out, we are going to crush small business. As a small business owner for over 40 years, I can assure you, Mr. Speaker, that this reform will not cost us jobs in small business.

Under our current system, there is no requirement for employers to offer insurance. Yet 99 percent of large firms do offer and nearly 65 percent of small firms offer insurance to their employees. For the firms already offering coverage, health care reform will bring much-needed competition and affordability to the insurance market. In addition, the smallest firms will be exempt. Finally, a 50 percent credit will be available to help pay premiums for the small businesses' insurance expenses.

In Ohio's Sixth Congressional District, which I serve, over 11,000 small businesses will receive credits to help cover their employees. As we continue to work on health care reform, I am committed to making sure small business continues to thrive and expand.

### AMERICANS DESERVE BETTER

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, in Montana, we often say there are only two seasons: winter and construction.

This August, at the peak of the construction season, I drove almost 3,500 miles around Montana, having listening sessions.

While it's not strange to see road construction in Montana in August,

signs telling drivers that the funds for the construction came from the so-called "stimulus" were new. These signs provide no jobs or long-term investment in our economy. Instead, they represent the worst kind of political credit-taking.

What's more, the signs are wrong. The dollars Congress allocates come from taxpayers. In this case, it would have been more accurate to say: "A project funded by our children and grandchildren." There are better ways to fund and to spend millions of dollars.

Last week, the Senate had a chance to stop wasting money on these signs, but failed to do so. We can do better in the House, and we must because Americans deserve better.

### HEALTH CARE

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, economic recovery requires not only solving the employment and housing crises but the health care crisis as well.

In this decade, the premiums charged by private health insurance companies have risen more than 75 percent while workers' wages have risen less than 25 percent. Meanwhile, the profits of the 10 largest health insurers have risen by 400 percent, and the salaries of their CEOs have tripled.

America now has 50 percent higher health care costs than the highest of the next 20 most industrialized nations. Yet Americans suffer shorter life expectancies and higher infant mortalities than any of those nations. Fifty million American citizens who cannot afford basic health insurance receive crisis care in the most expensive way possible: in emergency rooms for which the rest of Americans pay. The uninsured fail to receive the preventative care they need, and the insured shoulder the enormous long-term costs in both lives and dollars of preventable diabetes, heart disease, and cancer.

There is something morally and fiscally wrong with this picture. Wake up, America. We need health care reform now.

### SUPPORT OUR TROOPS IN AFGHANISTAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday's Washington Post editorial was correct when they stated that President Obama's goals in Afghanistan, as he outlined in March, were essential to preventing another attack on the United States by al Qaeda and its extremist allies. Indeed, there is much at stake in Afghanistan in establishing security and stability throughout the region. President Obama's original strategy is vital to ensuring that terrorist organizations do not reestablish safe havens or return the Taliban to power.

Our military commanders and troops on the ground are doing extraordinary work. We need to ensure they have the resources to complete their mission: to defeat the terrorists and to help provide, as President Obama mentioned in March, stability in the region.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### HEALTH INSURANCE REFORM DAILY MYTHBUSTER: IMPACT ON SENIORS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I rise to address seniors in this country about many myths that have been perpetrated about current health care reform.

The fact is that health care reform in this House, which we've talked about, simply provides Medicare reimbursement to doctors who spend time with their patients who wish to speak to their doctors about their values and their preferences with regard to end-of-life-care decisions. It empowers older Americans who want to have their wishes observed.

The other myth we've heard about is rationed care. The fact is nothing will stand between you and your doctor or will prevent you from making the best health care decisions, and if you're enrolled in Medicare, it will improve the level of care you can get.

With regard to a so-called "government takeover" of health care, this bill would build on the system of private health care in this country. The CBO said it will actually expand coverage under private care by 16 million and that only about 3 percent of Americans would choose to enroll in a new public health care plan.

Also, with regard to Medicare, we are going to have savings from overpayments to Medicare Advantage plans of \$150 billion, which will help improve the stability of Medicare.

Mr. Speaker, we need to pass this now and get on with the serious business of health care reform for our seniors.

#### REMOVE THE CMS GAG ORDER

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, it was recently reported that the Centers for Medicare and Medicaid Services has issued a gag order on private insurance companies to prevent them from providing information to their beneficiaries regarding the administration's proposed cuts to Medicare Advantage and how the Democrat health reform could take away their current coverage.

The CBO, by the way, agrees with this. That is a fact that coverage is being taken away.

However, the one entity not being affected by this gag order is the AARP, which has been a prime advocate of the Democrats' government takeover of health care. Even as AARP advocates for cutting Medicare Advantage plans by more than \$150 billion, an analysis of the organization's operation reveals that it stands to receive tens of millions of dollars at the expense of seniors' medical care. Under the Democrats' plan, seniors are going to have to fund kickbacks to AARP-sponsored plans, and there isn't a single provision attempting to impose any new restrictions on AARP policies.

Did CMS somehow forget to include AARP among the organizations whose First Amendment rights to inform seniors of harmful Medicare provisions were restricted, or did the administration only wish to silence its critics?

#### HEALTH CARE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, 2 weeks ago when the President addressed the Nation from this very Chamber, my Republican colleagues made a big show of waving their plans for the health reform and of waving them all over the floor, five bills and particularly a specific bill.

Unfortunately, just as I hope all of us read our bill, I hope all of you read your own bills. The plans that have been bandied about by my Republican friends lack any commitment to guaranteeing affordable, quality health care for all Americans.

The truth about the Republican plans is that they dismantle and disrupt the health insurance system. Get this, the American people: the provisions espoused by the Republicans would unravel the employer-based system where 159 million Americans get their health coverage. It erodes the employer-provided coverage. It provides fewer choices at higher costs for those who need insurance the most.

Wait until Americans read the Republican plans for us and what they have available.

By the way, the CBO does not in any manner, shape or form tell us how we're going to pay for this under the Republican plans. You've criticized us, and hypocritically, you've done what you say we've done.

#### AFGHANISTAN

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I'll bet Osama bin Laden and his buddies are high-fiving each other in their caves after hearing that the administration is soft-pedaling on its promise for an aggressive fight in Afghanistan.

In March, the President unveiled a new plan for success for Afghanistan and Pakistan. Sadly, now he's singing a different tune at just the wrong time. General McChrystal recently warned that America and our allies are in danger of losing the war if we do not create a bold, new strategy for America that requires more troops.

The President should heed the general's advice and should stand strong for freedom and security by giving our troops the tools they want, need, and deserve for victory so they can return home with honor.

To quote the President: The world cannot afford the price that will come due if Afghanistan slides back into chaos.

#### PROMOTING GENUINE HEALTH CARE REFORM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, our Republican colleagues would have you believe that there is a considerable amount of agreement between the two sides on how we should best enact health care reform. Well, I think the reality is we have substantial agreement on what the problems are, but very different opinions about how we go about approaching them.

As my colleague Mr. PASCRELL said, last week or 2 weeks ago they were waving this bill, one of many, H.R. 3400, at the President when he spoke here. They might as well have been waving the insurance companies' financial reports because this bill just provides another government subsidy to the insurance companies, which have put us in the big hole that we're in right now. Furthermore, they don't even pay for it.

We are interested in genuine health care reform that's going to provide security and stability for every American citizen and that will help fix Medicare so that it provides continuing great service to our seniors.

The Republican proposals don't do anything like that. We wish they would

join us in a sincere effort to promote effective health care reform. We haven't seen that effort yet.

□ 1015

#### MEDIA IGNORE HEALTH CARE POLL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, a new Investor's Business Daily poll of more than 1,300 physicians found that nearly two-thirds do not support the administration's health care plan. More than 7 in 10 say the government cannot provide insurance coverage without harming quality.

IBD's findings contradict stories in the national media that claim most doctors support the administration's plan. The media know that the American Medical Association does not speak for all doctors. In fact, only 17 percent of all doctors belong to the AMA in large part because it is too liberal.

It's not a surprise that the national media ignored IBD's poll. It doesn't fit their agenda of more government control and less individual freedom.

#### NATION'S HEALTH INSURANCE SYSTEM IS BROKEN

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Mr. Speaker, it's clear that our Nation's health insurance system is broken and that the status quo is simply unsustainable.

Over the last decade, health insurance premiums in New Mexico have grown 118 percent for the average family, compared to just 50 percent growth in wages. Again, the cost of health insurance grew more than twice as much as wages earned by New Mexico's working families. That same trend has made health care insurance unaffordable for more than one in five adults who went uninsured last year.

Mr. Speaker, we must hold insurance companies accountable for these skyrocketing costs. If we are successful in health insurance reform, we will lower the cost of care for our families. Seniors will actually be able to afford their medications all year long, small businesses will save money, and it will end this impediment to this Nation's competitiveness in the 21st century economy. We simply cannot afford to let this historic opportunity slip away.

#### CONGRESS NEEDS TIME TO READ BILLS

(Mr. WALDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN. Mr. Speaker, I rise today to call my colleagues to join me and Congressman BRIAN BAIRD and Congressman CULBERSON in signing a discharge petition to change the rules of the House so that Members of Congress have at least 72 hours to read bills like this.

This is the so-called stimulus. We had 12 hours. Now, the Speaker has said we will all have 24 hours. We are asking for 72. The stimulus was 1,073 pages, \$787 billion.

This is the cap-and-tax bill, 16½ hours to digest it, 1,428 pages, \$846 billion.

We should have a chance to read these bills and understand them. Congressman BAIRD and about 90 of us are cosponsors of H.R. 544. It's time to bring it to the floor for a vote. Sign the discharge petition.

Let's bring sunshine into the process. Let's allow Americans, their Representatives and the press the time to read these bills before we have to vote on them here on the House floor.

#### AGREE ABOUT HEALTH CARE REFORM

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, let's all agree about three things when it comes to health care reform. The first message has to be we have to fix what is broken and improve on what we already have and make certain it's at a price we can all afford to pay.

Secondly, and this is in every piece of legislation moving through Congress on health care, we have to guarantee that no citizen anywhere in this country shall be discriminated against because of preexisting medical conditions.

Isn't it time to finally establish a transparent medical marketplace where all prices for health care service and products are openly disclosed to the public at all times on the Internet? Isn't it time that every customer, when they go to the doctor or hospital or purchase insurance policies, gets to pay the lowest price that's openly disclosed and accepted as payment in full from everyone else?

It's time to have a transparent medical system and make sure that we can drive down prices for everyone.

#### CMS GAG RULE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, the Obama administration keeps trying to silence critics of its government-run health care plan. This week, the Centers for Medicare and Medicaid Services decided that Medicare Advantage

plans were offering the wrong opinions about the health care bill. So CMS ordered them to stop telling their customers about the proposed cuts to Medicare benefits.

Mr. Speaker, this Chicago-style politics is a shocking abuse of power that flies in the face of the President's call for open and honest debate. It's time to remind the President and CMS that all Americans have a constitutional right to speak their mind, even when that holds back a government takeover of health care.

#### HEALTH CARE REFORM MUST BE DONE

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, health care reform is an imperative. We must get it done now. People want to know and deserve to know what's in it for them.

If you are a senior, it means continued quality medical care and lower prescription drugs. If you are a small business, it means you can afford health care for your family, for yourself, for your employees, and you will get help doing it.

If you have a preexisting condition, diabetes, a heart condition, multiple sclerosis, even acne, you won't be excluded from getting quality affordable health care. If you are a young person no longer on your parents' insurance, it means you can choose insurance you can afford. If, like millions of Americans, most Americans, you already have insurance, you like it, you keep it and you won't see skyrocketing premiums, deductibles and copays.

For all Americans, it means lower cost, quality care, affordable care and choice. You can take your insurance with you when you change jobs. You won't go broke because of limits on yearly health care expenses. It means no copayments for routine preventive care like colonoscopies and mammograms.

You choose your doctor, you choose to change, you choose to stay the same. Choose a public plan, choose a private plan. It's time for Congress to get this done.

#### INFLATION IS COMING

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, when interest rates go up, the value of bonds go down. But this presents a dilemma for the newest and largest bondholder on Earth, the Federal Reserve.

With interest rates low, quantitative easing policies and record spending, inflation is coming. Normally, we would



expect the Fed to raise interest rates to protect the value of our dollars from runaway inflation, but now that the Feds owe over \$1 trillion in bonds, an interest rate boost of only 70 basis points would trigger a loss of the entire \$51 billion of the Fed's remaining net capital.

Robert Eisenbeis, the former vice president for the Atlanta Fed, has highlighted this danger. With inflation coming, we do not want the losses that the Feds would have to their own holdings to stop them from doing what will be needed to protect us, and especially seniors, from next year's expected inflation.

#### MEDICARE CUTS WOULD IMPACT OUR SENIORS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, yesterday the Director of the Congressional Budget Office stated that seniors with current private Medicare plans could see their benefits cut or costs increase under one of the health care overhaul proposals currently being debated. Many seniors, including more than 140,000 in my home State of Louisiana, depend on these Medicare benefits for their health care.

Far too often, patients in our current government-run programs lack real access to a doctor. Now, under congressional Democrats' plans, they would see their benefits cut or higher costs, according to CBO, the official scorekeeper for Congress.

We can do better. We can achieve commonsense solutions in a bipartisan way. But the current bills in Congress focus on where we disagree. House Republicans have put forward a commonsense plan to revitalize the American health care system to lower costs for families and businesses and to improve quality.

Our plan puts patients first and their doctors back in control of health care decisions. Our plan makes health care affordable and more accessible with patients able to see their doctor of choice.

Let's work together to put the patient and doctor back in control of their health care destiny.

#### STOP FUNDING ACORN WITH TAXPAYER DOLLARS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I rise again to fight on behalf of Kansans who are furious that ACORN, the political machine of President Obama, is being funneled millions of taxpayer dollars to carry out fraudulent and illegal activities.

It's no secret President Obama paid ACORN over \$800,000 to help him win the White House. For years, this organization has been funded by liberal Democrats, and they have used the money to promote voter fraud and tax fraud, along with other illegal activities.

Despite the dozens of ACORN voter fraud scandals and its 70 convicted members, ACORN receives an outrageous 40 percent of its funding from hardworking taxpayers. This must stop. That's why we are fighting to defund this political machine and prevent further abuse of taxpayer money.

In addition to taking away every single tax dollar ACORN receives, we should strip its tax-exempt status. That's why this week I am introducing a resolution calling for the IRS to stop giving ACORN special tax treatment.

Let's help stop ACORN from using its tax-exempt status to advance liberal political agendas filled with corruption. It's time for Congress to put an end to this fraudulent use of public tax dollars and start working to revive our economy and create jobs.

#### GOVERNMENT TAKEOVER OF HEALTH CARE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, it's clear from town hall meetings held across the country that the American people are rejecting the Democrat plan for a government takeover of health care. The President and Democrats in Congress need to start over on their health care plan.

House Republicans have a plan for reform that expands access to affordable health care and gives families the freedom to choose the health care that fits their needs. It's time for the President and Democrats in Congress to begin working with Republicans on real solutions to the challenges our country faces, including health care reform.

According to economic modeling by the President's own chief economic adviser, the business tax increases alone will destroy up to 5.5 million jobs. An independent analysis by the non-partisan Lewin Group found that as many as 114 million Americans could lose their current health insurance.

The Democrats' health care plan also includes harmful cuts to Medicare Advantage, and according to the Congressional Budget Office, will raise seniors' Medicare prescription drug premiums by 20 percent over the next decade.

Despite claims that reform will reduce health care costs, the Congressional Budget Office has said the Democrats' health care plan will actually increase government spending and increase our national debt. The last thing we need is a government takeover of health care.

#### HEALTH INSURANCE NEEDS TO BE AFFORDABLE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to talk of health care. Last week I had the opportunity to speak and listen at a town hall meeting in Bella Vista, Arkansas. This retirement community voiced their concern that insurance needed to be much more affordable and that we should do away with preexisting conditions. They did not want this paid for, though, on the backs of seniors.

In the current proposal, \$500 billion is taken away from Medicare. They do this by decreasing or eliminating the subsidy on Advantage plans, so most seniors would lose this opportunity to help them. There would be less money to providers when, in the situation we have now, it's very difficult to even find a Medicare provider in some cases.

Again, it makes no sense, Mr. Speaker, to cut Medicare \$500 billion, increase the patient load by 30 percent, not provide any more doctors to take care of the people, and no more facilities. We need reform, but we need commonsense reform. We must not do something just for the sake of doing it.

#### LIVINGSTONE AND JOHNSON C. SMITH TO RENEW 117-YEAR RIVALRY

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Mr. Speaker, on December 27, 1892, the first college football game between two historically black institutions of higher education was played in Salisbury, North Carolina. On October 3, 2009, The Livingstone College and Johnson C. Smith University football teams will extend this 117-year rivalry in the 2009 Commemorative Classic football game.

I rise to recognize and pay tribute to Livingstone College and Johnson C. Smith University as they prepare to participate in this historic game, which is being played in my congressional district. Collegiate sports provide a backdrop for a multitude of life's lessons and a crucible in which many of society's leaders are shaped.

To quote Livingstone College President S.E. Duncan: The claim that football engenders school spirit has seldom been challenged. For the stimulation of academic improvement, its impact on citizenship and the outcome of our students on physical fitness, football comes increasingly to their attention for consideration.

I wish continued success to Livingstone College and Johnson C. Smith University and wish both of them success in this year's game.

□ 1030

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

DEFENSE PRODUCTION ACT  
REAUTHORIZATION OF 2009

Mr. WATT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1677) to reauthorize the Defense Production Act of 1950, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1677

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Defense Production Act Reauthorization of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Reauthorization of Defense Production Act of 1950.
- Sec. 3. Declaration of policy.
- Sec. 4. Priority in contracts and orders.
- Sec. 5. Designation of energy as a strategic and critical material.
- Sec. 6. Strengthening domestic capability.
- Sec. 7. Expansion of productive capacity and supply.
- Sec. 8. Definitions.
- Sec. 9. Voluntary agreements and plans of action for national defense.
- Sec. 10. Employment of personnel; appointment policies; nucleus executive reserve; use of confidential information by employees; printing and distribution of reports.
- Sec. 11. Defense Production Act Committee.
- Sec. 12. Annual report on impact of offsets.

## SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) TERMINATION OF ACT.—

(1) TERMINATION.—Section 717 of the Defense Production Act of 1950 (50 U.S.C. App. 2166) is amended—

(A) by striking subsections (a) and (b) and inserting the following:

“(a) Title I (except section 104), title III, and title VII (except sections 707, 708, and 721) shall terminate on September 30, 2014, except that all authority extended under title III on or after the date of enactment of the Defense Production Act Reauthorization of 2009 shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) Notwithstanding subsection (a), any agency created under a provision of law that is terminated under subsection (a) may continue in existence, for purposes of liquidation, for a period not to exceed 6 months, beginning on the date of termination of the

provision authorizing the creation of such agency under subsection (a).”; and

(B) in subsection (c), by striking the second undesignated paragraph.

(2) REPEALS.—Titles II, IV, V, and VI of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq., 2101 et seq., 2121 et seq., and 2131 et seq.) are repealed.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “(including)” and all that follows through “)” by” and inserting “by”; and

(B) by striking “(a) AUTHORIZATION.—Except as provided in subsection (b), there” and inserting “There”; and

(2) by striking subsection (b).

## SEC. 3. DECLARATION OF POLICY.

(a) FINDINGS.—Section 2 of the Defense Production Act of 1950 (50 U.S.C. App. 2062) is amended to read as follows:

## “SEC. 2. DECLARATION OF POLICY.

“(a) FINDINGS.—Congress finds that—

“(1) the security of the United States is dependent on the ability of the domestic industrial base to supply materials and services for the national defense and to prepare for and respond to military conflicts, natural or man-caused disasters, or acts of terrorism within the United States;

“(2) to ensure the vitality of the domestic industrial base, actions are needed—

“(A) to promote industrial resources preparedness in the event of domestic or foreign threats to the security of the United States;

“(B) to support continuing improvements in industrial efficiency and responsiveness;

“(C) to provide for the protection and restoration of domestic critical infrastructure operations under emergency conditions; and

“(D) to respond to actions taken outside of the United States that could result in reduced supplies of strategic and critical materials, including energy, necessary for national defense and the general economic well-being of the United States;

“(3) in order to provide for the national security, the national defense preparedness effort of the United States Government requires—

“(A) preparedness programs to respond to both domestic emergencies and international threats to national defense;

“(B) measures to improve the domestic industrial base for national defense;

“(C) the development of domestic productive capacity to meet—

“(i) essential national defense needs that can result from emergency conditions; and

“(ii) unique technological requirements; and

“(D) the diversion of certain materials and facilities from ordinary use to national defense purposes, when national defense needs cannot otherwise be satisfied in a timely fashion;

“(4) to meet the requirements referred to in this subsection, this Act provides the President with an array of authorities to shape national defense preparedness programs and to take appropriate steps to maintain and enhance the domestic industrial base;

“(5) in order to ensure national defense preparedness, it is necessary and appropriate to assure the availability of domestic energy supplies for national defense needs;

“(6) to further assure the adequate maintenance of the domestic industrial base, to the maximum extent possible, domestic energy supplies should be augmented through reliance on renewable energy sources (including

solar, geothermal, wind, and biomass sources), more efficient energy storage and distribution technologies, and energy conservation measures;

“(7) much of the industrial capacity that is relied upon by the United States Government for military production and other national defense purposes is deeply and directly influenced by—

“(A) the overall competitiveness of the industrial economy of the United States; and

“(B) the ability of industries in the United States, in general, to produce internationally competitive products and operate profitably while maintaining adequate research and development to preserve competitiveness with respect to military and civilian production; and

“(8) the inability of industries in the United States, especially smaller subcontractors and suppliers, to provide vital parts and components and other materials would impair the ability to sustain the Armed Forces of the United States in combat for longer than a short period.

“(b) STATEMENT OF POLICY.—It is the policy of the United States that—

“(1) to ensure the adequacy of productive capacity and supply, Federal departments and agencies that are responsible for national defense acquisition should continuously assess the capability of the domestic industrial base to satisfy production requirements under both peacetime and emergency conditions, specifically evaluating the availability of adequate production sources, including subcontractors and suppliers, materials, skilled labor, and professional and technical personnel;

“(2) every effort should be made to foster cooperation between the defense and commercial sectors for research and development and for acquisition of materials, components, and equipment;

“(3) plans and programs to carry out the purposes of this Act should be undertaken with due consideration for promoting efficiency and competition;

“(4) in providing United States Government financial assistance under this Act to correct a domestic industrial base shortfall, the President should give consideration to the creation or maintenance of production sources that will remain economically viable after such assistance has ended;

“(5) authorities under this Act should be used to reduce the vulnerability of the United States to terrorist attacks, and to minimize the damage and assist in the recovery from terrorist attacks that occur in the United States;

“(6) in order to ensure productive capacity in the event of an attack on the United States, the United States Government should encourage the geographic dispersal of industrial facilities in the United States to discourage the concentration of such productive facilities within limited geographic areas that are vulnerable to attack by an enemy of the United States;

“(7) to ensure that essential national defense requirements are met, consideration should be given to stockpiling strategic materials, to the extent that such stockpiling is economical and feasible; and

“(8) in the construction of any industrial facility owned by the United States Government, in the rendition of any financial assistance by the United States Government for the construction, expansion, or improvement of any industrial facility, and in the production of goods and services, under this Act or any other provision of law, each department and agency of the United States

Government should apply, under the coordination of the Federal Emergency Management Agency, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of geographic dispersal of such facilities in the interest of national defense.”.

#### SEC. 4. PRIORITY IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended by adding at the end the following:

“(d) The head of each Federal agency to which the President delegates authority under this section shall—

“(1) not later than 270 days after the date of enactment of the Defense Production Act Reauthorization of 2009, issue final rules, in accordance with section 553 of title 5, United States Code, that establish standards and procedures by which the priorities and allocations authority under this section is used to promote the national defense, under both emergency and nonemergency conditions; and

“(2) as appropriate and to the extent practicable, consult with the heads of other Federal agencies to develop a consistent and unified Federal priorities and allocations system.”.

#### SEC. 5. DESIGNATION OF ENERGY AS A STRATEGIC AND CRITICAL MATERIAL.

Section 106 of the Defense Production Act of 1950 (50 U.S.C. App. 2076) is amended—

(1) by striking “such designation” and all that follows through “(1)” and inserting “such designation”;

(2) by striking “; or” and inserting a period; and

(3) by striking paragraph (2).

#### SEC. 6. STRENGTHENING DOMESTIC CAPABILITY.

Section 107 of the Defense Production Act of 1950 (50 U.S.C. App. 2077) is amended—

(1) in subsection (a)—

(A) by inserting “restore,” after “modernize,”; and

(B) by inserting “materials,” after “items,”; and

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1), as so redesignated, by striking “or critical technology items” and inserting “, critical technology items, essential materials, and industrial resources”.

#### SEC. 7. EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY.

Title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) is amended to read as follows:

##### “TITLE III—EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

##### “SEC. 301. PRESIDENTIAL AUTHORIZATION FOR THE NATIONAL DEFENSE.

“(a) EXPEDITING PRODUCTION AND DELIVERIES OR SERVICES.—

“(1) AUTHORIZED ACTIVITIES.—To reduce current or projected shortfalls of industrial resources, critical technology items, or essential materials needed for national defense purposes, subject to such regulations as the President may prescribe, the President may authorize a guaranteeing agency to provide guarantees of loans by private institutions for the purpose of financing any contractor, subcontractor, provider of critical infrastructure, or other person in support of production capabilities or supplies that are deemed by the guaranteeing agency to be necessary to create, maintain, expedite, expand, protect, or restore production and deliveries or services essential to the national defense.

“(2) PRESIDENTIAL DETERMINATIONS REQUIRED.—Except during a period of national emergency declared by Congress or the President, a loan guarantee may be entered into under this section only if the President determines that—

“(A) the loan guarantee is for an activity that supports the production or supply of an industrial resource, critical technology item, or material that is essential for national defense purposes;

“(B) without a loan guarantee, credit is not available to the loan applicant under reasonable terms or conditions sufficient to finance the activity;

“(C) the loan guarantee is the most cost effective, expedient, and practical alternative for meeting the needs of the Federal Government;

“(D) the prospective earning power of the loan applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed;

“(E) the loan to be guaranteed bears interest at a rate determined by the Secretary of the Treasury to be reasonable, taking into account the then-current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan;

“(F) the loan agreement for the loan to be guaranteed provides that no provision of the loan agreement may be amended or waived without the consent of the fiscal agent of the United States for the guarantee; and

“(G) the loan applicant has provided or will provide—

“(i) an assurance of repayment, as determined by the President; and

“(ii) security—

“(I) in the form of a performance bond, insurance, collateral, or other means acceptable to the fiscal agent of the United States; and

“(II) in an amount equal to not less than 20 percent of the amount of the loan.

“(3) LIMITATIONS ON LOANS.—Loans under this section may be—

“(A) made or guaranteed under the authority of this section only to the extent that an appropriations Act—

“(i) provides, in advance, budget authority for the cost of such guarantees, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

“(ii) establishes a limitation on the total loan principal that may be guaranteed; and

“(B) made without regard to the limitations of existing law, other than section 1341 of title 31, United States Code.

“(b) FISCAL AGENTS OF THE UNITED STATES.—

“(1) IN GENERAL.—Any Federal agency or any Federal reserve bank, when designated by the President, is hereby authorized to act, on behalf of any guaranteeing agency, as fiscal agent of the United States in the making of such contracts of guarantee and in otherwise carrying out the purposes of this section.

“(2) FUNDS.—All such funds as may be necessary to enable any fiscal agent described in paragraph (1) to carry out any guarantee made by it on behalf of any guaranteeing agency shall be supplied and disbursed by or under authority from such guaranteeing agency.

“(3) LIMIT ON LIABILITY.—No fiscal agent described in paragraph (1) shall have any responsibility or accountability, except as agent in taking any action pursuant to or under authority of this section.

“(4) REIMBURSEMENTS.—Each fiscal agent described in paragraph (1) shall be reim-

bursed by each guaranteeing agency for all expenses and losses incurred by such fiscal agent in acting as agent on behalf of such guaranteeing agency, including, notwithstanding any other provision of law, attorneys’ fees and expenses of litigation.

“(c) OVERSIGHT.—

“(1) IN GENERAL.—All actions and operations of fiscal agents under authority of or pursuant to this section shall be subject to the supervision of the President, and to such regulations as the President may prescribe.

“(2) OTHER AUTHORITY.—The President is authorized to prescribe—

“(A) either specifically or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges which may be made in connection with loans, discounts, advances, or commitments guaranteed by the guaranteeing agencies through fiscal agents under this section; and

“(B) regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be utilized in connection with such guarantees.

“(d) AGGREGATE GUARANTEE AMOUNTS.—

“(1) INDUSTRIAL RESOURCE AND CRITICAL TECHNOLOGY SHORTFALLS.—

“(A) IN GENERAL.—If the making of any guarantee or obligation of the Federal Government under this title relating to a domestic industrial base shortfall would cause the aggregate outstanding amount of all guarantees for such shortfall to exceed \$50,000,000, any such guarantee may be made only—

“(i) if the President has notified the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives in writing of the proposed guarantee; and

“(ii) after the 30-day period following the date on which notice under clause (i) is provided.

“(B) WAIVERS AUTHORIZED.—The requirements of subparagraph (A) may be waived—

“(i) during a period of national emergency declared by Congress or the President; or

“(ii) upon a determination by the President, on a nondelegable basis, that a specific guarantee is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.

“(2) OTHER LIMITATIONS.—The authority conferred by this section shall not be used primarily to prevent the financial insolvency or bankruptcy of any person, unless—

“(A) the President certifies that the insolvency or bankruptcy would have a direct and substantially adverse effect upon national defense production; and

“(B) a copy of the certification under subparagraph (A), together with a detailed justification thereof, is transmitted to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 days prior to the exercise of that authority for such use.

##### “SEC. 302. LOANS TO PRIVATE BUSINESS ENTERPRISES.

“(a) LOAN AUTHORITY.—To reduce current or projected shortfalls of industrial resources, critical technology items, or materials essential for the national defense, the President may make provision for loans to private business enterprises (including nonprofit research corporations and providers of critical infrastructure) for the creation, maintenance, expansion, protection, or restoration of capacity, the development of technological processes, or the production of

essential materials, including the exploration, development, and mining of strategic and critical metals and minerals.

“(b) CONDITIONS OF LOANS.—Loans may be made under this section on such terms and conditions as the President deems necessary, except that—

“(1) financial assistance may be extended only to the extent that it is not otherwise available from private sources on reasonable terms; and

“(2) during periods of national emergency declared by the Congress or the President, no such loan may be made unless the President determines that—

“(A) the loan is for an activity that supports the production or supply of an industrial resource, critical technology item, or material that is essential to the national defense;

“(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes, or materials in a timely manner;

“(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need;

“(D) the prospective earning power of the loan applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan in accordance with the terms of the loan, as determined by the President; and

“(E) the loan bears interest at a rate determined by the Secretary of the Treasury to be reasonable, taking into account the then-current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

“(c) LIMITATIONS ON LOANS.—Loans under this section may be—

“(1) made or guaranteed under the authority of this section only to the extent that an appropriations Act—

“(A) provides, in advance, budget authority for the cost of such guarantees, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

“(B) establishes a limitation on the total loan principal that may be guaranteed; and

“(2) made without regard to the limitations of existing law, other than section 1341 of title 31, United States Code.

“(d) AGGREGATE LOAN AMOUNTS.—

“(1) IN GENERAL.—If the making of any loan under this section to correct a shortfall would cause the aggregate outstanding amount of all obligations of the Federal Government under this title relating to such shortfall to exceed \$50,000,000, such loan may be made only—

“(A) if the President has notified the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, in writing, of the proposed loan; and

“(B) after the 30-day period following the date on which notice under subparagraph (A) is provided.

“(2) WAIVERS AUTHORIZED.—The requirements of paragraph (1) may be waived—

“(A) during a period of national emergency declared by the Congress or the President; and

“(B) upon a determination by the President, on a nondelegable basis, that a specific loan is necessary to avert an industrial resource or critical technology shortfall that would severely impair national defense capability.

### “SEC. 303. OTHER PRESIDENTIAL ACTION AUTHORIZED.

“(a) IN GENERAL.—

“(1) IN GENERAL.—To create, maintain, protect, expand, or restore domestic industrial base capabilities essential for the national defense, the President may make provision—

“(A) for purchases of or commitments to purchase an industrial resource or a critical technology item, for Government use or resale;

“(B) for the encouragement of exploration, development, and mining of critical and strategic materials, and other materials;

“(C) for the development of production capabilities; and

“(D) for the increased use of emerging technologies in security program applications and the rapid transition of emerging technologies—

“(i) from Government-sponsored research and development to commercial applications; and

“(ii) from commercial research and development to national defense applications.

“(2) TREATMENT OF CERTAIN AGRICULTURAL COMMODITIES.—A purchase for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced, except to the extent that such domestically produced supply may be purchased for resale for industrial use or stockpiling.

“(3) TERMS OF SALES.—No commodity purchased under this subsection shall be sold at less than—

“(A) the established ceiling price for such commodity, except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower; or

“(B) if no ceiling price has been established, the higher of—

“(i) the current domestic market price for such commodity; or

“(ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation, as provided in section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427).

“(4) DELIVERY DATES.—No purchase or commitment to purchase any imported agricultural commodity shall specify a delivery date which is more than 1 year after the date of termination of this section.

“(5) PRESIDENTIAL DETERMINATIONS.—Except as provided in paragraph (7), the President may not execute a contract under this subsection unless the President determines that—

“(A) the industrial resource, material, or critical technology item is essential to the national defense; and

“(B) without Presidential action under this section, United States industry cannot reasonably be expected to provide the capability for the needed industrial resource, material, or critical technology item in a timely manner.

“(6) NOTIFICATION TO CONGRESS OF SHORTFALL.—

“(A) IN GENERAL.—Except as provided in paragraph (7), the President shall provide written notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of a domestic industrial base shortfall prior to taking action under this subsection to remedy the shortfall. The notice shall include the determinations made by the President under paragraph (5).

“(B) AGGREGATE AMOUNTS.—If the taking of any action under this subsection to correct a domestic industrial base shortfall would cause the aggregate outstanding amount of

all such actions for such shortfall to exceed \$50,000,000, the action or actions may be taken only after the 30-day period following the date on which the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives have been notified in writing of the proposed action.

“(7) WAIVERS AUTHORIZED.—The requirements of paragraphs (1) through (6) may be waived—

“(A) during a period of national emergency declared by the Congress or the President; or

“(B) upon a determination by the President, on a nondelegable basis, that action is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.

“(b) EXEMPTION FOR CERTAIN LIMITATIONS.—Subject to the limitations in subsection (a), purchases and commitments to purchase and sales under subsection (a) may be made without regard to the limitations of existing law (other than section 1341 of title 31, United States Code), for such quantities, and on such terms and conditions, including advance payments, and for such periods, but not extending beyond a date that is not more than 10 years from the date on which such purchase, purchase commitment, or sale was initially made, as the President deems necessary, except that purchases or commitments to purchase involving higher than established ceiling prices (or if no such established ceiling prices exist, currently prevailing market prices) or anticipated loss on resale shall not be made, unless it is determined that supply of the materials could not be effectively increased at lower prices or on terms more favorable to the Government, or that such purchases are necessary to assure the availability to the United States of overseas supplies.

“(c) PRESIDENTIAL FINDINGS.—

“(1) IN GENERAL.—The President may take the actions described in paragraph (2), if the President finds that—

“(A) under generally fair and equitable ceiling prices, for any raw or nonprocessed material, there will result a decrease in supplies from high-cost sources of such material, and that the continuation of such supplies is necessary to carry out the objectives of this title; or

“(B) an increase in cost of transportation is temporary in character and threatens to impair maximum production or supply in any area at stable prices of any materials.

“(2) SUBSIDY PAYMENTS AUTHORIZED.—Upon a finding under paragraph (1), the President may make provision for subsidy payments on any such domestically produced material, other than an agricultural commodity, in such amounts and in such manner (including purchases of such material and its resale at a loss), and on such terms and conditions, as the President determines to be necessary to ensure that supplies from such high-cost sources are continued, or that maximum production or supply in such area at stable prices of such materials is maintained, as the case may be.

“(d) INCIDENTAL AUTHORITY.—The procurement power granted to the President by this section shall include the power to transport and store and have processed and refined any materials procured under this section.

“(e) INSTALLATION OF EQUIPMENT IN INDUSTRIAL FACILITIES.—

“(1) INSTALLATION AUTHORIZED.—If the President determines that such action will aid the national defense, the President is authorized—

“(A) to procure and install additional equipment, facilities, processes or improvements to plants, factories, and other industrial facilities owned by the Federal Government;

“(B) to procure and install equipment owned by the Federal Government in plants, factories, and other industrial facilities owned by private persons;

“(C) to provide for the modification or expansion of privately owned facilities, including the modification or improvement of production processes, when taking actions under section 301, 302, or this section; and

“(D) to sell or otherwise transfer equipment owned by the Federal Government and installed under this subsection to the owners of such plants, factories, or other industrial facilities.

“(2) INDEMNIFICATION.—The owner of any plant, factory, or other industrial facility that receives equipment owned by the Federal Government under this section shall agree—

“(A) to waive any claim against the United States under section 107 or 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607 and 9613); and

“(B) to indemnify the United States against any claim described in paragraph (1) made by a third party that arises out of the presence or use of equipment owned by the Federal Government.

“(f) EXCESS METALS, MINERALS, AND MATERIALS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law to the contrary, metals, minerals, and materials acquired pursuant to this section which, in the judgment of the President, are excess to the needs of programs under this Act, shall be transferred to the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), when the President deems such action to be in the public interest.

“(2) TRANSFERS AT NO CHARGE.—Transfers made pursuant to this subsection shall be made without charge against or reimbursement from funds appropriated for the purposes of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), except that costs incident to such transfer, other than acquisition costs, shall be paid or reimbursed from such funds.

“(g) SUBSTITUTES.—When, in the judgment of the President, it will aid the national defense, the President may make provision for the development of substitutes for strategic and critical materials, critical components, critical technology items, and other industrial resources.

#### “SEC. 304. DEFENSE PRODUCTION ACT FUND.

“(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the ‘Defense Production Act Fund’ (in this section referred to as the ‘Fund’).

“(b) MONEYS IN FUND.—There shall be credited to the Fund—

“(1) all moneys appropriated for the Fund, as authorized by section 711; and

“(2) all moneys received by the Fund on transactions entered into pursuant to section 303.

“(c) USE OF FUND.—The Fund shall be available to carry out the provisions and purposes of this title, subject to the limitations set forth in this Act and in appropriations Acts.

“(d) DURATION OF FUND.—Moneys in the Fund shall remain available until expended.

“(e) FUND BALANCE.—The Fund balance at the close of each fiscal year shall not exceed

\$750,000,000, excluding any moneys appropriated to the Fund during that fiscal year or obligated funds. If, at the close of any fiscal year, the Fund balance exceeds \$750,000,000, the amount in excess of \$750,000,000 shall be paid into the general fund of the Treasury.

“(f) FUND MANAGER.—The President shall designate a Fund manager. The duties of the Fund manager shall include—

“(1) determining the liability of the Fund in accordance with subsection (g);

“(2) ensuring the visibility and accountability of transactions engaged in through the Fund; and

“(3) reporting to the Congress each year regarding activities of the Fund during the previous fiscal year.

“(g) LIABILITIES AGAINST FUND.—When any agreement entered into pursuant to this title after December 31, 1991, imposes any contingent liability upon the United States, such liability shall be considered an obligation against the Fund.”.

#### SEC. 8. DEFINITIONS.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) in paragraph (1), by striking “military equipment identified by the Secretary of Defense” and inserting “equipment identified by the President”;

(2) by striking paragraphs (2), (4), (9), and (18);

(3) by redesignating paragraph (3) as paragraph (2);

(4) by inserting after paragraph (2), as so redesignated, the following:

“(3) CRITICAL TECHNOLOGY.—The term ‘critical technology’ includes any technology designated by the President to be essential to the national defense.”;

(5) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively;

(6) in paragraph (6), as so redesignated—

(A) in the paragraph heading, by striking “DEFENSE”;

(B) by striking “domestic defense” and inserting “domestic”;

(C) by striking “graduated mobilization,”;

(7) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively;

(8) by inserting after paragraph (9), as so redesignated, the following:

“(10) GUARANTEEING AGENCY.—The term ‘guaranteeing agency’ means a department or agency of the United States engaged in procurement for the national defense.

“(11) HOMELAND SECURITY.—The term ‘homeland security’ includes efforts—

“(A) to prevent terrorist attacks within the United States;

“(B) to reduce the vulnerability of the United States to terrorism;

“(C) to minimize damage from a terrorist attack in the United States; and

“(D) to recover from a terrorist attack in the United States.”;

(9) in paragraph (12), by striking “capacity” and inserting “base”;

(10) in paragraph (14), by striking “military assistance to any foreign nation” and inserting “military or critical infrastructure assistance to any foreign nation, homeland security”;

(11) in paragraph (16)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(C) the movement of individuals and property by all modes of civil transportation; or

“(D) other national defense programs and activities.”.

#### SEC. 9. VOLUNTARY AGREEMENTS AND PLANS OF ACTION FOR NATIONAL DEFENSE.

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “defense of the United States” and all that follows through the period and inserting “national defense.”; and

(B) by adding at the end the following:

“(3) Upon a determination by the President, on a nondelegable basis, that a specific voluntary agreement or plan of action is necessary to meet national defense requirements resulting from an event that degrades or destroys critical infrastructure—

“(A) an individual that has been delegated authority under paragraph (1) with respect to such agreement or plan shall not be required to consult with the Attorney General or the Federal Trade Commission under paragraph (2)(B); and

“(B) the President shall publish a rule in accordance with subsection (e)(2)(B) and publish notice in accordance with subsection (e)(3)(B) with respect to such agreement or plan as soon as is practicable under the circumstances.”;

(2) in subsection (f)(2)—

(A) by striking “two years” each place that term appears and inserting “5 years”;

(B) by striking “two-year” and inserting “5-year”; and

(3) by striking subsection (n) and inserting the following:

“(n) EXEMPTION FROM ADVISORY COMMITTEE ACT PROVISIONS.—Notwithstanding any other provision of law, the Federal Advisory Committee Act (5 U.S.C. App.) and any other provision of Federal law relating to advisory committees shall not apply to—

“(1) the consultations referred to in subsection (c)(1); or

“(2) any activity conducted under a voluntary agreement or plan of action approved pursuant to this section that complies with the requirements of this section.”.

#### SEC. 10. EMPLOYMENT OF PERSONNEL; APPOINTMENT POLICIES; NUCLEUS EXECUTIVE RESERVE; USE OF CONFIDENTIAL INFORMATION BY EMPLOYEES; PRINTING AND DISTRIBUTION OF REPORTS.

Section 710 of the Defense Production Act of 1950 (50 U.S.C. App. 2160) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking clause (iii);

(B) by striking paragraph (4);

(C) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(D) in paragraph (6), as so redesignated, by striking “At least” and all that follows through “survey” and inserting “The Director of the Office of Personnel Management shall carry out a biennial survey of”;

(2) in subsection (c), by striking the third sentence;

(3) in subsection (d), by striking “needed,” and all that follows through the period and inserting “needed.”; and

(4) in subsection (e)—

(A) in the first sentence, by striking “emergency” and inserting “national defense emergency, as determined by the President”; and

(B) by striking the third sentence.

#### SEC. 11. DEFENSE PRODUCTION ACT COMMITTEE.

Section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171) is amended to read as follows:

**"SEC. 722. DEFENSE PRODUCTION ACT COMMITTEE.**

"(a) COMMITTEE ESTABLISHED.—There is established the Defense Production Act Committee (in this section referred to as the 'Committee'), which shall advise the President on the effective use of the authority under this Act by the departments, agencies, and independent establishments of the Federal Government to which the President has delegated authority under this Act.

**"(b) MEMBERSHIP.—**

"(1) IN GENERAL.—The members of the Committee shall be—

"(A) the head of each Federal agency to which the President has delegated authority under this Act; and

"(B) the Chairperson of the Council of Economic Advisors.

"(2) CHAIRPERSON.—The President shall designate 1 member of the Committee as the Chairperson of the Committee.

**"(c) EXECUTIVE DIRECTOR.—**

"(1) IN GENERAL.—The President shall appoint an Executive Director of the Defense Production Act Committee (in this section referred to as the 'Executive Director'), who shall—

"(A) be responsible to the Chairperson of the Committee; and

"(B) carry out such activities relating to the Committee as the Chairperson may determine.

"(2) APPOINTMENT.—The appointment by the President shall not be subject to the advice and consent of the Senate.

"(3) COMPENSATION.—For pay periods beginning on or after the date on which each Chairperson is appointed, funds for the pay of the Executive Director shall be paid from appropriations to the salaries and expenses account of the department or agency of the Chairperson of the Committee. The Executive Director shall be compensated at a rate of pay equivalent to that of a Deputy Assistant Secretary (or a comparable position) of the Federal agency of the Chairperson of the Committee.

"(d) REPORT.—Not later than the end of the first quarter of each calendar year, the Committee shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report signed by each member of the Committee that contains—

"(1) a review of the authority under this Act of each department, agency, or independent establishment of the Federal Government to which the President has delegated authority under this Act;

"(2) recommendations for the effective use of the authority described in paragraph (1) in a manner consistent with the statement of policy under section 2(b);

"(3) recommendations for legislation, regulations, executive orders, or other action by the Federal Government necessary to improve the use of the authority described in paragraph (1); and

"(4) recommendations for improving information sharing between departments, agencies, and independent establishments of the Federal Government relating to all aspects of the authority described in paragraph (1).

"(e) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee."

**SEC. 12. ANNUAL REPORT ON IMPACT OF OFFSETS.**

(a) ANNUAL REPORT.—Title VII of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq.) is amended by adding at the end the following:

**"SEC. 723. ANNUAL REPORT ON IMPACT OF OFFSETS.****"(a) REPORT REQUIRED.—**

"(1) IN GENERAL.—The President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, a detailed annual report on the impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the United States.

"(2) DUTIES OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce (hereafter in this subsection referred to as the 'Secretary') shall—

"(A) prepare the report required by paragraph (1);

"(B) consult with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative in connection with the preparation of such report; and

"(C) function as the President's Executive Agent for carrying out this section.

"(b) INTERAGENCY STUDIES AND RELATED DATA.—

"(1) PURPOSE OF REPORT.—Each report required under subsection (a) shall identify the cumulative effects of offset agreements on—

"(A) the full range of domestic defense productive capability (with special attention paid to the firms serving as lower-tier subcontractors or suppliers); and

"(B) the domestic defense technology base as a consequence of the technology transfers associated with such offset agreements.

"(2) USE OF DATA.—Data developed or compiled by any agency while conducting any interagency study or other independent study or analysis shall be made available to the Secretary to facilitate the execution of the Secretary's responsibilities with respect to trade offset and countertrade policy development.

**"(c) NOTICE OF OFFSET AGREEMENTS.—**

"(1) IN GENERAL.—If a United States firm enters into a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm and such contract is subject to an offset agreement exceeding \$5,000,000 in value, such firm shall furnish to the official designated in the regulations promulgated pursuant to paragraph (2) information concerning such sale.

"(2) REGULATIONS.—The information to be furnished under paragraph (1) shall be prescribed in regulations promulgated by the Secretary. Such regulations shall provide protection from public disclosure for such information, unless public disclosure is subsequently specifically authorized by the firm furnishing the information.

**"(d) CONTENTS OF REPORT.—**

"(1) IN GENERAL.—Each report under subsection (a) shall include—

"(A) a net assessment of the elements of the industrial base and technology base covered by the report;

"(B) recommendations for appropriate remedial action under the authority of this Act, or other law or regulations;

"(C) a summary of the findings and recommendations of any interagency studies conducted during the reporting period under subsection (b);

"(D) a summary of offset arrangements concluded during the reporting period for which information has been furnished pursuant to subsection (c); and

"(E) a summary and analysis of any bilateral and multilateral negotiations relating to the use of offsets completed during the reporting period.

"(2) ALTERNATIVE FINDINGS OR RECOMMENDATIONS.—Each report required under

this section shall include any alternative findings or recommendations offered by any departmental Secretary, agency head, or the United States Trade Representative to the Secretary.

"(e) UTILIZATION OF ANNUAL REPORT IN NEGOTIATIONS.—The findings and recommendations of the reports required by subsection (a), and any interagency reports and analyses shall be considered by representatives of the United States during bilateral and multilateral negotiations to minimize the adverse effects of offsets."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFENSE PRODUCTION ACT AMENDMENTS OF 1992.—Section 123(c)(1)(C) of the Defense Production Act Amendments of 1992 (50 U.S.C. App. 2099 note) is amended by striking "section 309(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(a))" and inserting "section 723(a) of the Defense Production Act of 1950".

(2) AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000.—Section 1102(2) of the American Homeownership and Economic Opportunity Act of 2000 (31 U.S.C. 1113 note) is amended by striking "309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099)" and inserting "723 of the Defense Production Act of 1950".

(3) DEFENSE PRODUCTION ACT AMENDMENTS OF 2003.—Section 7(a) of the Defense Production Act Amendments of 2003 (50 U.S.C. App. 2099 note) is amended by striking "section 309(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(a))" and inserting "section 723(a) of the Defense Production Act of 1950".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

**GENERAL LEAVE**

Mr. WATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 1677, the Defense Production Act Reauthorization of 2009. The Defense Production Act was enacted in 1950 during the Korean War to assure the timely availability of industrial resources to meet national defense needs, particularly in times of crisis.

The Defense Production Act has expanded beyond its original focus on military requirements, as the name suggests, to expand industrial resources to meet other emergency preparedness and critical infrastructure needs, thereby allowing civilian agencies to respond rapidly to crises such as natural disasters or terrorist attacks.

S. 1677 updates the Cold War-era law with 21st century tools and taxpayer protections. In accordance with the



General Accounting Office and Department of Homeland Security recommendations, it mandates greater coordination and implementation among Federal civilian agencies to use authorities to prioritize government contracts for our national defense and domestic emergency needs. It modernizes Federal loan and loan guarantee authorities in the act so essential government suppliers that otherwise would have trouble accessing credit can access credit to expand domestic industrial capacity in emergency situations. Such assistance is conditioned on government need, recipients' viability, and specific congressional appropriation.

This new bill would establish a new interagency body called the Defense Production Act Committee that will elevate Defense Production Act policy discussions to Cabinet-level consideration to advise the President and improve coordination among all agencies delegated Defense Production Act authority. The panel will report to Congress annually on its use of Defense Production Act authorities and provide recommendations for any improvements.

Over the years, Mr. Speaker, the Defense Production Act has been an important tool for meeting national defense and critical infrastructure needs such as mine-resistant vehicles for troops in Iraq and emergency supplies and services for Hurricane Katrina recovery on the domestic side.

I hope my colleagues will join me in voting for the Defense Production Act Reauthorization Act of 2009, S. 1677.

I reserve the balance of my time.

Mr. PAULSEN. I yield myself such time as I may consume. Mr. Speaker, I rise today also in strong support of S. 1677, the Defense Production Act Reauthorization of 2009, and ask for its immediate passage.

We deal with many important pieces of legislation in this Chamber, and there's one law that may seem a little bit more obscure—but enacting it is critically important to this country—and that's the Defense Production Act of 1950.

While not specifying the purchase of a single weapon system or a single sandbag, it does provide the orderly framework for interventions into the normal functioning of the economy when they are necessary to aid in national defense or in mitigating the results of some disaster.

Without this bill, Mr. Speaker, the government would not have been able to acquire on a timely basis special switching equipment to get trains running back into the gulf coast after Hurricane Katrina. We wouldn't have been able to quick-order new radio equipment before the first Gulf war to help soldiers from different countries working together in Desert Storm communicate with each other. And we would not have been able to ensure that do-

mestic sources of production for some highly specialized defense equipment for which no company otherwise would see the economic case to produce was made available.

This bill before us, Mr. Speaker, authorizes the DPA for 5 years. It removes some archaic language in a text that is nearly 70 years old and reinstates some of its purposes without materially changing the authorities themselves.

It changes the way that the government notifies Congress in those specialized domestic production cases and conforms language in sections allowing loan guarantees to match other parts of Federal law.

The only real change is the creation of a new Cabinet secretary-level committee which will advise the President on the use of the DPA and to facilitate interagency communications on DPA issues, correcting lines of communication in the executive branch that have been identified for decades. This same committee would report annually to Congress on the use of the DPA with any recommendations for reforms so that we in Congress can keep those important powers current.

Mr. Speaker, as evidence of how valuable the Defense Production Act authorities can be, I would like to submit for the RECORD a story from yesterday's Washington Post that details the work by Army scientist Scott Schoenfeld, who developed some special lightweight armor to protect our troops in the Gulf from a new and deadly type of explosive device that was overcoming vehicles' existing armor plating.

The research was done at Aberdeen Proving Ground, but the expedited acquisition authorities in the DPA allowed the Army to secure an adequate supply of the new armor quickly, saving countless lives.

More recently, the Department of Defense has also used the DPA as an innovation tool to provide seed money to develop new technologies. One such instance is the development of radiation-hardened microelectronics, which are designed to withstand extremely harsh natural and manmade radiation environments.

A few years ago, Honeywell opened a production line devoted to this high-performance technology in my district. This project can be used to produce components for the most sensitive national security systems, and employs 425 highly educated and highly skilled workers in the exacting science of microelectronics in my district. This technology protects our Nation's most critical assets from nuclear and radiological damage and interference.

Mr. Speaker, I think it's important to note that the DPA does not itself specify the purchase of any weapon, but rather it is a framework to ensure that there is the least disruption pos-

sible to the economy when the government needs to step to the head of the production line to obtain material.

It's the jurisdiction of the Financial Services Committee to referee and minimize interferences in the economy while leaving departments such as Defense or Homeland Security or Transportation the actual use of the powers as they are delegated by the President.

I hope we have strong support for this important legislation.

[From the Washington Post, Sept. 22, 2009]

VEHICLE ARMOR RECOGNIZED IN ARMY AWARDS

(By Michael E. Ruane)

In the deadly contest last year between American experts trying to protect soldiers from roadside bombs and enemy technicians designing the lethal devices, Army scientist Scott E. Schoenfeld often pondered his adversary.

The enemy was fielding new so-called EFPs—explosively formed penetrators—that were so potent they were destroying even the most-heavily armored vehicles. As Schoenfeld and his colleagues at the Aberdeen Proving Ground studied captured explosives, the American, who has a PhD in applied mechanics, worried that his opponents might be much like himself.

Monday, in a sense, the latest round went to Schoenfeld. He and a team of Army experts were recognized for devising an "add on" lightweight armor kit that the Army said has proved resistant to the powerful EFPs.

Schoenfeld's work and the efforts of nine other programs deployed in the field last year were recognized as the Army's top inventions of 2008 by its Aberdeen-based Research, Development and Engineering Command. The 10 winners were selected by a panel of soldiers from 30 nominees, said spokesman Robert DiMichele.

"These are actually innovations that have been put into the field that soldiers are using right now," he said. "A lot of these are things that are really innovations that protect the soldier and save soldiers' lives."

One device was a special gauze bandage designed to stem arterial bleeding. Another was a steel roof to protect Humvee gunners from overhead fire. Another can detect sniper fire and allows a gunner in a vehicle to automatically aim at the source of the fire. Yet another can help detect radio emissions used to detonate makeshift bombs. And another was a kind of armored TV truck that can raise video and other sensing equipment mounted on a 30-foot mast to spot trouble nearby.

One of the most lifesaving programs was the add-on armor kit for the Army's mine and ambush resistant vehicles, which had become vulnerable to the penetrating roadside bombs. At Aberdeen, where thousands of captured roadside bombs have been studied, scientists were able to detonate powerful bombs and monitor how they worked.

Part of the solution was plastic armor made of high-density polyethylene fibers. "It's kind of an amazing process," Schoenfeld said Monday at the Hyatt Regency Hotel in Crystal City, where the recognition ceremony was held. "It's plastic, and the plastic is processed very heavily. It's drawn into fibers. The fibers are very high strength, and they're consolidated into composite panels. And they give very good ballistic performance."

Schoenfeld said the Army brought captured roadside bombs to Aberdeen and set them off to see how they worked.

"We tested . . . devices ourselves," he said. "We actually detonated many of them."

Experts measured the explosions with a host of sophisticated instruments, he said.

"We can do X-ray diagnostics, where we actually flash high-energy X-rays and make shadowgraphs of things that are coming off of the IEDs," he said, "so we understand the actual detail, of the penetrators that they form."

The scientists then study what they call "terminal effects," or what the explosive does to its target, and design armor to counter it.

Along the way, he said, the American experts think a lot about the designers of these bombs.

"We try and think, 'What would they do next?'" he said. "They have some expertise, and it's pretty obvious what it is. And you start understanding that. And you try and anticipate what else they might do."

"I'm worried that I might know" such an adversary, he said. "The scientific community is worldwide." He said such devices "very easily could have been" the work of someone like himself.

For now, though, the American scientists seem to have the upper hand.

"The rewarding part," Schoenfeld said, was getting back photographs of vehicles blasted by IEDs in which "people were not getting killed."

I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I have no further requests for time on this important bill. I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, just in closing, I yield myself such time as I may consume. This is a good, bipartisan bill. It was crafted by Senators DODD and SHELBY in consultation with Mr. WATT and Mr. BACHUS. It passed the Senate last week under unanimous consent.

Although we're in the middle of hurricane season and in a tough conflict in Afghanistan, these powers will expire at midnight 1 week from today if we do not reauthorize them. So I hope that all Members will support this legislation and send it to the President quickly so he can sign it.

I yield back the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume. I want to thank my colleague for his statement and especially remind my colleagues of the urgency of this matter, because this important authorization expires, unless we renew it, at the end of this month. So it's critically important that we pass this bill today.

In a democracy there's always a very delicate balance between taking the time to authorize things and delegating authority to an administration for emergency kinds of situations. I just want to assure my colleagues in the House that the Senate and the administration has scrubbed this bill vigorously to try to find the appropriate balance between giving the administration and folks other than those of us in Congress emergency authority to do things without allowing that authority to be abused.

We saw recently in the responses that the Federal Reserve had to take

to the economic downturn last year and this year—we realized that there was some emergency authority in a remote 1933 bill that the Federal Reserve had to take certain steps. It made us a lot more aware of that delicate balance that we are always walking between giving Federal Government agencies the authority to act in emergency circumstances and going through the deliberative process that's needed for Congress to authorize these kind of emergency actions.

So our Financial Services Committee is very aware of walking that delicate balance and the necessity for doing so. And to the extent that this bill could be controversial, it would be in that area of what is that delicate balance. I think my colleagues need to be reassured that we have been very cognizant of walking that balance and trying to find the right levers to make sure that this authority can be used only in emergencies that everyone would recognize as an emergency and not be abused and used without appropriate checks and balances being exercised.

With that, I urge my colleagues to support this extremely important piece of legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, S. 1677.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### SMALL BUSINESS ADMINISTRATION EXTENSION

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3614) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3614

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-43 (123 Stat. 1965), is amended by striking "September 30, 2009" each place it appears and inserting "October 31, 2009".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 29, 2009.

#### SEC. 2. BUSINESS STABILIZATION PROGRAM.

Section 506(c) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking "but shall not include" and all that follows through "enactment of this Act".

#### SEC. 3. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

"(e) INVESTMENT LIMITATIONS.—A New Markets Venture Capital company that is receiving a grant under section 358 may not issue debentures guaranteed by the Administrator for any 1 company in an aggregate amount that is more than 10 percent of the sum of—

"(1) the private capital of the New Markets Venture Capital company; and

"(2) the total amount of leverage projected by the New Markets Venture Capital company in the business plan of the New Markets Venture Capital company in effect on the date on which the Administrator granted final approval to operate as a New Markets Venture Capital company under section 354(e)."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume. The legislation before us will keep a number of vital programs at the Small Business Administration functioning. This will give us time to complete our work with the Senate and fully reauthorize these measures, which are critical for our Nation's entrepreneurs.

All of us recognize the importance of small businesses to our recovery. Since January, this Congress has taken several steps to help small firms. Entrepreneurs will see \$30 billion in new contracting opportunities from the Recovery Act.

□ 1045

The Recovery Act is expected to yield \$21 billion in new lending and investment for small firms. Since the Recovery Act passed, the SBA has approved \$7.3 billion in recovery loans and supported almost \$10 billion in small business lending. This extension will not only keep important programs at the SBA running; it will also make some important changes to improve access to capital for small firms.

The America's Recovery Capital program in the Recovery Act provides

short-term capital for businesses. To date, the ARC loan program has helped 1,600 firms stay afloat with interest-free loans.

Currently, ARC loans cannot be used to pay down existing government-guaranteed debts. By letting businesses use ARC loans for that purpose, this bill will open the program to even more firms, regardless of their previous financing decisions. This will open up \$360 million in lending capital to help stressed small businesses that have 7(a) loans. Through the ARC program, these firms will receive nearly \$6,000 per month, allowing them to redirect their cash flow into sustaining their operations. The American Bankers Association and the Independent Community Bankers of America strongly support this provision.

As SBA implements this change, it should also revisit other areas where it can improve the program. A top priority for small businesses is always reducing their paperwork burden.

Mr. Speaker, this is the paperwork required to apply for an ARC loan, and it doesn't even include the documentation that a borrower must submit as part of their application. Clearly, applying for these loans is complex. The SBA should streamline its application and approval processes. Businesses that apply for these loans do so because they need a lifeline, now. The SBA should make the process fast and simple.

Another challenge at the agency is the projected default rates for the program, which directly affects the availability of capital. Unfortunately, the SBA assumed that businesses receiving ARC loans will default more than businesses impacted by Hurricane Katrina. That calculation doesn't make sense, and it has limited the loans' availability. By developing a subsidy model that better reflects reality, the SBA could ensure more funding goes to businesses instead of being held in reserve to cover defaults that probably won't happen.

Going forward, we need to ensure that the recovery reaches everybody, especially low-income communities. Obviously, these areas have been hit the hardest by the recession, but they also hold the highest potential for economic growth. An important program for accomplishing that goal is the New Market Venture Capital program. This program targets capital to the smallest businesses in economically depressed areas. However, until now the program limited the amount of capital an entrepreneur can obtain through New Market companies. This bill simplifies the limits so that more capital will flow to disadvantaged businesses. Helping these businesses promotes hope and opportunity in low-income areas and further fosters economic recovery.

Right now access to capital remains the biggest challenge facing small

firms. Making these minor adjustments to the ARC program and the New Market initiative will improve access to capital for small businesses when they need it most.

In coming weeks, the committee will continue working to update the SBA's programs. In the meantime, this legislation extends these initiatives and makes two critical changes to help small businesses. I urge my colleagues to vote "yes."

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the chairwoman's request to suspend the rules and pass H.R. 3614.

The bill is very simple. It extends the authorization of all programs authorized by the Small Business Act, the Small Business Investment Act, and any program operated by the Small Business Administration for which Congress has already appropriated the funds. The bill also makes a minor change to America's Recovery Capital, or ARC, loan program. This extension will last until October 31, 2009.

This extension is necessary because authorization for various programs operated by the SBA ceases on September 30, 2009. The committee has worked in a bipartisan fashion over the past two Congresses and reported out a number of bills to address programs operated by the SBA. Despite the efforts of the House, the extension passed earlier this year by both bodies of Congress is going to expire before the legislative process can run its course.

The work needed to help America's entrepreneurs revitalize the economy simply cannot be accomplished within the timeframe outlined in the current legislation. Without enactment of this extension, a number of vital programs that the SBA operates will cease to function. Given the importance that small businesses play and will continue to play in the revitalization of the American economy, we cannot allow the SBA authorization to run out.

This legislation also makes a minor change to the ARC loan program. When the ARC loan program was instituted, the Congressional Budget Office indicated that it would create a PAYGO issue should the ARC loans be available to businesses to pay down debt on a 7(a) loan. Accordingly, we stipulated that ARC loans could not be used in this manner. Recently, the CBO stated that allowing such an instance would not create these budgetary concerns and that it would be allowable for businesses to pay down debt on a 7(a) loan with ARC funds. This is a minor change that will enable small businesses with both an ARC loan and a 7(a) loan to use the funding they qualify for in a manner that suits them best, and I applaud this change and urge its adoption.

Enactment of this legislation will enable the House and Senate to continue to work in a diligent manner to address necessary changes to SBA programs. I urge all my colleagues to suspend the rules and pass H.R. 3614.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of this bill, although I think it's critically important that we are honest about what this Congress is doing for small businesses, or perhaps it would be better to say not doing.

We can't survive when the economy is good without small businesses, and we sure as heck cannot recover without small businesses when the economy is bad. Yet despite programs Congress has authorized and extended, I hear every day from small businesses in and around my district that banks, even banks they've dealt with for many years, are now refusing to lend and continuing to refuse to lend.

I was extremely frustrated when the \$700 billion bank bailout did not free up bank funds for small businesses, and Americans were angrier still to find out that only 1 percent of the \$800 billion stimulus bill that the President signed was directed towards small businesses. But that actually pales in comparison to the frustration felt when we hear that the little bit of stimulus money that did go to SBA isn't flowing through to small businesses.

To put this into perspective, 4 months ago the SBA began a program to assist auto dealers in obtaining floor-plan financing for their inventories. An SBA official estimated that 4,000 loans would be guaranteed by the government by October 1. As of the second week in September, only three, t-h-r-e-e, three, had been guaranteed and not a single one of those had closed.

Worse yet, Mr. Speaker, if we proceed with the proposed health care legislation in the House, 42 percent of small business income will face higher tax rates. This Congress and the Obama administration must address the fact that, as we have seen with the President's housing programs, even very strong incentives have not led to increased lending. Patting ourselves on the back for extending programs that don't work may feel good for a while, but it's not going to help the small business owners in any Member of Congress's district meet payroll.

Whether it's regulatory capital requirements or dealing with red tape to get the guarantees, the banks are not lending. That needs fixing immediately.

Instead of spending time recognizing the importance of wild horse adoption or congratulating sports teams, Congress needs to dig in and do the serious,

urgent work that the people of America expect. That, Mr. Speaker, is our job.

Ms. VELÁZQUEZ. Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, again, this is a very simple reauthorization.

I have no further requests for time, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if our economy is going to recover, then America's entrepreneurs will need to lead the way. Many of the SBA's programs, which will help small businesses with specialized training or access to capital, need to be updated. That is why the House has passed bills to update the SBA's various programs and why they were approved with bipartisan support.

However, while we continue working with our Senate colleagues to finish these bills, we also need to give the SBA the authority to continue functioning.

The legislation before us will extend the SBA programs until the end of October. This provides the appropriate amount of time to continue our legislative work while keeping key services at the SBA up and running. Equally important, this bill makes two small, yet significant, changes to the ARC loan program and the New Markets Venture Capital program. These changes will further help small businesses access capital when they need it most.

This is a good bill for small businesses. I urge my colleagues to vote "yes."

Mr. WU. Mr. Speaker, I rise in support of H.R. 3614.

Small businesses grow our economy through innovation, and the SBIR and STTR programs help companies develop cutting edge technologies for the government and for the private sector. However, the SBIR and STTR programs expire at the end of this month. H.R. 3614 temporarily extends the authorization of these programs while we work to finalize reauthorization efforts.

The House and Senate both passed legislation earlier this year to reauthorize these programs. We have been working to find common ground on areas we disagree on, and while we still have yet to reach a final agreement—we all have the same goal: to reauthorize important programs that drive small business.

As we work to get our economy back on track, small, high tech companies will play an important role creating good paying jobs. It is important that SBIR and STTR continue to provide critical funds for research at small businesses. It is also important that these programs reflect the innovation economy of 2009. I look forward to continue working with the House Small Business Committee and the Senate to reauthorize this program.

I urge my colleagues to support this bill.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 3614.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. VELÁZQUEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### EXTENDING CONDOLENCES TO TAIWAN ON TYPHOON

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 733) expressing condolences to the people and government of the Republic of China (Taiwan) in the aftermath of the devastating typhoon that struck the central and southern regions of the island on August 8, 2009, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 733

Whereas Typhoon Morakot hit the island of Taiwan on August 8, 2009, dropping approximately 2.6 meters or 102 inches of rain, more than half the average annual rainfall in many places;

Whereas central and southern Taiwan were hardest hit by the storm;

Whereas mudslides overwhelmed some places in south Taiwan, including the village of Hsiaolin, where 247 homes were lost;

Whereas floods or mudslides damaged more than 191,936 homes;

Whereas infrastructure and farm losses alone have totaled approximately \$46,500,000,000 in Taiwanese dollars to date;

Whereas the devastation left by Typhoon Morakot is the worst the island has seen in 50 years;

Whereas as of late August 2009, the official death toll reached 602 with an additional 81 missing, where many of those are believed to be buried by mud in the village of Hsiaolin, which was almost completely covered in a mudslide triggered by several days of extremely heavy rainfall;

Whereas beginning on August 22, 2009, Taiwan held a three-day mourning period in memory of those who were killed in mudslides and floods after Typhoon Morakot;

Whereas the United States assisted efforts by providing Marine Corps C-130 aircraft from Marine Corps Air Station Futenma on Okinawa to deliver humanitarian relief supplies in addition to KC-130 aircraft and MH 53 and MH 60 helicopters from strategic United States bases located in Japan;

Whereas on March 24, 2009, the House of Representatives passed H. Con. Res. 55 to mark the 30th anniversary of the enactment of the Taiwan Relations Act (Public Law 96-8), codifying in law the basis for continued commercial, cultural, and other relations between the United States and the Republic of China (Taiwan); and

Whereas Taiwan has been a steadfast ally of the United States and a responsible and

compassionate member of the world community: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) mourns the terrible loss of life caused by Typhoon Morakot that occurred on August 8, 2009, in Taiwan;

(2) expresses its deepest condolences to the families of the many victims;

(3) recognizes the deep ties between the United States and Taiwan and expresses continued solidarity with its people during this time of crisis; and

(4) expresses gratitude to the people of the United States who have generously supported those humanitarian aid agencies working to assist the people of Taiwan in this time of need.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

□ 1100

#### GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

This resolution expresses condolences to the victims of the devastating typhoon that struck Taiwan on August 8, 2009. I would like to thank my good friend, Ms. ROS-LEHTINEN, for sponsoring this important resolution that allows the House to voice its support for Taiwan and its people.

Typhoon Morakot hit Taiwan on August 8 and deluged the island with over 8 feet of rain. The loss of life and destruction of property in the wake of the typhoon has been devastating and is the worst that Taiwan has seen in 50 years. The central and southeastern parts of Taiwan were hardest hit by the storm, with floods and mudslides damaging almost 200,000 homes. The official death toll is over 600, and there are still 81 people missing.

The United States assisted recovery efforts in Taiwan by providing humanitarian relief supplies and heavy-lift helicopters to the disaster areas.

I want to extend my deepest condolences to all of the families that lost loved ones caused by the typhoon and to those who have lost their homes. The people of the United States stand in solidarity with the Taiwanese people as they undertake the painstaking process of recovery, and we stand ready to advocate further assistance for the recovery process if needed.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I also rise in strong support of this resolution addressing the recent natural disaster of typhoon winds and mudslides that struck Taiwan. This resolution expresses our sincere condolences to our Taiwanese friends who lost loved ones, homes, and businesses due to the devastation which struck the island on August 8. At least 602 people were killed, 81 others are missing, and over 190,000 homes were damaged or destroyed in the fury of the storm and in the aftermath of mudslides. Over 100 inches of rain turned streams into raging rivers which destroyed everything in their path. Whole villages were inundated by floodwaters and mud.

But, Mr. Speaker, the people of the United States feel those sympathies even more deeply today at a time when so many of our fellow Americans are suffering from tragic and deadly flooding in Georgia and Tennessee, and our deepest condolences go to our neighbors in the South.

On Taiwan, it is noteworthy that for the first time since official ties with Taiwan were severed in 1979, the United States dispatched humanitarian relief to the island to aid the victims of the typhoon. In response to this critical emergency for our Taiwan friends, the U.S. Marine Corps, based in Okinawa, sent two C-130s to southern Taiwan to deliver relief supplies. The amphibious transport ship USS *Denver* was also dispatched to the area and provided helicopters to engage in humanitarian operations as well. Thus, these deeply tragic circumstances served as a means to demonstrate the enduring, the unbreakable ties which exist between the people of the United States and the people of Taiwan.

In this 30th anniversary year of the Taiwan Relations Act, Mr. Speaker, the United States can do no less than to continue to aid the people of Taiwan in their hour of need. I urge all of my colleagues to join us in vigorous support of this timely and heartfelt resolution.

Mr. Speaker, with that, I yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. I thank my dear friend, Ms. ROS-LEHTINEN, and also Ms. WATSON. And I would like to thank my distinguished cochairman of the Taiwan Congressional Caucus, Dr. GINGREY, for introducing this very timely resolution. I see Ms. BERKLEY here also, the other cochairman, along with Mr. WEXLER.

We hold very deep in our hearts our relationship, the United States' relationship with the Republic of China. The people of the Republic of China, Taiwan, have suffered tremendously due to this horrible typhoon. As Ms.

ROS-LEHTINEN pointed out, from our military base in Japan, the United States Armed Forces, representing the people of the United States, took humanitarian assistance to the Republic of China, Taiwan. We will always, in this Congress, stand with our friends, our allies. We have no better friend than the people of the Republic of China, Taiwan.

So we take this opportunity, as our hearts go out here to the victims of the flooding in Georgia and the United States, to remember the victims of the horrible flooding in the typhoon of August on the island of Taiwan, and we reaffirm our friendship and solidarity with the people of the Republic of China, Taiwan.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I would like to thank the gentleman from Georgia (Mr. GINGREY) for sponsoring this resolution, and I yield 2 minutes to the gentlewoman from Las Vegas, Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentlelady from California for yielding me this time, and I thank my colleague from Georgia (Mr. GINGREY) for his leadership on this issue.

Mr. Speaker, I rise today as cochairman of the Congressional Taiwan Caucus and in support of this resolution and in support of the people of Taiwan. It was a horrific and frightening thing to see the devastation that the typhoon wrought on Taiwan; over 600 dead, scores missing, and so many thousands hurt. Nearly 200,000 homes and businesses were damaged or destroyed. We mourn these losses and send our deepest condolences to the people and Government of Taiwan.

At the same time, I am so proud of the United States of America, the fact that we sent timely aid and helicopters to help our friends in their recovery efforts. While the Taiwanese people are strong, certainly strong enough to recover completely on their own, I hope that as a friend of Taiwan, we will continue to show our support for them and help them through this difficult time.

Taiwan is an important trade partner, fellow democracy, and a strong U.S. ally in a very volatile region of the world. It is my sincere hope that our two democracies, that our two countries, will continue to have a close and strong relationship for many years to come through the good times and the bad. This certainly is as bad as it gets, but it will get better.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from Georgia (Mr. GINGREY), the author of this important resolution.

Mr. GINGREY of Georgia. Mr. Speaker, I thank Ranking Member ROS-LEHTINEN for yielding me this time, and I rise in strong support of H. Res. 733, expressing condolences to the peo-

ple and the Government of the Republic of China, Taiwan, in the aftermath of Typhoon Morakot, which struck the central and southern region of the island on August 8, 2009.

Additionally, I want to thank Chairman BERMAN, Representative WATSON, Ranking Member ROS-LEHTINEN, and the House Foreign Affairs Committee for helping to bring this resolution to the floor today. As one of the four co-Chairs of the Taiwan Caucus, I want to express my gratitude to my fellow co-Chairs, Representatives SHELLEY BERKLEY, LINCOLN DIAZ-BALART, and ROBERT WEXLER, as well as RSC Chairman TOM PRICE for helping to marshal support for this resolution.

Natural disasters like Typhoon Morakot are never respectful of persons or nations. Their devastation knows no political boundaries nor social divisions. In fact, as we debate this resolution, my mind cannot help but turn to my own home State of Georgia where historic rains and flooding have claimed the lives of 10, at the latest count, and caused hundreds of millions of dollars of damage while ravaging many communities in my district; in fact, four counties. So, Mr. Speaker, I rise not only with a sympathetic heart, but also with an empathetic heart for the people of Taiwan as they move forward after Typhoon Morakot caused flooding and mudslides that have claimed the lives of over 600,000 people and created billions of dollars of damage.

While this resolution expresses condolences to the victims' families and mourns the loss of life, it also honors our Nation's deep ties and dedication to Taiwan. This dedication was reflected in the relief efforts provided by the U.S. military through helicopter and airlift support.

Mr. Speaker, this past March, this House spoke in one voice with the passage of H. Con. Res. 55 that marked the 30th anniversary of the Taiwan Relations Act. It reinforced our Nation's deep-seated commitment to Taiwan and the defense of Taiwan.

This resolution is another demonstration of that commitment and an expression of our sorrow for Taiwan's loss. My thoughts and prayers continue to go out to the people of Taiwan, as well as to the people of my home State as these waters begin to recede and its families and communities begin to put their lives back together.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Ms. WATSON. Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. ROYCE), the ranking member of the Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. Mr. Speaker, I rise in support of this resolution. What this

resolution does is to express the condolences on our part to the people and Government of the Republic of China, Taiwan, in the aftermath of this very devastating typhoon that struck this region and that affected so many families.

Last month this typhoon ripped through South Asia, and it drowned that region in about 7 feet of rain. It killed over 600 people. Government officials called it the worst storm that has hit the island of Taiwan in over 50 years.

Later today, this House of Representatives is going to take up a resolution expressing condolences to the families of the individuals killed during the storms and floods in the State of Georgia. So we know all too well that these storms can be devastating, and so it is with sorrow that we take up these two resolutions today.

I rise today to express my heartfelt condolences, especially because Taiwan and the United States have such a valued partnership. For over half a century, this close relationship has brought significant economic advantages, I think, as well as cultural and political advantages to the people of Taiwan and the United States. We have seen in mere decades Taiwan go from poverty to prosperity; and, of course, with the Taiwan Relations Act, Taiwan will remain a close ally of the United States. It is a country, one of the few, that has gone from U.S. aid recipient to international provider of aid across the globe. Without question, Taiwan is one of our key partners in Asia.

So again, we express our sincerest condolences to the people of Taiwan. This devastating typhoon may have ravaged the landscape and infrastructure, but it didn't rattle their will and determination.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of House Resolution 733, which expresses condolences to the people of Taiwan who suffered so much as a result of the devastating typhoon that struck the island last month.

I visited Taiwan on August 20–22, 2009 as member of a congressional delegation led by the Honorable HOWARD BERMAN, chairman of the House Foreign Affairs Committee. At the time of our visit, Taiwan remained in the early stages of its response to typhoon Morakot, and the extent of the loss of life and damage done had yet to be fully determined. As we now know, Morakot was the deadliest typhoon to strike Taiwan ever recorded. Extreme amounts of rain from the typhoon triggered enormous mudslides and severe flooding throughout southern Taiwan. In perhaps the worst single tragedy, one of those mudslides buried the entire town of Xiaolin, killing more than 500 people.

Fortunately, during our brief visit to Taipei, all of us in the congressional delegation had a chance to express our personal condolences to the people of Taiwan while in meetings with President Ma Ying-jeou, Foreign Minister Francisco H.L. Ou, and Legislative Yuan

President Wang Jin-pyng. With this resolution, now all Members of the House—on behalf of the people and government of the United States—will have a chance to extend their sincerest condolences as well.

As the resolution notes, and as we were told while in Taiwan, the United States was able to provide aircraft, helicopters, and other forms of assistance to speed the recovery efforts. And as we found out, one of the important factors enabling our swift and robust response was President Ma's success in working to reduce tensions across the Taiwan Straits.

Taiwan expects the hard work of repair and reconstruction will continue for the next 3 years. But our friends in Taiwan should know that the United States and the American people understand their suffering and stand ready to continue assisting them as they repair the devastation wrought by the typhoon. For this reason, I urge my colleagues to support H. Res. 733.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 733, which expresses condolences to the people and government of the Republic of China, Taiwan, in the aftermath of the devastating typhoon that struck the central and southern regions of the island on August 8, 2009. I support this resolution because natural disasters know no boundaries and the tragedy that befell Taiwan appeals to our common humanity.

After Typhoon Morakot landed on Taiwan at midnight on August 8 of this year, it dropped over 100 inches of rain on the island. To put that number in perspective, 100 inches is more than half the average annual rainfall of many places on the island. The torrential rain caused massive mudslides and floods, destroying roads, farms, businesses, and homes. This typhoon was the wettest in the history of Taiwan.

Typhoon Morakot was particularly devastating in central and southern Taiwan. The world watched in horror as the reports came in. In the southern village of Hsiaolin, mudslides had destroyed almost all of the roughly 250 homes in the village, stranded thousands, and buried almost 400 people alive. A rescue helicopter trying to reach villagers stranded in the mountains crashed, killing all three crew members. In all, estimates have put the devastation to infrastructure and farms totaling more than \$46 billion and the national death toll over 600. A tragedy of that magnitude traumatized Taiwan and required an official period of 3 days to mourn the lost. This typhoon was the deadliest in Taiwan's history.

I applaud the effort of the United States to help with the relief effort. The U.S. gave humanitarian assistance by providing military aircraft, planes and helicopters, to deliver relief supplies on the island. Our service men and women performed their job admirably and I am thankful for their solid performance.

I would like for the people of Taiwan to know how very sorry we are that they have experienced this tragedy. Having witnessed first-hand the devastation brought by Hurricane Ike on my own district in Houston, Texas, and the surrounding areas, I know how a terrible natural disaster such as a typhoon can cause deep anguish. Moreover, from our

experience witnessing Hurricane Katrina and its aftermath, we know how the horror of weather-related devastation can scar a nation. My heart goes out to the families and the people of Taiwan.

Mr. WU. Mr. Speaker, I rise today to express my support for House Resolution 733 and to convey my deepest sympathies and sincerest wishes to the people of Taiwan who have been affected by Typhoon Morakot. I especially want to give my condolences to the families of the more than 600 people who died in this devastating storm, particularly those who perished in the mudslide in Hsiaolin village.

I wish the people of Taiwan well as they work to rebuild and recover from the worst typhoon to hit the island in 50 years. I am confident that the Taiwanese people will continue to come together to help those in need.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 733, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution expressing condolences to the people and Government of Taiwan in the aftermath of the devastating typhoon that struck the central and southern regions of the island on August 8, 2009."

A motion to reconsider was laid on the table.

#### REAUTHORIZING RADIO FREE ASIA

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3593) to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3593

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ONE YEAR EXTENSION OF OPERATION OF RADIO FREE ASIA.

Section 309(f) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(f)) is amended by striking "2009" and inserting "2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.



□ 1115

## GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, Radio Free Asia provides timely, accurate and useful news and information to countries whose leadership prohibits access to truly free media. Listeners in China, Tibet, Vietnam, Laos, North Korea and Burma can learn about what is happening in their own countries and in their own languages and dialects through professional and objective reporting and discussion programs on RFA.

RFA's performance is impressive in parts of the world where governments make independent broadcasting difficult or even impossible. It is one of our most dynamic surrogate broadcasters.

RFA uses well-established means of information dissemination, such as shortwave transmissions and hand-cranked radios, that are spirited to listeners who are otherwise entirely cut off from the world. It also makes use of modern media technologies such as live streaming over the Internet in regions where access to computers is relatively common but where governments place controls on news reporting. The listener feedback to these programs by e-mail and during call-in talk shows is very impressive. It provides a credible window on the pervasiveness of corruption and autocracy.

I think most of us agree that it is useful to continue operating RFA, as it serves to help maintain freedom of information overseas as well as promoting better understanding of United States values such as democracy.

The legislation before us, offered by the gentleman from California (Mr. ROYCE) would reauthorize RFA to continue its operations for the next fiscal year. I strongly urge all of our colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of H.R. 3593. I want to thank my good friend from California (Mr. ROYCE), the ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade, for introducing this measure.

Thirteen years ago next week, on September 29, 1996, Radio Free Asia first went on the air with a Mandarin language broadcast into China. Today, RFA broadcasts into China, Tibet, North Korea, Vietnam, Cambodia, Laos

and Burma in nine local languages and dialects. It provides timely, objective news to people who are denied the benefit of a free press in their own homeland.

Not only did Congress create and fund that surrogate broadcasting service, we also urged RFA to increase its transmissions to particularly vulnerable populations, such as the people of North Korea, as we did in the North Korea Human Rights Act of 2004 and last year's reauthorization of that law. We are proud and supportive of the good work that Radio Free Asia continues to do.

While the authorization of appropriations for RFA was previously extended, it appears that the statutory section detailing RFA's grant-making authority was inadvertently omitted from that reauthorization, leaving it to expire at the end of this month. Therefore, we have this one-sentence bill before us today to correct that oversight. In the time when we see bills of over 1,000 pages in length which many have not read, it is wonderful to see a very simple bill, a brief bill, but a very important bill.

Both Republican and Democrat versions of The Foreign Relations Authorization Act introduced in this Congress include a provision that would remove the sunset of RFA authority, making it permanent. I look forward to working toward a long-term reauthorization of the RFA on a bipartisan basis during the year ahead. I urge support for this measure.

Mr. Speaker, I yield such time as he may consume to the author of this legislation and the individual behind the United States' international broadcasting of Radio Free Asia, Mr. ROYCE of California.

Mr. ROYCE. Mr. Speaker, I appreciate that. I rise in support of this bill. I just want to take a moment here to thank Chairman BERMAN and also Ranking Member ROS-LEHTINEN for their assistance in moving this bill so expeditiously to the floor. There is a timing issue here. We need to pass this out soon, and this, of course, will allow us to broadcast for an additional year. September 30 is the day on which this authority will expire. I wish we could do more. I do.

Earlier this year, as you know, Chairman BERMAN passed a State Department authorization bill out of this House that would have established permanent authority for RFA. The other body, the Senate, has yet to take up this legislation. We wish they would.

We can debate the merits of a long-term extension versus sunset repeal, but there is one thing certain in all of this, and that is that the target countries that we broadcast into, countries like North Korea and China, like Burma and Vietnam, they give no indication of allowing a free local press any time soon.

At a practical level, I understand that RFA's sunset restriction has hampered RFA's operations. It hampers the ability to go out and hire, obviously, on a permanent basis. You can't negotiate a lease or capital improvements and so forth. So it is important that we address this issue.

I think it is important that we focus on the success of Radio Free Europe-Radio Liberty and Radio Free Asia. Radio Free Asia was founded in 1996, and it attempts to replicate what RFERL did in Eastern Europe. Its mission is to act as a surrogate news service, performing as a free press would if it was allowed to operate in any of these countries. Quite simply, its broadcasts are devoted to the enlightenment of people, to letting people know what is actually happening in their country and around the world.

My interest in these broadcasts stems from a trip I took to Dresden, East Germany, years ago, where a man told me about the damage that these broadcasts were inflicting on Soviet tyranny and shared with me the effect that they seemed to be having, an effect without firing a shot, an effect in which the world was changed without the loss of a human life.

Surrogate broadcasts, mainly radio but increasingly these new media, provide people with the news and information about their countries that otherwise they couldn't possibly obtain. As one observer has noted, this type of broadcasting irritates authoritarian regimes. It inspires democracies. It creates greater space for civil society. Yes, it does. It does change societies.

Irritate totalitarian regimes? Yes, that has happened. China has attempted to erect a "great wall of sound" to block RFA transmissions. They are not successful, but they block some of them. Vietnam has heavily jammed RFA since the first days of the broadcast. You may not be able to get it inside the capital, but you can get it in the countryside.

We know what news these Communist regimes are afraid of. In North Korea, broadcasting such as this is one of the only sources chipping away at Pyongyang's propaganda machine. When I talk to defectors out of North Korea, as often as not they have listened to these broadcasts, especially the senior civil servicemembers. And military members who defect tell about how it changed their view of the world.

All around the globe, an information war is at play. Iran is spending heavily to block our broadcasting, while beaming its own message into Afghanistan and even the Balkans to sow division. Russia is broadcasting into southeastern Europe as well. Hugo Chavez is crippling local media while bolstering Venezuela's state broadcasts around Latin America, and he is preaching anti-Americanism with those broadcasts. Then there are the 150 sharia-

friendly radio broadcasts in Pakistan's Swat Valley. Those are the broadcasts that the Taliban are making in Afghanistan and in northwest Pakistan.

So, from Caracas to Tehran to Pyongyang, these totalitarian regimes understand that controlling information is central to their being. Radio Free Asia is one of our pieces on this chess board.

I look forward to the passage of this legislation and to working with the chairman and ranking member to seek a more important standing for this critical organization.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 3593, which amends the United States International Broadcasting Act of 1994 to extend for an additional year the grant-making authority of the Broadcasting Board of Governors regarding Radio Free Asia (RFA). Without this legislation, that grant-making authority will expire this week, putting the important services of RFA at risk.

The U.S. International Broadcasting Act of 1994 called for RFA to engage in "the continuation of existing U.S. international broadcasting, and the creation of a new broadcasting service to people of the . . . countries of Asia, which lack adequate sources of free information and ideas [to] enhance the promotion of information and ideas." Reflecting its mandate, Radio Free Asia describes its mission as providing "accurate and timely news and information to Asian countries whose governments prohibit access to a free press." One of RFA's ultimate aims is "to serve as a model on which others may shape their own emerging journalistic traditions."

Guided by its core principles of freedom of expression and opinion, RFA has provided domestic news and information to its listeners since 1996. Each RFA broadcast—in nine different languages—is distinctive as each reflects the unique culture and preferences of its listeners.

As a result of its rigorous journalistic standards and hard work, RFA has won numerous honors. This year, for example, Radio Free Asia was named Broadcaster of the Year by the prestigious New York Festivals Radio Programming and Promotions Awards.

That recognition is well deserved as Radio Free Asia is an important voice for millions of listeners, and this legislation will ensure that RFA's voice will be heard for another 12 months. For this reason, I urge my colleagues to support H.R. 3593.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 3593.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

# REAFFIRMING THE HISTORIC TIES BETWEEN THE UNITED STATES AND THE NETHERLANDS

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 178) expressing the sense of the Congress that we honor, commemorate and celebrate the historic ties of the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and the settlement and enduring values of New Netherland which permeate American society up until today, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

## H. CON. RES. 178

Whereas the Netherlands and the United States are two countries united by shared values and historic ties;

Whereas 2009 marks the Quadricentennial year that Henry Hudson captained the ship "Halve Maen" under the auspices of the Dutch East India Company and discovered the Hudson River;

Whereas the discovery of that river and its fertile lands gave rise to the establishment of the New Netherland settlement and the ensuing positive relations between the Netherlands and America;

Whereas the Netherlands was the first country to salute the U.S. flag in 1776 at St. Eustatius;

Whereas the drafters of the Declaration of Independence were influenced by the Dutch Constitution;

Whereas the Netherlands has remained a friend and staunch ally of the United States, from providing necessary loans during the Revolutionary War to standing shoulder-to-shoulder in Afghanistan in defense of democratic values, protection of human rights and promotion of the rule of law;

Whereas the New Netherland settlement left a legacy of values such as open-mindedness, entrepreneurship, democracy, tolerance and hard work, as well as freedom of religion and speech;

Whereas the bonds of free trade, open markets and commerce have continuously linked the Dutch and the Americans to such an extent that the Netherlands remains among the top four foreign investors in the U.S.;

Whereas the Netherlands provided immediate assistance in the aftermath of Hurricane Katrina and continues today by sharing expertise in water management that will help rebuild New Orleans and its levees; and

Whereas the heritage of 400 years of friendship between the Netherlands and the United States is a laudable example and should be properly extolled: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that we reaffirm the historic ties and friendship between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

## GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Maryland (Mr. VAN HOLLEN) for introducing this resolution marking the 400th anniversary of Henry Hudson's voyage up the river that now bears his name. Hudson and his crew of 20 Dutch and English sailors got as far as present day Albany before concluding that the river was unlikely to take him to India.

Though his voyage may not have led to the discovery of the Northwest Passage, Henry Hudson and the Dutch East India Company planted the seeds for the establishment of the New Netherland settlement and four centuries of American-Dutch relations. The legacy of New Netherland is plainly evident in the values such as tolerance, entrepreneurship and freedom of speech and religion which we hold so dear. This was echoed by Benjamin Franklin when he wrote, "In love of liberty and in the defense of it, Holland has been our example."

From our partnership in NATO to our immense trade and investment links, the bonds of friendship between our two countries today remain just as strong as when the Netherlands became the first European country to grant diplomatic recognition to the United States.

So I urge my colleagues to join me on this important anniversary by supporting this resolution and recognizing the historic ties of the United States and the Netherlands.

Mr. Speaker, I reserve the balance of my time.

□ 1130

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HOEKSTRA), a cosponsor of this measure and the ranking member of the Select Committee on Intelligence who obviously has deep roots, having been born in the Netherlands.

Mr. HOEKSTRA. I thank my colleague for yielding. I also would like to express my appreciation to Representative VAN HOLLEN for working together to develop this resolution and to now move it forward on the House floor.

This honors the 400 years of friendship, a unique friendship, between the

Dutch and the Americans, between the Netherlands and the United States of America. In 1609, the Dutch ship the *Halve Maen*, commanded by Henry Hudson, arrived in New York. That really started a phenomenal friendship, a friendship that has gone uninterrupted for over 400 years. We share so many things. We share values, freedom, tolerance, pursuit of happiness. We share a strong military relationship, and we've developed an immense economic bond between the two countries.

The Netherlands continues to be the fourth-largest investor in the United States. They also trade in the range of \$73 billion per year with the United States of America. In 2008, the United States exported over \$40 billion worth of products to the Netherlands. In manufacturing and finance, the Netherlands is the fourth largest investor to our country. But I think more importantly, this opportunity now in 2009 is to recognize this very, very unique relationship. Think about it; 400 years of continuous friendship during which the world has gone through one crisis after another. But there has been one thing that has been constant, and that is the commitment of America and the Netherlands to work through the differences that we have had and to always find a common bond and to always focus on those things that recognize that we have much more in common than what separates us, and that we have used these 400 years to build, to develop and to strengthen this relationship.

So it's very appropriate that this resolution come to the House floor today, that this body will recognize this unique relationship and that this body will recognize it and encourage it and say that, you know, maybe we can go forward for another 400 years. I thank my colleagues for bringing this resolution to the floor, and I encourage all of my colleagues on the House floor to vote in favor of this resolution.

Ms. WATSON. Mr. Speaker, I proudly yield 5 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. I want to express my deep gratitude and appreciation for the initiation of this quadricentennial celebration of the discovery of the Hudson River by a vessel which was directed by the Netherlands after hiring a British captain by the name of Henry Hudson. It is a remarkable event. The 400 years of our direct relationship with the Netherlands is something upon which we need to be most recognizing and deeply grateful.

If you look back at the history, you see in the 1600s and even earlier how the Netherlands had become one of the most open and democratic places anywhere on this planet, how the population of that country had been so integrated and so involved with people from various places around Europe but also outside of the continent, including Africa. The discovery of the Hudson

River was made by the Half Moon, led by Henry Hudson—the river now bearing his name—and the ensuing settlement of the southern part of Manhattan, how that settlement came about was so similar to the way in which the Netherlands was organized back then. That settlement, again, brought in people from all over Europe and elsewhere, including Africa as well. The integration of that settlement, the diversity of that settlement led, in many ways, to the diversity and deep understanding of the growing United States of America.

We owe the Netherlands a great honor and recognition for all that they have done. The celebration of our relationship has been going on for a long time in a very interesting way. During the 350th anniversary celebration, the Queen of the Netherlands came to the United States and spent a good deal of time here. Of course while she was here, she was highly recognized and deeply appreciated for spending time here and engaging in that 350th celebration back in 1959. Last April I had the opportunity to meet her again and to spend some time with her in Amsterdam and to deeply appreciate all the leadership that she has provided and all the others have provided that have had such a beneficial effect on the United States of America.

This quadricentennial celebration now is going on, and it is being recognized and appreciated throughout all of New York State and many other places across our country. The Prince of the Netherlands is here, and he is engaging with us in this celebration. Again, in the context of this celebration, one of the most important things for us to remember and recognize and express a great deal of appreciation for is the influence that the Netherlands has had on the development of this country, the way in which it was settled, how lower Manhattan and New York State became the most diversely populated place on this continent and, in many ways, it still is. The initiation of that came about as a result of the exemplary way in which the Netherlands conducted its organization, its leadership, its integration, its openness. We owe them a great deal, and we express that deep gratitude to them in many ways, but particularly in the context of this quadricentennial celebration, recognizing this wonderful 400-year history of the Hudson River and the very positive contributions that that made to the settlement of the city of New York and the openness of our country.

Again, I express my appreciation to the Queen of the Netherlands, to the Prince who was here and to the exemplary way in which Amsterdam and the Netherlands have opened up their examples and led us in a very, very positive way, and that relationship continues today. I express my deep appreciation to the sponsor of this legisla-

tion. I'm very happy to participate in this event.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself as much time as I may consume.

The United States and the Netherlands are strong allies. The roots of our close relationship stretch back for more than 100 years before our Nation's independence. In September of 1609, Henry Hudson explored a vast river and territory in what is now New York State while on an expedition for the Dutch East India Company. On his return from that expedition, Hudson wrote such glowing reports on the promise of the lands that he had discovered that Dutch citizens were inspired to cross the Atlantic and establish the New Netherland settlement. The values of those early Dutch settlers—values of entrepreneurship, democracy, tolerance and hard work—continue to influence our society today 400 years later.

The friendship between the young United States of America and the Netherlands was tested when America was on the brink of bankruptcy due to the financial cost incurred in its fight for independence and reached out to the Netherlands for financial support. Ultimately, the Dutch provided the United States with a loan that proved vital to ensuring the survival of our young Nation. Subsequently, in another strong sign of friendship, the Netherlands was the first European country to diplomatically recognize the new United States of America.

Many of us have grown up with the story of brave young Hans Brinker who saved the people of the Netherlands by sticking his finger in the dam to prevent a devastating flood. Well, what many people don't know is that this story was actually made famous in 1865 by American author Mary Mapes Dodge to illustrate for American children the characteristic values of bravery, resourcefulness and self-sacrifice, associated with the people of the Netherlands. In this story, Hans Brinker stood alone. However, the history of the Dutch-American relationship demonstrates our commitment that should either be in need, the other will stand by them. This commitment has truly been in evidence whenever the Dutch and Americans have fought side by side through the second World War, the Korean War, the Gulf Wars, and numerous other global efforts. Today we're working together in Afghanistan and in Iraq to prevent extremists from unleashing devastating violence against the people of those countries and our own.

I am pleased to support this resolution today, which marks the 400th anniversary of the discovery of the Hudson River and the beginning of the deep and lasting friendship between the Netherlands and the United States of America.

Mr. VAN HOLLEN. Mr. Speaker, I thank Chairman BERMAN and Ranking Member ROS-

LEHTINEN for their efforts in bringing this resolution to the floor today. Also I want to thank the committee staffs, in particular Rick Kessler and Amanda Sloat for their efforts.

I am very proud to be a Co-chair of the Congressional Dutch Caucus with my colleague PETE HOEKSTRA of Michigan with whom I have worked on a bipartisan basis to further strengthen relations between the U.S. and the Netherlands. I am also very pleased to join with him in introducing this resolution.

This year we celebrate the quadricentennial of American and Dutch relations. Four hundred years ago, the Dutch ship, the *Half Moon*, sailed up the Hudson River. In 1776, when Dutch cannons at Fort Orange on the Caribbean island of Saint Eustace saluted visiting American warships, The Netherlands became the first nation to recognize the newly born United States of America. Over the last 400 years, our people have built an enduring and productive cultural, commercial, and strategic partnership.

The fruits of that partnership and the contributions made by Dutch Americans to the culture, prosperity, and security of this country are well known.

The Dutch helped settle and found New Amsterdam, Brooklyn, and Harlem. Their descendants rose to be Presidents of the United States and to build the great fortunes that helped America attain its stature as the most prosperous and powerful Nation this world has ever known. And it is widely recognized that Thomas Jefferson used the Dutch Declaration of Independence of 1689 as a guide when writing the American Declaration of Independence.

On issues of security, Dutch and American troops have stood "shoulder to shoulder" in combat and have partnered in global peacekeeping and stabilization efforts in Yugoslavia, Kosovo, Iraq, and Afghanistan.

The close cooperation and free and open communication resulting from our ties have strengthened our ability to confront with confidence the major challenges that the world faces today. Not only the stubborn, enduring challenges such as the unresolved crisis in Darfur or the efforts to establish a lasting peace in the Middle East, but also the warming of the planet and the ongoing threat of international terrorism. In the days and years ahead, the close historical bonds between the Dutch and Americans will be called upon to address these and other global challenges. Our continued cooperation will be key to our success.

The strength of our alliance and the endurance of our friendship have made both our countries stronger and the world more secure. I stand proudly today to honor and celebrate that friendship on the occasion of its 400th anniversary.

Ms. ROS-LEHTINEN. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 178, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent resolution expressing the sense of Congress that we reaffirm the historic ties between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society."

A motion to reconsider was laid on the table.

#### REAUTHORIZING UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2131) to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2131

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REAUTHORIZATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2009" and inserting "October 1, 2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. This legislation would extend by 1 year the mandate of the U.S. Advisory Commission on Public Diplomacy, a bipartisan panel created by Congress and appointed by the President that reports on the public diplomacy work of the State Department, the Broadcasting Board of Governors, and other United States Government agencies. The commission reports its findings and recommendations to the President, Congress and the Secretary of State. Its products provide a window into what works and what does not work in our public diplomacy efforts.

For example, the commission's 2008 report on the human resource dimension of public diplomacy has been used as a guide by both Congress and the new administration on ways that the recruitment and training of public diplomacy staff at the State Department can and should be improved.

Mr. Speaker, the United States Advisory Commission on Public Diplomacy serves a very useful purpose. We should reauthorize it for another year of operation, and I strongly urge my colleagues to support this legislation to do just that.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 2131, introduced by my good friend Ambassador Watson. In terms of commerce, culture, military power, and just about any other field of human endeavor, our Nation is a key actor in the complex world of the 21st century. Sometimes, however, our goals and our intentions are misunderstood or are deliberately misinterpreted by those who mean us harm. People cannot fully understand American interests without understanding American ideals, economic and personal freedom, democracy and human rights; and people will not fully grasp those American ideals without having a sense of the diverse genius of the American people whose resolve, good will and generosity constitute the true heart of our Nation. We cannot take that knowledge for granted, Mr. Speaker. Showing the true face of America to the people of the world is the lofty aim of our U.S. public diplomacy efforts.

In the wrenching aftermath of the Second World War, Congress created the United States Advisory Commission on Public Diplomacy in 1948.

□ 1145

According to its current charter, the Commission "appraises U.S. Government activities intended to understand, inform and influence foreign publics."

For example, just last year, the Commission issued a 36-page report critiquing and making recommendations for personnel practices of the current Public Diplomacy bureaucracy in areas such as recruitment, training and integration into broader State Department operations.

This short bill before us today will keep the Commission's legislative authorization from expiring at the end of this month. This will give the Foreign Affairs Committee and this Congress another year to assess the work and the efficacy of the Commission and its relationship with our broader Public Diplomacy apparatus before undertaking a more comprehensive, longer-term reform effort.

I would like to again thank my colleague from California, Ambassador Watson, for introducing this measure, and I support its adoption by this House.

Mr. Speaker, I have no further requests for time, so I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time. I certainly thank the young lady.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 2131, which amends the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy through September 30, 2010.

The Advisory Commission is a bipartisan panel created by Congress and appointed by the President to formulate and recommend to the President, the Secretary of State, and Members of Congress policies and programs to carry out public diplomacy of the U.S. Government, and to assess the effectiveness of ongoing public diplomacy activities. Such programs and activities constitute our effort to understand, inform and influence foreign publics in support of U.S. foreign policy objectives.

Public diplomacy has never been more important to the security of our nation than it is today. Fortunately, President Obama enjoys a wellspring of support overseas, offering the United States a chance to repair its image. According to a new survey released on September 9, 2009 by the German Marshall Fund of the United States, for example, European support for President Barack Obama's handling of foreign policy is currently at 77 percent, four times greater than that of George W. Bush when he left office. In the Asia Pacific region and throughout the rest of the world, support rates for our new President have climbed at similarly dramatic rates.

Yet, the challenges confronting U.S. public diplomacy are varied, and there is no easy means to address them. As Under Secretary of State for Public Diplomacy and Public Affairs, Judith A. McHale, said in testimony before the Senate Foreign Relations Committee during her nomination hearing, "An important lesson of recent years is that we must do a better job of thinking and planning strategically, with a clear mission and a steady eye on long-term global goals, accompanied by careful assessment of programs, personnel and expenditures. This will allow us to craft proactive, purposeful and integrated programs that further U.S. policy interests and resonate with foreign publics."

The Advisory Commission was created specifically to assist in devising such strategic plans and in providing objective criticism. It has done an excellent job in this regard and deserves to continue its work for another year, and this is why I am hopeful that my colleagues will join me in supporting H.R. 2131.

Ms. WATSON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 2131, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

### REDUCING GLOBAL TRAFFIC DEATHS

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 74) supporting the goals and ideals of a decade of action for road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 74

Whereas according to the 2004 World Report on Road Traffic Injury Prevention, 40,000 people in the United States and 1,300,000 people globally die in road crashes each year;

Whereas another 20,000,000 to 50,000,000 people globally are injured each year as a result of speeding motor vehicles and the increased use of motor vehicles;

Whereas road crashes are the leading cause of death globally for young people between the ages of 10 and 24 years around the world;

Whereas the current estimated monetary cost of motor vehicle crashes worldwide is \$518,000,000,000 annually, representing between 3 and 5 percent of the gross domestic product of each nation;

Whereas according to the World Health Organization, over 90 percent of motorist-related deaths occur in low- and middle-income countries;

Whereas according to the World Health Organization, motorist-related deaths and costs continue to rise in these countries due to a lack of appropriate road engineering and injury prevention programs in public health sectors;

Whereas the United States, other countries, and international organizations should promote the improvement of data collection and comparability, including by adopting the standard definition of a road death as "any person killed immediately or dying within 30 days as a result of a road traffic crash" as standard definitions of injury, and the facilitation of international cooperation to develop reliable data systems and analytical capability;

Whereas it is critical that the international community support collaborative action to enhance global road safety and reduce the risk of road crash death and injury around the world by fostering partnerships and cooperation between governments, private and public sectors, and within civil society, as well as relationships between the National Highway Traffic Safety Administration (NHTSA) and other national and international road safety authorities;

Whereas the United Nations General Assembly adopted a resolution in 2005 designating the third Sunday of November as a day of remembrance for road crash victims and their families, and calling on nations globally to improve road safety;

Whereas the United States Congress passed H. Con. Res. 87, as well as S. Con. Res. 39, in the 110th Congress supporting the goals and ideals of a world day of remembrance for road crash victims;

Whereas the United Nations General Assembly adopted a resolution in 2008 highlighting the impact of global road safety issues, encouraging nations to take action to reduce road crash risks across the world, and creating the first global high-level conference on road safety, to be hosted by the Russian Federation in Moscow in November 2009; and

Whereas the Ministerial Consultative Committee of the First Global Ministerial Conference on Road Safety in Moscow has drafted a declaration to designate 2010–2020 as the "Decade of Action for Road Safety": Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) supports the goals and ideals of a decade of action for road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020;

(2) urges the Obama Administration and the Department of State, in conjunction with the National Highway Traffic Safety Administration (NHTSA), to set ambitious road traffic casualty reduction targets for United States citizens traveling abroad and at home;

(3) encourages enhancement of global efforts, including international harmonization of road safety regulations and good practices, to improve road safety and reduce road crash deaths and injuries; and

(4) urges the Obama Administration to take a leadership role at the First Ministerial Conference on Road Safety in Moscow and for the United States to work with nations around the world to achieve the goals and ideals of a decade of action for road safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes. The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Road crashes are a worldwide epidemic that annually take the lives of 1.2 million people and that injure 50 million others.

While the Congress has admirably focused on the fight against infectious disease, such as HIV and AIDS and malaria, while it has improved access to clean drinking water and while it has focused on other critical global health issues, not enough attention has been paid to those whose lives have been lost in road accidents.

A road accident is the leading cause of death among young people around the world, 85 percent of which occur in low- and middle-income countries. Yet

all too often, these road accidents could have been prevented by better driver and pedestrian education and by improved engineering. In many countries, safety precautions that we take for granted, such as sidewalks, guardrails and crosswalks, simply don't exist. Pedestrians cross streets at their peril, and drivers use roads without lane markings or traffic lights. With more drivers taking to the roads in developing countries, global road deaths are likely to increase in the decade to come.

The U.S. and the international community can prevent many of these accidents by promoting improved data collection techniques, by supporting collaborative efforts to reduce the risks of road crash deaths and by fostering partnerships and cooperation between governments, the private and public sectors and within civil society.

We have no excuse for not taking a more aggressive approach to preventing millions of deaths and injuries along the world's roads and highways. I urge my colleagues to join me in raising awareness of the importance of reducing global road deaths and injuries by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 74 notes the importance of the goals and ideals of a decade of action for road safety. As this measure reminds us, 40,000 people in the United States and 1.3 million people worldwide die in road crashes each year, and many more are injured. Road crashes are the leading cause of death globally for young people. In light of these facts, we ought to explore ways to do more to help prevent road crash-related deaths and injuries.

This resolution expresses support for the goals of a decade of action for road safety. It urges the Obama administration, the Department of State, and the National Highway Traffic Safety Administration to set ambitious road traffic casualty reduction targets for American citizens. Finally, it urges the administration to work with nations around the world to achieve the goals and ideals of a decade of action for road safety.

I would like to thank my colleague and good friend from Florida (Mr. WEXLER) for introducing this important measure, which I am pleased to support.

I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 5 minutes to the sponsor of the bill, the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, as a co-Chair of the Congressional Caucus on Global Road Safety, I, along with the other co-Chairs, introduced House Concurrent Resolution 74 earlier this year to shed light on an epidemic too few in

this country or around the world comprehend: the devastating toll of deaths and injuries from road crashes.

I want to especially thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their extraordinary help in bringing this resolution to the floor as well as the several colleagues who joined with me in supporting this resolution.

According to the "World Report on Road Traffic Injury Prevention" study, which was produced in conjunction with the World Health Organization and the World Bank, every year road travel causes 1.3 million deaths and 50 million injuries. This is the equivalent of 10 jumbo jets crashing every day. Sadly, many of these deaths and injuries are preventable.

The upcoming Ministerial Conference on Road Safety in Moscow, which was inspired by the passing of United Nations Resolution 62/244 on March 31, 2008, is the culmination of a 5-year effort by a global community of stakeholders from multilateral and bilateral institutions, from governmental and nongovernmental organizations and from academia and civil society to raise international awareness and to call for a global response commensurate with the magnitude of the worldwide road traffic injury and fatality epidemic.

The conference will work to establish new benchmarks for best practices and road traffic injury prevention. It will encourage regional casualty reduction targets, and it will provide a new framework for international cooperation on global road safety.

Mr. VAN HOLLEN of Maryland, Mr. BURTON of Indiana, and I, as co-Chairs of the Congressional Caucus on Global Road Safety, encourage the Obama administration to take a strong leadership role at this conference.

It is in this vein that I introduced this resolution which supports the goals and ideals of a decade of action for road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020.

This resolution also urges the Obama administration and the Department of State, in conjunction with the National Highway Traffic Safety Administration, to set ambitious road traffic casualty reduction targets for American citizens traveling abroad and to work with foreign governments and with international organizations to harmonize road safety regulations and good practices.

Finally, it urges the Obama administration to take a leadership role at the first Ministerial Conference on Road Safety in Moscow in late November of this year, and it urges the United States to work with nations around the world to achieve the goals and ideals of a decade of action for road safety and to reduce the impact of this public

health epidemic in the global community.

Mr. Speaker, road safety is a rapidly growing problem throughout the developed and developing worlds alike that respects no boundaries of geography, nationality, race, age, gender or socioeconomic status. Furthermore, it is a problem that uniquely spans many key areas of concern for Members of Congress and their constituents, not the least of which is the health and safety of American citizens both at home and abroad.

Therefore, I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. I would like to congratulate Mr. WEXLER for introducing this resolution to enhance global road safety and to reduce the risk of road crash deaths and injuries around the world by fostering partnerships in cooperation between governments, public and private sectors and within civil society. I support the measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 74, which supports the goals and ideals of a decade of action for road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020. Road safety is a critical issue not only in my district and across the country, but in countries around the world.

As the Chair of the Homeland Security Subcommittee on Transportation Security and Infrastructure Protection, I believe that road safety is a critical component of protecting the nation. I fought for the building of infrastructure for safe roads in my district and I believe that this fight should be extended on a national and a global scale. According to the World Health Organization, WHO, the rise in both fatalities from motor vehicle deaths and subsequent costs is caused by the lack of appropriate road engineering and safety promotion in the public health sector.

My home State of Texas is afflicted by the scourge of road fatalities. According to the National Highway Traffic Safety Administration, in 2008, there were 3,382 deaths across the state with 1,552 of those traffic fatalities occurring in urban areas such as my district in Houston, Texas. In 2007 there were 209 road deaths in Houston, Texas, killing nearly 10 people for every 100,000. According to the 2004 World Report on Road Traffic Injury Prevention, 40,000 people die each year in road crashes in the United States alone.

Across the globe, 1.3 million people die in road crashes each year. Another 20 to 50 million people across the globe are injured in motor vehicle accidents, often as a result of speeding. Road crashes are the number one killer of young people between the ages of 10 and 24 world-wide. Road crashes not only bring tragedy and devastation to the lives of the victims and their families, they are also extremely costly. The estimated monetary cost of motor vehicle crashes is nearly \$520 billion, or roughly 3 to 5 percent of the cumulative gross domestic product of the world.

The tragedy of road accidents is not only the economic loss, pain and suffering, and loss of life but also the knowledge that road



crashes can be prevented. I applaud the efforts of the Ministerial Consultative Committee, which drafted a declaration for the First Global Ministerial Conference on Road Safety in Moscow to designate 2010–2020 as the “Decade for Action on Road Safety.” I hope that this conference will succeed in increasing the global awareness on road safety and generate meaningful action against road fatalities.

Road safety is an international effort that almost everyone can support. More than 90 percent of all motor vehicle fatalities occur in low- and middle-income countries. I believe the efforts to raise awareness for the need for road safety and strong action to help reduce motor vehicle fatalities will help our standing in those countries that need it the most. I strongly urge passage of this important Resolution.

Ms. ROS-LEHTINEN. I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 74, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### ENCOURAGING MEMBERSHIP IN THE SERVICEMEMBERS OPPORTUNITY COLLEGES CONSORTIUM

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 491) encouraging each institution of higher education in the country to seek membership in the Servicemembers Opportunity Colleges (SOC) Consortium.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 491

Whereas in order to enhance their military effectiveness and to achieve their educational, vocational, and career goals, servicemembers should share in the same postsecondary educational opportunities that are available to other citizens;

Whereas to enhance access to undergraduate educational opportunities for servicemembers, institutions should maintain a necessary flexibility of programs and procedures, particularly in admissions, credit transfer, and recognition of other applicable learning, including that gained in the military, in scheduling and format of courses, and in academic residency requirements to offset servicemembers' mobility, isolation from campuses, and part-time student status;

Whereas the Servicemembers Opportunity Colleges (SOC) Consortium, which was created in 1972 to provide educational opportunities to servicemembers who had trouble completing college degrees because of their frequent relocations, today includes more

than 1,800 colleges and universities among its members;

Whereas the SOC Consortium is a vehicle to help coordinate voluntary postsecondary educational opportunities for servicemembers by advocating for the flexibility needed to improve access to and availability of educational programs for servicemembers, helping the military and higher education communities understand and respond to each other's resources, limits, and requirements for meeting the education and training needs of servicemembers, and strengthening the working relationships among military and higher education representatives;

Whereas each year, hundreds of thousands of servicemembers and their family members enroll in associate, bachelor, and graduate level degree programs offered by SOC Consortium members on school campuses, military installations, and armories within the United States and overseas;

Whereas SOC Consortium member institutions provide flexibility to servicemembers, their families, and veterans seeking college degrees and, in turn, these institutions benefit from the enrollment of mature, highly motivated adult students who are making use of tuition assistance or Montgomery GI Bill benefits to pay their education costs; and

Whereas in gratitude and respect for their service to the United States, all institutions of higher education in the country should strive to provide our servicemembers with the tools and opportunities they need to achieve their educational, vocational, and career goals: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) encourages each institution of higher education in the country to seek membership in the Servicemembers Opportunity Colleges (SOC) Consortium; and

(2) recognizes the institutions of higher education that are currently members of the SOC Consortium.

The SPEAKER pro tempore (Mr. SNYDER). Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

##### GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 491 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 491, which encourages each institution of higher education in the country to seek membership in the Servicemembers Opportunity Colleges Consortium, SOC.

Whether at home or abroad, military servicemembers deserve our Nation's utmost respect and support. It is, therefore, important that our Nation's institutions of higher education respect the commitment that military servicemembers make in protecting the freedoms we often take for granted.

The SOC recognizes the sacrifices that many of these servicemembers make, and it provides servicemembers with the opportunities for continued learning. The SOC appreciates the positive attributes military servicemembers bring as active participants in a diverse college environment.

The SOC works toward improving the relationship between the military and institutions of higher education. Increased understanding provides the flexibility necessary for servicemembers to meet the educational requirements that schools demand. The SOC manages to balance the development of programs and procedures that meet the unique needs of servicemembers while protecting and assuring the quality of educational programs. The SOC includes over 1,800 colleges and universities. Members of this consortium should be commended.

However, in order to create additional opportunities for deserving servicemembers, we need to encourage other higher education institutions to join the SOC. The SOC enables Americans to express our gratitude to servicemembers and to ensure that they have access to the same educational opportunities that are available to other citizens.

The SOC provides a wealth of pathways to a quality education while being sensitive to the needs of those who have served our country or of those who are currently on active duty. Under this program, servicemembers can easily transfer credits earned while working toward a degree; they can attend a myriad of campuses and can opt for distance learning in certain instances.

□ 1200

It is imperative that servicemembers are able to obtain an excellent education, not only because it makes our troops stronger, but because it serves as a necessary way to express gratitude for all of the ways that our servicemembers sacrifice to protect our country.

Mr. Speaker, I want to thank Representative ADLER for bringing this resolution forward.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of H. Res. 491, a resolution encouraging each institution of higher education in the country to seek membership in the Servicemembers Opportunity Colleges, or SOC, Consortium.

The SOC Consortium was created in 1972 to provide educational assistance to servicemembers who had trouble completing their postsecondary education due to their frequent moves.

Today, more than 1,800 colleges and universities are a member of this important consortium with operational

partnership between the Department of Defense and the American Association of State Colleges and Universities.

All institutions that join the consortium must agree to have military-friendly policies on campus. Generally, these institutions agree to things like reasonable transfer of credit policies, providing credit for military training and experience, and providing credit for at least one nationally recognized testing program like the college-level examination program.

The consortium also assists institutions and students in following new policy changes that may benefit servicemembers or veterans. Committee Republicans have long been supportive of ensuring that America's servicemen and -women are easily able to accomplish their goal of achieving a postsecondary education degree.

The Higher Education Opportunity Act passed last Congress included a number of new initiatives for servicemembers and veterans. The bill required the Secretary of Education to provide a Web site that should serve as a one-stop shop for servicemembers to access information about all education benefits.

This bill also included a program to provide funds to institutions to develop on-campus centers that will help servicemembers navigate everything from course registration to educational benefits to help pay for college. These programs will help ensure that these students receive all of the information they need without having to navigate through all the redtape.

I recognize that many institutions already have military-friendly policies in place whether or not they are a part of this consortium. Through this resolution, we are encouraging even more institutions to review their policies and to think about whether there is more that they could give back to those who are fighting for America's freedom.

I certainly want to congratulate my colleague Mr. ADLER for introducing this important resolution. Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I am pleased to recognize, for 3 minutes, the gentleman from New Jersey (Mr. ADLER), the sponsor of this resolution.

Mr. ADLER of New Jersey. I thank the gentlelady for bringing this resolution to the floor. I thank my friend Mr. THOMPSON for his support. I thank both Congressman MILLER and Ranking Member KLINE for their leadership on the Education and Labor Committee.

We have a country that watches us and is sometimes appalled by what they see as too much partisanship. This is another example of Republicans and Democrats working together to help the young men and women who have both put on a uniform, gone over-

seas to keep us safe and free back home. Democrats, Republicans, Members of Congress, as Americans are standing up for those people that stood up for us to keep us safe and to keep us free.

I was delighted by the remarks of both Ms. HIRONO and Mr. THOMPSON in support of this resolution. We are trying to thank those colleges, those universities, those technical schools that already do what they can in terms of admissions, in terms of credit transfers, in terms of recognizing the service time as an educational opportunity for which credit should be given.

We want to encourage those other universities, other colleges, other technical schools that don't yet do this to do what schools, colleges, technical schools around the country have done since 1972, and increasingly so.

I was very, very happy that my State university in New Jersey, Rutgers University, the State University of New Jersey, just so recently acknowledged SOC, joined SOC, and is doing what so many other universities, colleges and technical schools have been doing since 1972 to help our servicemembers, to help our newly discharged veterans realize their civilian American Dream. Each and every one of them, as they see fit, by going to a university or college of higher education may achieve the sorts of opportunities they want through higher education to have a successful civilian life.

I thank both my friends here, Ms. HIRONO and Mr. THOMPSON. I thank the leadership and the committee on both sides for trying to work for Americans, work for our veterans, work for our active servicemembers and for their family members to make sure they have a chance at a higher education.

I urge all our Members to support this resolution.

Mr. THOMPSON of Pennsylvania. I thank my good friend for sponsoring this resolution. I am certainly proud as a member of the Education and Labor Committee to support this resolution as well. I think, to me, more importantly, as the father of a United States soldier, thank you for this resolution.

I yield back the balance of my time.

Ms. HIRONO. I thank the gentleman from Pennsylvania for his remarks and, in particular, because in his family he has servicemembers. I thank Mr. ADLER for bringing this forward.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 491.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## RECOGNIZING HOWARD UNIVERSITY SCHOOL OF LAW

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 684) recognizing and honoring Howard University School of Law's 140-year legacy of social justice and its continued commitment to the training of capable and compassionate legal practitioners and scholars, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 684

Whereas in 1867, shortly after the end of the Civil War, with funds provided by the Freedman's Bureau, Howard Normal and Theological Institute was established;

Whereas the following year, the Board of Trustees voted to expand the institute's curriculum and change the name to Howard University;

Whereas in 1869, Howard University School of Law, which shares Howard University's founding principles: Veritas et Utilitas (Truth and Service), was opened in an effort to address the great need to train lawyers who would have a strong commitment to helping African-Americans secure and protect their newly established rights granted by the 13th and 14th amendments to the Constitution;

Whereas Howard Law School is the first law school dedicated to the education of African-Americans;

Whereas Howard Law School's original faculty members were former Dean of the Law School, John Mercer Langston, and the Honorable Albert Gallatin Riddle;

Whereas John Mercer Langston, the namesake of Langston University, was the first African-American Member of the House of Representatives from the State of Virginia, representing Virginia's 4th district, and former President of Virginia Normal and Collegiate Institute (presently known as Virginia State University);

Whereas the Honorable Albert Gallatin Riddle, former Member of the 37th Congress, was an abolitionist and novelist;

Whereas Charlotte E. Ray (class of 1872) was not only the first African-American female graduate of Howard Law School, but was also the first African-American female to practice law in the District of Columbia;

Whereas James C. Napier (class of 1872), who was invited to attend Howard Law School by Dean John Mercer Langston, served as President William H. Taft's Registrar of the Treasury, and is 1 of 5 African-Americans whose signature has appeared on currency of the United States;

Whereas Robert H. Terrell (class of 1889) was the first African-American municipal judge for the District of Columbia;

Whereas former Dean of Howard Law School, William Henry Hastie, became the first African-American Governor of the United States Virgin Islands, the first African-American Federal magistrate judge, and the first African-American to be appointed as a Federal circuit court judge;

Whereas former Vice Dean, Charles Hamilton Houston, widely known as, "the man who killed Jim Crow", was known to remark to his students that, "a lawyer is either a social engineer or a parasite on society . . .";

Whereas Howard Law School served as the training ground and planning site for the

lawyers who, through *Brown v. Board of Education of Topeka, Kansas*, rejected the notion that separate education equates to equal education;

Whereas civil rights attorneys Oliver Hill (class of 1933) and co-counsel, Spottswood Robinson III (class of 1939), were attorneys for the plaintiffs in *Davis v. County School Board of Prince Edward County*, which was 1 of 5 cases consolidated with *Brown v. Board of Education of Topeka, Kansas*;

Whereas Thurgood Marshall (class of 1933) was the lead litigator to argue *Brown v. Board of Education of Topeka, Kansas*, before the Supreme Court, and was later named Associate Justice on the Supreme Court;

Whereas Damon Keith (class of 1949) is currently a senior judge for the United States Court of Appeals for the Sixth Circuit;

Whereas Harris Wofford (class of 1954) is a former Senator from Pennsylvania and was a civil rights advisor to President John F. Kennedy;

Whereas former Mayor of Richmond, Virginia, L. Douglas Wilder (class of 1959), was the first African-American elected as Governor in the United States;

Whereas Vernon Jordan (class of 1960), former advisor to President Bill Clinton, noted that at Howard Law School, he found, "a wife, a career, and a reaffirmation of [his] faith in the mission of black people", and that his time at Howard, "saved [his] soul";

Whereas Roland Burris (class of 1963) is a Member of the United States Senate;

Whereas Gabrielle McDonald (class of 1966), Howard University Trustee Emerita, serves as an Arbitrator on the Iran-United States Claims Tribunal, is a former president and judge of the International Criminal Tribunal for the former Yugoslavia, formerly served as a judge for the United States District Court for the Southern District of Texas and was elected to the "Texas Woman's Hall of Fame";

Whereas former Dean and professor at Howard Law School, J. Clay Smith (class of 1967), who was appointed by President Jimmy Carter in 1978 and President Ronald Reagan in 1981 to serve on the Equal Employment Opportunity Commission, in the capacities of Commissioner and Acting Chairman, is the author of "Emancipation: The Making of the Black Lawyer 1844-1944" and "Rebels in Law: Voices in History of Black Women Lawyers", and the editor of "Supreme Justice: Speeches and Writings", written by Thurgood Marshall;

Whereas Wiley Daniel (class of 1971) was the first African-American appointed as a judge for the United States District Court for the District of Colorado;

Whereas Isaiah Leggett (class of 1974) is the County Executive for Montgomery County, Maryland;

Whereas Jack Johnson (class of 1975) is the County Executive for Prince George's County, Maryland;

Whereas the recent addition of Vicky Miles-LeGrange (class of 1977) as Chief Judge of the United States District Court for the Western District of Oklahoma evidences the ongoing commitment of the faculty and staff of Howard Law School to equip alumni with the necessary tools to succeed at every level;

Whereas Gregory Meeks (class of 1978) is a Member of the United States House of Representatives;

Whereas former District of Columbia Mayors, Walter Washington (class of 1948) and Sharon Pratt Kelly (class of 1968), and current Mayor, Adrian Fenty (class of 1996), are alumni of Howard Law School;

Whereas Howard Law School is one of a select group of law schools that can boast hav-

ing as alumni a Supreme Court Justice, numerous Federal and State judges, Members of both the House of Representatives and the Senate, a Governor, and several Mayors;

Whereas the Princeton Review ranks Howard Law School's faculty as the most diverse law school faculty in the Nation;

Whereas Spencer Boyer, a Professor at Howard Law School, has 38 years of service, which makes him one of the most senior African-American law professors in the United States;

Whereas the competitive efforts of the Huver I. Brown Trial Advocacy Moot Court Team, the Charles Hamilton Houston National Moot Court Team, and the Goler Teal Butcher International Moot Court Team are evidence of Howard Law School's dedication to the vigorous training of zealous advocates;

Whereas Howard Law School's curriculum, which includes a study abroad program in Cape Town, South Africa, the Civil Rights Clinic, the Fair Housing Clinic, the World Food Law Institute, and the Institute of Intellectual Property and Social Justice, demonstrates an aggressive commitment to provide relevant hands-on instruction in an ever-evolving legal environment;

Whereas for 10 years, through the Marshall-Brennan Constitutional Literacy Project, law students in the Howard University School of Law student-fellows program teach constitutional law in public high schools in the District of Columbia;

Whereas Howard Law School's comparatively low tuition and aggressive career services staff helped the school achieve a ranking of third on the Vault.com's list of the most underrated law schools in the Nation;

Whereas Howard Law School has contributed robustly to society through the education of attorneys who have gone on to serve the world in countless public and private capacities; and

Whereas there is no greater illustration of Howard Law School's motto, "Leadership for America and the Global Community", than the faculty, staff, students, and alumni of Howard University School of Law: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes Howard University School of Law's profound achievements and unwavering commitment to social justice for all people;

(2) encourages the continued dedication to the first-rate training of social engineers; and

(3) congratulates Howard University President, Sidney A. Ribeau, Ph.D., Howard University School of Law Dean, Kurt L. Schmoke, J.D., and the faculty, staff, students, and alumni of Howard Law School on the momentous occasion of its 140th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 684 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today to recognize and honor Howard University School of Law on the event of their 140th anniversary. The students and many exemplary alumni of Howard University School of Law truly embody their motto, "Leadership for America and the Global Community."

The Howard University School of Law's deep commitment to social justice and compassion began with its founding in 1869. The school was established in an effort to help African Americans secure and protect their newly established rights. Throughout this Nation's history, Howard alumni have challenged racism, worked to attain equal rights and access to education, and broken down barriers, rising to prominent positions in the field of law and justice. It was Howard University School of Law which served as the training ground and planning site of the thinkers who boldly defeated the notion that separate education can ever be equal through the landmark case *Brown v. Board of Education of Topeka, Kansas*.

Of the many notable African American legal scholars, Supreme Court Justice Thurgood Marshall, arguably one of the most influential African Americans in American history, was educated at Howard law school. Vernon Jordan, former National Urban League President and domestic policy adviser for President Clinton, was educated at Howard law school. Charles Hamilton Houston, who earned the title "The Man Who Killed Jim Crow" because of his successful civil rights litigation, served as vice dean at Howard.

There are few schools that can boast having a Supreme Court Justice, numerous Federal judges, Members of both the United States House and the Senate, a Governor and several mayors amongst its alumni. It is a proud history of those great minds, as well as the countless others that have come before, that pave the way for the next generation of legal scholars. Howard University School of Law graduates scholars with a lifelong commitment to change the world for the better.

Howard has been recognized for its diverse faculty, its relatively low cost, opportunity for hands-on experience through a study abroad program of South Africa, and many other professional development opportunities, as well as their volunteer work here in D.C., teaching constitutional law in public schools.

The dedication to the tenets of truth and service that inspired the founding of Howard University and the School of Law still exist today as this institution continues to work towards social justice and leadership. The Howard University School of Law remains an important institution continuing to serve as a beacon of justice and learning.

Mr. Speaker, I want to honor and congratulate the current Howard University president, Dr. Sidney Ribeau, and the Howard University School of Law dean, Kurt Schmoke, as well as the faculty, staff, students and alumni of the Howard University School of Law on this momentous occasion of its 140th anniversary. I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 684, a resolution recognizing and honoring Howard University School of Law's 140th anniversary of legacy and social justice and its continued commitment to the training of capable and compassionate legal practitioners and scholars.

Howard University was chartered by Congress as a private university in Washington, D.C., in 1867. The law school at Howard opened its doors to its first six students in 1869. By the end of the first year, the law school had enrolled a total of 22 students. The first students graduated from Howard University School of Law on February 3, 1871. The American Bar Association accredited the school in 1931. Today, Howard University School of Law graduates approximately 185 students with either a juris doctorate or a master of law degree. Students attending Howard come from all over the United States and the globe.

Howard University School of Law has had a history of promoting social and civil change. In fact, it has an impressive lineup of alumni that were key figures in American history, including former Representative John Mercer Langston, the first African American Member of the House of Representatives; Charlotte E. Ray, the first African American woman to practice law in the District of Columbia; and Thurgood Marshall, a former Justice of the United States Supreme Court and lead litigator in the landmark case *Brown v. Board of Education*.

I congratulate Howard School of Law on 140 years of academic success and wish them luck as they continue to inspire the country's next generation.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I am pleased to recognize, for 4 minutes, the gentlewoman from Michigan (Ms. KILPATRICK), the sponsor of this resolution.

Ms. KILPATRICK of Michigan. I thank the gentlewoman from Hawaii for her leadership in coming to this House and taking us by storm. To our ranking member who is managing the bill today, thank you for your support.

As has been mentioned, 140 years ago, Howard University established its law

school. Since that time, hundreds of young men and women have graduated from this prestigious law school. Today, under the direction of our president, Sidney Ribeau, it is also carrying on the legacy that was started in 1869.

Thurgood Marshall, Supreme Court Justice, known for his tenacity, his intelligence, his forthrightness, and at Howard University in 1869 and beyond, they talked about social engineers they were putting out, men and women who could elaborate and repeat the Constitution and represent young people, old people, and people all over this country. They continue in that tradition today:

Thurgood Marshall, 1954, the Board of Education, equal schools under the law;

Kurt Schmoke, former mayor of Baltimore, Maryland;

Our sitting Senator right now, Senator BURRIS from Chicago, Illinois, is a graduate of Howard law school;

Our own colleague, GREGORY MEEKS of New York, is a graduate of Howard law school.

The school today probably is just as important as it was, not probably, is just as important today as it was 140 years ago. I am honored that the House would take up the legislation today that we would pass it on suspension. In a couple of weeks, they are having a ceremony on campus at Howard University, and I invite all the alumni of Howard University to come back, come back on campus and let's celebrate.

Today we live in a world where equal protection under the law is a must. We must make sure that every citizen in America has access to quality representation, access to a fair process, and that lawyers from all over this country and abroad who represent those clients will give to the very best of their ability. Howard University law school is 140 years old. We thank those who began the school 140 years ago.

We pray that as the tradition of the law school continues to excel around the world, that we will continue to lift up the United States of America, that we will protect our judicial system, and that the lawyers who graduate from all the law schools across this country, including Howard University's law school, represent to the very best of their ability so that American citizens will know that the third branch of government is alive and well because in 1869 Howard University was established.

□ 1215

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I don't believe I have any additional speakers on this bill, so I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I thank the gentleman from Pennsylvania for his remarks in support of this measure and also Ms. KILPATRICK for bringing this measure forward. I, again, com-

mend Howard University law school for its continuing commitment to equality, justice and opportunity for all, and urge all of my colleagues to vote for this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 684, recognizing and honoring Howard University School of Law's 140-year legacy of social justice and its continued commitment to the training of capable and compassionate legal practitioners and scholars. The United States Congress chartered Howard University here in Washington, D.C. back in 1867, this bill honors not only their hard work, but the prescience of our forefathers.

Howard University School of Law first opened its doors in 1869 during a time of dramatic change in the United States, after the civil war. At the time, there was a great need to train lawyers who had a strong commitment to helping black Americans secure and protect their newly established rights. Today Howard University's Law School carries on that tradition, educating its students to fight for those whose voice may not otherwise be heard.

My home of Houston has a special relationship with the Howard University School of Law. Specifically, my city of Houston shares its name with a pillar of the Howard University School of Law community, its late dean, the legendary Charles Hamilton Houston. Educated at Amherst College and Harvard Law School, Houston was the first African American to serve as an editor of the *Harvard Law Review*. This feat by Houston paved the way for a young Harvard Law student who stood in Houston's shoes some 70 years later as the *Harvard Law Journal's* first Editor-in-Chief, President Barack Obama.

Armed with his ivy league training, Houston returned to Washington where he was admitted to the District of Columbia bar in 1929. Beginning in the 1930s, Houston served as the first special counsel to the National Association for the Advancement of Colored People, beginning a two decade career as a civil rights litigator. Houston later joined Howard Law School's faculty and ultimately became Dean, establishing a long-standing relationship between Howard and Harvard law schools. While at Howard, he was a mentor to Thurgood Marshall, who argued *Brown v. Board of Education* and was later appointed to the Supreme Court.

Houston used his post at Howard to recruit talented students into the NAACP's legal efforts, among them Marshall and Oliver Hill, the first- and second-ranked students in the class of 1933, both of whom were drafted into organization's legal battles by Houston. By the mid-1930s, two separate anti-lynching bills backed by the NAACP had failed to gain passage, and the organization had won a landmark victory against restrictive housing covenants that excluded blacks from particular neighborhoods only to see the achievement undermined by subsequent legal precedents.

Houston struck upon the idea that unequal education was the Achilles heel of Jim Crow. By demonstrating the failure of states to even try to live up to the 1896 rule of "separate but equal," Houston hoped to finally overturn the *Plessy v. Ferguson* ruling that had given birth to that phrase.

His target was broad, but the evidence was numerous. Southern states collectively spent less than half of what was allotted for white students on education for blacks; there were even greater disparities in individual school districts. Black schools were equipped with castoff supplies from white ones and built with inferior materials. Black facilities appeared to be part of a crude segregationist satire—a design to make black education a contradiction in terms.

Houston designed a strategy of attacking segregation in law schools—forcing states to either create costly parallel law schools or integrate the existing ones. The strategy had hidden benefits: since law students were predominantly male, Houston sought to neutralize the age-old argument that allowing blacks to attend white institutions would lead to miscegenation, or “race-mixing”. He also reasoned that judges deciding the cases might be more sympathetic to plaintiffs who were pursuing careers in law. Finally, by challenging segregation in graduate schools, the NAACP lawyers would bypass the inflammatory issue of miscegenation among young children.

The successful ruling handed down in the Brown decision was testament to the master strategy formulated by Houston. This strategy is often referred to as the Houstonian philosophy of social engineering, based upon his legendary saying “A lawyer’s either a social engineer or he’s a parasite on society.” . . . A social engineer was a highly skilled, perceptive, sensitive lawyer who understood the Constitution of the United States and knew how to explore its uses in the solving of “problems of . . . local communities” and in “bettering conditions of the underprivileged citizens.”

Houston’s philosophy has left a lasting mark on Howard University School of Law as evidenced by the quantity and quality of its graduates, producing more Black lawyers than any other institution. Further, as outlined in the text of this resolution, Howard trained lawyers have excelled and climbed to some of the highest leadership positions in the world.

The first African-American to serve as a Member of Congress, John Mercer Langston, was also a member of the Howard University School of Law community. Today’s Congress also includes a Member of the Howard University School of Law, namely Mr. MEEK of New York. U.S. Senator ROLAND BURRIS of Illinois, the only African-American in the other Chamber, is a 1963 graduate of Howard Law.

Howard University School of Law alumni also serve in a variety of staff posts throughout both houses of Congress. In my tenure, I’ve hired numerous Howard law alumni. Currently, both my Chief of Staff and Chief Counsel are both outstanding alumni of Howard University School of Law.

In my District, Howard University School of Law alumni have a distinguished legacy, particularly in the judiciary. Two Houston jurists exemplify the Howard University School of Law legacy. The Honorable Gabrielle Kirk McDonald graduated first in her class at Howard University Law School in 1966. Upon returning home to Houston, Judge McDonald practiced as a private lawyer until her appointment as a United States District Judge for the U.S. District Court for the Southern District of Texas. At the age of 37, Judge McDonald

made history by becoming the first African-American to be appointed to the federal judiciary of Texas. She was only the third African-American woman ever to be selected for the federal judiciary.

In 1993, Judge McDonald presided over the three-judge panel that heard the first criminal trial of that international court, sitting in a courtroom of the new Tribunal building in The Hague, Netherlands. By this service, Judge McDonald became one of the first United States judges to be involved in international courts, apart from the International Court of Justice and the International Military Tribunal at Nuremberg. Before hearing the first case of the International Criminal Tribunal in Yugoslavia, Judge McDonald and her colleagues had to develop procedural rules for the Tribunal. She consulted with colleagues at Texas Southern University where she was a member of the adjunct faculty at that university’s Thurgood Marshall School of Law. Those consultations resulted in the preparation and adoption of the first procedural rules for the Tribunal.

Judge McDonald, so well regarded by her colleagues, was sent by the United Nations to Tanzania, in Africa, in the spring of 1997 to assist in the organizing efforts of the International Criminal Tribunal for Rwanda, established by the U.N. to hear cases involving genocide in that country.

In November 1997 she was elected President of both criminal tribunals, a position she held until her resignation from that position in 1999.

She now serves as one of three American judge/arbitrators on the Iran-U.S. Claims Tribunal in The Hague, hearing claims by Iranian and U.S. citizens, and the respective governments of the two countries, that resulted from the take-over of the U.S. Embassy in Tehran in November 1979 by Iranian militants and the holding of U.S. Embassy personnel as hostages.

The Honorable Hazel B. Jones of the 338th Texas District Court is a 1996 alumnae of Howard University School of Law. Born and reared in Houston, Texas, Judge Jones developed a sense of commitment to the Houston community by witnessing the examples of her parents, the late Mr. and Mrs. Robert and Larnita Jones, who served as educators and administrators in North Forest ISD and Houston ISD, respectively, for more than thirty years.

Judge Jones attended Mary Brantly Smiley High School in North Forest Independent School District, where she was voted “Miss Smiley” and graduated Magna Cum Laude. Thereafter, Judge Jones received a Bachelor of Arts degree in biology from the University of Texas at Austin, where she was a Texas Achievement Award Scholar and became a lifelong member of Delta Sigma Theta Public Service Sorority, Inc.

After graduation, Judge Jones worked as a research assistant in the Hematology/Leukemia division of the University of Texas, M.D. Anderson Cancer Center. She prepared drug study experiments with cancer cells; she performed DNA extraction for amplification in polymerase chain reactions and isolation in gel electrophoresis. While Judge Jones found her work in cancer research extremely rewarding,

she heeded a personal calling to pursue a career in law.

While attending Howard University Law School, in Washington, DC, Judge Jones worked at the Howard Law Criminal Justice Clinic, defending citizens charged with misdemeanors and representing prisoners in disciplinary hearings. During her summers as a law student, Judge Jones honed her legal skills by interning in the 151st Civil District Court, Harris County, TX and as intern for the Honorable Judge Vanessa Gilmore in the United States District Court for the Southern District of Texas.

Since graduating from law school, Judge Jones Hazel Jones has been an active member of Houston’s legal community. She served the Harris County District Attorney’s Office as an Assistant District Attorney from 1996–2003 obtaining extensive trial experience handling misdemeanor and felony cases in addition to handling juvenile and family violence cases. From 2003–2005, Judge Jones worked as a Special Assistant United States Attorney for the United States Attorney’s Office, Southern District of Texas; her primary focus was to pursue the federal government initiative of “Project Safe Neighborhoods” which focused on the prosecution of armed felons and felons carrying firearms during drug trafficking crimes. In January of this year, Judge Jones was sworn in as a member of the local judiciary and we expect that her career will be no less stellar as that of her fellow alumna, Judge McDonald.

Mr. Speaker, I salute Howard University School of Law for its service to my District, to America, and to the world. For this reason, I strongly urge passage of this important Resolution.

Ms. RICHARDSON. Mr. Speaker, I thank Congresswoman KILPATRICK for introducing this resolution honoring Howard University School of Law’s 140-year legacy of social justice and commitment to training social engineers.

If it were not for the legal battles waged by and won by lawyers from the Howard University School of Law, it is very unlikely that neither the progress or individual accomplishments obtained would have reached the heights we enjoy today.

As the first law school dedicated to educating African Americans, the doors of Howard University School of Law opened in 1869. The school was created to meet the need to train African Americans in protecting their newly established rights granted by the 13th and 14th Amendments of the Constitution. During this first year, six students committed to legal activism met in the homes and offices of part-time faculty.

As the years progressed and the number of students and the number of faculty grew, the school’s commitment to public service was unwavering.

The mission of this school is guided by the wise words of Charles Hamilton Houston, who is widely regarded as the “man who killed Jim Crow.” He later went on to serve as the NAACP litigation director and Dean of Howard University School of Law. Charles Hamilton Houston once said, “A lawyer’s either a social engineer or a parasite on society.” These inspiring words have led many students to enroll

in the law school because of their interest and devotion to public service.

This quote and many other quotes from African American leaders line the halls of the school to inspire students, professors, and visitors every day.

Indeed, the men and women who graduated from Howard University School of Law became early pioneers and changed the fabric of our Nation.

The law school served as a training ground for graduates such as Oliver Hill, Spottswood Robinson II, and Thurgood Marshall who all played important and influential roles in the Supreme Court case, *Brown v. Board of Education*. Thurgood Marshall was the lead litigator in *Brown*, where the Supreme Court ruled that the segregation of students in public schools ultimately led to unequal educational opportunities. This case, which was decided in 1954, led to the abolishment of racial segregation.

The very halls of this Congress are filled with Howard Law School alum who are dedicated to social change and public service.

Mariel Lim, an able and exceptional attorney who is a member of my staff, spent her most formative year of law school at Howard and applies the formidable skills she acquired there in the service of the residents of the 37th Congressional District of California and the Nation.

My Legislative Director, Gregory Berry, taught Torts, Legal Methods, Legal Writing 2, Legal Reasoning, Research and Writing to hundreds of students who graduated and became social engineers. During the 8 years he taught at Howard, Gregory coached Howard's acclaimed National Moot Court Team, which afforded students the opportunity to hone their writing and advocacy skills in intercollegiate competitions. Additionally, Gregory Berry was counsel of record on the amicus curiae brief he and two faculty colleagues submitted to the U.S. Supreme Court on behalf of Howard's law students in the *Grutter v. Bollinger* case, which upheld affirmative action in law school admissions.

I am not the only Member who benefits from these dedicated graduates. There are numerous other Howard alumni serving the cause of justice here on the Hill.

I congratulate the Howard University on their 140th anniversary of its extraordinary law school.

I know our Nation will be well-served for years to come by its graduates who will continue to provide, "Leadership for America and the Global Community."

Ms. HIRONO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 684, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

# RECOGNIZING 50TH ANNIVERSARY OF WESTERN WYOMING COMMUNITY COLLEGE

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 696) acknowledging and congratulating Western Wyoming Community College in Southwest Wyoming on the occasion of its 50th anniversary of service to the students and citizens of the State of Wyoming.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 696

Whereas Western Wyoming Community College was established in 1959 through the efforts of a citizens committee and a general election that formed the original district;

Whereas the College began classes in Rock Springs High School, moved to the Reliance School, and then finally moved to its present College Drive location in Rock Springs in 1969;

Whereas the College opened an extended campus in Green River in 1975;

Whereas these expansions were made possible in part by the Sweetwater County voters, who approved 3 general obligation bond issues, leading to the construction of Western's current award-winning structure;

Whereas the College's service area now encompasses all of Southwestern Wyoming, including Sweetwater, Uinta, Carbon, Sublette, and Lincoln counties;

Whereas the College has grown from serving 40 students during the fall semester of 1959 to currently serving over 4,000 credit and 2,000 community education students each semester;

Whereas the College adheres to its Guiding Principles: "Learning is our Purpose", "Students are our Focus", "Employees are our Most Important Resource", "The Community is our Partner", "Adapting to Change Defines our Future", and "Ethical Standards Guide our Actions";

Whereas the College embodies these principles in its motto: "A commitment to quality and success";

Whereas the College is a valued partner with industry, education, and local business in its service area to provide transfer and technical education, workforce training, cultural and athletic activities, and community education courses;

Whereas the College is the fifth of 7 comprehensive community colleges in Wyoming, and a vital part of Wyoming's higher education system;

Whereas the transfer agreement between Wyoming's community colleges and the University of Wyoming creates a seamless transition for students wishing to continue their education; and

Whereas the fall of 2009 marks the 50th anniversary of the establishment of Western Wyoming Community College: Now, therefore, be it

*Resolved*, That the House of Representatives acknowledges and congratulates Western Wyoming Community College in Southwest Wyoming on the occasion of its 50th anniversary of service to the students and citizens of the State of Wyoming.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

## GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 696 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume. Mr. Speaker, I rise today in support of H. Res. 696, which celebrates Western Wyoming Community College's 50th year of service to the students and the State of Wyoming.

Established in 1959, a local citizens committee and a general election led to Western Wyoming Community College. Beginning with only 40 community college students and occupying the local high school facilities, WWCC has emerged as a vital part of the southwestern Wyoming community that prepares graduates for advanced degrees and workforce readiness.

WWCC is a comprehensive community college that provides a great foundation for students because of its small class sizes, hands-on learning experiences, and highly qualified instructors. WWCC truly succeeds at educating its students. In 2008, 100 percent of the nursing class passed the State exam.

Today, Western Wyoming Community College enrolls over 3,000 students and offers a wide range of courses. With nine academic programs, 70 concentrations, \$3 million worth of financial aid, and moderate undergraduate tuition, WWCC provides an affordable and diverse academic education for many students living in the surrounding area.

The college prides itself on responding to the changing needs of local businesses and industries, primarily mining and energy, with exceptional academic and technical programs. Its success is based on a strong history of collaboration with local industries.

With that said, WWCC lives up to its motto: "A commitment to quality and success." I commend Representative LUMMIS for bringing this resolution forward. Again, I want to express my support for this bill, and urge my colleagues to vote "yes."

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 696, acknowledging and congratulating Western Wyoming Community College in southwest Wyoming on the occasion of its 50th anniversary of service to the students and citizens of Wyoming.

Western Wyoming Community College was established in 1959. Through the efforts of a citizens' committee, a



campaign began, an election was held, and the college in the original district was created. Through the support of the community, the campus has been expanded several times since it was originally built in 1966. Student numbers have increased from 40 in 1959 to over 5,000 in 2002.

Western Wyoming Community College has grown almost every year and is now one of the seven community colleges that serve the State of Wyoming. The main campus is located in Rock Springs, Wyoming, and, together with an extended campus located in Green River, comprises the fourth-largest population center in Wyoming.

WWCC offers a variety of educational services to the community. They offer 2-year transfer programs for students pursuing a baccalaureate, 2-year occupational degrees, and a number of occupational certificate programs. The college has programs in humanities and fine arts; social science; science and mathematics; business; technology and industry; and health science.

Western's mission statement reflects the dedication to education that has led WWCC to become the successful institution it is today. Of the 293 first-time, full-time students that enrolled in WWCC in 2005, 72 percent graduated or went on to other higher education institutions by 2008.

The mission of WWCC is to provide access to postsecondary educational opportunities by offering broad, comprehensive programs in academic as well as vocational technical subjects. Committed to quality and success, Western encourages flexibility, innovation, and active learning for students, faculty, and staff.

Western Wyoming Community College celebrates the 50th anniversary of their founding this month. For 50 years, WWCC has provided a quality education to the people of their community, allowing them to further their careers and better their lives.

I thank Representative LUMMIS of Wyoming for introducing this resolution. I congratulate Western Wyoming Community College. I ask my colleagues to support this resolution.

I reserve the balance of my time.

Ms. HIRONO. I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. I rise today in support of House Resolution 696 and in recognition of the 50 years of achievement in service by Western Wyoming Community College. I further wish to thank the gentlelady from Hawaii and the gentleman from Pennsylvania for their support of this resolution.

As the gentlelady from Hawaii pointed out, Western began in fall of 1959, serving only 40 students out of Rock Springs High School. Today, they have

an award-winning campus on College Drive in Rock Springs as well as an extended campus in Green River, which collectively serve 4,000 credits and 2,000 community education students each semester.

Western serves Sweetwater, Uinta, Carbon, Sublette, and Lincoln Counties, all in southwest Wyoming. It is a valued partner with industry, education and local business in its service area to provide transfer and technical education, workforce training, cultural and athletic activities, and community education courses.

Like many educational institutions across the Nation, Western adheres to a set of altruistic guiding principles: Learning is our Purpose; Students are our Focus; Employees are our Most Important Resource; the Community is our Partner; Adapting to Change Defines our Future; and, Ethical Standards Guide our Actions. And it embodies these principles in its motto: "A commitment to quality and success."

Across our Nation, community colleges play a vital role in the higher education system. No State feels their significance more than the State of Wyoming.

Wyoming is almost 100,000 square miles and is served by only one 4-year university. Western is the fifth of seven comprehensive community colleges that bridge this geographic span, making college affordable and accessible across the State of Wyoming.

The seven community colleges across Wyoming allow some students to complete their education with technical training or a 2-year associates degree, while others transfer earned credit to continue and receive their bachelor degrees and beyond.

Making the goals of many students even more accessible is the seamless transfer agreement between the University of Wyoming and the community colleges, allowing students to continue their education in Laramie without loss of credits in the move.

So in recognition of the Western Mustangs, their 50th anniversary, and to community colleges across Wyoming and the Nation, I ask my colleagues to celebrate Western's achievements with me today.

Western will be celebrating as a campus from this Saturday, September 26, through the following Sunday, October 4. Please help me in having the U.S. House of Representatives celebrate this achievement with them by passing House Resolution 696.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, having no additional speakers, I yield back the balance of my time.

Ms. HIRONO. I want to thank the gentlelady from Wyoming for bringing this forward, because community colleges all across the country play a pivotal role in providing educational opportunities for our citizens. I, of

course, congratulate WWCC on its 50th anniversary.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 696.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HIRONO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### CONGRATULATING THE WICHITA STATE UNIVERSITY MEN'S AND WOMEN'S BOWLING TEAMS

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 455) congratulating the Wichita State University men's and women's bowling teams for winning the 2009 United States Bowling Congress Intercollegiate Bowling National Championship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 455

Whereas the Wichita State University (WSU) men's and women's bowling teams won the 2009 United States Bowling Congress (USBC) Intercollegiate Bowling National Championship in Rockford, Illinois, on April 15-18, 2009;

Whereas the WSU men's team defeated the University of Nebraska-Lincoln and Webber International University and advanced to the finals, where they defeated Saginaw Valley State University two games to one in a best of three series to win the championship;

Whereas the WSU women's team defeated Ball State University, Fresno State University, and McKendree University and advanced to the finals, where they defeated Lindenwood University two games to zero to win the championship;

Whereas the WSU men's team has won nine USBC Intercollegiate Bowling National Championships, in 1980, 1987, 1993, 1994, 1995, 1998, 2003, 2008, and 2009, and has advanced to the national tournament a record 29 times;

Whereas the WSU women's team has won nine USBC Intercollegiate Bowling National Championships, in 1975, 1977, 1978, 1986, 1990, 1994, 2005, 2007, and 2009, and has advanced to the national tournament a record 34 times;

Whereas head coach Gordon Vadakin has led the men's and women's teams to a combined 32 USBC Intercollegiate Bowling National Championship tournaments and 17 national titles since he began coaching in 1976;

Whereas assistant coaches Mark Lewis, Brian Adelgren, and Nathan Bohr were also instrumental in the WSU teams' 2009 victories;

Whereas the 2009 men's championship team, comprised of Jake Peters, Nick Pahr, Brandon Hall, Josh McBride, John Szczerbinski, Stephen Cowland, Josh Blanchard, Adam Ferri, Kyle Bischoff, Will Barnes, Geoffrey Young, and Kevin Tatrow, won the national title due to the combined efforts of each of its members;

Whereas the 2009 women's championship team, comprised of Melissa Hurst, Maggie Zakrzewski, Suzana Signaigo, Sandra Gongora, Jessica Baker, Samantha Hesley, Mariana Ayala, Daniela Alvarado, Rocio Restrepo, and Samantha Linder, won the national title due to the combined efforts of each of its members;

Whereas Sandra Gongora was named the National Collegiate Bowling Coaches Association and the Bowling Writers Association of America (BWAA) Female Collegiate Bowler of the Year, and John Szczerbinski and Josh Blanchard were BWAA Male Collegiate Bowler of the Year runners-up; and

Whereas Sandra Gongora, John Szczerbinski, and Josh Blanchard were named as first team All-Americans by the USBC; Now, therefore, be it

*Resolved*, That the House of Representatives congratulates and commends the Wichita State University men's and women's bowling teams for winning the 2009 United States Bowling Congress Intercollegiate Bowling National Championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 455 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

I rise today to congratulate the Wichita State University men's and women's bowling teams for each of their victories in the 2009 United States Bowling Congress Intercollegiate Bowling National Championship.

April 15-18, 2009, college bowling fans were treated to a number of great bowling matches between the most skilled bowlers in the country. The Wichita State University men's bowling team entered the national tournament for the 24th consecutive year and ranked as the number one team in the Nation. They garnered their ninth national championship, defeating Saginaw Valley State University in the final match. The women's team also collected its ninth national championship, beating Lindenwood University in their finals.

Sandra Gongora from the Shockers was named the Bowling Writers Association of America (BWAA) Female Collegiate Bowler of the Year. John Szezerbinski and Josh Blanchard of the

men's team were BWAA Male Collegiate Bowler of the Year runners-up.

As the most accomplished collegiate bowling program in the Nation, the Wichita State Shockers bowling teams have 18 national championship victories. No other team in the Nation has achieved this magnitude of success. The program has produced 169 All-Americans and seven National Bowlers of the Year. Better yet, 32 former and current Shockers bowlers represented our country on Team USA.

I want to extend my congratulations to Gordon Vadakin, the head coach of both the women's and men's team. Through his leadership, Coach Vadakin led Wichita State University to 32 intercollegiate bowling national championship tournaments since he began coaching in 1976.

Mark Lewis, Brian Adelgren, and Nathan Bohr also helped these teams reach elite status with their roles as assistant coaches.

Bowling, by far, is the school's most preeminent athletic program. Winning the national championship and collecting its 18th national title has brought national acclaim to Wichita State University. I know the fans of the university will revel in this accomplishment.

Mr. Speaker, once again, I congratulate the Wichita State University Shockers for their success and thank Representative TIAHRT for bringing this resolution forward.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of House Resolution 455, congratulating the Wichita State University men's and women's bowling teams for winning the 2009 United States Bowling Congress Intercollegiate Bowling National Championship.

□ 1230

Wichita State University began as Fairmount College, a private congressional school, in 1895. Wichita State University changed its name and officially entered the State system of higher education on July 1, 1964. And today WSU offers more than 60 undergraduate degree programs in more than 200 areas of study in six undergraduate colleges.

The university is an NCAA Division I institution, and fields teams in tennis, cross-country, basketball, track, golf, crew, bowling, men's baseball, and women's volleyball and softball. The name for WSU's athletic teams is the Shockers. The name reflects the University's heritage. Early students earned money by shocking, or harvesting, wheat in nearby fields. The WSU Shockers have excelled at many sports over the years, but bowling has recently become one of WSU's most successful athletic teams.

The sport of bowling originated in ancient Egypt. Bowling balls and pins

were found in the tomb of an Egyptian king who died in 5200 B.C. The ancient Polynesians bowled on lanes that were 60 feet long, the same as today, and bowling was part of a religious ceremony in fourth-century Germany. British kings Edward II and Richard II banned bowling because they said people were wasting too much time playing the sport.

Bowling has been popular in America since Colonial days. The German settlers introduced ninepins, the game that evolved into today's modern tenpin sport. Today bowling is enjoyed by 95 million people in more than 90 countries worldwide.

As the most accomplished collegiate bowling program in the Nation, the Wichita State Shocker bowling teams have 18 national championship victories to their name. In the 2009 men's national championship, the Shockers and the Saginaw Valley State University squared off in a showdown between the two most successful programs in the history of collegiate bowling for the title. The Lady Shockers came through and won their second national championship in three seasons after a 2-0 sweep of Lindenwood in the championship match.

I'm honored to stand before the House today to congratulate and recognize the significant achievements of the players and the coaches whose hard work has led to the success of the Wichita State University Shockers men's and women's bowling teams as USBC Intercollegiate National Champions.

I ask my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to my good friend who's the author of this resolution, the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I want to first thank the gentlewoman from Hawaii for her help in this legislation and for the kind words to Wichita State and also to the gentleman from Pennsylvania, who also gave us a wonderful history about this sport and also Wichita State University and his kind words.

Mr. Speaker, I am pleased to offer House Resolution 455 honoring the 2009 National Champion Wichita State University Shocker men's and women's bowling teams. By its very nature, a national championship is special, but to have both men's and women's teams from the same school earn the same title in the same year is truly remarkable.

The Wichita State University men's team entered the elimination portion of the tournament seeded first, a ranking which they held all the way through the finals where they claimed the national championship. The Lady Shockers were ranked second entering the elimination tournament and overcame a difficult schedule on their way to becoming national champions. These

championship teams carry on a winning tradition at Wichita State University. This is the ninth national title for each of them, the second consecutive national title for the men, and the third women's national title in 5 years.

Wichita State University has been blessed with an incredible coaching staff. Head coach Gordon Vadakin and assistant coach Mark Lewis are both members of the United States Bowling Congress Hall of Fame. Gordon Vadakin has been coaching at Wichita State University since 1976, leading the men's and women's teams to a combined 32 USBC Intercollegiate Bowling National Championship tournaments and winning a record 16 of them. The Wichita State University team has two additional outstanding assistant coaches in Brian Adelgren and Nathan Bohr.

I want to congratulate the men's team of Jake Peters, Nick Pahr, Brandon Hall, Josh McBride, Stephen Cowland, Adam Ferri, Kyle Bischoff, Will Barnes, Geoffrey Young, Kevin Tatrow; and Male Collegiate Bowler of the Year runners-up John Szczerbinski and Josh Blanchard; and to the women's team of Melissa Hurst, Maggie Zakrzewski, Suzana Signaigo, Jessica Baker, Samantha Hesley, Mariana Ayala, Daniela Alvarado, Rocio Restrepo, Samantha Linder, and Female Collegiate Bowler of the Year Sandra Gongora.

Once again, I am pleased today that the United States House of Representatives will congratulate and commend the Wichita State University men's and women's bowling teams for winning the 2009 Intercollegiate Bowling National Championship Tournament. Go Shox.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 455, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### FISCAL YEAR 2010 FEDERAL AVIATION ADMINISTRATION EXTENSION ACT

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3607) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 3607

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Year 2010 Federal Aviation Administration Extension Act".

#### SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2009" and inserting "December 31, 2009".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2009" and inserting "December 31, 2009".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "September 30, 2009" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

#### SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2009" and inserting "January 1, 2010"; and

(2) by inserting "or the Fiscal Year 2010 Federal Aviation Administration Extension Act" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "October 1, 2009" and inserting "January 1, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

#### SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following: "(7) \$1,000,000,000 for the 3-month period beginning on October 1, 2009."

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "September 30, 2009," and inserting "December 31, 2009,".

#### SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "October 1, 2009," and inserting "January 1, 2010,".

(b) Section 41743(e)(2) of such title is amended by striking "2009" and inserting "2010".

(c) Section 44302(f)(1) of such title is amended—

(1) by striking "September 30, 2009," and inserting "December 31, 2009,"; and

(2) by striking "December 31, 2009," and inserting "March 31, 2010,".

(d) Section 44303(b) of such title is amended by striking "December 31, 2009," and inserting "March 31, 2010,".

(e) Section 47107(s)(3) of such title is amended by striking "October 1, 2009," and inserting "January 1, 2010,".

(f) Section 47115(j) of such title is amended by inserting "and for the portion of fiscal year 2010 ending before January 1, 2010," after "2009,".

(g) Section 47141(f) of such title is amended by striking "September 30, 2009," and inserting "December 31, 2009,".

(h) Section 49108 of such title is amended by striking "September 30, 2009," and inserting "December 31, 2009,".

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting "or in the portion of fiscal year 2010 ending before January 1, 2010," after "fiscal year 2009".

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting "and for the portion of fiscal year 2010 ending before January 1, 2010," after "2009,".

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking "September 30, 2009," and inserting "September 30, 2010,".

(l) The amendments made by this section shall take effect on October 1, 2009.

#### SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following: "(F) \$2,338,287,375 for the 3-month period beginning on October 1, 2009,".

#### SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following: "(6) \$733,444,250 for the 3-month period beginning on October 1, 2009,".

#### SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (12);

(2) by striking the period at the end of paragraph (13) and inserting "; and"; and

(3) by adding at the end the following: "(14) \$46,250,000 for the 3-month period beginning on October 1, 2009,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 3607.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

We passed a bill to extend the programs of FAA to make wide-sweeping changes and improvements and increase the investment in the next-generation aviation technology in the previous Congress. We passed it again this year. But, regrettably, the other body has not acted on that legislation. We therefore are required to come to the floor with a bill to extend and keep in place existing programs, and that's really unfortunate that we have to do it this way.

The gentleman from Illinois who is the Chair of the Aviation Subcommittee, the gentleman from Wisconsin, the ranking member, have put an enormous amount of time, dozens and dozens of hours of hearings and time spent deliberating with committee staff on the provisions of the bill. We've worked out a truly bipartisan piece of legislation that represents the biggest investment in aviation in the history of the program.

In 1958 when the Federal Aviation Administration was created and President Eisenhower signed into law the legislation moving it from the old Civil Aeronautics Authority to the Federal Aviation Administration, the investment was under a billion dollars in aviation. Earlier this year we brought to the floor a bill to invest over \$50 billion in the next 4 years in the Nation's aviation programs, in the construction of runways and taxiways on the hard side of airports, to improve terminals, to extend and increase the passenger facility charge so that airport authorities will have means by which to serve air travelers more efficiently, more effectively, with greater comfort and expediency than they're doing now. And on the technology side to make long-range investments, sustainable investments, in the future of air traffic control in the domestic airspace.

Goodness, a billion people traveled by air worldwide last year; 750 million of those traveled in the U.S. airspace. We have a responsibility to improve the speed with which air traffic controllers and the accuracy with which they communicate with aircraft and move aircraft in this vast airspace of ours. In addition to which, the United States has responsibility of over 3 million square miles of the Atlantic airspace and 18 million square miles of the Pacific airspace, both of which are fast-growing international air travel markets.

The transatlantic airspace is a \$35 billion market for us, and the Pacific airspace is a \$25 billion to \$28 billion, growing at 5 to 7 percent a year. But to make it effective and to support our carriers as well as carriers from other countries, we need to advance the oceanic guidance system for aircraft above 39,000 feet. We can't do that unless we provide the funding for the FAA to improve these technologies.

Until the other body moves on this legislation, we have to proceed with

this short-term extension. I hope that our action will encourage the other body to move ahead.

Mr. Speaker, I yield the balance of my time to the gentleman from Illinois, the chairman of the subcommittee, Mr. COSTELLO, with authority to allocate time.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois will control the time.

There was no objection.

Mr. COSTELLO. I thank Chairman OBERSTAR for yielding the time, and I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

In the 110th Congress, the House passed the FAA Reauthorization Act of 2007, which was H.R. 2881. That legislation reauthorized the FAA for 4 years. In May of this year, the House voted again to pass a comprehensive reauthorization bill, this time numbered H.R. 915, the FAA Reauthorization Act of 2009.

Unfortunately, the Senate has been unable to come to an agreement on its bill over the last 2 years. So for the past 2 years, Congress has passed extensions of the Federal Aviation Administration's funding and authority through the end of budget year 2009. The latest extension expires next week. So today we're considering another extension.

H.R. 3607 would extend the taxes, programs, and funding of the FAA through December of 2009. This bill extends FAA funding and contract authority for 3 months; provides \$1 billion in Airport Improvement Program funding through December of 2009; extends the War Risk Insurance program; and extends the Small Community Air Service Development Program. H.R. 3607 would ensure that our National Aviation System continues to operate until a full FAA reauthorization can be enacted.

As I have indicated many times since the passage of the House FAA reauthorization bill back in 2007, we need to pass a long-term bill so that we can meet the growing demands placed on our Nation's aviation infrastructure. Modernizing our antiquated air traffic control system and repairing our crumbling infrastructure need to be at the top of our list of priorities. While I have some concerns with the House-passed bill, I look forward to addressing these issues in conference to develop bipartisan solutions on some of the more controversial provisions.

□ 1245

I urge our colleagues in the other body to complete their work on a comprehensive FAA reauthorization package in a timely fashion. While I am disappointed that the FAA has gone so long without a comprehensive reauthorization, I support this extension as the best alternative to keep the FAA

and the national air space system running safely until we can take up and pass a bipartisanship and bicameral bill.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Again, I want to thank Chairman OBERSTAR for yielding time to me. I rise in support of H.R. 3607, the Federal Aviation Administration Extension Act of 2009. I want to thank Chairman OBERSTAR, Ranking Member MICA, Mr. PETRI, and Chairman RANGEL and Ranking Member CAMP for bringing this legislation to the floor today. Chairman RANGEL of the Ways and Means Committee and Mr. CAMP were very cooperative in extending the taxes so we could do this extension today.

As Chairman OBERSTAR indicated, in a previous Congress and again in May of this year, the House passed the FAA Reauthorization Act of 2009, a long-term authorization of the FAA programs. We have been waiting on the other body for several months to bring a bill to the floor and pass it. In fact, it has been almost 2 years since Vision 100, the last FAA reauthorization bill, expired. Congress has been unable to pass a multiyear FAA bill; so then, instead of approving that bill, because of the other body, we have had to approve a series of short-term extensions. However, until H.R. 915 is signed into law, it is imperative that we not allow the FAA's critical programs to lapse.

The Aviation Trust Fund is currently operating under a short-term extension that expires on September 30, 2009. To that end, H.R. 3607 would extend not only the aviation taxes and expenditure authority, but also the Airport Improvement Program contract authority until December 31 of this year.

H.R. 3607 provides an additional \$1 billion in AIP contract authority, resulting in a full year contract authority level of \$4 billion for fiscal year 2009. These additional funds will allow airports to proceed with critical safety and capacity enhancement projects, particularly larger projects that require a full year's worth of AIP funds to move forward.

Mr. Speaker, aviation is too important to our Nation's economy, contributing \$1.2 trillion in output and approximately 11.4 million jobs, to allow the taxes or the funding for critical aviation programs to expire. Congress must ensure that this extension passes today to reduce delays and congestion, improve safety and efficiency, stimulate the economy, and create jobs. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the ranking Republican on the full Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Thank you for recognizing me, and I just want to take a minute to

add my support for the reauthorization that is before us today. I want to associate myself with the comments of Chairman OBERSTAR, the full committee chairman. I am pleased as the ranking Republican on the committee to join him, and I also support Mr. COSTELLO in his statements for the reauthorization.

This delay in reauthorizing policy and projects and all of the Federal direction to the Federal Aviation Administration, this delay is unprecedented. Not only has the House acted appropriately, we passed in the last Congress and we passed again in this Congress authorization. The other body has yet to act on this important matter and left us in limbo. I am hoping that this is, in fact, the last extension. This is, in fact, the seventh extension. This is, in fact, I believe, the longest period we have gone in history without in place policy and law authorizing the Federal Aviation Administration.

One of the major issues is behind us, and that is the issue of the air traffic controllers' contract. That has been resolved. The administration has cut a deal with the union. I think it has got about a three-quarters of a billion dollar price tag, but that is off the table. It was an item that was contentious.

This legislation should be able to be conferenced with the other body in less than an hour. There are just one or two remaining items. I cannot believe that we are here again with a seventh request for extension. We have no choice but to request this extension now. Hopefully, Congress can reach a bipartisan and bicameral accord and pass a long-term FAA reauthorization. It is critical for the next generation. It is critical for having a policy in place that runs one of the key safety regulatory agencies in our government vital to the aviation industry and the economy of our Nation.

So I am pleased to join Mr. OBERSTAR, Mr. COSTELLO, our ranking member, Mr. PETRI, and I am hoping that we can move forward both with this reauthorization and then with a permanent bill.

Mr. PETRI. I have no further requests for time, and I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge our colleagues to vote in favor of this extension. I join Mr. MICA and Mr. OBERSTAR and others in hoping that the other body will move very quickly on the reauthorization so we can get a bill on the President's desk. I urge my colleagues to support this extension.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3607.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EXTENDING CONDOLENCES TO VICTIMS OF GEORGIA FLOODS

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 765) expressing condolences to the families of the individuals killed during unusual storms and floods in the State of Georgia between September 18 and 21, 2009, and expressing gratitude to all of the emergency personnel who continue to work with unyielding determination to meet the needs of Georgia's residents.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 765

Whereas the State of Georgia has been hit by days of unusually strong storms that have resulted in downpours and flooding, beginning on September 18, 2009;

Whereas numerous Georgia rivers and creeks, including the Chattooga and Chattahoochee Rivers and Chickamauga Creek, swollen by days of rain, have overtopped their banks, creating a dangerous and deadly situation for nearby residents;

Whereas the storms and floods have taken human lives;

Whereas the floodwater has destroyed homes, flooded roadways, including major highways, compromised drinking water, severely damaged plumbing systems, and caused significant damage to homes and businesses;

Whereas on September 21, 2009, Georgia Governor Sonny Perdue declared a state of emergency in 17 counties, including Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Crawford, DeKalb, Douglas, Forsyth, Fulton, Gwinnett, Newton, Paulding, Rockdale, Stephens, and Walker Counties;

Whereas the National Weather Service estimated that between 15 and 22 inches of rain have fallen in the metropolitan Atlanta counties of Gwinnett, Douglas, and Paulding between September 18 and 21, 2009;

Whereas the rains have broken a 130-year-old record at Hartsfield-Jackson International Airport;

Whereas hundreds of Georgians have been evacuated from their homes and over 300 people are seeking refuge in shelters;

Whereas the Governor estimates that over 1,000 residences are seriously flooded;

Whereas the weather has closed schools in several counties;

Whereas as many as tens of thousands of people have been without power in metropolitan Atlanta;

Whereas search and rescue operations are continuing in several counties where the water continues to rise;

Whereas the Georgia Emergency Management Agency has coordinated with local emergency personnel and has worked tirelessly to protect human lives and rescue those threatened by the floods;

Whereas the Georgia Emergency Management Agency continues to facilitate requests for assistance from citizens and first responders all across the State of Georgia;

Whereas the Georgia Emergency Management Agency and other first responders have acted valiantly in life safety response operations, including delivering sandbags and

rescuing people trapped in their cars and homes from the floodwater;

Whereas the Federal Emergency Management Agency has activated its national and regional response coordination centers and is working closely with the State of Georgia to monitor the response efforts and identify and respond to any immediate emergency needs for the citizens and communities of the State that are impacted by these devastating floods; and

Whereas volunteers are giving their time to help ensure that evacuees are sheltered, clothed, fed, and comforted through this traumatic event: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) offers its deepest sympathy and condolences to the families of those who lost their lives in the flooding in the State of Georgia;

(2) expresses its condolences to the families who lost their homes and other property in the floods;

(3) expresses gratitude and appreciation to the people of the State of Georgia and the surrounding States, who continue to work to protect people from the still rising floodwaters;

(4) expresses its support as the Federal Emergency Management Agency continues its efforts to respond to any needs of the citizens and communities affected by the flooding; and

(5) honors the emergency responders, within and beyond metropolitan Atlanta and the State of Georgia, for their bravery and sacrifice during this tragedy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

##### GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 765.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H. Res. 765.

We have come to this floor many times over the past 2½ years with resolutions to express our condolences for victims of the ravages of nature, to the first responders, to the families of the victims, and we are here again in the wake of unprecedented flooding in Georgia following on an extraordinary period of drought in that State.

This tragic disaster, the complete toll for which has yet to be calculated, is a reminder that amidst all of our concern for homeland security, as my good friend, former chairman of the Committee on Transportation and Infrastructure, DON YOUNG said many times, we face that tragedy every year with disasters in the form of nature's ravages upon our countryside, and we are here and we meet again today to thank the men and women who serve

the Nation, serve the State of Georgia and the people of that State as police officers, firefighters, emergency managers, emergency medical personnel, who every day place themselves in danger to save the lives of their fellow citizens. Not only in Georgia but all over this country, we all see it, each of us in our districts.

When tragedy comes calling, whether an emergency medical problem facing a neighbor or large-scale natural disaster, the Nation's emergency responders, our charitable organizations, are the first ones on the scene to provide their professional help and their comfort and their support. They are well-trained, highly skilled people on the front lines within this country responding to the needs of people and also responding to mitigate the damage and the ravage of natural disasters.

This is also National Preparedness Month, and while the devastation in Georgia and surrounding States is tragic, this is an opportunity for us to think in a broader context of all of the types of disasters, whether fire on the west coast in California or flood on the east coast, are constantly a threat to our fellow citizens.

Mr. Speaker, at this point I yield to the gentleman from Georgia (Mr. LEWIS) such time as he may consume.

Mr. LEWIS of Georgia. Mr. Speaker, I rise to thank Chairman OBERSTAR and members of the Transportation and Infrastructure Committee for moving with all deliberate speed to bring this resolution to the floor today.

As many of you know, for the past week it has been raining all over the State of Georgia. In some parts of the State, the rain has been devastating. I offer this resolution with my colleagues from the State of Georgia to express my sincerest sympathies to the families of those who have lost their loved ones in the floods. This is a terrible tragedy for the people of the State of Georgia. Some families have lost their homes; they have lost everything.

I am deeply concerned about the damage this flooding has caused to homes and businesses, to roads and bridges. Some schools in the State remain closed, and at least one school has been destroyed. The Governor is estimating that the damage will rise into the hundreds of millions of dollars, and that is based on what can be seen. Many areas are still underwater, and we hear that the rain is not yet over.

I appeal to the citizens of Georgia to be careful as you move around. It is impossible to know how deep the waters are or how fast they are moving.

Finally, I want to thank all of the emergency personnel for all of their hard work in protecting people from the dangers of the floodwaters.

I know that my colleagues join me in my commitment to working with the

State, city and county officials, as well as FEMA and the Federal Government, to ensure that the State of Georgia has everything it needs to protect human life and to help our citizens rebuild and recover from these unbelievable waters, this unbelievable flood.

Mr. Speaker, I urge all Members of this body to support this resolution.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

This resolution would express the condolences of this Congress to the families of those tragically lost during the storms and floods that hit Georgia earlier this week. As our distinguished chairman explained earlier, it would also serve to recognize and remind the American people of the work of the emergency responders, the first responders during this disaster and, frankly, during all disasters.

Earlier this week, those storms hit part of the Southeast, soaking the region for days. In many cases it is still going on and causing significant flooding. Those rains caused severe flooding, destroying bridges and forcing hundreds and hundreds of people to be evacuated. Unfortunately, those same floodwaters caused a number of tragic deaths, including the death of a 2-year-old boy.

We Floridians, unfortunately, know all too well what kind of devastation a storm like this can cause.

□ 1300

We also have been able to see firsthand the first responders and other emergency personnel and the Red Cross, how they continuously work tirelessly, as they are doing right now as we speak, to respond in the aftermath to those who are hurting and suffering still.

So I do think that it is very fitting to remember those lives that have been lost, tragically lost, and to once again express our deep profound gratitude to those involved in the response and the recovery effort.

I also want to thank the distinguished chairman of the committee, Mr. OBERSTAR, for bringing this up so quickly. I support passage of the resolution and urge my colleagues to do the same.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. I thank the gentleman for yielding.

Yesterday, I visited the sections in my congressional district that were affected by the floods that were brought on by the torrential rains that our State has experienced. I was accompanied on that visit by county commissioners and other State and local officials.

Having seen the devastation that has been brought on by these rising waters, I am pleased to join with my other col-

leagues from Georgia in urging President Obama to declare portions of Georgia, including three counties in my congressional district, to be Federal disaster areas. I was deeply moved by the flood damage that was caused in the counties of Catoosa, Forsyth and Walker that are in my district. Chickamauga Creek was nearing its crest, and there are a number of homes and businesses that are now covered or partially covered by deep, muddy water.

Unfortunately, many of those who are affected by this are not covered by the standard insurance policies, and therefore they are going to be left without any help other than the help already being provided by churches and civic organizations and other parts of our community as they respond to the needs of their fellow citizens. Therefore, I urge the President to begin the process immediately of providing Federal assistance.

Citizens of Georgia have always been willing to respond when disaster strikes, and many of our citizens have gone to other parts of the country when hurricanes had hit. I know that as this water subsides there will be organized volunteers who will come to the aid of the citizens in our State.

I am also hopeful that people of faith will continue to join me in praying for those who are hurting for the loss of their loved ones and the loss of their home and their other possessions. We should pray for those who are willing to volunteer during this time of tragedy, sometimes at great risk.

I applaud the work of the local and State emergency responders who have been on duty, both before and after this storm. Public safety agencies have once again risen to the occasion, and I want to extend my thanks to each of them, because many of them have been on duty around the clock. We have so many professionals who work tirelessly to make certain that our communities are safe and that people are rescued when they are in peril, and such is the case in our State today.

Mr. Speaker, I therefore wholeheartedly support this resolution and urge its adoption.

Mr. OBERSTAR. Mr. Speaker, although our Speaker is in line to address us, she has graciously agreed to yield to the gentleman from Georgia.

I yield such time as he may consume to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you so much, Chairman OBERSTAR, and thank you for your graciousness, Madam Speaker, and your offer of help and condolences that you have extended to each member of our Georgia delegation and to all the people of Georgia. We thank you for your concern, and yours, Mr. Chairman.

I certainly rise with a heavy heart. This is an extraordinarily challenging time for the people of my State of



Georgia and certainly for people in my congressional district, for, Mr. Speaker, of the nine persons that have lost their lives so far, six of them have come from my district, and, as a matter of fact, six have come from one county, and that is Douglas County. So our hearts and our prayers go out for all of these families.

Rest assured that this Congress has their thoughts and their needs deep in our bosom at this time of great sacrifice and of great hurt and pain. It is important for the people of Georgia to know that we in Congress are moving swiftly in concert with our President to make sure that this gets the signature of a statement of national emergency and a declaration of emergency, because until that happens, we will not be able to get the funds that are needed.

That is what is of utmost importance now. There are people without homes. There are people without homes without any flood insurance, which means that that would be on their backs to pay for, which many do not have. The estimate of damage is over \$300 million as we speak and continues to grow. So we need to move with all swiftness, with all quick dispatch, to get this Federal aid down and to make sure that the people, particularly in those areas that were hit throughout Metro Atlanta, but also in the areas of Cobb County in my district.

We have been in touch with our county commissions in those areas, with Tom Wortham in Douglas County and the mayor of Douglasville, Mayor Mickey Thompson, who are working feverishly to make sure that they are responding to the needs of our citizens.

So, Mr. Speaker, Mr. Chairman, all the Members of the Congress, we certainly appreciate the condolences, and we appreciate the care and the sincerity that this Congress is expressing to the people of Georgia, and we assure the people of Georgia that we will get the help down to them quickly.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), our distinguished Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding and for giving us this opportunity to come to the floor to express on the floor of the House our condolences to the people of Georgia in this very, very sad time.

Thank you, Mr. Chairman, and Members of the Georgia delegation, for calling attention to the serious flooding in Georgia and other parts of the American southeast and again with this resolution to offer our condolences on behalf of all Members of the Congress.

Of course, we offer our condolences to those who lost their lives. We are sad for those who have lost their homes

and their livelihoods. Those lost, as Mr. DAVID SCOTT referenced, include nine people dead, dozens stranded and more than 30,000 without electricity. Those lost included a teenage boy trying to rescue another in danger; a mother of two young children; and a very young child, 2 years old, swept away from his father's arms. When that word came over the TV, my colleagues, all of America wept. It is just so sad. Our hearts ache for those who have lost so much.

But in the emerging sun, what do we see? We see neighbors coming to the aid of neighbors and the tireless work of our first responders.

Members of Congress are being briefed on the ongoing events by our members of the Georgia delegation. Thank you, Mr. LEWIS, for being the author of this resolution. We are all trying to reach out to see what we can do to help individually in conversation and as a Congress.

I know that President Obama will act upon the request that he has just received. He has received the request from Governor Perdue. Now he has received the formal documentation from FEMA, and I am certain that it will be addressed immediately.

The thoughts and prayers of this entire Congress and the people we represent, the American people, are with the people of Georgia today and in these days ahead as we work with them to ensure that they have all that they need. I hope it is some level of comfort to them that their representatives on both sides of the aisle from Georgia have made us fully aware of the direct impact that the rains have had on Georgia. We stand ready to help with whatever we can do officially, but always with what we can do in our prayers.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia (Mr. JOHNSON), whose district also covers a great portion of the area ravaged by the floods.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman.

Mr. Speaker, my constituents are suffering greatly this week. In just 72 hours, the Atlanta metropolitan area has received 15 to 22 inches of relentless rain, causing widespread flooding, numerous deaths and hundreds of millions of dollars of property damage.

I rise today, Mr. Speaker, to express my deepest concern for the victims of this terrible flood, to join Governor Perdue in urging the President to declare an emergency for the State of Georgia, and to urge passage of the resolution before us.

Sponsored by my colleague, Congressman JOHN LEWIS of Atlanta, this resolution will offer our sympathy to flood victims and our gratitude to

those heroes who have worked tirelessly to protect people from the floodwaters.

I know that Speaker PELOSI is doing everything that she can to assist the people of Georgia, and for that I thank her. As a matter of fact, as early as yesterday morning she was on the phone with each of us to express her concerns and to also pledge any assistance that she could give. So we appreciate that.

Governor Perdue and President Obama have been on the phone coordinating efforts to deal with this national disaster. I applaud the Governor for the State's competent and effective response, and I join him in urging our President to make available Federal funds to supplement Georgia's efforts to mitigate the effects of the flood.

Mr. Speaker, my constituents and all the residents of flooded areas in the American South have shown tremendous courage in the face of washed-out roads, destroyed homes and treacherous conditions. Let us pass this resolution as a small token of our empathy and support.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I have no further speakers and yield back my time.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 765.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1315

#### PROVIDING FOR CONSIDERATION OF H.R. 324, SANTA CRUZ VALLEY NATIONAL HERITAGE AREA ACT

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 760 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 760

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 324) to establish the Santa Cruz Valley national Heritage Area, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered

as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 760.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself as much time as I may consume.

House Resolution 760 provides for the consideration of House Resolution 324, the Santa Cruz Valley National Heritage Area Act. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill, except for clause 9 and clause 10 of rule XXI. Mr. Speaker, the rule also provides for the adoption of an amendment printed in the Rules Committee report to clarify that the bill does not in any way modify, alter or amend any border enforcement authority. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the bill before us today, H.R. 324, designates the Santa Cruz Valley region of southern Arizona as a National Heritage Area. The Santa Cruz Valley is one of America's longest inhabited regions, with traces of human occupation extending back more than 12,000 years. The region was at the center of centuries of Native American cultural history. It also served as a corridor of Spanish exploration, colonization, missionary activity, as well as a frontier of Mexican and early American mining, ranching and agriculture.

The heritage area includes two national parks, two national historic trails, four State parks, six county parks, four major lakes, two designated scenic highways, and hundreds of miles of back-country trails and urban bike-ways. It also includes 32 museums, 28 districts, 102 individual buildings listed on the National Register of Historic

Places, as well as dozens of prehistoric and historic archaeological sites. A July 2005 study by the Center for Desert Archaeology, on which the bill is based, examined the many resources in the region. The National Park Service reviewed the study and found that the area meets the 10 criteria for proposed heritage areas.

Designating the Santa Cruz Valley as a heritage area allows the Park Service to support the State and local conservation efforts through Federal recognition, seed money and technical assistance. This simply means that local groups will have the resources they need to educate the public about the historic, cultural and natural value of the area.

I would like to commend my good friends, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Arizona (Ms. GIFFORDS), for bringing this legislation to the floor today so that we can ensure that America's history and natural wonderment is protected for future generations.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

I rise today to urge my colleagues to vote against the rule for the bill H.R. 324, the Santa Cruz Valley National Heritage Area Act, a bill that has already failed when it was offered under suspension earlier this month.

It disappoints me to have to come here and urge opposition to this rule for a bill offered by my colleague Congressman GRIJALVA. However, there are many reasons to oppose this bill coming to the floor. The bill failed by a vote of 249-145 just 2 weeks ago. It is a waste of our constituents' time to bring this bill forward again under a rule and take up legislative time to debate something that has already been voted down, especially since the bill did not go through the committee.

I also learned yesterday in the Rules Committee that this bill was a part of S. 22, the Omnibus Public Land Management Act of 2009, but it was taken out by the Senate, which is not a good omen for the bill when it goes to the Senate.

When I was in North Carolina over the August recess, my constituents expressed many concerns with Congress in what's going on in Washington. The Democrats in charge are not allowing us to accomplish the work that our constituents elected us to do. Instead, this Congress is borrowing and spending money that we do not have at a rate our country has never seen. While our constituents at home are tightening their belts and struggling to find ways to put food on their kitchen tables, Congress is blindly writing checks for unnecessary measures that do nothing but increase the size of the Federal Government and put our country in debt to foreign nations.

This bill authorizes another \$15 million in taxpayer dollars to seize 3,325

square miles of land for control by the Federal Government, some of which is private property. The designation in this bill could lead to restrictive Federal zoning and land use planning that usurps private property rights and blocks necessary energy development. National Heritage Areas are comprised of both public and private lands and are administered by a central managing entity, which includes the Federal Government and Federal funds. The managing entity has the power to regulate zoning and place other restrictions across local government jurisdictions. This means Federal management plans can restrict our residential and commercial property owners to make use of their private property without any notice or warning.

The National Park Service currently has billions of dollars in maintenance backlogs. Earlier this year, Congress passed S. 22, the Omnibus Public Land Management Act of 2009. It created 10 new National Heritage Areas at a cost of \$103.5 million. The Santa Cruz Valley National Heritage Area Act locks up even more land, infringes on more private property rights, and spends more taxpayer dollars to add yet another heritage area to a system already overburdened.

Furthermore, the proposed 3,325-square-mile heritage area in Arizona is located in the most heavily trafficked drug and human trafficking area along the U.S. border. The U.S. Border Patrol already experiences major difficulties and obstacles patrolling Federal lands. Designating this heritage area along the border would add even more complications to their ability to prevent illegal drug trafficking and crossings. Creating more obstacles for the U.S. Border Patrol is detrimental to our ability to get illegal immigration and drug trafficking under control and represents irresponsible governing.

Mr. Speaker, the U.S. national debt stands at \$11.8 trillion and counting. The nonpartisan Congressional Budget Office has predicted that huge deficits under the Obama administration's annual budget would force our Nation to borrow nearly \$9.3 trillion over the next decade. This year's deficit alone is expected to soar past \$1.8 trillion. We borrow 50 cents for every dollar we spend. The time to rein in Federal spending is long overdue. Voting down this rule will take one small step in harnessing the Federal Government's spending as well as the Federal Government's increasing control of private land. This Pelosi-controlled Congress seems intent on putting the government in control of every aspect of our lives—education, health care and private property.

Again, Mr. Speaker, I urge a "no" vote on the rule and on the bill.

Having no further speakers, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I would like to say in response and in my close

that this bill, in fact, does not regulate zoning, as the gentlelady indicated. It does not have any effect on private property rights. In fact, I'm told that the entire State of Tennessee is part of a heritage area, and we would not think of the entire State of Tennessee as being affected with private property rights effects.

I would submit to you that we would know, just from that designation alone, that it is similar to this one that we are passing today, that the citizens of Tennessee are not affected in their private property rights with that heritage area designation. This bill is subject to appropriation, a \$15 million maximum over 15 years, that would have to be voted on by the Appropriations Committee, then subject to appropriation in both the House and the Senate, subject to signature by the President.

Mr. Speaker, National Heritage Area designations have no regulatory consequences whatsoever. This bill specifically says that nothing in it diminishes the authority of the State to regulate fishing, hunting and the management of fish and wildlife. It includes extensive protections for private property owners and prohibits the use of Federal funds received under the act for land acquisition. It would in no way have any impact on border protection and any other law enforcement effort. Additionally, the language was self-executed in the rule which specifically states that nothing in the bill modifies, alters or amends any other border enforcement authority.

The gentlelady indicated that the bill failed. The bill failed under a two-thirds requirement. In fact, it got well over 240 votes to 140 votes in the negative. The bill got 100 votes more than a majority. I think this bill has tremendous support on this floor. In fact, it has tremendous support in the State of Arizona. It's a good measure, and I believe it will pass overwhelmingly when it comes back under a rule in this House.

Mr. Speaker, I would ask that we support this bill. As I said earlier, this bill is not only important to our Nation's history, it is also important that America's most treasured resources are protected for future generations. It deserves the strong support of my colleagues on both sides of the aisle.

Mr. Speaker, I urge a "yes" vote on the rule and on the previous question.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 760 will be followed by 5-minute votes on suspending the rules with regard to House Resolution 765, H.R. 2215, if ordered, and H.R. 3614.

The vote was taken by electronic device, and there were—yeas 244, nays 177, not voting 11, as follows:

[Roll No. 723]

YEAS—244

Ackerman	Grijalva	Murphy (CT)
Adler (NJ)	Gutierrez	Murphy (NY)
Andrews	Hall (NY)	Murphy, Patrick
Arcuri	Halvorson	Murtha
Baca	Hare	Nadler (NY)
Baird	Harman	Napolitano
Baldwin	Hastings (FL)	Neal (MA)
Barrow	Heinrich	Nye
Bean	Herseth Sandlin	Oberstar
Becerra	Higgins	Obey
Berkley	Himes	Oliver
Berman	Hinchev	Ortiz
Berry	Hinojosa	Pallone
Bishop (GA)	Hirono	Pascarell
Bishop (NY)	Hodes	Pastor (AZ)
Blumenauer	Holden	Payne
Boccieri	Holt	Perriello
Boren	Honda	Peters
Boswell	Hoyer	Peterson
Boucher	Inslee	Pingree (ME)
Boyd	Israel	Polis (CO)
Brady (PA)	Jackson (IL)	Pomeroy
Braley (IA)	Jackson-Lee	Price (NC)
Bright	(TX)	Quigley
Brown, Corrine	Johnson (GA)	Rahall
Butterfield	Johnson, E. B.	Rangel
Capps	Kagen	Reichert
Cardoza	Kanjorski	Reyes
Carnahan	Kaptur	Richardson
Carney	Kennedy	Rodriguez
Carson (IN)	Kildee	Ross
Castor (FL)	Kilpatrick (MI)	Rothman (NJ)
Chandler	Kilroy	Roybal-Allard
Chu	Kind	Ruppersberger
Clarke	Kirkpatrick (AZ)	Rush
Clay	Kissell	Ryan (OH)
Cleaver	Klein (FL)	Salazar
Clyburn	Kosmas	Sanchez, Linda
Cohen	Kratovil	T.
Connolly (VA)	Kucinich	Sanchez, Loretta
Conyers	Langevin	Sarbanes
Cooper	Larsen (WA)	Schakowsky
Costa	Larson (CT)	Schauer
Costello	Lee (CA)	Schiff
Courtney	Levin	Schrader
Crowley	Lewis (GA)	Schwartz
Cuellar	Lipinski	Scott (GA)
Cummings	Loeb sack	Scott (VA)
Dahlkemper	Lofgren, Zoe	Serrano
Davis (AL)	Lowe	Sestak
Davis (CA)	Lujan	Shea-Porter
Davis (IL)	Lynch	Sherman
Davis (TN)	Maffei	Sires
DeFazio	Maloney	Skelton
DeGette	Markey (CO)	Smith (WA)
DeLauro	Markey (MA)	Snyder
Dicks	Marshall	Space
Dingell	Massa	Speier
Doggett	Matheson	Spratt
Donnelly (IN)	Matsui	Stark
Driehaus	McCarthy (NY)	Stupak
Edwards (MD)	McCollum	Sutton
Edwards (TX)	McDermott	Tanner
Ellison	McGovern	Taylor
Ellsworth	McIntyre	Teague
Engel	McMahon	Thompson (CA)
Eshoo	McNerney	Thompson (MS)
Etheridge	Meek (FL)	Tierney
Farr	Meeks (NY)	Titus
Filner	Melancon	Tonko
Frank (MA)	Michaud	Towns
Fudge	Miller (NC)	Tsongas
Giffords	Miller, George	Van Hollen
Gonzalez	Minnick	Velázquez
Gordon (TN)	Mitchell	Visclosky
Grayson	Mollohan	Walz
Green, Al	Moore (KS)	Wasserman
Green, Gene	Moore (WI)	Schultz
Griffith	Moran (VA)	Waters

Watson	Welch	Wu
Watt	Wexler	Yarmuth
Waxman	Wilson (OH)	
Weiner	Woolsey	

NAYS—177

Aderholt	Fox	Miller (MI)
Akin	Franks (AZ)	Miller, Gary
Alexander	Frelinghuysen	Moran (KS)
Altmire	Gallely	Murphy, Tim
Austria	Garrett (NJ)	Myrick
Bachmann	Gerlach	Neugebauer
Bachus	Gingrey (GA)	Nunes
Bartlett	Gohmert	Olson
Barton (TX)	Goodlatte	Paul
Biggart	Granger	Paulsen
Bilbray	Graves	Pence
Bilirakis	Guthrie	Petri
Bishop (UT)	Hall (TX)	Pitts
Blackburn	Harper	Platts
Blunt	Hastings (WA)	Poe (TX)
Boehner	Heller	Posey
Bonner	Hensarling	Price (GA)
Bono Mack	Herger	Putnam
Boozman	Hill	Rehberg
Boustany	Hoekstra	Roe (TN)
Brady (TX)	Hunter	Rogers (AL)
Brown (GA)	Inglis	Rogers (KY)
Brown (SC)	Issa	Rogers (MI)
Brown-Waite,	Jenkins	Rohrabacher
Ginny	Johnson (IL)	Rooney
Buchanan	Johnson, Sam	Ros-Lehtinen
Burgess	Jones	Roskam
Burton (IN)	Jordan (OH)	Royce
Buyer	King (IA)	Ryan (WI)
Calvert	King (NY)	Scalise
Camp	Kingston	Schmidt
Campbell	Kirk	Schock
Cantor	Kline (MN)	Sensenbrenner
Cao	Lamborn	Sessions
Capito	Lance	Shadegg
Carter	Latham	Shimkus
Cassidy	LaTourette	Shuler
Castle	Latta	Shuster
Chaffetz	Lee (NY)	Simpson
Childers	Lewis (CA)	Smith (NE)
Coble	Linder	Smith (TX)
Coffman (CO)	LoBiondo	Souder
Cole	Lucas	Stearns
Conaway	Luetkemeyer	Sullivan
Crenshaw	Lummis	Terry
Culberson	Lungren, Daniel	Thompson (PA)
Davis (KY)	E.	Thornberry
Deal (GA)	Mack	Tiahrt
Dent	Manzullo	Tiberi
Diaz-Balart, L.	Marchant	Turner
Diaz-Balart, M.	McCarthy (CA)	Upton
Dreier	McCaul	Walden
Duncan	McClintock	Wamp
Ehlers	McCotter	Westmoreland
Emerson	McHenry	Whitfield
Fallin	McKeon	Wilson (SC)
Flake	McMorris	Wittman
Fleming	Rodgers	Wolf
Fortenberry	Mica	Young (AK)
Foster	Miller (FL)	Young (FL)

NOT VOTING—11

Abercrombie	Doyle	Radanovich
Barrett (SC)	Fattah	Slaughter
Capuano	Forbes	Smith (NJ)
Delahunt	Perlmutter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1354

Ms. FALLIN, Messrs. ROE of Tennessee, HALL of Texas, and POE of Texas changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 723, had I been present, I would have voted "yea."

Mr. PERLMUTTER. Mr. Speaker, on rollcall No. 723, I was unavoidably detained and missed the vote on House Resolution 760. Had I been present, I would have voted "yea."

### EXTENDING CONDOLENCES TO VICTIMS OF GEORGIA FLOODS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 765, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 765.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 724]

YEAS—421

Ackerman	Capito	Engel
Aderholt	Capps	Eshoo
Adler (NJ)	Cardoza	Etheridge
Akin	Carnahan	Fallin
Alexander	Carney	Farr
Altmire	Carson (IN)	Fattah
Andrews	Carter	Filner
Arcuri	Cassidy	Flake
Austria	Castle	Fleming
Baca	Castor (FL)	Fortenberry
Bachmann	Chaffetz	Foster
Bachus	Chandler	Fox
Baird	Childers	Frank (MA)
Baldwin	Chu	Franks (AZ)
Barrow	Clarke	Frelinghuysen
Bartlett	Clay	Fudge
Barton (TX)	Cleaver	Gallegly
Bean	Clyburn	Garrett (NJ)
Becerra	Coble	Gerlach
Berkley	Coffman (CO)	Giffords
Berman	Cohen	Gingrey (GA)
Berry	Cole	Gohmert
Biggert	Conaway	Gonzalez
Blibray	Connolly (VA)	Goodlatte
Bilirakis	Conyers	Gordon (TN)
Bishop (GA)	Cooper	Granger
Bishop (NY)	Costa	Graves
Bishop (UT)	Costello	Grayson
Blackburn	Courtney	Green, Al
Blumenauer	Crenshaw	Green, Gene
Blunt	Crowley	Griffith
Boccheri	Cuellar	Grijalva
Boehner	Culberson	Guthrie
Bonner	Cummings	Gutierrez
Bono Mack	Dahlkemper	Hall (NY)
Boozman	Davis (AL)	Hall (TX)
Boren	Davis (CA)	Halvorson
Boswell	Davis (IL)	Hare
Boucher	Davis (KY)	Harman
Boustany	Davis (TN)	Harper
Boyd	Deal (GA)	Hastings (FL)
Brady (PA)	DeFazio	Hastings (WA)
Bright	DeGette	Heinrich
Braley (IA)	DeLauro	Heller
Brown (GA)	Dent	Hensarling
Brown (SC)	Diaz-Balart, L.	Hergert
Brown, Corrine	Diaz-Balart, M.	Herseth Sandlin
Brown-Waite,	Dicks	Higgins
Ginny	Dingell	Hill
Buchanan	Doggett	Himes
Burgess	Donnelly (IN)	Hinche
Burton (IN)	Dreier	Hinojosa
Butterfield	Drieaus	Hiron
Buyer	Duncan	Hodes
Calvert	Edwards (MD)	Hoekstra
Camp	Edwards (TX)	Holden
Campbell	Ehlers	Holt
Cantor	Ellison	Honda
Cao	Ellsworth	Hoyer
	Emerson	Hunter

Inglis	McNerney	Sarbanes
Inslee	Meek (FL)	Scalise
Israel	Meeks (NY)	Schakowsky
Issa	Melancon	Schauer
Jackson (IL)	Mica	Schiff
Jackson-Lee	Michaud	Schmidt
(TX)	Miller (FL)	Schock
Jenkins	Miller (MI)	Schrader
Johnson (GA)	Miller (NC)	Schwartz
Johnson (IL)	Miller, Gary	Scott (GA)
Johnson, E. B.	Miller, George	Scott (VA)
Johnson, Sam	Minnick	Sensenbrenner
Jones	Mitchell	Serrano
Jordan (OH)	Mollohan	Sessions
Kagen	Moore (KS)	Sestak
Kanjorski	Moore (WI)	Shadegg
Kaptur	Moran (KS)	Shea-Porter
Kennedy	Moran (VA)	Sherman
Kildee	Murphy (NY)	Shimkus
Kilpatrick (MI)	Murphy, Patrick	Shuler
Kilroy	Murphy, Tim	Shuster
Kind	Murtha	Simpson
King (IA)	Myrick	Sires
King (NY)	Nadler (NY)	Skelton
Kingston	Napolitano	Slaughter
Kirk	Neal (MA)	Smith (NE)
Kirkpatrick (AZ)	Neugebauer	Smith (TX)
Kissell	Nunes	Smith (WA)
Klein (FL)	Nye	
Kline (MN)	Oberstar	
Kosmas	Obey	
Kratovil	Olson	
Kucinich	Olver	
Lamborn	Ortiz	
Lance	Pallone	
Langevin	Pascarell	
Larsen (WA)	Pastor (AZ)	
Larson (CT)	Paul	
Latham	Paulsen	
LaTourette	Payne	
Latta	Pence	
Lee (CA)	Perlmutter	
Lee (NY)	Perriello	
Levin	Peters	
Lewis (CA)	Peterson	
Lewis (GA)	Petri	
Linder	Pitts	
Lipinski	Platts	
LoBiondo	Poe (TX)	
Loeb sack	Polis (CO)	
Lofgren, Zoe	Pomerooy	
Lowe y	Posey	
Lucas	Price (GA)	
Luetkemeyer	Price (NC)	
Lujan	Putnam	
Lummis	Quigley	
Lungren, Daniel	Rahall	
E.	Rangel	
Lynch	Rehberg	
Mack	Reichert	
Maffei	Reyes	
Maloney	Richardson	
Manzullo	Rodriguez	
Marchant	Roe (TN)	
Markey (CO)	Rogers (AL)	
Markey (MA)	Rogers (KY)	
Marshall	Rogers (MI)	
Massa	Rohrabacher	
Matheson	Rooney	
Matsui	Ros-Lehtinen	
McCarthy (CA)	Roskam	
McCarthy (NY)	Ross	
McCaul	Rothman (NJ)	
McClintock	Roybal-Allard	
McCollum	Royce	
McCotter	Ruppersberger	
McDermott	Rush	
McGovern	Ryan (OH)	
McHenry	Ryan (WI)	
McIntyre	Salazar	
McKeon	Sánchez, Linda	
McMorris	T.	
Rodgers	Sanchez, Loretta	

NOT VOTING—11

Abercrombie	Doyle	Pingree (ME)
Barrett (SC)	Forbes	Radanovich
Capuano	McMahon	Smith (NJ)
Delahunt	Murphy (CT)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in the vote.

□ 1402

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCMAHON. Mr. Speaker, on rollcall No. 724, had I been present, I would have voted "yea."

### JOHN J. SHIVNEN POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2215.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2215.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 9, as follows:

[Roll No. 725]

AYES—423

Ackerman	Brady (PA)	Connolly (VA)
Aderholt	Brady (TX)	Conyers
Adler (NJ)	Braley (IA)	Cooper
Akin	Bright	Costa
Alexander	Brown (GA)	Costello
Altmire	Brown (SC)	Courtney
Andrews	Brown, Corrine	Crenshaw
Arcuri	Brown-Waite,	Crowley
Austria	Ginny	Cuellar
Baca	Buchanan	Culberson
Bachmann	Burgess	Cummings
Bachus	Burton (IN)	Dahlkemper
Baird	Butterfield	Davis (AL)
Baldwin	Buyer	Davis (CA)
Barrow	Calvert	Davis (IL)
Bartlett	Camp	Davis (KY)
Barton (TX)	Campbell	Davis (TN)
Bean	Cao	Deal (GA)
Becerra	Capito	DeFazio
Berkley	Capps	DeGette
Berman	Cardoza	DeLauro
Berry	Carnahan	Dent
Biggert	Carney	Diaz-Balart, L.
Bilbray	Carson (IN)	Diaz-Balart, M.
Bilirakis	Carter	Dicks
Bishop (GA)	Cassidy	Dingell
Bishop (NY)	Castle	Doggett
Bishop (UT)	Castor (FL)	Donnelly (IN)
Blackburn	Chaffetz	Dreier
Blumenauer	Chandler	Drieaus
Blunt	Childers	Duncan
Boccheri	Chu	Edwards (MD)
Boehner	Clarke	Edwards (TX)
Bonner	Clay	Ehlers
Bono Mack	Cleaver	Ellison
Boozman	Clyburn	Ellsworth
Boren	Coble	Emerson
Boswell	Coffman (CO)	Engel
Boucher	Cohen	Eshoo
Boustany	Cole	Etheridge
Boyd	Conaway	Fallin

Farr  
Fattah  
Filner  
Flake  
Fleming  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Hereth Sandlin  
Higgins  
Hill  
Himes  
Hincley  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E.B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette

Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)

Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skeltion  
Slaughter  
Smith (NE)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz

Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
  
Abercrombie  
Barrett (SC)  
Cantor

## NOT VOTING—9

Capuano  
Delahunt  
Doyle

□ 1410

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SMALL BUSINESS  
ADMINISTRATION EXTENSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3614, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 3614.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 2, not voting 13, as follows:

[Roll No. 726]

YEAS—417

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Berkley  
Berman  
Berry  
Biggett  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boccieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)

Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Childers  
Chu  
Clarke  
Clay  
Clever  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Courschaw  
Crowley  
Cuellar

Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Fleming  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)

Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Hereth Sandlin  
Higgins  
Hill  
Himes  
Hincley  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E.B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette

Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)

Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skeltion  
Slaughter  
Smith (NE)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NAYS—2

Flake

Paul

## NOT VOTING—13

Abercrombie	Delahunt	Ros-Lehtinen
Barrett (SC)	Doyle	Shadegg
Becerra	Forbes	Smith (NJ)
Capuano	Poe (TX)	
Chandler	Radanovich	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1416

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CHANDLER. Mr. Speaker, on rollcall 726, had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, I regret that I missed rollcall vote Nos. 720–726. Had I been present, I would have voted "aye" on all rollcall votes.

## SANTA CRUZ VALLEY NATIONAL HERITAGE AREA ACT

Mr. GRIJALVA. Mr. Speaker, pursuant to House Resolution 760, I call up the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to House Resolution 760, the amendment printed in House Report 111–263 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

## H.R. 324

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Santa Cruz Valley National Heritage Area Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.
Sec. 4. Designation of Santa Cruz Valley National Heritage Area.
Sec. 5. Management plan.
Sec. 6. Evaluation; report.
Sec. 7. Local coordinating entity.
Sec. 8. Relationship to other Federal agencies.
Sec. 9. Private property and regulatory protections.
Sec. 10. Authorization of appropriations.
Sec. 11. Use of Federal funds from other sources.
Sec. 12. Sunset for grants and other assistance.

## SEC. 2. PURPOSES.

The purposes of this Act include—

(1) to establish the Santa Cruz Valley National Heritage Area in the State of Arizona;

(2) to implement the recommendations of the "Alternative Concepts for Commemorating Spanish Colonization" study completed by the National Park Service in 1991, and the "Feasibility Study for the Santa Cruz Valley National Heritage Area" prepared by the Center for Desert Archaeology in July 2005;

(3) to provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region and to conserve the region's heritage while continuing to pursue compatible economic opportunities;

(4) to assist communities, organizations, and citizens in the State of Arizona in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.

## SEC. 3. DEFINITIONS.

In this Act:

(1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Santa Cruz Valley National Heritage Area established in this Act.

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Santa Cruz Valley Heritage Alliance, Inc., which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this Act.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

## SEC. 4. DESIGNATION OF SANTA CRUZ VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Santa Cruz Valley National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of portions of the counties of Santa Cruz and Pima.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled "Santa Cruz Valley National Heritage Area", and numbered T09/80,000, and dated November 13, 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

## SEC. 5. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this Act; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this Act until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management



plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this Act to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this Act for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this Act.

#### SEC. 6. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal

funding terminates for the National Heritage Area under this Act, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

#### SEC. 7. LOCAL COORDINATING ENTITY.

(a) DUTIES.—To further the purposes of the National Heritage Area, the Santa Cruz Valley Heritage Alliance, Inc., as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this Act;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this Act, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this Act, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this Act to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this Act to acquire any interest in real property.

#### SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area;

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency; or

(4) modifies, alters, or amends any border enforcement authority.

#### SEC. 9. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this Act

not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than \$15,000,000 may be appropriated to carry out this Act.

(c) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity under this Act shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 11. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this Act shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

**SEC. 12. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

**GENERAL LEAVE**

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 324.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 324, legislation I was proud to introduce earlier this year along with my friend and colleague Representative GIFFORDS.

My own history began in the Santa Cruz Valley at the Canoa Ranch where my father worked. My earliest memories are of life in an extraordinary, scenic valley; and they comprise a very important part of who I am today.

H.R. 324 designates the Santa Cruz Valley region of Arizona as a national heritage area. This would allow the National Park Service to support existing and future State and local conservation efforts through Federal recognition, seed money, and technical assistance.

The Santa Cruz Valley is one of America's longest inhabited regions, with traces of human occupation extending back 12,000 years. The region was not only the center of centuries of Native American culture and history but also served as a corridor of Spanish exploration, colonization, and missionary activity; and a frontier of Mexican and early American mining, ranching, and agriculture. Today the valley is a leading center of desert ecology, climate research, astronomy, optics, and archeology.

The historic Spanish missions, presidio fortresses, and ranches are found

throughout the valley. Streets lined with Sonoran-style adobe houses recall the period when the region was part of Mexico. Ghost towns, old mines, territorial-style ranch houses, remnants of the mining and cattle industries date to the 1850s when this area became part of the United States.

The valley sweeps across the Santa Cruz and eastern Pima County, encompassing cactus-covered slopes, open grasslands, rugged canyons, forested mountain ranges rising to more than 9,000 feet, and lush oases created by rare desert streams. That varied landscape provides many different habitats that are home to a diversity of plant and animal life, including tropical species, unique desert species, and mountaintop survivors from the Ice Age.

The heritage area designated by H.R. 324 includes two national parks, four State parks, six large county parks, four major lakes, two designated scenic highways, and several hundred miles of backcountry trails and urban bike-ways.

The Juan Bautista de Anza National Historic Trail, designated by Congress in 1990, runs along the Santa Cruz River for the length of the heritage area. The Butterfield Overland Dispatch Trail also crosses the valley. Also included are 32 museums, as well as 28 districts and 102 individual buildings listed on the National Register of Historic Places, and dozens of prehistoric and historic archeological sites.

A July 2005 study by the Center for Desert Archaeology, on which the bill is based, examined the many resources of the region and found that the area meets the 10 criteria set forth by the National Park Service for proposed heritage areas.

H.R. 324 designates the area; sets out the duties of the management organization and the requirements for a management plan; requires the Secretary of the Interior to approve or disapprove of the plan within 180 days; provides criteria for judging that plan; allows the Secretary to provide technical assistance and grants; and authorizes \$15 million over 15 years, with no more than \$1 million to be appropriated in any fiscal year. All Federal funds must be matched by contributions from non-Federal sources. The bill includes extensive protections for private property owners and prohibits the use of Federal lands received under the act for land acquisition.

H.R. 324 is strongly supported throughout the Santa Cruz Valley. All incorporated local governments have supported it and have given this proposal their formal support. Other supporters include two Native American tribes, chambers of commerce and other civic organizations, the Arizona Office of Tourism and other tourism councils, the Southern Arizona Home Builders Association, conservation

groups and developers, and many other businesses and individuals.

Mr. Speaker, at this point I would like to say a few words about the heritage areas in general. This is a well-established, well-tested program that has been operating for 25 years. There are 49 heritage areas running in 29 States. Well over 50 million people live, work, and recreate inside the national heritage area.

Mr. Speaker, the National Park Service and the Alliance of National Heritage Areas commissioned Michigan State University to study the economic impacts of the national heritage area. The study found that just one national heritage area resulted in \$780,000 in wages and salaries; \$1.2 million in value added, mostly from dining and lodging; and created 51 jobs. If you extend this to all the heritage areas, we are talking about hundreds of millions of dollars in economic benefit to local communities and roughly 2,500 jobs.

In closing, Mr. Speaker, let me once again urge my colleagues to support H.R. 324, my bill to help preserve a fascinating area full of history and culture and the wonders of nature.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation raises serious concerns about border security and the private property rights of private landowners by establishing an over 3,300-square-mile—let me repeat that, Mr. Speaker—3,300-square-mile national heritage area that includes land along the Arizona and Mexico border.

Mr. Speaker, House Republicans support the wise and responsible stewardship of Federal lands. We also strongly believe the protection and conservation of natural areas is important. Yet it need not be done at the expense of our homeland security or the private property rights of U.S. citizens.

On the issue of homeland security, some of the most heavily trafficked drug smuggling and human trafficking routes in the United States would be designated as a national heritage area under this bill. To make matters worse, the bill lacks sufficient protections to ensure that border security enforcement, drug interdiction and illegal immigration control is not restricted, is not hindered, and is not impeded by this legislation.

At a time when our borderlands are far from secure, now is simply not the time to place yet another layer of Federal interference in these areas. It is critical that policies meant to conserve natural areas or to preserve or promote unique areas in our Nation do not become corridors for illegal activities that threaten the safety and security of United States citizens.

This Congress must ensure that the responsibilities of the Border Patrol

and the Department of Homeland Security are not undercut by the actions of another agency or Department. This is especially true with the Department of the Interior, which, Mr. Speaker, controls 40 percent of the lands along the southern border.

In response to concerns raised about the lack of border security protections in this bill, the Democrat majority has used their power on the Rules Committee to automatically add meager text to this bill that falls far short of meaningful protection of our border security. This meager text simply states that no border enforcement authority is being modified, altered, or amended.

Well, Mr. Speaker, this leaves the barn door open to the reality that this heritage area designation could restrict, could hinder or impede border enforcement or security authority, including drug interdiction and illegal immigration control.

It also completely fails to address the effects that other existing laws are having over the ability of the Border Patrol and the Department of Homeland Security to achieve operational control of the border.

Instead of addressing the hurdles to border security that exist on public land, this bill, frankly, Mr. Speaker, exacerbates them.

On the issue of property rights, this legislation does include language that expresses support for property protection. I will acknowledge that. However, the bill omits stronger protections that have been included in many of the other recently established heritage areas.

What should be included in this bill is an assurance that the written consent of property owners be acquired before their property is included into the planning activities of the heritage area's management entities. Property owners should also be permitted the choice to opt out of the heritage area's boundaries if they choose.

Now, as I noted, the bill does include language related to private property, and it does say that property owners are allowed to "refrain from participation." Yet, Mr. Speaker, nothing changes the fact that this bill places property owners within a new Federal designation.

□ 1430

It would allow a basis for ambitious Federal land managers to claim that now they have a mandate and millions of Federal dollars to interfere with local decisions affecting the private property of others.

The reality is that there are likely a great number of property owners who have no idea that they are being included in this heritage area designation. After all, Mr. Speaker, we are talking about over 3,300 square miles. This House should insist that the weak and ineffectual provisions of the bill

are strengthened with real and meaningful protections that protect all landowners with the choice to opt out of this designation.

With deep concern, Mr. Speaker, across the country over the growing intrusion of the Federal Government into our daily lives, as evidenced by the debate on health care in this country and private choices of American citizens, great caution and care should be taken to protect the property rights of the thousands and thousands of property owners located within the over 3,300 square-mile heritage area that is being proposed by this legislation.

So, Mr. Speaker, without sufficient protections for private property rights and the security of our southern border from drug smuggling and illegal immigration, I must oppose this legislation. I reserve the balance of my time.

Mr. GRIJALVA. I yield such time as she may consume to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I would like to thank my colleague, Chairman GRIJALVA, for bringing this bill forward.

I rise today in support of H.R. 324, the Santa Cruz Valley National Heritage Act. This bill would designate the area around the Santa Cruz River in southern Arizona as a national heritage area, from Marana in the north down to Patagonia in the south.

By designating this area a national heritage area, the beautiful Santa Cruz Valley region will receive modest Federal support for promoting the area's history, cultural resources, and the indigenous wildlife habitat. This designation will be a valuable tool to promote economic development and tourism in a rural area, in an area that has been hard hit by the downturn in the economy.

Just as important, we will be ensuring that visitors to the Santa Cruz Valley area can learn about this unique watershed that exists there and the diverse societies it has supported throughout hundreds of thousands of years, Native American tribes, descendants of Spanish ancestors, American pioneers, and now, members of a very diverse southern Arizona community.

Unfortunately, this bill has been the subject of much misinformation. Contrary to what some have said, the Santa Cruz Valley does not jeopardize private property rights. In fact, the bill language explicitly protects property rights. The bill also protects public use of federally managed lands. Having participated in and led dozens of meetings in that area, hearing from constituencies from the business community to the environmental community, folks across a broad spectrum, there is very strong support for this legislation. This is why the bill will move forward in a way that is very positive for the people of southern Arizona. I urge a

"yes" vote on H.R. 324 to support preserving Arizona's natural heritage.

Again, I commend the chairman for bringing the bill forward.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the ranking Republican on the House Judiciary Committee, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Washington State and the ranking member of the Natural Resources Committee for yielding.

Mr. Speaker, I oppose this legislation, H.R. 324, because it weakens our border security and, therefore, endangers American lives.

Arizona's border with Mexico has become the focal point of much of the illegal immigration, drug smuggling, and related violence in America. This legislation will adversely impact the ability of DHS to secure part of the border. Designation as a national heritage area can prevent the Border Patrol's access to the land. It could prevent agents from using motorized vehicles or flying helicopters at low altitudes.

Such policies encourage illegal immigration and drug smuggling. The smugglers and illegal immigrants know they have a better chance of eluding capture in these areas than in better enforced border areas.

In addition, the bill will have the exact opposite effect of its stated purpose "to conserve the region's heritage" since smugglers and illegal immigrants often cause environmental damage. They abandon huge volumes of trash and debris. Preventing Border Patrol agents from accessing these areas will only allow this environmental destruction to continue.

I understand that language has been added in an effort to address the concerns that have been raised, but the language is ambiguous and will invite lawsuits. It does not ensure that law enforcement officials will have access to the land and be able to secure the border.

Mr. Speaker, for that reason, we should oppose this legislation.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the chairman of the full Resources Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I rise in strong support of the measure that is sponsored by our good friend from Arizona, the chairman of the National Parks, Forest and Public Lands Subcommittee, Representative GRIJALVA. I also rise, as I have said, and as I have done time and time and time again, to point out that the claim that national heritage areas harm the rights of private property owners is utterly false. F-A-L-S-E. Utterly false.

As Chairman GRIJALVA has already pointed out, H.R. 324 contains the extensive property rights protections included in every heritage area which has

passed the House in recent years under both Democratic and Republican majorities, and signed into law by both Republican and Democratic Presidents.

So I would urge my colleagues to simply read the bill. On page 16, starting on line 4, it states, and I quote, "Nothing," N-O-T-H-I-N-G, "in this Act (1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area."

Furthermore, the bill makes clear that private property owners may not be forced to provide access to the public or any government agency, and the bill does not alter or expand any existing land use or other regulatory authority. These provisions cover every possible contingency however far-fetched that the minority may dream up.

Let's look at the facts one more time. National heritage areas have been around for 25 years. Ronald Reagan signed the first one into law. Today we have 49 heritage areas in 29 States. Well over 50 million people live, work and recreate in a heritage area, 50 million people, and not one of them has been adversely affected. That's because heritage areas have no regulatory powers, no zoning authority, no power of eminent domain. Forty-nine heritage areas; 50 million people. That's almost my entire congressional district in a national heritage area.

As a matter of fact, the entire State of Tennessee is a national heritage area. It is the Tennessee Civil War National Heritage Area. That is the entire State of Tennessee. Think about it.

Last I heard, Dollywood was still booming. The Grand Ole Opry was still swinging. People were still engaging in commerce, holding homes, and contributing to the economy in Tennessee. I believe it is still on the map. And not one of them has had their private property rights diminished. And in all of these areas over all of these years, there has never been a single instance where an individual's right to private property was abridged.

The Government Accountability Office interviewed property rights advocacy groups, and even they were unable to provide a single example. Not a single one. So this is the biggest red herring that I have ever come across.

Nevertheless, we have included these property rights protections in H.R. 324 to make clear once again that national heritage areas do not threaten private property. At some point in order to retain even a shred of credibility, those who make these claims will either have to produce some evidence or admit their mistake.

Seriously, folks, these allegations are beginning to wear thin. You have no evidence whatsoever.

As to the pending measure, the Santa Cruz Valley is a treasure trove of nat-

ural and cultural resources and it would be shameful, simply shameful indeed, if we lost the opportunity to protect and preserve these resources based on irresponsible accusations that were proven false long, long, long ago. So I urge support for H.R. 324.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to another member of the Judiciary Committee, the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Washington for yielding.

I rise in opposition to H.R. 324, the Santa Cruz Valley National Heritage Area.

This 3,300 miles shares already overlapping jurisdictions between the Bureau of Land Management, U.S. Forest Service, National Park Service, the Department of Defense, and then there are some residents of the tribes, the Pascua and the Tohono people, as well.

This area is a very high traffic volume for contraband, that being illegal drugs and illegal people, coming up through this corridor. I have traveled that corridor and visited as recently as last July, a little over a month and a half ago. We know that in some cases there have been national park lands marked off limits to the people of the United States because the illegal drug traffic and the litter has gotten so bad. It is too dangerous. They wouldn't take me there.

We need to enforce the laws on our border and not complicate the overlapping jurisdictions that are there. We know that the Border Patrol has enough trouble trying to get to an operational control of the border without having to deal with an additional area that would be a national heritage area added on top of it.

I am not sure about the State of Tennessee, but I would wonder if the TVA didn't come in there about the time Tennessee was declared a national heritage area, and it seems to me that the private sector was nudged out with that move, if my recollection of history is accurate.

But the bill still lacks sufficient protections that would allow the free flow of our U.S. border security personnel for drug interdiction and illegal immigration enforcement.

I would add also on the Coronado National Forest, that is in the center of this location and that is a direct conduit of illegal traffic coming through. So we need the jurisdiction to be such that it is free-flowing, and we need to enforce our immigration laws. We need to provide operational control of the border.

I would also point out that some of the difficulties we have in enforcing our immigration laws are also rooted in our inability to enforce even under current circumstances. And in this designation, I will be able to roll out my

map and point to you, Mr. Speaker, the spot or locations, mountaintop after mountaintop, that are surveillance locations for the U.S. law enforcement that is trying to enforce illegal immigration and illegal drugs and the interdiction of same coming up through this corridor.

This serves no real purpose to accomplish anything other than to draw down Federal moneys. And as I look through this bill, and I didn't get them all marked, but I see the word "fund" or "funds" or "resources" being used over and over again.

The attention I would draw to page 5 of the bill, line 12, specifies existing and potential sources of funding or economic development strategies to interpret, fund, manage.

And the same page of the bill, line 25, recommends fund, manage. And it goes on and on. As I go through the bill, it looks to me like it is a method to figure out how to draw down Federal funds.

Page 9 of the bill, line 5, enhance, interpret, fund, manage.

Federal funds implementation, on page 10.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional minute.

Mr. KING of Iowa. I thank the gentleman from Washington.

Mr. Speaker, I would continue. On page 10, it references implementation. The local coordinating entity. It references use of Federal funds.

□ 1445

On page 13, the amounts leveraged with Federal funds is referenced again.

On page 14, lines 19, 20 and 21, "heritage planning; obtain funds from any source, including Federal programs," Mr. Speaker.

Page 15, line 4, "The local coordinating entity may not use Federal funds authorized under this act." So there is a prohibition there in reference to funds.

Then with regard to the property rights component of this, we have seen this language before. "Nothing abridges the rights of any property owner." That is kind of like the bill that came to the floor that said there are no earmarks in this bill, but there were thousands of them. To define it away doesn't mean it goes away.

I rise in opposition to this, and I would urge a "no" vote on H.R. 324.

Mr. GRIJALVA. Mr. Speaker, I would just extend congratulations to my colleague that just finished speaking. He caught us. This is a grant-funded program. Heritage areas have been grant-funded programs for 25 years, and I am glad that he was able to find that and point that out.

Those of us that represent the border understand how painful, how divisive,

and in some areas how devastating what is going on on the border is. Not only with unauthorized entries, but with the drug cartels coming one way, the gun runners going the other way sending guns to Mexico, we understand it is very painful, and the inactivity of this Congress to deal with that immigration issue has made that pain even more severe. But I think it is wrong to try to deal with an immigration issue that people are either afraid to deal with or exploit for political purposes and try to layer that on to a heritage area in the Santa Cruz Valley.

I say that for far too long when we talk about the border region, it is always in a negative context. Always. And for too long, the people that live there, the people that raise their families there, the people that work there, the culture, the natural heritage that that area has is ignored, underfunded, and never really dealt with.

This is an opportunity to do something along a border region that is not going to promote illegal crossings, that is not going to impede any law enforcement, including Border Patrol, from carrying out their duty and the application of the law; to do something for an area, a part of the United States of America, to do something for that area and say this is special, this is unique, we want to work with this area and show that uniqueness to the rest of the country.

I think it is an opportunity to do more than just scapegoat and fear monger about border issues and do something positive, something necessary, and something that will tell the people that live there, like many of us do, you are worthy, you are in this country, you are United States citizens, and we acknowledge that because of the special unique heritage that you bring to this country.

I think this is part of this discussion today, and we shouldn't let fear-mongering and we shouldn't let scapegoating dominate the decision that needs to be made on this legislation, which is to approve it.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the distinguished chairman of the committee, Mr. RAHALL, spoke at length about private property rights, and, as is not unusual, there are differing opinions of that.

I have before me, Mr. Speaker, an article from the North Dakota Farm Bureau written by an individual, Mr. Harold Maxwell, who belongs to the Arizona Farm Bureau. He lives in Yuma. He was involved in a heritage designation in that area and he worked very hard to get private property rights protection included in that area of Arizona. But he has an article that I think spells out a lot of what we were talking about on our side of the need to further protect private property rights.

#### GET INVOLVED TO PROTECT PROPERTY RIGHTS (By Harold Maxwell)

ARIZONA, February 27, 2008—Recently, there has been extensive discussion in Arizona about the proposed Little Colorado River Valley National Heritage Area. As one of the individuals that worked to resolve some of the issues that arose from the Yuma Crossing National Heritage Area, I have a unique view on the potential pitfalls and benefits of having a National Heritage Area (NHA).

First, let me state that the Yuma Crossing National Heritage Area in its final form has been a benefit to our community. That being said, two main issues exist that must be addressed to ensure that a National Heritage Area truly is a benefit to the local community, rather than a threat.

First let's tackle the issue of individual property rights. Proponents of another proposed NHA, the Little Colorado River Valley National Heritage Area (LCRVNHA), cite two main reasons why the local populous should not be concerned about their property rights. The authors of the proposed Heritage Area bill like to point to specific language in the bill that they included in an attempt to afford property owners some protection.

They also like to cite a 2004 study by the GAO that found no issues affecting property values or use. Let me address both of those issues.

Most legislation that designates a NHA and its subsequent management plan includes language that prohibits the National Park Service and/or the Heritage Board from using eminent domain to acquire property. These management plans also prohibit the use of the Federal funds obtained under the bill from being used to acquire land. Unfortunately, these "protections" are limited.

The proposed LCRVNHA bill does not prohibit local governments from changing zoning ordinances to conform to the land use plans suggested by the Heritage Area Board. Local governments find themselves in a difficult situation: either adopt the new land use plans and put local property owners at risk, or reject the land use plans and put their federal funding at risk.

This is not just idle conjecture. The Wheeling National Heritage Area, Blackstone River Valley National Heritage Corridor, Essex National Heritage Area, Erie Canalway National Heritage Corridor, and the Journey Through Hallowed Ground NHAs are just a few examples of where local zoning was changed to accommodate the management plan and those changes did negatively impact local land owners' property rights.

The other statement, that no federal funds obtained under the bill can be used to acquire land, is also misleading. This statement only applies to funds authorized by Congress for a Heritage Area. Any matching funds that are raised are free to be spent however the Heritage Area Board sees fit.

This is not an insignificant problem. Heritage Areas on average receive \$8 in matching funds for every \$1 that is provided under the Heritage Area Act. Far and away the majority of the funds generated by a Heritage Area are eligible to purchase private property, or issue conservation or historical easements. This is of particular significance in Arizona, as only 13% of our land is privately owned. Any acquisition that removes land from the tax rolls has the potential for a huge negative impact on the amount of property tax collected for our local communities.

Even a more serious issue is the potential of a Heritage Area to acquire land and then donate the land to the National Park Service

(NPS). This is what happened with the Shenandoah Valley Battlefield Foundation. The Cedar Creek and Belle Grove National Historical Park as it is now known was created in 2003 by using a combination of donated lands and conservation easements. Though National Heritage Areas do not impose direct restrictions on property this is not the case for the NPS. Federal law grants the National Parks the right to impose specific land use restrictions on properties adjacent to their boundaries.

A March 2004 Governmental Accounting Office (GAO) study on heritage areas is the Holy Grail for the National Heritage Areas' claim that Heritage Areas do not impact property rights. The GAO study claims to have found no issues affecting property values or use. This has always been perplexing to me as I know of three separate incidences involving property rights and the Yuma Crossing National Heritage Area.

Having read the GAO report, I now believe that I can shed some light on the subject. In regard to the Yuma events, the GAO report was published in March 2004. The meeting held in Yuma concerning property rights, with an attendance of more than 600 Yuma County residents, was held the end of February 2004. One of the reasons that the GAO did not find any incidents in Yuma was that the publication had gone to press by the time of the Yuma meeting.

It was also noted in the GAO's report that the survey was limited to "national groups" and apparently did not include a survey of individual property owners in the more than three-dozen NHAs already in existence. It is also evident that the GAO was only concerned about the immediate impact of the bill and not the consequences from the land use planning that was encouraged by the National Heritage Areas. When one reviews the literature looking for cases where NHAs have influenced local zoning ordinances, it becomes apparent even to the casual observer that NHAs can and do have the ability to affect property rights.

#### LOCAL CONTROL

The second major concern involving National Heritage Areas is local control. No clearer example of the benefit of local control can be found than the Yuma experience. After the Yuma Crossing Heritage Area Bill passed Congress designating 22-square miles of Yuma as a National Heritage Area, the local agencies responsible for zoning started to interpret what it meant to own property in and around the boundaries of the new Heritage Area. It was these decisions made by bureaucrats that caused the local population to become concerned about their property rights. Local pressure was brought to bear on the County Board of Supervisors and the City of Yuma to pass resolutions instructing staff not to use the boundaries of the New Heritage Area in determining zoning issues. This solved the immediate issue, but the community realized that the Yuma Crossing Heritage Act was a federal law that would become more difficult to change as federal monies were invested.

We also understood that the local resolutions could be lifted at some time in the future after the Heritage area was well established. The local community decided, for their own protection, to reduce the scope of the project back to what was originally proposed: 4 square miles or 2,560 acres of downtown Yuma and the Colorado River inside the levee system. Even with strong local support it took Yuma over 3 years to change the original legislation. The Yuma community now believes that this new boundary is focused enough that even if the local ordinances are changed the community will be

protected from their impact. One of the benefits of such a focused area is that we have enough money to effect change. If one assumes that their Heritage Area will get all of the potential \$10 million from the federal government, and no project has, then the Yuma Crossing National Heritage Area has the potential of receiving a little more than \$3,900 per acre for our project, as compared to the \$710 per acre it could have received under the original scope.

The proposed Little Colorado River Valley National Heritage Area is too large. At over 23,000 square miles or 14,720,000 acres, it falls into the trap that some of the other Heritage Areas have fallen into: On a per acre basis the Little Colorado River Valley National Heritage Area will at a maximum receive only 68 cents per acre under the bill. When a Heritage area is too large the funds are insufficient to get the project up and running on a self-sustaining basis. One of the goals for all Heritage areas is to be self-sustaining at the sunset of their authorization bill in 15 years.

Yuma learned that local control is critical. When issues arose it was relatively easy to convince our County Board of Supervisors and the Yuma City Council to pass resolutions protecting our citizens. The proposed Little Colorado River Valley National Heritage Area covers parts of four states, seven Native American Nations, and 27 counties. How do you have local control in such a large entity? The only effective control is on a county, sovereign nation, or city basis. When a project covers so many different governing agencies the only way for the project to work is for the local governments to cede local control to the Heritage Area. After having looked at some of the major pitfalls with the Little Colorado River Valley Heritage Area, these are the changes I would recommend in the plan if your community chooses to go forward.

First, maintain local control. One 23,000 square mile heritage area managed out of Tucson with some local people appointed to the board is not local control. The Little Colorado River Valley National Heritage Area includes parts of 4 states, 7 Native American nations, and 27 counties. At the very least there should be 34 separate Heritage Areas divided along county and Native American nation lines. This would give control down to the county or nation level. A side benefit would be that each heritage area would be eligible for \$10 million in government funds on their own. That is a potential of \$340 million dollars in federal funds vs. the current proposal of \$10 million. Learn from the Yuma experience. If Yuma reduced the size of its Heritage Area from 22 square miles to 4 square miles due to concerns over property rights, one can only imagine the potential issues with the 23,000 square mile Heritage Area that is being proposed.

Secondly, be very focused. One of the ways that you can protect yourselves against property rights abuse is to make certain that the areas that are included are well defined and include cultural, historical and environmental areas that can be developed into self sustaining economic zones. Vast expanses of the current proposal would not fit these criteria. Heritage Areas are intended to be self-sustaining after the first 15 years of existence.

Finally, the legislation authorizing the Heritage Area should prohibit the Heritage Area from using any of the funds raised to buy private property or to purchase any form of easement (conservation, historical etc.). This would ensure that private prop-

erty stays on the tax rolls and is not retired. It also would ensure that land is not "donated" by the Heritage Area to create a new or expanded National Park.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I continue to reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. BISHOP), the distinguished ranking member on the Natural Resources Subcommittee on National Parks, Forests and Public Lands, and I ask unanimous consent that he control the time after he uses his time for his debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I thank the gentleman for yielding.

I think a couple of the speakers have given what is one of the crux problems, not of this, the Santa Cruz Heritage Area, but of the overall issue itself. The gentleman from Arizona, who does a good job in representing his constituents, did say there are 49 heritage areas that have been heritage areas for the last 25 years, and therein is the problem.

When Mo Udall was chairman of that committee and Bruce Vento was the subcommittee chairman, that is the first time this concept of a heritage area was introduced. The concept was going to be that this was start-up money, and then the heritage areas would be on their own. Bruce Vento did say, 10 years and we are out of there. This was never supposed to be a 25-year program for any of these areas.

The problem is that when the 10 years are up, we keep extending the time limit on these areas and we keep extending the life and giving more and more money to these areas. In fact, it has become such a part that there is a cottage industry that has developed going out to areas to train them on how they can become and stay a heritage area to get more and more funding. It violates the very concept of why heritage areas were there in the first place.

This year alone we have added nine new heritage areas. This bill itself has \$15 million, which is a 50 percent increase on what the majority of heritage areas do receive.

The problem is very simple: This heritage area is to try to expand its tourism and other elements, and other areas pay for it. So if you are in tourist area A, you are now being taxed and your money will go to promote tourism in area B. And if that was simply a start-up fund, simply to get them started, none of us really have objections to that. But it isn't. It is becoming perpetual as we extend and extend and spend and spend more and more on these elements.

This particular heritage area in front of us covers 3,300 square miles, private

and public land. When Republicans were in charge of this committee, as a standard we always included language in heritage area legislation that gave property owners the ability to opt out of boundaries. It was a compromise. It was weak, but at least it was there.

What we are trying to say in that is that people should have a voice in what is done to them. People should be given choices and options. And we should not refrain from doing that. We should not have the government setting what the standard is, what the boundary is, what the requirement is. And there are instances when outside groups have tried to pressure local zoning entities because of these boundaries.

It is not right that people should be locked inside a boundary, oftentimes with little prior knowledge of what is actually happening, because boundaries do have consequences. Otherwise, why have these boundaries?

If these heritage areas are so innocuous, there is no reason to lock an owner in. Give them the opportunity for full information so they can make decisions and, again, give them the choices of what they wish to do. That is how we should be treating individuals and property owners.

This area is one that is heavily traveled with narcotic trafficking, human trafficking, and now I appreciate the fact that the gentleman from Arizona and the Rules Committee in a self-executing rule did give some modicum of protection on these areas.

As late as last July we attempted in committee to try and put language similar to this to give some protection in these areas. Rejected—not on a partisan vote, because several of the opposition side actually did vote with us, but nonetheless rejected in committee. I am proud of Representative GRIJALVA for now including this language in this bill, but it could be better, and that is the issue before us.

Less than a week ago, the GAO revealed that secure border initiatives are behind schedule, are years behind schedule, because of environmental delays. That simply means there are people out there within the National Park Service that blame the Border Patrol for environmental damage.

The Park Service's own admission is that it takes 6 months to complete documents necessary to place critical border protection technologies, like observation towers. There was one tower stopped on the border areas until they could prove in some kind of scientific study that the Sonoran pronghorn deer would leave that area of their own volition and would not be scared by these towers. I am sorry, that is ridiculous, but that is the reality of why we are here and the reality of what is happening.

So there are some concerns with this area. The majority did put language in there to try and protect border security and the border areas, and I am



thankful for that and I applaud you for doing that, but you could have taken a big step further.

In this bill you did put some language in there to try and protect personal property, but you could have gone further just simply to say people should have the choice and the option of what they are doing. And once again we have a problem of heritage areas, supposed to be temporary, supposed to be start-up, staying year after year after year, getting fund after fund after fund of public money from point A to fund the exact thing that is happening in point B in competition with point A.

We have to rethink this thing, which is indeed what the Park Service asked us to do several years ago, to not produce anymore of these heritage areas until we come up with a comprehensive plan of how we are going to function with these heritage areas.

With that, Mr. Speaker, once again, the Republic will not falter if this bill passes, but it could have been much, much better, and it could have done much more to protect not only our border security but also the rights of individuals than what we are doing here. There are some good steps forward, I admit, but we have a long, long way to go. Once again, we still have the problem of what to do with heritage areas that are supposed to be temporary and simply will not go away.

Mr. Speaker, I would ask the gentleman from Arizona if he has any more speakers?

Mr. GRIJALVA. No.

Mr. BISHOP. In that situation, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, in summary, I think H.R. 324 is a good piece of legislation. When the heritage areas were formed 25 years ago, I don't believe Members of Congress, Republicans and Democrats, knew how successful they were going to be, how popular they were going to be, how much private money that these initiatives would leverage in communities, and, because of that, it continues to be popular with Members of both sides of the aisle.

The other issue is, as we go through this legislation and debate what is in there or not, I don't believe that there is a level of appeasement that we can put into this legislation that would garner the support from my colleagues on the other side of the aisle.

It is a good piece of legislation. I consider this not only good for the region that I represent, but beginning the process of on-the-border lands dealing with issues comprehensively. One of those issues is to recognize the richness, the diversity and the history of the region.

The other area that I want to talk about briefly is the issue of border enforcement. The problems along the border with enforcement are not due to the creation of heritage areas. They

are not the reason that we have unauthorized crossings. They are not the reason that we have drug cartels. They are not the reason that we have organized gun runners from the United States. Those are not the reasons. Heritage areas are not to blame for that horrible situation. And the inability of Homeland Security over the last 5 years to effectively put their technology to work, to effectively do the kind of border security initiatives that they needed, environmental issues are not the cause of that.

□ 1500

I would say ineptitude, inefficiencies and waste of money were the reasons that that didn't get done. This bill solves a problem. It solves a problem of a region badly needing a shot in the arm, an acknowledgement that it is and continues to be a valued part of this great Nation of ours.

I yield back the remainder of my time and ask that the legislation be supported.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 760, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. BISHOP of Utah. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of Utah. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BISHOP of Utah moves to recommit the bill H.R. 324 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendments:

In section 5(c)(1) of the bill, insert “, in consultation with the Secretary of Homeland Security,” after “Secretary”.

In section 8(c) of the bill, amend paragraph (4) to read as follows:

(4) modifies, restricts, impedes, hinders, or supplants any border enforcement or security authority, including drug interdiction and illegal immigration control.

In section 9 of the bill, insert “(a) CLARIFICATION.—” before “Nothing”.

At the end of section 9 of the bill, add the following:

(b) PRIVATE PROPERTY OWNER PROTECTION.—

(1) No privately owned property shall be preserved, conserved, or promoted by the management plan for the National Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(2) Any owner of private property included within the boundary of the National Herit-

age Area shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

At the end of the bill, add the following new section (and conform the table of contents accordingly):

#### SEC. 13. BORDER SECURITY.

Nothing in this Act may impede, prohibit, or restrict activities of the Secretary of Homeland Security to achieve operational control (as defined under Public Law 109-367) within the National Heritage Area.

Mr. BISHOP of Utah (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. GRIJALVA. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah is recognized for 5 minutes in support of his motion.

Mr. BISHOP of Utah. Thank you, Mr. Speaker. I appreciate the opportunity.

As I said, this bill could definitely be improved, and we are presenting some amendments in here that take the bill and make it a much better, stronger, significant bill.

I said in the original remarks that of course we have problems with heritage areas that simply will not go away. Even though they were supposed to be around for only 10 years, they keep living and living and consuming more and more funds. Having said that, I could still be supportive of this amendment if there were some specific guarantees placed in there for those specific issues that we have addressed in the past that actually could be a way we can move forward with other bills of a similar ilk.

Specifically in there, it deals with the idea of property rights. The gentleman from Arizona did sponsor legislation that dealt with the Yuma Crossing National Heritage Area. This was an area created in the year 2000 and, according to the Arizona Farm Bureau, was much larger than local farmers were expecting. Further exacerbating the problem, local zoning bureaucrats began to use the heritage area boundaries in planning. The problem is, once established, those entities had no recourse as private property owners to exempt themselves unless you came to Congress and had Congress adjust the boundaries. The gentleman from Arizona did that. We passed a law that shrunk the size of those areas down. That is a cumbersome and silly process to go through when all we need to do is give people the opportunity of being informed and make decisions for themselves so they can remove themselves when they wish to. That is what this

amendment does. It asks the properties owners, before being included, to give their consent to be included in this new entity.

Now some will say, well, that's burdensome and difficult. It's hard to find all the property owners in an area. Yet when tax time comes, the government entities have an easy time finding all the property owners in an area. We could do the same thing, because the matter is not how efficient it is or how easy it is. The matter should be that private property rights are not a burden to government, and they should be respected in every way that is possible, especially in these areas where the National Park Service, who will be administering this, does not have a celebrated history of respecting private property rights and finding unique ways of having willing sellers.

This language that we are proposing should become the standard template for all legislation that deals with heritage areas and how we handle private property rights within those. This bill draws boundaries on a map. It covers and surrounds private property owners and then gives them no real recourse to remove themselves from those boundaries. Even if it says they don't have to participate, that is not the same thing, and it does have consequences. When it comes to border security, this bill is a perfect effort for us to move forward in some specific way.

Now, as I said, I commend the gentleman for actually adding some language that we have been trying to add to these types of bills in committee. But the language here is not necessarily enough. The sad situation that we find—not because of this bill, nor will it be solved because of this bill unless we add this particular language—is that the Border Patrol finds itself in a position of subservience to the National Park Service. I don't think Americans really know that when a Border Patrol agent crosses into a national park, he has to get out of his car, park it and walk. I don't think they realize that the Border Patrol has to consult with the National Park Service before they can put up an antenna on that border. Their amendment gets some language in there to try to not impede or prohibit. But what we also put in this amendment is language that says that nothing will happen that will hinder or restrict our homeland security on border areas. This is a perfect opportunity to do so. It is there.

This amendment, for the first time, says that when those land use plans—and the bulk of the border in which the drug traffic and human traffic is coming are on public lands—it says that Homeland Security must be consulted in coming up with the land use plans. So they are an equal partner because this is significant. Right now they are not. This amendment is going to move

us forward so that Homeland Security will not be impeded in their element. They will not have to wait to put up surveillance to see if a particular sheep will, on its own volition, move or not move. That is ridiculous, but that is what we are trying to do with this amendment.

Once again, this amendment takes the bill and improves it, which is why I'm proud of this amendment. This amendment clearly states what property rights are and which property owners may be in a heritage area which, as we have noted, does not go away in 10 years but tends to last on and on and on.

This amendment clearly gives Homeland Security, for the first time, a right to be an equal player in the decision of how to handle these lands, and this also gives us the right to make sure that nothing hinders or restricts what we do on the border.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. I rise to claim time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Thank you, Mr. Speaker.

I have come to accept the fact that redundancy is part of the process here that we go through. So in accepting that reality, let me just state one more time, nowhere in this legislation is there an infringement, a taking of private property rights. Nowhere.

The motion asks that close to a quarter of a million property owners, if not more, be notified and asked to either be part of or not be part of this heritage area. That process would create a Swiss cheese designation for that area; and in the previous 49, there is not one incident where a private property owner has been forced, coerced into being part of or permitting their private property to be used as a designation. That is already in the legislation.

With regard to the issue of border enforcement, again, I asked the Rules Committee to insert that so there would be clarification that the activities of Homeland Security, plus all other local enforcement—the sheriffs, local police, tribal police, et cetera—that their ability to carry out their mission and enforce the law was part and parcel and that the heritage area in no way would impinge, infringe or restrict that ability. That is already in the legislation.

So why the motion to recommit? I think it's just part of a very cynical exploitation of a very, very divisive issue in this country, the issue of immigration and the issue of unauthorized people in this country. The heritage area is not responsible for that situation. It has been the inability of this Congress to come to grips with the sit-

uation that has aggravated and made it worse. And as a person who represents the border and has to deal with constituents that are affected by this decision every day, the lack of attention, serious, rational, mature attention to this issue, rather than exploitation of this issue, is what they're asking this Congress to do. The heritage area has nothing to do with how we're going to resolve this issue. The heritage area, for once, is an acknowledgement of a part of this country that for too long and, most recently, in a very cynical way has been exploited both as a region and the people who live there. We are saying, this heritage area is your acknowledgement that you're part and parcel of this country.

I ask that the motion to recommit be defeated.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 324, if ordered, and suspension of the rules with regard to H. Res. 696, if ordered.

The vote was taken by electronic device, and there were—yeas 259, nays 167, not voting 6, as follows:

[Roll No. 727]

YEAS—259

Aderholt	Brown (SC)	Dent
Adler (NJ)	Brown-Waite,	Diaz-Balart, L.
Akin	Ginny	Diaz-Balart, M.
Alexander	Buchanan	Donnelly (IN)
Altmire	Burgess	Dreier
Arcuri	Burton (IN)	Driehaus
Austria	Buyer	Duncan
Bachmann	Calvert	Edwards (TX)
Bachus	Camp	Ehlers
Baird	Campbell	Ellsworth
Barrow	Cantor	Emerson
Bartlett	Cao	Etheridge
Barton (TX)	Capito	Fallin
Bean	Cardoza	Flake
Berkley	Carney	Fleming
Biggert	Carter	Forbes
Bilbray	Cassidy	Fortenberry
Bilirakis	Castle	Foster
Bishop (GA)	Chaffetz	Fox
Bishop (NY)	Chandler	Franks (AZ)
Bishop (UT)	Childers	Frelinghuysen
Blackburn	Coble	Gallely
Blunt	Coffman (CO)	Garrett (NJ)
Bocciari	Cole	Gerlach
Boehner	Conaway	Giffords
Bonner	Costa	Gingrey (GA)
Bono Mack	Costello	Gohmert
Boozman	Crenshaw	Goodlatte
Boren	Cuellar	Gordon (TN)
Boswell	Culberson	Graves
Boucher	Dahlkemper	Griffith
Boustany	Davis (AL)	Guthrie
Boyd	Davis (KY)	Hall (TX)
Brady (TX)	Davis (TN)	Halvorson
Bright	Deal (GA)	Harman
Broun (GA)	DeFazio	Harper

Hastings (WA)  
Heller  
Hensarling  
Herger  
Herseeth Sandlin  
Hill  
Himes  
Hodes  
Hoekstra  
Holden  
Hunter  
Inglis  
Israel  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Manzullo  
Marchant

Markey (CO)  
Marshall  
Massa  
Matheson  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Melancon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Moran (KS)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Paul  
Paulsen  
Pence  
Perriello  
Peters  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Richardson  
Roe (TN)  
Rogers (AL)

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Royce  
Ryan (WI)  
Scalise  
Schauer  
Schmidt  
Schock  
Schwartz  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Skelton  
Smith (NE)  
Smith (TX)  
Souder  
Space  
Stearns  
Sullivan  
Tanner  
Taylor  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Titus  
Turner  
Upton  
Walden  
Walz  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Scott (GA)  
Scott (VA)  
Serrano  
Shea-Porter  
Sherman

Sires  
Slaughter  
Smith (WA)  
Snyder  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen

Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

## NOT VOTING—6

Barrett (SC)  
Capuano

Delahunt  
Doyle

Granger  
Smith (NJ)

□ 1550

Messrs. ACKERMAN, SCHRADER, LEVIN, SCOTT of Georgia, ELLISON, SARBANES, COHEN, LANGEVIN, TONKO and Mr. CARSON of Indiana changed their vote from “yea” to “nay.”

Messrs. ROE of Tennessee, KISSELL, Mrs. MYRICK, Messrs. KING of New York, ROSKAM, BILIRAKIS, KAGEN, HODES, Mrs. McMORRIS RODGERS, Messrs. SESTAK, BOSWELL, BOREN, LYNCH, CHILDERS, KLEIN of Florida, MAFFEI, HOLDEN, MASSA, COSTELLO, DEFAZIO, MATHESON, Ms. TITUS, Ms. RICHARDSON, Mr. KANJORSKI, Mrs. HALVORSON, Messrs. PATRICK J. MURPHY of Pennsylvania, DRIEHAUS, CHANDLER, MEEK of Florida, LIPINSKI, CUELLAR, DAVIS of Tennessee, Ms. HERSETH SANDLIN, Messrs. GORDON of Tennessee, TANNER, BISHOP of Georgia, PETERSON, BOYD, ROSS, KIND, Mrs. KIRKPATRICK of Arizona, Messrs. ETHERIDGE, EDWARDS of Texas, BOUCHER, Ms. SCHWARTZ, Ms. KOSMAS, Ms. BERKLEY, Messrs. ISRAEL, BISHOP of New York, COSTA, SKELTON, CARDOZA, BAIRD, Mrs. MCCARTHY of New York and Ms. HARMAN changed their vote from “nay” to “yea.”

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. GRIJALVA. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 324, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GRIJALVA:

In section 5(c)(1) of the bill, insert “, in consultation with the Secretary of Homeland Security,” after “Secretary”.

In section 8(c) of the bill, amend paragraph (4) to read as follows:

(4) modifies, restricts, impedes, hinders, or supplants any border enforcement or security authority, including drug interdiction and illegal immigration control.

In section 9 of the bill, insert “(a) CLARIFICATION.—” before “Nothing”.

At the end of section 9 of the bill, add the following:

(b) PRIVATE PROPERTY OWNER PROTECTION.—

(1) No privately owned property shall be preserved, conserved, or promoted by the management plan for the National Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(2) Any owner of private property included within the boundary of the National Heritage Area shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

At the end of the bill, add the following new section (and conform the table of contents accordingly):

## SEC. 13. BORDER SECURITY.

Nothing in this Act may impede, prohibit, or restrict activities of the Secretary of Homeland Security to achieve operational control (as defined under Public Law 109-367) within the National Heritage Area.

Mr. GRIJALVA (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. GRIJALVA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 281, noes 142, not voting 9, as follows:

[Roll No. 728]

AYES—281

Abercrombie	Brown, Corrine	Crowley
Ackerman	Brown-Waite,	Cuellar
Adler (NJ)	Ginny	Cummings
Altmire	Buchanan	Dahlkemper
Andrews	Butterfield	Davis (AL)
Arcuri	Buyer	Davis (CA)
Baca	Capps	Davis (IL)
Baird	Cardoza	Davis (TN)
Baldwin	Carnahan	DeFazio
Barrow	Carney	DeGette
Bean	Carson (IN)	DeLauro
Becerra	Castle	Dent
Berkley	Castor (FL)	Diaz-Balart, L.
Berman	Chandler	Dicks
Berry	Childers	Dingell
Bishop (GA)	Chu	Doggett
Bishop (NY)	Clarke	Donnelly (IN)
Bishop (UT)	Clay	Driehaus
Blumenauer	Cleaver	Edwards (MD)
Bocieri	Clyburn	Edwards (TX)
Boren	Cohen	Ehlers
Boswell	Connolly (VA)	Ellison
Boucher	Conyers	Ellsworth
Boyd	Cooper	Engel
Brady (PA)	Costa	Eshoo
Braley (IA)	Costello	Etheridge
Bright	Courtney	Farr

## NAYS—167

Abercrombie  
Ackerman  
Andrews  
Baca  
Baldwin  
Becerra  
Berman  
Berry  
Blumenauer  
Brady (PA)  
Braley (IA)  
Castor (FL)  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Dicks  
Dingell  
Doggett  
Edwards (MD)  
Ellison  
Engel  
Eshoo  
Farr

Fattah  
Filner  
Frank (MA)  
Fudge  
Gonzalez  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Hastings (FL)  
Heinrich  
Higgins  
Hinchey  
Hinojosa  
Hirono  
Holt  
Honda  
Hoyer  
Inslee  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Loebach  
Lofgren, Zoe

Lowey  
Lujan  
Maloney  
Markley (MA)  
Matsui  
McCollum  
McDermott  
McGovern  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Rodriguez  
Rothman (NJ)  
Roybal-Allard

Fattah  
Filner  
Fortenberry  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gerlach  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo

Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Perlmutter  
Perriello  
Peterson  
Petri  
Pingree (ME)  
Platts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez

## NOES—142

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggart  
Billbray  
Bilirakis  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Burgess  
Burton (IN)  
Calvert  
Camp

Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dreier  
Duncan  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fox  
Franks (AZ)  
Gallegly

Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Goodlatte  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heiler  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
King (IA)  
King (NY)  
Kingston  
Kline (MN)  
Lamborn

Latham  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)

Barrett (SC)  
Capuano  
Delahunt

Miller (MI)  
Miller, Gary  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Pence  
Pitts  
Poe (TX)  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce

## NOT VOTING—9

Diaz-Balart, M.  
Doyle  
Granger

Ryan (WI)  
Scalise  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Smith (NE)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf

Schock  
Shuster  
Smith (NJ)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1559

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING 50TH ANNIVERSARY OF WESTERN WYOMING COMMUNITY COLLEGE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 696.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 696.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. LOEB SACK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 14, as follows:

[Roll No. 729]

## AYES—418

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Austria  
Baca

Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman

Berry  
Biggart  
Billbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt

Bocchieri  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite, Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming

Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)

Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peterson  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall

Rangel	Scott (VA)	Tiahrt
Rehberg	Sensenbrenner	Tiberi
Reichert	Serrano	Tierney
Reyes	Sessions	Titus
Richardson	Sestak	Tonko
Rodriguez	Shadegg	Towns
Roe (TN)	Shea-Porter	Tsongas
Rogers (AL)	Sherman	Turner
Rogers (KY)	Shimkus	Upton
Rogers (MI)	Shuler	Van Hollen
Rohrabacher	Shuster	Velázquez
Rooney	Simpson	Visclosky
Ros-Lehtinen	Sires	Walden
Roskam	Skelton	Walz
Ross	Slaughter	Wamp
Rothman (NJ)	Smith (NE)	Wasserman
Roybal-Allard	Smith (TX)	Schultz
Royce	Smith (WA)	Watson
Ruppersberger	Snyder	Watt
Rush	Souder	Waxman
Ryan (OH)	Space	Weiner
Ryan (WI)	Speier	Welch
Salazar	Spratt	Westmoreland
Sánchez, Linda	Stark	Wexler
T.	Stearns	Whitfield
Sánchez, Loretta	Stupak	Wilson (OH)
Sarbanes	Sullivan	Wilson (SC)
Scalise	Sutton	Wittman
Schakowsky	Tanner	Wolf
Schauer	Taylor	Woolsey
Schiff	Teague	Wu
Schmidt	Terry	Yarmuth
Schock	Thompson (CA)	Young (AK)
Schrader	Thompson (MS)	Young (FL)
Schwartz	Thompson (PA)	
Scott (GA)	Thornberry	

## NOT VOTING—14

Arcuri	Delahunt	Lummis
Barrett (SC)	Doggett	Minnick
Bartlett	Doyle	Smith (NJ)
Boehner	Granger	Waters
Capuano	Holden	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1606

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SURFACE TRANSPORTATION  
EXTENSION ACT OF 2009

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3617) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3617

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE; EXTENSION PERIOD.

(a) SHORT TITLE.—This Act may be cited as the “Surface Transportation Extension Act of 2009”.

(b) EXTENSION PERIOD.—This Act extends funding for programs funded out of the Highway Trust Fund for the period beginning on October 1, 2009, and ending on the earlier of—

(1) the date of enactment of a multiyear law reauthorizing the Federal-aid highway,

highway safety, motor carrier safety, and transit programs enacted after the date of enactment of this Act; and

(2) December 31, 2009.

## SEC. 2. FEDERAL-AID HIGHWAY PROGRAM.

(a) APPORTIONMENTS.—

(1) IN GENERAL.—On October 1 of fiscal year 2010, the Secretary of Transportation shall apportion funds authorized for such fiscal year under section 1101(c) of SAFETEA-LU (119 Stat. 1153) (as added by subsection (d) of this section) to each State such that the State's share of funds apportioned is equal to the State's share for fiscal year 2009 of funds apportioned or allocated for the programs specified in paragraph (2).

(2) SPECIFIC PROGRAMS.—The programs referred to in paragraph (1) are—

(A) the programs listed in section 105(a)(2) of title 23, United States Code;

(B) the program authorized by section 144(f)(1) of such title;

(C) the program authorized by section 1934 of SAFETEA-LU (119 Stat. 1485); and

(D) the program authorized by section 1962 of SAFETEA-LU (119 Stat. 1518).

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount, determined in accordance with paragraph (2), of the funds for each program specified in subsection (a)(2), with the following exceptions:

(A) The high priority projects program authorized by section 117 of title 23, United States Code.

(B) The program authorized by section 144(f)(1) of such title.

(C) The program authorized by section 1934 of SAFETEA-LU (119 Stat. 1485).

(D) The program authorized by section 1962 of SAFETEA-LU (119 Stat. 1518).

(2) DISTRIBUTION.—The amount that each State shall be apportioned under this subsection for each program for which funds may be apportioned under paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a) for the fiscal year; by

(B) the ratio that—

(i) the amount of funds apportioned or allocated for such program to the State for fiscal year 2009; bears to—

(ii) the total of the amount of funds apportioned or allocated for all of such programs to the State for fiscal year 2009.

(3) ADMINISTRATION OF FUNDS.—Funds authorized by the amendment made by subsection (d) shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code, or under SAFETEA-LU (119 Stat. 1144 et seq.), except that the deductions and set-asides under the following sections shall not apply to such funds:

(A) Sections 104(b)(1)(A), 104(f), 104(h)(1), 118(c)(1), 130(e)(1), 140(b), 140(c), and 144(f)(1) of title 23, United States Code.

(B) Section 1404(c)(3) of SAFETEA-LU (119 Stat. 1229).

(C) Section 111 of the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572).

(4) SPECIAL RULE FOR EQUITY BONUS.—The amounts apportioned to the States under this section for the equity bonus program under section 105 of title 23, United States Code, shall be treated, for purposes of section 105(d) of such title, as amounts made available under section 105 of such title, except that, for the period referred to in section 1(b), the \$2,639,000,000 set forth in section 105(d)(1) of such title shall be treated as being \$659,750,000.

(5) EXTENSION OF BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—Section 144(f)(2)(A) of title 23, United States Code, is amended by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would be apportioned, but for this section, to a State for programs under chapter 1 of title 23, United States Code, or under title I of SAFETEA-LU (119 Stat. 1144 et seq.), for fiscal year 2010, under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) for each such program for fiscal year 2010.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101 of SAFETEA-LU (119 Stat. 1153) is amended by adding at the end the following:

“(c) ADDITIONAL AUTHORIZATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 2009 \$9,848,113,116 for the period referred to in section 1(b) of that Act.

“(2) SPECIAL RULE.—Funds apportioned under section 2(a) of the Surface Transportation Extension Act of 2009 shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

“(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be made available for obligation and administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that funds made available for the safe routes to school program authorized by section 1404, the coordinated border infrastructure program authorized by section 1303, and the Appalachian development highway system program authorized by subtitle IV of title 40, United States Code, shall remain available until expended.”.

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2010 (other than an Act or resolution making continuing appropriations), the Secretary shall—

(A) first calculate the distribution of the obligation limitation for Federal-aid highways and highway safety construction programs provided by such Act according to the provisions of such Act, and, as necessary for purposes of making the calculations for the distribution of any obligation limitation under such Act, the Secretary shall annualize the amount of contract authority provided under this Act for Federal-aid highways and highway safety construction programs; and then

(B) multiply the results of the calculations made under subparagraph (A) by one-quarter.

(2) EXCEPTION.—An amount equal to \$159,750,000 of the funds made available for the period referred to in section 1(b) for the equity bonus program authorized by section

105 of title 23, United States Code, shall not be subject to any obligation limitation.

(3) **TIME PERIOD FOR OBLIGATIONS.**—After the last day of the period referred to in section 1(b), no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

(4) **TREATMENT OF OBLIGATIONS.**—Any obligation of obligation authority distributed under this subsection for fiscal year 2010 shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2010 for the purposes of any obligation limitation set in an Act making appropriations for the Department of Transportation for fiscal year 2010.

### SEC. 3. FEDERAL-AID HIGHWAY PROGRAM ADMINISTRATIVE EXPENSES.

(a) **AUTHORIZATION OF CONTRACT AUTHORITY.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative expenses of the Federal-aid highway program \$105,929,410 for the period referred to in section 1(b). Such funds may be used for the purposes described in sections 104(a)(2) and 104(i) of title 23, United States Code.

(b) **CONTRACT AUTHORITY.**—Funds made available by this section shall be available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

### SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) **EXTENSION OF ISTEA AXLE WEIGHT EXEMPTION FOR TRANSIT VEHICLES AND OVER-THE-ROAD BUSES.**—Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; 106 Stat. 1552) is amended—

(i) in paragraph (1) by striking “October 1, 2009” and inserting “the last day of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(2) in paragraph (2)(A) by striking “September 30, 2009” and inserting “the last day of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(b) **EXTENSION OF FLEXIBILITY UNDER TEA-21 IN USE OF CERTAIN STP FUNDS.**—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(c) **EXTENSION OF AUTHORIZATIONS AND FLEXIBILITIES UNDER TITLE I OF SAFETEA-LU.**—

(1) **FEDERAL LANDS HIGHWAYS PROGRAM.**—

(A) **INDIAN RESERVATION ROADS.**—Section 1101(a)(9)(A) of SAFETEA-LU (119 Stat. 1154) is amended—

(i) in clause (iv) by striking “and” at the end;

(ii) in clause (v) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following: “(vi) \$112,500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(B) **PARK ROADS AND PARKWAYS.**—Section 1101(a)(9)(B)(i) of SAFETEA-LU (119 Stat. 1154) is amended—

(i) in subclause (IV) by striking “and” at the end;

(ii) in subclause (V) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(VI) \$60,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(C) **REFUGES ROADS.**—Section 1101(a)(9)(C) of SAFETEA-LU (119 Stat. 1154) is amended by inserting before the period at the end the following: “and \$7,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(D) **PUBLIC LANDS HIGHWAYS.**—Section 1101(a)(9)(D) of SAFETEA-LU (119 Stat. 1154) is amended—

(i) in clause (iv) by striking “and” at the end;

(ii) in clause (v) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(vi) \$75,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(E) **FOREST HIGHWAYS.**—Section 1119(m) of SAFETEA-LU (119 Stat. 1190) is amended—

(i) in paragraph (1) by striking “for each fiscal year” and inserting “for each of fiscal years 2005 through 2009 and \$5,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”;

(ii) in paragraph (2) by striking “for each fiscal year” and inserting “for each of fiscal years 2005 through 2009 and \$250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(iii) in paragraph (3) by striking “for each fiscal year” and inserting “for each of fiscal years 2005 through 2009 and \$2,500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(F) **BIA ADMINISTRATIVE EXPENSES.**—Section 202(d)(2)(F)(i) of title 23, United States Code, is amended by striking “and \$27,000,000 for fiscal year 2009” and inserting “\$27,000,000 for fiscal year 2009, and \$6,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(G) **INDIAN RESERVATION ROAD BRIDGES.**—Section 202(d)(4)(B)(i) of title 23, United States Code, is amended by inserting after “2009” the following: “and \$3,500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(2) **NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.**—

(A) **IN GENERAL.**—Section 1101(a)(10) of SAFETEA-LU (119 Stat. 1154) is amended—

(i) in subparagraph (D) by striking “and” at the end;

(ii) in subparagraph (E) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(F) \$97,400,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(B) **DESIGNATED PROJECTS.**—Notwithstanding section 1302(e) of SAFETEA-LU (119 Stat. 1205), the Secretary shall allocate funds made available for the national corridor infrastructure improvement program for the period referred to in section 1(b) on the basis of a competitive selection process in accordance with section 1302(b) of such Act (119 Stat. 1204).

(3) **NATIONAL SCENIC BYWAYS PROGRAM.**—

(A) **IN GENERAL.**—Section 1101(a)(12) of SAFETEA-LU (119 Stat. 1155) is amended—

(i) in subparagraph (D) by striking “and” at the end;

(ii) in subparagraph (E) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(F) \$10,875,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(B) **RESOURCE CENTER.**—Section 1803(c) of SAFETEA-LU (119 Stat. 1458) is amended by striking “and \$3,000,000 for each of fiscal years 2006 through 2009” and inserting “, \$3,000,000 for each of fiscal years 2006 through 2009, and \$750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(4) **CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.**—

(A) **IN GENERAL.**—Section 1101(a)(13) of SAFETEA-LU (119 Stat. 1155) is amended—

(i) in subparagraph (D) by striking “and” at the end;

(ii) in subparagraph (E) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(F) \$16,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(B) **NATIONAL FERRY DATABASE.**—Section 1801(e)(4)(C) of SAFETEA-LU (119 Stat. 1456) is amended by inserting after “2009” the following: “and not more than \$125,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(C) **SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.**—Section 147(d) of title 23, United States Code, is amended—

(i) in paragraph (1) by inserting after “2009” the following: “, and \$5,000,000 of the amount made available to carry out this section for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,”;

(ii) in paragraph (2) by striking “a fiscal year” and inserting “each of fiscal years 2005 through 2009, and \$2,500,000 of the \$5,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,”;

(iii) in paragraph (3) by striking “a fiscal year” and inserting “each of fiscal years 2005 through 2009, and \$1,250,000 of the \$5,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,”; and

(iv) in paragraph (4) by striking “a fiscal year” and inserting “each of fiscal years 2005 through 2009, and \$1,250,000 of the \$5,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,”.

(5) **PUERTO RICO HIGHWAY PROGRAM.**—

(A) **IN GENERAL.**—Section 1101(a)(14) of SAFETEA-LU (119 Stat. 1155) is amended—

(i) in subparagraph (D) by striking “and” at the end;

(ii) in subparagraph (E) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(F) \$37,500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(B) **ALLOCATION OF FUNDS.**—Section 165(a) of title 23, United States Code, is amended by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(6) **PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE PROGRAM.**—

(A) **IN GENERAL.**—Section 1101(a)(15) of SAFETEA-LU (119 Stat. 1155) is amended—

(i) in subparagraph (D) by striking “and” at the end;

(ii) in subparagraph (E) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:



“(F) \$88,950,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(B) DESIGNATED PROJECTS.—Notwithstanding section 1301(m) of SAFETEA-LU (119 Stat. 1202), the Secretary shall allocate funds made available for the projects of national and regional significance program for the period referred to in section 1(b) on the basis of a competitive selection process in accordance with sections 1301(d), 1301(e), and 1301(f) of such Act (119 Stat. 1199).

(7) DEPLOYMENT OF MAGNETIC LEVITATION TRANSPORTATION PROJECTS.—Section 1101(a)(18) of SAFETEA-LU (119 Stat. 1155) is amended by inserting after “2009” the following: “and \$11,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(8) HIGHWAYS FOR LIFE.—

(A) IN GENERAL.—Section 1101(a)(20) of SAFETEA-LU (119 Stat. 1156) is amended—

(i) in subparagraph (A) by striking “and” at the end;

(ii) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(C) \$5,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(B) PROJECT SELECTIONS.—Section 1502(b)(6) of SAFETEA-LU (119 Stat. 1237) is amended by striking “the period of fiscal years 2005 through 2009” and inserting “the period beginning on October 1, 2004, and ending on the last day of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(9) HIGHWAY USE TAX EVASION PROJECTS.—

(A) IN GENERAL.—Section 1101(a)(21) of SAFETEA-LU (119 Stat. 1156) is amended—

(i) in subparagraph (C) by striking “and” at the end;

(ii) in subparagraph (D) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(E) \$3,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(B) ALLOCATIONS.—Section 1115(c) of SAFETEA-LU (119 Stat. 1177) is amended—

(i) by inserting after “2009” the first place it appears the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(ii) by adding at the end the following:

“(5) \$3,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(C) SUBALLOCATIONS.—Section 143 of title 23, United States Code, is amended—

(i) in subsection (b)(2) by inserting after “\$2,000,000” the following: “(and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009, \$500,000); and

(ii) in subsection (c)(3) by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(10) TRANSPORTATION, COMMUNITY, AND SYSTEM PRESERVATION PROGRAM.—Section 1117(g)(1) of SAFETEA-LU (119 Stat. 1178) is amended by striking “and \$61,250,000 for each of fiscal years 2006 through 2009” and inserting “, \$61,250,000 for each of fiscal years 2006 through 2009, and \$15,312,500 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(11) TRUCK PARKING FACILITIES.—Section 1305(d)(1) of SAFETEA-LU (119 Stat. 1215) is amended by inserting after “2009” the following: “and \$1,562,500 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(12) DELTA REGION TRANSPORTATION DEVELOPMENT PROGRAM.—Section 1308(h)(1) of SAFETEA-LU (119 Stat. 1218) is amended by inserting after “2009” the following: “and \$2,500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(13) ROADWAY SAFETY IMPROVEMENTS FOR OLDER DRIVERS AND PEDESTRIANS.—Section 1405(c) of SAFETEA-LU (119 Stat. 1231) is amended by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(14) WORK ZONE SAFETY GRANTS.—Section 1409(c)(1) of SAFETEA-LU (119 Stat. 1232) is amended by inserting before the period at the end the following: “and \$1,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(15) NATIONAL WORK ZONE SAFETY INFORMATION CLEARINGHOUSE.—Section 1410 of SAFETEA-LU (119 Stat. 1233) is amended—

(A) in subsection (a) by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(B) in subsection (b) by inserting before the period at the end the following: “and \$250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(16) ROADWAY SAFETY.—Section 1411 of SAFETEA-LU (119 Stat. 1234) is amended—

(A) in subsection (a)(2) by inserting after “2009” the following: “and \$125,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(B) in subsection (b)(2) by striking “and \$500,000 for each of fiscal years 2006 through 2009” and inserting “, \$500,000 for each of fiscal years 2006 through 2009, and \$125,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(17) VALUE PRICING PILOT PROGRAM.—Section 1012(b)(8) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(A) in subparagraph (A)—

(i) in clause (i) by striking “and” at the end;

(ii) in clause (ii) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009, \$3,000,000.”; and

(B) in subparagraph (B) by inserting after “2009” the following: “and \$750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(18) EXPRESS LANES DEMONSTRATION PROGRAM.—Section 1604(b)(2) of SAFETEA-LU (119 Stat. 1250) is amended by striking “during the period of fiscal years 2005 through 2009” and inserting “during the period beginning on October 1, 2004, and ending on the last day of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(19) NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.—Section 1804(d) of SAFETEA-LU (119 Stat. 1459) is amended by inserting before the period at the end the following: “and \$2,500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(20) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by inserting before the period at

the end the following: “and \$450,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(21) NONMOTORIZED TRANSPORTATION PILOT PROGRAM.—Section 1807 of SAFETEA-LU (23 U.S.C. 217 note; 119 Stat. 1460) is amended—

(A) in subsection (c) by striking “per fiscal year” and inserting “for each of fiscal years 2006 through 2009 and \$1,562,500 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(B) in subsection (f)(1) by inserting before the period at the end the following: “and \$6,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(22) ADDITION TO CMAQ-ELIGIBLE PROJECTS.—Section 1808 of SAFETEA-LU (119 Stat. 1464) is amended—

(A) in subsection (i) by striking “September 30, 2009,” and inserting “the last day of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(B) in subsection (j) by striking “September 30, 2009,” and inserting “the last day of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(23) GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.—Section 1906(e)(1) of SAFETEA-LU (23 U.S.C. 402 note; 119 Stat. 1469) is amended by inserting before the period at the end the following: “and \$1,875,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(24) GOING-TO-THE-SUN ROAD, GLACIER NATIONAL PARK, MONTANA.—Section 1940(a) of SAFETEA-LU (119 Stat. 1511; 120 Stat. 1109) is amended—

(A) in paragraph (2) by striking “and” at the end;

(B) in paragraph (3) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) \$4,166,667 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(25) GREAT LAKES ITS IMPLEMENTATION.—Section 1943(b) of SAFETEA-LU (119 Stat. 1512) is amended by striking “and \$3,000,000 for fiscal year 2009” and inserting “, \$3,000,000 for fiscal year 2009, and \$750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(26) BONDING ASSISTANCE PROGRAM.—Section 332(e)(2) of title 49, United States Code, is amended by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(27) DENALI ACCESS SYSTEM PROGRAM.—Section 309(j)(1) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended by inserting before the period at the end the following: “and \$3,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(28) SAFE ROUTES TO SCHOOL PROGRAM ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1404(c)(3) of SAFETEA-LU (119 Stat. 1228) \$750,000 for the period referred to in section 1(b).

(B) CONTRACT AUTHORITY.—Funds made available by this paragraph shall be available for obligation and administered in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(d) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.—

(1) IN GENERAL.—

(A) SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEPLOYMENT PROGRAM.—Section 5101(a)(1) of SAFETEA-LU (119 Stat. 1779) is amended by inserting after “2009” the following: “and \$49,100,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(B) TRAINING AND EDUCATION.—Section 5101(a)(2) of SAFETEA-LU (119 Stat. 1779) is amended by inserting after “2009” the following: “and \$6,675,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(C) BUREAU OF TRANSPORTATION STATISTICS.—Section 5101(a)(3) of SAFETEA-LU (119 Stat. 1779) is amended by inserting after “2009” the following: “and \$6,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(D) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5101(a)(4) of SAFETEA-LU (119 Stat. 1779) is amended by striking “and \$78,900,000 for fiscal year 2009” and inserting “\$78,900,000 for fiscal year 2009, and \$19,725,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(E) INTELLIGENT TRANSPORTATION SYSTEMS (ITS) RESEARCH.—Section 5101(a)(5) of SAFETEA-LU (119 Stat. 1779) is amended by inserting after “2009” the following: “and \$27,500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(2) DISTRIBUTION OF FUNDS.—For each program continued under the amendments made by paragraph (1), the Secretary of Transportation shall allocate the funds made available for the program for the period referred to in section 1(b) among the major program areas under that program in the same ratio as funds were allocated among those major program areas for fiscal year 2009, except that any designation of funds for specific activities shall not be required to be continued during that period.

(3) OBLIGATION CEILING.—Section 5102 of SAFETEA-LU (119 Stat. 1780) is amended by inserting before the period at the end the following: “and \$102,722,222 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(e) EXTENSION OF SAFETEA-LU TECHNICAL CORRECTIONS ACT OF 2008 PROVISIONS.—

(1) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Section 105(d) of the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1601) is amended by inserting after “\$1,000,000” the following: “, and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009 not more than \$250,000.”.

(2) HIGHWAY RESEARCH FUNDING.—

(A) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the future strategic highway research program under section 510 of title 23, United States Code, \$13,127,073 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.

(ii) CONTRACT AUTHORITY.—Funds made available by this subparagraph shall be available for obligation and administered in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of activities carried out using such

funds shall be 100 percent and such funds shall remain available until expended. Such funds shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(B) FUNDING FOR RESEARCH ACTIVITIES.—Section 111(f) of the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1605) is amended—

(i) in paragraph (1) by inserting after “2009” the following: “and \$250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(ii) in paragraph (2) by inserting after “2009” the following: “and \$1,225,000 shall be available for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(C) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506(k)(3) of title 49, United States Code, is amended by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(f) EXTENSION OF SET-ASIDE PROGRAMS AND ACTIVITIES.—Section 1101 of SAFETEA-LU (119 Stat. 1153) is further amended by adding at the end the following:

“(d) EXTENSION OF SET-ASIDE PROGRAMS AND ACTIVITIES.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009:

“(A) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—To cover costs of the Secretary described in section 104(h)(1) of title 23, United States Code, \$210,000.

“(B) INTERSTATE MAINTENANCE DISCRETIONARY PROJECTS.—To carry out projects described in section 118(c)(1) of such title \$25,000,000.

“(C) NONDISCRIMINATION.—

“(i) SKILLS TRAINING.—For the administration of section 140(b) of such title \$2,500,000.

“(ii) ON-THE-JOB TRAINING.—For the administration of section 140(c) of such title \$2,500,000.

“(D) TERRITORIES.—For the territorial highway program under section 215 of such title \$12,500,000.

“(E) ALASKA HIGHWAY.—For the Alaska Highway program under section 218 of such title \$7,500,000.

“(2) PROJECT SELECTION CRITERIA.—The project selection criteria in section 118(c)(2) of such title shall apply to amounts made available by paragraph (1)(B).

“(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation and administered in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.”.

(g) OPERATION LIFESAVER.—Section 104(d)(1)(B) of title 23, United States Code, is amended by inserting after “2009” the following: “and \$140,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(h) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 104(d)(2)(A)(ii) of title 23, United States Code, is amended by striking “and \$15,000,000 for fiscal year 2009” and inserting “\$15,000,000 for fiscal year 2009, and \$3,750,000 for the period referred to in section 1(b) of

the Surface Transportation Extension Act of 2009”.

(2) CERTAIN IMPROVEMENTS.—Section 104(d)(2)(E) of such title is amended by striking “and \$3,000,000 for fiscal year 2009” and inserting “\$3,000,000 for fiscal year 2009, and \$750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(i) INCREASED FEDERAL SHARE FOR CMAQ PROJECTS.—Section 120(c)(2) of title 23, United States Code, is amended by inserting after “or both,” the following: “or with funds obligated in the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(j) HOV FACILITIES.—Section 166(b)(5) of title 23, United States Code, is amended by striking “Before September 30, 2009” each place it appears and inserting “Through the last day of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(k) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 608 of title 23, United States Code, is amended—

(1) in subsection (a)(1) by inserting before the period at the end the following: “and \$30,500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(2) in subsection (a)(3) by inserting before the period at the end the following: “and not more than \$550,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(l) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—

(1) in subsection (d)(1)—

(A) in subparagraph (A) by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(B) in subparagraph (B) by inserting after “fiscal years” the following: “, and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”;

(2) in subsection (d)(2) by inserting after “2009” the following: “, and in the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”;

(3) in subsection (d)(3) by inserting after “2009” the following: “, and in the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”; and

(4) in subsection (k) by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(m) REDUCTION OF ALLOCATED PROGRAMS.—The Secretary of Transportation shall reduce the amount that would be made available, but for this section, for fiscal year 2010 for allocation under a program that is continued both by a multiyear law reauthorizing such program enacted after the date of enactment of this Act and by this section (including the amendments made by this section) by the amount made available for such program by this section (including the amendments made by this section).

(n) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds allocated under this section and the amendments made by this section for fiscal year 2010 for a program category for which funds are not authorized for fiscal year 2010 under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act may be restored to the Federal-aid highway program.

# SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and  
(2) by inserting after “2009” the following: “, and \$58,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of such Act (119 Stat. 1519) is amended—

(1) by striking “and”; and  
(2) by inserting after “2009” the following: “, and \$26,375,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 405 of title 23, United States Code, is amended—

(A) in subsection (a)(3) by striking “6” and inserting “7”; and

(B) in subsection (a)(4)(C) by striking “in each of the fifth and sixth fiscal years beginning after September 30, 2003,” and inserting “in each subsequent fiscal year”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(3) of such Act (119 Stat. 1519) is amended—

(A) by striking “and”; and  
(B) by inserting after “2009” the following: “, and \$6,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(d) SAFETY BELT PERFORMANCE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 406(c)(1) of title 23, United States Code, is amended by striking “2009” and inserting “2010”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(4) of such Act (119 Stat. 1519) is amended—

(A) by striking “and”; and  
(B) by inserting after “2009” the following: “, and \$31,125,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of such Act (119 Stat. 1519) is amended—

(1) by striking “and”; and  
(2) by inserting after “2009” the following: “, and \$8,625,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C) by striking “in each of the fifth, sixth, seventh, and eighth fiscal years” and inserting “in each subsequent fiscal year”; and

(B) in subsection (b)(2)(C) by striking “and 2009” and inserting “, 2009, and 2010”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(6) of such Act (119 Stat. 1519) is amended—

(A) by striking “and”; and  
(B) by inserting after “2009” the following: “, and \$34,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of such Act (119 Stat. 1520) is amended—

(1) by striking “and”; and  
(2) by inserting after “2009” the following: “, and \$1,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 2009(a) of such Act (23 U.S.C. 402 note; 119 Stat. 1535) is amended by striking “2009” and inserting “2010”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(8) of such Act (119 Stat. 1520) is amended—

(A) by striking “and”; and  
(B) by inserting after “2009” the second place it appears the following: “, and \$7,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(i) MOTORCYCLIST SAFETY.—

(1) EXTENSION OF PROGRAM.—Section 2010(d)(1)(B) of such Act (23 U.S.C. 402 note; 119 Stat. 1536) is amended by striking “and fourth” and inserting “fourth, and fifth”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(9) of such Act (119 Stat. 1520) is amended—

(A) by striking “and”; and  
(B) by inserting after “2009” the following: “, and \$1,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 2011(c)(2) of such Act (23 U.S.C. 405 note; 119 Stat. 1538) is amended by striking “fourth fiscal year” and inserting “fourth and fifth fiscal years”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(10) of such Act (119 Stat. 1520) is amended—

(A) by striking “and”; and  
(B) by inserting after “2009” the following: “, and \$1,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of such Act (119 Stat. 1520) is amended—

(1) by striking “and” the last place it appears; and  
(2) by inserting after “2009” the following: “, and \$4,625,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of such Act (119 Stat. 1520) is amended by striking “2009” and inserting “2010”.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 2013(f) of such Act (23 U.S.C. 403 note; 119 Stat. 1540) is amended to read as follows:

“(f) FUNDING.—Out of amounts made available to carry out section 403 of title 23, United States Code, the Secretary shall make available to carry out this section—

“(1) \$1,200,000 for each of fiscal years 2006 through 2009; and

“(2) \$300,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of such Act (23 U.S.C. 402 note; 119 Stat. 1541) is amended—

(1) in subsection (a)(1) by inserting after “2009” the following: “and \$425,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(2) in subsection (b)(2) by inserting after “2009” the following: “and \$500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

## SEC. 6. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and  
(3) by adding at the end the following:

“(6) \$52,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) of title 49, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by adding at the end the following:

“(F) \$58,500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(c) HIGH PRIORITY ACTIVITIES.—Section 31104(k) of title 49, United States Code, is amended—

(1) in paragraph (2) by inserting after “2009” the following: “, and \$3,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(2) in paragraph (4) by inserting “or for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “fiscal year”.

(d) GRANT PROGRAMS.—Section 4101(c) of SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1) by striking the period at the end and inserting “and \$6,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”;

(2) in paragraph (2) by striking the period at the end and inserting “and \$8,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”;

(3) in paragraph (3) by striking the period at the end and inserting “and \$1,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”;

(4) in paragraph (4) by striking the period at the end and inserting “and \$6,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”; and

(5) in paragraph (5) by striking the period at the end and inserting “and \$750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by inserting after “fiscal year” the following: “and, in the case of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009, up to \$7,250,000”.

(f) HIGH PRIORITY ACTIVITIES.—Section 31313(b)(2) of such title is amended by inserting “or for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “fiscal year”.

(g) COMMERCIAL DRIVER’S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d) of SAFETEA-LU (119 Stat. 1736) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) \$2,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(h) OUTREACH AND EDUCATION.—Section 4127(e) of such Act (119 Stat. 1741) is amended by inserting after “2009” the following:

“(and, in the case of the period referred to in section 1(b) of the Surface Transportation

Extension Act of 2009, \$250,000 to the Federal Motor Carrier Safety Administration and \$750,000 to the National Highway Traffic Safety Administration).

(i) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of such Act (119 Stat. 1744) is amended by inserting after “2009” the following: “and \$250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(j) EXEMPTION DURING HARVEST PERIODS.—Section 4146 of such Act (119 Stat. 1749) is amended by striking “at the end of fiscal year 2009” and inserting “on the last day of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(k) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of such Act (119 Stat. 1759) is amended by striking “September 30, 2009” and inserting “the last day of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(l) OFFICE OF INTERMODALISM.—Section 5503(i) of title 49, United States Code, is amended by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

#### SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATION OF FUNDS.—Section 5305(g) of title 49, United States Code, is amended by striking “2009” and inserting “2009 and the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(b) SPECIAL RULE.—Section 5307(b)(2) of such title is amended—

(1) in the paragraph heading by striking “2009” and inserting “2009 AND THE EXTENSION PERIOD”;

(2) in subparagraph (A) by striking “2009,” and inserting “2009 and the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,”; and

(3) in subparagraph (E)—

(A) by striking the subparagraph heading and inserting “MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009 AND THE EXTENSION PERIOD.”; and

(B) by striking “2009” and inserting “2009 and the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(c) ALLOCATING AMOUNTS.—Section 5309(m) of such title is amended—

(1) in paragraph (2) by striking the matter preceding subparagraph (A), including the paragraph designator and heading, and inserting the following:

“(2) FISCAL YEARS 2006 THROUGH 2009 AND THE EXTENSION PERIOD.—The amounts made available or appropriated for fiscal years 2006 through 2009 and the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009 under sections 5338(b) and 5338(c) shall be allocated as follows:”;

(2) in paragraph (2)(A)(i) by striking “2009” and inserting “2009 and \$50,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”;

(3) in paragraph (6)(B) by striking “2009” and inserting “2009, and \$3,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,”;

(4) in paragraph (6)(C) by striking “2009” and inserting “2009, and \$1,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,”;

(5) in paragraph (7)(A)—

(A) by striking “2009” and inserting “2009, and \$2,500,000 shall be available for the period

referred to in section 1(b) of the Surface Transportation Extension Act of 2009,”; and

(B) by striking “each fiscal year” and inserting “each of fiscal years 2006 through 2009”;

(6) in paragraph (7)(B) by inserting after clause (iv) the following:

“(v) \$3,375,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,”;

(7) in paragraph (7)(C) by inserting “and the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “fiscal year”;

(8) in paragraph (7)(D) by inserting “, and not less than \$8,750,000 shall be available for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,” after “fiscal year”; and

(9) in paragraph (7)(E) by inserting “, and \$750,000 shall be available for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,” after “fiscal year”.

(d) APPORTIONMENTS.—Section 5311(c)(1) of such title is amended by inserting after subparagraph (D) the following:

“(E) \$3,750,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(e) APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.—Section 5337(a) of such title is amended by striking “2009” and inserting “2009 and the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009 (with  $\frac{1}{12}$  of each of the dollar amounts listed in paragraphs (1) through (6) made available for the extension period)”.

(f) FORMULA AND BUS GRANTS.—Section 5338(b) of such title is amended—

(1) in paragraph (1)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by adding at the end the following:

“(E) \$2,090,141,250 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”;

(2) in paragraph (2)(A)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$28,375,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(3) in paragraph (2)(B)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$1,040,091,250 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(4) in paragraph (2)(C)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$12,875,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(5) in paragraph (2)(D)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$416,625,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(6) in paragraph (2)(E)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$246,000,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(7) in paragraph (2)(F)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$33,375,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(8) in paragraph (2)(G)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$116,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(9) in paragraph (2)(H)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$41,125,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(10) in paragraph (2)(I)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$6,725,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(11) in paragraph (2)(J)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$875,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(12) in paragraph (2)(K)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$6,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(13) in paragraph (2)(L)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$116,250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”; and

(14) in paragraph (2)(M)—

(A) by striking “and” after “2008,”; and

(B) by inserting “, and \$2,200,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”.

(g) CAPITAL INVESTMENT GRANTS.—Section 5338(c) of such title is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) \$452,312,500 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”.

(h) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of such title is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1)—

(A) by striking “and” after “2008,”; and

(B) by inserting “and \$17,437,500 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,” after “2009,”;

(2) in paragraph (1)(A)—

(A) by striking “and” after “2008,”; and

(B) by inserting “and \$2,500,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009” after “2009”;

(3) in paragraph (1)(B)—

(A) by inserting “, and \$1,075,000 shall be allocated for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,” after “each fiscal year” the first place it appears; and

(B) by inserting “, and of which not more than \$250,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,” after “each fiscal year” the second place it appears;

(4) in paragraph (1)(C) by inserting “, and \$1,750,000 shall be allocated for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,” after “each fiscal year”;

(5) in paragraph (1)(D) by inserting “, and \$750,000 shall be allocated for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,” after “each fiscal year”; and

(6) in paragraph (1)(E) by inserting “, and \$250,000 shall be allocated for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009,” after “each fiscal year”.

(i) **ADMINISTRATION.**—Section 5338(e) of such title is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) \$24,625,000 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”

(j) **EXTENSION OF SAFETEA-LU PROGRAMS.**—

(1) **CONTRACTED PARATRANSIT PILOT.**—Section 3009(i)(1) of SAFETEA-LU (119 Stat. 1572) is amended by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(2) **PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.**—Section 3011(c)(5) of SAFETEA-LU (49 U.S.C. 5309 note; 119 Stat. 1588) is amended by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(3) **RESTRICTIONS ON USE OF BUS CATEGORY FUNDS FOR FIXED GUIDEWAY PROJECTS.**—Section 3011(d) of SAFETEA-LU (49 U.S.C. 5309 note) is amended by inserting after “2009” the following: “and in the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(4) **ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.**—Section 3012(b)(8) of SAFETEA-LU (49 U.S.C. 5310 note) is amended by striking “September 30, 2009” and inserting “the last day of the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(k) **OBLIGATION CEILING.**—Section 3040 of SAFETEA-LU (119 Stat. 1639) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following:

“(6) \$2,584,516,250 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009, of which not more than \$2,090,141,250 shall be from the Mass Transit Account.”

(l) **FINAL DESIGN AND CONSTRUCTION OF NEW FIXED GUIDEWAY CAPITAL PROJECTS.**—Section 3043(b) of SAFETEA-LU (119 Stat. 1641) is amended in the matter preceding paragraph (1) by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(m) **PRELIMINARY ENGINEERING OF NEW FIXED GUIDEWAY CAPITAL PROJECTS.**—Section 3043(c) of SAFETEA-LU (119 Stat. 1642) is amended in the matter preceding paragraph (1) by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

(n) **APPORTIONMENT PERIOD.**—The Secretary of Transportation shall apportion

funds under this section, including the amendments made by this section, not later than 21 days after the date of enactment of this Act.

(o) **TREATMENT OF FUNDS.**—Amounts made available under the amendments made by this section shall be treated for purposes of section 1101(b) of SAFETEA-LU (23 U.S.C. 101 note) as amounts made available for programs under title III of that Act.

#### SEC. 8. BOATING SAFETY EXTENSION.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 3 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777b) is amended by inserting after “1984,” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009.”

(b) **DIVISION OF ANNUAL APPROPRIATIONS.**—

(1) **IN GENERAL.**—Section 4(a) of such Act (16 U.S.C. 777c(a)) is amended—

(A) by inserting after “2009” the following: “and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”; and

(B) by striking “annual”.

(2) **ADMINISTRATIVE EXPENSES.**—Section 4(b)(1)(A) of such Act (16 U.S.C. 777c(b)(1)(A)) is amended to read as follows:

“(A) **SET-ASIDE FOR ADMINISTRATION.**—From the annual appropriation made in accordance with section 3, for each of fiscal years 2006 through 2009 and for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009, the Secretary of the Interior may use no more than the amount specified in subparagraph (B) or (C) for the fiscal year or period, as appropriate, for expenses for administration incurred in the implementation of this Act, in accordance with this section and section 9. The amount specified in subparagraph (B) or (C) for a fiscal year or period may not be included in the amount of the appropriation distributed under subsection (a) for the fiscal year or period.”

(3) **SET-ASIDE AMOUNT.**—Section 4(b)(1) of such Act (16 U.S.C. 777c(b)(1)) is amended by adding at the end the following:

“(C) **EXTENSION PERIOD.**—The available amount referred to in subparagraph (A) for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009 is 25 percent of the available amount under subparagraph (B) for fiscal year 2009.”

(4) **APPORTIONMENT AMONG STATES.**—The first sentence of section 4(c) of such Act (16 U.S.C. 777c(c)) is amended by striking “annual”.

(c) **PUBLIC ACCESS TO WATERS.**—Section 8(b) of such Act (16 U.S.C. 777g(b)) is amended—

(1) in paragraph (1)—

(A) in the first sentence by striking “for each fiscal year”; and

(B) in the second sentence by striking “in a fiscal year”; and

(2) in paragraph (2) by striking “annual”.

(d) **PAYMENTS OF FUNDS TO AND COOPERATION WITH PUERTO RICO, THE DISTRICT OF COLUMBIA, GUAM, AMERICAN SAMOA, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND VIRGIN ISLANDS.**—Section 12 of such Act (16 U.S.C. 777k) is amended by striking “annual”.

(e) **MULTISTATE CONSERVATION GRANT PROGRAM.**—

(1) **AMOUNT FOR GRANTS.**—Section 14(a)(1) of such Act (16 U.S.C. 777m(a)(1)) is amended to read as follows:

“(1) **AMOUNT FOR GRANTS.**—Not more than \$3,000,000 of each annual appropriation made in accordance with the provisions of section 3, and not more than \$750,000 of the appro-

priation made for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009 in accordance with the provisions of section 3, shall be distributed to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.”

(2) **FUNDING FOR OTHER ACTIVITIES.**—Section 14(e) of such Act (16 U.S.C. 777m(e)) is amended by adding at the end the following:

“For the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009, paragraph (1) shall be applied by substituting ‘\$50,000’ for ‘\$200,000’ and paragraph (2) shall be applied by substituting ‘\$100,000’ for ‘\$400,000’.”

#### SEC. 9. LEVEL OF OBLIGATION LIMITATIONS.

(a) **HIGHWAY CATEGORY.**—Section 8003(a) of SAFETEA-LU (119 Stat. 1917) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following:

“(6) for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009, \$10,617,492,545.”

(b) **MASS TRANSIT CATEGORY.**—Section 8003(b) of SAFETEA-LU (119 Stat. 1917) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by inserting after paragraph (5) the following:

“(6) for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009, \$2,584,516,250.”

(c) **TREATMENT OF FUNDS.**—No adjustment pursuant to section 110 of title 23, United States Code, shall be made for fiscal year 2010.

#### SEC. 10. HAZARDOUS MATERIALS RESEARCH PROJECTS.

Section 7131(c) of SAFETEA-LU (119 Stat. 1910) is amended by inserting after “2009” the following: “and \$312,500 for the period referred to in section 1(b) of the Surface Transportation Extension Act of 2009”.

#### SEC. 11. EXTENSION AND EXPANSION OF EXPENDITURE AUTHORITY FROM TRUST FUNDS.

(a) **HIGHWAY TRUST FUND.**—

(1) **HIGHWAY ACCOUNT.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) by striking “September 30, 2009 (October 1, 2009)” and inserting “December 31, 2009 (January 1, 2010)”; and

(B) by striking “under” and all that follows and inserting “under the Surface Transportation Extension Act of 2009 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”

(2) **MASS TRANSIT ACCOUNT.**—Paragraph (3) of section 9503(e) of such Code is amended—

(A) by striking “October 1, 2009” and inserting “January 1, 2010”; and

(B) by striking “in accordance with” and all that follows and inserting “in accordance with the Surface Transportation Extension Act of 2009 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”

(3) **EXCEPTION TO LIMITATION ON TRANSFERS.**—Subparagraph (B) of section 9503(b)(6)

of such Code is amended by striking "September 30, 2009 (October 1, 2009)" and inserting "December 31, 2009 (January 1, 2010)".

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—

(1) IN GENERAL.—Paragraph (2) of section 9504(b) of such Code is amended—

(A) by striking "(as in effect" in subparagraph (A) and all that follows in such subparagraph and inserting "(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2009).";

(B) by striking "(as in effect" in subparagraph (B) and all that follows in such subparagraph and inserting "(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2009), and"; and

(C) by striking "(as in effect" in subparagraph (C) and all that follows in such subparagraph and inserting "(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2009).";

(2) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking "October 1, 2009" and inserting "January 1, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2009.

The SPEAKER pro tempore (Mr. BLUMENAUER). Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3617, and to include extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

We gather here, I guess I would say in my view, reluctantly to ask for a vote in support of extending the current surface transportation programs that are included in existing law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to extend it for 3 months.

I expected that we would have put in place by now a 6-year extension of current law, a new transformational surface transportation program. But along the way, there has been a failure of political will in various quarters. Not on this committee, not on the Committee on Transportation and Infrastructure. We have done our work under the vigorous leadership of the gentleman from Oregon (Mr. DEFAZIO), Chair of the Surface Transportation Subcommittee, in partnership with Mr. DUNCAN on the Republican side; and in the full committee Mr. MICA and I have worked together for the past 2½ years to craft a transformation of the Department of Transportation, of the Federal Highway Administration, of the Federal Transit Administration, of our safety

programs into a coherent new vision and a new program with which to address the Nation's transportation needs, new partnerships with the States and with the cities and with the metropolitan planning organizations. And we've done that. We moved a bill out of subcommittee.

But along the way, there was a stumbling down the street from here at the White House that resulted in asking for an 18-month extension of current law, and then the other body fell in line with a request for an extension of 18 months.

That's not what we need in America. Eighteen months from now, we will be back here at the same place on the House floor decrying the lack of investment, decrying the falloff of funding, decrying the lack of investment in our transit systems while America chokes evermore in congestion; while rural America is not able to move its goods to market; while our traffic corridors for freight goods movement continue to move slowly; while businesses, enterprises like United Parcel Service spent \$100 million dollars a year for every 5-minute delay their trucks experience.

General Mills in Minnesota loses \$2 million for every mile an hour their trucks travel below the speed limit because they have to pay overtime charges and late delivery fees. That's not the kind of transportation we need in America to keep this economy moving, to keep our society mobile. We need a robust investment.

Two national transportation policy commissions have reviewed the current structure of law and the current financing of law and said this is not good enough; we need to invest vastly more than we are doing at all levels of government. And both recommended an investment level in the range of \$450 billion over 6 years. That's what our bill does.

But since we have not been able to reach an agreement to bring that bill to the floor within the timeframe that we envisioned, we are here to ask for a 3-month extension to carry all programs to ensure continuity of existing investment in our surface transportation needs.

That is what this bill will do: continue programs for 3 additional months, which will give us an opportunity to continue working out the issues of how we deliver services, we deliver transportation investments in a more efficient, effective way to lead America into this 21st century.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank the Chair of the full T&I Committee and my Democrat counterpart on the committee, the leader, Mr. OBERSTAR, for his tireless efforts. He has been fight-

ing unprecedented obstacles in trying to pass a 6-year extension of our most important transportation infrastructure legislation.

As you know, in just a few days our current legislation expires. In Congress we passed a 6-year authorization, and that's important so that States can plan and other entities can do long-term projects. As we have seen, the problem with the stimulus bill is we had some very narrow constraints on the time in which money could be spent. And because significant infrastructure projects take a long time to go through planning, process, approval, and the various red tape, we have seen that it's very difficult, in fact, almost impossible, even with the best efforts of Secretary LaHood and district secretaries throughout the Nation, transportation leaders throughout the Nation, to move that money out into projects and get people working.

□ 1615

That is why a 6-year bill is very important. I am kind of sad in a way that we have to come here for a 3-month extension. Now, I am not opposed to a 3-month extension; but on behalf of my leadership, what my leadership has requested is that this extension be brought to the floor not on a suspension, which is sort of a unanimous consent to proceed, but to have the legislation go through the Rules Committee and have the opportunity for our side of the aisle to express itself. And the only opportunity you get to do that is in a motion to recommit and through the regular order and process. That only requires a majority vote, and I am confident at that time many Members would vote on both sides of the aisle to proceed.

Everyone would like a long-term transportation bill. No one is happy that we are here at this 11th hour. The current legislation expires in just a few days, without a long-term bill to get people working, to get long-term approval.

So what we have here are several problems. First, we have a short-term proposal which many people have been opposed to.

I will take you back to the last time we did a 6-year bill. It took a year and a half, nearly 2 years to pass the next bill, so people were left in limbo for a long time. States can't plan. Projects can't move forward. Major infrastructure cannot be built nor approved when you don't know what the level of Federal participation will be.

There are some issues with this proposal to proceed for 3 months. Members on both sides of the aisle should be aware of them. First of all, we have an issue that some projects, and it has been confirmed with the other side of the aisle today, some projects that are named in the past 6-year bill will not go over into this extension. So in one



category of nontransit and transit, you have about a quarter of a billion, about a half a billion dollars in total will be transferred from the past legislation and directed toward specific projects to the discretion of the Secretary. So that does raise some ire, some questions, not just on the Republican side but on the other side, what is going to happen with this half a billion dollars.

The other issue that we don't address in this, and this is kind of sad because we do need to do this long term, is rescissions. Rescissions, unfortunately we made a decision when we passed the last bill when we got to this stage that we had to have money to support these projects. We don't have money to support these projects at the level we had previously agreed upon, so what takes place is an automatic rescission. Now, I wish this extension dealt with the rescission issue.

What is going to happen, even if we pass this, most of the Members of Congress, and listen carefully, you are going to get a call from your Secretary of Transportation. The Secretary of Transportation is going to tell you that the States will begin announcing rescissions. That means they are going to be cutting back projects because Congress hasn't done its work. A 3-month extension isn't going to do that. We really need a 6-month extension to stop the rescissions. I'm telling you, you are going to get those calls and that is a concern that is not addressed in this legislation.

So we do have some problems with this. All in all, I want to move the process forward. If the Republican side of the aisle, my side of the aisle decides to take down or not approve an extension today, it is not the final word. What they would like is the opportunity, and I present this on behalf of our leadership on this side of the aisle, is a fair chance to bring up an issue. It may only be one vote, one opportunity to submit to the House for hopeful improvement in this move to extend the expiring transportation authorization. It may be only one opportunity. They would like to do that through the regular order of coming out with a rule.

So that is the situation we find ourselves in. It is not a happy situation for me. It is not a happy situation for my colleague, Mr. OBERSTAR, but that is the reality of the legislative situation that presents itself this afternoon.

I have additional comments, but I will reserve the balance of my time at this time.

Mr. OBERSTAR. I yield myself 2 minutes.

In the consideration of the current law, SAFETEA in 2004 and 2005, there were 12 extensions of the previous TEA-21 Act. Five of those bills were considered under unanimous consent; unanimous consent with our concurrence on the Democratic side or else it couldn't have passed by unanimous

consent. Four were agreed to by voice vote. Three were passed by recorded vote. At least two of those were requested by the Republican majority. The first was 410-0, the second was 418-0, and the third recorded vote was 409-8. We didn't ask for a rule to take up the extension of current law. We partnered with the majority Republicans to keep existing law in place and keep working on the replacement bill, which came to be SAFETEA.

I don't understand the appeal now for a rule to take up—something I suggested when I learned from my good friend who had to be the messenger bearing bad news that the Republican leadership in the House said they would not support the bill under suspension. I said, well, we will take it up under a rule. Then I thought further about this and found there is a great deal of support on both sides of the aisle for a 3-month extension. Then I started thinking further, we didn't do that when we were in the minority. We had a partnership. We wanted to see good policy achieved.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself an additional minute.

I say to the gentleman from Florida, who has been a straightforward partner, we have candidly talked through issues. Mr. DEFazio and Mr. DUNCAN have candidly discussed issues. Staffs have worked vigorously in crafting this transformational bill. There was no need for this disruption. We need an additional 3 months to continue working straightforward on the bill.

Now, there was a statement put out by the leader's office that the leader on the Republican side and the Republican National Committee chairman join with President Obama in supporting an 18-month extension of current law. That is the most unusual partnership I have ever seen. The Republican National Committee Chair and the Democratic President of the United States in a most unusual alliance. It is for the good of the country.

Mr. MICA. Mr. Speaker, I'm pleased to yield 3 minutes to one of the leaders on our side of the aisle, part of our leadership team, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Florida.

Mr. Speaker, I rise in opposition to this bill for several reasons. In my estimation, Mr. Speaker, I believe that this bill reflects a bit of gamesmanship within the discussion over the extension of a highway reauthorization bill.

I know that the gentleman from Minnesota has made very clear his desire to pass an increase in the gas tax to fund a multiyear reauthorization bill. Simultaneously, while the gentleman has expressed that desire, this administration, as well as the folks on the other side of this building in the Sen-

ate, have indicated that they do not want to support a tax increase at this time and instead have advocated an 18-month extension of the highway bill.

It appears that the gentleman from Minnesota has, in response, come up with this bill which would give a 3-month extension seemingly to buy time to bring the parties together to the table to agree on a gas tax.

Now, Mr. Speaker, let's face it, the American people right now especially cannot afford an increase in the gas tax. Such a tax would hit the unemployed, would hit small businesses, would hit those least able to afford it the hardest.

In addition to that, Mr. Speaker, our States and our contractors who are there needing some certainty deserve better than just a 3-month extension. Mr. Speaker, we on our side of the aisle stand ready to work with the gentleman as well as with his leadership on a thoughtful approach to highway reauthorization. What we are asking for is a public rejection of increasing the gas tax. We say "no" to higher gas taxes.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds.

I appreciate the remarks of the gentleman, the distinguished assistant minority leader. In my remarks to the Ways and Means Committee, I laid out seven or eight different options. All of those options are on the table. In our metropolitan mobility center provision of the bill, we engage a wide range of private sector financing mechanisms to support investment in surface transportation in the areas of critical need where the greatest congestion occurs. We welcome all of those ideas.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself an additional 30 seconds.

As the gentleman from Florida knows very well, he has advanced ideas that we have engaged in and are continuing to engage in how to finance the long-term 6 years of the surface transportation. This is not a gas-tax-now-and-only proposal. We are not considering such in this 3-month extension, I say to the gentleman.

I would just like to quote a distinguished leader of this country: "So what we are proposing is to add the equivalent of 5 cents per gallon to the existing Federal highway user fee, the gas tax. That hasn't been increased for 23 years. The cost to the average motorist will be small. The benefit to our transportation system will be immense. The program will not increase the Federal deficit or add to the taxes you and I pay. It will be paid by those of us who use the system, and will cost the average car owner about \$30 a year, less than the cost of a couple of shock absorbers." That was Ronald Reagan in

1982. I applauded him for that statement. It was a great statement of leadership. We are asking for ideas for leadership on how to finance the future of transportation. Give us the time, give us the 3 months that we need to continue the dialogue. I invite the gentleman from Virginia to participate in these discussions with us. I hope that he will.

I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), the ranking member of the Highway Subcommittee of the Transportation and Infrastructure Committee.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

First of all, I want to say that I certainly agree with and support the comments that he made on this legislation a few moments ago. I find myself in the same position, and I certainly want to thank him for the great leadership he has given me in his position as the ranking member of the Transportation and Infrastructure Committee. I want to commend our great chairman, Chairman OBERSTAR, because all of us, Chairman OBERSTAR, Mr. MICA, myself, Chairman DEFAZIO of our subcommittee, we all would like to stop these extensions. Nobody wants a 3-month extension or any kind of extension. What we all want is to pass a major reauthorization bill.

I am in my 21st year in the Congress. I have been here for all of the major highway bills since I first was elected in 1988, and those bills have always passed with overwhelming margins and strong bipartisan support on both sides of the aisle, almost unanimous support.

□ 1630

Today, what you have, you have the Chamber of Commerce wanting a bill, you have the National Association of Manufacturers wanting a bill, you have the American Trucking Association wanting a bill, you have labor groups wanting a bill. I could give a whole long speech just naming all the different groups and people across this country that want a bill who say that we need it, especially with the economy in the situation it is in now.

So it is unfortunate that we have to talk about a 3-month extension or a 6-month extension. What we really need to be talking about is a strong, bipartisan highway reauthorization bill to help get this country moving once again and do all of the projects that have been getting backed up and are causing problems and delays all over this country.

Mr. OBERSTAR. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO), Chair of the Subcommittee on Highways and Transit.

Mr. DEFAZIO. I thank the chairman.

The gentleman from Virginia can try and change the subject about some fu-

ture possible increase in gas tax or user fees. That is not what is before us today.

Plain and simple, what is before us today is on October 1st, a very short time from now, will the States see a loss of \$4.5 billion in funding for highway, bridge and transit projects across this country? Our economy is teetering, and they want to play politics with a simple extension of existing policy under the existing gas tax, which has been the same since 1993. That is not too much to ask. But they want to play politics with that. They want to jeopardize it. They want to delay it.

Now, let's just go to the delay. If they are totally successful, \$4.5 billion in spending goes away October 1. Hundreds of thousands of jobs are lost. Transportation projects across the country come to a halt; transit systems grind to a halt, because the Federal funds aren't there, even though we can finance all those things, without borrowing a penny, out of the existing gas tax. That would go away too.

Maybe that is the world they want to live in. I don't. Bridges falling down, transit systems that are unsafe to ride on, road surfaces that are unacceptable, growing congestion. That is not a vision for the future. But that apparently is their vision—the status quo or worse, because now they are talking about an 18-month extension.

If we do an 18-month extension, that will be 24 months or 30 months of the status quo, which is failing us. We aren't rebuilding the system; 160,000 bridges are weight limited, are functionally obsolete. People are sitting in congestion. Transit systems have \$60 billion backlogs in outdated equipment. But that is okay with the Republicans, apparently. They want the status quo, because they are so afraid of talking about any sort of remedy of any type and any sort of investment.

Then, if they aren't successful in killing the whole program, if they just delay this temporary extension, on October 1 the States will lose \$1 billion under the continuing resolution, \$1 billion, all across America. There is 20 percent unemployment in the construction trades, and they are going to increase that number because they want to walk away from the \$1 billion that would be there with the simple extension of this program for 3 months.

They can have the fight and the debate later when they want to play politics about the levels of investment in the bill and how we might get there. But that is 3 months from now or longer, depending upon what we can work out with the Senate.

But the point is, you are playing politics here. You want to have a vote on a gas tax that isn't before this body, that is not likely to be before this body at any time in the near future, at least for 3 months if this bill is passed.

Don't play politics with investment in our infrastructure. Don't play poli-

tics with the economy. Don't play politics with people's jobs. Don't bring America to a screeching halt on October 1 and walk away from your obligation to extend this program.

Mr. MICA. Might I inquire as to the amount of time on each side?

The SPEAKER pro tempore. The gentleman from Florida has 9½ minutes remaining and the gentleman from Minnesota has 7 minutes remaining.

Mr. MICA. I yield 3 minutes to the gentleman from Illinois (Mr. SCHOCK), one of the rising stars on the Transportation and Infrastructure Committee.

Mr. SCHOCK. Thank you, Ranking Member MICA, for yielding the time.

I rise today to connect three dots for my colleagues: Yesterday's vote, today's vote, and a vote that this body took on February 13.

Yesterday, I joined with the majority of this body in voting to extend unemployment assistance for an additional 13 weeks for American citizens. I cast this vote because unemployment in my State of Illinois is now over 10.4 percent, the highest it has been in over two decades.

The transportation industry in this country has been hit even harder. In August of this year, unemployment within that industry climbed up over 16.5 percent. There were over 1 million fewer construction industry jobs this August than the prior August.

Now, we took a vote on February 13 that was supposed to have alleviated this need. The American Recovery and Reinvestment Act, known as the stimulus bill, was supposed to create or save 3.5 million jobs and hold the U.S. unemployment rate below 8 percent.

Ladies and gentlemen, it is clear to this body and also to the American people that the stimulus bill has not done its job. Then again, the stimulus has not had a chance to make improvements in the construction industry and its unemployment. In fact, only \$63 billion, or 7 percent of the stimulus, was dedicated to infrastructure. Interestingly, the rest of the stimulus is not being spent.

Without including the tax programs in the stimulus, only \$98 billion worth of the stimulus dollars have been spent and an additional \$140 billion is in the process of being spent, which means that \$343 billion of the stimulus remains to be spent. Which brings me to today's vote. We vote today to delay consideration of the highway bill. Why? We take this vote because no one in this body wants to talk about how to fund the highway bill. Doing so is too politically risky.

The problem, ladies and gentlemen, is that we need to find about another \$140 billion in revenue to compliment existing revenues in order to fund a \$450 billion highway bill, a level that most agree is reasonable. No one wants to talk about the gas tax increase that would be needed to raise such revenue.

But I would submit to you this: We voted on a stimulus bill under the guise of investing in infrastructure. We voted on a stimulus bill under the guise of putting people back to work. And yet today we are about to vote on a postponement of one of the biggest job-creating bills that we have before this body.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman another 30 seconds.

Mr. SCHOCK. I would submit that it would be much wiser to spend the remaining \$343 billion, \$140 billion of that on the shortfall in the Highway Trust Fund, and invest in America's infrastructure. There is nothing more expensive than deferred maintenance for this country, whether it is the bridge collapse in Minnesota, whether it is the bridge across the Illinois River in my hometown that has been downgraded from three to two lanes because of its instability.

We need to invest in America's infrastructure, and rather than push bills that fly in the face of the majority of Americans, a health care bill that has failed to receive the support of the majority of Americans, the majority of Americans support a highway bill. We need to vote on a full highway bill.

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds to point out to the gentleman from Illinois that we will in our next report next week, and I invite the gentleman to our committee hearing, the fourth in our series of oversight hearings, show 100,000 construction jobs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself another 15 seconds.

By November, we will have a quarter of a million construction jobs. I keep track of it in a record that I have week by week. And, yes, if we had transferred the \$140 billion from the rest of the stimulus, or if we had taken instead of a \$300 billion tax cut and put it into the highway program, we would have a lot of people working.

I yield 3 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE), a graduate of the Committee on Transportation and Infrastructure.

Mr. LATOURETTE. I thank the chairman for yielding.

This is my 15th year in the Congress, and I am constantly amazed at how both parties are able to snatch defeat from the jaws of victory.

When the new administration came into office in January, I was excited as a Republican when he and our former colleague, the Secretary of Transportation, said we don't want to deal with infrastructure for 18 months. We are going to kick this thing down the road until after the next election.

I thought, my, what a wonderful opportunity for the Republican Party to

regain its leadership role in transportation. And when I say "historical," I talk about Abraham Lincoln and the Transcontinental Railway, about Dwight Eisenhower and the National Highway System. The chairman referenced President Ronald Reagan. George H.W. Bush signed the first comprehensive highway bill in 1991 called ISTEA.

We only ran into a problem during the reauthorization of what is now known as SAFETEA-LU, when, sadly, a Republican administration decided we only needed \$256 billion out of a Highway Trust Fund that had more than that to solve all of the problems in this country. So, as a result, we argued, we wrangled, and we finally compromised, but the bill was 2 years late. And when it was 2 years late, we didn't deliver the money to the States to do the projects, and people couldn't have jobs.

Now, for my good friend the new Member from Illinois, I just want to set the table. This debate today, there are only a couple of games in town. One is the President has said he doesn't want to deal with this for 18 months. That will cause a loss of jobs. Our friends on the other side of the Capitol, they don't want to deal with it for 18 months.

My friends who object now to this 3-month extension, what they are objecting to is not a 3-month extension. As the chairman correctly pointed out, we do this like changing our socks around here. This is not a big deal. But by passing the 3-month extension, you would give the only person in town who believes, and I got a bet on him, I got 10 bucks bet on the chairman, that he can get a highway bill done in 3 months. And if you don't like taxes, you argue against it later. You fight about it later.

But all this says is the only guy that is willing to do a full 6-year bill and will figure it out to put people back to work and do infrastructure in this country, JIM OBERSTAR, the chairman of the committee, we are not going to let you do that. We are going to take the 18-month extension from the Senate and we are going to be done.

I am telling you, it is just wrong. It is just wrong. The chairman needs to have the ability to put this forward. And the Republican Party, despite some members of our leadership, needs to stand up and say, you know what? Republicans, unlike what my friend from Oregon said, Republicans believe in infrastructure. We helped build this country. And to turn our backs on that now to try and score some cheap political point, as the gentleman said, is outlandish.

You need to vote for this thing. Get over it, and let's do the extension.

Mr. MICA. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

The gentleman from Minnesota mentioned or decried the lack of bipartisanship here now. The problem with the highway bill has never been a lack of bipartisanship. The problem has been a lack of fiscal responsibility.

When we did SAFETEA-LU 5 years ago, or 4 years ago, it passed by a margin, I think there were only eight dissenting votes here in the House and only three in the Senate. Yet it was a bill that was far too big for the Highway Trust Fund. We didn't have sufficient money there.

The other gentleman from Oregon mentioned that we were able to fund out of the Highway Trust Fund without borrowing any money. If that is the case, why have we transferred twice this year \$8 billion in one tranche, \$7 billion in another tranche, money that would backfill for the money we simply don't have in this legislation?

□ 1645

Let me point out another thing that is troubling here. In the bill there are extensions of certain projects and not of others. I'm glad that a lot of the projects, including most of the 6,300 earmarks that were in SAFETEA-LU, are now finished and completed, and we won't be extending those projects beyond. But there are exemptions here, projects that had a specific line item in the legislation:

Three-quarters of a million dollars for America's Byways Resource Center in Duluth, Minnesota.

More than \$11 million for the magnetic levitation train system in Nevada.

These are projects that will continue to receive funding because they have a line item in the bill.

Now there is an uncanny alignment, I think anyone would see, between some of these projects and those who are working on this legislation. So you can say what you want about earmarks or whatever else, but this is an example, if nothing else, of the spoils system alive and well.

We shouldn't extend for 3 months what we ought to take up now. If somebody says we need to increase taxes, that's a debate we ought to have, but we shouldn't continue to spend money that we don't have in the Highway Trust Fund because we will simply have to transfer it later.

Mr. OBERSTAR. How much time remains on each side?

The SPEAKER pro tempore. The gentleman from Minnesota has 3½ minutes remaining. The gentleman from Florida has 4 minutes remaining.

Mr. OBERSTAR. I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Just to correct the gentleman, what I said is, we could continue the current levels in this bill

over the next 3 months without borrowing any additional money. The funding is there. Yes, some money was transferred this summer to make up for past expenditures for emergencies and other things from the trust fund, but we would not be borrowing any money to extend this program for the next 3 months. It will be paid for, and it would put a heck of a lot of people to work. The bottom line is, do you vote "yes", extend this critical \$4.5 billion investment next month in our transportation infrastructure, keeping our transit systems running? Or do you vote "no" and bring it to a screeching halt?

Mr. MICA. Mr. Speaker, I yield myself 3½ minutes.

First of all, unfortunately we do have ourselves in an awkward situation here. Let me separate some fact from fiction. Some statements have been made both by the Democratic side of the aisle and the Republican side of the aisle that I would like to address.

First, no one wants to kill a highway bill, and no one is intent on killing the measure that's before us today to extend for 3 months. What I came here to ask on behalf of my leadership was that we, in fact, get the opportunity for regular order, that there be an opportunity for a bill to come through rules. Sometimes you get one motion to recommit or one motion to be heard on changing the substance of legislation or influencing or stating your opinion on that legislation. That's all my leadership asked for was a 1-day delay. We're not going to delay the extension of the bill because the current bill extends through the 30th.

Now let me tell you, I've tried to be as bipartisan as I can in this process and as the Republican leader of the largest committee in Congress, working with Mr. OBERSTAR, Mr. DEFazio, Mr. DUNCAN, all the principals in this, to move forward because it is important for jobs. It is important for our economy. It is important for the infrastructure that we know is crumbling. It's important for the future of this country to have sound infrastructure. This extension, whether it's passed today or tomorrow, doesn't make a difference. What my leadership has asked is that they be given that one opportunity to make a presentation.

There's no attempt to take down the bill. There is a request to have it come through regular order. We all want jobs. Again, it's just that request. Now I have deferred to the other side of the aisle. The other side of the aisle in the House has been abandoned so many times, I feel like an orphan sometimes trying to help the chairman of the full committee. I stood with him when the message was delivered to us that they were going to abandon our work for a 6-year bill, a 72-month bill. I stood with him when the Secretary of Transportation came and gave us the bad news and said that that's not the way to go.

I stood with them when the other body, the United States Senate, said, No, we're going to delay this process and only go 18 months. Now I think I owe it to my leadership, on behalf of the minority—and we are the minority—to try to get them the opportunity to have their word on this legislation since it does have significant impact on the future of transportation, our infrastructure, the country and our economy. I think that's the least we could do from our side of the aisle as a responsible minority. So it's not an attempt to take it down. It's an attempt to state a position.

I reserve the balance of my time.

Mr. OBERSTAR. How much time remains?

The SPEAKER pro tempore. The gentleman from Florida has 30 seconds remaining, and the gentleman from Minnesota has 3 minutes.

Mr. OBERSTAR. I will reserve the balance of my time to close on our side.

#### MOTION TO ADJOURN

Mr. SIMPSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SIMPSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 42, nays 355, not voting 35, as follows:

[Roll No. 730]

#### YEAS—42

Aderholt	Garrett (NJ)	Miller (MI)
Adler (NJ)	Gohmert	Olson
Akin	Hastings (WA)	Pastor (AZ)
Alexander	Heller	Pitts
Bartlett	Hensarling	Posey
Barton (TX)	Inglis	Price (GA)
Blackburn	Johnson (IL)	Rehberg
Broun (GA)	Johnson, Sam	Schwartz
Buyer	King (IA)	Sensenbrenner
Campbell	Lamborn	Shadegg
Carter	Lewis (CA)	Simpson
Chaffetz	McCarthy (CA)	Souder
Clay	McHenry	Thornberry
Foxx	Mica	Tiahrt

#### NAYS—355

Ackerman	Bonner	Cantor
Altmire	Bono Mack	Cao
Andrews	Boozman	Capito
Arcuri	Boren	Capps
Austria	Boswell	Cardoza
Baca	Boucher	Carnahan
Bachmann	Boustany	Carney
Baird	Boyd	Carson (IN)
Baldwin	Brady (PA)	Cassidy
Barrow	Brady (TX)	Castle
Becerra	Braley (IA)	Castor (FL)
Berkley	Bright	Chandler
Berman	Brown (SC)	Childers
Berry	Brown, Corrine	Chu
Biggert	Brown-Waite,	Clarke
Bilbray	Ginny	Cleaver
Bilirakis	Buchanan	Clyburn
Bishop (GA)	Burgess	Coble
Bishop (NY)	Burton (IN)	Coffman (CO)
Blumenauer	Butterfield	Cohen
Blunt	Calvert	Cole
Bocchieri	Camp	Conaway

Connolly (VA)	Kanjorski	Pingree (ME)
Conyers	Kaptur	Platts
Cooper	Kildee	Poe (TX)
Costello	Kilroy	Polis (CO)
Courtney	Kind	Pomeroy
Crenshaw	King (NY)	Price (NC)
Crowley	Kingston	Putnam
Cuellar	Kirkpatrick (AZ)	Quigley
Culberson	Kissell	Radanovich
Cummings	Klein (FL)	Rahall
Dahlkemper	Kline (MN)	Rangel
Davis (AL)	Kosmas	Reichert
Davis (CA)	Kratovil	Reyes
Davis (KY)	Kucinich	Richardson
Davis (TN)	Lance	Rodriguez
Deal (GA)	Langevin	Roe (TN)
DeFazio	Larsen (WA)	Rogers (AL)
DeGette	Larson (CT)	Rogers (KY)
DeLauro	Latham	Rogers (MI)
Dent	LaTourette	Rohrabacher
Diaz-Balart, L.	Latta	Rooney
Diaz-Balart, M.	Lee (CA)	Ros-Lehtinen
Dicks	Lee (NY)	Ross
Doggett	Levin	Rothman (NJ)
Donnelly (IN)	Lewis (GA)	Roybal-Allard
Dreier	Linder	Royce
Driehaus	Lipinski	Ruppersberger
Duncan	LoBiondo	Rush
Edwards (MD)	Loebach	Ryan (OH)
Ehlers	Lofgren, Zoe	Ryan (WI)
Ellison	Lucas	Salazar
Ellsworth	Luetkemeyer	Sánchez, Linda
Emerson	Luján	T.
Engel	Lummis	Sanchez, Loretta
Eshoo	Lungren, Daniel	Sarbanes
Fallin	E.	Scalise
Farr	Lynch	Schakowsky
Fattah	Mack	Schauer
Filner	Maffei	Schiff
Flake	Maloney	Schmidt
Fleming	Manzullo	Schock
Forbes	Markey (CO)	Schrader
Fortenberry	Markey (MA)	Scott (GA)
Foster	Massa	Scott (VA)
Franks (AZ)	Matheson	Serrano
Frelinghuysen	Matsui	Sestak
Fudge	McCarthy (NY)	Shea-Porter
Gallegly	McCaul	Sherman
Gerlach	McClintock	Shimkus
Gingrey (GA)	McCollum	Shuler
Gonzalez	McCotter	Shuster
Goodlatte	McDermott	Sires
Gordon (TN)	McGovern	Skelton
Graves	McIntyre	Smith (NE)
Grayson	McKeon	Smith (TX)
Green, Al	McMahon	Smith (WA)
Green, Gene	McNerney	Snyder
Griffith	Meek (FL)	Space
Grijalva	Melancon	Spratt
Guthrie	Michaud	Stearns
Gutierrez	Miller (FL)	Stupak
Hall (NY)	Miller (NC)	Sullivan
Hall (TX)	Miller, Gary	Sutton
Halvorson	Miller, George	Tanner
Hare	Minnick	Taylor
Harman	Mitchell	Teague
Harper	Mollohan	Terry
Hastings (FL)	Moore (KS)	Thompson (CA)
Heinrich	Moore (WI)	Thompson (MS)
Herger	Moran (VA)	Thompson (PA)
Herseth Sandlin	Murphy (CT)	Tiberi
Higgins	Murphy (NY)	Tierney
Hill	Murphy, Patrick	Titus
Himes	Murphy, Tim	Tonko
Hinchey	Murtha	Towns
Hinojosa	Myrick	Tsongas
Hirono	Nadler (NY)	Turner
Hodes	Napolitano	Upton
Hoekstra	Neal (MA)	Van Hollen
Holden	Neugebauer	Velázquez
Holt	Nunes	Visclosky
Honda	Nye	Walden
Hoyer	Oberstar	Walz
Hunter	Obey	Wamp
Inslee	Oliver	Wasserman
Israel	Pallone	Schultz
Issa	Pascrell	Watson
Jackson (IL)	Paul	Watt
Jackson-Lee	Paulsen	Waxman
(TX)	Payne	Weiner
Jenkins	Pence	Welch
Johnson (GA)	Perlmutter	Westmoreland
Johnson, E. B.	Perrillo	Wexler
Jones	Peters	Whitfield
Jordan (OH)	Peterson	Wilson (OH)
Kagen	Petri	Wilson (SC)

Wittman	Woolsey	Yarmuth
Wolf	Wu	Young (FL)

## NOT VOTING—35

Abercrombie	Etheridge	Moran (KS)
Bachus	Frank (MA)	Ortiz
Barrett (SC)	Giffords	Roskam
Bean	Granger	Sessions
Bishop (UT)	Kennedy	Slaughter
Boehner	Kilpatrick (MI)	Smith (NJ)
Capuano	Kirk	Speier
Costa	Lowe	Stark
Davis (IL)	Marchant	Waters
Delahunt	Marshall	Young (AK)
Dingell	McMorris	
Doyle	Rodgers	
Edwards (TX)	Meeks (NY)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1715

Mr. MITCHELL, Ms. VELÁZQUEZ, Messrs. SCHRADER, BRIGHT, DUNCAN, GINGREY of Georgia, Ms. MARKEY of Colorado and Mr. ELLSWORTH changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 730, had I been present, I would have voted "nay."

SURFACE TRANSPORTATION  
EXTENSION ACT OF 2009

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Speaker, might I inquire, before I begin, as to the amount of time that I have remaining and the amount of time the gentleman from Minnesota has remaining.

The SPEAKER pro tempore. The gentleman from Florida has 30 seconds remaining and the gentleman from Minnesota has 3 minutes.

Mr. MICA. Mr. Speaker, again, the situation we find ourselves in, in just a few minutes here, will be to vote whether or not to proceed with a 3-month extension on the highway bill.

Mr. Speaker, as I said earlier, my side of the aisle and my leadership is asking not to kill a 3-month extension. We are very much in favor of a highway bill. What they are asking for is an opportunity to be heard, for this bill to go through regular order through the Rules Committee and have one opportunity, at least one opportunity, for the minority to be heard on this important piece of legislation.

I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the balance of my time.

As a matter of historical record, it was I who suggested, when I heard from my distinguished Republican leader on the committee that the leaders of the Republican Conference had decided to oppose the suspension, that we would

then, instead, ask for a rule to consider the bill. But on further consideration, I decided that there are so many Members on both sides who really wanted to vote on this bill that the time is now.

I just want to point out that in the consideration of the current law, surface transportation law, beginning in 2003, there were 12 extensions: five were considered under unanimous consent, with my support; seven bills were considered under suspension of the rules, all of which I cosponsored; four were agreed to by voice vote; three were passed by recorded vote. The first, ironically, was September 30, 2003, 6 years ago, for a 5-month extension. I supported that. It was a voice vote. We didn't ask for a bill to be brought up under a rule. We didn't ask for a recorded vote. We just, as a matter of comity and participation and in the best interests of the country and in the best interests of transportation, supported an extension for 5 months, and on through 12 of them, the last being the extension into September of 2004.

Why, now, all of a sudden, after our side had time and again supported extensions that, let me just go here, the last was July 30, 2005. I correct myself. I supported it. This is in the best public interest, I said, to give the Congress time, the House and Senate conference committees, to finish a bill.

Now, there are a number of organizations that support the short-term extension—the American Trucking Association, the American Automobile Association, the National Association of Manufacturers, the U.S. Chamber of Commerce—urging the Congress to enact a multiyear surface transportation authorization bill as soon as possible. The Transportation Construction Coalition, 28 national construction trade associations and construction trade unions.

The proposed 3-month extension is far preferable to the 18 months. A whole host of groups say do the right thing. I ask this body to do the right thing today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3617, the "Surface Transportation Extension Act". I would like to thank my colleague Representative JAMES OBERSTAR for introducing this legislation, as well as the co-sponsors.

I stand in support of this important legislation because of the importance transportation has for my state of Texas, and my home city of Houston.

As a body we must be judicious in appropriating funds for transportation because it is of such vital interest to our Nation. Investments in our Nation's surface transportation infrastructure create millions of family-wage jobs and billions of dollars of economic activity. Each \$1 billion of Federal funds creates 47,500 jobs and \$6.1 billion in economic activity. In addition, this investment in transportation infrastructure will increase business productivity by reducing the costs of producing goods in virtually all industrial sectors of the

economy. Increased productivity results in increased demand for labor, capital, and raw materials and generally leads to lower product prices and increased sales.

Because so much is literally riding on a transportation agreement for the 21st Century we must insist on a balanced surface transportation program that serves the mobility needs of our country in a manner consistent with key Democratic principles, including: economic growth, intermodalism, security, safety, continuity, equal opportunity, protecting our human and natural environment, rebuilding our transit and highway systems, encouraging alternative transportation, encouraging smart growth, encouraging advanced technology solutions, and protecting the rights of workers in transportation industries. While I am satisfied with this current extension I look forward to the day when we can pass a comprehensive and equitable transportation agreement that serves the 21st Century transportation needs of the American people.

Mr. BLUMENAUER. Mr. Speaker, while we understand the need to extend our transportation programs while the other body deals with health care and climate change legislation, we must stand firm about passing a new authorization of our transportation programs in the next 6 months.

Investing in America's infrastructure is the surest way to put Americans back to work. We can't afford to miss another construction cycle. Nor should we fall into a short term extension "trap". Even worse would be to punt until the next Congress the reauthorization of the Surface Transportation Act.

Throughout America, our infrastructure is falling apart. Communities large and small—urban and rural—are suffering from deteriorating roads and bridges, aging water and sewer pipes, and an inadequate electrical grid.

It is so bad that the American Society of Civil Engineers has given our nation's infrastructure an overall grade of "D". They say that we need \$2.2 trillion to repair highway, transit and water projects after years of neglect.

If it were not for the economic recovery package, we would be spending less than at any time in recent history and far less than our international competitors on this critical component of our nation's strength.

Real highway spending per mile traveled has fallen by 50 percent since the Highway Trust Fund was established.

Total combined highway and transit spending as a share of gross domestic product has fallen by 25 percent during that period, to 1.5 percent of GDP today.

By not adjusting the tax rate for inflation, the gas tax has lost 33 percent of its purchasing power since 1993.

Over this time, we have failed to pursue the type of innovation necessary to ensure that our infrastructure meets the needs of future generations.

While America must and will spend more on infrastructure, it is critical to have the vision for what we are buying. More important, we must change the value proposition to get more from each dollar invested. The House has that vision and leadership. Let's take the next 6 months to write it into law.

Ms. RICHARDSON. Mr. Speaker, I rise to lend my voice in support of the Surface Transportation Extension we are considering today.

We must continue to fund ongoing projects and ensure ongoing programs don't grind to a halt. However we must continue to build on the work of the Transportation and Infrastructure Committee and reauthorize our surface transportation programs. Transportation is an issue that affects virtually every American every day and should never be put on the back burner. When I came to Congress I fought to become a member of the Transportation and Infrastructure Committee because I know the importance of these issues for the people of the California 37th as well as every American. I support limiting the extension to 3 months so these issues stay on the forefront of our agenda.

Report after report has outlined the unacceptable current state of our deteriorating transportation system and called for major and immediate reform. As a country we waste billions of dollars every year with unnecessary delays due to a crumbling and over-congested surface transportation system. We need to fundamentally rethink the way we move people and goods. We must simplify our transportation programs and focus on a performance based system. Finally, we must make the tough choices about how to fund these programs and avoid having to continuously patch the highway trust fund.

Transportation experts around the country agree this is a time for a bold new transportation vision and I look forward to working with my colleagues to reauthorize the Surface Transportation Program before the extension before us today runs out.

Mr. OBERSTAR. Mr. Speaker, I rise to correct statements that were made by the gentleman from Arizona in the course of this debate, in which he gave inaccurate information about the magnetic levitation deployment program and the America's Byways Resource Center.

SAFETEA-LU established a program to fund the deployment of magnetic levitation transportation projects. SAFETEA-LU provided \$45 million for the MAGLEV program in FY09, under the policy agreements made in the course of negotiations on that legislation.

This is an extension of a current law program, and is consistent with the approach taken throughout the Surface Transportation Extension Act. No Member requested the inclusion of this language.

The America's Byways Resource Center was originally authorized and funded under TEA-21. Byway leaders, local groups, volunteers, organizations and the State coordinators responsible for the planning and marketing involved with nationally designated byways depend on the center for the training, information and expertise paving the way to better byways.

The Federal Highway Administration leads and manages the National Scenic Byways Program as a community-based program and works in coordination with the center to ensure the continued commitment to the success of America's Byways.

Policy changes can and will be considered in the course of a long-term authorization, but are not appropriate in a short-term extension. H.R. 3617 extends the policies and agreements made under SAFETEA-LU, and continuation of these programs is consistent with this approach.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3617.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 335, nays 85, not voting 12, as follows:

[Roll No. 731]

YEAS—335

Abercrombie	Davis (AL)	Jackson-Lee
Ackerman	Davis (CA)	(TX)
Adler (NJ)	Davis (IL)	Jenkins
Alexander	Davis (TN)	Johnson (GA)
Altmire	DeFazio	Johnson (IL)
Andrews	DeGette	Johnson, E. B.
Arcuri	DeLauro	Jones
Austria	Dent	Kagen
Baca	Diaz-Balart, L.	Kanjorski
Baird	Diaz-Balart, M.	Kaptur
Baldwin	Dicks	Kennedy
Barrow	Dingell	Kildee
Barton (TX)	Doggett	Kilpatrick (MI)
Bean	Donnelly (IN)	Kilroy
Becerra	Driehaus	Kind
Berkley	Edwards (MD)	King (NY)
Berman	Edwards (TX)	Kirk
Berry	Ehlers	Kirkpatrick (AZ)
Biggart	Ellison	Kissell
Bilbray	Ellsworth	Klein (FL)
Bilirakis	Emerson	Kosmas
Bishop (GA)	Engel	Kratovil
Bishop (NY)	Eshoo	Kucinich
Blumenauer	Etheridge	Lance
Boccheri	Fallin	Langevin
Bonner	Farr	Larsen (WA)
Bono Mack	Fattah	Larson (CT)
Boozman	Filner	Latham
Boren	Fleming	LaTourette
Boswell	Forbes	Lee (CA)
Boucher	Fortenberry	Lee (NY)
Boyd	Foster	Levin
Brady (PA)	Frank (MA)	Lewis (GA)
Braley (IA)	Frelinghuysen	Lipinski
Bright	Fudge	LoBiondo
Brown (SC)	Galleghy	Loeb
Brown, Corrine	Gerlach	Lofgren, Zoe
Brown-Waite,	Giffords	Lowey
Ginny	Gohmert	Luetkemeyer
Burton (IN)	Gonzalez	Lujan
Butterfield	Gordon (TN)	Lungren, Daniel
Calvert	Graves	E.
Camp	Grayson	Lynch
Cao	Green, Al	Maffei
Capito	Green, Gene	Maloney
Capps	Griffith	Manzullo
Cardoza	Grijalva	Marchant
Carnahan	Guthrie	Markey (CO)
Carney	Gutierrez	Markey (MA)
Carson (IN)	Hall (NY)	Massa
Cassidy	Hall (TX)	Matheson
Castle	Halvorson	Matsui
Castor (FL)	Hare	McCarthy (NY)
Chandler	Harman	McCaul
Childers	Hastings (FL)	McCollum
Chu	Heinrich	McCotter
Clarke	Herseth Sandlin	McDermott
Clay	Higgins	McGovern
Cleaver	Hill	McIntyre
Clyburn	Himes	McKeon
Cohen	Hinchee	McMahon
Connolly (VA)	Hinojosa	McNerney
Conyers	Hirono	Meek (FL)
Cooper	Hodes	Meeks (NY)
Costa	Holden	Melancon
Costello	Holt	Michaud
Courtney	Honda	Miller (MI)
Crowley	Hoyer	Miller (NC)
Cuellar	Hunter	Miller, Gary
Culberson	Inslee	Miller, George
Cummings	Israel	Minnick
Dahlkemper	Jackson (IL)	Mitchell

Mollohan	Richardson	Stupak
Moore (KS)	Rodriguez	Sutton
Moore (WI)	Rogers (AL)	Tanner
Moran (KS)	Rogers (KY)	Taylor
Moran (VA)	Ros-Lehtinen	Teague
Murphy (CT)	Ross	Terry
Murphy (NY)	Rothman (NJ)	Thompson (CA)
Murphy, Patrick	Roybal-Allard	Thompson (MS)
Murphy, Tim	Ruppersberger	Thompson (PA)
Murtha	Rush	Tierney
Nadler (NY)	Ryan (OH)	Titus
Napolitano	Salazar	Tonko
Neal (MA)	Sanchez, Linda	Towns
Nunes	T.	Tsongas
Nye	Sanchez, Loretta	Turner
Oberstar	Sarbanes	Upton
Obey	Schakowsky	Van Hollen
Olver	Schauer	Velazquez
Ortiz	Schiff	Visclosky
Pallone	Schmidt	Walden
Pascarella	Schock	Walz
Pastor (AZ)	Schrader	Wamp
Paulsen	Schwartz	Wasserman
Payne	Scott (GA)	Schultz
Perlmutter	Scott (VA)	Waters
Perriello	Serrano	Watson
Peters	Sestak	Watt
Peterson	Shea-Porter	Waxman
Petri	Sherman	Weiner
Pingree (ME)	Shimkus	Welch
Platts	Shuler	Westmoreland
Poe (TX)	Shuster	Wexler
Polis (CO)	Simpson	Whitfield
Pomeroy	Sires	Wilson (OH)
Price (NC)	Skelton	Wittman
Putnam	Slaughter	Woolsey
Quigley	Smith (WA)	Wu
Rahall	Snyder	Yarmuth
Rangel	Souder	Young (AK)
Rehberg	Space	Young (FL)
Reichert	Spratt	
Reyes	Stearns	

NAYS—85

Aderholt	Garrett (NJ)	Miller (FL)
Akin	Gingrey (GA)	Myrick
Bachmann	Goodlatte	Neugebauer
Bachus	Harper	Olson
Bartlett	Hastings (WA)	Paul
Blackburn	Heller	Pence
Blunt	Hensarling	Pitts
Boehner	Herger	Posey
Boustany	Hoekstra	Price (GA)
Brady (TX)	Inglis	Radanovich
Broun (GA)	Issa	Roe (TN)
Buchanan	Johnson, Sam	Rogers (MI)
Burgess	Jordan (OH)	Rohrabacher
Buyer	King (IA)	Rooney
Campbell	Kingston	Roskam
Cantor	Kline (MN)	Ryan (WI)
Carter	Lamborn	Scalise
Chaffetz	Latta	Sensenbrenner
Coble	Lewis (CA)	Sessions
Coffman (CO)	Linder	Shade
Cole	Lucas	Shade
Conaway	Lummis	Smith (NE)
Crenshaw	Mack	Smith (TX)
Davis (KY)	McCarthy (CA)	Sullivan
Dreier	McClintock	Thornberry
Duncan	McHenry	Tiahrt
Flake	McMorris	Tiberi
Foxx	Rodgers	Wilson (SC)
Franks (AZ)	Mica	Wolf

NOT VOTING—12

Barrett (SC)	Delahunt	Royce
Bishop (UT)	Doyle	Smith (NJ)
Capuano	Granger	Speier
Deal (GA)	Marshall	Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1745

Mr. BARTLETT and Mrs. McMORRIS RODGERS changed their vote from "yea" to "nay."

Messrs. COHEN, GUTHRIE, FLEMING, STEARNS, BURTON of Indiana, LUETKEMEYER, BOOZMAN, and



BONNER changed their vote from “nay to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### MOTION TO ADJOURN

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn. \* \* \*

The SPEAKER pro tempore. The motion is not debatable.

Does the gentleman have a motion?

Mr. KINGSTON. I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. KINGSTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 50, noes 349, not voting 33, as follows:

[Roll No. 732]

#### AYES—50

Aderholt	Hensarling	Olson
Akin	Himes	Paul
Bartlett	Inglis	Petri
Barton (TX)	Jackson-Lee	Pitts
Broun (GA)	(TX)	Price (GA)
Buyer	Johnson, Sam	Sensenbrenner
Campbell	Jordan (OH)	Sessions
Carter	King (IA)	Shadegg
Chaffetz	Kingston	Souder
Clay	Lamborn	Sullivan
Coffman (CO)	LaTourette	Taylor
Flake	Lewis (CA)	Thornberry
Garrett (NJ)	Linder	Tiahrt
Gingrey (GA)	Lummis	Turner
Gohmert	Lungren, Daniel	Wolf
Harper	E.	Young (AK)
Hastings (WA)	McHenry	
Heller	Mica	

#### NOES—349

Abercrombie	Brady (PA)	Cohen
Ackerman	Brady (TX)	Cole
Adler (NJ)	Braley (IA)	Conaway
Alexander	Bright	Connolly (VA)
Altmire	Brown (SC)	Conyers
Andrews	Brown, Corrine	Cooper
Arcuri	Brown-Waite,	Costa
Austria	Ginny	Costello
Baca	Buchanan	Courtney
Bachmann	Burgess	Crenshaw
Bachus	Burton (IN)	Crowley
Baird	Butterfield	Cuellar
Baldwin	Calvert	Culberson
Barrow	Camp	Cummings
Becerra	Cantor	Dahlkemper
Berkley	Cao	Davis (AL)
Berman	Capito	Davis (CA)
Berry	Capps	Davis (IL)
Biggert	Cardoza	Davis (KY)
Bilbray	Carnahan	Davis (TN)
Bilirakis	Carney	Deal (GA)
Bishop (GA)	Carson (IN)	DeFazio
Bishop (NY)	Cassidy	DeGette
Blumenauer	Castle	DeLauro
Blunt	Castor (FL)	Dent
Bocieri	Chandler	Diaz-Balart, L.
Bonner	Childers	Diaz-Balart, M.
Bono Mack	Chu	Dicks
Boozman	Clarke	Dingell
Boren	Cleaver	Doggett
Boswell	Clyburn	Donnelly (IN)
Boustany	Coble	Dreier

Driehaus	Latham	Rangel
Duncan	Latta	Rehberg
Edwards (MD)	Lee (CA)	Reichert
Edwards (TX)	Lee (NY)	Reyes
Ehlers	Levin	Richardson
Ellison	Lipinski	Rodriguez
Ellsworth	LoBiondo	Roe (TN)
Emerson	Loebsack	Rogers (AL)
Engel	Lofgren, Zoe	Rogers (KY)
Eshoo	Lowe	Rogers (MI)
Etheridge	Lucas	Rohrabacher
Fallin	Luetkemeyer	Rooney
Farr	Lujan	Ros-Lehtinen
Fattah	Lynch	Ross
Filner	Mack	Rothman (NJ)
Fleming	Maffei	Royce
Forbes	Maloney	Ruppersberger
Fortenberry	Manzullo	Ryan (OH)
Foster	Marchant	Ryan (WI)
Fox	Markey (CO)	Salazar
Frank (MA)	Markey (MA)	Sanchez, Linda
Franks (AZ)	Marshall	T.
Frelinghuysen	Massa	Sanchez, Loretta
Fudge	Matheson	Scalise
Gallegly	Matsui	Schakowsky
Gerlach	McCarthy (CA)	Schauer
Giffords	McCarthy (NY)	Schiff
Gonzalez	McClintock	Schmidt
Goodlatte	McCollum	Schock
Gordon (TN)	McCotter	Schrader
Graves	McDermott	Schwartz
Grayson	McGovern	Scott (GA)
Green, Al	McIntyre	Scott (VA)
Green, Gene	McKeon	Serrano
Griffith	McMahon	Shea-Porter
Guthrie	McMorris	Sherman
Gutierrez	Rodgers	Shuler
Hall (NY)	McNerney	Shuster
Hall (TX)	Meeks (NY)	Simpson
Halvorson	Melancon	Sires
Hare	Michaud	Skelton
Harman	Miller (FL)	Slaughter
Hastings (FL)	Miller (MI)	Smith (NE)
Heinrich	Miller (NC)	Smith (TX)
Herger	Miller, Gary	Smith (WA)
Hersteth Sandlin	Minnick	Snyder
Higgins	Mitchell	Space
Hill	Mollohan	Spratt
Hinchey	Moore (WI)	Stearns
Hinojosa	Moran (KS)	Stupak
Hirono	Moran (VA)	Sutton
Hodes	Murphy (CT)	Tanner
Hoekstra	Murphy, Patrick	Teague
Holt	Murphy, Tim	Terry
Honda	Murtha	Thompson (CA)
Hoyer	Myrick	Thompson (PA)
Hunter	Nadler (NY)	Tiberi
Inslee	Neal (MA)	Tierney
Israel	Neugebauer	Titus
Issa	Nunes	Tonko
Jackson (IL)	Nye	Towns
Jenkins	Oberstar	Tsongas
Johnson (GA)	Obey	Upton
Johnson (IL)	Oliver	Van Hollen
Johnson, E. B.	Ortiz	Visclosky
Jones	Pallone	Walden
Kagen	Pascarella	Walz
Kanjorski	Pastor (AZ)	Wamp
Kaptur	Paulsen	Wasserman
Kennedy	Payne	Schultz
Kildee	Pence	Waters
Kilpatrick (MI)	Perlmutter	Watson
Kilroy	Perriello	Watt
Kind	Peters	Waxman
King (NY)	Peterson	Weiner
Kirk	Pingree (ME)	Welch
Kirkpatrick (AZ)	Platts	Westmoreland
Kissell	Poe (TX)	Wexler
Klein (FL)	Polis (CO)	Whitfield
Kline (MN)	Pomeroy	Wilson (OH)
Kosmas	Posey	Wilson (SC)
Kratovil	Price (NC)	Wittman
Kucinich	Putnam	Wu
Lance	Quigley	Yarmuth
Langevin	Radanovich	Young (FL)
Larsen (WA)	Rahall	

#### NOT VOTING—33

Barrett (SC)	Capuano	Lewis (GA)
Bean	Delahunt	McCauley
Bishop (UT)	Doyle	Meek (FL)
Blackburn	Granger	Miller, George
Boehner	Grijalva	Moore (KS)
Boucher	Holden	Murphy (NY)
Boyd	Larson (CT)	Napolitano

Roskam	Sestak	Stark
Roybal-Allard	Shinkus	Thompson (MS)
Rush	Smith (NJ)	Velázquez
Sarbanes	Speier	Woolsey

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. BALDWIN) (during the vote). Members are advised 2 minutes remain in the vote.

□ 1806

Ms. CORRINE BROWN of Florida and Ms. HARMAN changed their vote from “aye” to “no.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LARSON of Connecticut. Madam Speaker, on rollcall No. 732, Kingston Motion to Adjourn, had I been present, I would have voted “no.”

Mr. MURPHY of New York. Madam Speaker, on rollcall No. 732, the Motion to Adjourn, had I been present, I would have voted “no.”

#### MOTION TO GO TO CONFERENCE ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. ADERHOLT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the motion.

The vote was taken by electronic device, and there were—ayes 240, noes 171, not voting 21, as follows:

[Roll No. 733]

#### AYES—240

Abercrombie	Andrews	Baldwin
Ackerman	Arcuri	Barrow
Adler (NJ)	Baca	Bean
Altmire	Baird	Becerra

Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccheri  
Boren  
Boswell  
Boucher  
Brady (PA)  
Braley (IA)  
Bright  
Brown, Corrine  
Butterfield  
Cao  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare

Harman  
Hastings (FL)  
Heinrich  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McIntyre  
McMahon  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye

Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Shea-Porter  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Snyder  
Space  
Spratt  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich

Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

1. To insist on the provisions contained in section 209 of the House bill.

2. To disagree to any proposition in violation of clause 9 of Rule XXII which:

(a) Includes any additional funding or language not committed to the conference;

(b) Includes matter not committed to the conference committee by either House;

(c) Modifies specific matter committed to conference by either or both Houses beyond the scope of the specific matter as committed to the conference committee.

3. To not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 48 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Alabama (Mr. ADERHOLT) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. ADERHOLT. Madam Speaker, I yield myself such time as I may consume.

I would like to focus attention upon a couple of important issues related to both the bill itself and on the majority's last-minute attempts to use this bill as a vehicle for a month-long continuing resolution.

Madam Speaker, we all know the fiscal year expires on September 30, which is a week from today. Because the House and Senate have yet to complete our annual appropriations work, we must pass a continuing resolution—which, of course, we call a CR—to keep the government operating in the interim time. If we do not pass a CR, or a continuing resolution, our Nation will face a potentially devastating government-wide shutdown.

Now I think we all can agree that shutting down the government, even in the worst-case scenario, is not the preferred option. However, by attaching the CR to this Legislative Branch appropriation bill, the majority is forcing Members to choose between voting for our own office budgets or voting for a government shutdown. The majority is also using this parliamentary gimmick to avoid certain debate or votes on the floor that would occur under the normal CR process. This, Madam Speaker, is simply not the reasonable or responsible kind of governing that our constituents have sent us here to Washington to do.

In addition, the Leg Branch bill is the first of five appropriation bills by both the House and Senate to begin the conference committee work process. As the ranking member of the Leg Branch Subcommittee, I feel this bill is very important. But moving this bill forward, even above homeland security funding, is not the proper way to put a priority on meeting the critical needs facing the American people at this time.

#### NOT VOTING—21

Barrett (SC)  
Bishop (UT)  
Boehner  
Boyd  
Capuano  
Delahunt  
Doyle  
Granger  
Honda  
Mack  
McGovern  
McNerney  
Miller, George  
Murphy, Tim  
Richardson  
Sestak  
Skelton  
Smith (NJ)  
Speier  
Stark  
Waxman

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1831

Ms. ROS-LEHTINEN changed her vote from “aye” to “no.”

Messrs. HALL of New York and SCOTT of Virginia changed their vote from “no” to “aye.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the motion.

The motion was agreed to.

A motion to reconsider was laid on the table.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. ADERHOLT. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Aderholt moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2918 be instructed as follows:

#### NOES—171

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggart  
Blibray  
Bilirakis  
Blackburn  
Blunt  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan

I'm sure my Republican colleagues will have more to say on that issue as we move forward in the process. That being said, the motion that I bring forward today would prevent any extraneous provisions, including a CR, from being attached to the Legislative Branch appropriation bill and would require 48-hour viewing before a floor vote occurs.

Also, Madam Speaker, there is another issue that I do think needs to be dealt with as our subcommittee goes to conference. This is the issue of staff-led tours in the Capitol. Since the opening of the Capitol Visitor Center, many Members have expressed concern over the handling of how House staff-led tours are conducted at this time. To address this concern, we have included in the House-passed bill section 209, which prohibits the elimination or the restriction of staff-guided tours of the Capitol, except for security purposes, of course. The motion I'm offering today would instruct the House conferees to insist on this provision in conference. It is imperative that our staff be able to lead tours for our constituents and that our constituents are able to properly see this beautiful building, especially allowing it to be viewed from different standpoints. Different States have different things that they like to point out in the United States Capitol, and I think that it is certainly important that we continue to be able to do this.

Madam Speaker, I urge my colleagues to adopt this motion to instruct.

I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, while I support some of the content of the motion to instruct, essentially what much of it does is it ties the hands of the conference committee and really essentially would prevent us from being able to ensure that the government would continue to run.

There is precedent for adding unrelated matters in conference reports. The leadership on the other side of the aisle did so in 2006, and our tradition and our preference in the House is to make sure the conferees have as much flexibility as possible to ensure that the government can continue to function.

With that, I reserve the balance of my time.

Mr. ADERHOLT. I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I want to fully support the comments of the gentlewoman from Florida. Some of the language in this motion is perfectly acceptable, but the most serious defect in the language is that it would simply tell the committee that it can-

not do what the then-majority party did in September 2006.

In September 2006, the other party—then in the majority—attached the continuing resolution to the Department of Defense appropriation bill. Only two Republican Members of the House voted against that. Mr. ADERHOLT voted for that process at that time, so did Mr. LEWIS, so did Mr. BOEHNER, and so did Mr. CANTOR. So it would seem to me considerably ill-advised for this House to say that in order to keep the government open, we are not allowed to follow the very same procedure which was followed by the other side of the aisle and for which the gentleman voted.

I think that's enough said, and I thank the gentlewoman for the time.

Mr. ADERHOLT. Madam Speaker, I think what needs to be pointed out at this point is that as the minority here, we would like to see a clean CR passed. We were under the impression that there would be a clean CR that would be ready to be voted on tomorrow. There has been no effort by the majority to go ahead and bring this for a vote and to pass a clean CR. So that's what we would like to do. We would not like to see it attached to some other legislative vehicle but to simply pass a clean CR to make sure the government stays open. That's why I think we should do that, and we have this motion at the desk.

I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield 30 seconds to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, let me say, there are only two instances in which this is not an absolutely straight, clean CR. We do make an exception for veterans. We fund them at a higher level than we would ordinarily fund them in the continuing resolution. Secondly, we do make an exception for the Census because 2010 is coming at us whether we agree on this House floor or not. Those are the only two legislative items that depart from the traditional CR.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield an additional 30 seconds to the gentleman.

Mr. OBEY. Virtually every judgment made in the contemplated CR is the judgment which is simply that of the authorizing committee of jurisdiction, and that's what CRs are supposed to do.

Mr. ADERHOLT. I think it should be noted, the last time this happened, we were funding our troops and not funding ourselves. The bottom line is that the majority is forcing Members to choose between voting for our own office budgets or voting for a government shutdown. The majority is also using this parliamentary gimmick to avoid

certain debate or votes on the floor that would occur under the normal CR process.

I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself such time as I may consume.

I think it's important to note that it is entirely appropriate to consider amending—at the point that we do—amending the CR to the Legislative Branch appropriations bill, which is essentially a government function. Our purpose in continuing to pursue that avenue would be to ensure that the government can continue to function.

In addition to that, because the legislative branch essentially has no significant differences of opinion, it really was the most appropriate vehicle and makes the most sense to utilize as a vehicle.

With that, I am prepared to yield back if the gentleman is.

□ 1845

Mr. ADERHOLT. In closing, let me say that I think it's very important, again, that we don't force Members to choose between voting for our own office budgets and voting for a government shutdown. Why are we choosing this particular vehicle for a CR? It is my understanding that the Homeland Security bill is also ready to go, and to attach it to choosing our own budgets to fund the Federal Government I think is a mistake. That's why we're concerned about the direction the majority is going on this. Therefore, we have this motion that would restrict this from being added to it.

At this point, we would ask that a clean CR be moved forward and, therefore, it would not be attached to the Legislative Branch bill.

I yield back the balance of my time.

Mr. LATOURETTE. Madam Speaker, I rise to object to the process by which the majority has brought the continuing resolution to the floor of the House of Representatives. While we can all agree that it is sometimes necessary to adopt a continuing resolution to keep federal government programs running in the new fiscal year as the respective Appropriations Subcommittees finalize their conference reports, attaching the resolution to the conference report for appropriations for the Legislative Branch is inappropriate and a direct attempt by the majority to stifle debate in this House.

Further, Madam Speaker, the majority's action in this instance is just one more swipe at the minority in a pattern that began at the start of this body's deliberation on Appropriations bills earlier this summer. It has continued to stifle debate throughout the process by restricting the minority's ability to offer amendments to these important funding bills. Over the summer months in which we considered all 12 appropriations bills, the majority's structured rules permitted the minority to offer just over 100 amendments, of which only approximately 50 per cent were on substantive issues directly impacting policy and/or program funding levels. That's just 50 amendments on real

policy, impacting government spending on specific programs across the entire federal government.

Following on this abysmal stifling of Republican amendments on these bills, Madam Speaker, next the majority has again found a way to prevent meaningful debate on the funding resolution which continues to keep the government open by attaching it to the conference report on the Legislative Branch Appropriations bill. Since the conference report cannot be amended, there was no opportunity for another point of view in continuing the government's operations. Madam Speaker, this behavior is not merely frustrating, but it also works directly against the very backbone of our nation—a democracy with free and open debate on issues.

It is my sincere hope that in the future, Madam Speaker, regardless of which party holds the majority in the House, we can change course from this current process and instead open these important spending bills, including the continuing resolution, to amendment through an open process.

Mr. KUCINICH. Madam Speaker, I strongly support many provisions in H.R. 2918, the Legislative Branch Appropriations Act of 2009, including funding for the Census Bureau, the U.S. Capitol Police, the Government Accountability Office, GAO, and the Ryan White AIDS Program. I cannot, however, support the inclusion of approximately \$10.8 billion in war funding and as such, I oppose the bill.

As an ardent supporter of the U.S. Postal Service, USPS, I commend the inclusion of provisions in this bill that would reduce the amount USPS must contribute to the Postal Service Retiree Health Benefits Fund to \$1.5 million from \$5.4 million, ensuring its survival through the end of this month. Congress has a responsibility to the communities it represents to ensure that the USPS and the irreplaceable services it provides as a universal mail delivery service are maintained.

This legislation appropriately increases the funding for the U.S. Census Bureau to \$7.1 billion to ensure that the agency can meet the demands of the upcoming census in 2010. The census is vital in fulfilling our Constitutional duties under Article 1, Section 2, which are intended to ensure that the people have equal representation in government at the state and federal level. I also fully support the provisions in this bill providing \$328 million for the dedicated men and women of the U.S. Capitol Police and \$572 million for the GAO.

I strongly oppose the inclusion of funding for the wars in Iraq and Afghanistan in this bill. The war in Iraq was based on false intelligence and an inaccurate, government sponsored, propaganda campaign. This body was given a mandate by the American people in 2006 to get out of Iraq. Congress has the ability, through the power of the purse, to end the occupation of Iraq and bring all troops and contractors home immediately. Failure to do so continues to put our brave and honorable troops in harm's way.

I also oppose dedicating more resources to Afghanistan. The people of Afghanistan are suffering horribly from 8 years of war. During that time, the Afghan central government has become increasingly corrupt and has failed to meet the needs of the Afghan people.

Violence in Afghanistan continues to grow. The United Nations General Assembly Security Council reports "an average of 898 incidents in the first seven months of 2009, compared to 677 during the same time frame in 2008. Incidents involving improvised explosive devices have risen dramatically, to an average of more than eight per day, 60 per cent higher than the average during the first seven months of 2008. Complex attacks now average one per month compared to one per quarter in 2008." This past August was reported to be the "deadliest month since the beginning of 2009."

I am also dismayed by the inclusion of language that unilaterally bars all funding for Association of Community Organizations for Reform Now, ACORN. I have serious concerns that such language constitutes a bill of attainder. The Constitution expressly prohibits Congress from legislatively punishing an individual or specific class of people, and I believe that this action is an effort to circumvent the protection that the Constitution affords to all people and organizations. This country has a robust judicial system that has been created precisely for this purpose; we ought to let it do its job. If a crime has been committed, we should prosecute the people who have committed that crime.

Congress and the American public simply will not tolerate an open-ended commitment of money and troops while millions of Americans are losing their health care, their homes, their jobs, their pensions, their investments. I support the Legislative Branch Appropriations bill by itself. I cannot support it when it is used as a vehicle for perpetuating the Iraq and Afghanistan wars.

Ms. WASSERMAN SCHULTZ. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ADERHOLT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 213, not voting 28, as follows:

[Roll No. 734]

YEAS—191

Aderholt  
Akin  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Brady (TX)

Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers

Clay  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly (IN)  
Dreier  
Duncan  
Ehlers  
Ellsworth  
Emerson  
Fallin  
Flake

Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson, Sam  
Jones  
Jordan (OH)  
Kennedy  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder

LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marshall  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McMahon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mitchell  
Moran (KS)  
Murphy (NY)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Paul  
Paulsen  
Pence  
Perriello  
Peters  
Petri  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg

Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ruppersberger  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Souders  
Stearns  
Sullivan  
Taylor  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

NAYS—213

Abercrombie  
Ackerman  
Adler (NJ)  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Becerra  
Berkley  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocciari  
Boswell  
Boucher  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Clarke  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)

DeFazio  
DeGette  
DeLauro  
Dingell  
Doggett  
Driehaus  
Edwards (MD)  
Ellison  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)

Johnson (GA)  
Johnson (IL)  
Kagen  
Kaptur  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebsock  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Masse  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Mollohan  
Moore (KS)  
Murphy (CT)  
Murphy, Patrick  
Nadler (NY)  
Napolitano

Neal (MA)	Ryan (OH)	Sutton
Oberstar	Salazar	Tanner
Obey	Sánchez, Linda	Thompson (CA)
Oliver	T.	Thompson (MS)
Ortiz	Sánchez, Loretta	Tierney
Pallone	Sarbanes	Titus
Pascarell	Schakowsky	Tonko
Pastor (AZ)	Schauer	Towns
Payne	Schiff	Tsongas
Perlmutter	Schrader	Van Hollen
Peterson	Schwartz	Velázquez
Pingree (ME)	Scott (GA)	Visclosky
Polis (CO)	Scott (VA)	Walz
Pomeroy	Serrano	Wasserman
Price (NC)	Shea-Porter	Schultz
Quigley	Sherman	Waters
Rahall	Shuler	Watson
Rangel	Sires	Watt
Reyes	Slaughter	Weiner
Rodriguez	Smith (WA)	Welch
Ross	Snyder	Wexler
Rothman (NJ)	Space	Woolsey
Roybal-Allard	Spratt	Wu
Rush	Stupak	Yarmuth

## NOT VOTING—28

Barrett (SC)	Edwards (TX)	Richardson
Bean	Granger	Sestak
Berman	Johnson, E. B.	Skelton
Blunt	Kanjorski	Smith (NJ)
Boehner	McGovern	Speier
Boyd	McKeon	Stark
Capuano	Moore (WI)	Waxman
Delahunt	Moran (VA)	Wilson (OH)
Dicks	Murtha	
Doyle	Pitts	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

## □ 1910

Messrs. SCOTT of Georgia, STUPAK, Ms. CHU, Ms. LORETTA SANCHEZ of California, Mr. SALAZAR, Ms. EDWARDS of Maryland, Messrs. McDERMOTT, FATTAH, LANGEVIN, SARBANES, Ms. CORRINE BROWN of Florida, Ms. PINGREE of Maine, Messrs. CLEAVER and CUMMINGS changed their vote from "yea" to "nay."

Ms. GIFFORDS, Messrs. GINGREY of Georgia, BURGESS, POSEY, Mrs. KIRKPATRICK of Arizona and Mr. McMAHON changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### APPOINTMENT OF CONFEREES ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Ms. WASSERMAN SCHULTZ, Mr. HONDA, Ms. MCCOLLUM, Messrs. RYAN of Ohio, RUPPERSBERGER, RODRIGUEZ, OBEY, ADERHOLT, LATOURETTE, COLE, and LEWIS of California.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. PERLMUTTER, from the Committee on Rules, submitted a privi-

leged report (Rept. No. 111-264) on the resolution (H. Res. 766) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

#### EASTERN EUROPEAN ALLY, POLAND

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, last week marked the 70th anniversary of the attack on Poland, helping to launch the Second World War.

Last week was also marked by an announcement that the administration plans to scrap a planned missile defense system in Poland and the Czech Republic and refocus its missile defense program on protecting against short-range Iranian missiles.

This realignment of priorities reflects the new threats we face. However, as we shift our focus, we must not forget the vital role played by our European ally, Poland. Poland has always stood by the United States with support dating back to the Revolutionary War where Polish heroes like Casimir Pulaski fought to help America achieve independence.

Poland unilaterally repealed the visa requirement for United States citizens traveling to Poland. Indeed, Poland has always stood by us. Though I would like to say we have returned that favor, unfortunately, we have not.

Madam Speaker, it's time to extend and ultimately make permanent the visa waiver program. Our friends in Poland have proven their steadfast dedication to the cause of freedom and friendship with the United States. We must do the same.

#### SUPPORT AND SYMPATHY FOR THE PEOPLE OF GEORGIA

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to express my support and sympathy for the people of Georgia, including so many of my constituents who have been affected by the devastating floods across the Southeast. From flooded basements to homes, businesses and schools that are completely under water, the damage is acute, an estimated \$250 million.

Mr. Speaker, most tragically the flooding in Georgia has claimed nine lives, including two in the counties that I represent, little 2-year-old Preston Slade Crawford from Carroll County and 15-year-old Nick Osley from Chattooga County. My thoughts and prayers are with their families at this incredibly difficult time.

I do want to take a moment to commend the first responders and the

State officials who have been working around the clock since the flooding began. We owe a tremendous debt of gratitude for their efforts.

I will continue to work with Governor Perdue and with the State and local officials to ensure that they are getting the resources they need to help recover from these floods. My thoughts and prayers remain with all of those affected by the floods as we look forward to recovery.

## □ 1915

#### HAS AMERICA FLINCHED?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the tiny tyrant from Iran, President Ahmadinejad, is speaking at the United Nations today, continuing to spread his hate against Israel and the United States. He's taunting the world with his nuclear program—by intimidation. He wants a nuclear bomb. And recent leaked reports say he's got all the elements to build a nuclear weapon.

The Administration has abandoned the American missile defense shield based in Poland that was to protect us from Iranian missiles. Just a few days ago, one popular Polish newspaper had the front page headline that said, "Betrayed! The United States has sold us to the Russians and stabbed us in the back." We have left our allies vulnerable—like Poland—who stand with us fighting terrorism in Afghanistan.

The little fella in the desert has challenged the United States of America. He's called us out, and we backed off. We have succumbed to the Desert Rat's demands.

Truman, Kennedy, Reagan. None of these historical giants ever backed down from a gunslinger's threats. They knew that it was their responsibility to protect this Nation. To stand with our allies. When they were called out by tyrants, they stood their ground and did not flinch.

Has America lost its nerve? We shall see.

And that's just the way it is.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. McMAHON). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### FOOTING THE BILL FOR AN AMERICAN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. I want to discuss an issue that is important to border

counties along the Texas-Mexico border. One of those particular areas is in Del Rio, Texas. It's a border town that borders Mexico. Every day, students from Mexico cross from Mexico into the United States to go to American schools. Some of those individuals have visas to go to private schools. But the vast majority of them, it appears, do not have any type of visas to go to American schools. And they come in and go to our public schools.

On the first day of school this year, the superintendent of the San Felipe Del Rio School District had counted the people that came across into the United States and told those individuals, through other people, that they had to have visas or they could not go to public schools or private schools.

550 students crossed into the United States, and only 150 of them had visas, presumably, to go to private schools. The rest of those went to public schools.

Now this is not an issue of citizenship, because the Supreme Court has stated—and I think incorrectly so—that if a person is in the United States, they can go to the public schools in this country, regardless of whether they're a citizen or not.

This is an issue of living in the district, the school district where these kids go to school. Under Texas law, you must live in the district to be allowed to go to public school. Now this applies to everybody, citizens and noncitizens.

For example, if somebody is from Oklahoma, they can't go to a public school in Texas because they don't live in the district. The same is true of foreign students, whether they are legal or illegal.

And so the reason for this is because in Texas most of the money that goes to support public schools comes from property taxes. That's where people who live in that school district, they pay the money for people to go to the school.

It's an increasing problem along the Texas-Mexico border because more and more schools are being built, and the reason they are being built is there are people who live in other districts and many of them in foreign countries that cross the border every day, go to public school in the United States, do not live in the district, and, of course, they don't help pay for those schools that are being built to serve them.

Well, I was down on the Texas-Mexico border not too long ago. I stood on the bridge between El Paso and Mexico. One morning, hundreds of kids came across the border. I'm standing on the international border, turning around and looking at the kids coming into the United States.

These are a bunch of high school students going to our public schools. Down here are a bunch of elementary going to our schools. And some of them are going to private schools as well.

What happens is the cost for supporting people who don't live in these districts, many of them foreign nationals, many of them illegally in the United States, goes to the people who live in those districts. And it seems to me that it's only fair that people should not be going to public schools in the United States if they don't live in the districts that have to support their education, free to them but not free to the other people who live in those districts, through property taxes.

So I commend those border counties, those small school districts, those areas of the State of Texas that are poor to begin with for having to continually raise property taxes—taxes that have to be paid by legal immigrants, paid by American citizens—to pay for the education of people that don't even live in the United States.

I think the time has come for us to enforce the border, enforce the rule of law in the United States, and to prevent people who, every day—not at their expense—cross the border, go to the schools in the United States, to public school, don't live here, don't pay for that education, but expect and make somebody else pay for that.

That's just not right. And I commend those school districts that are trying to get a grasp on the cost of education for people who live in those small rural areas and those counties along the border of the United States and Mexico, because those people who live in those areas foot the bill for the expense of public education.

And that's just the way it is.

#### UNITED STATES-ISRAELI BOND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. PETERS) is recognized for 5 minutes.

Mr. PETERS. Mr. Speaker, I rise this evening to talk about the important and special relationship that the United States shares with the Jewish State of Israel and how this relationship is of growing importance to the security and prosperity of both of our countries.

Recently, I traveled to Israel with 28 of my Democratic colleagues. I know many of my Republican colleagues also visited Israel this past summer, and this is important because it underscores the fact that the strong bond between the United States and Israel knows neither party nor ideology.

I first traveled to Israel in 2000 when I served in the Michigan State Senate, along with senate colleagues. 2000 was the peak of peace negotiations, and what struck me most about the differences between today and that trip nearly a decade ago is how the hope of everyday Israelis for a peaceful future has been replaced by a constant fear of security. Instead of anticipating a soon-to-be-signed peace accord, Israelis

are anxious over not whether, but when, the next rocket attack will come from either Hamas or Hezbollah.

When we visited the southern city of S'derot, we saw an armor-shielded playground built to protect the city's children from Qassam rocket attacks. As a parent, it was difficult seeing young, innocent children having to play on swings and slides encased in a facility constructed with thick reinforced concrete, knowing that this is the only safe place for children to play because of the constant threat of rocket attacks. Children, who should be carefree at play, instead suffer from post-traumatic stress.

Israel faces so many threats. It faces the threats of terrorism attacks from within its borders and rocket bombings from just beyond its borders. It faces Iran's nuclear ambitions and the growing ambivalence from many in the world community towards Israel's right to exist.

Israel is wrongly assailed for defending its own borders and citizens, as we saw last week in the flawed Goldstone Report, which unfairly criticizes Israel despite its strong efforts to protect all civilians. Israel faces criticism from even attempting to deter the growing Iranian threat.

Israel is a lonely democracy in a sea of tyranny; a shining example in a dangerous corner of the world of how freedom and democracy, pluralism, and economic ingenuity can lead to a high standard of living for all. Despite its hardships, Israelis are reliant and, because of this, their country prospers.

Israel has made its desert bloom and its high-tech sector has made its economy blossom. Israel is advancing towards independence from the fossil fuels that fund our enemies. I'm pleased that auto technology experts from Michigan are traveling to Israel next month on a trade mission to exchange ideas and to take advantage of the economic creativity and ingenuity both of our nations have to offer.

Jews in Israel, the United States, and around the world celebrated the Jewish New Year and soon will observe the solemn fast of Yom Kippur. While these should be holidays of happiness and deep reflection, in Israel they are, sadly, reminders of the need for eternal vigilance.

Ever since the Yom Kippur War in 1973, Israelis and Jews around the world have learned that they cannot take Israel's security for granted, not even for a day—not even on the holiest day of the year.

Eleven minutes after David Ben Gurion declared Israel's independence in 1948, President Harry Truman recognized the Jewish state, and the special relationship between the United States and Israel began. On that day, the United States was the first Nation to stand with Israel, as we must continue to be today.



Our Nations' alliance is one routed in the common values of democracy, respect for the rule of law, economic growth, and pluralism. The mutual need for this relationship has only become greater throughout the years. After returning from Israel and seeing the threats Israelis face every day, I know we must do everything possible to make sure our friendship with Israel is maintained and strengthened.

#### MORE GOVERNMENT WON'T HELP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, our Government has been mismanaging medical care for more than 45 years. For every problem it has created, it has responded by exponentially expanding the role of government.

Here are some points I'd like to have my colleagues consider. Number one, no one has a right to medical care. If one assumes such a right, it endorses the notion that some individuals have a right to someone else's life and property. This totally contradicts the principles of liberty.

Number two, if medical care is provided by Government, this can only be achieved by an authoritarian government unconcerned about the rights of the individual.

Number three, economic fallacies accepted for more than 100 years in the United States have deceived policymakers into believing that quality care can only be achieved by Government force, taxation, regulations, and bowing to a system of special interests that creates a system of corporatism.

Number four, more dollars into any monopoly run by Government never increases quality, but it always results in higher costs and prices.

Number five, Government does have an important role to play in facilitating the delivery of all goods and services in an ethical and efficient manner.

Number six, first, Government should do no harm. It should get out of the way and repeal all of the laws that have contributed to the mess we have.

Number seven, the costs are obviously too high, but in solving this problem one cannot ignore the debasement of the currency as a major factor.

Number eight, bureaucrats and other third parties must never be allowed to interfere in the doctor-patient relationship.

□ 1930

Number 9, the Tax Code, including the ERISA laws, must be changed to give everyone equal treatment by allowing a 100 percent tax credit for all medical expenses.

Laws dealing with bad outcomes and prohibiting doctors from entering into

voluntary agreements with their patients must be repealed. Tort laws play a significant role in pushing costs higher, prompting unnecessary treatment and excessive testing. Patients deserve the compensation; the attorneys do not.

Number 10, insurance sales should be legalized nationally across State lines to increase competition among the insurance companies.

Number 11, long-term insurance policies should be available to young people similar to term life insurances that offer fixed prices for long periods of time.

Number 12, the principle of insurance should be remembered. Its purpose in a free market is to measure risk, not to be used synonymously with social welfare programs. Any program that provides for first-dollar payment is no longer insurance. This would be similar to giving coverage for gasoline and repair bills to those who buy car insurance or providing food insurance for people who go to the grocery store. Obviously, that would not work.

Number 13, the cozy relationship between organized medicine and government must be reversed.

Early on medical insurance was promoted by the medical community in order to boost reimbursements to doctors and hospitals. That partnership has morphed into the government/insurance industry still being promoted by the current administration.

Number 14, threatening individuals with huge fines by forcing them to buy insurance is a boon to the insurance companies.

Number 15, there must be more competition for individuals entering into the medical field. Licensing strictly limits the number of individuals who can provide patient care. A lot of problems were created in the 20th century as a consequence of the Flexner Report in 1910, which was financed by the Carnegie Foundation and strongly supported by the AMA. Many medical schools were closed, and the number of doctors was drastically reduced. The motivation was to close down medical schools that catered to women, minorities, and especially homeopathy. We continue to suffer from these changes, which were designed to protect physicians' income and promote allopathic medicine over the natural cures and prevention of homeopathic medicine.

Number 16, we must remove any obstacle for people seeking holistic and nutritional alternatives to current medical care. We must remove the threat of further regulations pushed by the drug companies now working worldwide to limit these alternatives.

True competition in the delivery of medical care is what is needed, not more government meddling.

#### THE INNOVATION ECONOMY OF THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TONKO) is recognized for 5 minutes.

Mr. TONKO. Mr. Speaker, on Monday I had the distinguished honor of hosting President Barack Obama to New York's 21st Congressional District that I represent when he paid a visit to Hudson Valley Community College in the city of Troy.

I want to extend my sincerest thanks to the President for recognizing that New York's Capital Region has become a leader in advanced technologies, has the ingredients to lead in the clean energy sector, and, most of all, for delivering a message that was full of inspiration and full of hope for a better future.

Why did the President come to New York's Capital Region to deliver an address on developing an innovation economy? Because we are transforming a rusty manufacturing center that had fallen on hard times into a center for advanced technologies that will soon rival the Silicon Valley and Boston. That is being done with a combination of public and private investment in close partnership with many universities and community colleges throughout the area.

The President touched on a few points that I have been talking about for years: an innovation economy built around three dynamics: upgraded human capital, infrastructure investments, and financial tools. We must retrain our workers to develop the energy and innovation economy of the future and leverage public funds with private investments to do so. If we are successful, this will lead to jobs such as wind engineers, advanced photovoltaic mechanics, fuel cell electricians, geothermal plumbers, technically trained teachers, clean room technicians, and many more.

In Albany we have built a nanotechnology research center and college that have earned a worldwide reputation, which is already a precursor to products in a wide range of economic sectors, from health care to low-emission engines. In Schenectady, General Electric Global Research Center and Wind Energy Institute are leading an army of smaller companies and entrepreneurs in alternative energy development. GE also just committed to building an advanced battery plant in Schenectady that will add 350 jobs and create a new energy storage system for locomotives that will save millions of dollars on fuel and dramatically reduce air pollution. And just to the north of my district, in my colleague Congressman SCOTT MURPHY's district, Global Foundries is constructing the most advanced chip fabrication plant in the world.

Smart investments in research and development are leading to innovations

that are creating new jobs that will lead to future growth, and that's a vision I share with President Obama for our entire Nation. We are engaged in a clean energy race, much like the space race of the 1960s. The nation that wins that race to develop clean, affordable, renewable energy and emerging technologies will achieve economic security and a broad base of jobs for generations to come that are higher-salaried jobs.

And that brings us to Hudson Valley Community College, where programs have been created to train the area's workforce in semiconductor manufacturing, photovoltaic, geothermal, and wind energy. Community colleges like Hudson Valley Community College and the others in my district, Fulton-Montgomery Community College and Schenectady Community College, that will become the vital link between the innovations that will drive our new economy and the great-paying jobs that will lead to economic security for workers now and into the future. Community colleges will be where we train and retrain workers for the jobs of the future. The White House Council of Economic Advisers said in a recent report that in the near future, a degree from a community college will be in higher demand than 4-year degrees.

But this effort doesn't start with college. We need to educate today's children for the jobs that will be there when they become adults. The Capital Region is ripe to offer a regional approach to technological training, starting from grade school all the way up. In fact, in the Capital Region of New York State, we have established a Tech Valley High School; and Hudson Valley Community College, working with the New York State Energy Research and Development Authority, is building a resource for training and educating the future semiconductor manufacturing workforce. We must use the tools at our disposal in our region to instill a sense of excitement and passion toward learning, especially in the disciplines of science, of technology, of engineering, and, yes, of mathematics.

In Congress we are already laying the groundwork for our innovation economy, first through the Recovery Act, then through legislation such as the American Clean Energy and Security Act. Just last week we passed in this House the Student Aid and Fiscal Responsibility Act, which will make college affordable for millions more Americans and help build a world-class community college system.

Our future economy depends on our ability to educate and innovate. The challenges to lessen our dependence on foreign fossil fuels is an opportunity to create new industries, new jobs, and new economic security for all Americans, a vision that I share with our President and many of my colleagues.

Our President's vision of an innovation economy is ripe in the 21st Congressional District.

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. I thank the Speaker and my colleagues for this opportunity to once again take a look at the area of health care, something that has been capturing the attention of Americans and legislators for lo these many weeks, and to take a look at some of the controversy that's developed between one statement and then a different statement and the two don't seem to agree. So what is the real story? And we're going to take a look at a number of those areas today. Various statements that have been made on health care, what the record seems to support, what Congressional Research has to say, people who are reasonably scholarly, take a look at the facts and say, well, what really is going on.

I think the first thing, and I think this is something that has caught the attention of Americans, is a concern over the cost of health care. If you bear with me just a minute, I'm going to try to get some charts up here to help illustrate it.

Through experience, just history and common sense tells us when the government is trying to do something, there are some side effects. Sometimes it's excessively expensive. Sometimes there is bureaucracy and rationing, inefficient allocation of resources, and degraded quality.

If you take a look at various government Departments, you think of things like the Post Office Department, something that's not noted for its efficiency, or the IRS, not noted for its compassion particularly, and the excessive expenses that seem to come up.

We established a Department called the Department of Energy. It was originally established to try to make sure that we were not dependent on foreign energy and foreign oil. That Department has grown tremendously, and we have become increasingly dependent on foreign oil.

So when we talk about the government, particularly the government injecting itself into a lot of areas, one of the concerns becomes particularly the cost.

Now, we were reassured on this point by President Obama when he spoke here in this Chamber not so many weeks ago, and this is part of his speech:

"Most of this plan can be paid for by finding savings within the existing health care system, a system that is currently full of waste and abuse."

Of course, what he's talking about, one of the major places where he's going to get money is from Medicare, which is kind of an interesting thing because in the past it was Republicans who were accused of raiding Medicare. Here President Obama is saying that this can be paid for by finding savings within the existing health care system and part of the piece of that is going after Medicare.

So the question is, Is this something that's going to cost us a lot of money and what is the record of this administration and the government in general in terms of spending?

Here we have, from the beginning of this year, the spending pattern of the President and the Democrat leadership. And he complained at the beginning of his speech on health care that he had inherited a trillion dollar deficit, and, in fact, it was \$240 billion. And yet here he has in a matter of 6 months or so burned up \$3.6 trillion. So this statement that most of this plan can be paid for by finding savings within the existing system that's currently full of waste, and then he goes on to say "Here's what you need to know: First, I will not sign a plan that adds one dime to our deficits." He's not going to add one dime to our deficits either now or in the future, period. Well, \$3.6 trillion in debt is a lot of dimes. I don't know how many dimes. They'd probably stack up from here to the Moon for all I know.

I'm joined today by some distinguished colleagues and particularly a doctor and a gentleman who has had experience in medicine for a good number of years and somebody who has studied up on this entire system.

Congressman FLEMING, if you would join us, if you would like to make a comment.

I would like you to, first of all, take a look at this question. Is this proposal of the President something that really is not a big deal financially, or is this something that could become extremely expensive to the Federal deficit?

Mr. FLEMING. Well, I thank the gentleman, Mr. AKIN, for the question.

Of course, I, among all of our Republican colleagues and our Democrat colleagues, was here to hear the President make these statements, and it's very interesting when he said not one dime would be spent, and yet I don't know of anyone in America who agrees with that. Even the CBO, who is led by someone who was actually appointed by him, says that even with all of the razzle dazzle and the sleight of hand and pulling rabbits out of the hat, still there's \$256 billion that's not covered, and that's after the \$500 billion that's being gutted from Medicare, as you adroitly pointed out.

□ 1945

Mr. AKIN. Say that again. How much was gutted from Medicare?

Mr. FLEMING. Well, it is a two-step situation. About \$350 billion.

Mr. AKIN. That is more than the deficit he inherited from the Bush administration. He is going to take that much out of Medicare?

Mr. FLEMING. That is the first step. The second step is nearly another \$200 billion that comes out of Medicare Advantage. So the total comes to something well over \$500 billion, half a trillion dollars.

Mr. AKIN. \$500 billion taken out of Medicare. That is a pretty gutsy move, it seems like to me, to be taking \$500 billion out of Medicare. And he is calling that, what his statement was: Most of the plan would be paid for by finding savings within the existing health care system, a system that is currently full of waste and abuse.

I guess he is looking at the waste and abuse would be \$500 billion out of Medicare; is that correct?

Mr. FLEMING. Well, \$350 billion would be from the so-called fraud, waste and abuse. The other \$150 or so billion, almost \$200 billion, would be to directly tear down, dismantle, if you will Medicare Advantage.

Mr. AKIN. I have heard politicians going along on this line, and it sounds like to me that there is a line item, or there are three line items, waste, fraud and abuse, and you can just cut the numbers out of those lines. Is that how it works?

Mr. FLEMING. It seems to me that it is easy to do on paper, but this program is over 40 years old. And every politician that has come along has promised to do away with fraud, waste and abuse. Not one has been able to do it, and our President nor our colleagues on the other side of the aisle have even hinted how that would be accomplished.

Mr. AKIN. That is interesting; \$500 billion out of Medicare alone. That is a significant number.

We are joined by Congresswoman FOXX who has dazzled us down here in the last few years. I think of her as the grandmother of the legislators. It is a delight to have you here.

Ms. FOXX. Thank you very much, Congressman AKIN, for leading this hour tonight and for all of the leadership that you have given, particularly this session, on bringing to the attention of the American public some of the things that need to be brought to their attention.

I think you are certainly on the right track in talking about the fact that it is impossible to do what the President and Speaker PELOSI have been saying about expanding health care coverage, government-run health care coverage, to other people without it costing another dime.

It reminds me of Congressman MILLER saying last week, on another issue that I think you want to talk about in a little bit, on the government taking over the student loan program.

Mr. AKIN. I appreciate your bringing that up, but I would like to get there in just a minute.

Ms. FOXX. He said on the floor that we would go from the government having 22 percent of student loans, only 22 percent, to having all of them, and it wouldn't cost the government a dime. My point is these people keep promising programs and expanding programs and nothing is going to cost anything.

Mr. AKIN. Reclaiming my time, I would like to ask my friends here, and here is the specific statement made by the President. And I think it is helpful, you take the specific statements and you take a look at them and say: Does it make sense or does it not? Here is the statement, and what is a rational analysis of this?

"Here is what you need to know. First, I will not sign a plan that adds one dime to our deficits, either now or in the future."

We have heard that we are not going to add a dime to the deficits, and in just 6 months we have scored \$3.6 trillion from all of these different programs. You have the Wall Street bailout and the economic stimulus, the SCHIP, the appropriations bill, and this cap-and-tax, which is the biggest tax increase in the history of our country, and for him to say it is not going to add a dime to our deficit.

He also promised during the campaign that nobody making less than \$250,000 would pay any taxes, and yet this cap-and-tax that we did means that as soon as you flip a light switch, you are starting to pay taxes. Now tell me, do people who flip light switches, do they all make over \$250,000? There is a question of credibility when you hear a statement as broad and as general as that.

Here is another one: "Most of this plan can be paid for by finding savings within the existing health care system, a system which is full of waste and abuse."

Every year we are putting a patch on Medicare because the doctors are getting paid so little that they are getting to the point that when somebody walks into their office and says, I'm on Medicare, they say, Sorry, I can't afford to take any more Medicare.

So as a doctor, if you keep getting paid less and less for Medicare people, there is going to come a point where the people who have Medicare, they have government insurance, but they don't have government health care because a doctor won't accept the wage.

So I guess when we hear this, I don't know if this passes the sniff test.

Ms. FOXX. If the gentleman would yield, I think another point that needs to be made is that the President has said on many occasions that when he took office he inherited a \$1 trillion deficit.

Mr. AKIN. That isn't true, is it?

Ms. FOXX. I wanted to see if you would help me with my memory on that. My memory is that when President Bush left office and President Obama came in, that the deficit was \$259 billion, too big a deficit, but only \$259 billion, compared to the \$1 trillion which occurred almost immediately because of the stimulus package. The stimulus package created the \$1 trillion deficit; is that your memory?

Mr. AKIN. It isn't just my memory. There is an expression that everybody is entitled to their opinion, but there is only one set of facts. And the facts are that it was in the range of \$250 billion or so, and many of us who are conservatives would say that was too much. But still, it is not in the range of a trillion, or \$3.6 trillion, which we are burning with all of these programs.

Here is another chart that I think people are vaguely aware of. President Bush, before, went where you are not supposed to go politically and said to the American public, Medicare and Social Security are broken. And maybe people beat him up for that, but in general Americans realize Social Security and Medicare, these programs are broken, partly because they weren't designed right to begin with and partly because of the demographic shift and all of those of us who are baby boomers and all of that. But here is a chart on the expansion of Medicare and Social Security.

My question is, if we can't manage Medicare and Social Security, and those costs are going up to this point where you have this dotted line. You have Medicare, Medicaid, and Social Security added together absorb the entire budget. There is no money for the arts, no money for public radio, and no money for defense or anything else, just those three programs. It totally gobbles up about the maximum you can get, because if you raise taxes more, you get less in because you kill the economy. So is it reasonable when you have the experience of Medicare and Medicaid expanding the way they are, the solution to this is obviously the government being more involved? Somehow, that doesn't pass the sniff test.

I yield to Dr. FLEMING.

Mr. FLEMING. A point you raised, Mr. AKIN, is a very important one that is often left out of the debate, and that is that Medicare and Medicaid are paying such low rates, far below cost in many cases, that it is only the private insurance market that is making up the difference, that keeps doctors solvent and keeps their offices open. If you look at the increase in private insurance premiums and the fact, and the President points this out frequently, the rate of increases is higher than inflation, well, what is causing that is the government-run health care that we already have which is being subsidized by the private market.

Mr. AKIN. Reclaiming my time, therefore, following your line of reasoning, if you keep taxing the privates more and more, they are going to get smaller. And when that gets smaller, your base of collecting those tax revenues gets smaller, and you have more and more people who are subsidized who are absorbing the resource, and pretty soon you are in a death spiral. Is that your point?

Mr. FLEMING. Exactly. People say how will this ever lead—what you really have is a competing public plan against private plans, and how will this lead to rationing and long lines? The bottom line is, when you artificially suppress the income to the providers, doctors and hospitals and DME companies and so forth, what you end up with is really an artificial market which then is being collapsed in the private sector into a public sector market, and there is no way that is going to control costs, short of long lines.

Mr. AKIN. Speaking directly on that point, and I appreciate your going there because that is something that I thought was very interesting. In the context of our health care debate, something that happened here last week on the floor, and people should be paying big attention to this, and it seems like it is an unrelated subject but it is not at all, and that is the student loan situation. We are fortunate to have Congresswoman FOXX who was literally involved in the middle of that situation.

I would like to explain the history of the student loan program and how that connects to this concept, because one of the huge debates here, aside from the cost of the thing, is the question of whether there should be a government insurance plan included. The Democrats are about 50/50 divided on that point. The Republicans are not at all divided. We think no, absolutely not. It is a deal breaker. We do not want the government getting into the insurance business.

So why would we be concerned? Well, because where that is going to lead. Let's go over and take a look at what happens in student loans and how that then relates to health care.

I yield to the gentlewoman from North Carolina.

Ms. FOXX. I will give you a very brief synopsis of it. I handled the rule on the floor last week, so I was familiar with the bill. The Democrats have been trying to do this for a long time.

We have had in the Federal Government two ways for students to be able to borrow money to go to college. One was called the Direct Loan Program. They would go directly to the Department of Education and borrow money, pay it back over a period of time.

The second was something called the FFEL, and I can't remember exactly what those letters stand for, but students could borrow money from banks

but the Federal Government would guarantee those loans. Back in the sixties when the Direct Loan Program was begun, right after it started, actually, it ran out of money and ran into all kinds of problems. Congress had to bail it out. That was long before my time, but it has constantly had problems.

Mr. AKIN. Reclaiming my time, was that the government Direct Loan Program always had problems?

Ms. FOXX. Yes.

Mr. AKIN. The deal is the government makes a loan to some student, you're going to go to college. The kid goes to college, doesn't repay the loan, and the government and the taxpayer has to then pick up the tab?

Ms. FOXX. That's right, put more money into it. So what happened was only about 22 percent of the people getting loans were getting them from the Direct Loan Program. Actually, that is a higher percentage than it had been over the years. The other 78 percent were getting their money from banks, and then the money was guaranteed by the Federal Government. What Chairman MILLER's bill did was say we are eliminating the private sector.

Mr. AKIN. Here is the interesting thing, though. If you went for a direct loan from the Federal Government, you got a lower interest rate on your loan, so you would think, shoot, everybody is going to go for that kind of loan, and, in fact 20 percent did, and the other 70-some did not. They paid more money in interest. Why? Because the loan was administered through the private sector. And the private sector was so much easier to deal with, they were willing to pay more in interest just not to have to deal with the Federal Government on it.

So what we did last week, then, was to basically eliminate, and there were some people that weren't federally insured at all and they were just totally private. So 20 percent of the market was just private. You had not quite 20 percent that was just straight Federal Government, and then you had in between the sector of private money with a guarantee from the Federal Government. So we have taken that huge sector in the middle and gotten rid of that so now the government runs 80 percent or so of the student loans; is that right?

Ms. FOXX. It will work that way if the Senate passes that bill, despite the fact that we kept saying over and over again, Department of Education has no business becoming a bank, and that's basically what they are doing.

Mr. AKIN. So the first thing we are seeing is once more the Federal Government is getting their fingers into everything, and in this case, they are basically taking over student loans. But they started with the idea that we are just going to help the students get

a lower interest rate. That was the toe in the door, the nose of the camel under the tent, to the point where now 60, 70, if this bill were to pass the Senate, where you have the government now in the student loan business.

Now, let's fast forward. How does that parallel our concern on health care? Well, our concern is you put a public option in and the government starts with that. It seems like just a little thing.

□ 2000

Then pretty soon you say, well, every insurance policy in the country has to be the same as the government's, which is what the legislation says. And pretty soon, guess what? You have one provider, the Federal Government, and the government has now taken over all of the health care.

I yield to my good friend, the Congressman from Georgia, who has a distinguished record here in the House but also is a medical doctor, which we don't hold against him. I would just be delighted to recognize my good friend, Dr. GINGREY.

Mr. GINGREY of Georgia. I thank the gentleman for yielding, Mr. Speaker. I hope my patients don't hold it against me as well.

But actually I just wanted for you to yield me time so I could ask our good friend from North Carolina, Ms. FOXX, a question in regard to this. You are right, she is a Member of our side of the aisle on the Rules Committee, does a great job of handling rules for us, and apparently does all of the education bills that come on the Floor.

There was some discussion, Representative FOXX, about how many jobs, in this time of losing jobs—they keep saying 14,000 people a day lose their health insurance; we know why, because they are losing their jobs—but in this particular instance, as far as that private sector, can you give us a number on that?

Ms. FOXX. We have an estimate that between 30,000 and 40,000 jobs in the private sector will be lost as a result of that education bill, and that, again, makes the statement that Mr. MILLER from California made so astounding, because it is like the statement that President Obama has made about the health care bill. Mr. MILLER said this will not cost the citizens of this country one single dime.

Mr. AKIN. Wait a minute. Reclaiming my time, you are starting to blow my circuits. You are saying that a Congressman on this floor, the head of the Education Committee now, says that this government loan program is not going to cost us a dime?

Ms. FOXX. The complete takeover is not going to cost a dime.

Mr. AKIN. In other words, the Federal Government is going to go in and take over all of these student loans, and it is not going to cost a dime. You

know what you would have to prove to prove that true? You would have to say that every single loan is going to be made good. That is what you would have to say almost to make that happen. I mean, that is beyond credible.

Ms. FOXX. It also is beyond credible when we know that there are 30,000 to 40,000 people in the private sector servicing the existing loans. It is incomprehensible to me.

Mr. AKIN. 30,000 or 40,000—that is jobs lost?

Ms. FOXX. Jobs lost, and that they believe that people in the Department of Education are going to absorb the program into the Department without adding any personnel. Now, that is beyond belief for anybody in this country I believe, to think that you add responsibilities to people who work in the Federal Government and they are not going to ask for additional personnel.

Mr. AKIN. You know, there is kind of an overused phrase around here, “people of faith.” I mean, I think we are talking of people of faith that could make statements like that with a straight face almost.

I would like to just shift a little bit to my good friend from Georgia, and he in a way to me is a hero because he has done something which I think is a tremendous educational tool for the people of the United States.

On this House floor we are denied many, many times any kind of amendment that we can offer because it might be embarrassing to have to vote on something. But in committee, we still have the freedom to be able to offer amendments. And a third point of some considerable contention on health care is the question of rationing.

Is it going to end up that the government is going to, instead of an insurance agent getting between you and your doctor, which we don't like, even worse a bureaucrat telling the doctor and the patient, Sorry, you can't go there. Give him some aspirin and send him home. That is something that has been a concern.

So my good friend the doctor from Georgia offered an amendment in committee on this very point, and I don't think this has received nearly enough attention, Dr. GINGREY. But I want to review the simple sentence that you put in, because I think this really busts wide open this entire question about whether we are going to have rationing of health care.

“Nothing in this section shall be construed to allow any Federal employee or political appointee,” that is, a bureaucrat, “to dictate how a medical provider practices medicine.”

My understanding of what you are saying, doctor, is that that doctor-patient relationship, which we all consider to be the backbone of good medical care, is sacrosanct, and we are not going to put bureaucrats in charge of

doctor-patient and medical decision-making.

Was that your point? And tell me about your amendment.

Mr. GINGREY of Georgia. Well, Mr. Speaker, I thank the gentleman from Missouri for yielding, and that essentially is the amendment that we proposed. There were a number of others. But on that particular one, early on, back on July 30 I believe is when we were marking up into the wee hours of the night, and the big concern was with when you look at the chart, this massive bureaucracy that was created between the patient here and the provider, there were all these government bureaucrats who had the authority under this bill, H.R. 3200.

Mr. AKIN. Was that that fantastic colored flowchart that we saw that had all the boxes and arrows all over?

Mr. GINGREY of Georgia. Mr. Speaker, the gentleman is right. I was able to hold that up when we were marking up the bill in Energy and Commerce, and, of course, C-SPAN cameras were there and showed the morass of bureaucrats on this in a chart depiction. But I think people got it, Mr. Speaker. They could see.

Mr. AKIN. So isn't that your point? You don't want bureaucrats getting in the way of medical decisions. Is that what you are trying to get at here?

Mr. GINGREY of Georgia. Absolutely.

Mr. AKIN. And how did it go? Tell me about the votes. Your amendment passed without any question, right? Everybody agrees to that doctor-patient relationship, right? There wasn't anybody that voted against your amendment?

Mr. GINGREY of Georgia. Well, what I am going to say, Mr. Speaker, the gentleman asked that question. I have answered that. If you asked every doctor and if you asked every patient, the answer would be, We don't want some government bureaucrat coming in this exam room telling either one of us what to do. This is a sacred relationship, really.

Mr. AKIN. I agree. It is a sacred relationship. How did the committee vote?

Mr. GINGREY of Georgia. They voted it down, Mr. Speaker. The gentleman asked a specific question. They voted a lot of great amendments down.

Mr. AKIN. What I have got here in my notes, it says the Democrats, 32 voted against it, one voted for it. Republicans, 23 voted for it, none of them voted against it. So it is a straight party-line vote, with the exception of one?

Mr. GINGREY of Georgia. Mr. Speaker, there was maybe one or two exceptions in the vote. They have 36 members on the Energy and Commerce Committee. I say “they,” Mr. Speaker. The majority party. They were assigned to that committee by the Speaker of the House, Ms. PELOSI. And we have 23 Republicans. So it is 36-23.

Mr. AKIN. So your amendment failed then?

Mr. GINGREY of Georgia. Absolutely it did, as did all the other amendments. You might say, Mr. Speaker, that the deck is pretty well stacked against us.

Mr. AKIN. Okay. But when it failed, what does that say to us if you are worried about bureaucrats making health care decisions? Does that give you any sense of comfort?

Mr. GINGREY of Georgia. Mr. Speaker, the question, does that give you any sense of comfort that bureaucrats won't come between the doctor and his or her patient, it gives you total discomfort, is the answer to that question. Otherwise, we would have had almost a preponderance of members, both Republicans and Democrats, voting in favor of that amendment. Surely some, more than one or two, felt that way, but they didn't vote that way.

Mr. AKIN. I really appreciate, doctor, your offering this amendment, because I think this, if there is ever any indication of where this health care is going and why the American public is concerned about it, this would be one of those things. Because we are talking about promises on the one hand that you can keep what you have and your doctor-patient relationship is good and don't worry about that; 100 million people in America have their own insurance and their own doctors and providers and they feel like they are getting pretty good health care. And yet here, this amendment says that.

We are joined by a fantastic Congresswoman, Congresswoman LUMMIS. I would be happy if you want to jump in here.

Mrs. LUMMIS. I do, and I thank the gentleman from Missouri for allowing me to. I was sitting in my office in the Longworth Building listening to this discussion, and my fellow freshman colleague, the physician from Louisiana, was talking earlier about Medicare and the effects of \$350 billion of waste, fraud and abuse coming out of Medicare to magically fund a big portion of the proposed health care bill that Ms. PELOSI and her colleagues have prepared for us.

Mr. AKIN. Let's talk a little bit. What part of Medicare did that come out of? Did you happen to notice that? I mean, is there any line item that says waste, fraud and abuse in Medicare that you can just take money out of? How do we do that?

Mrs. LUMMIS. You know, there certainly isn't. And the most amazing thing to me about listening to that discussion is, when I was home for the August work period, I met with the physicians and administrators at Wyoming Medical Center in Casper, Wyoming. They told me that they are currently reimbursed at 37 cents on the dollar for their actual out-of-pocket costs of treating a Medicare patient.

Mr. AKIN. Let me stop. That is an incredible number. In other words, we

have a doctor like Dr. GINGREY, Dr. FLEMING, and they accept a patient on Medicare. It costs them \$1 to provide some type of medical care. They are getting reimbursed how much? \$1.50?

Mrs. LUMMIS. No.

Mr. AKIN. \$1?

Mrs. LUMMIS. No.

Mr. AKIN. How much?

Mrs. LUMMIS. Thirty-seven cents.

Mr. AKIN. Thirty-seven cents out of a dollar. So they are losing money on a Medicare patient.

Mrs. LUMMIS. They are losing roughly two-thirds of every dollar that they spend.

Mr. AKIN. So we are going to cut \$500 billion out of Medicare and expect doctors to continue to do that? I don't understand how that is supposed to work.

Mrs. LUMMIS. It is a stunning departure from rational thinking.

Mr. AKIN. I think that is a great phrase, "a stunning departure from rational thinking." You know, I think we are seeing a little more of that than we need down here. You are such a nice person. That is a nice way to say being stupid, isn't it? In Missouri, we are not very good at explaining things. I wish I was as politically correct as you are.

I see my good friend, Congressman KING from Iowa, over here, and he is having way too much fun. I think we have to let STEVE have a chance at chatting with us for a minute.

Congressman KING, somebody who is known for calling things plain and straight talk, I appreciate your midwestern perspective. Please join us.

Mr. KING of Iowa. All those compliments some might argue are a stunning departure from rational thinking, Mr. AKIN, and I am glad I came over here just to hear that exchange between you and CYNTHIA LUMMIS tonight.

I am sitting here thinking this: That there is a great, huge philosophical divide going on in this Congress, and the people on the left side of the philosophical spectrum and the left side of the aisle seem to believe somehow they can generate all of this government, all of this government oversight, and take on a huge operation of the job that is being done now, a lot by the private sector, punish the health insurance companies, replace them with a Federal health insurance company, and somehow the incentive that is there today that has allowed some profit for doctors to get back their huge investment in their education and their training and their internships and nursing and all of the expenses it takes to have a front-loaded education, somehow there is going to be an incentive there to have more doctors and more nurses, when we know it is going to be less.

They cut the funding to Medicare by half a trillion dollars and argue that it is waste, fraud and abuse, and somehow the President makes the argument

that, let's see, he can find this savings that is there because of waste, fraud and abuse, but the quid pro quo is we don't get to save the wasted money unless we take on the socialized medicine part of his package.

Mr. AKIN. Isn't that amazing? We have two medical doctors here, Dr. FLEMING and Dr. GINGREY, and we have been really leaning on our medical doctors. I guess the question I have is, I have been here 9 years, and over this period we passed some bill, I don't know how many years ago, that says we are going to keep ratcheting down how much money we are spending on Medicare, and it obviously isn't working, if you take a look Medicare growth and costs. And every year we do the Medicare patch so the doctors aren't going to go bankrupt all the time, or at least so they will keep taking Medicare patients.

So it seems to me when we do the patch, we are putting more money into Medicare, and now we are talking about taking \$500 billion out of it. This thing somehow, Dr. GINGREY, do you want to address that for a minute, or Congresswoman FOXX?

□ 2015

Mr. GINGREY of Georgia. Mr. Speaker, I will be glad to take some time from the gentleman from Missouri, and then I will be glad to yield back to him so he can let our family practitioner, the gentleman from Louisiana, Dr. FLEMING, also speak on this issue.

But yes, this sustainable growth rate formula—and it's very complicated. I've had six courses of calculus at Georgia Tech, and I still can't quite figure out how they come up with these numbers—is flawed, and everybody knows it's flawed and needs to be done away with. You can't fix something so badly flawed. For the last, I would say, 5, 6 years when they calculated that formula, the doctors end up taking a cut in something that already is underpaying them. It doesn't cover their basic expenses. It's calculated far differently from the way hospitals are reimbursed.

Mr. AKIN. Every year we're patching that, though, aren't we?

Mr. GINGREY of Georgia. Mr. Speaker, the gentleman is right in his comment, that every year we're patching it. And that's no way to run a bank. That's no way to do business. You patch it, and yet then the next year you take the cut for that year plus the patch that you removed. So you essentially have 5 percent for the patch and 5 percent for the current year. In fact, on January 1, 2010, the doctors, if we don't do something about it, will take a 20 percent cut.

Mr. AKIN. How many years can you practice medicine—let's say our salaries were cut 20 percent every year. How long would we be doing what we're doing? I mean, that's a tough deal. So

we're cutting this. We keep adding money to it to prevent that cut from taking place, and now we're going to take \$500 billion out of Medicare and everything is going to work fine?

Dr. FLEMING, what do you think about that?

Mr. FLEMING. Well, I will just briefly comment, because I know we have got other speakers here who are anxious to get on the record tonight.

The whole concept behind SGR, sustained growth rate, is that the government in its infinite wisdom said, Well, out in the future someplace, we're going to spend no more than this many dollars, and the doctors are going to have to get together amongst themselves—the hundreds of thousands of them—and decide how they're going to do that. Of course the obvious thing occurred. How in the world are doctors and hospitals going to be able to do that? Anybody under part B.

Mr. AKIN. Is this a conference call? You're going to have a conference call?

Mr. FLEMING. As far as I know, I was never invited to a conference call. I have never received an e-mail about it. I just went along, practicing everyday, like my colleagues do. All of a sudden we are told, we're spending above the SGR rate. It goes back to exactly what our debate is today. We can pick and choose a number out there in the future that's going to be a goal, and we are going to practice and spend less than that amount. But that does not affect the day-to-day behavior inside the exam room, which is, again, why our bill H.R. 3400 is so important because it gets to the behavior and the decision-making between the doctor and the patient. That is where the money is saved. Not in some conceptual decision made out in the future that we're going to spend only this many billions of dollars next year or the coming years.

And that's why the SGR is an abysmal failure. Of course we all know that it's really a joke. We do a patch every year, but it never would work, and it never will work.

Mr. AKIN. I appreciate your response as a medical professional on that, and the fact that it's going to be awfully hard if year after year we're putting more money into Medicare to try and prop it up. As Dr. GINGREY has said, that's no way to run a ship. And that's true. But we're constantly putting more money in it, and all of a sudden we're being told by the President that he is going to take \$500 billion out of it because it's waste, fraud and abuse; he is going to put it into this program, and there is not going to be a nickel of deficit involved in that.

Another claim that the President made—and I have been sticking a little bit on the theme of, there's a lot of debate over what's true. This guy says this, somebody else says that, and America is arguing about this stuff.



What our objective is is to try to add some kernel of truth to one of these things.

Here's another statement. First, if you're among the hundreds of millions of Americans who already have health insurance through your job, Medicare, Medicaid or the VA, nothing in this plan will require you or your employer to change the coverage of the doctor you have. Now we've heard this over and over from the President. We've heard it from different Democrat Congressmen claiming this, and yet this isn't really true, from what we're seeing, as we take a good, closer look at it.

The first thing that strikes me is, if you are among the hundreds of millions of Americans who already have health insurance—in other words, you have 100 million Americans who already have health insurance, and you like it, you like your doctor-patient relationship, and you are saying, Hey, just leave me alone, what's the objective? Well, the objective is to find some other number of people who don't have health insurance. So how many is that? We have an expert on that here in Congressman KING. But let's just be very liberal. Let's say the President, who said originally it was 46 million, now he is going to take it down to 30 and probably if you looked at it closer, it's less than that. But let's say even if there were 30 that didn't have health insurance, and you have hundreds that have, why are you going to scrap the hundreds right off the bat in order to deal with the 30?

Mr. KING of Iowa. If the gentleman will yield, and I thank the gentleman from Missouri.

There have been two flawed premises that have been under the foundation of this health care debate from the beginning. One is that we spend too much money on health care. That has not been adjusted for a number of reasons. The other is we have too many that are uninsured. The number that's the most consistent is 47 million uninsured. But when you break the number down, you start subtracting from that 47 million, those that are here illegally—which the President has decided now, he's changed his mind and now he doesn't want to fund those—those that are here legally are under the 5-year bar; those that make over \$75,000 a year and presumably could pay their own premiums; those that qualify for an employer plan; and those that qualify for a government plan, like Medicaid, but don't bother to sign up. Once you take 47 million and you subtract from that universe, that list that I have given, you end up with 12.1 million who are Americans without affordable options.

Mr. AKIN. Reclaiming my time, my first point, when you read this, if you have hundreds of millions who already have health insurance, you're going to tamper with all of this to deal with 12 million?

Mr. KING of Iowa. To deal with less than 4 percent, which is 12.1 million.

Mr. AKIN. So less than 4 percent. We're going to redo the whole system to deal with 4 percent. Even on the surface, it doesn't seem intuitively obvious to the casual observer that that's the way that you might deal with this thing.

Congresswoman FOXX.

Ms. FOXX. I thank the gentleman for yielding.

I wanted to speak to what you started out talking about tonight, along with this comment. What are we to believe on all of these issues? There are lots of numbers being thrown around, lots of comments being made. First of all, let me give a statistic that I know of. Eighty-nine percent of those people that you talk about are happy with their health insurance.

Mr. AKIN. So you are saying of Americans in general, 89 percent are saying, We're pretty comfortable with what we've got.

Ms. FOXX. Right. The ones who have health care coverage.

But the point I wanted to make tonight is something that has just been coming out in the last day or two about what's happening in terms of informing the American public about what—

Mr. AKIN. This is the area that's kind of sacred to Americans, the idea of free speech, that you can have your opinion, you can disagree with a family member or a neighbor. But we can have this debate and this discussion, and we're not going to hide information.

Is that what you are getting at?

Ms. FOXX. That's right.

There is an organization called Humana which provides health insurance, primarily the Medicare Advantage Program, to seniors all over this country.

Mr. AKIN. So we've got Humana. It's a health insurance company provider, and it's particularly working with Medicare money and packaging that money into more of like a private medical plan type thing?

Ms. FOXX. Correct. The Medicare Advantage Program.

The Humana organization sent a letter out to the people who participate in that program, saying, We want you to be aware of what's happening in this health care debate. We'd like you to send back a card so we can send you information about what's happening. We do want you to know that the current bill under consideration—they don't name H.R. 3200, but we assume that is the bill they were talking about—will be cutting funding for this program. Well, that is absolutely true. Anyone who reads that bill will see that it's true.

Mr. AKIN. So specifically, the bill that's being proposed by NANCY PELOSI—and indirectly by the President—is going to cut Medicare. Specifi-

cally in Medicare, it's going to cut Medicare Advantage, and Humana works with that. I just want to make sure we get this down.

Ms. FOXX. Sure.

And this is a program that seniors like very much. Well, where the rub comes in is suddenly the organization, the Centers for Medicare & Medicaid Services, doesn't like the fact that Humana is exercising its free speech options and educating the people that are being covered by its program and writes to them and says, You cannot do this anymore. You can't write letters to the people participating in your program. It says, "We are instructing you to immediately discontinue all such mailings to beneficiaries and to remove any related materials directed to Medicare enrollees from your Web sites."

Mr. AKIN. Wait, wait, wait. Stop again. I feel like I have just blasted off and gone to some other country or some other planet.

Ms. FOXX. You're living in 1984.

Mr. AKIN. You are saying that we have a private company who is insuring people. They write a letter to the people that are buying their product and say to them, essentially, you're being targeted by NANCY PELOSI's health care bill. So they are a constituency, they are a group of Americans who have a right to have an opinion. Obviously they're somewhat predisposed to like it because they wouldn't be in the program if they didn't like it, and they're being told, Your program is going to be cancelled. The program you like in Medicare is going to be canceled. So they're warning their people that are buying their product, Look out. You're about to lose something. If you like it, you're going to have to say something about it.

And now the government is threatening Humana for communicating?

Ms. FOXX. That is absolutely true.

Mr. AKIN. I don't know if we have even got a First Amendment anymore.

Ms. FOXX. Mr. Speaker, I would like to enter into the record of this discussion tonight the letter from Humana to its enrollees, the letter from CMS, and the CMS press release that was sent out related to that.

Mr. AKIN. I appreciate your sharing that. I guess I appreciate it. I think it's a little bit chilling. I mean, the President said something about calling us out. That sounds like something my principal did to me all the time when I was, you know, talking or chewing gum or something.

Going to Dr. GINGREY, have you heard about this situation? This is kind of a little spooky—that you can't send people a letter in America?

Mr. GINGREY of Georgia. Mr. Speaker, the gentleman asked me the question if I had heard about that. And absolutely I have heard about it. It's amazing, isn't it, that what we hear from the leadership in the majority

party and from 1600 Pennsylvania Avenue is that everybody that is questioning H.R. 3200, or the bill that came out of the Health Committee in the Senate and has great concerns about whether illegal immigrants are going to be covered, whether the general taxpayer, whether they are pro-life or pro-choice, is going to have to pay for subsidies that low-income people get through the exchange if they choose a plan, either a government plan or a private plan, that offers abortion services. It's in the bill. I mean, it's clear language. And yet we're just getting all wee-wee'd up, according to certain sources, because we don't understand. It's like the only people that are telling the truth are the White House and the Democratic majority party. Everybody else is lying. It's absolutely insulting.

Mr. Speaker, that's why the people in the town hall meetings were so wee-wee'd up. They're tired of being insulted by these people that have all the power, all the power in the White House and both Chambers of Congress.

Mr. AKIN. Wait a minute. I am still coming back to this deal where you are a business and you are writing a letter to the people that you're providing a product to, and the government tells you you can't send a letter to them and you have to take it off your Web site? Is this 1984? I mean, what is this, George Orwell or something? I find the whole pattern here to be upsetting. I really do.

My friend from Iowa, are you running away on us here? I was just about to recognize you, gentleman. Did you want to jump in on this?

Mr. KING of Iowa. I appreciate the gentleman yielding. A number of things jump out in my mind, and that is, yes, this subject matter gets me all animated. I don't know quite how to pick that up with Midwestern vernacular. I wanted to point out the President's vernacular. We have to be very careful and listen very closely to this President because he is a master of casting ambiguities that couch things in terms where he is not confined by the definition of the language.

For example, right there, "Nothing in this plan will require you or your employer to change the coverage of the doctor you have." Remember for months he said, "If you like your plan, you get to keep it." And John Shadegg said, "If you like your plan, get ready to lose it. That's the reality of it."

Now the President, in his address before Congress—which I will point out was I believe September 9, 2009—the President changed the language to read what's down there, "Nothing in this plan will require you or your employer to change the coverage or the doctor you have," except you may not be able to access coverage or the doctor you had because the plan might bring about a change in premiums, it might dis-

qualify the policies, it might disqualify the very health insurance company. And so nothing in the plan might require you to change, but you may not have the option to keep the one you have because they have eliminated the existing policies.

□ 2030

Mr. AKIN. Yes, Gentlemen, this was the President's claim.

So we hear this one claim on one side. Now, what is the balancing counterclaim? Well, here is one. This is a poor guy from MIT who wishes he hadn't said it because he was attacked for making this statement:

With or without reform, that won't be true. This is about this statement. He says, That won't be true. His point is that the government is not going to force you to give up what you have, but that's not to say other circumstances will not make that happen.

So, in other words, he can say you can keep what you've got; but in fact what happens is, just like in the funding for higher education, the government comes in and changes everything, and you don't have access to it anymore.

Please, the gentleman from Iowa.

Mr. KING of Iowa. Again, listen carefully to the words the President says. Here is a little bit of a different subject.

After the blowup on that night of September 8, which was the joint session of Congress, regarding the issue about funding illegals through this, the President then came back, and he said, "I want to be clear: If someone is here illegally, they won't be covered under this plan."

In other words, he is going to oppose any language that's ambiguous that might allow for illegals to be covered under H.R. 3200 or under another health care plan.

However, just a few days later, the President went before an open borders organization, which I recall to be La Raza, and he said, Well, we need to move forward on legalizing the people who are here illegally.

So we have this language that says, if someone is here illegally, he won't be covered under this plan; but if you legalize everybody who is here, this language here becomes moot. So listen carefully to the ambiguities that the President threads into his language, and you might find out well after the fact that it's a little late to raise the issue.

Mr. GINGREY of Georgia. If the gentleman would yield for just a second on that point.

Mr. AKIN. I yield.

Mr. GINGREY of Georgia. The gentleman from Missouri, thank you.

Mr. Speaker, I want to respond to my good friend from Iowa because he's absolutely right. The President did make the comment of, hey, you know, this

problem will go away. All we have to do is grant amnesty to 12 million illegals, and then we won't have this problem, and they'll all be eligible for government subsidies under the government plan or under the exchange or whatever.

He did say, Mr. Speaker, emphatically that there should be a provision in H.R. 3200—if that happened to be the bill, and I hope it won't be. He said that he agreed that there ought to be an absolute provision that specifically states that before people are eligible for any of these government subsidies they have to have proof of their legality, not citizenship, but proof that they're in this country legally. That proof, he said, speaks for itself. I'm paraphrasing what the President said, but he was pretty emphatic.

I yield.

Mr. AKIN. I would just like to jump to the record here. This is the August 8 speech:

There are those who claim that our reform effort will insure illegal immigrants. This, too, is false.

He is saying people are saying things that are false. That's pretty close to calling them something else. They're saying things that are false.

The reforms I am proposing would not apply to those who are here illegally.

This is a statement that he made. Is it true or is it not? Well, one of the ways that you can check it out is to take a look at the bill. Another way that you can do it is to hire a group of legal scholars who works for Congress, called the Congressional Research Service. They're not Republicans. They're not Democrats. They looked into this statement. What did they find in this?

Under 3200—this is PELOSI's health care bill—the health insurance exchange would begin operation in 2013, and it would offer private plans alongside a public option. Then he goes on: 3200 does not contain any restrictions on noncitizens, whether legally or illegally present or in the United States temporarily or permanently, participating in the exchange.

In other words, in spite of the fact that the bill says this shouldn't apply—and there is actually language that says it shouldn't apply to illegals—in practice, when you turn the bill on, there's no screening mechanism.

Mr. GINGREY of Georgia. If the gentleman would yield, don't take that poster down just yet.

If you'll notice, Mr. Speaker, on that poster, it is dated August 25, 2009. In the Energy and Commerce Committee, H.R. 3200 passed committee on July 30, 2009. So this is an opinion rendered by CRS almost a month after that bill passed committee.

Mr. FLEMING. If the gentleman would yield.

Mr. AKIN. I yield to Dr. FLEMING.

Mr. FLEMING. There were also attempts by my friends, Dr. GINGREY and others, to actually say, well, okay, if this is fuzzy language and if we're going to debate this and say it's ambiguous and if some say it does cover illegals and some say it doesn't, let's just settle it by putting an amendment into the bill that will settle that for good.

Mr. AKIN. Reclaiming my time, if the objective is that we're not going to cover illegals, if that's the objective, you are saying let's make it clear to everybody. We'll put a simple sentence or couple of sentences in the bill, and we'll make it clear that we're not going to cover illegals, and that's offered as an amendment.

Mr. FLEMING. Yes.

Mr. AKIN. How did that go as an amendment? Did it pass? I assume it passed.

Mr. FLEMING. My understanding is the amendment failed according to party line.

Mr. AKIN. A party-line vote again?

Mr. FLEMING. Yes.

Mr. AKIN. So we have the President saying we're not going to be covering illegal immigrants. In fact, the bill from a completely unbiased source says there is nothing in it to protect against that, and the amendment to specifically prohibit it was defeated on a party-line vote. So that's why there's some tension on this subject, isn't there?

Mr. FLEMING. Yes.

Mr. AKIN. One person is saying something, and it isn't all necessarily so.

Mr. GINGREY of Georgia. If the gentleman would yield for a clarification.

Mr. AKIN. I yield.

Mr. GINGREY of Georgia. On that very point that Dr. FLEMING made, Mr. Speaker, in regard to the amendment:

Back in July, during that 2 or 3 days of markup, that amendment was offered by my colleague from Georgia, the ranking member with 17 years' experience on the Health Subcommittee of Energy and Commerce. He offered that very same amendment, and it was rejected on party line.

Mr. AKIN. Reclaiming my time, I appreciate, Doctors, your help. We have just a couple of minutes before I have to close, and I would like to correct one other thing. It's an assumption that has been kind of hidden in this debate over the months, which is that American health care is really cruddy and terrible and that it has to be totally torn down and rebuilt.

Now, this summer, while we were debating this, my dear father, who is 88 years old, went to a heart doctor. His original heart doctor had been diagnosed with cancer, and he retired. He goes to a new heart doctor.

The heart doctor says, What has the doctor done for your heart?

Dad says, Well, I'm getting these medicines.

He said, But what did you do? Well, come in, he says, for a stress test.

He went in for the stress test. Within a couple of days, he had scheduled an angioplasty. My father was put under anesthetic. They went in and looked around with their little camera. He came back out. They hadn't done anything. They called us in the office. I was with my dad on Monday. He's 88 years old.

The doctor says, You need open heart surgery.

He says, What are the numbers?

The numbers are these, he said. There's a 10 percent chance for a major complication in open heart surgery. If you don't get it, there's a 50 percent chance you're going to have a major heart attack.

So I'm sitting there with my dad and my mom in the office. The doctor says, When can we schedule surgery?

He said, Tuesday or Thursday.

That is tomorrow or two days. So we scheduled surgery. My dad had a seven-way heart bypass. He was home from the hospital on Saturday. The whole process took about 2 weeks, 2½ weeks, and he's doing fine. That's the miracle of American medicine.

Let me explain one thing, which is, if you're some sheikh in Bahrain with unlimited money, where do you want to go to get your health care? To the good, old USA.

I say to you doctors, Hats off for the great health care that you provide. Yes, there are some things that we can do to improve it, but it doesn't mean we have to burn the entire barn down.

Mr. FLEMING. Will the gentleman yield?

Mr. AKIN. I yield my last minute or so.

Mr. FLEMING. Some might say that that's anecdotal, but let me point this out: for all cancers, 66.3 percent of American men and 63.9 percent of American women survive. In Europe, it's 47.3 and 55.8. So we're not talking about just a single story like you gave, which, I think, is representative. What we're talking about across the board are statistically significant differences in cancer survival rates in the U.S. versus Canada versus Europe.

Mr. AKIN. Let's do that statistic one more time, and we'll probably have to close up with that.

In the U.S., your survival rate is 60-something percent overall.

Mr. FLEMING. For all cancers it's 66.3 for men and 63.9 for women.

Mr. AKIN. Okay. This is over 5 years?

Mr. FLEMING. Yes, versus Europe, which is 47.3 percent.

Mr. AKIN. So, if you've got cancer, you'll want to be in the good, old USA then.

Mr. FLEMING. Absolutely.

Mr. AKIN. Yes.

I very much appreciate your all joining us tonight. I thank my colleagues

and the American public for continuing this discussion on health care.

God bless you all. Thank you.

DEAR \_\_\_\_: With the media reporting daily on Congress' and President Obama's efforts to enact meaningful health reforms this year, many Humana Medicare Advantage (MA) members are contacting us with questions. Members just like you want to know what these reforms might mean for their Medicare health plan and how they can get involved to help protect Medicare Advantage.

We are working diligently to ensure that our nation's leaders understand how proposed reforms might affect you. At the same time, we have created the Partner program to keep you informed about proposed Medicare changes and help you get involved so your voice is heard in Washington. Your opinions matter to us, to others on Medicare, and to your elected officials. There are two things you can do now to help show Congress the importance of Medicare Advantage:

Opt into the Partner program. Becoming a Partner is easy. Just complete the accompanying, postage-paid form and follow the instructions to fold and mail it back. As a Humana Partner, you will join more than 50,000 Humana Medicare Advantage members who are receiving information about this issue and learning how to get involved to protect your Medicare health plan coverage.

Let your Members of Congress know why Medicare Advantage is important to you. Congress is considering significant cuts to Medicare Advantage now, and your Members of Congress will want to know why this program is valuable to you because these cuts could mean higher costs and benefit reductions to many on Medicare Advantage.

We've made it easy for you to have your voice heard. Just call (877) 698-9228 (toll-free) or visit [www.humanapartners.com](http://www.humanapartners.com) for additional information about this issue and how you can offer helpful input to your elected officials.

Leading health reform proposals being considered in Washington, D.C., this summer include billions in Medicare Advantage funding cuts, as well as spending reductions to original Medicare and Medicaid. While these programs need to be made more efficient, if the proposed funding cut levels become law, millions of seniors and disabled individuals could lose many of the important benefits and services that make Medicare Advantage health plans so valuable.

On behalf of Humana's 28,000 employees, I would like to thank you for being a Humana member. We look forward to partnering with you to ensure the Medicare Advantage program remains strong, so you can have peace of mind about your health coverage—now and in the future!

Regards,

PHILIP PAINTER, M.D.,  
Chief Medical Officer,  
Humana Medicare.

DEPARTMENT OF HEALTH & HUMAN SERVICES, CENTERS FOR MEDICARE & MEDICAID SERVICES, CENTER FOR DRUG AND HEALTH PLAN CHOICE, BALTIMORE, MD.

MEMORANDUM

Date: September 21, 2009.

To: All Medicare Advantage Organizations, Medicare Advantage-Prescription Drug Organizations, Cost Based Organizations and Demonstration Plans.

From: Teresa DeCaro, RN, M.S./s/, Acting Director, Medicare Drug and Health Plan Contract Administration Group.

Subject: Misleading and Confusing Plan Communications to Enrollees.

CMS has recently learned that some Medicare Advantage (MA) organizations have contacted enrollees alleging that current health care reform legislation affecting Medicare could hurt seniors and disabled individuals who could lose important benefits and services as a result of the legislation. The communications make several other claims about the legislation and how it will be detrimental to enrollees, ultimately urging enrollees to contact their congressional representatives to protest the proposals referenced in the letter.

Our priority is ensuring that accurate and clear information about the MA program is available to our beneficiaries. Thus, we are concerned about the recent mailings as they claim to convey legitimate Medicare program information about an individual's specific benefits or other plan information but instead offer misleading and/or confusing opinion and conjecture by the plan about the effect of health care reform legislation on the MA program and other information unrelated to a beneficiary's specific benefits. Further, we believe that such communications are potentially contrary to federal regulations and guidance for the MA and Part D programs and other federal law, including HIPAA. As we continue our research into this issue, we are instructing you to immediately discontinue all such mailings to beneficiaries and to remove any related materials directed to Medicare enrollees from your websites. If you have any questions about whether plan communications comply with the MA program requirements and guidance and federal law, we urge you to contact your Regional Office account manager.

Please be advised that we take this matter very seriously and, based upon the findings of our investigation, will pursue compliance and enforcement actions.

DEPARTMENT OF HEALTH & HUMAN SERVICES, CENTERS FOR MEDICARE & MEDICAID SERVICES, OFFICE OF MEDIA AFFAIRS, WASHINGTON, DC.

MEDICARE ISSUES NEW GUIDANCE TO INSURANCE COMPANIES ON MEDICARE MAILINGS

Medicare today called on Medicare-contracted health insurance and prescription drug plans to suspend potentially misleading mailings to beneficiaries about health care and insurance reform. The Centers for Medicare & Medicaid Services (CMS) recently asked Humana, Inc. to end similar mailings. Humana has agreed to do so.

"We are concerned that the materials Humana sent to our beneficiaries may violate Medicare rules by appearing to contain Medicare Advantage and prescription drug benefit information, which must be submitted to CMS for review" said Jonathan Blum, acting director of CMS' Center for Drug and Health Plan Choices. "We also are

asking that no other plan sponsors are mailing similar materials while we investigate whether a potential violation has occurred."

Humana is one of a number of private health plans that contracts with CMS to offer health care services and drug coverage to Medicare beneficiaries as part of the Medicare Advantage and Part D programs. CMS learned that Humana had been contacting enrollees in one or more of its plans and, in mailings that CMS obtained, made claims that current health care reform legislation affecting Medicare could hurt Medicare beneficiaries. The message from Humana urges enrollees to contact their congressional representatives to protest the actions referenced in the letter.

"We are concerned that, among other things, the information in the letter is misleading and confusing to beneficiaries, who may believe that it represents official communication about the Medicare Advantage program," said Blum.

Specifically, CMS is investigating whether Humana inappropriately used the lists of Medicare enrollees for unauthorized purposes.

Based on the findings of the investigation, CMS will pursue appropriate compliance and enforcement actions.

### THE 30-SOMETHING HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. I thank the Speaker for granting us this time on the House floor this evening.

I hope to be joined very shortly by a few other of my colleagues who are also from the 30-Something Working Group. As our colleagues know, this group comes down to this floor on a regular basis to talk about the issues that matter, not just to our constituents or to the American people but, in particular, to young families out there.

We are also to be joined this evening by a few other Members who care deeply about this Congress' commitment to health care reform. This is the defining subject of this moment in Congress. It is the defining moment for our constituents when we're back home, and rightly so.

Mr. Speaker and my colleagues, when I was home for August, I went out there and talked to the people I represent in every forum possible. I spent early mornings in the dew of village greens. I set up a card table outside supermarkets, and talked to health care professionals, nurses, doctors, and patients.

Listen, we certainly saw in Connecticut the disagreement over the solution just as we saw it all over this country, but we had an agreement that something had to be done. The current system is unsustainable. Now, there is not that kind of agreement here in Washington. I hear too many of my colleagues on the other side of the aisle

and groups that are affiliated with that party talking about the system being okay as is and talking about the lack of need for any real reform.

Well, in Connecticut, at the very least, we understand the need for reform. We saw it plainly earlier this year when the State's major insurer, which covers over 50 percent of the individuals in Connecticut, proposed a 30 percent increase on individuals and small businesses. Now, thanks to government, thanks to the State of Connecticut's regulatory system, it looks like we're going to be able to push that increase down to 20 percent. Think of that. Think of the impact of a 20 percent 1-year increase in health insurance premiums for individuals in Connecticut who are struggling to get by.

The fact is that most people in my State and across the Nation who don't have health care insurance today and who are purchasing on the individual market, frankly, are struggling to get by. These are folks who are either running their own businesses, who are self-employed or who work for an employer who doesn't provide health care benefits. Those folks cannot take a 20 percent increase. Neither can the small businesses that are being charged those premiums as well.

Study after study shows us that small businesses bear the brunt of the costs in our health care system. On average, a small business is paying 18 percent more in health care premiums than are large businesses. It's simple economics. I didn't get past econ 101 in college, but I learned enough to know if you're a small business that's purchasing anything, staples, paper or health care, on behalf of only 5 or 10 or 20 employees, you're just not going to get the same deal as a company that's purchasing it on behalf of 100 or 1,000 or 10,000 employees. So it's the small businesses in today's marketplace which are getting hurt the most just as individuals are getting hurt the most.

So, in Connecticut, I think we're representative of most folks and of most businesses across the Nation. They know that this current system just doesn't work for people. We're not talking about tinkering around the edges. We're talking about comprehensive, bottom-up reform to make this market work again for families, for individuals and for businesses.

In Connecticut, we have seen over the last 10 years an increase of 120 percent in the premiums that small businesses have been paying. During that same time, wages for their employees have only gone up about 30 percent. Now, that's not a coincidence. The fact is that the costs of our health care system are sometimes invisible to employees and to workers because they result in a lack of wage increases. They result in a contraction of pay for those Employees.

□ 2045

When a business is making a little bit extra money in 1 year, too much of that additional income is going simply to pay those 10 or 20 percent increases in health care premiums. The result is that the workers of those businesses get a zero percent pay increase or get a 1 percent or a 2 percent pay increase. All the extra money the companies are making is going to health care. That's not sustainable either.

On the other end, we have got to ask what we are getting for all of this money. It would be one thing if we were paying in for the most expensive health care system in the world—and it's the most expensive health care system in the world, not by 5, 10, 20 percent, by 100 percent. We are paying twice as much for health care in this country as any other industrialized nation in this world.

For one thing, if we were getting the added quality, maybe, maybe my friends on the Republican side of the aisle who are so defensive of our current health care system, who are so complimentary of the current health care arrangement in this country, maybe they would have a little bit better defense if all of this money that they are so proud that we are spending on health care today got us better results. But the fact is it doesn't.

Yes, if you have access to the best health care centers in this country, to the best hospitals and the best doctors, you can absolutely, absolutely get better care. You can absolutely get the best health care in the world. I don't deny for a second that there are people from all over this world that are coming to those top centers of care in this country. But the fact is not enough people have access to those centers of excellence. There are too many people who can't get into the best of our health care system.

It means, when a group like the World Health Organization surveys the quality of health care in the United States and all of our economic competitors across the globe, we turn out to be in the middle of the pack. Any health care indicator you look at, life expectancy, hospitalization rates, infant mortality, infection rates, we rank 10, 15, 20. For all of the money that we are spending in this country, we should be at the top of the list regarding outcomes. Our health care system should be the best in the world.

This debate around health care reform has to encompass all of those problems. This debate has to start with cost, about how we get at making sure that never again the people in my district see a 20 percent or 30 percent increase in health care costs in one given year.

This debate has to get to a point where businesses can make extra money in one particular year and pass that extra income along to their em-

ployees rather than to insurance companies. This debate has to address the quality gap between those who have access to the best of our system and those that can't get there. We should be at the top of those lists that the World Health Organization puts out, not the middle or the bottom.

That's why Band-Aids aren't going to work. In the Energy and Commerce Committee, my Republican friends today unveiled maybe what is one of their first detailed proposals for an alternate to the effort that the President and this Congress are putting forth. It was nothing but a series of Band-Aid fixes on our current system, slight tweaks to the system of private insurance that has gotten us into the problem that we are in today.

Republicans had control of this House for 12 years. During those 12 years, that's the strategy that they employed. Empower the private market, tweak and change the current private health care system here and there.

The jury is in on that approach. The evidence is set. During that time that our Republican friends controlled this House, insurance premiums skyrocketed. The number of people without insurance increased. Our health care system got more broken.

It is time to reset the competitive playing field. It is time to dramatically alter the rules by which insurance companies play. That's what we are talking about here today. No more incremental changes to our health care system that have proven to be ineffective, but serious reform that protects what we like about our health care system but fixes what is broken.

I hope that that's the debate that we will have here in this Chamber and in committees throughout this Congress. That's what we need. That's what the businesses in my district need. That's what the constituents in my district need.

Let's have a real debate. Let's have a debate on the facts, not based on innuendo, not based on distortions, not based on outright fabrications in this bill.

I listened to our Republican colleagues who had the previous hour talk about this issue regarding the access that illegal immigrants will have to the new health care system that we hope to build here. They talked about an amendment in the Energy and Commerce Committee, which I sit on, that would, in their mind, restrict the access to the health insurance exchange or to the subsidies in the bill for the lower-income people so that it wouldn't accrue to illegal aliens.

They failed to mention that we passed that amendment. The Space amendment passed. Check it out, [thomas.gov](http://thomas.gov) online, passed by the House Energy and Commerce Committee, which states in as plain English as you can make it—and I get it, a lot of the amendments in the bills that we passed

here are pretty hard to understand, whether you are watching Congress or in Congress. But this thing was about as clean as you could make it, that nothing in this bill shall allow people who are in this country illegally to access subsidies, to access government programs like Medicare or Medicaid.

The existing law which requires verification of citizenship remains the same. Not a lot of talk.

Mr. KING of Iowa. Would the gentleman yield?

Mr. MURPHY of Connecticut. I yield for a moment, certainly.

Mr. KING of Iowa. I thank the gentleman.

I think we are talking about a different amendment. The amendment with the general language that says nothing in this bill, I believe was written into the bill, may have been an amendment that was adopted. But the amendment that Mr. GINGREY referred to was the Deal amendment, which would have required proof of citizenship. It failed by a vote of 29-28, not exactly a party-line vote.

Mr. MURPHY of Connecticut. Reclaiming my time, I thank the gentleman.

My point being that you don't hear a lot of discussion about the amendment that did pass, the amendment that is attached to that bill today, which states very clearly what the law is and which, I think, is one of the things that leads the President, when he appears before groups out in the public or before this Chamber, to state that the law is very clear on that issue.

I wish that we had a more honest discussion about the entirety of the debate in the Energy and Commerce Committee, which included the passage of a very clear and very restrictive amendment on that case.

This is, I think, one example of many in which we have got to start matching the facts of this proposal and this debate to the rhetoric that's out there today. I think if we can do that, I think if we can get by the political jabs and jabs of this debate, there is real substance here.

I will just close on this, Representative BOUSTANY, in response to the President's speech several weeks ago, talked about the fact that there is and can be agreement on a lot more than there is disagreement over. I think that many of us who went home for the break found out amongst our constituents that folks out there were arguing around the margins of this bill.

But on the guts of it, whether or not we have an obligation in some form or fashion to try to help people who don't have insurance today get insurance, whether or not we have an obligation to start holding insurance companies accountable for their actions, whether or not we have a responsibility to try to stimulate a competitive health care market that is in the majority of

States today not competitive, I think there is agreement on a lot of that.

If we can start talking about what's really in the bill, talking about the amendments that passed, not just the amendments that didn't pass, start talking about what the words in the bill say rather than what the words of political pundits on the evening cable news shows say, I think that we can find some agreement here.

I am glad that our leadership, Mr. ALTMIRE here, in the House, has re-engaged the minority side. I am hopeful that the President is absolutely sincere in his intention to bring Republicans to the table. You see in the Senate Democrats and Republicans talking to each other about how they can forge a compromise here between the two sides.

There are absolutely going to be disagreements. Maybe in the end we can all come together on something. But if we listen to our constituents, if we listen to how very broken the health care system is in their eyes, small businesses, individuals and family, I think our mandate is not to put a Band-Aid on the current system, but to make major reforms that correct years of health care neglect from this body and this government.

I would be glad to yield to my friend.

Mr. ALTMIRE. I thank the gentleman from Connecticut, and I greatly appreciate the opportunity to participate tonight. We could certainly stand here and discuss the merits of the bill, and we will, the bill that has come before Congress already and the bills that we are trying to mold together and what we expect the end result to be. We can have a discussion on the need for health care reform in this country and the merits of the system that we have, what we can do better. We are going to have that discussion. But I did want to come down to agree with the gentleman.

I watched some of the previous hour and Members who I consider to be friends and I work with. I certainly don't question intent, but we did hear a lot of rhetoric that does not in any way match up with the facts of the issues that we are discussing.

I did not vote for the bill. I am not here to defend the bill. But when I hear Members come to the floor and talk about things that are not in the bill as though they are, and then hear them reference portions of the bill and greatly take out of context what they are talking about in that bill, I don't think that's a legitimate discussion on health care reform in this country.

I am someone who wants to pass a health care reform bill. I want to find a way to make it work. I thought the House bill that was before us could have been better. I am hopeful that we are going to make it better. But I don't want to engage in a discussion and talk about how somehow we are in the proc-

ess of putting together a bill that's going to lead to illegal immigrants getting health care or death panels or some of the other things that we heard over the course of the recess. That's rhetoric that is misplaced.

I think, as the gentleman said, we do have the best health care system anywhere in the world if you have access to it. Our medical innovation, our technology, our research capability far exceeds anything available anywhere else in the world. That's true. And we want to preserve what works in our current system. There is no question about that. But there are things we can do better.

I don't know how many people there are on the other side that think we shouldn't do any reform. I would expect not many, but we should be able to agree on the fact that in large segments of society, people who have insurance, they have access to the best health care system in the world. That's not to say that we can't do better.

I want to engage in a dialogue of how we can improve upon the bill that was put forward. What can we do to achieve consensus, because in America that's where we end up. We start with an idea and we build to a consensus and we get something done. That's how legislation is passed.

It offends me when I hear rhetoric put forth that is just not consistent with the facts of what's in the legislation. And, again, I am not here to defend that bill, but I understand that some of the things that we heard are just not legitimate concerns.

We talk about what's the need for reform. I had an August where I went around and I talked to Rotary clubs and physician groups and hospital boards and went to all the fairs and had town hall meetings, everything that other Members of this House did. And one of the things that stuck out in my mind, I had, in a Rotary Club I was speaking at, a small business owner come up to me and handed me his statements from his previous 4 years, his rate increases, annual statement from the insurance company. The lowest increase he had over an annual period for 4 years was a 28 percent increase. That was the lowest in the 4 years.

He said to me, and he clearly was upset about it, that he was going to be unable to offer health care to his employees because he couldn't sustain this increase, 4 straight years of at least a 28 percent increase. He had to drop coverage. These are the things that we can't allow to happen in this country.

When you have the best health care system in the world, you want everyone to have access to it. We want our small businesses to be able to offer coverage.

If you are a small business owner who can't offer health care to your em-

ployees, it's not because you are a bad person. It's not because you don't want to. It's because you can't.

□ 2100

You can't afford to do it. So we need to bring the costs down for small businesses. Every family in America has had a similar discussion around the dinner table to talk about the increased cost of health care, the impact that's having on their family. Some of them have to make very difficult decisions on what they can afford and what they can't to keep health care. But everyone understands that costs are going up at an unsustainable rate.

We all know the impact it has on government budgets, whether that be the Federal budget—but every State in America has experienced the State budget crisis that Pennsylvania has certainly experienced. And municipal budgets, with their health care costs. So it has an impact on governments at all levels. This is what we need to address when we talk about health care reform.

Mr. MURPHY of Connecticut. I thank the gentleman. I spoke a little bit about the costs that we don't see. As my friend from Pennsylvania knows as a former hospital administrator, the folks who don't have insurance today cost us money. We have a universal health care system in this country. You just don't get it until you're so sick that you show up to the emergency room.

Often, the care that you get in that emergency room when you become so sick or so ill that that's your only resort is the most expensive care that you could get. It's crisis care.

And so for folks out there that have insurance—and that's the vast majority of the people in my district and throughout this country—you're paying for the health care of those that don't have it today, and you're likely paying a lot more through taxes to your government that go to hospitals to pay for the uninsured, towards increased rates that you're paying in private insurance, that the private insurers pay hospitals to pay for the uninsured. You're paying more to pay for that crisis care than you would if we just got some preventative care for those folks.

Mr. ALTMIRE. If I could make a point before you leave that issue. This reminds me of a couple of things that I heard when I've been back in the district. One of them was a gentleman who clearly was uncomfortable with the health care reform bill as he understood it and told me all the reasons why we shouldn't do it.

The point he made was, Look, people who don't have health care, they get insurance and they get high-quality care. And he talked about his 15-year old nephew who had gone to the Children's Hospital of Pittsburgh with a



hip injury of some sort, and he didn't have any insurance. His family didn't have insurance. And he got the treatment. And it was great quality, the best he could get. He's fine now. Everything is great.

I said, Well, you said he didn't have any insurance. How did he pay for it? The gentleman said, Well, Children's Hospital paid for it. I said, No, that's not the way it works. You and I paid for it. That's how it works. And he said, What do you mean? And I'll explain what I mean.

But there was a similar story of a woman who came up to me at a meeting, and she was very upset—was not a fan of the President, or me—and told me all the reasons that she thinks we as a Congress are doing a bad job. And she was really getting herself worked up. And she said, And don't you dare take my money to give it to those people who don't have health care, because I've worked hard to get where I am. And I've earned everything that my family has. And we have insurance. And we deserve it. And if those people don't have it, well, that's too bad for them. That's not my problem.

The point of both those stories and what I said to both these people was, It is your problem. Because we can have a discussion about whether it's a moral imperative to offer coverage to people who don't have it. Is it our obligation as a country to make sure that whatever number of uninsured we can agree on, if it's 47 million or 31 million or 1, should we, as a country, have an obligation to cover those people?

That's an interesting philosophical argument, but I'll tell you what the moral imperative is. The moral imperative is that we, who are insured, the people that I was talking to, we're already paying for them. The moral imperative is we're subsidizing them right now. And the people who don't have insurance get their treatment and their health services in the most inefficient, most costly setting—the emergency room—which leads to increased rates for us.

The woman who I told you about who said that she didn't want to pay for other people's health care had an interesting story when I started to explain to her that she was already paying. She said, Oh, it's interesting that you mention that because, she said, she just had surgery done at a hospital in February and the insurance company denied part of her claim, and she had to pay \$18,000 out-of-pocket, and because she was paying for it, she read that bill very closely and she noticed everything cost a lot more than it should have.

So she called the hospital, she told me, and she said, Why does an aspirin cost \$10? Why does everything on this bill cost five times more than it should? And the hospital said to her, Well that's because we have so many

people who come through here who can't pay at all, we have to shift those costs to make up for the difference with the people who can pay. And she got it. And so did the gentleman who talked about the Children's Hospital.

The point of those stories is that's why we're going to pass a reasonable, rational bill that's going to improve the health care system in this country when all is said and done, because everyone in America, even those who have great concerns about this administration and this bill and those who are never going to support the administration or this Congress for political reasons, they have had a situation in their lives that has demonstrated for them why we can do better or how we can do better.

The woman I'm talking about with her \$18,000 bill—but everyone has had something happen. They had to wait 9 months for an appointment with the dermatologist. They had a bad quality experience with a nursing home for their grandparents. They're that small business owner who just had his fourth straight year of 28 percent increase in his rates. Everyone has had something happen.

We've all had to spend time on the phone, maybe upwards of an hour, haggling with an insurance claims adjuster who has just denied our claim or is arguing with us about that.

So when you hear these stories, and you hear about how we shouldn't pay for people who don't have insurance and that that's not our problem, it is our problem. We're already paying for them. What we're trying to do by reforming the system is making sure everyone has coverage that wants it in a rational way so that we're not going to subsidize them in the least efficient, most costly setting, as we do today.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, this is a remarkable debate in the sense that many players even within the health care system that potentially have something to lose off of health care reform, that 15 years ago, during the Clinton health care reform debate, were fighting from the outside with torches and pitchforks to make sure that health care reform didn't happen, are part of the debate this time around. That you have the drug companies and the insurance companies and the doctors coming to the table—not everybody being holly-jolly about what's in this bill or what's in other proposals—but everyone at this point, after 15 years since the last major debate over health care, of almost complete neglect of the ills within our system, everybody realizes that there's need for reform.

Certainly our constituents do. But even those institutional players, some of which have gotten pretty fat off the existing system, know that this thing is broken and know that we have to fix it.

I think that they also see some real wisdom in the approach that we are building here. I've listened to Republicans and critics of health care give me story after story of how bad the Canadian system is, and the anecdotes they've heard about people waiting in lines in England and France. I listened to all those stories. And I heard them at my town halls from people.

My response is: No one here is talking about importing some system from Canada or England or Europe or any other country. We're talking about developing a uniquely American solution to what is, unfortunately, a very uniquely American problem. That means basing our solution on the marketplace, basing our solution in the world of private employer-based insurance that we have today.

Now there are absolutely people out there in this Chamber and in this country who want to see a Medicare-for-all system. There are others that say we should completely divorce health care from the place of employment. But for many of us those are changes that are a little bit too radical for our constituents.

So what I think we have to work on—and, again, a point in which I think we can get more agreement than you might otherwise think there could be on this issue of health care—is in making this market actually work.

In half of the States in this Nation, Mr. ALTMIRE, as you know, there's one insurer that controls more than half of the market. In 70 percent of the States there are two insurers that control almost three-quarters of the market. There's not a lot of choice out there for most people today.

Maybe the greatest contribution that we can make is to take this ingenious thing that we created in this country, the most vibrant capital marketplace in the world, and make it work for health care.

Now it's never going to work perfectly for health care because it's a strange system in which the people paying for health care are often not the people that are choosing the health care. So the health care marketplace is never going to work like buying a car or a gallon of gasoline. We can make it work a lot better than it does now.

And so the reforms that the President has proposed to establish health care exchanges, these regional health care marketplaces where insurance companies would really have to compete against each other for the business of individuals and small businesses, the reforms in this bill to make sure that insurance companies can't try to push out of their portfolios people that are sick or people that have certain expensive diseases, those are all engaged in the process of trying to make our health care marketplace work better.

And so we talked about the distortions surrounding the benefits in this bill to illegal immigrants. I say the same thing about those who come down to this floor or go out in public and talk about this proposal or any of the like proposals that we're debating as a government takeover. The CBO has been pretty clear on what the 10-year results of the bill that passed the Energy and Commerce Committee would mean.

Mr. ALTMIRE, as we've talked about, there are a lot of people, including yourself, who want to see some changes to the proposal that's out there from Energy and Commerce. So I don't want to present that as the bill that's going to come to this floor for a vote. But let's take it as a foundational point of argument.

The Congressional Budget Office—again, the nonpartisan sort of analyst arm of this Congress—says that if you pass the bill out of Energy and Commerce, in 10 years more people would be on private insurance than are on it today. That private insurers in this country would have more business—not the same, not less—because we would reinvigorate that private marketplace and get more people into private insurance by helping them with tax credits both through business tax credits and individual tax credits to buy insurance.

That's a concept that I want to support, using the marketplace that is broken right now as the way that we fix health care going forward. I think that that's one of the points that we can get some agreement on going forward, Mr. ALTMIRE.

Mr. ALTMIRE. The gentleman said a couple of things that I wanted to comment on. I will get to the public option momentarily. But I agree with the way the gentleman characterized the discussion about Canada and Great Britain, the two countries that we most often hear the horror stories from.

Look, I don't live in Canada. I don't live in Great Britain. I don't know what it's like to live under those systems. But I do know this. I have a master's degree in health care administration. I've spent a career in health care policy.

I can tell you it is interesting to study what other countries do—not just Canada and Great Britain, but other countries around the world—and everyone has a different system. That's a nice political science or health policy discussion to have. But, as the gentleman talked about, that has nothing to do with what we're doing in this bill.

This bill doesn't in any way bring to America what Canada does, certainly. It's not even close. There's no comparison to be made. It doesn't do anything close to what Great Britain does, which is even more to the left of Canada.

And so we can watch the TV and hear the horror stories. And they're inter-

esting to listen to, but it has no place in this discussion because it has nothing to do with the proposals that we're voting on.

With regard to the public option—and I'm going to use another example from when I was back in the district. I continued to hear people say, You know what? The government is inefficient, it's bloated, it can't do anything right. They would say, You can't name one program that the government has ever run that's worth anything. Everything it touches is bad. And if you have them touch a public option, it's going to cost too much, it's going to be inferior care.

And I would say, Look, the public option is going to be self-sustaining. We do need to work out the details of what exactly it's going to look like, but it's going to be self-sustaining, with no taxpayer subsidies. It's going to compete on a level playing field with the insurance companies. It'll have to meet all the same regulatory requirements that they meet.

And there is some disagreement on this. I would like to see it have negotiated rates like the insurers. There are other opinions on that. But the point is it's going to be a fair fight. And it'll have to meet all the same requirements as the private insurers.

If you believe that the government can't do anything right, that they're going to mess up everything that they touch, and it's going to be inferior quality at a higher cost—and, under the terms of the bill no one is forced into the public option; it's voluntary—then what are you afraid of if you believe the private market can do everything better?

I'm not afraid of that competition. I think the private market can't compete and win. I think there are some families and businesses that would choose the option and feel that's a better deal for them—not because it has an unfair advantage, but if it's a level playing field and you don't think government can do anything right for those that have that belief, then why are you afraid of the competition?

□ 2115

Mr. MURPHY of Connecticut. Reclaiming my time, we have example after example of where the private sector and the public sector compete pretty well side by side, and most of the examples involve public sector entities that are heavily subsidized, and they still compete side by side with private entities.

Public colleges haven't run private colleges out of business despite the fact that they are heavily subsidized by the government. Public hospitals haven't run private hospitals out of business despite the fact that they are often subsidized. The same thing for even smaller, more mundane examples. Pub-

lic golf courses and private golf courses, public pools and private pools. There is example after example of where public entities can coexist side by side with private entities, and they actually compete with each other.

I think this is such an important point, and I go back to the CBO estimate here, Mr. ALTMIRE. Assuming that you create that level playing field, which you and I both want, with an insurance exchange that includes a public option, the CBO tells us that not only will you have more people in private insurance when all is said and done but the number of people in the public option will be about 10, 12 million people, 2, 3, maybe 4 percent of the overall health care consumers out there. A significant number but by no means a government takeover, as some people would have us believe. This is an option for people that can compete.

For me, I look at government health care and I think, well, you know, if it's good enough for our soldiers, if it's good enough for our veterans, if it's good enough for our Federal employees, if it's good enough for Members of Congress, if it's good enough for State employees, if it's good enough for every individual in this country over 65, then I think that my constituents should have the choice of whether it's good enough for them. I don't want to make that choice for them. I don't want to be like a European country that says your only choice is public insurance.

But I also don't like the arrangement we've got today where our law as set by the Federal Government tells my constituents that your only choice is private insurance. I give my constituents credit. I mean, I think that they'll be able to make the best choice for them. And I think if we do that, then we will get to where I think a lot of us want to get to, which is to really stimulate and reinvigorate that market, Mr. ALTMIRE.

Mr. ALTMIRE. I agree with the gentleman on those points.

I would say also let's look at the totality of what we're talking about with reform. When we talk about making reforms in the private insurance market that I think everybody agrees with, this is what you're going to get from health care reform: no more pre-existing condition exclusions. No more caps for people with chronic diseases, annual caps or lifetime caps, out-of-pocket costs. Insurance companies won't be able to deny you coverage or drop your coverage because you get sick or injured. These are all practices that we know exist. They won't be available after this bill passes.

The help for small businesses who can't afford health care to be able to help them, hopefully through tax credits or some other way, to afford coverage for their employees; to do the reforms in the system to incentivize

quality of care, not quantity of care. We've talked about this many times on the floor where the current system is a fee-for-service system. The number of times you show up in the doctor's office, the number of tests they run and procedures they order, that's the amount of money that they make. So they have a financial incentive for you to be sick. The more often you're there, the more things you have wrong with you, the more money they're going to make. Well, that's a perverse incentive.

We want to change the reimbursement system to incentivize quality to keep you healthy and keep you out of the system before you get sick. And that's why we're going to incentivize prevention and wellness, to make those services that senior citizens especially can access the Medicare system at no cost so that you can have the diabetes screenings and the mammograms and the flu shots and things that are prevention at no cost. They're going to prevent people from getting sick in the first place.

So these are things that I think we all agree on when we talk about reform.

Mr. MURPHY of Connecticut. Reclaiming my time, on this point of reforming the way that Medicare works to start paying for outcomes, start paying for systems and doctors and providers and hospitals that get results rather than just paying for volume, it is incredibly discouraging to me to watch Members of this body that proclaim to be fiscal conservatives come down here and eviscerate the efforts of the President and of the Democratic side of the aisle to try to rein in the cost of Medicare.

I hear sort of arguments out of two different sides. Opponents of reform talk about the fact that the government can't run anything, that they can't run Medicare; but then they also at the same time attack the fact that this bill for the first time in a long time tries to rein in the cost of Medicare, actually tries to fix the abuses out there.

Yes, in this bill there are reductions in the cost of Medicare. Nobody should apologize for the fact that we are going to rein in the abuse and waste and sometimes fraud in the Medicare system. It just doesn't make any sense, Mr. ALTMIRE, that there are health systems with the same medical populations and one is spending \$16,000 per year on every Medicare beneficiary and the other community is spending \$8,000 per Medicare beneficiary. And when you actually look at it, there's no difference in the outcomes that they get. Why are we rewarding systems of health care that just add volume upon volume of care and get no added benefit out of it?

Now, I'm not saying that the way that you fix that is easy. I'm not say-

ing that there is some silver bullet that comes in here and all of a sudden finds a way to reward value over volume. But I'm saying that for those out there that have come down to this floor and have gone out in public and railed against the cuts in Medicare in this bill, they've got to pay attention to the reality.

The reality is the benefits stay the same for beneficiaries. In fact, they get better. As you said, we're not going to require seniors to pay for the costs of checkups and preventative health care anymore. We're going to eliminate the doughnut hole over time. We're going to start paying their physicians more to take care of Medicare patients rather than what the Republican majority insisted on, which was an annual 4 percent cut.

Are we going to say to health care systems and hospitals and providers who are just ordering tests and procedures for the sake of reimbursement and volume and not for quality that they shouldn't get paid as much as they do now? Absolutely. But that's our obligation as stewards of the taxpayer dollars, as people that care, like our constituents do, about preserving the life of Medicare.

So I hope that we can join together in this conversation. I hope that my friends out there that claim to be fiscal conservatives don't spend the next 2 to 3 months out there railing against every single 10-year reduction in Medicare spending in this bill because, again, if we want to come together, there is nothing more appropriate to come together on than spending our taxpayer dollars wisely on existing government programs like Medicare. I want Medicare to be around when I turn 65, and if we don't tackle the excessive costs in some parts of our Medicare system right now, it's not going to be, Mr. ALTMIRE.

Mr. ALTMIRE. And on that point, Medicare, as we all know, is scheduled to go bankrupt within 7 years. It's already, as a trust fund, paying out more than it's taking in. It has for the last few years. It's going to be completely insolvent in the year 2016. That's because of rising health care costs which are, unlike Social Security, which is going to be solvent through the year 2040, and because of demographics, it takes a downturn thereafter, but health care costs are unpredictable.

Retirement costs are very predictable. You can generally figure out how long a population is going to live in the aggregate, what kind of money they're going to make, what their salary progression is, and what their retirement benefits look like. That's easily predictable.

Health care benefits aren't. You don't know how much technology is going to change, how much prescription drugs are going to cost, how much

high-technology treatments are going to cost, and what the future holds with regard to new innovations and technologies down the road. So for that reason, it's impossible to predict Medicare costs in the same way. The first baby boomer becomes eligible for Medicare in the year 2011. That's a big part of it too demographically.

So what we're trying to say is what can we do to preserve and protect Medicare for the long term? That's the whole point of health care reform, to bring down those costs, to make Medicare solvent, to make the reforms necessary so that it can last into the future and be there certainly for all the current beneficiaries, the baby boomers, for the gentleman and myself, and for our grandchildren. That's why we have to reform the Medicare system, the payment system, and that's why we need to reform our health care system.

But we spend as a Nation \$2½ trillion a year. This year, 2009, we're going to spend \$2½ trillion as a Nation for 1 year on health care. So what are we talking about?

Now, we used to in this House score things over a 3-year period; and then people, I think rightly, said that doesn't give you an estimate of sort of the long-term impact of the legislation; let's do it over 5 years. So for a while, several years, we scored all the bills over a 5-year period. Now in the interest of transparency and to give the public an idea of the full long-term costs, we actually score legislation that comes to this floor over a 10-year period.

And what's the cost of this bill going to be? The President of the United States stood right behind where the gentleman stands about a month ago and told us that it's going to cost somewhere in the neighborhood of \$900 billion over 10 years, which is going to be fully paid for. It's not going to add to the deficit. We'll talk about that. But \$900 billion over 10 years. So on average, that's \$90 billion per year in a system where we're spending \$2½ trillion this year, and it's going to go up exponentially every year for the next 10 years.

Is there anyone out there who doesn't think we can find inefficiencies in the system and waste that we can squeeze out to the tune of \$90 billion a year in a \$2½ trillion system, that we can't make it more efficient and save enough money to make the reforms that we're talking about?

I just think that the American people, when they think about these numbers, need to remember that we're talking about reforms that are going to increase quality, that are going to increase benefits for people, but that we are talking about in the aggregate a relatively small portion of the health care system as a whole when you talk about this stuff.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, you've been a great leader on this question, which is to say, listen, to fix the problems with our health care system, we're going to need to spend a little bit of money up front, with tax credits to individuals or to small businesses to help them afford insurance, money to plug the doughnut hole to pay for preventative care for our seniors, expansion of Medicaid programs to cover some more people. We have got to look to savings first. And that is a point you've made to dozens of Members on this floor. To say, listen, exactly as you put it, and you're much more eloquent on this subject than I am, we can squeeze savings out of this system.

And as you enunciate, it's important to remember that that 10-year cost of this bill, whether in the end it's \$900 billion or \$700 billion or \$600 billion, that's the gross cost, not the net cost. That can be paid for in whole or in large part by the savings that we're talking about here to the current government health care expenditures.

Now, listen, for those people that say I don't want the government involved in health care, guess what? It's too late. Fifty-five percent, somewhere in that neighborhood, of health care dollars in this country are spent by the government. Medicare, Medicaid, the veterans system, et cetera. We have not just the obligation but the opportunity to modernize those programs, glean real savings out of them, and turn it back around to people who are left out right now.

And for those opponents of reform who go around demagoging the Medicare reductions in this bill and say we cannot touch Medicare, those Democrats had better not make any changes to Medicare, well, Mr. ALTMIRE, as you pointed out, Medicare's going to go bankrupt. So if you don't control Medicare costs, if you're one of the people on this House floor or out there on the stump saying that Congress, whatever they pass on health care reform, can't touch Medicare, then you have only one other option in order to preserve Medicare for your kids and your grandkids, and that's to increase taxes. That's to increase the amount of money that comes out of everybody's paycheck to pay for Medicare.

□ 2130

So I can certainly understand a disagreement about where we need to rein in costs on Medicare and where we shouldn't, but I hear a lot of commotion out there by people who say we should not touch it. I agree we should keep benefits where they are and improve them, but we do need to find efficiencies in the system.

Turning to another subject, Mr. ALTMIRE, you and I both have young children. I know in the 12 months that I have had the joy of being a parent,

there is not a day, not a week that goes by that I don't think about the cost of what we are doing to my son.

As someone who, frankly, voted for the stimulus bill, what I thought was a necessary means to get this economy back up and running and to stabilize what had been up to that point a free fall, I approach this health care bill with the same bottom line that the President does: We need to pass a bill that finds a way to get coverage to more people and reins in the cost of care. And to the extent that requires spending some money at the outset in order to get a better system in the long run, it has to be done in a deficit-neutral way. "Deficit-neutral" is kind of an inside Washington term, but the bottom line is this, we can't borrow any money to pass health care reform.

I think that is a growing commitment on behalf of both sides of the aisle here. It is certainly a bottom line for the President. And again, I think a central tenet of health care reform has to be do what you push for, squeeze the savings out of the system as much as we can in order to pay for what we need to do, and then make a rock-solid commitment that we won't borrow a cent in order to pay for it.

Mr. ALTMIRE. I agree with the gentleman. I have said that I will not support a bill that adds one penny to the deficit. Even more important than that, the President of the United States said that from the podium behind you. He will not sign a bill that adds one penny to the deficit.

I heard time and again over the course of being back in the district concerns about the spending that is taking place in Washington and the increase in the debt and the annual deficits over the past 9 years. I have young children, as the gentleman said. I completely agree, we have to do this in a way that is not going to add one penny to the deficit or the national debt.

One of the Senate bills which has been finalized and is being marked up this week, in fact, saves money over 10 years. I don't know if that is going to be the finished product. Certainly it is not word for word, but it is possible to do health care where we might actually bring a bill to the floor that, at minimum, is not going to add to the debt but might even reduce the debt over a 10-year period, or reduce the deficit on an annual basis.

That is something that I think the American people should consider when they talk about the need for health care reform, but also the need to bring down our long-term deficit. We can't ever address our long-term deficit without doing health care reform. It is too big a part of our economy to ignore.

Mr. MURPHY of Connecticut. Estimates are, within the next 30 years, health care costs will consume 50 per-

cent of gross domestic product in this country. Think of that. One out of every two dollars spent in this country by the government or private sector will be spent on health care. Today, it is creeping up on 20 percent, but in 30 years things will be out of control.

You are exactly right, there is no way to talk about deficit and debt reduction without talking about health care reform. We have examples of how we have been able to do that just in the last week.

Last week we passed an education reform bill that modernized our student loan program, got \$87 billion worth of savings, and applied a significant portion of those savings not to new student loan programs but to deficit reduction. Frankly, that should probably be a model for everything that we do here. If we can glean savings out of government programs, we need to apply all or part of that to paying down the debt.

We are at the close of our hour, so if you have any closing comments, Mr. ALTMIRE. I appreciate you joining us down here for this hour.

I am optimistic by nature. We both focused on the points of agreement we think we can get here. I do make a point to call out my Republican friends when I think they have tried to lead folks out there astray on a particular point on the bill, but it is because I want to have an honest debate in the end. I think if we are all talking about the facts, we can get to a point of agreement, because our constituents out there want us to get there because the problems in our health care system dictate that we create a real solution that isn't incremental and isn't small and around the edges, but attacks the foundation and the gut and the root of our problems.

So I look forward to coming back down to the House floor and continuing to push forward this case for reform.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker, and I thank the gentleman for yielding to me earlier in the hour. I think an open dialogue is a good thing, and I hope the gentlemen will be here to hear the rebuttals that I am about to provide to the statements that they made in the previous hour, starting with the bill that passed out of the Energy and Commerce Committee and other committees, H.R. 3200, which is the foundational bill to the health care act, the national health care act that Democrats are seeking to pass.

And regardless of the statement that there is general language in the bill that says nothing in this bill funds

illegals, the fact remains that the amendment that was offered by the gentleman from Georgia (Mr. DEAL), which was language that is tried and true, that existed in the Medicaid legislation that we have used for at least a decade that requires proof of citizenship, that amendment was voted down in Energy and Commerce 29-28, resulting in an open-door policy where there are no restrictions to keep the bill from providing access to benefits to illegals or to people who are here legally but are barred under the 5-year bar.

In fact, the standard that exists was a standard that required proof of citizenship. Democrats first took that apart when they passed an expansion of SCHIP, the State Children's Health Insurance Program. They took that from a 200 percent of poverty, and the first time it passed the House it went to 400 percent of poverty. Mr. DEAL offered the same amendment in that bill to put in language that existed in law before it was struck out by the expansion of SCHIP, and it was voted down on almost a party-line effort.

We know if there are not provisions which require proof of citizenship, then there aren't provisions that are going to prohibit illegals from getting benefits under the bill. The Congressional Budget Office knows that. They scored that language in SCHIP as costing \$8.9 billion to fund health insurance for illegals and to provide Medicaid to illegals because it removed the citizenship standard. Removing the citizenship standard, according to the Congressional Budget Office, on H.R. 3200, the health care bill, would provide for access to those benefits under the bill for as many 5.6 million illegals. And that's the score that came out from the Congressional Budget Office.

Another nonpartisan organization is the Congressional Research Services, and they also concluded there weren't restrictions in H.R. 3200, the health care bill, so that would result in those benefits going to illegals who would apply. And we know how fast the grapevine works and how effectively people can game the system, and no one should be in a position of responsibility in this Congress if they can't understand that equation, especially if they are on the committee.

And it is not just STEVE KING making this statement. It is the Congressional Budget Office on at least two different occasions, rendering a judgment on that specific language of the Deal amendment, and it is Congressional Research Services. And by the way, it goes on down the line and a number of other entities, including the President, who finally had to address it and say we are going to have to write something in the bill to protect us so it doesn't fund illegals. And it also includes the Senate, which took the position that they would address the language.

So why do you have to fix it if it doesn't fund illegals the way it is? And I believe that the President stood here and called a group of Members of Congress who were exactly right on their facts, I believe he accused them of not being honest. And directly, he said, We will call you out.

Well, I'm saying this: The President got it wrong. Maybe he has it right now, but these gentlemen have it wrong, and they need to go back and check their facts. The amendment was voted down 29-28. The Deal amendment required proof of citizenship. When you remove the proof of citizenship requirement, the Congressional Budget Office and the Congressional Research Services and every nonpartisan, objective evaluation comes to the same conclusion: We will be funding illegals if we don't have the language in there. That is the only language that is going to be satisfactory. And by the way, I don't think Senator BAUCUS has it in his bill yet, although he has pledged to do so, and we will watch that language very carefully as it unfolds over in the Senate.

So yes, illegals would get health care under this system unless we write the language in that sets the standard so that they don't.

The statement that was made by the gentleman, Mr. ALTMIRE, with the public option there would be no subsidies. The facts of the health care bill don't support that. First of all, it is going to take capital to set up the public option as a national health insurance company. If you set up a national health insurance company, it is impossible to do so without putting capital in, without injecting some billions of dollars to jump-start a national health insurance program that would compete directly with the 1,300 private health insurance companies that we have.

That is not what you call a no-subsidy situation. That is called a subsidy situation. Putting capital in to compete against the private sector is subsidy.

What do we suppose will happen if we put \$10 billion into the front end of this national health insurance program and we find out that it becomes insolvent? Do we then let it collapse or does this Congress at a later date decide we are going to have to put some billions of dollars in there to keep the national health care plan up?

Under these majorities, under this Pelosi Congress, I guarantee you they will borrow money from the Chinese, if necessary, in order to subsidize a national health care plan. It isn't going to go any other way. They have worked for 30 or 40 years to try to establish a national health care, and they are not going to allow it to go under because it falls a little short on some kind of promise that there won't be subsidies. Yes, there will be subsidies, and any ra-

tional person who understands history will know that.

The argument that a national health care plan will compete on a level playing field, a level playing field with referees that will be chosen by the government, not by the private sector, and I will make a point.

This, Mr. Speaker, is the formerly embargoed flowchart that actually depicts the language that exists in H.R. 3200, the national health care plan. We call it the Organizational Chart of the House Democrats' Health Plan. This is the government plan. This is the government option configuration. This creates at least 31 new agencies.

Now, down here at the bottom, I just direct your attention to these two purple circles at the bottom. This is where the crux of the matter is. The gentleman, Mr. ALTMIRE, made the statement that the public option, there wouldn't be any subsidies and they would compete on a level playing field. Well, here is how this field is regulated, and it will not be a level playing field.

Oh, by the way, anything that is a white box is existing programs or agencies. There is Medicare, SCHIP, Medicaid. But the existing private insurers in this little box here, Mr. Speaker, once the bill is passed, these private insurers, this is 1,300 health insurance companies in this little box. That is how many private insurers we have. Those traditional health insurance plans, the policies, there are approximately 100,000 different varieties of policy combinations available across the United States. These policies would have to qualify to become qualified health benefits plans. Now, if there is going to be a qualification set up, I think it is not possible to presume that all 1,300 companies and all 100,000 policies will be qualified under this bill.

□ 2145

This bill doesn't define what will be required necessarily in the health insurance policies. It gives that authority to the Health Choices Administration. The Health Choices Administration commissioner would run that shop with his commission, and they would make the decisions then on what would be the standards for the health insurance companies—these providers here—what would be the standards for the 100,000 health insurance plans which would qualify to go into this purple circle here called qualified health benefits plans.

So for all of this, the rules will be set by the Health Choices Administration commissioner. The new Health Choices czar will write all of those rules. If he has to write the rules, you don't get to call it a level playing field because the rules will be written so the Federal Government can compete. That's the difference in the approach here, the idea that it is a level playing field. It's

not. My question was, why are you afraid of the competition? Well, I'm not afraid of the competition. I think we have competition in our health insurance companies. I think that they're afraid of the competition or else they would support the proposal that almost every Republican supports, and that is, allow Americans to buy health insurance across State lines. That expands the competition dramatically, Mr. Speaker.

So there is a fear of competition. There is a fear of letting the free market provide that competition and giving people the portability that they need. There is a real fear also of addressing lawsuit abuse. Lawsuit abuse is the medical malpractice component of these costs that the industry places between 5.5 and 16 percent of the overall health care costs. The number that comes from the person whom I trust the most is 8.5 percent. If you multiply that 8.5 percent across the costs of providing health care in America, over the space of time, it's \$203 billion or \$2 trillion for the sake of the budget window of 10 years that we deal with. That \$2 trillion would pay for everything they wanted to do, but every one of them will stand in the way and block the lawsuit abuse that could actually fund their socialized medicine because the trial lawyers are telling them that they can't address it.

So there are a lot of things that we would like to do. We would like to provide portability, and we would like to fix the lawsuit abuse problem, and we would like to be able to buy health insurance across State lines, provide full deductibility for everybody who pays a health insurance premium, provide transparency in the billing so we can actually have some real competition out there and allow people to expand the HSAs so that HSAs can transform themselves, under good management and good health, into retirement plans, pension plans when one reaches Medicare eligibility age. Those are some of the things on health care.

Mr. Speaker, I feel compelled to rebut some of the statements that were made in the previous hour. And as much as I get along with the gentlemen that were making their presentation, I clearly disagree with a lot of their conclusions. But they have their talking points down pretty well, given what comes out of the DCCC.

I came here tonight, though, to talk about the missile defense shield and the issue with Eastern Europe. I believe the President of the United States has bargained away a very, very important shield that was essential to the negotiations that were going on with Iran. And in their persistent and relentless effort to develop a nuclear capability, not only a nuclear weapon but a means to deliver it, and if they can develop that means to deliver it along with a nuclear weapon, they have

said that they want to annihilate Israel, and they eventually want to annihilate the United States. This would put them very closely within the umbrella of being able to strike many places in Europe as well. In the chess game that is going on, in the poker game that's going on, and in the Monopoly game that's going on in the United States, it is something that is very high test. It's very high risk.

We have with us tonight one of the real leaders in this issue who understands the physics, the technology, the politics, the global approach to this, Putin's involvement in this chess game, of him seeking to reconstruct the vestiges of the former Soviet Union, the dynamics of the psychology of the mullahs in Iran, the necessity for the Israelis to defend themselves, and the necessity and the constitutional responsibility for Americans to do the same. I am happy to yield as much time as he may consume to the gentleman from Arizona, Mr. TRENT FRANKS. Thank you for coming down, Mr. FRANKS.

Mr. FRANKS of Arizona. Thank you, Mr. KING.

Mr. Speaker, I just want to express my gratitude to STEVE KING. The gentleman from Iowa is not only a precious friend, but I truly believe that he is a friend of freedom and a friend of America. All of the things that he has laid out related to the health care reform plan put forward by the majority I completely embrace. There are so many things that are important to discuss in the country today. I mean, one of the things that can be said for the Barack Obama administration is that they're moving fast in a host of different areas. I happen to disagree with the vast majority of those areas, and it makes it very difficult sometimes to pick the priority to speak to.

But let me just say, the priority that I would like to speak to tonight, with the permission of the gentleman from Iowa—maybe we can speak to it as we go here—is this whole issue of missile defense. Mr. Speaker, last week the Obama administration did something that could go down in history as a crossroads in European-American relations. I am afraid that this and future American generations may be gravely affected by his decision. The administration decided to abandon U.S. plans for a ground-based U.S. missile defense site in Europe, and I believe the President fundamentally disgraced this Nation by breaking his word to our loyal and courageous allies in the Czech Republic and in Poland. Mr. Speaker, for many reasons, America has become the greatest nation in the history of the world because our word has meant something. The announcement to abandon the protective missile defense shield in Europe has fundamentally altered that paradigm.

After the decision was announced, the newspaper headlines in Poland and

the Czech Republic stated the situation in the very starkest of terms. One Polish newspaper had the headline, "Betrayed!"—betrayed, wow, that's heavy stuff, Mr. Speaker—"The USA has sold us to the Russians and stabbed us in the back." The Czech Republic, the daily Lidowe Noviny commented, "Obama gave in to the Kremlin."

Mr. Speaker, President Obama's decision to abandon our faithful allies and, instead, to placate Russian belligerence came on the 70th anniversary to the exact day of the Soviet Union's invasion of Poland after two of humanity's most notorious monsters named Stalin and Hitler insidiously agreed to divide the Nation of Poland between themselves. Our allies deserve better than that, Mr. Speaker. After they stood bravely in the face of Russian aggression and paid a profound political price to stand by us, they had a right to expect America to keep her word and to stand by them.

Mr. Speaker, ironically, Mr. Obama's terribly flawed decision for abandoning the European missile defense site has everything to do with primarily Russia. Russia has always hated the missile defense plan because they don't want an American presence in their former empire, knowing that this would diminish Russia's influence in the entire region, even though the European site would not threaten in any way Russia's military capability. There is no way that 10 ground-based interceptors can have any real effect on the Russian Federation nuclear strike, if they chose. Russia's leaders know that if an American radar is placed in the Czech Republic and American missile interceptors are placed in Poland, those two sovereign countries would be stepping further away from the shackles of Russian oppression in the East and joining with America in the West in the cause for democratic independence and human freedom.

But Russian belligerence notwithstanding, reports surfaced in March of this year, indicating President Obama had covertly offered Russians a promise that the United States would cease moving forward with the deployment of the ground-based missile defense site in Europe if Moscow—now this is unbelievable to me, Mr. Speaker—if Moscow would commit to helping to discourage Iran's nuclear programs. Now let us just recall for a moment, Mr. Speaker, that it was Russia that actually delivered nuclear fuel to Iran, and Russia was paid \$800 million by Iran for its work on the Bushehr nuclear reactor, which will help Iran make their own nuclear fuel for weapons. Russia has been strongly suspected of aiding Iran's already advancing missile program itself.

Moreover, just this week, Mr. Speaker, Venezuela's Hugo Chavez announced that they were purchasing more than \$2 billion worth of arms from Russia,



including rocket technology, and Mr. Chavez has already declared that Venezuela will get started on a nuclear program with Iran's help.

Mr. Speaker, asking Russia to choke off Iran's nuclear program while ceding our only defense against Iranian long-range ballistic missiles is as illogical as a police officer offering his bullet-proof vest to a gang of violent criminals in exchange for verbal assurances that they won't use their guns. Our allies, potential allies, rogue nations and terrorist groups all over the world were watching President Obama's capitulation. President Obama swore he would restore America's relationships in the world, relationships the liberal Democrats accuse the Bush administration of destroying. But instead of restoring America's relationships, he has diminished our credibility across the world and possibly beyond repair.

Most importantly, Mr. Speaker, the American people deserve to be told the truth about what we actually lost when the President abandoned the European missile defense site in Poland and the Czech Republic. Today the nation of Iran is defying the Western world in its determined pursuit of nuclear weapons, which would allow Iran and its proxies to hold the entire peace-loving world under nuclear threat. The most devastating aspect of the President's decision—of course aside from forfeiting our ability to intercept long-range ballistic missiles aimed at the American homeland—is that it removed a strong disincentive for Iran to continue with its nuclear weapons program, and that was one of the critical purposes of the European missile defense site from the very beginning, Mr. Speaker. It was meant to create a strategic disincentive for Iran to develop a nuclear long-range missile capability. Iran would have had to face the fact that they were pursuing a long-range missile technology for which we already had a defense.

In other words, it would have been like trying to spread a virus when we had already been inoculated against it. Instead, Mr. Speaker, we have forfeited that strategic advantage, and we have gained nothing in return. As timelines exist now—and this is such an important point—as timelines exist now, any alternative to the system the President abandoned will come too late to be a significant factor in preventing the nation of Iran from developing a nuclear missile capability that will threaten the peace of the entire free world and its children.

Mr. Speaker, if Iran does achieve a nuclear capability, it will officially launch a nuclear arms race in the Middle East. It will allow a corrupt regime—whose leader hates America, whose leader hates Israel and the Western world, and who considers Armageddon to be a good thing—to be able to hold the United States and our allies at

risk from a ballistic missile carrying a nuclear warhead, much like the Soviet Union did during the Cold War.

As former U.N. Ambassador John Bolton has stated, "There is no harm in deploying our missile defenses before ICBMs can reach America. But there is incalculable risk if Iran is ready before we are." Unfortunately, Mr. Speaker, Iran may be ready far sooner than the Obama administration seems ready to admit. Recent reports state that Iran may reach a nuclear weapons capability within as little as 1 year, and The New York Times recently stated that Iran now possesses at least 7,200 centrifuges capable of producing weapons-grade enriched uranium and that they have already produced enough low enriched uranium to make at least one nuclear warhead.

Mr. Speaker, I sometimes have the hardest time just stating the facts as they are without sounding like an alarmist. But I truly believe this. And I will go on record to say that I hope that the listeners and anyone—including you, Mr. Speaker—are really paying attention. This needs to be said. If the Obama administration continues down this road of appeasement and denial, the nation of Iran will gain a nuclear capability, and they will pass that technology and those weapons on to the most dangerous terrorists in the world. And this generation and so many to come, Mr. Speaker, will face the horrifying reality of nuclear jihad.

Those of us who have been blessed to walk in the sunlight of freedom in this generation will relegate our freedom to walk in the minefield of nuclear terrorism in the next generation. Mr. Speaker, the preeminent responsibility of the President of the United States and even of this Congress is to protect the national security of the United States. I believe that President Barack Obama's abandonment of the ballistic missile defense site in Europe fundamentally betrays that responsibility.

□ 2200

I am stunned that he does not seem to understand that, and I am sincerely in fear that our children and our children's children may pay a tragic price for that betrayal.

I thank the gentleman for the time, and I will be glad to enter into any kind of colloquy or discussions. Thank you, sir.

Mr. KING of Iowa. I thank the gentleman from Arizona, and I look forward to the colloquy that we will have, and I know I've asked the gentleman from Missouri to add a broad view to this.

I just would recap the presentation that we've listened to here, which is precisely worded and is, I think, precisely accurate. It researches some conclusions that I don't think anyone who has followed this in a logical fashion can avoid:

As I understand this, we have been setting up the nuclear shield in Poland and in Czechoslovakia. It takes about 5 years to get it set up. The anticipation was that the Iranians wouldn't be ready for about 5 years. At about the time the President capitulated on this, we had a report that was leaked that maybe Iran could be ready a lot sooner, in maybe as soon as a year.

So I'll just direct your attention to The Wall Street Journal, to Mark Helprin's article. He has a unique way of observing what, I think, the gentleman from Arizona has articulated so well.

Helprin writes: What we have here is an inadvertent homage to Lewis Carroll. We're going to cancel a defense that takes 5 years to mount because the threat will not materialize for 5 years, and we will not deploy land-based interceptors in Europe because our new plan is to deploy land-based interceptors in Europe later.

Does the gentleman from Arizona care to comment on the accuracy of that statement?

Mr. FRANKS of Arizona. Well, I believe that Mr. Helprin is exactly correct. These things don't happen overnight. It takes a certain timeline in order to build both an offensive capability and a defensive capability. We were on track to have our defensive capability in place by around 2012, which would have probably been before Iran could have actually launched a full-blown intercontinental ballistic missile against the homeland of the United States.

As it stands now, the ostensible alternative that the President is offering will not even be in place until 2018 or until 2020, at which time the Iranians will be fully capable and will just be ignoring us at that point.

It just gives us no real opportunity to use the European missile defense site as a factor to help play in the calculus or to prevent Iran from gaining that nuclear capability. Once they do it, it's just hard to put the toothpaste back in the tube.

Mr. KING of Iowa. In the gentleman's opinion, does this capitulation on the part of President Obama make it more or less likely that the Israelis will be compelled to strike at the capabilities of Iran?

Mr. FRANKS of Arizona. Well, let me just say this first with the gentleman's permission: I believe, if the free world places Israel in the untenable position of having to defend itself, which it will have to do if no one else has the courage to stand up to Iran, Israel will have no choice. It has no room for error.

Ahmadinejad has said that they want to wipe Israel off the map. One warhead could virtually destroy Israel. We can put eight Israels in the size of my State of Arizona. They're only a one-bomb nation. They cannot abide an Iranian lunatic like Ahmadinejad, who

has his finger on the nuclear button with a Shahab-3 that can reach Israel in about 12 to 14 minutes. They cannot possibly abide that.

We in the free world know that. If we stand by and force Israel to respond like we've done in times past, whether it be with Syria or with the nuclear power plant in Iraq sometime ago, the Orissa plant, if we put them in that position, then we really fail the whole world because that will enflame the passions of the entire Arab world; and it will, I think, set us on a path of great contention.

Mr. KING of Iowa. Reclaiming my time, as I look at this and at the strategic location of Israel and at the 12 to 14 minutes that it takes for a missile to get from Iran to Israel and at the 12 to 14 months for Iran to have the capabilities to do so, the odds of being able to slow Iran's development down of nuclear weapons because of any diplomatic maneuverings that might come with regard to sanctions—economic sanctions, negotiations, blockades, threats of anything—have diminished dramatically because the club has been laid down by President Obama; the shield has been laid down by President Obama, and it sends the message to Iran:

Accelerate your efforts on the 17 to 200 centrifuges that you have.

So, from my view, it puts Israel in a position where they may have no choice. If they wait 12 to 14 months to make their decision, the decision may be coming too late at that period of time.

Mr. FRANKS of Arizona. Tragically, Mr. KING, the Israelis will have almost no choice. This will be a defensive action on their part because they've already been told by the Iranian leaders that they intend to wipe Israel off the map. This would give them the capacity to do just that.

I just think it's a tragedy, beyond my ability to articulate, that we don't have the understanding of what we're really facing here. I think Mr. Obama is simply naive as to the danger and as to the mindset of jihad and as to how serious they really are.

You know, they played rope-a-dope with us in North Korea for many, many years; and now we know that they plan and continue to plan to come to a full-scale nuclear weapons capability. The same thing exists with Iran.

Unfortunately, I believe only two things will stop Iran from gaining a nuclear capability: Either military intervention or the conviction in Iranian leaders' minds that nuclear intervention will occur if they don't stop their march towards a nuclear weapons capability. I'm afraid that Israel understands that. If we don't respond or if some coalition of the Western World doesn't respond, then Israel will be left with no choice.

Mr. KING of Iowa. A third alternative, I might suggest, would be if the people in Iran could successfully rise up, could take that country over and could move towards peace.

I know the gentleman from Missouri has got an opinion on this subject matter. I would be very happy to yield so much time as TODD AKIN will consume in laying out the parameters of the view of this as he sees it.

Mr. AKIN, thank you for coming to the floor tonight.

Mr. AKIN. I thank my very good friend from the State next-door to the State of Missouri. I thank him for his common sense.

I also thank my good friend from Arizona, a fellow member of the Armed Services Committee. He is both a statesman and is very good from an engineering point of view with the details of what is going on.

I'd like to just try and say similar things but in a little bit more of a net fashion because he was so scholarly about it.

Basically, what happened was the Obama administration made a decision, which was announced Friday, that they're abandoning missile defense in Eastern Europe. Those locations are chosen because of physics and geometry to protect Western Europe and the United States from a possible launch from Iran.

Now, when you talk about missiles, it isn't too complicated. You've got little ones, medium-sized ones and great big ones. The way you stop great big ones, which we call intercontinental ballistic missiles—and they have three stages, and they go very high and very fast—is with other big, fast missiles called ground-based.

The proposal was to put defensive locations in a couple of Eastern European states, the Czech Republic, among others, and to provide ourselves with a defense. The most fundamental purpose of a civil government is to protect their citizens, particularly to protect millions of citizens in the face of somebody who says, We're going to get you. They're building weapons that can only be used for that purpose. Nuclear bombs are not used to power a power plant. They're used to blow people up.

So we have an administration which has stepped away from the fundamental purpose of any government to protect its citizens. So this is a regular head-scratcher of a decision. Not only that, but we betrayed the people who politically put their necks on the line with their constituents and with their citizens, making a controversial decision in Europe to be able to be part of this missile defense.

This was Ronald Reagan's dream, and I don't see how anybody could have trouble with the idea of trying to protect oneself against somebody who is trying to "nuke ya." I mean, to me, that just defies common sense.

So what is going on here is we've seen the Obama administration stepping away from the requirement to defend ourselves. President Bush did the heavy lifting. He went into Europe, talked to the Russians, and told them, You've got 6 months, and we're going to develop missile defense. Everybody said you can't do it. The Democrats said, It's too expensive and you can't do it. We developed the technology, and we did it.

Not only did we hit a missile with a missile, but we have demonstrated it time after time after time. At incredibly high speeds, we hit a spot on a missile with a missile. We can do that. We have the technical ability to do it and, yet, no will to follow through.

□ 2210

I don't understand that. What frightens me particularly, gentleman, is this decision is not made in a vacuum. It is a pattern that we are seeing on the Armed Services Committee and things, some of these things that from a security point of view we can hardly talk about.

But this is not one decision by itself. We are also seeing a very strong weakening of resolve in dealing with what's going on in Afghanistan. Our troops on the ground are sending us signals, hey, guys, we are going to have to go out and get it. This isn't going to be easy. This is one of these, like Iraq, it's going to be one of these insurgent-like conflicts. It is going to take some time and effort and enough people to get it. We are seeing a waffling on the part of the administration in the face of the challenges facing us in Afghanistan.

On a third point, which I would perhaps get in an argument with my very good friend from Arizona, that there is something even more upsetting to me, and that is the fact that Americans offensive capability has been based for many decades on the idea of a triad; that is big missiles that we launch from the land, big missiles that we launch from submarines. The third leg of the triad is a bomber, a bomber that can go over some potential enemy's territory with impunity and bomb them. With that offensive capability, we can live in peace, because we have no intent of wanting to drop missiles or bombs on anybody.

But what has happened is this administration is walking away from one leg of the triad. I know my dear friend on Armed Services knows what I am talking about. I have to be careful about what I can say and not.

But this is the bomber leg. Our bombers are currently old, some of them 50 years old. It is important that we do the planning now to develop the technology and the aircraft to maintain that leg. That also is being cut by the Obama administration, and that's something that has not received hardly

any public attention. But this is a big deal, as big a deal as cutting missile defense.

So this is a pattern, a pattern of not funding national defense, not prioritizing the protection of our citizenry, and I am very uncomfortable with it.

I would like to toss those thoughts out for a little discussion.

Mr. KING of Iowa. As I listen to the descriptions that have been delivered here in ways by the three of us tonight, it takes me back to a memory that I believe 1984 was the year, if I remember correctly, that Jeane Kirkpatrick stepped down as the Ambassador to the United Nations. It wasn't a very big article. It was a little thing, about page 3 or 4, and it was in the Des Moines Register. I read that, and it stuck with me all that time.

I should go back and get it verbatim, but I am very close. She said we are in the middle of the cold war. If you remember, it was the height of the cold war at that time and Reagan's first term.

She said, what is going on in this cold war, this great clash of the two titan superpowers, is the equivalent of playing chess and monopoly on the same board. The only question is—remember the arms race? The only question is will the United States of America bankrupt the Soviet Union before they checkmate us militarily? Do we bankrupt the Soviet Union economically before the Soviet Union checkmates us militarily?

We know what happened as it unfolded. On November 9, 1989, 20 years coming up here in a month and a half will be the celebration of 20 years of the Berlin Wall come crashing down. That wasn't just the symbol of the Iron Curtain, that was the Iron Curtain. The Soviet Union's economy couldn't sustain this.

Well, Putin has said that's the greatest disaster of his time. Now we have watched him out on this chessboard seeking to checkmate the free world. It's very early in Putin's game, however, while he understands the monopoly game a little better, having actually built some wealth at least temporarily with the high energy prices that he has. We have watched Putin maneuver around the globe.

I would point out that the Russians went in and essentially made an offer in Kyrgyzstan that they couldn't refuse. They are in Kyrgyzstan. They cancelled the lease that we had on our airstrips that were there, which shut off our ability to be able to freight military supplies into Afghanistan. The Russians did that.

Then they had the temerity to turn to us and say, oh, never fear. We will be happy to haul that freight in for you for a price, and you can always trust us to do that in a reliable fashion. With a straight face, go in and interfere in our

relations with Kyrgyzstan and make them a better offer than we are making, then turn around and say now that we have this under control, we will make sure that we will freight this equipment in, and you can trust your military operations are going to continue. That's one piece of the chessboard.

Another piece of the chessboard that Putin is playing is a little over a year ago he went in and invaded Georgia. He shut down the oil that went through Georgia. If I remember right, it's 1.2 billion barrels of oil a day that goes through Georgia on a pipeline. There is a train that hauls crude oil through Georgia. They have got natural gas pipelines that go through Georgia. The nation of Georgia is, if you are a chess player, it is the square on the chessboard that if you will notice, in a highly contested game, it almost invariably comes down to where you have a whole series of pieces that are focused on one square.

Someone will put some pressure on a square on the board, and the other—the opponent will have to put a competing piece to cover that, and then you back it up with another, another, another. That square becomes the whole game that is going to be fought out in that single square.

Georgia is the square. It's the square that energy has to go through from the energy that's on the east side of the Caspian Sea to get through Georgia to get over to the Black Sea where it can go on out and then into the shipping lanes in the rest of the world and go on around Europe and everywhere else. Natural gas and lots of it, oil, and a good supply of it, and Putin went in and controlled it. Now he has backed off a little bit, but he has said he can do whatever he wants to shut that oil off.

What do we hear from the Germans, for example? They say, well, of course a nuclear powered Iran is preferable to a military strike to take it out, as if that was an unquestionable fact. In reality, they haven't done the calculation what Mr. FRANKS calls nuclear jihad.

Additionally, the Russians shut off the fuel going through, the gas going through to Germany a year ago. It was a year ago January that happened. The Germans said, well, don't worry about that, that's only about 30 percent of our overall gas supply so it really doesn't put that much of a crimp in us. And, by the way, we have created some alternatives. We are going to build another pipeline that comes through in the north. From where? Russia, to make themselves more dependent on it.

As I watch Putin make these moves around the world and bring the resources into Iran that Mr. FRANKS has talked about, and we are naive enough, myopically naive enough to accept or

even consider that there is a rational argument that somehow the President capitulated on missiles in Eastern Europe and he got a quid pro quo of some kind for it. I would pose this question beyond rhetorical: Is there anything in either one of your gentlemen's imagination that would be worth pulling the missiles out of Eastern Europe and capitulating and betraying the Poles and the Czechs and the rest of the region when they say that we have sold them out and stabbed them in the back, sold them out to the Russians and stabbed them in the back? How could a President get a trade, a quid pro quo? What could it possibly be?

I had one of the defenders of the White House say to me, well, it would be because surely the President got something for it. Maybe he got a promise that Putin would help negotiate with Iran to slow down their nuclear development capability.

Really. It's been expanded.

Mr. AKIN. You know, that's kind of interesting, because the missile technology that Iran has gotten came from the Soviet Union. So if the Soviet Union were really serious about reducing Iran's capability, at least in the area of delivering large missiles, then they are certainly approaching it from a rather unique point of view of selling missile technology to Iran. I don't think your proposition seems to make sense.

If the President got something for giving up missile defense in Europe, it wouldn't make sense that he got something from the very country that had been giving Iran the missile-building capability.

I don't know anything that he got for that. I am not sure that maybe he didn't just do it just to be a nice guy or something. I don't see anything that he got that would be valuable enough risking our population to the population of Western Europe. So you have really caught me. I really don't know the answer to your question.

I hope the gentleman from Arizona knows what the President got.

Mr. KING of Iowa. I am looking for some imaginary response. What could the quid pro quo be? What would be worth giving up a shield, a shield against the nuclear capability of Iran, and diplomatically, economically, tactically, strategically? Does the gentleman from Arizona have any ideas?

Mr. FRANKS of Arizona. Well, I guess my first postulation here was that Iran, having a nuclear capability, changed everything, because it potentially worked on this coincidence of jihad and nuclear proliferation, where it empowered Iran to give nuclear weapons to terrorists. It's so hard for me to see a world like that, that I guess that's my central focus.

□ 2220

The only thing that I can put forward at all is that the President was somehow assured by Russia that that

wouldn't happen if we work with Russia. But the problem is that Russia has sold us their influence about half a dozen times now—and we've gotten nothing for it.

And, secondarily, the most critical component in a nuclear program is not missile technology. Missile technology is beginning to proliferate the world over. I mean it is astonishing how much missile capability even smaller countries are beginning to have now. That mule is out of the barn, as they say.

But the fissile material or the material for making nuclear weapons is really the crux here. And Russia has delivered nuclear fuel to Iran already. So how do we somehow take their word for this situation? It's always amazing to me.

I think that Mr. Obama, in all deference to the President, is somehow ignoring the lessons of history. Where we see malevolent individuals or countries push forward to try to push back the forces of freedom, and someone blinks, as Mr. Halpern put it. Someone blinks.

There was a time when Gorbachev stared in the eyes of Ronald Reagan. And Gorbachev had to blink because Ronald Reagan didn't. He transcended hundreds of millions because Reagan had the courage to stand strong, even above the din of the liberal media in his own country.

There was a time when one of the other Russian premiers tried to stare down President John Kennedy. John Kennedy stood strong and wouldn't back up. Where would we be had that not happened?

In just recent days, Mr. Putin stared President Obama in the eye—and Mr. Obama blinked. And it has historic and grave consequences, I believe, for the free world, and especially for America and our future generations. And I am just very concerned as we go forward now that this President is going to somehow say, Well, Iran probably can have a peaceful nuclear program.

Well, let me just say to you, by the way, that Iran has so much natural gas that it would be scales of 10 cheaper for them just to produce their electricity with natural gas than to build a nuclear power plant to produce electricity. So that's a completely ridiculous notion.

But here's what I'm afraid of. I'm afraid this President is either going to naively or somehow, in the hope that he, in his broadmindedness, will convince jihad to change their mind, which they have had for hundreds of years, to change theirs—and it's just not going to happen that way.

I fear that he is going to allow Iran to go forward with a so-called peaceful nuclear program that will allow them in a very short period of time to become a nuclear weapons power in the world and translate that to not only proliferation to other rogue states, but

to terrorists and, again, take us into that Samarian night when our children may have to face nuclear terrorism.

I just feel like if we let this happen now, that we're making a terrible mistake, and future generations will pay that price.

Mr. KING of Iowa. Reclaiming my time, I just contemplate sometimes the naivete that can take place when you look around the globe. I remember going up to Canada and picking up some of their history books and reading the things in history from a Canadian perspective versus an American perspective. That's the first time I realized that everybody doesn't understand history the same in the world. You understand it from your own perspective.

I took a legal trip down to Cuba and traveled there with a professor of Cuban history for several days, and he began to tell me about the Spanish-Cuban-American War of 1898. I never thought Cuba had anything to do with it. I thought it was the Spanish-American War. So there's a couple little snapshots.

I take you back to late February of this year, sitting in Moscow with former Prime Minister Gorbachev, who gave a lecture to me and a number of Members of Congress that he could still be ruling Russia and the Soviet Union and could have held the entire USSR together if he'd chosen to do so.

But he identified the German will for unity, and so he decided to go forward with glasnost and perestroika and open up the borders and bring about what was—let me say the “devolution” of the Soviet empire willingly. What a breathtaking view of history. He said the United States had nothing to do with it. And I'm sitting there listening to that.

He also wanted to know if there were any Republicans in the room, so he identified me right away. He accused me of going hunting with Dick Cheney.

In any case, the philosophy that the United States had nothing to do with ending the Cold War, that that clash of titans wasn't resolved in that economic and military tactical arena that Jeane Kirkpatrick talked about, but only because of the good will of Mikhail Gorbachev recognizing the desire for German unity, when you see that and you look at the European philosophy that dialogue is progress.

They came to this Capitol in September of 2003, the ambassadors to the United States from France, Germany, and Great Britain, to plead with us—wasn't quite a plea—to argue to us and try to sell us on the idea that we should open up dialogue with Iran to talk them out of a nuclear capability. At that point I said, What are you willing to do? They said, We want dialogue to open.

Okay, then what? Are you willing to go to the United Nations for resolu-

tions, are you willing to do sanctions, are you willing do blockades? Are you willing to lay the “or what” line out there that says if you cross this line, then we will by force resolve this issue? And if that happens, where are you going to be on that day and with what? And they just backed away from that like they had seen a ghost. Their entire mission was, dialogue was progress.

Now if we've got a viewpoint, a European viewpoint that dialogue is progress and you can always talk away your differences, that's a philosophy that doesn't fit the American viewpoint. We don't go to the Neville Chamberlain School of Diplomacy, as perhaps Obama did.

Then you have to also put into that the mindset of Putin, the Russians, Gorbachev, the mullahs in Iran, the Islamic approach, the nuclear jihad approach. We can't measure this on the part of just simply the good will of the United States controls missiles in Iran. And I'm afraid the President has come to that conclusion—that his good will will control missiles in Iran.

The gentleman from Missouri.

Mr. AKIN. Well, I'm inclined to, as you start reminiscing that we don't learn from history, one of the things that I remember hearing about is when I was first elected to Congress in 2001, I was on the Armed Services Committee and we made the votes to fund the building of missile defense. But there was also a guy by the name of Rumsfeld who was Secretary of Defense. He came in and spoke to us on some pretty clear kinds of lines of reasoning.

He stated, If you're Secretary of Defense, there's kind of three situations. There's the things that you know about that you should worry. And those are things that are of concern to us. But the things that are particularly of concern are the things we don't know about, that we should worry. And then he gave an example of that.

One of the examples was, we had a treaty with the Soviet Union. And the treaty said that nobody is going to build biological weapons. And what had come out was in fact that the Soviet Union had all kinds of missiles pointed at America with biological weapons in those missiles, including smallpox. And so we didn't have a clue because we took their good will that they certainly wouldn't violate a treaty.

It seems to me that a more American way of thinking is if you're worried about somebody shooting a nuclear missile at you, maybe we just ought to have the capability of shooting it down before it even gets over our ground. That seems to be an awful lot more dependable mindset than trusting people who have systematically lied to us in the past.

This was a terrible decision by our administration. It can be viewed in no other light. It can only be viewed as

stepping away from the responsibility of defending American citizens and Western European citizens and creating a less stable world.

This is not a decision that the American people should let stand. This is something that must be reversed. It requires action on the part of people who are patriots and people who love this country, who love life and freedom itself.

Mr. KING of Iowa. Reclaiming from the gentleman from Missouri, I refer to a statement made by John Bolton, before I yield to the gentleman from Arizona. John Bolton, a former ambassador to the United Nations and a solid, very brilliant, tactical-thinking man, diplomatically tactical-thinking man.

He said that the President's decision not to deploy antiballistic missile defense is unambiguously wrong. It reflects a concession to Russian belligerence and an embarrassing abandonment of two of America's strongest allies and an appalling lack of understanding of the present and future risk posed by Iran.

□ 2230

"Worse, this unforced retreat of American hard power clearly signals what may well be a long American recession globally."

That is a chilling analysis.

I yield to the gentleman from Arizona.

Mr. FRANKS of Arizona. Thank you, Mr. KING, for yielding.

I guess you said it best a moment ago when you just talked about history. Someone a long time ago said that those who don't learn from the mistakes of the past are doomed to repeat them. Someone said that the only thing we learn from history is that we don't learn from history.

But Dostoevsky said it this way: he said, He who controls the present controls the past and he who controls the past controls the future. And I think he capsulized what the liberal intelligencia have done today. They have tried to rewrite history in order to try to shape the future.

And it concerns me greatly because if you look just in a cursory glance at history, especially since the nuclear age came upon us, when we had a great enemy in the Soviet Union, they had thousands of warheads aimed at us with nuclear missiles; we had thousands aimed at them. There was almost a fearful tension there because they knew if they launched against us that we could launch against them while the missiles that they'd launched were still in the area and we would destroy each other. So we called this "mutually assured destruction," and there was a kind of a grim peace that was achieved because we put our security in their sanity and they did the same for us.

But some things have changed in history since then. First of all, terrorism has come upon us, and, second of all, nuclear proliferation has begun to make a march across the world. And now we live in a generation that sees terrorism or this jihad coming together with nuclear proliferation. And when you put those two things together, all of the historical precedents seem to fade because now you face an enemy with an ultimate capacity, whether it be just a nuclear warhead in one of our cities or launching a missile at us or even launching an EMP attack, that we haven't talked about tonight, but I hope that Members really try to learn about that. We face a situation where an enemy that has no regard for its own life, that they will be willing to kill their own children in order to kill ours, are eventually, if we continue down this path, going to find their way to the nuclear button. And if they do and terrorists the world over gain this technology, it will change our concept of freedom forever.

I am convinced that there's nothing that Osama bin Laden and al Qaeda would like to do more than put a nuclear weapon about a hundred yards off the steps of this building and decapitate this country. And you say, well, that's an impossible scenario. It's an unthinkable scenario, but I assure you it's not impossible.

And to somehow blink and take away our capability to devalue nuclear programs in the world, as missile defense does, or to stop an incoming missile when we have to, to somehow blink in that situation is to hasten a day like that. I hope that somehow we regain our sanity in time and realize how serious the equation really is.

I appreciate so much the gentleman yielding to me tonight.

Mr. KING of Iowa. I appreciate the gentleman's coming to the floor and the background and the effort that he has put into this thing for all of these years and having emerged as one of a small handful of leaders on nuclear technology and the missile defense shield, as Mr. AKIN has as well.

I want to reiterate a statement that you made: we put our security in their sanity. That being the Russian's sanity, not the mullahs' sanity because the mullahs have a different level of rationale if you would like to call it rational at all.

Mr. Speaker, I will include in the RECORD the two articles that I addressed in my statement.

[From the Washington Times, Sept. 22, 2009]

ERRING ON THE SIDE OF INCAUTION

(By John R. Bolton)

President Obama's decision not to deploy anti-ballistic missile defense assets in Poland and the Czech Republic is unambiguously wrong. It reflects an unrequited concession to Russian belligerence, an embarrassing abandonment of two of America's strongest European allies, and an appalling

lack of understanding of the present and future risks posed by Iran. Worse, this unforced retreat of American hard power clearly signals what may well be a long American recession globally.

First, Mr. Obama's capitulation was about Russia, not about Iraq. Russia has always known that former President George W. Bush's national missile defense project was not aimed against Russia's offensive nuclear capabilities, neither in scope nor in geographical deployment. To the contrary, our common interests in defending against threats from rogue states should have led to missile-defense cooperation, not antagonism.

What has really agitated Russia was not that the sites were for missile defense, but that they were an American presence in former Warsaw Pact countries, Russia's now-defunct sphere of influence.

Now, without anything resembling a quid pro quo from Moscow, Washington has dramatically reduced its presence and isolated its own friends. In Russia and Eastern Europe, the basic political conclusion is straightforward and worrying: Russia, a declining, depopulating power, growled, and the United States blinked. This devastating reaction extends worldwide, especially among our Pacific allies, who fear similar unilateral U.S. concessions in their region.

"It is far better to err on the side of U.S. security than on the side of greater risk of nuclear devastation. There is no harm in deploying our missile defenses before Iran's ICBMs can reach America, but incalculable risk if Iran is ready before we are."

Second, Mr. Obama's proposed new missile defense deployments will not protect the United States against Iranian ICBMs, for which the Eastern European sites were primarily intended. Protecting Europe was only an ancillary, although welcome side effect, one intended to help calm European concern that the United States would abandon Europe and embrace isolationism behind national missile defenses.

Western Europe, not surprisingly, seems largely content with the Obama-projected alternative, which, if implemented, would protect Europe, but would have few tangible benefits for America.

Thus, despite Mr. Obama's rhetoric about replacing one missile defense design with a more effective one, the systems in question are aimed at two completely different objectives. Of course, it also remains to be seen whether and exactly how the administration will actually implement its projected deployment, and what new risks are entailed.

For example, U.S. ships deployed in the Black Sea would be fully exposed to Russia's naval capabilities, in contrast to more secure bases in continental Europe. Failure to implement the new plan aggressively will be seen as yet another failure of American will.

Mr. Obama's public explanation omitted any acknowledgment that the Eastern European deployments were never intended to counter existing Iranian threats, but rather were to protect against threats maturing in the future. Obviously, to be ahead of the curve and ready before Iran's threat became real, we had to begin deployment now, not in the distant future. Instead, Mr. Obama's decision effectively forecloses our ability to be ready when the real need arises.

Third, although purportedly based on new intelligence assessments about Iran's capabilities, Mr. Obama's announcement simply reflected his own longstanding biases against national missile defense. He has never believed in it strategically, or that it could ever be made operationally successful.

The new intelligence “estimate” agreeably minimizes the threat posed by Iranian ICBMs, thus facilitating a decision to cancel that had been all but made during last year’s campaign. The assessment, as briefed to Congress immediately after the president’s announcement, involved no actual new intelligence, but only a revised prediction of Iran’s future capabilities.

The new “assessment” also confirmed the administration’s often-expressed and so far frustrated desire to negotiate with Iran over Tehran’s nuclear weapons program. That schedule has slipped badly, leaving Mr. Obama running out of time for diplomatic endeavors.

Moreover, stronger economic sanctions, his fallback position, are increasingly unlikely to be comprehensive or strict enough to actually stop Iran’s nuclear program before completion. How convenient, therefore, to suddenly “find” more time on the missile front, thus facilitating a diplomatic strategy that had been increasingly headed toward disastrous failure. Moreover, whatever the available intelligence, it does not determine what levels of international risk we should accept. Mr. Obama has too high a tolerance for such risk.

He is too willing to place America in jeopardy of Iran’s threat, a calculus exactly opposite from what we should use. It is far better to err on the side of U.S. security than on the side of greater risk of nuclear devastation. There is no harm in deploying our missile defenses before Iran’s ICBMs can reach America, but incalculable risk if Iran is ready before we are.

Mr. Obama’s rationale for abandoning the Eastern European sites ignores the important reasons they were created, underestimates the Iranian threat, and bends the knee unnecessarily to Russia. This all foreshadows a depressing future. Our president, uncomfortable with projecting American power, is following the advice of his intellectual predecessor George McGovern: “Come home, America.” Both our allies and adversaries worldwide will take due note.

[From the Wall Street Journal, Sept. 23, 2009]

OBAMA AND THE POLITICS OF CONCESSION—  
IRAN AND RUSSIA PUT OBAMA TO THE TEST  
LAST WEEK, AND HE BLINKED TWICE

(By Mark Helprin)

During last year’s campaign, Sen. Joe Biden famously remarked that, if his ticket won, it wouldn’t be long before “the world tests Barack Obama like they did John Kennedy” on foreign affairs. Last week, President Obama, brilliantly wielding the powers of his office, managed to fail that test not just once but twice, buckling in the face of Russian pressure and taking a giant wooden nickel from Iran.

With both a collapsing economy and natural gas reserves sufficient to produce 270 years of electricity, the surplus of which it exports, Iran does not need nuclear electrical generation at a cost many times that of its gas-fired plants. It does, however, have every reason, according to its own lights, to seek nuclear weapons—to deter American intervention; to insure against a resurgent Iraq; to provide some offset to nearby nuclear powers Pakistan, Russia and Israel; to move toward hegemony in the Persian Gulf and address the embarrassment of a more militarily capable Saudi Arabia; to rid the Islamic world of Western domination; to neutralize Israel’s nuclear capacity while simultaneously creating the opportunity to destroy it with one shot; and, pertinent to last

week’s events, by nuclear intimidation to turn Europe entirely against American interests in the Middle East.

Some security analysts may comfort themselves with the illusion that soon-to-be nuclear Iran is a rational actor, but no country gripped so intensely by a cult of martyrdom and death that to clear minefields it marched its own children across them can be deemed rational. Even the United States, twice employing nuclear weapons in World War II, seriously contemplated doing so again in Korea and then in Vietnam.

The West may be too pusillanimous to extirpate Iran’s nuclear potential directly, but are we so far gone as to foreswear a passive defense? The president would have you think not, but how is that? We will cease developing the ability to intercept, within five years, the ICBMs that in five years Iran is likely to possess, in favor of a sea-based approach suitable only to Iranian missiles that cannot from Iranian soil threaten Rome, Paris, London or Berlin. Although it may be possible for the U.S. to modify Block II Standard Missiles with Advanced Technology Kill Vehicles that could disable Iranian missiles in their boost phase, this would require the Aegis destroyers carrying them to loiter in the confined and shallow waters of the Gulf, where antimissile operations would be subject to Iranian interference and attack.

Interceptors that would effectively cover Western Europe are too big for the vertical launch cells of the Aegis ships, or even their hulls. Thus, in light of the basing difficulties that frustrate a boost-phase kill, to protect Europe and the U.S. Mr. Obama proposes to deploy land-based missiles in Europe at some future date. If he is willing to do this, why not go ahead with the current plans? The answer is that, even if he says so, he will not deploy land-based missiles in Europe in place of the land-based missiles in Europe that he has cancelled because they are land-based in Europe.

What we have here is an inadvertent homage to Lewis Carroll: We are going to cancel a defense that takes five years to mount, because the threat will not materialize for five years. And we will not deploy land-based interceptors in Europe because our new plan is to deploy land-based interceptors in Europe.

Added to what would be the instability and potentially grave injury following upon the appearance of Iranian nuclear ICBMs are two insults that may be more consequential than the issue from which they arise. Nothing short of force will turn Iran from the acquisition of nuclear weapons, its paramount aim during 25 years of secrecy and stalling. Last fall, President Mahmoud Ahmadinejad set three conditions for the U.S.: withdrawal from Iraq, a show of respect for Iran (read “apology”), and taking the nuclear question off the table.

We are now faithfully complying, and last week, after Iran foreclosed discussion of its nuclear program and Mojtaba Samareh Hashemi, Mr. Ahmadinejad’s chief political adviser, predicted “the defeat and collapse” of Western democracy, the U.S. agreed to enter talks the premise of which, incredibly, is to eliminate American nuclear weapons. Even the zombie press awoke for long enough to harry State Department spokesman P.J. Crowley, who replied that, as Iran was willing to talk, “We are going to test that proposition, OK?”

Not OK. When Neville Chamberlain returned from Munich at least he thought he had obtained something in return for his ap-

peasement. The new American diplomacy is nothing more than a sentimental flood of unilateral concessions—not least, after some minor Putinesque sabre rattling, to Russia. Canceling the missile deployment within NATO, which Dmitry Rogozin, the Russian ambassador to that body, characterizes as “the Americans . . . simply correcting their own mistake, and we are not duty bound to pay someone for putting their own mistakes right,” is to grant Russia a veto over sovereign defensive measures—exactly the opposite of American resolve during the Euro Missile Crisis of 1983, the last and definitive battle of the Cold War.

Stalin tested Truman with the Berlin Blockade, and Truman held fast. Khrushchev tested Kennedy, and in the Cuban Missile Crisis Kennedy refused to blink. In 1983, Andropov took the measure of Reagan, and, defying millions in the street (who are now the Obama base), Reagan did not blink. Last week, the Iranian president and the Russian prime minister put Mr. Obama to the test, and he blinked not once but twice. The price of such infirmity has always proven immensely high, even if, as is the custom these days, the bill has yet to come.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOYLE of Pennsylvania (at the request of Mr. HOYER) for after noon today and for the balance of the week on account of attending the G-20 Summit in Pittsburgh, Pennsylvania.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PETERS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. TONKO, for 5 minutes, today.

Mr. PETERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. FLEMING) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, September 30.

Mr. JONES, for 5 minutes, September 30.

Mr. GOHMERT, for 5 minutes, today and September 24.

Mr. FLAKE, for 5 minutes, today.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1677. An act to reauthorize the Defense Production Act of 1950, and for other purposes.

#### BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 21,



2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 1243. To provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

#### ADJOURNMENT

Mr KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, September 24, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3716. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerances [EPA-HQ-OPP-2009-0012; FRL-8433-8] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3717. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [EPA-HQ-OPP-2009-0043; FRL-8432-2] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3718. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Acetochlor; Pesticide Tolerances [EPA-HQ-OPP-2009-0002; FRL-8434-1] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3719. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Aminopyralid; Pesticide Tolerance [OPP-2004-0139; FRL-7724-8] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3720. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Azinphos-methyl, Disulfoton, Esfenvalerate, Ethalene oxide, Fenvalerate, et al.; Tolerance Actions [EPA-HQ-OPP-2008-0834; FRL-8426-2] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3721. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances [EPA-HQ-OPP-2008-0876; FRL-8431-2] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3722. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Saflufenacil; Pesticide Tol-

erances [EPA-HQ-OPP-2008-0352; FRL-8430-4] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3723. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — School Breakfast Program: Severe Need Assistance [FNS-2005-0008] (RIN: 0584-AD50) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3724. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Assistance Regulations (RIN: 1991-AB77) September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3725. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Kansas Municipal Solid Waste Landfill Permit Program [EPA-R07-RCRA-2009-0646; FRL-8953-3] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3726. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Emissions Inventory; Baton Rouge Ozone Nonattainment Area [EPA-R06-OAR-2007-1064; FRL-8952-5] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3727. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Opacity Variance for Rocket Testing Operations Atlantic Research Corporation's Orange County Facility [EPA-R03-OAR-2009-0520; FRL-8953-1] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3728. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — State and Local Assistance; Technical Correction [EPA-HQ-SFUND-2009-0617; FRL-8953-8] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3729. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Cleveland-Akron-Lorain Area to Attainment for Ozone [EPA-R05-OAR-2009-0221; FRL-8952-1] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3730. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Columbus Area to Attainment for Ozone [EPA-R05-OAR-2009-0220; FRL-8952-2] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3731. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Ex-

cess Emissions [EPA-R06-OAR-2008-0815; FRL-8954-7] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3732. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Final DTV Table of Allotments, Televisions Broadcast Stations (Fond du Lac, Wisconsin) [MB Docket No. 09-115] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3733. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Waverly, Alabama) [MB Docket No.: 09-54] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3734. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Batesville, Texas) [MB Docket No.: 08-227] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3735. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Final DTV Table of Allotments, Television Broadcast Stations (Ann Arbor, Michigan) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3736. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Final DTV Table of Allotments, Television Broadcast Stations (Santa Fe, New Mexico) [MB Docket No.: 09-110] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3737. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Final DTV Table of Allotments, Television Broadcast Stations (Colorado Springs, Colorado) [MB Docket No. 09-111] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3738. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Dulac, Louisiana) [MB Docket No. 09-18] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3739. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Ten Sleep, Wyoming) [MB Docket No.: 08-242] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3740. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Annual Update of Filing Fees [Docket No.: RM09-17-000] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3741. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule — Foreign Trade Regulations (FTR): Eliminate the Social Security Number (SSN) as an identification number in the Automated Export

System (AES) [Docket Number: 090422707-9708-01] (RIN: 0607-AA48) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3742. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Nondiscrimination in Federally Assisted Railroad Programs; Removal [Docket No.: FRA-2008-0117, Notice No. 1] (RIN: 2130-AB98) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3743. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ58) August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3744. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shortracker Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ57) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3745. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ59) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3746. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ72) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3747. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ76) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3748. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ75) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3749. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Primary Pacific Whiting Season for the Shore-Based Sector [Docket No.

090428799-9802-01] (RIN: 0648-XQ39) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3750. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ51) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3751. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Fisheries Off West Coast States; Highly Migratory Species Fisheries [Docket NO.: 080226308-9700-02] (RIN: 0648-AW50) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3752. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation, Fran Schnarr Open Water Championships, Huntington Bay, NY [USCG-2009-0520] (RIN: 1625-AA08) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3753. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Pilot, Flight Instructor, and Pilot School Certification [Docket No.: FAA-2006-26661; Amendment Nos. 61-124, 91-309 and 141-12] (RIN: 2120-AI86) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3754. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Medication Prescribed by Non-VA Physicians (RIN: 2900-AL68) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3755. A letter from the Director of Regulation Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumption of Service Connection for Osteoporosis for Former Prisoners of War (POWs) and Former POWs diagnosed with Posttraumatic Stress Disorder (PTSD) (RIN: 2900-AN16) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3756. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Annual Paid Time Off Contributions (Rev. Rul. 2009-31) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3757. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Automatic Contribution Increases under Automatic Contribution Arrangements (Rev. Rul. 2009-30) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3758. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2009 Marginal Production Rates [Notice 2009-74] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3759. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Corrections to Rev. Proc. 2009-39 Regard-

ing Taxpayers Before the Joint Committee on Taxation (Announcement 2009-67) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3760. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2009 Section 43 Inflation Adjustment [Notice 2009-73] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3761. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Adding Automatic Enrollment to SIMPLE IRA Plans — Sample Amendment [Notice 2009-67] received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3762. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Automatic Enrollment in SIMPLE IRAs [Notice 2009-66] received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3763. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Adding Automatic Enrollment to Section 401(k) Plans—Sample Amendments [Notice 2009-65] received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3764. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2009-38) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3765. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — ICE Futures Canada, Inc., a regulated exchange of Canada, is a qualified board or exchange of Canada (Rev. Rul. 2009-24) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3766. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Employer Comparable Contributions to Health Savings Accounts under Section 4980G, and Requirement of Return for Filing of the Excise Tax under Section 4980B, 4980D, 4980E, or 4980G [TD 9457] (RIN: 1545-BG71) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3767. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reasonable Good Faith Interpretation of Required Minimum Distribution Rules by Governmental Plans [TD 9459] (RIN: 1545-BH53) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3768. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Effect on Earnings and Profits (Rev. Rul. 2009-25) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3769. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of insurance principles to

whether a reinsurance arrangement is sufficient for the assuming company to qualify as an insurance company under section 831(c) (Rev. Rul. 2009-26) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3770. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modification to Consolidated Return Regulation Permitting an Election to Treat a Liquidation of a Target, Followed by Reorganization to a New Target, as a Cross-Chain Reorganization [TD 9458] (RIN: 1545-B172) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3771. A letter from the Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's "Major" final rule — Air Cargo Screening [Docket No.: TSA-2009-0018; Amendment Nos. 1515-1, 1520-8, 1522-New, 1540-10, 1544-9, 1546-5, 1548-5, 1549-New] (RIN: 1625-AA64) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on Rules. House Resolution 766. Resolution providing for consideration of motions to suspend the rules (Rept. 111-264). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. WASSERMAN SCHULTZ (for herself and Mr. CULBERSON):

H.R. 3630. A bill to promote crime awareness and cybercrime prevention initiatives, and for other purposes; to the Committee on the Judiciary.

By Ms. TITUS (for herself, Mr. STARK, Mr. PALLONE, Mr. RANGEL, Mr. WAXMAN, Mr. DINGELL, Ms. BALDWIN, Mr. BARROW, Mr. BOUCHER, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mrs. CAPPS, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. CROWLEY, Ms. DEGETTE, Mr. DOYLE, Mr. ENGEL, Ms. ESHOO, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GORDON of Tennessee, Mr. HIGGINS, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mr. MURPHY of Connecticut, Mr. PASCARELL, Mr. POMEROY, Mr. RUSH, Ms. LINDA T. SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. STUPAK, Ms. SUTTON, Mr. VAN HOLLEN, Mr. WEINER, Mr. WELCH, Mr. YARMUTH, Mr. CARDOZA, Mr. DAVIS of Illinois, and Ms. BERKLEY):

H.R. 3631. A bill to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010; to the Committee on Energy and Com-

merce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Georgia (for himself, Mr. COBLE, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 3632. A bill to provide improvements for the operations of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Ms. HARMAN:

H.R. 3633. A bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERRY (for himself, Mr. BOOZMAN, Mr. ROSS, and Mr. SNYDER):

H.R. 3634. A bill to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CAO:

H.R. 3635. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve Federal assistance with respect to disasters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. FILNER, Mr. AL GREEN of Texas, Mr. STARK, Mr. TOWNS, Mr. WEXLER, Mr. MEEK of Florida, Ms. SCHAKOWSKY, and Mr. HOLT):

H.R. 3636. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself, Ms. WATSON, Mr. PAYNE, Mr. FATTAH, Mrs. CHRISTENSEN, Ms. EDWARDS of Maryland, Mr. SCOTT of Georgia, Mr. ELLISON, Mr. AL GREEN of Texas, Ms. CLARKE, Ms. FUDGE, Ms. KILPATRICK of Michigan, Mr. CARSON of Indiana, Mr. CLEAVER, Mr. JOHNSON of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. WATT, Mr. DAVIS of Illinois, Mr. RANGEL, Ms. RICHARDSON, Mr. DAVIS of Alabama, Mr. MEEKS of New York, Mr. CUMMINGS, Ms. LEE of California, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. CLYBURN, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Ms. TITUS, Mr. TOWNS, Mr. THOMPSON of Mississippi, and Mr. CONYERS):

H. Con. Res. 190. Concurrent resolution recognizing the historic founding of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. MCGOVERN):

H. Res. 764. A resolution expressing the sense of the House of Representatives on the importance of inter-religious dialogue and the protection of religious freedom and related human rights for persons of all faiths

and nationalities in the Islamic Republic of Pakistan; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself, Mr. BARROW, Mr. SCOTT of Georgia, Mr. GINGREY of Georgia, Mr. KINGSTON, Mr. BISHOP of Georgia, Mr. WESTMORELAND, Mr. DEAL of Georgia, Mr. BROWN of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. JOHNSON of Georgia, Mr. MARSHALL, Mr. COHEN, Mr. NADLER of New York, Mr. BISHOP of New York, Mr. HIGGINS, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mrs. EMERSON, Mr. MCNERNEY, Mr. BLUMENAUER, Ms. DEGETTE, Mr. BRALEY of Iowa, Mr. MORAN of Kansas, Mr. PERLMUTTER, Ms. EDWARDS of Maryland, Mr. BAIRD, Ms. CLARKE, Mrs. MALONEY, Mr. BUTTERFIELD, Ms. FUDGE, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. ENGEL, Mrs. CAPPS, Ms. SLAUGHTER, Mr. HINCHEY, Ms. MOORE of Wisconsin, Mr. EDWARDS of Texas, Ms. MCCOLLUM, Mr. STARK, Mr. FARR, Mrs. DAHLKEMPER, Mr. SALAZAR, Mr. BOYD, Mr. KISSELL, Mr. DICKS, Ms. WATERS, and Ms. JACKSON-LEE of Texas):

H. Res. 765. A resolution expressing condolences to the families of the individuals killed during unusual storms and floods in the State of Georgia between September 18 and 21, 2009, and expressing gratitude to all of the emergency personnel who continue to work with unyielding determination to meet the needs of Georgia's residents; to the Committee on Transportation and Infrastructure; considered and agreed to.

By Mr. ANDREWS:

H. Res. 767. A resolution expressing support for designation of a National Animal Rescue Day to create awareness, educate humans in the importance of adoption, and create a humane environment for any pet, including the importance of spaying and neutering of animals, and the encouragement of animal adoptions throughout the United States; to the Committee on Oversight and Government Reform.

By Mrs. MCCARTHY of New York (for herself, Mr. PLATTS, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. CLEAVER, Ms. BALDWIN, and Mrs. MCMORRIS RODGERS):

H. Res. 768. A resolution expressing support for the designation of the month of October as "National Work and Family Month"; to the Committee on Education and Labor.

By Mr. PLATTS (for himself, Ms. MATSUI, Mr. EHLERS, Mr. PRICE of North Carolina, and Mr. KENNEDY):

H. Res. 769. A resolution recognizing the benefits of service-learning as a teaching strategy to effectively engage youth in the community and classroom, and expressing support for the goals of the National Learn and Serve Challenge; to the Committee on Education and Labor.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARNEY:

H.R. 3637. A bill to waive the 35-mile rule to permit recognition of Tyler Memorial Hospital as a critical access hospital under the Medicare Program; to the Committee on Ways and Means.

By Mr. McDERMOTT:

H.R. 3638. A bill for the relief of Jorge-Alonso Chehade-Zegarra; to the Committee on the Judiciary.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Ms. FOXX.  
H.R. 124: Mr. YOUNG of Florida.  
H.R. 137: Mr. WITTMAN.  
H.R. 510: Mr. GRAVES.  
H.R. 571: Ms. PINGREE of Maine.  
H.R. 615: Mr. LATHAM.  
H.R. 622: Mr. KINGSTON.  
H.R. 658: Mr. HIGGINS, Ms. FUDGE, Ms. PINGREE of Maine, and Mr. VISCLOSKEY.  
H.R. 690: Mr. ISSA, Mr. PRICE of Georgia, Ms. KOSMAS, Mr. CARTER, and Mr. PENCE.  
H.R. 734: Mr. LANCE.  
H.R. 745: Mr. HOLT.  
H.R. 816: Mr. DAVIS of Alabama, Mr. MACK, Mr. COFFMAN of Colorado, Mr. MURPHY of Connecticut, Ms. EDWARDS of Maryland, Mr. LIPINSKI, and Mr. ISRAEL.  
H.R. 950: Mr. ELLISON.  
H.R. 953: Mr. MURPHY of New York and Mr. COURTNEY.  
H.R. 968: Mr. HOEKSTRA.  
H.R. 997: Mr. LATHAM.  
H.R. 1086: Mr. LEE of New York, Mr. HOEKSTRA, and Mr. GARY G. MILLER of California.  
H.R. 1134: Ms. BALDWIN.  
H.R. 1135: Mr. HOLDEN.  
H.R. 1173: Ms. KOSMAS.  
H.R. 1182: Mr. FRANKS of Arizona and Mrs. LOWEY.  
H.R. 1189: Mr. CARNAHAN.  
H.R. 1207: Mr. LEWIS of Georgia and Mr. ARCURI.  
H.R. 1215: Mr. WU, Mr. CARSON of Indiana and Mr. FRANK of Massachusetts.  
H.R. 1233: Mr. SENSENBRENNER.  
H.R. 1245: Mr. LATHAM, Mr. BLUNT, and Mr. COSTA.  
H.R. 1283: Mr. PERLMUTTER.  
H.R. 1326: Mr. POLIS.  
H.R. 1362: Mr. GONZALEZ, and Mr. BOCCIERI.  
H.R. 1402: Mr. SHULER.  
H.R. 1408: Ms. HERSETH SANDLIN.  
H.R. 1428: Mr. HOLT and Mr. LEVIN.  
H.R. 1490: Ms. WASSERMAN SCHULTZ and Mr. ARCURI.  
H.R. 1547: Mr. BRADY of Texas, Ms. FALLIN, and Mr. MICA.  
H.R. 1557: Mr. MURPHY of New York.  
H.R. 1570: Ms. ROS-LEHTINEN.  
H.R. 1585: Mr. CASTLE.  
H.R. 1618: Ms. TITUS.  
H.R. 1623: Mr. CRENSHAW.  
H.R. 1633: Mr. CALVERT.  
H.R. 1677: Mr. SHIMKUS and Mr. WILSON of Ohio.  
H.R. 1691: Mr. SHULER.  
H.R. 1702: Ms. TSONGAS and Mr. CARSON of Indiana.  
H.R. 1792: Mr. LATHAM.  
H.R. 1826: Mr. YARMUTH.  
H.R. 1927: Mr. SIREs and Mr. MASSA.  
H.R. 1963: Mr. BISHOP of Georgia and Ms. CORRINE BROWN of Florida.  
H.R. 2002: Mr. PAUL and Ms. WASSERMAN SCHULTZ.  
H.R. 2006: Mr. CARNAHAN.  
H.R. 2017: Mr. MICHAUD.  
H.R. 2055: Ms. SPEIER.  
H.R. 2057: Mr. CAPUANO.  
H.R. 2067: Ms. SCHWARTZ.  
H.R. 2112: Mr. HONDA, Ms. SHEA-PORTER, Mr. JOHNSON of Georgia, and Ms. ROYBAL-ALLARD.

H.R. 2138: Mr. FILNER.  
H.R. 2149: Mr. ALEXANDER.  
H.R. 2243: Mr. HARPER and Mrs. McMORRIS RODGERS.  
H.R. 2254: Mr. GONZALEZ, Mr. DRIEHAUS, Mr. THOMPSON of Mississippi, Ms. ESHOO, Ms. TITUS, Mr. HALL of Texas, Mr. SHERMAN, Mr. MAFFEI, and Mr. CARSON of Indiana.  
H.R. 2305: Mr. MARCHANT, Mr. PLATTS, and Mr. MANZULLO.  
H.R. 2329: Mr. KAGEN.  
H.R. 2365: Mr. TIERNEY.  
H.R. 2393: Mrs. MILLER of Michigan.  
H.R. 2421: Mr. DEAL of Georgia, Mr. HARPER, Mrs. MCCARTHY of New York, Mr. McCLINTOCK, Mr. MARSHALL, Mr. TIM MURPHY of Pennsylvania, Mr. POSEY, Mr. REICHERT, Mr. SCHIFF, Ms. MARKEY of Colorado, Mrs. DAHLKEMPER, and Mr. WILSON of Ohio.  
H.R. 2452: Mrs. BLACKBURN, Ms. ROS-LEHTINEN, Mr. BOSWELL, and Mr. SMITH of New Jersey.  
H.R. 2499: Mr. GRIJALVA.  
H.R. 2523: Mr. FALLOON.  
H.R. 2542: Mr. REICHERT.  
H.R. 2567: Mr. KENNEDY.  
H.R. 2573: Mr. BRADY of Pennsylvania.  
H.R. 2593: Mr. KISSELL.  
H.R. 2672: Mr. BUCHANAN.  
H.R. 2743: Ms. BERKLEY and Ms. TITUS.  
H.R. 2801: Mr. LATHAM.  
H.R. 2808: Mr. HERGER.  
H.R. 2811: Ms. BERKLEY.  
H.R. 2835: Ms. ZOE LOFGREN of California.  
H.R. 2935: Mr. McNERNEY, Mr. COURTNEY, Mr. WELCH, Ms. KOSMAS, Mr. CARNAHAN, and Mr. GALLEGLY.  
H.R. 2964: Mr. BOUCHER.  
H.R. 2980: Mr. MINNICK.  
H.R. 3017: Ms. VELÁZQUEZ, Mr. MURPHY of New York, and Mr. TONKO.  
H.R. 3037: Mr. HIMES and Mr. CLAY.  
H.R. 3039: Mrs. BIGGERT.  
H.R. 3057: Mr. MCGOVERN and Mr. GRIJALVA.  
H.R. 3070: Mr. COURTNEY.  
H.R. 3116: Mr. GRIFFITH, Ms. FOXX, Mrs. DAHLKEMPER, Mr. SHULER, Ms. SHEA-PORTER, and Mr. SPRATT.  
H.R. 3135: Mr. McDERMOTT.  
H.R. 3136: Mr. McDERMOTT and Mr. SESTAK.  
H.R. 3178: Mr. DOGETT.  
H.R. 3201: Mrs. McMORRIS RODGERS.  
H.R. 3203: Mrs. McMORRIS RODGERS and Mr. MINNICK.  
H.R. 3225: Ms. DeLAURO.  
H.R. 3245: Mr. CLAY, Mr. CUMMINGS, and Mr. BRADY of Pennsylvania.  
H.R. 3250: Ms. SLAUGHTER, Ms. VELÁZQUEZ, and Mr. WEINER.  
H.R. 3253: Ms. SLAUGHTER.  
H.R. 3256: Mr. GRAVES.  
H.R. 3284: Mr. CAMPBELL.  
H.R. 3310: Mr. FLAKE.  
H.R. 3322: Mr. ARCURI.  
H.R. 3365: Mr. PETERSON, Mr. EHLERS, and Mr. PIERLUISI.  
H.R. 3369: Mr. ROONEY.  
H.R. 3407: Mr. CARSON of Indiana and Mr. BOOZMAN.  
H.R. 3408: Mr. FILNER, Mr. HARE, Mr. LIPINSKI, Ms. BERKLEY, Ms. CHU, and Mr. KAGEN.  
H.R. 3412: Mr. McMAHON.  
H.R. 3413: Mr. RODRIGUEZ.  
H.R. 3421: Ms. LEE of California, Mr. MANZULLO, and Mr. MEEK of Florida.  
H.R. 3480: Mr. ROTHMAN of New Jersey, and Mr. MCGOVERN.  
H.R. 3515: Mrs. BIGGERT.

H.R. 3535: Mr. MASSA.  
H.R. 3554: Mr. BISHOP of New York and Mr. PIERLUISI.  
H.R. 3569: Mr. LATTA, Mr. ROGERS of Kentucky, Mr. JOHNSON of Illinois, and Mr. MILLER of Florida.  
H.R. 3571: Mr. GARY G. MILLER of California, Mr. WITTMAN, and Mrs. EMERSON.  
H.R. 3580: Mr. SMITH of Texas.  
H.R. 3594: Mr. NEUGEBAUER and Mr. AKIN.  
H.R. 3597: Mr. TIERNEY and Mr. DELAHUNT.  
H.R. 3608: Mr. HEINRICH.  
H.R. 3611: Mr. KLINE of Minnesota, Mr. PENCE, Mr. PITTS, Mr. MILLER of Florida, Mr. POE of Texas, Mr. MARCHANT, Mr. POSEY, Mr. MASSA, Mr. THOMPSON of Pennsylvania, Ms. ROS-LEHTINEN, Mr. MACK, Mr. REICHERT, Mr. BOOZMAN, Mr. AKIN, Mr. BURTON of Indiana, Mr. ROGERS of Kentucky, Mr. ROE of Tennessee, Mr. BROWN of South Carolina, Mr. BARTLETT, Mr. HOEKSTRA, Mr. GRIFFITH, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. DEAL of Georgia, Mr. WESTMORELAND, Mr. ROHRBACHER, Mr. HALL of Texas, Mrs. BACHMANN, Mr. COFFMAN of Colorado, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. LATTA.  
H.R. 3613: Mr. MARCHANT, Mr. POE of Texas, Mr. MILLER of Florida, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. POSEY, Mr. AKIN, Mr. KING of Iowa, Mr. GOHMERT, Mr. RYAN of Wisconsin, Mr. PITTS, Mr. HUNTER, Mr. BRADY of Texas, Mr. HERGER, Mr. CARTER, and Mr. JONES.  
H.R. 3621: Ms. JACKSON-LEE of Texas, Mr. RYAN of Ohio, Mr. JONES, Mr. BOUCHER, Mr. PASCRELL, and Mr. SHERMAN.  
H.J. Res. 42: Mr. YOUNG of Alaska, Mr. BONNER, and Mr. LOBIONDO.  
H. Con. Res. 74: Mr. GALLEGLY.  
H. Con. Res. 177: Mr. KING of New York, Mr. McNERNEY, and Mrs. MYRICK.  
H. Con. Res. 181: Mr. UPTON and Mr. McCOTTER.  
H. Con. Res. 185: Mr. WITTMAN and Mr. PAULSEN.  
H. Res. 216: Mr. McCOTTER.  
H. Res. 408: Mr. McKEON, Mr. NYE, Ms. EDWARDS of Maryland, Mr. FARR, Mr. MICHAUD, Mr. DONNELLY of Indiana, Ms. CASTOR of Florida, Mr. ETHERIDGE, Ms. DeGETTE, Mrs. CAPPS, Mr. THOMPSON of California, and Mr. HINCHEY.  
H. Res. 554: Mr. QUIGLEY, Mr. GOODLATTE, Mr. DENT, Mrs. MILLER of Michigan, Mr. PETRI, Mr. ISSA, Ms. GRANGER, Ms. ROS-LEHTINEN, Mr. McCOTTER, Mr. BILIRAKIS, Mr. CRENSHAW, and Mrs. BIGGERT.  
H. Res. 568: Mr. MCGOVERN and Mr. BERMAN.  
H. Res. 605: Mr. QUIGLEY.  
H. Res. 660: Mr. MILLER of North Carolina.  
H. Res. 689: Mr. SCHOCK.  
H. Res. 704: Mrs. MCCARTHY of New York and Ms. NORTON.  
H. Res. 711: Ms. BALDWIN and Mr. MORAN of Virginia.  
H. Res. 715: Mr. HINCHEY, Mr. KANJORSKI, Mr. PASCRELL, Mr. KUCINICH, and Mr. QUIGLEY.  
H. Res. 721: Mr. YOUNG of Alaska, Mr. McCOTTER, Mr. FLEMING, and Mr. LAMBORN.  
H. Res. 725: Mr. SESTAK.  
H. Res. 727: Mrs. MALONEY, Mr. RYAN of Ohio, Mr. SESSIONS, Mr. TIERNEY, and Mr. MARSHALL.  
H. Res. 730: Mr. OBEY, Mr. HARE, Ms. BEAN, and Mr. CONYERS.  
H. Res. 733: Mr. LINDER.  
H. Res. 736: Mr. ROGERS of Kentucky and Mr. SCHOCK.  
H. Res. 740: Ms. PINGREE of Maine, Mr. ELLSWORTH, Mr. SCHAUER, and Mr. COURTNEY.

H. Res. 741: Mr. TONKO and Mr. POLIS.	H. Res. 756: Mr. WOLF, Mr. YOUNG of Florida, and Mrs. NAPOLITANO.	H. Res. 763: Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. PITTS, Mr. HUNTER, and Mr. RYAN of Wisconsin.
H. Res. 748: Mrs. BLACKBURN.	H. Res. 757: Ms. MOORE of Wisconsin, Ms. WASSERMAN SCHULTZ, and Mr. SMITH of Washington.	
H. Res. 754: Mr. ELLSWORTH, Mr. BISHOP of Utah, and Mr. PETERS.		

## EXTENSIONS OF REMARKS

HONORING THE MEMORY OF THE  
LATE MARJORIE D. KOGAN

## HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mrs. MALONEY. Madam Speaker, it is with a heavy heart that I rise to pay tribute to the late Marjorie D. Kogan, an outstanding New Yorker who devoted herself to her city and her country throughout her life. With deep sadness but also a profound sense of gratitude for her inspiring example, I ask my distinguished colleagues to join in mourning Marjorie D. Kogan's passing earlier this month at the age of 95.

A remarkably devoted and effective activist and philanthropist, Marjorie D. Kogan made an enduring contribution to the civic life of our nation's greatest city. She dedicated her life to serving others in countless ways, frequently seeking to help those shunned by many elements of society. Whether directing the volunteer program at the Brooklyn House of Detention for Men, chairing a program for adolescent inmates at Riker's Island, or serving as the longtime President of the philanthropic Brand Foundation of New York, she was a tireless and selfless volunteer.

Mrs. Kogan was deeply involved in the political life of New York City. She was campaign chair for her close friend, the esteemed late Federal Judge Constance Baker Motley, the first African-American woman to serve in the New York State Senate and in the office of Manhattan Borough President. Mrs. Kogan served as Executive Aide in the Manhattan Borough President's Office to both Judge Motley and to her successor in that post, the Honorable Percy Sutton.

Marjorie Kogan was a founding member of Manhattan's Community Planning Board Eight, on which she served for many decades. She was appointed by Mayor Abraham Beame to the New York City Board of Corrections. She sought throughout her life to improve the quality of life for her fellow New Yorkers, and bequeaths an enduring legacy of compassion and dedication.

Throughout her long career as a community leader and civic activist, Marjorie D. Kogan remained committed to her family. She was devoted to her late husband Nathan B. Kogan, who predeceased her, and to her sons, Michael and Barton Kogan, and her sister, Jeanne R. Theodore. She was also a wonderful friend whose wit, warmth, and grace will truly be missed by all whose lives she touched.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the enormous contributions to our civic and political life made by Marjorie D. Kogan, a true humanitarian and philanthropist in the finest traditions of our great republic.

RECOGNIZING THE 50TH ANNIVERSARY  
OF THE CITY OF  
FRANKENMUTH

## HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. KILDEE. Madam Speaker, today I would like to recognize the City of Frankenmuth, Michigan as it celebrates its 50th anniversary on October 1st. A ceremony commemorating the anniversary will be held on that date.

During the 1840s a German missionary named Frederick Wyneken working in the Ohio Valley and Michigan, appealed to Lutherans in Germany for help, citing the need for pastors, churches and schools. Fifteen farmers from Mittelfranken, Bavaria responded to his appeal and traveled to the Saginaw Valley in Michigan. They settled on the banks of the Cass River in 1845 and called their community Frankenmuth. The name means "courage of the Franconians." The following year 90 more settlers arrived from Bavaria and the community grew. A business district started to grow about a mile east of St. Lorenz Church and a dam and mill were built on the river. In 1854 Frankenmuth Township was organized and in 1904 the Village of Frankenmuth was incorporated.

On March 9, 1959 the voters elected a City Charter Commission. The Commission voted unanimously to submit a Charter to the State of Michigan and on July 9, 1959, Governor G. Mennen Williams approved the Charter. After the village residents voted to adopt the Charter, the City was officially incorporated on October 1, 1959. James Wickson served as the first mayor and held office until 1965. At the time of incorporation the City's population was 1,725. Today the population is 4,838. Gary Rupprecht is the current mayor and has held office since 1986.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the City of Frankenmuth as they celebrate their 50th anniversary. The community has embraced its German heritage and strives to build on the dreams and hard work of the original settlers. I congratulate the community for their achievements and pray that "Little Bavaria" continues to thrive for many, many years to come.

CONGRATULATING RUSSELLVILLE  
HIGH SCHOOL FOR ITS GRANT  
TO PREPARE STUDENTS OF AP  
TESTING

## HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. BOOZMAN. Madam Speaker, I rise today to congratulate the Russellville High School for being accepted as an Arkansas Advanced Initiative for Math and Science School.

Beginning with the 2009-2010 school year Russellville High School will be receiving \$750,000 in grant money, to be distributed over the next four years, to help teachers, along with students in properly preparing for the Advance Placement Exams, which take place every May.

These funds will help the students do well on the exams. This is a great honor for the school district that will help develop the skills our students need to excel in a global economy.

Arkansas was one of just seven states selected to receive grant money and Russellville High School was just one of 24 schools chosen in the state. I am proud to support both the students and teachers of Russellville High School and look forward to the academic excellence that will come from Russellville High in the years to follow.

RECOGNIZING THE NOMINATION  
OF BELINDA GEERTSMA FOR  
THE 2009 ANGELS IN ADOPTION  
AWARD

## HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. HOEKSTRA. Madam Speaker, I rise here today to say that it is a great honor and privilege to nominate Belinda Geertsma for the 2009 Angels in Adoption award. Belinda serves as an international adoption worker for Bethany Christian Services in Holland, Michigan.

One co-worker describes Belinda as "an amazing social worker with genuine passion for the families and children she serves. She is humble, gracious and has a servant's heart."

Belinda has a unique passion for special needs children, and has a remarkable history of finding homes for many children who are considered hard to place. In 2008, of all the international social workers in Bethany's nationwide constellation of offices, Belinda placed the most special needs children with their forever families.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



In July of 2009, Belinda traveled to China by invitation of the Chinese Government to assess 41 special needs children in an orphanage in Shanghai. By the end of August of 2009, 31 of these precious children had been matched with a family, and many others were under consideration.

While in China, she was asked to find a family for a 13-year-old girl who desperately wanted to be adopted. In China, children are no longer made available for adoption when they turn 14. Her 14th birthday was only 4 months away. Within a week of being home, Belinda had found a family that was thrilled to adopt this girl.

Belinda is a person who allows herself, through hard work, persistence, and compassion, to cause miracles to happen for children and families. I cannot imagine a better candidate for the Angels in Adoption award.

---

SERVICES FOR ENDING LONG-TERM HOMELESSNESS ACT

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Services for Ending Long-Term Homelessness Act. The sad reality our nation faces is that more than a half million Americans do not have a place to call home each night, and half of them are without shelter. This bill will alleviate the widespread problem of chronic homelessness across the country.

According to the Department of Children and Families' most recent report, there are 85,907 persons homeless on any given day. At least 2 million people find themselves homeless at some point each year in our country. There isn't nearly enough shelter for these individuals. In 2007, my home state of Florida alone had 48,000 homeless people, with 14,900 of them families and 7,691 of them chronic cases.

Recently, I heard the story of a 25-year-old mother of three young children in my district, who was running out of options—staying at a hotel in Palm Beach County after fleeing domestic violence in Miami. As she was running out of money, she and her kids—ages 6, 5 and 3—soon would be homeless. But, they were some of the lucky ones. She was referred to The Lord's Place residence for homeless families, where she now lives with her children. As a leader in my district for chronic homelessness solutions, the Lord's Place is a perfect example of the types of establishments that would benefit immensely from this legislation. In her words: "I am here. I am working. I am breathing. And I am grateful."

Throughout our country, over 100,000 people have nowhere to call home for years on end and all too often are confronted with mental illness, substance addiction, life-threatening illness or other serious health problems. The good news is: this bill presents us with an opportunity to put an end to this national crisis that hits home for all of us.

In 2003, the President's New Freedom Commission on Mental Health recommended

the development and implementation of a comprehensive plan designed to create 150,000 units of permanent supportive housing for consumers and families who are chronically homeless. Affordable housing alone can't meet the needs for many people with severe mental illness. This bill will establish funding for supportive housing, affordable housing linked to accessible mental health, substance addiction, unemployment, and other support services as necessary. Permanent supportive housing is cost-effective, and is the soundest available investment of public and private resources to end long-term homelessness.

Current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development, were not designed to be closely coordinated with housing resources, nor were they designed to meet the multiple needs of people who are chronically homeless. This bill will establish a comprehensive grant program to provide supportive housing for chronically homeless individuals and families that they so badly need. Support services will include mental health services, substance use disorder treatment, referrals for medical and dental care, health education, and services designed to help individuals make progress toward self-sufficiency and recovery. Permanent supportive housing can help the chronically homeless stay off the streets, out of hospitals and jails, and ultimately help them achieve the stability they need to lead healthy lives as productive members of their communities.

Madam Speaker, it is time we take a stand to put an end to long-term homelessness in America. I urge my colleagues to support this bill and to support a proven and cost-effective solution to ending chronic homelessness.

---

RECOGNIZING THE LIFE AND PUBLIC SERVICE OF JIM MAPLES

**HON. DEVIN NUNES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. NUNES. Madam Speaker, I rise today to recognize the life and public service of Jim Maples, a teacher, a coach, past Tulare County supervisor, and a close friend.

Some people in this world become larger than life, not because of their physical size or presence, but because of the number of people they influence in their lifetime. Jim Maples was both a father figure and a friend to many. His influence has been felt throughout the San Joaquin Valley.

Maples graduated from Porterville High School and Porterville College. He earned degrees from Fresno State and UCLA. Prior to becoming county supervisor, Maples was on the faculty at Porterville College for 34 years, serving as chairman and advisor of the technical vocational department.

Long active as a coach, Maples was inducted into the California Community College Basketball Hall of Fame in 1986. He was also named to the Porterville College Athletic Hall of Fame in 1999, placed on the Porterville

High School Wall of Fame in 2000 and received the Book of Golden Deeds Award by the Exchange Club International.

Maples also had the privilege of serving on the Tulare County Board of Supervisors from 1992 until 2003. Maples's dedication to Tulare County was full-time. He was a powerful advocate for local law enforcement and was constantly engaged in the defense of our area's heritage and quality of life.

Maples proudest accomplishment can be found in his loving family. He enjoyed a 54-year marriage with wife Myrna and was the father of two children; Vickie and Jaime.

Jim Maples left his community of Tulare County a far richer place than the one he found, and for that we are blessed. He was a leader, a mentor, a statesman and will surely be missed.

---

HONORING THE BLACK STUNTSMEN'S ASSOCIATION AND THE COALITION OF BLACK STUNTSMEN AND WOMEN

**HON. SHELLEY BERKLEY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Ms. BERKLEY. Madam Speaker, I rise today to announce the introduction of a concurrent resolution honoring the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women for their central role in the fight for racial equality in the film and television industry.

I have the honor of representing some of the founding members of these organizations, and I feel it is time the Congress of the United States recognizes the part they played in combating discrimination in Hollywood.

The film and television industry was not immune to the racial and cultural struggles of the 1950s and 1960s in America. This was reflected in the small number of African-Americans and other minorities working throughout the industry. When stunt doubles were needed for the few African-American actors working in Hollywood, common practice was to "paint down" white stuntmen, using makeup to darken their complexion. As more African-American actors began to find work in the major studios in the 1960s, the almost exclusive use of white stuntmen became a more visible example of the racial discrimination still plaguing our society.

In 1967, a group of African-American stuntmen, athletes and extras founded the Black Stuntmen's Association to address these lingering problems in the industry. The Coalition of Black Stuntmen and Women was formed in 1973 to continue the fight against racial bias in Hollywood. Together these groups confronted the studios over their discriminatory practices, pursuing legal action to bring additional diversity to the industry and monitoring compliance with the resulting agreements. Through their tireless efforts, members of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women paved the way for greater racial equality in film and television in the ensuing years.

I would like to take this opportunity to recognize some of the individuals who were involved in the founding and operation of the

Black Stuntmen's Association and the Coalition of Black Stuntmen and Women: Eddie Smith, Marvin Walters, Jadie David, Ernie Robertson, Henry Kingi, Alex Brown, S.J. McGee, and Willie Harris.

The efforts of these men and women, as well as many others, bore fruit in other aspects of the industry as well. African-Americans began to break through racial barriers both in front of the camera as actors and behind the camera as directors, producers and in other management positions. Their lasting contributions have changed the way Hollywood does business, and they truly deserve our recognition and gratitude.

I encourage my colleagues to join me in honoring the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women.

IN RECOGNITION OF DR. RORY COOPER

**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. MURTHA. Madam Speaker, I rise today to honor Rory A. Cooper, Ph.D. for his outstanding achievement of winning five gold medals at the 2009 National Veterans Wheelchair Games, for helping to guide emerging technologies and treatments to improve mobility for people with physical disabilities, and for promoting a positive image for our wounded, injured, and ill veterans.

While winning five gold medals is an exceptional achievement by itself, Dr. Cooper has proven himself again and again. Madam Speaker, Dr. Cooper won four gold medals at the 2008 National Veterans Wheelchair Games and over 100 total medals since 1983. He has previously held the world record for the 10,000-meter wheelchair race. He has participated and won medals almost every year since he first started competing. In 1988 he won the bronze medal at the Paralympic Games in Seoul, Korea. He continued to stay active in Paralympic competition by serving as a member of the Steering Committee for the 1996 Paralympic Scientific Congress. He was also the Sports Scientist for the 2008 United States Paralympic Team. In recognition of his achievements at the National Veterans Wheelchair Games, he was one of the featured athletes on a 2009 Cheerios cereal box.

When Dr. Cooper is not competing, he is a researcher in the field of assistive technology design at the University of Pittsburgh's School of Health and Rehabilitation Sciences. He is also the Director and Veterans Affairs (VA) Senior Research Career Scientist for the VA Rehabilitation Research and Development Center of Excellence, Co-director of the National Science Foundation Quality of Life Technology Engineering Research Center, a member of the United States Secretary of Veterans Affairs Prosthetics and Special Disability Programs Advisory Committee, and a Director of the Paralyzed Veterans of America Research Foundation. He has published over two hundred peer-reviewed journal articles and two books, Rehabilitation Engineering Applied

to Mobility and Manipulation and Wheelchair Selection and Configuration. Dr. Cooper is also a recipient of the Department of the Army's Outstanding Civilian Service Medal for "exceptional leadership, service, and advocacy of severely injured service members at Walter Reed Army Medical Center (WRAMC) and other military medical facilities from October 2004 through May 2008."

Madam Speaker, Dr. Cooper is truly an inspiration to all to us. I conclude my remarks by commending him for his outstanding achievements.

IN CELEBRATION OF SAINTS REST BAPTIST CHURCH'S 65TH ANNIVERSARY

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. COSTA. Madam Speaker, I rise today to congratulate Saints Rest Baptist Church of Fresno, California, on this ceremonial day, in celebration of their 65th anniversary.

The Saints Rest Baptist Church was organized by the late Rev. A.W. White and their motto of "Spreading Hope in the Midst of Hopelessness" remains inspirational today. Their mission statement rightfully explains the reason for their long-standing and continuing service to the community of Fresno: "The mission of Saints Rest Baptist Church is to become a Christ Centered Community within the community that transforms the community by providing relevant ministries that speaks to the mind, body, and soul of humankind."

The community of West Fresno grew rapidly during the early years of the Second World War. Noticing the growth of California Avenue and knowing no church existed to accommodate residents of that area, a prolonged and dedicated fundraising venture began for the purpose of building a church.

In 1945, groundbreaking ceremonies were conducted and the church was officially named Saints Rest Baptist Church. Only 1 year later, the church was able to add four deacons to serve the Saints Rest family. The church continued to grow and the faithful congregation endured worship services in a metal building located just north of the foundation with the knowledge and belief that this sacrifice would promote growth and allow them to continue their mission.

Former Pastor Chester Riggins, who served the church as pastor for 44 years from 1965 to 2009, helped to erect and then dismantle the metal building. It was in 1950 that the permanent building was officially erected and, poignantly, its first funeral service was for that of the founding father, Rev. A.W. White.

Under the leadership of Pastor Chester Riggins, many programs were instituted at the church, including the House-to-House Revival, Community New Life and Big Brothers and Sisters. Additionally, the community stewardship expanded to include Marriage Workshops, the Food and Clothing Ministry, and the support of the Poverello House and the Fresno Rescue Mission. Senior Pastor Shane Scott has now assumed the leadership at

Saints Rest and continues to expand upon the outstanding community service the church provides to the community. As a first course of business, Pastor Scott immediately undertook the project of renaming East Florence Avenue to East Chester Riggins Avenue, in memoriam for the outstanding dedication and service of Pastor Riggins. The Planning Commission accepted the renaming and a dedication ceremony was held in June 2007 and the address for Saints Rest is now 1550 E. Rev. Chester Riggins Avenue.

Today, 65 years after its inception, the Saints Rest Baptist Church continues to be a shining light for the community of Fresno and its worshippers. Please join me in recognizing Senior Pastor Shane Scott and the Saints Rest family on the occasion of their 65th anniversary and wish them well as they continue to provide a meaningful place of worship for their congregation and the community. I am proud of the spiritual substance Saints Rest provides to our valley; the church's many efforts inspire and bring support to all of us.

CHINN ELEMENTARY SCHOOL, PARKVILLE, MISSOURI

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Chinn Elementary School in Parkville, MO. The school opened in 1959, and was officially named Thomas B. Chinn Elementary School in honor of Thomas B. Chinn, in gratitude for his long service and as a tribute to his profession.

Mr. Conyers was the first principal of the school in 1959. Chinn started as a 13 room structure and contained 1st through 6th grade. Since 1959, there have been 2 additions to the building, increasing grade level classrooms to 24, as well as several additional small rooms and a new gymnasium. Over the past 50 years, Chinn has had thousands of students pass through the halls.

Madam Speaker, I proudly ask you to join me in commending Chinn Elementary for the learning foundation it has provided to so many students for so many years.

A TRIBUTE TO RICK WAGNER

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. TOWNS. Madam Speaker, I rise today to remember Rick Wagner, Director of Litigation for the Brooklyn Legal Services Corporation A "Brooklyn A" in East New York, who suddenly passed away in his home on September 20, 2009. Mr. Wagner was well known as a champion on behalf of Brooklyn's poorest tenants and homeowners.

Mr. Wagner was one of the leading foreclosure defense lawyers in the United States, single handedly leading the effort to educate and enlighten the legal community on the

availability of a wide range of homeowner defenses to foreclosure actions. He fought daily against rampant predatory lending and deed thefts, often spearheading innovative new legal strategies. In the early 1990s, he pioneered the use of civil racketeering laws against landlords in East New York, winning a major victory when they were ordered to return deeds to their tenants.

His most recent focus was advocating for consistency, simplification and ease of access to loan modifications—in his words, “basic rules of the road to help homeowners keep their homes”. Mr. Wagner’s lasting legacy will be his passion and commitment to social justice, and the application of his legal acumen for the needy. Under his leadership, Brooklyn A has cemented its sterling reputation as a model community-based law practice embedded in and responsive to the neighborhoods it serves. He worked tirelessly and will be remembered dearly by the many lives he touched.

Madam Speaker, I urge my colleagues to join me in remembering Rick Wagner. May his soul rest in peace.

#### HONORING THE WHITE ROCK LAKE DOCTORS HOSPITAL ON ITS 50TH ANNIVERSARY

##### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. HENSARLING. Madam Speaker, today I recognize a valued member of our community, Doctors Hospital at White Rock Lake, and join with them in celebrating their 50th anniversary.

In 1959, Doctors Hospital at White Rock Lake was established with a mission to provide quality health care to the East Dallas, Garland, Mesquite. Five decades later, this full-service hospital continues to pursue its mission by providing outstanding care ranging from obstetrics to acute care for the elderly.

Located in East Dallas, Doctors Hospital’s outpatient facilities include a wound/vein center, sleep center, women’s imaging center and rehabilitation center. I recently had the privilege of touring their new surgical suites, which will provide a comfortable place for family members to stay while their loved one receives the care they need.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Doctors Hospital at White Rock Lake’s 50th anniversary, and I commend the Board of Directors, physicians, nurses and staff for helping to provide quality health care to our community.

#### OPEN UP THE OUTER CONTINENTAL SHELF

##### HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SMITH of Nebraska. Madam Speaker, investing in American energy resources will create jobs, stimulate our economy, and end our dependence on foreign oil.

Last year, Congress and President Bush announced an end to a decades-long ban on energy exploration off America’s coasts.

Instead of moving forward with a plan to explore the Outer Continental Shelf, this administration has stopped progress by instituting an extended six-month public comment period.

Now, Secretary Salazar has indicated offshore exploration may not happen until 2012—meaning a six month delay could become a three-year ban.

Earlier this year, I had the opportunity to tour parts of the OCS and observe offshore oil and gas production.

Madam Speaker, I saw firsthand the need to take an all-of-the-above approach when it comes to our energy portfolio—an approach which includes developing American offshore energy resources.

Remember, putting roadblocks up to stunt energy production now will only mean higher energy prices in the future.

#### A TRIBUTE TO MR. W. HORACE CARTER

##### HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to a truly outstanding North Carolinian, W. Horace Carter, of Tabor City. As we grieve his loss, we also celebrate his life and commitment to bettering this world as a distinguished man of words, a warrior against injustice, and man of rare and outstanding character.

As the editor and publisher of a small-town North Carolina newspaper, The Tabor City Tribune, Mr. Carter’s staunch opposition against the local activities of the Ku Klux Klan helped quell the expansion of the Klan in the Carolinas. Over three years, his paper ran more than 100 Klan-related stories and editorials that he wrote. They reported and commented on rallies, shootings, beatings and a series of floggings that eventually brought the Federal Bureau of Investigation to the region and ended with federal and state prosecutions of more than 100 Klansmen. Mr. Carter successfully used written language as a powerful tool of social change, and for this he was awarded the Pulitzer Prize for Meritorious Public Service in 1953. In 2007, Mr. Carter was bestowed with North Carolina’s highest civilian honor when he was inducted into the Order of the Long Leaf Pine.

He was the first in his family to graduate from high school, and he attended the University of North Carolina, Chapel Hill, where he was editor of the student newspaper, The Tar Heel. He would go on to serve in the Navy, in both the North Atlantic and the Pacific, during World War II. Without a doubt, Mr. Carter’s life was defined by his strong desire to give back to his community and country. Sadly, his life closed on September 16, 2009, but what a joyous life he lived.

Mr. Carter is survived by his son, Russell Carter, who lives in Wilmington and now owns The Tribune, his third wife, Linda Duncan Carter, whom he married in 1995; a brother,

Mitchell, of Albemarle, NC; two daughters, Linda Carter Metzger of Lumberton, NC, and Velda Carter Hughes of Greenville, SC, 10 grandchildren and six great-grandchildren.

Madam Speaker, during his 88 remarkable years, Mr. Carter worked for equality and understanding, and his immeasurable contributions to the world in these capacities shall never fade. We will not forget the goodness, humility, and passionate giving that defined the life of W. Horace Carter. As we mourn his loss, may God continue to bless all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

#### INTRODUCTION OF THE “FEDERAL JUDICIARY ADMINISTRATIVE IM- PROVEMENTS ACT OF 2009”

##### HON. HENRY C. “HANK” JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. JOHNSON of Georgia. Madam Speaker, I am pleased today to introduce, together with my colleagues Mr. CONYERS, Mr. SMITH, and Mr. COBLE, the Federal Judiciary Administrative Improvements Act of 2009. This bill comprises a collection of proposals supported by the Judicial Conference of the United States that will improve the efficiency of operations in the Federal Courts. Several of the proposals have been previously passed by the House of Representatives. Collectively, these proposals are non-partisan and noncontroversial.

Two provisions make minor but helpful adjustments to Federal Court organization. One makes a technical correction regarding the ability of senior judges to participate in the selection of magistrate judges: the other eliminates the statutory divisions in the District of North Dakota to better serve witnesses and litigants, while retaining the current places of holding court.

Other provisions in this legislation create more equity and management flexibility related to Judicial Branch employees. The legislation amends certain retirement provisions for the four district judges in territorial district courts to move them toward parity with other federal judges appointed for specific terms, such as bankruptcy and magistrate judges. The bill will also provide parity for senior officials in the Judicial Branch with other similar government officials regarding the maximum amount of annual leave that they can carry over each year. Also, the salary levels of four senior officials in the Federal Judicial Center are adjusted to again provide more parity with similar officials in the Administrative Office of the U.S. Courts.

A few of the sections of this bill facilitate court operations related to criminal justice. One provision will allow for the separate filing of the “statement of reasons” that judges issue upon sentencing, so as to better protect confidential information such as the identity of government informants. Another will ensure that federal pretrial officers will be able to fully supervise and assist juveniles awaiting proceedings in federal court. A third proposal will improve the timely collection and assimilation of wiretap data needed for an annual report to Congress by extending some reporting deadlines. Lastly, an inflationary index would be established for the threshold amount that triggers

the need for approval by the chief judge of reimbursements of the costs of expert witnesses and investigators hired in representing indigent defendants.

Again, the proposals in this bill address many of the needs identified by the Judicial Conference of the United States to assist the federal courts and their sister agencies. We encourage Members to support this legislation.

HONORING DR. ANNE LINDSAY  
AND DR. ALAN GLASEROFF OF  
HUMBOLDT COUNTY, CALI-  
FORNIA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Anne Lindsay, M.D. and Alan Glaseroff, M.D., two extraordinary citizens of Humboldt County, California who have dedicated their lives to public service. The husband and wife team are being honored by the Humboldt County Democratic Central Committee as 2009 Citizens of the Year for one of our nation's most precious rights—participation in the political system. Their commitment to the general health and welfare of the community and to the preservation of our liberty is worthy of appreciation and recognition.

Dr. Lindsay has served as the Public Health Officer for the County of Humboldt for the past fifteen years. She is President of the California Conference of Local Health Officers, representing 61 county and city health officers from throughout California. She has demonstrated outstanding and innovative leadership throughout years of public service, tackling some of the nation's most difficult public health issues, from homelessness to communicable disease control. She has been recognized locally and nationally for her exemplary efforts, recognized as the 2nd Senate District 2004 Woman of the Year by the California Legislature and receiving the distinguished California Medical Association 2006 Frederick K. M. Plessner Memorial Award for rural practitioners.

Dr. Glaseroff has been the Chief Medical Officer for the Humboldt-Del Norte Independent Physician Association since its inception in 1995 and is the Medical Director for the Foundation for Medical Care. He has led the way locally and nationally in seeking solutions to achieve improved, quality health care. He has distinguished himself as the principal investigator for the Humboldt Diabetes Project and faculty for the statewide diabetes collaborative. He is affiliated with the National Committee for Quality Assurance, is the co-director for the Aligning Forces for Quality Initiative, sponsored by the Robert Wood Johnson Foundation, and was named the 2009 Family Physician of the Year by the California Academy of Family Physicians. Dr. Glaseroff has dedicated his medical career to finding ways to improve the delivery of health care.

These extraordinary individuals have been partners in a rural family medical practice for the past 26 years. They share the happiness

of family life with their two children, Rebecca Lindsay, a medical school student and Bruce Lindsay Glaseroff, a teacher. A talented and musical family, Anne and Alan also perform with the Humboldt County blues band, the Back Seat Drivers.

Madam Speaker, it is appropriate at this time that we recognize Anne Lindsay and Alan Glaseroff for their unwavering compassion and for their contribution to the ideals and traditions that have made America a nation of hope and achievement.

### PERSONAL EXPLANATION

### HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. CHANDLER. Madam Speaker, on roll-call No. 709, had I been present, I would have voted "yes."

HONORING REBECCA PARRIS OF  
SWAIN COUNTY, NORTH CAROLINA

### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SHULER. Madam Speaker, I rise today to honor Rebecca Parris, a remarkable young woman in Swain County, North Carolina.

Miss Parris, a student of Swain County High School, raised over \$4,000 for the Shriners Hospital for Children in Greenville, South Carolina. Miss Parris was inspired to take action upon hearing that reductions in donations and increasing medical costs could lead to the possible closure of the Greenville hospital, which serves children in the Greenville and Western North Carolina areas. To help keep the hospital open, Miss Parris coordinated and hosted a fundraising event, "Shriners for Minors," in Bryson City, North Carolina on August 8, 2009. The event included participation by a number of vendors and children's activities organized by her fellow high school students. After the event, Miss Parris made a visit to the hospital to present the donations and over 70 donated toys.

Miss Parris has always worked hard to serve those in her community. As an elementary school student she made Christmas gifts for local nursing home residents. Miss Parris maintains an excellent academic record and has been inducted into the National Honor Society this year. She is part of the track and cross country team, plays basketball, and is the best marksperson on the shooting team at Swain County High School. She also worked full-time at a grocery store over the summer while organizing the fundraiser.

Madam Speaker, Miss Parris's dedication to children in need in our mountain region and her efforts on behalf of the Shriners Hospital for Children are a great source of pride to me and to Western North Carolina. Miss Parris exemplifies the motto of Swain County Schools: "Our Best and Then Some." I urge my colleagues to join me today in com-

mending the outstanding efforts of this remarkable young woman.

### TRIBUTE TO WILL LUMMUS

### HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. CHILDERS. Madam Speaker, I rise today to pay tribute to a National Little Britches Rodeo Champion, Will Lummus, a fierce competitor in the senior tie-down calf-roping finals. Every year, more than 700 of the National Little Britches Association's top athletes from across the country gather in Pueblo, Colorado to take shots at 30 world championships.

Madam Speaker, with distinct honor and pride, I, along with the citizens of West Point, Mississippi congratulate our own national calf-roping champion, Will Lummus. I ask my colleagues to join me today in commending Will for his hard work and dedication. I hope he will continue to compete and victoriously represent Mississippi's First District.

RECOGNIZING FIRST LIEUTENANT  
MICHAEL PARRISH—SCOTTSDALE  
HEALTHCARE'S "SALUTE TO  
MILITARY" HONOREE

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to recognize a member of the Armed Forces from my home state of Arizona. Every month, Scottsdale Healthcare honors service members who perform diligent service to this country. For the month of August, they have recognized First Lieutenant Michael Parrish.

I commend Scottsdale Healthcare for paying tribute to such an outstanding service member for his bravery and service to our country.

Parrish joined the Army National Guard in 2001 to further his education and serve his country. After completing basic training, he provided medical coverage for cadets who were training at West Point Military Academy. During his tenure, 100 percent of the cadets finished the training without injury. This September, Parrish will deploy to Vicenza, Italy, to provide care to Army soldiers and families.

In addition to his military work, Michael is an avid supporter of the Scottsdale Healthcare Military Partnership Training Program, which is designed to ensure military medical personnel have the necessary skills and experience to operate in a wartime setting. Without a doubt, his outstanding leadership and dedication contribute to the success of this very important program.

Madam Speaker, please join me in recognizing the inspiring efforts of this courageous citizen who is serving our country and protecting the lives of his fellow service men and women in combat.

STATEMENT REGARDING VOTE ON  
H.R. 3548, UNEMPLOYMENT COM-  
PENSATION EXTENSION ACT OF  
2009

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SMITH of Texas. Mr. Speaker, on September 22, 2009, I voted "no" on H.R. 3548, the Unemployment Compensation Extension Act of 2009. As of August 2009, the State of Texas had 966,000 people who were unemployed. This amounts an unemployment rate of 8.0 percent but this legislation only applied to states with unemployment over 8.5 percent so unemployed Texans were not eligible. I would have voted for H.R. 3548 because so many people across the country continue to be unemployed if the bill had not discriminated against Texas and 22 other states with unemployment rates lower than 8.5 percent.

The State of Texas has many counties and communities where the unemployment rate is higher than 8.5 percent. Many more individuals should have qualified for these benefits. Furthermore, since employers in Texas continue to pay the taxes that pay for these benefits, they are subsidizing the unemployment benefits in other states without any of the revenue going to unemployed Texans. This bill is unfair and for that reason I could not support it.

STATEMENT REGARDING VOTE ON  
H.R. 3548, UNEMPLOYMENT COM-  
PENSATION EXTENSION ACT OF  
2009

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. WOLF. Mr. Speaker, yesterday I voted for the Unemployment Compensation Extension Act (H.R. 3548), legislation that will provide an additional 13 weeks of extended benefits to individuals in states with unemployment above a three-month average of 8.5 percent. Because so many Americans have lost their once steady job and are struggling to find work and make ends meet during these difficult economic times, I feel that extending unemployment benefits is a necessity.

I was disappointed, however, that this legislation only included an extension of benefits for 29 states by setting an 8.5 percent state unemployment rate as the threshold for those eligible under this bill. In Virginia, where unemployment stands at 6.5 percent for the month of August, those out of work who have exhausted their benefits will not be covered.

Families across the country are struggling to pay their mortgage, to pay for health care expenses. They have depleted their savings and are hanging on by a thread. Those out of work in Virginia aren't struggling any less than those in Ohio, Michigan, or California, where the statewide unemployment rates are higher. I believe that this is an issue of fairness that needs to be corrected.

To reach out to those who are looking for work in Virginia's 10th Congressional District, which includes some areas that reached an unemployment rate of 8 percent this summer, I am sponsoring a job fair in Frederick County in October. I held a similar event in Loudoun County in May and more than 70 employers attended to meet with more than 3,500 job-seekers.

People across the country are hurting and Virginia is no exception. While I believe voting for the Unemployment Compensation Extension Act will help many who have felt the brunt of the recession, I remain disappointed that unemployed Virginians were left behind. This measure should be amended to help all those across the country, rather than using an arbitrary threshold to determine who is most deserving.

IN RECOGNITION OF VIRGINIA  
GRANATO AND HER DECADE OF  
SERVICE AS PRESIDENT OF THE  
ROOSEVELT ISLAND DISABLED  
ASSOCIATION

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to Virginia Granato, an outstanding New Yorker who has distinguished herself through her dedication and service to her community and to our nation. Virginia Granato is being honored this month by the membership of the Roosevelt Island Disabled Association (RIDA) on the occasion of her retirement from its presidency, a post in which she served with distinction for a decade.

Virginia Granato is a revered figure among the residents of the very special Roosevelt Island community, a unique enclave in the most densely populated county in the nation. She delivered extraordinary and effective leadership to the large population of people with disabilities on the Island. In addition to her devoted and effective service as President of RIDA, Virginia served on the Board of Directors of Wheelchair Charities and on the Community Advisory Board of Coler-Goldwater Hospital.

Virginia Granato was one of the original pioneers of Roosevelt Island, first moving into the Island's Eastwood housing development in 1976. She became a powerful and respected voice for Roosevelt Island residents with disabilities, pressing to make the Island's transportation more accessible, counseling planners on the design and layout of apartment complexes, and facilitating a lending program for residents in need of wheelchairs and walkers.

In leading the Roosevelt Island Disabled Association for a decade, Virginia Granato carried out RIDA's vital mission of improving the quality of life of Roosevelt Islanders with disabilities. As RIDA President, she helped organize and secure funding for regular field trips by Association members to athletic contests, cultural institutions, musical performances and recitals, amusement parks and other recreational venues.

For more than a third of a century, Virginia Granato has been a leader of the Roosevelt Island community that she loves. She has volunteered for various worthwhile civic causes and selflessly devoted thousands of hours of her time. Virginia Granato offers an example of the finest impulses of the human spirit, and through her dedication and compassion, thousands of lives have been affected for the better.

Madam Speaker, for her leadership, dedication and volunteer service over the years, I ask that my distinguished colleagues join me in recognizing the enormous contributions to the civic life of her community and our nation made by Virginia Granato.

INTRODUCING PUBLIC SAFETY  
INTEROPERABLE COMMUNICA-  
TIONS (PSIC) GRANT PROGRAM

**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Ms. HARMAN. Madam Speaker, today I am introducing legislation that will help America's first responders keep their communities safer by solving a dangerous deficiency in their emergency communications capabilities. Our first responders are also our first preventers, and their ability to communicate seamlessly and effectively on an interoperable network during an emergency helps save lives and protect critical infrastructure.

For over 7 years, I have worked to prevent a tragic repetition of the communications problems that resulted in thousands of deaths on 9/11—when the lack of an interoperable network prevented the NYPD from warning firefighters that the Twin Towers were glowing red and it was time to evacuate.

My home State of California is prone to natural disasters, especially earthquakes and wild fires. Alarmingly, there are still instances when our firefighters have relied on runners and drivers to relay messages during an emergency. This occurs when multiple companies respond to the same incident, each carrying different equipment.

An important piece of the solution to this crisis is the Public Safety Interoperable Communications, PSIC, grant program, which provides funding to purchase interoperable communications equipment and undertake training to use it.

Since 2007, the PSIC program has provided nearly \$1 billion in grants to state and local governments, and the deadline to spend the funds is next year. All states were required to develop Statewide Communications Interoperability Plans, SCIP. Unfortunately, according to the Department of Homeland Security, its approval of these plans was delayed until the spring of 2008, in part because DHS wanted to ensure they were subject to appropriate environmental reviews. This is understandable; however, the delay in approving SCIP plans means that not all of the grant funds can be spent before next year's deadline.

The PSIC program is vital to public safety; it should be allowed the necessary time and funding. The legislation I introduce today—

which is a companion bill to S.1694 introduced by Senators Rockefeller and Hutchinson—would guarantee a one-year extension to spend the grant money, with an option for an additional year approved on a case-by-case basis.

While I urge prompt action on this bill, this will in no way relieve us of the obligation to complete the build-out of the 700 megahertz spectrum so that we develop true national interoperability. I am enormously disappointed that, despite universal agreement on the goal, real progress has been so slow.

In conclusion, the PSIC program must be continued. It is a building block in the effort to equip our communities to respond to a terrorist attack or natural disaster. I urge prompt consideration and passage.

RECOGNIZING JOHN R. RIBNER

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. KILDEE. Madam Speaker, I rise today to recognize John R. Ribner as he is honored at the Flint Youth Projects' 15th Annual Roast and Toast on October 1st in Burton Michigan.

John Ribner grew up during the 1940s in New York City. He started high school on a baseball scholarship at St. Anne's Academy in New York. After two years he transferred to North Branch High School in Michigan to help care for an ailing relative. He continued his schooling and athletics at North Branch, playing several sports and making the first team in All-State basketball. This led to a basketball scholarship to Central Michigan University. John obtained his teaching degree from that school and in 1964 began teaching with the Flint School District.

He taught at Fairview School, Holmes School and Whittier. During this time he was named Teacher of the Year by the school district and by Flint Sales and Marketing Group. He is now retired but still devotes his time and energy to helping children in need. Along with his wife, Dolly, John distributes turkeys at Thanksgiving every year to families and children. He believes that many people over the years have given to him and the turkey drive is a way to give back to the community. He said, "Of all my life's accomplishments, I am especially proud of the turkey drive for this reason."

As a trustee of the Westwood Heights Board of Education, John continues his interest and commitment to education. Madam Speaker, I ask the House of Representatives to join me in recognizing the achievements and contributions of John R. Ribner.

IRAN'S NUCLEAR PROGRAM  
THREATENS THE WORLD

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. COBLE. Madam Speaker, I rise to express my grave concerns over Iran's illicit nu-

clear program. In the midst of all the attention being paid to issues such as the economy and health care reform, we must not overlook the growing threat that Iran poses to the security of the United States and our allies in the Middle East. Every day, Iran is working to develop the capacity to produce a nuclear weapon, a point from which I fear there may be no return.

The president of Iran, Mahmoud Ahmadinejad, has left no illusion of his desire to wipe Israel off the map. Through his emboldened and misguided leadership, Iran has exerted its hegemony throughout the Middle East with complete disregard for the truth and resolute intolerance.

If Iran crosses the nuclear weapons threshold, I have no doubt that this will provoke a renewed race for nuclear arms in the Middle East. Radical political factions throughout the region will be empowered and moderates, who are working to develop a comprehensive peace agreement, will lose their much-needed support. Terrorist organizations such as Hezbollah, Hamas and Al Qaeda will be strengthened and emboldened to pursue a nuclear weapon of their own—which is our worst nightmare.

Thanks to the Internet, we know that democracy and human rights in Iran are an illusion. Some Iranian leaders would argue with that assertion and also contend that their country has no interest in pursuing a nuclear weapons program. We cannot afford to rely on hollow assurances such as these.

We need valid and thorough inspections immediately to verify exactly what Iran is doing with its nuclear program. The only way to deal with Iran's recalcitrant leaders is to leverage our political influence and force them to allow the International Atomic Energy Agency, IAEA, to conduct inspections. Unfortunately for the Iranian people, this means enacting the Iran Sanctions Act and the Iran Refined Petroleum Act, which would result in severe consequences for Iran and its people.

There is no simple solution to Iran's threat. Measures we can take right now include enacting legislation and supporting policies that will force Iran's leaders to allow IAEA inspectors unfettered access to conduct nuclear weapons inspections. There is far too much at stake to rely on promises from the same Iranian leaders who openly profess their desire to wipe Israel off the map, deny allegations of human rights violations, and provoke violence around the world against those who embrace liberty and justice.

#### PERSONAL EXPLANATION

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. GERLACH. Madam Speaker, unfortunately, on Tuesday, September 22, 2009, I missed three recorded votes on the House floor. Had I been present, I would have voted "yea" on rollcall 720, "yea" on rollcall 721, and "yea" on rollcall 722.

AGAINST PASSAGE OF H.R. 3548

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. GOODLATTE. Mr. Speaker, I rise today to discuss H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Mr. Speaker, let there be no doubt that I understand that our economy faces historic and unprecedented challenges and I will remain committed to working with Members of Congress on both sides of the aisle to enact responsible legislation which puts money back into the hands of those who can really turn our economy around—the American people and small businesses.

However, H.R. 3548 extends the current unemployment benefits extension program, as established by the FY 2008 supplemental, and extended in two subsequent acts, by an extra 13 weeks for only those States with unemployment rates above 8.5%. Enactment of H.R. 3548 would cause individuals in States with unemployment rates in excess of 8.5% to be eligible for benefits for a total duration of 92 weeks.

Mr. Speaker, like you, I believe that a key component of an economic recovery plan is assistance for the unemployed. Unfortunately, this legislation would only apply to unemployed individuals in 29 States with unemployment rates above 8.5%. To be clear, individuals in 21 other States would be ineligible to receive compensation under this legislation. Virginia's current unemployment rate stands at 6.5%. Thus, Virginia residents are not eligible for these benefits. I cannot support legislation that does not allow Virginia residents to benefit from the formulas adopted under this legislation.

Even more egregious is that businesses in Virginia and other excluded States are required to foot the bill for these benefits via the extension of the Federal Unemployment surtax through 2010. This tax would otherwise expire at the end of this year. Mr. Speaker, I cannot support legislation that imposes a tax on businesses in Virginia when funds generated under this tax will be of zero benefit to the residents of Virginia, or the remaining 20 States in the Nation.

There are many counties and cities in Virginia that have unemployment rates above 8.5% and yet citizens living in those areas who are unemployed will receive no benefits from this legislation even as employers in the same areas will pay taxes taking money out of the local economy and seeing it circulate instead in some other part of the country for the arbitrary reason that statewide unemployment is above a particular percentage. Further, the individual who is out of a job and can't find another is suffering through the same situation for themselves and their families no matter where they live. Mr. Speaker, this legislation is unfair to my constituents and that is why I voted against it.



EXPRESSING A NATION'S APPRECIATION FOR THE HEROIC STAFF OF HILLSDALE HIGH SCHOOL

**HON. JACKIE SPEIER-**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Ms. SPEIER. Madam Speaker, every weekday morning, millions of parents send our children off to school, entrusting their care to the teachers, administrators and other professionals who do their best to make school as safe and supportive an environment as possible. Yet we are reminded, far too often, that no one's safety is guaranteed if a disturbed person or group is intent on committing an act of violence.

On August 24th, a former student with his mind set on mayhem entered the campus of San Mateo California's Hillsdale High School with enough weapons and explosive devices to kill or injure hundreds. The remarkable fact that no one was seriously hurt is due entirely to the heroic efforts of the staff who, according to Principal Jeffrey Gilbert, "More ran toward the explosion than away from it."

Student services aide Jana Torres, a district employee since 2001 and known for her strong relationship with students, saw the attacker attempting to start a chainsaw and yelled at him to stop. Instead, he lit a pipe bomb and hurled it at her. Disregarding her own safety, Ms. Torres called for help and jumped over the device to pursue the attacker as the pipe bomb detonated behind her.

Just as a second bomb went off, 12-year teaching veteran Kennet Santana, a favorite among students for his innate ability to inspire and motivate young people, tackled the running assailant before he could ignite more of the home-made bombs he had strapped to his vest.

Coming to Kennet's aid were Principal Gilbert, a former Hillsdale teacher known for his easy-going and patient manner, and counselor Edgardo Canda, another former teacher who has found his calling as a counselor, able to relate to students on many levels. They helped subdue and hold the attacker until police arrived.

Madam Speaker, at that point in time, none of these heroes knew if—or how many—others were part of this plot or if the bombs strapped to the desperate young man's vest were about to detonate.

Ms. Torres, Mr. Santana, Mr. Gilbert and Mr. Canda have rightly and appropriately been singled out by their community. They, along with the brave officers of the San Mateo Police Department, in particular the first responders—Captain Kevin Raffaelli and Officers Rick Apecechea, Jeff Dellinges and Roberto Gonzalez—deserve our gratitude for their selfless acts of heroism.

So, too, does the entire staff at Hillsdale High School that morning. As Principal Gilbert said, "We're getting a lot of the credit but there were a lot of teachers who basically stood their ground and said we're going to do whatever it takes to protect our kids."

Madam Speaker, our entire nation is eternally grateful for the dedication of these and so many other public education professionals

who, every day at schools across this country, take on the awesome responsibility of doing "whatever it takes" to educate, prepare, and protect our children.

A PROCLAMATION HONORING RACHELLE WHITMAN FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Rachelle Whitman showed hard work and dedication to the sport of softball; and

Whereas, Rachelle Whitman was a supportive coach; and

Whereas, Rachelle Whitman always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Rachelle Whitman on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

HONORING DIANE REHM

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the outstanding achievements of one of our nation's great radio talk show hosts, Diane Rehm. Diane is celebrating her 30th anniversary at WAMU 88.5 FM, where she hosts The Diane Rehm Show. The show is distributed nationally and internationally by NPR and NPR Worldwide and is estimated to have a U.S. audience of over two million listeners. In 2007 and 2008, the show was the only live call-in talk show to be named among the top ten most powerful programs in public radio.

Diane began her radio career in 1973 as a volunteer producer at WAMU, despite having had no prior radio experience. Ten months later, she was hired as an assistant producer. She became host of WAMU's Kaleidoscope in 1979 and hosted her first session of "Open Phones" when one of her guests failed to show up. Shortly thereafter, in 1984, the show got a new name: The Diane Rehm Show. In 1998, her career nearly came to a halt because of a puzzling speech problem. She was diagnosed and treated for spasmodic dysphonia, a neurological disorder. Not to be defeated, she returned to the show and made a point of calling attention to this condition. In 2000, she interviewed President Bill Clinton and became the first radio talk show host to interview a sitting President in the Oval Office. Her guests have also included President

Jimmy Carter, Vice President Dick Cheney, Secretary of State Colin Powell, Supreme Court Justice Sandra Day O'Connor, Archbishop Desmond Tutu, V.S. Naipaul, Toni Morrison, Annie Leibovitz, George Soros, Ted Koppel, Julia Child and the beloved Mr. Rogers.

Diane became a best-selling memoirist with the publication of *Finding My Voice* in 1999, which was followed by her compelling and deeply personal book about marriage, *Toward Commitment*, co-written with her husband, John Rehm.

Diane has received many personal honors over the years, including being named a Paul H. Nitze Senior Fellow at St. Mary's College of Maryland and being inducted into the Class of 2004 Hall of Fame by the Washington, DC Chapter of the Society of Professional Journalists. She was honored as a Fellow by the Society of Professional Journalists, the highest honor the Society bestows on a journalist. Diane was also named by *Washingtonian* magazine in 2006 as one of Washington's "100 Most Powerful Women," and in 2007 as one of the "150 Most Influential People in Washington."

In 2006, Diane became the inaugural recipient of the Urbino Press Award, headquartered in Urbino, Italy, which recognized her "long and prestigious career in journalism." In 2008, the University Club of Washington, D.C. honored her with "The Distinguished Washingtonian Award in Literature and the Arts." She has been awarded honorary degrees from the Virginia Theological Seminary, Washington College, and McDaniel College. Diane's loyalty and devotion to WAMU and American University were recognized in 2007 when she was invited to receive an honorary degree and deliver the College of Arts and Sciences' commencement address.

Over the years, Diane's listeners have also come to know Diane's family—her husband, John, her children David and Jennifer, and her grandchildren—and her dear friend Bishop Jane Holmes Dixon, with whom she speaks every day.

On a personal note, I am a longtime fan and admirer of Diane Rehm and have had the privilege of being a guest on her show. While those of us who live and listen in the Washington, DC region consider Diane our own, she has avid listeners and admirers throughout the country. We take great pride in having her as a member of our community.

Madam Speaker, I am honored to recognize Diane Rehm for her outstanding 30-year career at WAMU and for the impact she has had on public radio broadcasting.

HONORING ROSALIND L. WEE

**HON. PATRICK J. MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Rosalind Wee as the recipient of the 2009 Pearl S. Buck International Woman of the Year Award. This achievement is awarded to "women who make outstanding contributions in the areas of

cross-cultural understanding, humanitarian outreach, and improving the quality of life and expanding opportunities for children around the world." Ms. Wee is one of only 27 women to receive this prestigious and well-deserved award.

Ms. Wee has shown herself to be a dedicated humanitarian throughout the years, serving as the treasurer of the Quezon City Chapter of the Philippine National Red Cross, the President of the Pearl S. Buck Foundation Philippines and the President of Philippine Federation of Local Councils of Women.

Her accomplishments also extend into the business world, where she is the founder and director of the Marine Resources Development Corporation and the owner and developer of First Marcel Properties, Inc.

She is also the proud mother of six children—and even with such a busy schedule, she still manages to find time to indulge her passion for golf. She has encouraged many other women to do so as the President of the Manila Lady Golfers Foundation.

Ms. Wee has been able to accomplish all of her successes as a humanitarian, entrepreneur, mother and grandmother despite having been blinded after having a brain tumor operation 17 years ago.

Madam Speaker, I am proud to recognize Ms. Rosalind Wee for her outstanding contributions to her community and the world at large. She serves as an inspiration to all of us and demonstrates that the only limitations to our goals are those we choose to accept.

A PROCLAMATION HONORING  
LYDIA STOCKERT FOR WINNING  
THE GIRLS' DIVISION IV STATE  
SOFTBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Lydia Stockert showed hard work and dedication to the sport of softball; and

Whereas, Lydia Stockert was a supportive team player; and

Whereas, Lydia Stockert always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Lydia Stockert on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

ADMINISTRATION ONCE AGAIN  
SIDELINES HUMAN RIGHTS

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. WOLF. Madam Speaker, I again rise to express my deep disappointment with the

Obama administration's sidelining of human rights in U.S. foreign policy.

I submit for the RECORD an op-ed from today's Washington Post aptly titled "A Cold Shoulder to Liberty." Columnist Michael Gerson writes of the administration's snub of the Dalai Lama on his upcoming visit to the nation's capital.

Two years ago, the Dalai Lama received the Congressional Gold Medal in the rotunda of the U.S. Capitol. President Bush personally presented it to him. I was there for the occasion where this man of peace and dignity was honored for his life's work in promoting basic rights for his people.

Next month, the Dalai Lama will again visit Washington, but this time he will be denied a visit with President Obama lest it ruffle feathers in Beijing in the lead up to the President's visit there in November.

I am reminded of another administration which declined to meet with a dissident for fear of souring an upcoming meeting. It was 1975, and Aleksandr Solzhenitsyn was set to visit Washington. Henry Kissinger led the charge in refusing him a meeting with President Ford, who was worried about upsetting Soviet leader Brezhnev prior to the upcoming summit.

Contrast this approach with President Reagan's 1988 speech in defense of religious liberty at the ancient Danilov Monastery in Russia. In his remarks he had the courage to invoke a quote by Solzhenitsyn about the faith of the people of Russia. In so doing, he respectfully made the point that religious freedom is central to who we are as Americans, and as such our leaders will not be silenced on this score for fear of offending oppressive governments.

I believe that history shows this administration could learn from that approach.

Sadly, the White House's treatment of the Dalai Lama is not an isolated incident. Gerson notes, "... rebuffing the Dalai Lama is part of a pattern. Secretary of State Hillary Clinton has argued that pressing China on human rights 'can't interfere with the global economic crisis, the global climate change crisis and the security crisis ...'"

But this begs the question, what of the human rights crisis in China?

Just yesterday, the Associated Press reported that "China has closed Tibet to foreign tourists and deployed soldiers armed with machine guns in the streets of Beijing—part of a raft of stringent security measures ahead of the 60th anniversary of communist rule. Even kite-flying has been banned in the capital."

This is the government we are trying to curry favor with? I'd prefer to find common cause and solidarity with the people of Tibet, with the persecuted house church and Catholic bishops, with the repressed Falun Gong.

The administration's approach in China has been mirrored elsewhere at the expense of oppressed people the world over.

Gerson continues, "Overtures to repressive governments in Iran, Cuba, North Korea, Venezuela, Syria and Egypt have generally ignored the struggles of dissidents and prisoners in those nations. So far, the Obama era is hardly a high point of human rights solidarity."

It seems we could also add Burma to that list. Today's Post reports that "For the first

time in nine years, the United States allowed Burma's foreign minister to come to Washington, a sign of softening U.S. policy toward the military junta that has run that Asian nation for nearly five decades."

The Post notes, "Under the 2003 Burmese Freedom and Democracy Act, the White House needs to approve a waiver to allow Burmese officials who are attending the U.N. General Assembly to travel more than 25 miles outside of New York."

On the reported eve of the administration's much anticipated release of a Burma policy review, the waiving of this sanction for a major general in the Burmese Army, to essentially sight-see in Washington, sends the wrong message.

Earlier this week, the Post featured an article with the headline, "U.S. Faces Doubts About Leadership on Human Rights," which reported, "as the U.N. General Assembly gets underway this week, human rights activists and political analysts say the new approach has undercut U.S. leadership on human rights issues."

I submit for the RECORD the entire article, which offers a grim but accurate assessment of this failed approach.

Martin Luther King Jr. famously said, "In the end, we will remember not the words of our enemies, but the silence of our friends."

Are we not friends of the persecuted Coptic Christian in Egypt? Are we not friends of the North Koreans enslaved in the gulag? Are we not friends of the repressed Cuban or Iranian democracy activist?

The answer to all of these questions is a resounding yes, which makes this administration's deliberate sidelining of human rights that much more devastating.

[From the Washington Post, Sept. 23, 2009]

A COLD SHOULDER TO LIBERTY

(By Michael Gerson)

Two Octobers ago, the Dalai Lama received the Congressional Gold Medal, one of America's highest civilian honors, in the rotunda of the U.S. Capitol. Speaker Nancy Pelosi talked of a "special relationship between His Holiness the Dalai Lama and the United States." Said Sen. Mitch McConnell: "We have reached out in solidarity to the Dalai Lama and the Tibetan people, and the Chinese government needs to know that we will continue to do so." President George W. Bush urged Chinese leaders "to welcome the Dalai Lama to China. They will find this good man to be a man of peace and reconciliation."

This October, on a scheduled visit to the United States, the Dalai Lama will not be welcomed at the White House. Obama adviser Valerie Jarrett was recently dispatched to Dharamsala—the Dalai Lama's place of exile in northern India—to gently deliver the message. The Tibetans took the news, as usual, nonviolently. "A lot of nations are adopting a policy of appeasement" toward China, observed Samdhong Rinpoche, prime minister of Tibet's government in exile. "I understand why Obama is not meeting with the Dalai Lama before his Chinese trip. It is common sense. Obama should not irritate the Chinese leadership."

The Obama administration has its diplomatic reasons. Since the uprisings of 2008, the Chinese government has been particularly sensitive on the topic of Tibet. Chinese President Hu Jintao is a guest in the United

States this week. And administration officials hint that Obama will eventually meet with the Dalai Lama after the president's own visit to China in November.

Yet between the gold medal and the cold shoulder, a large diplomatic signal is being sent.

It is not that Obama is completely unwilling to anger the Chinese. This month he imposed a 35 percent tariff on tire imports from China, leading to talk of a trade war. The head of the United Steelworkers said the president was willing to "put himself in the line of fire for the jobs of U.S. workers." But Obama is clearly less willing to put himself in the diplomatic line of fire for other, less tangibly political reasons.

In great-power politics, morality often gets its hair mussed. Every president needs room for diplomatic maneuvering. But rebuffing the Dalai Lama is part of a pattern. Secretary of State Hillary Clinton has argued that pressing China on human rights "can't interfere with the global economic crisis, the global climate change crisis and the security crisis"—a statement that left Amnesty International "shocked and extremely disappointed." Support for Iranian democrats has been hesitant. Overtures to repressive governments in Iran, Cuba, North Korea, Venezuela, Syria and Egypt have generally ignored the struggles of dissidents and prisoners in those nations. So far, the Obama era is hardly a high point of human rights solidarity.

Those who donate to Amnesty International and put "Free Tibet" stickers on their Volvos often assume these commitments are served by supporting liberal politicians. But it really depends. On human rights, modern liberalism is a house divided. In a recent, brilliant essay in the *New Republic*, Richard Just describes the "contradictory impulses of liberal foreign policy: the opposition to imperialism and the devotion to human rights. If liberals view anti-imperialism as their primary philosophical commitment, then they will be reluctant to meddle in the affairs of other countries, even when they are ruled by authoritarian governments . . . that abuse their own people. But if liberalism's primary commitment is to human rights, then liberals will be willing to judge, to oppose, and even to undermine such governments."

During the Cold War, Just argues, these impulses were united in opposition to pro-American despots such as Chile's Augusto Pinochet. "But history does not always present such convenient circumstances; and since the end of the Cold War, every time the United States has undertaken a humanitarian intervention—or, as in Afghanistan and Iraq, interventions with humanitarian implications—this fundamental split has, in one form or another, returned to the center of the liberal debate."

This split is now evident within the Obama administration. It includes some very principled, liberal defenders of human rights such as U.N. Ambassador Susan Rice and National Security Council staffer Samantha Power. But it seems dominated, for the moment, by those who consider the human rights enterprise as morally arrogant and an obstacle to mature diplomacy.

Which raises the question: What is left of foreign policy liberalism when a belief in liberty is removed?

[From the Washington Post, Sept. 22, 2009]

U.S. FACES DOUBTS ABOUT LEADERSHIP ON HUMAN RIGHTS

(By Colum Lynch)

UNITED NATIONS.—From the beginning, the Obama administration has unabashedly em-

braced the United Nations, pursuing a diplomatic strategy that reflects a belief that the world's sole superpower can no longer afford to go it alone. But, as the U.N. General Assembly gets underway this week, human rights activists and political analysts say the new approach has undercut U.S. leadership on human rights issues.

Rights advocates have been frustrated by several episodes. They say U.S. diplomats have sent mixed messages about their intention to reward—or punish—the Sudanese government for its alleged role in genocide in Darfur. The United States rejected a U.N. proposal to compel Israel and Hamas to conduct credible investigations into war crimes in the Gaza Strip. And the administration has pursued a low-profile approach to Sri Lanka, where a military offensive against rebels is believed to have killed thousands of civilians.

The administration continues to assert that "the United States is not going to preach its values and not going to impose its values," said Kenneth Roth, executive director of Human Rights Watch. "The problem is they are not American values—they are international values."

U.S. officials assert they have shown leadership on human rights, citing the administration's decision to weigh prosecutions of CIA interrogators. They note that the administration joined the U.N. Human Rights Council, reversing the Bush administration's policy of shunning the troubled rights agency in the hopes of reforming it. A U.S. vote on the Security Council in June was crucial in ensuring continued U.N. scrutiny of Sudan's rights record.

#### BEING A TEAM PLAYER

But U.S. officials say that American credibility also lies in their willingness to be team players. In the past several months, the United States has pledged to sign U.N. arms control and human rights treaties, and has committed to sending U.S. officers to far-flung U.N. peacekeeping missions. Susan E. Rice, the U.S. ambassador to the United Nations, says cooperation with the global organization is essential for coordinating international efforts to combat terrorism, scrap nuclear weapons arsenals and fight pandemics.

"No single country, even one as powerful as our own, can deal with these challenges in isolation," Rice said. "We are fundamentally living in an era when our security and our well-being are very much linked to the security and well-being of people elsewhere. That's a simple recognition of reality."

John R. Bolton, one of the U.S. ambassadors to the United Nations under President George W. Bush, said the Obama administration's strategy at the United Nations resembles a religious "act of faith." He questioned the wisdom of empowering the organization.

The United Nations' contribution to the "great questions of our time"—counterterrorism and nonproliferation—have been only "marginally effective," Bolton said.

He also has criticized U.S. support for the Human Rights Council, a body that "spends its time attacking Israel and the United States."

In April, the council, based in Geneva, called for an investigation into alleged abuses during the war in Gaza last winter. Richard Goldstone, a South African judge who headed the probe, insisted on expanding the investigation to examine abuses by Hamas and other Palestinian militants. His report accused both sides of committing war crimes and called on the Security Council to compel Israel and Hamas to conduct credible investigations.

Human rights advocates urged the United States to back Goldstone, saying it would show that the United States is willing to hold even its closest ally to account for abuses. But Rice rejected his recommendations, saying the "weight of the report is something like 85 percent oriented towards very specific and harsh condemnation and conclusions related to Israel. . . . In that regard it remains unbalanced, although obviously less so than it might have been."

#### TROUBLED ABOUT DARFUR

Jerry Fowler, executive director of the Save Darfur Coalition, said the administration's approach to Darfur has been troubling. In recent months, Obama's special envoy, retired Air Force Maj. Gen. J. Scott Gration, has pursued a more conciliatory approach toward Sudan, saying that genocide was no longer taking place in Darfur and that it was time to ease some sanctions.

"We have been pushing consistently for a balance of incentives and pressures, and so far we haven't really seen that balance," Fowler said. "Publicly, there has been more of an emphasis on incentives."

Rice said Gration's "vitally important" efforts to pursue a political settlement to crises in Sudan should not be interpreted to mean "that we are any less concerned" about Sudan's commission of atrocities "or that we are prepared to wield carrots in advance of concerted and very significant steps on the ground. That's not the policy of the United States."

#### SILENCE ON SRI LANKA?

The other major concern of human rights advocates monitoring developments at the United Nations is Sri Lanka.

When the government launched its final offensive this year against the country's Liberation Tigers of Tamil Eelam (LTTE), it was Mexico and Austria that first raised the alarm in the Security Council. France and Britain sent their foreign ministers to the Sri Lankan capital, Colombo, to press the government to show restraint.

The United States supported those efforts to draw attention to the crisis in the Security Council, which China and Russia opposed. It backed a compromise that allowed for discussion on the Sri Lanka conflict in the U.N. basement.

"The U.S. government remained relatively silent on the Sri Lankan crisis, especially in the early stages of the fighting," said Fabienne Hara, vice president for multilateral affairs at the International Crisis Group. Its response to Sri Lanka "did not seem to match the commitment to preventing mass human rights abuses stated during the presidential campaign," she said.

Rice challenged that assessment, saying "my perception is that we spoke out very forcefully." She said that the United States had a strong ambassador on the ground in Sri Lanka, conveying American concerns, and that the assistant secretary of state for refugees traveled there to conduct an assessment mission. Secretary of State Hillary Rodham Clinton, Rice said, had been personally focused on the issue.

"I think that is an instance where our stand was clear, consistent and principled," she said.

A PROCLAMATION HONORING  
KYRA TUCKER FOR WINNING  
THE GIRLS' DIVISION IV STATE  
SOFTBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Kyra Tucker showed hard work and dedication to the sport of softball; and

Whereas, Kyra Tucker was a supportive team player; and

Whereas, Kyra Tucker always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Kyra Tucker on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

HONORING ENVIRONMENTAL  
TECTONICS CORPORATION

**HON. PATRICK J. MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to congratulate and to honor Environmental Tectonics Corporation on their 40th anniversary. Through innovation and determination, ETC continues to help our local economy grow and prosper, with new jobs, despite the tough economic times.

ETC has been a leader in simulation technologies, from creating entertaining simulation safari rides for amusement parks, to their state of the art aerospace training simulators. Their simulators have prepared civilian and military personnel for real life emergency situations, while keeping our heroes out of harm's way. They have saved countless lives by using the most technologically advanced training systems available anywhere in the world.

Starting with their partnership with United States Navy in 1971 creating rapid high-altitude decompression chambers and eventually evolving into the leading provider of aerospace simulation training, ETC is a world leader and today I am honored to recognize them on 40 years of exemplary work.

Madam Speaker, ETC has provided training to make the world a safer place and created jobs to spur the local economy. They are a welcome example of a civic minded corporation, dedicated to our national security. I highly value their commitment to our community, and I am proud to work with them as they develop cutting-edge technology to serve our nations best and brightest.

HONORING SCOTT HAMILTON

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mrs. BLACKBURN. Madam Speaker, I rise today to ask my colleagues to join me in honoring world recognized, figure skating star and cancer prevention activist, Scott Hamilton, as he receives the Excellence in Cancer Awareness Award from the Congressional Families Cancer Prevention Program today in Washington.

At the age of 13, Scott began training with former Olympic Gold Medal Winner, Pierre Brunet, and was only able to continue his training because an anonymous couple volunteered their financial sponsorship. By 1980, Scott was taking the ice skating world by storm.

Over the years, Scott has claimed over 70 titles to include: national and world skating champion, 1984 Olympic Gold Medalist, professional ice skater, Emmy nominee, best-selling author, actor, and television commentator. A member of the United States Olympic Hall of Fame and a member of the World Figure Skating Hall of Fame, he was the first solo male to receive the Jacques Favart Award from the International Skating Union, and also the first figure skater to ever be inducted into Madison Square Garden's Walk of Fame.

Scott has accomplished many notable achievements in his skating career, yet he has also overcome significant challenges. Scott courageously battled and survived testicular cancer in 1997, and he is successfully recovering from his 2004 diagnosis of a benign pituitary brain tumor.

Scott is the official spokesperson for Target House at St. Children Hospital in Memphis and is very involved in the Scott Hamilton C.A.R.E.S., Cancer Alliance for Research, Education and Survivorship, Initiative at the Cleveland Clinic Taussig Center. He promotes his informative and educational website, [www.chemocare.com](http://www.chemocare.com), and he also serves on the board of directors for the Special Olympics. In his leisure time, Scott can be found on the golf course or spending time with his wife and two sons, Aidan, age five, and Maxx, age one, at their home in Nashville.

Madam Speaker, Scott is a true testament to determination and the human spirit, and I ask my colleagues to join me in recognizing his life-time of achievements and notable contributions to cancer prevention.

A PROCLAMATION HONORING TIF-  
FANY HERBERT FOR WINNING  
THE GIRLS' DIVISION IV STATE  
SOFTBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Tiffany Herbert showed hard work and dedication to the sport of softball; and

Whereas, Tiffany Herbert was a supportive team player; and

Whereas, Tiffany Herbert always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Tiffany Herbert on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

UNITED NATIONS' GOLDSTONE  
REPORT ON ISRAEL

**HON. TODD TIAHRT**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. TIAHRT. Madam Speaker, in April 2009 the United Nations (UN) set upon an "investigation" and "fact-finding" mission into the recent Israel-Gaza border conflict and released a report on findings on September 15th. Although the facts clearly showed that the terrorist Hamas government in Gaza had launched thousands of rockets on Israel prior to any Israeli response, the UN Goldstone Mission came to a surprising conclusion. It found "violations of international human rights law . . . by the occupying power, Israel." This outrageous conclusion was predetermined by the originating mandate's anti-Israel bias.

After lasting six months and producing a 575-page report, the Goldstone Mission apparently had no interest in fairness or engaging in a real investigation. This "fact-finding" mission was nothing more than a charade that demonizes a nation for protecting its own citizens, all the while protecting terrorist organizations and damaging any chance of true peace in the Middle East. The Goldstone Report is just another example of the UNHRC's dismal track record.

The Goldstone Report is the epitome of what is wrong with the United Nations in general and the United Nations Human Rights Council (UNHRC) in particular. Dominated by anti-democratic, anti-Semitic nations opposed to any semblance of human rights, the UNHRC has proven itself to be lacking objectivity and interest in truth or advancing the real cause of human rights.

My central concern with the Goldstone Report is the lack of recognition of Israel's right to defend itself against attacks from the internationally-recognized terrorist organization, Hamas, which currently controls Gaza. Despite video documentation, the report alleges no conclusive evidence of Hamas's extraordinary use of civilians and civilian infrastructure for military purposes, and accuses Israel of war crimes. The Goldstone Report shamefully accuses the victims with little mention of the aggressors. It even leaves open the possibility of Israel's prosecution at the International Criminal Court for simply protecting its citizens.

No nation can sit idly by while its people are killed, its children are traumatized, and the daily life of its citizens is severely disrupted by terrorism. Ask yourself, would America tolerate 10,000 rockets being launched against our

homeland? No, we would protect our people. Israel has the same responsibility to protect its people as it did in Gaza. To suggest otherwise is a failure to accept the facts.

Americans look forward to peace in Israel and the Middle East; but until Hamas and its terrorist allies relinquish their arms, renounce violence, and acknowledge the right of Israel to exist, the hope for peace can not be realized. Israel can not do it singlehandedly. The UN must recognize Hamas for what it is—a terrorist organization that prevents peace in the Middle East. The Goldstone Report, by rejecting truth and objectivity, brings us no closer to that ultimate goal. It is a disgrace and should be viewed as such by the international community.

#### HONORING ELAN CORPORATION

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SESTAK. Madam Speaker, I rise to honor the Elan Corporation which this year will celebrate four decades of extraordinary work dedicated to advancing neuroscience, developing disease-modifying treatments that are defining the future of therapy for degenerative neurological conditions, and playing a significant role in the drug delivery and technology field.

On September 21 the world marked World Alzheimer's Day 2009. It is therefore fitting to acknowledge Elan Corporation's research, development, and commercial activities for neurodegenerative diseases including Alzheimer's. An estimated 5 million Americans have Alzheimer's disease, including one in eight Americans over 65 and nearly half of Americans over 85. A new Alzheimer patient is diagnosed every 71 seconds and 1 in 10 Americans have a family member living with the disease. In Pennsylvania, more than 500,000 individuals suffer from Alzheimer's and there are nearly 431,000 family caregivers. Elan's work in this area has the potential to dramatically improve the quality of life for those afflicted with that terrible disease as well as the tens of millions of caregivers the world over, who struggle with the physical and emotional burden of seeing their loved one grow more distant and disabled each day throughout the course of a very lengthy affliction.

The dedicated team at Elan also is working to overcome a host of other devastating and debilitating challenges including Parkinson's disease, multiple sclerosis, Crohn's disease, and severe chronic pain. The commitment of this corporation to defeating so many destructive conditions affecting the human brain is impressive. As our nation continues to discuss the future of health care, it is vital to remember that the development of therapies that will free millions of minds from the shackles of neurologic impairment offers incalculable value to our collective well-being, our economy and could inspire us to tackle even greater challenges in science, medicine, engineering and other vital aspects of life.

I am proud that King of Prussia, Pennsylvania is home to an office of the Elan Cor-

poration. The exceptional employees of that office are actively contributing to Pennsylvania's reputation as a center of innovation in the life sciences. From King of Prussia, PA, leading edge pharmaceuticals are enhancing the lives of millions of patients worldwide.

I join all of the residents of the Seventh Congressional District of Pennsylvania in wishing the 1,500 employees of the Elan Corporation four times forty more years of successful research, development and delivery of life changing pharmaceuticals to patients throughout the world. That you "view the human brain as the last great frontier in scientific research and therapy development with no greater challenge and no greater opportunity to make a meaningful difference in patients' lives" is noble and appreciated.

#### A PROCLAMATION HONORING SARAH RIGGS FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Sarah Riggs showed hard work and dedication to the sport of softball; and

Whereas, Sarah Riggs was a supportive team player; and

Whereas, Sarah Riggs always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Sarah Riggs on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

#### RECOGNIZING ENVIRONMENTAL TECTONIC CORPORATION'S 40TH ANNIVERSARY

### HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize a very special company located in my district in Southampton, Bucks County, Pennsylvania. This Saturday, September 26, 2009, Environmental Tectonics Corporation will celebrate its 40th anniversary of producing world-class technology for a variety of markets.

I am proud to say that Environmental Tectonics Corporation, ETC, is located in my congressional district in Southampton, Bucks County, Pennsylvania. They employ more than 260 employees and subcontract with dozens of local suppliers throughout Pennsylvania creating hundreds of jobs and generating millions of dollars annually in local economic development.

On Monday, February 2nd, ETC announced a \$20 million contract with the United States

Navy for the manufacture of a next-generation, motion-based research device that will improve the health and safety of pilots. ETC estimates that the contract will generate three hundred jobs in our region.

Founded in 1969, ETC is a cutting-edge, high technology manufacturing and integration company that services the requirements of a broad base of customers. As one of the most important innovative manufacturers in Bucks County, ETC remains a driving force of our economy and is at the forefront of technology manufacturing. ETC provides high-paying jobs to local employees in the areas of manufacturing, engineering, software development and other high-tech careers. ETC has partnered with local technical and engineering institutions of higher learning to provide hands-on training for local students pursuing careers in the science, technology and manufacturing fields. ETC's NASTAR Center is truly a global leader in preparing for the next generation of sub-orbital space flight guaranteeing local economic development for decades. It gives me a tremendous sense of pride that in the future the departure desk for space will be in my home district.

On September 26th, the ETC family will gather to celebrate its past success and prepare for a future of remarkable achievement. Madam Speaker, I want to congratulate the entire ETC team on their past and continued success and I look forward to representing them in our nation's Capitol for years to come.

#### A PROCLAMATION HONORING NATALIE GAUSE FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Natalie Gause showed hard work and dedication to the sport of softball; and Whereas, Natalie Gause was a supportive team player; and

Whereas, Natalie Gause always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Natalie Gause on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

#### TRIBUTE TO MR. JOSEPH A. WASSERMAN

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. UPTON. Madam Speaker, I rise today to pay special tribute to Mr. Joseph A. Wasserman of southwest Michigan. After

nearly four decades in health administration, Mr. Wasserman will be retiring as the president and CEO of Lakeland HealthCare.

A man of the Midwest, Joseph was born in Lima, Ohio. He went on to receive his bachelor's degree in business administration from the University of Toledo and his master's in health administration from the University of Michigan. Joseph was named the president and CEO of Lakeland HealthCare in 1984 and has served in his position with distinction and honor.

Throughout his career as president and CEO, Joseph Wasserman has played a vital role in the success of Lakeland HealthCare. He managed the merger of four hospitals in the system, including the consolidation of the organizational structure to enhance the quality and value of services for southwest Michigan residents. Joseph introduced key services and technology to provide a continuum of care in areas such as oncology, outpatient services, long-term care, and home care. He led the healthcare industry in the area of evidence-based design by creating spaces that promote healing. He also launched an innovative five-star service program to create a service-minded, patient-centered culture. These impressive achievements earned Joseph such honors as the 2009 Health Care Weekly Review Excellent Administrator of the Year Award and the 2008 MHA Meritorious Service Award, and earned Lakeland HealthCare the Gold Seal of Approval for Primary Stroke Centers from the Joint Commission and the 2008 VHA Leadership Award for Clinical Excellence.

Throughout his nearly four decades in healthcare administration, Joseph Wasserman's leadership skills, compassion, and commitment to outstanding service have made him an asset not only to Lakeland HealthCare, but to the entire State of Michigan. As Mr. Wasserman prepares for his retirement this September, he leaves a legacy that will benefit the community for generations to come.

**A PROCLAMATION HONORING LISA REIFENSCHNEIDER FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Lisa Reifenschneider showed hard work and dedication to the sport of softball; and

Whereas, Lisa Reifenschneider was a supportive coach; and

Whereas, Lisa Reifenschneider always displayed sportsmanship on and off the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Lisa Reifenschneider on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

**HONORING MAYOR JOSEPH DIGIROLAMO**

**HON. PATRICK J. MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Mayor Joseph DiGirolamo as a 2009 recipient of the Bensalem Outreach Center Community Service Award.

Serving his community of Bensalem as its Mayor for nearly fifteen years, Joe DiGirolamo embodies what it means to be a public servant. Since being elected as Mayor in 1994, he has brought countless community improvements to Bensalem, including new state-of-the-art parks, transportation system upgrades, reduced real estate taxes, and infrastructure improvements.

Mr. DiGirolamo has also helped to ensure a brighter future for his community's youth through his efforts with programs like "Kids at Work" and by founding the Joseph DiGirolamo Scholarship Foundation.

As a former farmer, he understands the importance of responsible land management and respect for the environment. He has demonstrated this by maintaining a policy of preserving open space and the natural beauty of Bensalem.

Mr. DiGirolamo is also a family man in every sense of the word. He has been married to his wife Mary for 53 years, and is the proud grandfather of seven and great-grandfather of three.

It's been an honor to work with the Mayor over the past three years, but an even greater honor to be able to call him a friend.

Madam Speaker, I am proud to recognize Mayor Joseph DiGirolamo for his outstanding commitment to public service, his community, and his country. I am honored to serve as his Congressman.

**A PROCLAMATION HONORING NICKI CREGAN FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Nicki Cregan showed hard work and dedication to the sport of softball; and

Whereas, Nicki Cregan was a supportive team player; and

Whereas, Nicki Cregan always displayed sportsmanship on and off the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Nicki Cregan on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

**PERSONAL EXPLANATION**

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. GRIJALVA. Madam Speaker, on September 22, 2009, I was unavoidably detained and was unable to be present for the recorded votes. Had I been present, I would have voted "yea" on rollcall #720, "yea" on rollcall #721, and "yea" on rollcall #722.

**HONORING ALBERT A. GRENIER AND HIS CONTRIBUTIONS TO THE BALTIMORE FIRE DEPARTMENT**

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. COURTNEY. Madam Speaker, I rise today to honor the service and dedication of a man who has been a pillar in his community for more than half a century. For the past 50 years, Albert A. Grenier has dedicated much of his personal time to the Baltic Fire Department and the residents of Baltic, Connecticut. This year marks his 50th year as a volunteer firefighter for the department, and I am honored to offer my sincere thanks and gratitude for his many years of service.

Albert Grenier joined the Baltic Fire Department as a volunteer firefighter in 1959 where he put his life on the line regularly to protect his community and the families of Sprague, Connecticut. During his many years as a volunteer firefighter, Grenier also worked for the Connecticut Department of Transportation. As a member of the Baltic Fire Department, Albert embraced several leadership roles recruiting new volunteers, maintaining the department's facilities, and competing on the department's recreational Water Team. Most notably, he was a key player in establishing the Emergency Squad in 1961, which acted as a foundation for the Emergency Medical Services (EMS) teams we see in use today.

While always a public servant, perhaps the most important role Albert has played is that of husband, father and grandfather. For the past 57 years, Albert has been happily married to his wife Rita Fortin, with whom he raised three children. Albert and Rita have been blessed with five grandchildren and eight great grandchildren.

Madam Speaker, our communities are safe because of dedicated volunteers like Albert Grenier. We are grateful for his extraordinary contribution to our region and look forward to his continued efforts in the years to come. I ask my colleagues to join me and the residents of Baltic in recognizing his decades of service.



**A PROCLAMATION HONORING KYLIE FLICKINGER FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP.**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Kylie Flickinger showed hard work and dedication to the sport of softball; and

Whereas, Kylie Flickinger was a supportive team player; and

Whereas, Kylie Flickinger always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Kylie Flickinger on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

**TRIBUTE TO BOB FENNER**

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. BACA. Madam Speaker, I would like to bring to your attention today the many outstanding achievements of Bob Fenner, a businessman, community leader and 2003–04 past President of the Carlsbad Hi-Noon Rotary Club.

Bob has contributed enormously and made a tremendous difference to the Carlsbad Hi-Noon Rotary Club, the citizens of Carlsbad, and the mission of Rotary International.

Mr. Fenner's accomplishments are many and varied. Under his leadership, the Carlsbad Hi-Noon Rotary Club has supported the Worldwide Polio Eradication Program, a program designed to eradicate polio worldwide. Mr. Fenner has also sponsored a Youth Exchange Summer Camp, a program that fosters international understanding along with supporting RYLA, a Rotary Youth Leadership Conference, which helps to instill values and train high school students. Mr. Fenner was also instrumental in further enhancing international relations by directing the efforts of Hi-Noon Rotarians to support Project Mercy.

Mr. Fenner's leadership has also made an extraordinary difference to others in need of a helping hand. With the assistance of Carlsbad Hi-Noon Rotary volunteers, the Christmas Bureau Distribution Program delivered food, clothing, and other gifts to over 3,400 needy individuals.

There are many other contributions that the Carlsbad Hi-Noon Rotary Club has achieved during Mr. Fenner's Rotary service, including sponsoring a Christmas dinner party and gifts for elementary school students in need. He also provided financial support and volunteers to the Boys and Girls Club of Carlsbad while supporting the La Posada Carlsbad Homeless

Shelter by contributing food, clothing, blankets and other items to the needy.

Mr. Fenner also serves on the Board of The Hospice of the North Coast, and has hosted six foreign students, contributing to a better understanding of our culture and the cultures of other countries.

Madam Speaker I hope you will join me in recognizing the many fine achievements of Bob Fenner. Without question, his leadership and contributions to Rotary, and his community are worthy of recognition.

**A PROCLAMATION HONORING SARAH AMISTADI FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Sarah Amistadi showed hard work and dedication to the sport of softball; and

Whereas, Sarah Amistadi was a supportive team player; and

Whereas, Sarah Amistadi always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Sarah Amistadi on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

**SENATE COMMITTEE MEETINGS**

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 24, 2009 may be found in the Daily Digest of today's RECORD.

**MEETINGS SCHEDULED**

**SEPTEMBER 29**

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider the nominations of Richard Serino, of Massa-

chusetts, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security, and Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

S-216, Capitol

9:30 a.m.

Environment and Public Works

Children's Health Subcommittee

To hold hearings to examine promoting and improving children's health protections.

SD-406

Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine comprehensive immigration reform, focusing on faith-based perspectives.

SD-226

10 a.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine improving transparency and accessibility of federal contracting databases.

SD-342

Banking, Housing, and Urban Affairs

To hold hearings to examine strengthening and streamlining Prudential Bank supervision.

SD-538

10:30 a.m.

Appropriations

Financial Services and General Government Subcommittee

To resume hearings to examine the use, impact, and accomplishments of Federal appropriations provided to improve the education of children in the District of Columbia.

SD-192

Commission on Security and Cooperation in Europe

To hold hearings to examine the Western Balkans, focusing on policy responses to today's challenges, including current United States and the European Union efforts to maintain stability in the Western Balkans and prepare the countries of the region for European and Euro-Atlantic integration.

SVC-212/210

11 a.m.

Small Business and Entrepreneurship

To hold hearings to examine reform, focusing on health care solutions for America's small businesses.

SD-562

2:30 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine body building products and hidden steroids, focusing on enforcement barriers.

SD-226

**SEPTEMBER 30**

9:30 a.m.

Veterans' Affairs

To hold hearings to examine Veterans Affairs contracts for health services.

SR-418

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Bartholomew Chilton, of Maryland, Jill Sommers, of Kansas, and Scott D. O'Malia, of Michigan, all to be a Commissioner of the Commodity Futures Trading Commission, Edward M.

Avalos, of New Mexico, to be Under Secretary for Marketing and Regulatory Programs, Edward M. Avalos, and Harris D. Sherman, of California, to be Under Secretary for Natural Resources and Environment, both to be a Member of the Board of Directors of the Commodity Credit Corporation, both of the Department of Agriculture, and Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration.

SR-328A

## Health, Education, Labor, and Pensions

Business meeting to consider an original bill entitled "Ryan White HIV/AIDS Treatment Extension Act of 2009", and the nominations of Brenda Dann-Messier, of Rhode Island, to be Assistant Secretary for Vocational and Adult Education, and Alexa E. Posny, of Kansas, to be Assistant Secretary for Special Education and Rehabilitative Services, both of the Department of Education, and George H. Cohen, of Virginia, to be Federal Mediation and Conciliation Director, Federal Mediation and Conciliation Service, and any pending nominations.

SD-430

## Homeland Security and Governmental Affairs

To hold hearings to examine 8 years after 9/11, focusing on confronting the terrorist threat to the homeland.

SD-342

## Judiciary

To hold hearings to examine advancing freedom of information in the New Era of Responsibility.

SD-226

## Joint Economic Committee

To hold hearings to examine women and the economy.

210, Cannon Building

11 a.m.

## Aging

To hold hearings to examine how successful health systems keep costs low and quality high.

SD-106

2:30 p.m.

## Judiciary

## Administrative Oversight and the Courts Subcommittee

To hold hearings to examine responding to the growing need for Federal judgeships, focusing on the Federal Judgeship Act of 2009.

SD-226

## Banking, Housing, and Urban Affairs

## Security and International Trade and Finance Subcommittee

To hold hearings to examine international cooperation to modernize financial regulation.

SD-538

3 p.m.

## Homeland Security and Governmental Affairs

## Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine controlled substance abuse in Medicaid.

SD-342

OCTOBER 1

9:45 a.m.

## Energy and Natural Resources

To hold hearings to examine energy and related economic effects of global climate change legislation.

SD-366

2:30 p.m.

## Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of David S. Ferriero, of North Carolina, to be Archivist of the United States, National Archives and Records Administration.

SD-342

## Energy and Natural Resources

## Public Lands and Forests Subcommittee

To hold hearings to examine managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration.

SD-366

OCTOBER 8

9:30 a.m.

## Veterans' Affairs

To hold hearings to examine the Department of Defense and Veterans' Affairs response to certain military exposures.

SD-562

OCTOBER 21

9:30 a.m.

## Veterans' Affairs

To hold hearings to examine pending legislation.

SR-418

## HOUSE OF REPRESENTATIVES—Thursday, September 24, 2009

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: In praying, "Deliver us from evil, Lord," it often seems we are moved by a fear that evil is around us or beyond us, so we call out to You as the One who can distance this strange feeling—this stranger, alien, foreign enemy—even further away from us.

Yet You see what we are unable to see. You understand and continue to love what we are yet unable to accept and so fear.

Rather than take flight from the ground upon which we stand, Lord, Your Spirit alone enables us to go inward. There, without fear, we can admit that evil is so subtle, yet so real, that it hides itself under the cloak of our own self-righteousness.

You alone, Lord, can deliver us from this evil because only true forgiveness can free us from the past. Only after we find forgiveness in ourselves can we look around us and see others like ourselves who can join in the work of reconciliation, creating new ground and inspiring others to place all their trust in You, now and forever.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) come forward and lead the House in the Pledge of Allegiance.

Mrs. DAHLKEMPER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 59. Concurrent resolution supporting the goals and ideals of senior caregiving and affordability.

The message also announced that the Senate has passed an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1035. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 41. Concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama.

The message also announced that pursuant to the provisions of Public Law 99-93, as amended by Public Law 99-151, the Chair, on behalf of the Republican Leader, appoints the Senator from Idaho (Mr. RISCH) as a member of the United States Senate Caucus on International Narcotics Control.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

### VIOLENCE AGAINST WOMEN ACT

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, last week, we marked the 15th anniversary of a critical piece of legislation, the Violence Against Women Act.

This bill was a landmark achievement, and it has led to major strides in keeping American women more secure and in ensuring that victims of violence receive the services they need. By cracking down on crimes like stalking, sexual assault and domestic abuse, with tougher sentences for perpetrators and with more support for victims, the Violence Against Women Act has made our country a safer place to live.

As a husband and the father of a wonderful daughter, I am committed to continuing the programs established by this critical legislation—for my family and for all of the families in south Florida.

Much has been accomplished in the last 15 years, but violent crimes against women are still far too common. On this anniversary, we must all rededicate ourselves to better protecting America's women from vio-

lence and to supporting survivors of these crimes.

### RESIGNATION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. PASTOR of Arizona) laid before the House the following resignation as a member of the Committee on Standards of Official Conduct:

WASHINGTON, DC,  
September 22, 2009.

Hon. NANCY PELOSI,  
Speaker, House of Representatives, H-232, The Capitol, Washington, DC.

Dear Madam Speaker: Effective Thursday, September 24, 2009, I will be resigning from my position on the Committee on Standards of Official Conduct. Please contact me if you have any additional questions or concerns.

Sincerely,

J. GRESHAM BARRETT,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

### ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE

Mr. PENCE. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 770

*Resolved*, That the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT—Mr. McCaul.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### \$400,000 IN TAXPAYER MONEY PROPOSED FOR QADDAFI'S CHILDREN

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, yesterday, Libyan dictator Qaddafi spoke to the U.N. for almost 2 hours.

Here on the Hill on the same day, we received a State Department notification proposing \$400,000 in U.S. taxpayer money for the foundations of Qaddafi's son and daughter.

You heard that right.

After the murders of 189 Americans aboard Pan Am flight 103 and after watching the bomber being welcomed home from Scotland, the administration is proposing donating \$200,000 to Saif Qaddafi's Qaddafi Development Foundation. Recall that Qaddafi's son, Saif, organized the "welcome home" ceremony for the Pan Am bomber.

The administration also is proposing donating \$200,000 in taxpayer funds to the Waettasmeno/UNDP foundation, which is run by Qaddafi's daughter, Ayesha. She is also conveniently the head of Libya's UNDP.

This is part of a \$2.5 million grant proposed for Libya by the Obama administration—U.S. funding for an oil-rich OPEC nation which is responsible for U.S. national security problems across Africa.

#### RECOMMIT TO HAVING A ROBUST AMERICAN MANUFACTURING SECTOR

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, a major obstacle to our economic recovery is the continued decline of our manufacturing base. We need a genuine recovery that can generate growth without government bailouts or stimulus programs. The current crisis of overspending and the overconsumption of foreign goods was born out of the neglect of our manufacturing sector.

As recently evidenced by the Chinese tire decision, I am pleased that the administration seems to be serious about enforcing trade laws. This is a positive step. Yet, as the President welcomes the world leaders at the G-20 Summit, I ask him and Members of this body to recommit ourselves to a robust manufacturing sector.

We can do this by supporting programs that will help domestic manufacturing get back on its feet. We also need a new approach on trade to stop the predatory foreign practice dead in their tracks. We must make sure that our factories and jobs stay here at home. Doing so will help us create real wealth, good jobs, tax revenues, and an opportunity for hardworking American families.

□ 1015

#### TWO CLOWNS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the circus parade hit the United Nations

yesterday. Libya's Omar Qaddafi treated everyone to a 100-minute rambling rant. It seems he thinks President Kennedy's assassin, Lee Harvey Oswald, was a spy and working for Israel. He says capitalism is the cause of all the world's problems and the U.N. was founded by terrorist nations like the United States.

The little fella from the desert of Iran, Ahmadinejad, gave a speech that cleared the room. The United States and other diplomats walked out. The tiny tyrant accused Israel of genocide and denies the Holocaust. The dictator praised his own glorious election this summer. You know, that's the one when his government murdered Iranian protestors.

These twin tyrants rant about death, destruction and doom to America and Israel. They preach hate and murder in the name of religion. These two threats to world peace cannot be brushed aside as laughable clowns.

The United States must take their hate speech and intimidation seriously. Our Nation must be prepared to defend America from their arrogant, aggressive threats.

And that's just the way it is.

#### MAKE MAJOR IMPROVEMENTS TO PROVIDE HEALTH CARE

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, in this health care debate, we have called on health insurance companies, health care providers and the Federal Government to make major improvements to how they provide health care. Yet we have not asked the benefactors of these changes to make a contribution to reform. We have not asked anything of the American people.

Successful health care reform must include a robust public policy to encourage personal responsibility and healthy living. Insurance discounts are a straightforward means to encourage healthy living.

Most automobile insurers offer safe driver discounts for responsibility behind the wheel. A healthy living discount can reward healthy behavior and encourage personal responsibility.

I urge my colleagues to adopt H.R. 3472, a bill to create health insurance premium discounts of up to 20 percent for healthy behavior and improvements toward healthy behavior.

It's good public policy to help Americans live well. My bill creates a tangible incentive to live well and live healthy.

#### MISSILE DEFENSE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the recent shift in missile defense strategy weakens both our allies in Eastern Europe and our position with Russia and Iran.

The announcement that we would abandon the ballistic missile defense infrastructure in Poland and the Czech Republic could not have come on a worse date, the 70th anniversary of the Soviet invasion of Poland.

A Polish spokesman called the decision "catastrophic for Poland." Only Russia has expressed satisfaction with the announcement.

This shift in strategy comes as Russia has been increasingly willing to project its power in the region either through military force or by withholding natural gas. This decision undermines every pro-Western politician in Poland and the Czech Republic, our allies. Their careers are ruined.

People are saying you can't trust U.S. commitments. We pleased the Russians with nothing to show in return. Now is not the time to appease. Our actions are seen as weakness and dangerous. It undermines our national security.

#### OUR FUTURE WORKFORCE NEEDS HEALTH INSURANCE

(Ms. LINDA T. SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I rise to urge my colleagues to pass comprehensive health reform, not this decade, not next year but this year.

Our constituents need help now. My constituents have told me that health care costs are beyond their reach. Some can't afford insurance at all and others have been denied coverage or dropped the minute they got sick. These problems plague our entire population, but disproportionately affect Hispanics.

Hispanics have an unbelievable uninsured rate of 31 percent. Our health system must provide essential services to all Americans, including those of Hispanic descent.

Hispanic Americans are the fastest-growing demographic group in this country. They are our future workforce.

Without health care coverage for all Americans, our country's economic future is at risk. Health care reform means having the peace of mind that if something unexpected should happen, an accident or an unexpected illness, people won't fall into economic ruin. Health care coverage for all Americans means a healthier, more productive America.

The time for health care reform is now.

#### UNITED NATIONS

(Mr. PENCE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, following the defeat of tyranny throughout Europe in 1945, and in the ashes of the Holocaust, the United Nations was born. It was formed to create a forum to confront dictators before they rose to global power.

President John F. Kennedy in his inaugural address warned some four decades ago that the United Nations must not become a forum for invective against the West. But as we saw yesterday, with the leader of Libya decrying Israel in terms of "the Israeli demon," as we saw the leader of the discredited regime in Tehran denounce the "barbaric" attacks of the Zionist regime and continue to deny the Holocaust in public forums, we have seen the United Nations become not only a forum for invective against the West but especially a forum for invective against our most cherished ally, Israel.

Today the American people provide 20 percent of the financial support for the United Nations. Today the American people are asking why.

#### HEALTH CARE REFORM AND PRIMARY CARE

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, I rise to address the importance of primary care in comprehensive health care reform. As we find a uniquely American solution for all Americans to have access to affordable, meaningful health coverage, we must remember that insurance coverage alone means little if patients do not have access to health care providers or health care services.

Primary care providers are on the front line of the health care system, treating acute and chronic conditions and keeping costly conditions from worsening. Despite this essential role, it is primary care where we face the most acute shortages. Since 1998 the percentage of internal medicine residents choosing primary care has dropped from 50 percent to 20 percent. By 2025, America will have a shortage of 46,000 primary care providers.

I have championed efforts to bolster our primary care workforce, including new loan-repayment programs and increasing payments for primary care providers, as well as elimination of co-payments for preventive services for seniors and strengthening their ongoing relationship with their doctor.

I am proud that the health care reform bill includes this essential reform. I look forward to action on health care reform that addresses primary care.

#### PLIGHT OF FARMERS AND FARM WORKERS IN CENTRAL CALI- FORNIA

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, over the last few days, thanks to Sean Hannity, millions of people have seen or heard about the plight of farmers and farm workers in central California. In some areas, over 40 percent are unemployed and many thousands are having to stand in food lines so their families can have something to eat.

Farms have dried up because the Federal Government has cut off their water to save a 2-inch minnow elsewhere. This will drive up food costs elsewhere.

What many do not know is that the House voted on this issue twice, on June 18 and again on July 23. On the first vote, 171 Republicans voted for the farmers, 215 Democrats voted for the minnow. On the second vote, 176 Republicans, all but one, voted for the farmers. All but three Democrats voted for the fish.

Unfortunately, neither vote was close. Wealthy environmentalists won. The farmers and farm workers lost.

#### EXTEND UNEMPLOYMENT TO ALL REGIONS

(Mr. PERRIELLO asked and was given permission to address the House for 1 minute.)

Mr. PERRIELLO. Mr. Speaker, the House acted in a bipartisan way this week to address the issue of extending unemployment benefits. It was an important act in this very difficult economic time to reach out to those who through no fault of their own have lost the lifeline to be able to support their own families.

However, with the way that this was done, it was looking at unemployment levels State by State. That meant that even areas of tremendous economic distress in certain States did not benefit from this program.

There are parts in my district in southern Virginia with over 20 percent unemployment, but this act as written will not apply to them. Rural counties with 12 to 18 percent unemployment are not covered.

While this was an important act of bipartisanship to help those who are struggling in this economy, we must do better. We must find a way to make sure that unemployment benefit extensions and other relief efforts are targeted at the areas of greatest economic distress, even if those exist in States that are doing relatively well.

I hope that the areas around the country that are like southern Virginia, small manufacturing towns and farming communities, are not left out of these future efforts. I will continue

to fight to make sure all those that are struggling get relief.

#### OFFSHORE ENERGY

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Mr. Speaker, last year Congress and President Bush announced an end to the decade-long ban on offshore drilling. But the Obama administration stopped progress on meeting our Nation's energy needs by instituting an extended 6-month public comment period.

That period ended Monday, but according to the Secretary of the Interior, Ken Salazar, expanded offshore drilling may not happen until 2012, turning a 6-month delay into a 3-year ban. With the unemployment rate well over 9 percent nationwide and close to 12 percent in South Carolina, it is irresponsible for the administration to ignore the economic benefits that will come with America's energy production.

According to recent reports, drilling in the Outer Continental Shelf could generate \$8 trillion in gross domestic products over the next 30 years, 1.2 million American jobs and \$70 billion in wages annually. In South Carolina alone, offshore exploration could generate up to \$250 million in revenue annually, and would create over 2,000 jobs in the Palmetto State.

Mr. Speaker, we need to be sure that we are able to continue to develop our resources.

#### NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK

(Mr. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Washington. Mr. Speaker, I rise today to recognize the fourth annual National Health Information Technology Week. Health information technology is a critical piece of health care reform.

The cost of our health care system is the main burden. As we look for ways to expand coverage to the millions of Americans who don't have it, getting costs under control is absolutely critical.

Health care information technology is one way to do that. If we can improve the quality of our IT systems and our health care system, we can improve the quality of health care for millions of Americans by getting better information to both doctors and patients more quickly.

Right now the system is woefully behind most other businesses in developing and improving IT. This House took an important step in the stimulus package passed last January by putting \$19 billion towards improving health care information technology.

It's critical that that money is well spent. It is critical that we improve our health IT systems if we are going to improve the quality of our health care system for all Americans.

#### NEW YORK TIMES GIVES MILES OF COVERAGE TO OBAMA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, President Obama and his agenda are in the news so much that media research groups are finding new ways to measure the coverage.

According to the Center For Media and Public Affairs, The New York Times has featured 405 stories about the Obama administration on its front page in the last 8 months. These stories total 120,000 column entries. That equals almost 2 miles of coverage devoted to President Obama and his agenda.

Not surprisingly, the New York Times featured more positive coverage of the President than any other news outlet, according to the Center For Media and Public Affairs. The national media should devote more time and a few more inches to covering the other side of the story.

#### AUTOMOBILE DEALERS WHO WERE FORCED TO CLOSE THEIR DOORS

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, I rise today to voice concern over the thousands of automobile dealers who have been forced to close their doors as the industry is now reshaping. While the national conversation has shifted from the auto industry to health care, we must remember that car dealerships continue to be shuttered and thousands of hardworking Americans continue to lose their jobs.

In my State of North Carolina, 49 Chrysler and General Motors dealerships have closed, along with all of the Pontiac dealers. Thirty Cadillac dealers are slated to close and, unfortunately, the closures are continuing.

One of the dealerships is J.C. Harris Pontiac and Cadillac. This dealership is in my hometown of Wilson, North Carolina. They have been serving the community for more than 40 years. Despite the fact that they lead Cadillac dealerships statewide in sales, service and customer satisfaction, J.C. Harris is being forced to close its doors. Customers from the region will be forced to drive 120 miles round trip for sales and service.

With American taxpayers becoming investors in GM, they should expect better.

□ 1030

#### OFFSHORE DRILLING

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, last week, Interior Secretary Salazar stated that the Obama administration would "move expeditiously" on finalizing a new offshore drilling plan. While I hope this to be true, unfortunately, this administration has proposed one delay after another to block new energy production and new jobs.

In February, the administration stalled new offshore drilling with an extended 6-month comment period. Now we've learned they may wait until 2012 before implementing a new offshore drilling plan. This means the offshore drilling ban that was lifted last year by the President and by the Congress would effectively remain in place for 3 more years. With 10 percent unemployment, Mr. Speaker, Americans can't wait 3 more years to begin producing more energy and millions more jobs.

It's time to lift the de facto ban on new offshore drilling. It's time to act on the Republicans' all-of-the-above energy plan that will create green jobs, drilling jobs, wind and solar jobs, and nuclear jobs.

Let's get America to work producing more energy.

#### THE PROGRESS OF THE ECONOMY

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, today I rise to highlight the progress that our economy has made. When President Obama took office, he faced the greatest economic crisis in a generation: home foreclosures were at a record level, banks were in crisis, and we had just lost 700,000 jobs in January 2009 alone.

Congress took action, and it is starting to work. In just 200 days since the American Recovery and Reinvestment Act was signed into law, 30,000 projects have been approved, including community health center upgrades and transportation improvements; the rate of job loss has declined; the jobs of thousands of police officers, nurses, and teachers have been saved; and 95 percent of working Americans received a tax cut in their paychecks.

Moreover, employers are hiring again, consumer confidence is rising, consumer spending is increasing, and the housing market is turning around.

While we're beginning to see the end of the recession, there's still more work to be done. We must continue to build on the progress we have made in the Recovery Act to further jump-start our economy and build a new foundation for a lasting recovery.

#### NAS ATLANTA

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to honor Naval Air Station Atlanta. Since April of 1959, NAS Atlanta, located close to my home in Marietta, Georgia, has played a critical role in providing for our Nation's defense.

Over the past 50 years, NAS Atlanta has seen its mission change from training, to fleet logistics, to housing Navy Attack Squadrons and Carrier Early Airborne Warning Squadrons. In the 1990s, the Marines joined NAS Atlanta with MAG-42 and Marine Fighter Attack Squadron 142.

Units from NAS Atlanta have been instrumental to our causes in the war on drugs and global war on terror, as well as to the relief efforts following Hurricane Katrina. NAS Atlanta and those who have served there have proven an invaluable asset to the United States.

This Saturday, NAS Atlanta's distinguished history will come to a close as the base will officially become the home of the Georgia National Guard, as mandated by the BRAC round.

To all the personnel who are and have been stationed at NAS Atlanta: thank you for a job well done and for your service to our community. You will be missed.

#### THE STUDENT LOAN BILL AND THE ECONOMY

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, I want to make sure that I take time to promote a bill that I think has been lost in the constant and necessary debate regarding health care reform over the past several months.

While reforming our Nation's health care system is absolutely critical, last week in Congress we passed a bipartisan piece of legislation that will greatly benefit prospective college students of all ages from across the country.

The Student Aid and Fiscal Responsibility Act will transform the way student loan programs operate by boosting Federal loan rates across the board, including a \$40 billion increase in Pell Grant scholarship programs. It will keep interest rates low and make loan application forms simpler to understand and complete, doing away with the cumbersome paperwork that now makes applying for aid a daunting task.

I have 14 colleges and universities in my district. In many cases, these institutions are the main economic engine for the towns and cities in which they



are located. This piece of legislation will benefit all of them as more students can go to college and come to these great towns that provide an economic boost for the surrounding regions.

This legislation will also have a positive impact on our economy's sustainability, as it will save taxpayers \$87 billion over 10 years by switching to the cheaper Direct Loan Program.

I think this piece of legislation is a win-win.

### OCCUPIED TERRITORY

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. President Obama has indicated before that, basically, Israel needs to not be occupying land that was acquired during war. Yesterday, to the U.N. he said that a big part of the goal is this: a viable, independent Palestinian state with contiguous territory that ends the occupation that began in 1967 and realizes the potential of the Palestinian people. Well, he has also indicated this Nation, the United States, will not be hypocritical any longer around the world.

Terrible news this is for California—all of California, Arizona, Utah, Nevada, most of New Mexico, Colorado, and Wyoming, because it means you're about to be given back to Mexico, territory that we acquired in 1848 as a result of a war.

### PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 766 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 766

*Resolved*, That it shall be in order at any time through the legislative day of September 24, 2009, for the Speaker to entertain motions that the house suspend the rules relating to the bill (H.R. 3631) to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during the consideration of the rule is for debate only.

#### GENERAL LEAVE

Ms. MATSUI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of H.R. 3631, the Medicare Premium Fairness Act, under suspension of the rules. It allows this body to consider time-sensitive legislation under an expedited process to shield millions of Medicare beneficiaries from harmful premium increases for the coming year.

Due to the struggles facing our economy today, many seniors will not receive Social Security COLAs this year, even though the Medicare part B premiums will still rise. The Medicare Premium Fairness Act addresses this problem by protecting Medicare beneficiaries from bearing the burden of increased premiums because of an economic downturn largely outside of their control. And it does so without adding to the deficit.

Without today's bill, seniors who are new to the Medicare program will see their monthly premiums jump dramatically. Other part B recipients will shoulder an unfairly large share of cost increases because of the way current law requires part B to be funded. Cash-strapped States will be forced to bear the burden of higher Medicare costs for dual-eligible beneficiaries.

For these reasons, I believe my colleagues will agree with me that inaction is not an option here today. As our country begins to climb back out of one of the largest recessions in recent memory, now is the worst possible moment to saddle our seniors with increased premiums.

Many respected outside groups agree with this statement and have endorsed the Medicare Premium Fairness Act. AARP, the National Committee to Preserve Social Security and Medicare, the Center for Medicare Advocacy, and the Alliance for Retired Americans have all endorsed H.R. 3631.

These groups understand that we're living through a time when rising costs have threatened the health care people in this country have and deserve. This is true for Medicare beneficiaries and non-beneficiaries alike.

For this reason, making health care more affordable for all Americans is our top priority. And protecting and strengthening Medicare is an essential part of this vision. I urge my colleagues to support today's rule and the underlying bill so that beneficiaries can continue to see their doctors; so that they can continue to afford their prescriptions, especially medications; so that they can continue to have money to spend and cycle back through our recovering economy.

By acting quickly and decisively on today's bill, we underscore our commitment to preserve Medicare for mil-

lions of people who have earned the security it represents and who count on the stability and the dignity it provides. In doing so, we will keep our collective promise to stand with America's seniors as they age and to ensure they have the health care they need to live long and fruitful lives.

We must never forget that Medicare is an essential part of our country's social contract. It guarantees that America's seniors will not be forced to fend for themselves when the economy momentarily turns sour or when they get sick or as they age. This is the living legacy of the Medicare program, and it is a legacy we build upon today.

But we do not have much time to act, Mr. Speaker. We must pass this legislation before October 1. This is so that the Social Security Administration can program updated premiums into a system in time to ensure that Medicare premium increases do not hit seniors in their pocketbooks and in their doctors' offices. Speed and bipartisan cooperation are of essence if we are to avoid this problem.

The suspension authority this rule provides will allow the House to move quickly and decisively to move this fix over to the Senate. The sooner we have this bill on the President's desk, the better off millions of Medicare beneficiaries will be. I urge my colleagues to recognize that passing this bill quickly is in the best interest of our constituents, of the Medicare program, and of our country.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I'd like to thank my friend, the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

House Resolution 766 provides that it will be in order at any time on the legislative day of today to consider H.R. 3631, the Medicare Premium Fairness Act. That underlying legislation would freeze the Medicare part B premium for 2010 at the 2009 rate for beneficiaries who, under current law, will see a premium increase, along with an expected freeze in the Social Security cost-of-living adjustment, COLA, for 2010 and 2011. Both of those combined would leave seniors with less income next year if Congress does not act. So I support underlying legislation.

Although I support the underlying legislation that is being brought to the floor under this rule, I have reservations with the process the majority is proposing today. And I'm not the only one who has reservations with that process.

In the past, a senior member of the current majority on the Rules Committee referred to this process as "outside the normal parameters of the way the House should conduct its business. It effectively curtails our rights and responsibilities as serious legislators."

The reason members of the majority previously opposed rules such as this is

because they block Members from offering amendments and the minority from offering a motion to recommit. That, as you know, Mr. Speaker, is a very important procedural vehicle. Yet today, the majority considers this process to be completely legitimate.

So it's interesting how they thought it was wrong when they were in the minority, but once in the majority, it's a fine process.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentlelady and also my colleague from Florida. I rise to support this rule and the underlying bill. The seniors in my district in south Florida are grateful to my friend, Congresswoman TITUS; the chairman of the Ways and Means Committee, Mr. RANGEL; and the Health Subcommittee chairman, Mr. STARK, for acting swiftly to address one of the biggest issues facing our seniors as we speak.

□ 1045

Mr. Speaker, for the first time in 35 years, our seniors face a year without the traditional cost-of-living adjustment, or COLA, as we call it, in their Social Security payments because inflation has not increased. Of course, if you try telling our seniors that inflation isn't a concern, the first thing they are going to do is show you their medical bills and prove you wrong, because a fact that our seniors know is fundamentally they have different expenses than a typical family of four because of their medical expenses.

Currently, the cost for seniors who utilize Medicare part B, services like doctor visits or home oxygen equipment, is around \$96 a month. If we do nothing, if we fail to act today, then premiums could skyrocket to almost \$120 a month for the same services.

During these tough economic times, we cannot ask seniors who face staggering losses in the value of their homes and retirement plans and increased medical costs to make additional sacrifices. That is why the Medicare Premium Fairness Act is so important. This bill will ensure that next year's premiums for all Medicare part B beneficiaries will not increase by a dime.

Earlier this week, this body acted to extend unemployment benefits. Florida will be one of the beneficiaries of that. Giving Americans a hand up during these tough economic times was the right thing to do then, and giving a hand up to our Greatest Generation is without question the right thing to do now.

I urge my colleagues to pass this rule and pass the Medicare Premium Fairness Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have no further

speakers, and I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

The rule before us today allows the House to consider a very important and time-sensitive piece of legislation under suspension of the rules. It will help this body expedite a bill that most of us recognize needs to be passed as quickly as possible. Because there will be no Social Security COLA this year, millions of seniors will see their part B premiums rise with no offsetting bump in Social Security benefits.

Now is not the time to turn our back on people who depend on Medicare for essential health care services. This is particularly true as we continue our drive to make health insurance, including Medicare, more stable, secure, and affordable for everyone in this country. I urge my colleagues to consider the needs of the Medicare-dependent constituents. Vote for the previous question and for the rule, and approve the underlying legislation.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 766 will be followed by a 5-minute vote on motion to suspend the rules on H. Con. Res. 163.

The vote was taken by electronic device, and there were—yeas 235, nays 182, not voting 15, as follows:

[Roll No. 735]

YEAS—235

Abercrombie	Carson (IN)	Engel
Ackerman	Eshoo	
Adler (NJ)	Castor (FL)	Etheridge
Altmire	Chu	Farr
Andrews	Cleaver	Fattah
Arcuri	Clyburn	Filner
Baca	Cohen	Foster
Baldwin	Connolly (VA)	Frank (MA)
Barrow	Cooper	Fudge
Bean	Costa	Giffords
Becerra	Costello	Gonzalez
Berkley	Courtney	Gordon
Berman	Crowley	Gordon (TN)
Berry	Cuellar	Grayson
Bishop (GA)	Cummings	Green, Al
Bishop (NY)	Dahlkemper	Green, Gene
Blumenauer	Davis (AL)	Griffith
Boccieri	Davis (CA)	Grijalva
Boren	Davis (IL)	Gutierrez
Boswell	Davis (TN)	Hall (NY)
Boucher	DeFazio	Halvorson
Boyd	DeGette	Hare
Brady (PA)	DeLauro	Harman
Braley (IA)	Dicks	Hastings (FL)
Brown	Dingell	Heinrich
Brown, Corrine	Doggett	Herseht Sandlin
Butterfield	Donnelly (IN)	Higgins
Capps	Driehaus	Himes
Capuano	Edwards (MD)	Hinchee
Cardoza	Edwards (TX)	Hinojosa
Carnahan	Ellison	Hirono
Carney	Ellsworth	Hodes

Holden	Meek (FL)	Sanchez, Loretta
Holt	Meeks (NY)	Sarbanes
Honda	Melancon	Schakowsky
Hoyer	Michaud	Schauer
Insee	Miller (NC)	Schiff
Jackson (IL)	Miller, George	Schrader
Jackson-Lee	Minnick	Schwartz
(TX)	Mitchell	Scott (GA)
Johnson, E. B.	Mollohan	Scott (VA)
Kagen	Moore (WI)	Serrano
Kanjorski	Moran (VA)	Sestak
Kaptur	Murphy (CT)	Shea-Porter
Kennedy	Murphy, Patrick	Sherman
Kildee	Murtha	Sires
Kilpatrick (MI)	Nadler (NY)	Skelton
Kilroy	Napolitano	Slaughter
Kind	Neal (MA)	Snyder
Kirkpatrick (AZ)	Nye	Space
Kissell	Oberstar	Spratt
Klein (FL)	Obey	Stark
Kosmas	Olver	Stupak
Kratovil	Ortiz	Sutton
Kucinich	Pallone	Tanner
Langevin	Pascarella	Teague
Larsen (WA)	Pastor (AZ)	Thompson (CA)
Larson (CT)	Payne	Thompson (MS)
Lee (CA)	Perlmutter	Tierney
Levin	Perriello	Titus
Lipinski	Peters	Tonko
Loeb sack	Peterson	Tsongas
Lofgren, Zoe	Pingree (ME)	Van Hollen
Lowey	Polis (CO)	Velázquez
Lujan	Pomeroy	Visclosky
Lynch	Price (NC)	Walz
Maffei	Quigley	Wasserman
Maloney	Rahall	Schultz
Markey (CO)	Rangel	Waters
Markey (MA)	Reyes	Watson
Marshall	Richardson	Watt
Massa	Rodriguez	Waxman
Matheson	Ross	Weiner
Matsui	Rothman (NJ)	Welch
McCarthy (NY)	Roybal-Allard	Wexler
McCollum	Ruppersberger	Wilson (OH)
McDermott	Rush	Woolsey
McGovern	Ryan (OH)	Wu
McIntyre	Salazar	Yarmuth
McMahon	Sánchez, Linda	
McNerney	T.	

NAYS—182

Aderholt	Cole	King (IA)
Akin	Conaway	King (NY)
Alexander	Crenshaw	Kingston
Austria	Culberson	Kirk
Bachmann	Davis (KY)	Kline (MN)
Bachus	Deal (GA)	Lamborn
Baird	Dent	Lance
Bartlett	Diaz-Balart, L.	Latham
Barton (TX)	Diaz-Balart, M.	LaTourette
Biggert	Dreier	Latta
Blibray	Duncan	Lee (NY)
Bilirakis	Ehlers	Lewis (CA)
Bishop (UT)	Emerson	Linder
Blackburn	Flake	LoBiondo
Blunt	Fleming	Lucas
Boehner	Forbes	Luetkemeyer
Bonner	Fortenberry	Lummis
Bono Mack	Fox	Lungren, Daniel
Boozman	Franks (AZ)	E.
Boustany	Frelinghuysen	Mack
Brady (TX)	Gallely	Manzullo
Bright	Garrett (NJ)	Marchant
Broun (GA)	Gerlach	McCarthy (CA)
Brown (SC)	Gingrey (GA)	McCaul
Brown-Waite,	Gohmert	McClintock
Ginny	Goodlatte	McCotter
Buchanan	Granger	McHenry
Burgess	Guthrie	McKeon
Burton (IN)	Hall (TX)	McMorris
Buyer	Harper	Rodgers
Calvert	Hastings (WA)	Mica
Camp	Heller	Miller (FL)
Campbell	Hensarling	Miller (MI)
Cantor	Herger	Miller, Gary
Cao	Hill	Moore (KS)
Capito	Hoekstra	Moran (KS)
Carter	Hunter	Murphy (NY)
Cassidy	Inglis	Murphy, Tim
Castle	Issa	Myrick
Chaffetz	Jenkins	Neugebauer
Chandler	Johnson (IL)	Nunes
Childers	Johnson, Sam	Olson
Coble	Jones	Paul
Coffman (CO)	Jordan (OH)	Paulsen

Pence Ryan (WI) Taylor  
 Petri Scalise Terry  
 Pitts Schmidt Thompson (PA)  
 Poe (TX) Schock Thornberry  
 Posey Sensenbrenner Tiahrt  
 Price (GA) Sessions Tiberi  
 Putnam Shadegg Turner  
 Radanovich Shimkus Upton  
 Rehberg Shuler Walden  
 Reichert Shuster Wamp  
 Roe (TN) Simpson Westmoreland  
 Rogers (AL) Smith (NE) Whitfield  
 Rogers (KY) Smith (NJ) Wilson (SC)  
 Rogers (MI) Smith (TX) Wittman  
 Rohrabacher Smith (WA) Wolf  
 Ros-Lehtinen Souder Young (AK)  
 Roskam Stearns Young (FL)  
 Royce Sullivan

## NOT VOTING—15

Barrett (SC) Doyle Lewis (GA)  
 Clarke Fallin Platts  
 Clay Graves Rooney  
 Conyers Israel Speier  
 Delahunt Johnson (GA) Towns

□ 1115

Messrs. PETRI, PENCE, CULBERSON and MOORE of Kansas changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## NATIONAL JOB CORPS DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 163.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 163.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 4, not voting 15, as follows:

[Roll No. 736]

## AYES—413

Abercrombie Barton (TX) Boozman  
 Ackerman Bean Boren  
 Aderholt Becerra Boswell  
 Adler (NJ) Berkley Boucher  
 Akin Berman Boustany  
 Alexander Berry Boyd  
 Altmire Biggart Brady (PA)  
 Andrews Bilbray Brady (TX)  
 Arcuri Bilirakis Braley (IA)  
 Austria Bishop (GA) Bright  
 Baca Bishop (NY) Brown (SC)  
 Bachmann Blumenauer Brown, Corrine  
 Bachus Blunt Brown-Waite,  
 Baird Boccieri Ginny  
 Baldwin Boehner Buchanan  
 Barrow Bonner Burgess  
 Bartlett Bono Mack Burton (IN)

Butterfield Buyer  
 Calvert Calvert  
 Camp Campbell  
 Cantor Cantor  
 Cao Cao  
 Capito Capito  
 Capps Capps  
 Capuano Capuano  
 Cardoza Cardoza  
 Carnahan Carnahan  
 Carney Carney  
 Carson (IN) Carson (IN)  
 Carter Carter  
 Cassidy Cassidy  
 Castle Castle  
 Castor (FL) Castor (FL)  
 Chaffetz Chaffetz  
 Chandler Chandler  
 Childers Childers  
 Chu Chu  
 Clarke Clarke  
 Clay Clay  
 Cleaver Cleaver  
 Clyburn Clyburn  
 Coble Coble  
 Coffman (CO) Coffman (CO)  
 Cohen Cohen  
 Cole Cole  
 Conaway Conaway  
 Connolly (VA) Connolly (VA)  
 Cooper Cooper  
 Costa Costa  
 Costello Costello  
 Courtney Courtney  
 Crenshaw Crenshaw  
 Crowley Crowley  
 Cuellar Cuellar  
 Culberson Culberson  
 Cummings Cummings  
 Dahlkemper Dahlkemper  
 Davis (AL) Davis (AL)  
 Davis (CA) Davis (CA)  
 Davis (IL) Davis (IL)  
 Davis (KY) Davis (KY)  
 Davis (TN) Davis (TN)  
 DeFazio DeFazio  
 DeGette DeGette  
 DeLauro DeLauro  
 Dent Dent  
 Diaz-Balart, L. Diaz-Balart, L.  
 Dicks Dicks  
 Dingell Dingell  
 Doggett Doggett  
 Donnelly (IN) Donnelly (IN)  
 Dreier Dreier  
 Driehaus Driehaus  
 Duncan Duncan  
 Edwards (MD) Edwards (MD)  
 Edwards (TX) Edwards (TX)  
 Ehlers Ehlers  
 Ellison Ellison  
 Ellsworth Ellsworth  
 Emerson Emerson  
 Engel Engel  
 Eshoo Eshoo  
 Etheridge Etheridge  
 Farr Farr  
 Fattah Fattah  
 Filner Filner  
 Fleming Fleming  
 Forbes Forbes  
 Fortenberry Fortenberry  
 Foster Foster  
 Foxx Foxx  
 Frank (MA) Frank (MA)  
 Franks (AZ) Franks (AZ)  
 Frelinghuysen Frelinghuysen  
 Fudge Fudge  
 Gallegly Gallegly  
 Garrett (NJ) Garrett (NJ)  
 Gerlach Gerlach  
 Giffords Giffords  
 Gingrey (GA) Gingrey (GA)  
 Gonzalez Gonzalez  
 Goodlatte Goodlatte  
 Gordon (TN) Gordon (TN)  
 Granger Granger  
 Grayson Grayson  
 Green, Al Green, Al  
 Green, Gene Green, Gene  
 Griffith Griffith  
 Grijalva Grijalva  
 Guthrie Guthrie

Gutierrez Gutierrez  
 Hall (NY) Hall (NY)  
 Hall (TX) Hall (TX)  
 Halvorson Halvorson  
 Hare Hare  
 Harman Harman  
 Harper Harper  
 Hastings (FL) Hastings (FL)  
 Hastings (WA) Hastings (WA)  
 Heinrich Heinrich  
 Heller Heller  
 Hensarling Hensarling  
 Herger Herger  
 Herseth Sandlin Herseth Sandlin  
 Higgins Higgins  
 Hill Hill  
 Himes Himes  
 Hinchey Hinchey  
 Hinojosa Hinojosa  
 Hirono Hirono  
 Hodes Hodes  
 Hoekstra Hoekstra  
 Holden Holden  
 Holt Holt  
 Honda Honda  
 Hoyer Hoyer  
 Hunter Hunter  
 Inglis Inglis  
 Inslee Inslee  
 Issa Issa  
 Jackson (IL) Jackson (IL)  
 Jackson-Lee Jackson-Lee  
 (TX) (TX)  
 Jenkins Jenkins  
 Johnson (GA) Johnson (GA)  
 Johnson (IL) Johnson (IL)  
 Johnson, E. B. Johnson, E. B.  
 Johnson, Sam Johnson, Sam  
 Jones Jones  
 Jordan (OH) Jordan (OH)  
 Kagen Kagen  
 Kanjorski Kanjorski  
 Kaptur Kaptur  
 Kennedy Kennedy  
 Kildee Kildee  
 Kilpatrick (MI) Kilpatrick (MI)  
 Kilroy Kilroy  
 Kind Kind  
 King (IA) King (IA)  
 King (NY) King (NY)  
 Kingston Kingston  
 Kirk Kirk  
 Kirkpatrick (AZ) Kirkpatrick (AZ)  
 Kissell Kissell  
 Klein (FL) Klein (FL)  
 Kline (MN) Kline (MN)  
 Kosmas Kosmas  
 Kratochvil Kratochvil  
 Kucinich Kucinich  
 Lamborn Lamborn  
 Lance Lance  
 Langevin Langevin  
 Larsen (WA) Larsen (WA)  
 Latham Latham  
 LaTourette LaTourette  
 Latta Latta  
 Lee (CA) Lee (CA)  
 Lee (NY) Lee (NY)  
 Levin Levin  
 Lewis (CA) Lewis (CA)  
 Linder Linder  
 Lipinski Lipinski  
 LoBiondo LoBiondo  
 Loeb sack Loeb sack  
 Lofgren, Zoe Lofgren, Zoe  
 Lowey Lowey  
 Lucas Lucas  
 Luetkemeyer Luetkemeyer  
 Lujan Lujan  
 Lummis Lummis  
 Lungren, Daniel Lungren, Daniel  
 E. E.  
 Lynch Lynch  
 Mack Mack  
 Maffei Maffei  
 Maloney Maloney  
 Manzullo Manzullo  
 Marchant Marchant  
 Markey (CO) Markey (CO)  
 Markey (MA) Markey (MA)  
 Marshall Marshall  
 Massa Massa  
 Matheson Matheson  
 Matsui Matsui  
 McCarthy (CA) McCarthy (CA)  
 McCarthy (NY) McCarthy (NY)

Sanchez, Loretta Sanchez, Loretta  
 Sarbanes Sarbanes  
 Scalise Scalise  
 Schakowsky Schakowsky  
 Schauer Schauer  
 Schiff Schiff  
 Schmidt Schmidt  
 Schock Schock  
 Schwartz Schwartz  
 Scott (GA) Scott (GA)  
 Scott (VA) Scott (VA)  
 Sensenbrenner Sensenbrenner  
 Serrano Serrano  
 Sessions Sessions  
 Sestak Sestak  
 Shadegg Shadegg  
 Shea-Porter Shea-Porter  
 Sherman Sherman  
 Shimkus Shimkus  
 Shuler Shuler  
 Shuster Shuster  
 Simpson Simpson  
 Sires Sires  
 Skelton Skelton  
 Slaughter Slaughter  
 Smith (NE) Smith (NE)  
 Smith (NJ) Smith (NJ)  
 Smith (TX) Smith (TX)  
 Smith (WA) Smith (WA)  
 Snyder Snyder  
 Souder Souder  
 Space Space  
 Spratt Spratt  
 Stark Stark  
 Stearns Stearns  
 Stupak Stupak  
 Sullivan Sullivan  
 Sutton Sutton  
 Tanner Tanner  
 Taylor Taylor  
 Teague Teague  
 Terry Terry  
 Thompson (CA) Thompson (CA)  
 Thompson (MS) Thompson (MS)  
 Thompson (PA) Thompson (PA)  
 Thornberry Thornberry  
 Tiahrt Tiahrt  
 Tiberi Tiberi  
 Tierney Tierney  
 Titus Titus  
 Tonko Tonko  
 Tsongas Tsongas  
 Turner Turner  
 Upton Upton

## NOES—4

Blackburn Deal (GA)  
 Broun (GA) Flake

## NOT VOTING—15

Barrett (SC) Fallin Lewis (GA)  
 Bishop (UT) Gohmert Rooney  
 Conyers Graves Schrader  
 Delahunt Israel Speier  
 Doyle Larson (CT) Towns

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1123

Mr. ROYCE changed his vote from “no” to “aye.”

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 736, had I been present, I would have voted “yea.”

## PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on September 24, 2009, I was called away on personal business. I regret that I was not present for the following votes:

On the passage of H. Res. 766, had I been present, I would have voted “yea.”

On the passage of H. Con. Res. 163, had I been present, I would have voted “yea.”

## PERSONAL EXPLANATION

Mr. ROONEY. Mr. Speaker, I was unavoidably detained due to sickness.

Had I been present, I would have voted “yea” on rollcall No. 736, and “nay” on rollcall No. 735.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

#### MEDICARE PREMIUM FAIRNESS ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3631) to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3631

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Premium Fairness Act".

#### SEC. 2. MEDICARE PART B PREMIUM FOR 2010.

(a) PREMIUM COMPUTATION.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(5) The monthly premium under this subsection for 2010 shall be the monthly premium under this subsection for 2009."; and

(2) in subsection (i)(3)(A), by adding after and below clause (ii) the following:

"In applying clause (ii) for 2010, the monthly actuarial rate described in such clause shall be such monthly actuarial rate for 2009.".

(b) OFFSET FROM MEDICARE IMPROVEMENT FUND.—Section 1898(b) of such Act (42 U.S.C. 1395iii(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting the following: "; reduced by the sum of—

"(i) the amount transferred under paragraph (5); and

"(ii) \$567,000,000;";

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) fiscal year 2015, the amount specified in subparagraph (A)(ii); and"; and

(2) by adding at the end the following new paragraph:

"(5) TRANSFER AND OFFSET.—There are hereby transferred from amounts in the general fund of the Treasury to the Federal Supplementary Medical Insurance Trust Fund an amount equivalent, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, to the aggregate reduction in premiums payable under part B that result from the application of paragraph (5) of section 1839(a) and the last sentence of section 1839(i)(3)(A)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I urge my colleagues on both sides of the aisle to support H.R. 3631, the Medicare Premium Fairness Act of 2009, of which I am an original cosponsor.

Unless Congress acts quickly, millions of America's seniors will find themselves with a smaller Social Security check at a time when they are already stretching every dollar they have. If we don't act today, 27 percent of Medicare beneficiaries will see their part B premium increase from \$96 to \$110 or \$120. That's potentially a 25 percent increase in their Medicare part B premiums when they're getting no increase in their Social Security COLA.

It won't just be Medicare beneficiaries who are harmed either. Cash-strapped States will also feel a pinch if we don't act. Most of those impacted by the possible premium increases are dual-eligibles, or those beneficiaries who qualify for both Medicare and Medicaid because they may have low incomes. Their premium increases will have to be paid for by States as part of their Medicaid programs. As we all know, States across the Nation are facing large budget deficits and are being forced to slash critical services and increase taxes. This simply is not the time that the Federal Government should be shifting more costs to States who are simply unable to absorb it.

Mr. Speaker, even though this is an emergency situation, we have found a way to make sure that the bill is completely paid for and does not add one dime to the deficit. It is imperative that Congress act today in order to make sure that every Medicare beneficiary is financially protected and is able to afford the Medicare services he or she deserves.

I once again urge my colleagues on both sides of the aisle to support this bill. Please vote "yes." Vote to protect America's seniors.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

We are here today because the Democrat leadership apparently doesn't know what our senior citizens have known for the last 6 months. I held a town meeting in Wortham, Texas, in August. The population of Wortham, Texas, is approximately 1,100 people perhaps. A constituent, a senior citizen, stood up at my town hall meeting and asked me if it was true that their Medicare part B premiums were going to go up while their Social Security

COLA did not increase. I said that I did not know, but I would check it out. I had my staff check it out, and sure enough, they were telling the truth.

Well, yesterday, right before the Energy and Commerce Committee markup was scheduled to conclude, I got a note from my staff that there was going to be a special meeting of the Rules Committee last evening and that we were going to have a same-day rule and have an emergency bill put on the floor today to hold harmless our senior citizens who choose Medicare part B and who are having their premiums go up. I asked the distinguished subcommittee chairman, Mr. PALLONE, if he knew anything about it, and to his credit, he said he was aware of it, but he had just become aware of it. I said, Well, why didn't we have a hearing on this? Why didn't we have a markup? Why didn't we find out what the policy is? Why didn't we do all kinds of things? To his credit, his answer was that it was just something that had to be done.

Well, Mr. Speaker, I'm tired of the Democratic leadership waiting until the last moment. And to give them the benefit of the doubt, they don't know what's happening in these programs, so they have to scramble. Or they do know, and they don't give a darn about what the process is and what the policy is.

□ 1130

I think it's inexcusable that we are here on the House floor today on a bill that there's not any serious opposition that we need to do something but I think there is a real policy debate about how to prevent this from happening in the future.

For my friends who don't really know a lot about Medicare part B, Medicare part B is voluntary. It is the part of Medicare that handles physician payments and outpatient reimbursement. Now, most Medicare recipients choose part B. About 98 percent choose part B.

Within part B there are three classes of Medicare beneficiaries. There are Medicare beneficiaries that have a high income. There are Medicare beneficiaries that have average incomes, and there are Medicare beneficiaries that have low income.

Under current law if you have been covered in Medicare in a prior year and you don't have a high income, you don't have a low income, you are held harmless by the current law. But if you're a new Medicare beneficiary, in other words, you weren't on the program last year, if you're a high-income Medicare beneficiary, or if you're a low-income Medicare beneficiary, then you're not held harmless.

And those groups, about 25 percent of the total Medicare population, are the people that were going to have their Medicare premium increased. The current premium this year is about \$96,

and under current law if you weren't protected, it would go up to about \$104. So that's about an \$8 increase or a little over maybe 7 or 8 percent.

So under years when the average inflationary and the consumer price index goes up, there's a Social Security COLA increase. So if Medicare expenses go up, which they did last year, the Medicare part B premium goes up but the Social Security benefit goes up, and since Medicare part B premiums are deducted from Social Security, then that is kind of offset.

But this year we didn't have inflation. The consumer price index, because of the recession, didn't go up; so our seniors didn't get their Social Security increase. But Medicare spending went up last year because we haven't reformed the program. So the Medicare part B premium, which is optional, went up; and if you weren't protected, your premium went up.

Now, Mr. Speaker, there are lots of policy questions there. Maybe we need to change the current law. Maybe we need to protect all Medicare part B beneficiaries. Maybe we need to look at these high-income seniors? Did we have that hearing? Did we have that policy debate? No.

The Democrat majority is simply putting this bill on the floor saying let's take \$2.7 billion and let's hold everybody harmless. Well, now that's good politics. I am not negating the politics of it. But is that good policy?

My good friend Mr. PALLONE from New Jersey said not one dime is going to be added to the deficit. Well, he didn't tell you where the money's coming from. Here's where the money is coming from, and I have read the bill. Luckily, it's only two pages; so it's not that hard to read. But here's where the money is coming from: It is coming from something called the Medicare Improvement Fund; \$567 million is coming from the Medicare Improvement Fund. That's a fund that our majority has set up in a bill last year, and I think, and I could be wrong and Mr. PALLONE could tell me, he probably knows, that there's about \$20 billion in that fund. And the rest of it is a transfer that is coming from the Treasury of the Federal Supplementary Medical Insurance Trust Fund, and they're going to take \$567 million from this what I call a temporary fund, and then they are going to take the rest of it from the General Federal Supplementary Medical Insurance Trust Fund.

So they're taking money that has been paid in by our Medicare taxes and they're just saying we're going to use some of that money. That trust fund's going broke. It's in the red and going broke every year. We're just going to take some of that money and use it this year. Plus we're going to take some of the money from the special fund that we set up last year. Now, there are all sorts of policy questions there.

So our friends on the majority are right to say for this year, for this \$2.7 billion, there's no added borrowing; but they are wrong to say, in my opinion, that it's not adding to the deficit because they are taking money out of the general Medicare fund that we're going to need in future years and they're taking money from this special fund which I may be wrong in but I think was set up with borrowed money from the general fund.

Again, the minority is not objecting to the fact that for that 25 percent of our seniors that are not protected by "hold harmless" that we do something to help them. But we are very upset that it has been done so cavalierly on such short notice with absolutely no process at all.

Democracy cannot work, Mr. Speaker, if we don't let the people know why we are making decisions, what the policy implications are, not to just our senior citizens but to all our citizens.

I am not going to ask for a "no" vote because we do need to do something. But I am going to ask that my friends in the majority really think about holding a hearing on this, even though it will be after the fact, so we can get the facts on the table and that we try to set up a process so that we don't have to next year and the next year and the next year come out here with absolutely no advance warning and no real understanding of what the long-term implications of this are.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Energy and Commerce Committee, Mr. WAXMAN.

Mr. WAXMAN. Mr. Speaker and my colleagues, this is a simple bill. It corrects a minor formulaic problem with the calculation of Medicare premiums for some beneficiaries, not all but just some. And we are faced with a very short time in which to act. The administration has told us that the Social Security agency needs to know what premium to program into their system by or about October 1.

This legislation deals with the situation where, under current law, some seniors will face unusually steep premium increases next year. Beneficiaries who pay \$96 today could face premiums of \$110 or even \$120 per month next year if we don't act today. The reason for that is that there's no increase in the cost of living under their Social Security. But for these few Medicare beneficiaries, there would be an increase in their part B premium passed on to them.

About three-quarters of beneficiaries face this steep premium increase. The legislation would protect the other one-quarter, over 11 million beneficiaries. It will help new Medicare enrollees, older civil service retirees, and others who don't receive Social Security

benefits and State government benefits. It would not add to the deficit. It would be financed by reductions in other Medicare spending.

It's an important bill. It's not the most important bill that we're going to face in the health care area. That's coming up very soon. But for those of us who have always supported the Medicare program and have been concerned about the Medicare beneficiaries, we see that we've been successful from most of them not having to face this problem. But we need to correct this problem that will be faced by a good number of people and to make sure that it does not happen to them. I would have liked to have a COLA for all Social Security beneficiaries, but at least don't let them see a reduction in Social Security to pay for an increase in Medicare premiums.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), a member of the committee.

Mr. WHITFIELD. I thank the gentleman for yielding the time.

I'm not going to get into a discussion of process today, but I would like to commend the chairman and the ranking member and the chairman of the subcommittee for bringing this bill to the floor to correct this inequity for our senior citizens.

But I would like to discuss another matter relating to the national health care debate that is of great concern to me.

Last week the Congressional Budget Office, in examining the bill proposed by Senator BAUCUS, said that that bill would reduce by \$123 billion the Medicare Advantage program. This is a program that provides private health insurance for our Medicare beneficiaries. And I might say there are many of them in rural areas and over 10,000 in my district.

One of the companies that provides this private option is Humana Corporation, headquartered in Louisville, Kentucky. They sent out a notice to their Medicare beneficiaries explaining that the Baucus plan would reduce by \$123 billion the amount of money available for Medicare.

When Senator BAUCUS heard about that, he ordered Medicare regulators to investigate and, if necessary, punish Humana for trying to educate its own enrollees about how they would be damaged by the Senate bill. Now, I might add that the acting director of CMS, Jonathan Blum, used to work for Senator BAUCUS.

But the thing that is really troubling about this is that while they are issuing an order against Humana, the Association for the Advancement of Retired Persons, AARP, which claims to represent senior citizens on Medicare, they also have an advantage program through United Health Care that they offer 1.7 million enrollees, and yet

they've been sending out information and on their Web site saying that Medicare funds would not be reduced, and yet CMS is not taking any action against them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

Mr. Speaker, this is a very, very important bill, and it's one that we need to pass today.

In August, as was referenced, many of us heard from our constituents that they were going to be in this crunch where, on the one hand, the cost-of-living adjustment for Social Security was not going up based on the formula that looks at inflation cost but, on the other hand, they were facing an increase in their Medicare part B premium. I pledged actually on the spot that I knew we would come back and we would be trying to take a look at this and explore various options that could help 10 million Medicare beneficiaries across the country, including thousands in Maryland.

There are a number of ways to address this issue. I think what happened was the idea of looking at the Medicare part B premium and making an adjustment there instead of holding it down is one that came into focus recently. We might have been able to go do hearings based on that, but we realized we've got to move quickly because the Medicare program needs to implement this right away if it's going to be put in force. So that's why we're moving quickly.

The bottom line here is people spoke to us and we listened, and that should be an assurance to all those seniors out there who are expressing some anxiety about where we are going generally with our health reform efforts. We are hearing those concerns. They're part of what we're trying to do here to keep the Medicare program strong and to look out for the best interests of our seniors, and that's why we ought to support this legislation today.

Mr. BARTON of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. HERGER) and ask unanimous consent that he control that time.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the balance of the time.

There was no objection.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

□ 1145

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise today in reluctant support of this bill because I do believe

it is a promise that we must keep to our seniors. It is not fair for our seniors to shoulder the burden of this Congress because of the policies passed by the Democrat majority.

However, wouldn't it have been a whole lot better to pay for it from the unused stimulus money?

This savings to seniors will be especially and critically important to Medicare recipients. CBO Director Elmendorf just announced yesterday that seniors can expect to see a reduction in their Medicare benefits if H.R. 3200 is passed. That will mean that some of our poorest citizens will be asked to pay even more for their out-of-pocket medical costs. This is not change that they can afford.

The President and the majority in this House and in the Senate owe our seniors an honest explanation. AARP also owes an explanation to its members for misleading them about the Medicare cuts contained in H.R. 3200.

According to the CBO Director, 2.7 million seniors will lose their current Medicare Advantage plans under the policies of the House health care bill. When I said the President was flat wrong about cuts to Medicare benefits, this is exactly what I meant.

I am, however, pleased that this bill does work to protect some of our seniors from future financial hardships, but the correct approach would be to scrap H.R. 3200, to fix Medicare first and to pursue a real bipartisan approach that delivers honest reform that the American people actually want.

Mr. PALLONE. Mr. Speaker, may I inquire as to how much time we have remaining on our side?

The SPEAKER pro tempore. The gentleman has 14½ minutes.

Mr. PALLONE. I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3631, the Medicare Premium Fairness Act, and hope that we have good bipartisan support for this sensible legislation.

We know that everyone, and particularly seniors who are on fixed incomes, have been hard hit by the worst recession in 70 years. The Labor Department data shows that, for people over 65, 447,000 filed for unemployment in August, which is a 127 percent increase over December of 2007. Over the past year, the number of unemployed workers 75 and older has increased by 33 percent. Why are they even going to work? Because seniors are hurting. They need the money. Now they learn there will be no cost-of-living increase in their Social Security checks.

At a time when health care costs are already claiming a big chunk of their Social Security checks and at a time when out-of-pocket costs are rising and

they're forgoing much of their needed care, we can't allow their part B premiums to increase. They need help right now.

I strongly support the Medicare Premium Fairness Act, and I urge my colleagues to support the senior citizens and persons with disabilities by passing H.R. 3631.

Mr. HERGER. I would like to inquire as to how much time we have remaining on our side, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has 7 minutes remaining.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. I yield 1½ minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman from New Jersey.

Mr. Speaker, this is a very important bill that is going to make a real difference in Vermont to about 130,000 seniors. That's the number of people who receive Social Security benefits in the State of Vermont, and 41 percent, Mr. Speaker—about 52,000 people—rely on Social Security for fully 90 percent of their income. They're going to get a zero increase in their cost of living, but on the other hand, they're going to get an increase in premiums which could be \$110, \$120 a month. That is a hammer to their finances for the month.

We have a bipartisan commitment to Social Security. The situation our seniors face is as a result of the recession, something over which they have no control but are very much affected by. This modest legislation is going to be a lifeline of support for seniors in Vermont, and my hope is that we will pass it on a strong bipartisan basis.

Mr. HERGER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. TITUS), who is the sponsor of this legislation.

Ms. TITUS. Thank you, Chairmen RANGEL, STARK, WAXMAN, DINGELL, and PALLONE, for your leadership on this important issue.

Mr. Speaker, my State of Nevada has been particularly hard hit by the economic downturn. In addition to record unemployment and high foreclosure rates, Nevadans have watched as their retirement savings have plummeted in value. This has been especially hard on our senior population, which has been the fastest growing in the country for the last decade.

To make matters worse for our economically strapped seniors, some of whom have had to choose between buying food and buying medicine, it is now projected that Social Security recipients will not receive a cost-of-living increase in their benefits next year for the first time in 35 years. Simultaneously, Medicare part B premiums will continue to rise. So, unless Congress acts quickly and decisively, this

could mean a reduction in Social Security benefits at a time when many Nevada seniors count on every dollar to get by.

As the gentleman from Texas pointed out, not all seniors will see a decrease in their Social Security checks caused by part B premium increases, thanks to a hold harmless policy. About 27 percent of enrollees, some 11 million people, however, nationally and thousands in Nevada are excluded from that hold harmless policy. As a result, they will see their Social Security checks shrink if we don't pass this bill.

The Medicare Premium Fairness Act before you today will eliminate this inequity, and it will protect all Medicare enrollees so that no senior will see his or her premium increase or will experience a Social Security check decrease.

Because this bill is fully paid for by using existing funds, including the Medicare Improvement Fund, and because it meets the PAYGO requirements, it's a responsible way to stand up and provide for our seniors during these tough economic times. So I urge my colleagues on both sides of the aisle to support this crucial legislation.

Mr. HERGER. I yield myself such time as I may consume.

Mr. Speaker, we need to keep in mind the broader challenges facing Medicare. Medicare's trustees have expressed concerns about spending in part B, warning that legislation to avert cuts in physician payments, together with restrictions on premium increases, could "jeopardize part B solvency and require unusual measures to avoid asset depletion." I am concerned that we are doing exactly what the trustees warned us against—placing the Medicare part B program at risk of bankruptcy.

Furthermore, the nonpartisan Congressional Budget Office found that H.R. 3200, the House Democrats' health care bill, would increase Medicare part B premiums by \$25 billion. I find it ironic that the bill before us reduces premiums by about one-tenth the amount that H.R. 3200 would increase seniors' Medicare premiums.

I am also especially concerned that the majority Democrats are attempting to shut down the debate on how their health care bill would affect seniors enrolled in the Medicare Advantage program. The CBO has confirmed that the \$156 billion in Medicare Advantage cuts contained in H.R. 3200 could, indeed, force plans to limit benefits, including premium relief. Yet CMS has issued a gag order prohibiting Medicare Advantage plans from informing their customers of this fact.

At the same time, CMS has apparently taken no action against the sponsor of the largest Medicare Advantage plan, AARP, whose Web site urges seniors to contact their Members of Congress in support of the Democrats' health care bill, which would slash Medicare by more than \$500 billion.

Mr. Speaker, why the double standard? It appears that people are free to express their opinions on health care as long as those opinions are in line with the majority party's.

So, while the House Democrats claim to be helping seniors, the reality is that they're trying to cobble together 218 votes to pass a \$25 billion part B premium increase through the House, and the Obama administration is abusing its regulatory powers to keep that fact from seniors. Mr. Speaker, that is wrong.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I want to thank Chairman PALLONE for yielding me this time, and I really thank him for his leadership on our committee.

Mr. Speaker, this is an important bill. Holding down the cost of Medicare premiums means so much to millions of Americans. We cannot ever lose sight of the plight of our senior citizens, who are struggling to make ends meet.

I want to thank the various chairmen who have decided to move decisively on this measure this week. I would only hope that our Republican friends would work with us on this one. Let's not use this issue as a weapon in the health care reform debate. This is a separate issue. Not only does it affect my district, but it affects all of our districts. In my State of North Carolina, 1.392 million North Carolinians have Medicare, and they need this legislation this week.

I ask my colleagues to join with me in voting for the Medicare Premium Fairness Act.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield the remaining time to the gentleman from California (Mr. STARK), and I ask unanimous consent that he control that time.

The SPEAKER pro tempore (Mr. HOLDEN). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Today, we have a bill before us that will basically protect the Social Security checks from dropping in 2010 as a result of what could be called a "quirk" in the relationship between our Medicare part B premiums and the Social Security checks. Some seniors will still be feeling the effects of the recession in 2010, and this bill at least ensures that they will receive stable Social Security checks.

If we fail to act, about 4 million seniors and people with disabilities will see an increase in their part B premiums, which would result in a decrease in their Social Security checks.

I am quite sure that all of us understand that, even among the higher income beneficiaries under Social Security, a Social Security check becomes part of the financial fabric of most of our beneficiaries. They budget it. They know they're going to spend it on rent or on groceries or on presents for their grandkids. It will be difficult for all of us to explain why there was a \$5, a \$10 or even a \$15 cut in their checks.

Some people have suggested we send checks at the end of the year as, I guess, we did last year. I don't think they'd make that connection. I don't think they'd figure out why those checks came and from whom they came.

This levels the playing field so that a small percentage of beneficiaries will not be paying to hold the other 75 percent harmless. There is a very small number of upper-income seniors who will basically receive a cut in their part B benefits. These seniors, this group, already has a higher premium because it's income related, and they pay taxes on their Social Security benefits, which some of the lower-income beneficiaries do not.

□ 1200

Also, we hold harmless some very low-income beneficiaries whose payments are made by Medicaid. Therefore, if we didn't pass this, some of the States who are already having severe problems with their Medicaid would have an extra burden for that small group.

The bill is paid for out of a Medicare fund which we set up some years ago for just this kind of a program. It's a fund where we set aside money each year in the event we needed dollars to solve a problem. This is a problem that we foresaw coming up for a diverse group of our beneficiaries, and it seemed to be a fair way to not disrupt their financial planning and to provide a level playing field so that all the beneficiaries receive the same treatment and some were not subsidizing others. It's a bill that I hope will have broad bipartisan support, and I think it will serve our Social Security beneficiaries well.

JUDGE DAVID L. BAZELON,  
CENTER FOR MENTAL HEALTH LAW,  
Washington, DC, September 24, 2009.

Hon. CHARLES B. RANGEL,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

Hon. HENRY A. WAXMAN,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington DC.

DEAR CHAIRMAN RANGEL AND CHAIRMAN WAXMAN: The Bazelon Center for Mental Health Law supports H.R. 3631, the "Medicare Premium Fairness Act." This bill will protect the Social Security benefits of persons with disabilities by ensuring that their monthly payments are not reduced due to an increase in Medicare Part B premiums.

It is expected that there will be no cost of living adjustment (COLA) in Social Security benefits paid in 2010, which will cause a hardship for individuals with disabilities and others who receive Social Security payments.



However, Medicare Part B premiums are expected to increase. Fortunately, under current law, most of these beneficiaries will be "held harmless" and will not see an actual reduction in their monthly Social Security benefits. However, about 27% of beneficiaries are not covered by the "hold harmless" provision, including low-income individuals who are eligible for both Medicare and Medicaid, new Medicare enrollees, and new enrollees whose Medicare premiums are not deducted from their Social Security checks. Their monthly Social Security benefits, which are the sole source of income for many, could be reduced by more than \$20 per month to pay for the premium increase.

A substantial number of people with mental illness are dually eligible for SSDI and Medicare benefits. However, as major mental illness typically has an age of onset in a person's early twenties, their work history is very short and their benefits are very low (benefit level depends upon quarters you have paid in as well as earnings) making increased Medicare costs even more difficult to bear. H.R. 3631 would extend the current "hold harmless" policy to all Medicare beneficiaries. As a result, no individual with disabilities who is a Social Security beneficiary will see a decrease in his or her monthly Social Security benefits due to Medicare Part B premiums. And former beneficiaries who buy-in to Medicare will be protected.

We support your effort to pass H.R. 3631.

Sincerely,

CHRIS KOYANAGI.

CONSORTIUM FOR  
CITIZENS WITH DISABILITIES,  
Washington, DC, September 24, 2009.

Hon. CHARLES B. RANGEL,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.  
Hon. HENRY A. WAXMAN,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington DC.

DEAR CHAIRMAN RANGEL AND CHAIRMAN WAXMAN: The undersigned Co-Chairs of the Consortium for Citizens with Disabilities (CCD) Task Forces on Health, Long-Term Services and Supports, and Social Security, we support H.R. 3631, the "Medicare Premium Fairness Act." This bill will protect the Social Security benefits of persons with disabilities by ensuring that their monthly payments are not reduced due to an increase in Medicare Part B premiums.

It is expected that there will be no cost of living adjustment (COLA) in Social Security benefits paid in 2010, which will cause a hardship for individuals with disabilities and others who receive Social Security payments. However, Medicare Part B premiums are expected to increase. Fortunately, under current law, most of these beneficiaries will be "held harmless" and will not see an actual reduction in their monthly Social Security benefits. However, about 27% of beneficiaries are not covered by the "hold harmless" provision, including low-income individuals who are eligible for both Medicare and Medicaid, new Medicare enrollees, and new enrollees whose Medicare premiums are not deducted from their Social Security checks. Their monthly Social Security benefits, which are the sole source of income for many, could be reduced by more than \$20 per month to pay for the premium increase. Another unprotected group is former beneficiaries of Social Security disability benefits who are now working and who "buy-in" to Medicare under the Ticket to Work and Work Incentives Improvement Act.

H.R. 3631 would extend the current "hold harmless" policy to all Medicare bene-

ficiaries. As a result, no individual with disabilities who is a Social Security beneficiary will see a decrease in his or her monthly Social Security benefits due to Medicare Part B premiums. In addition, former beneficiaries who buy-in to Medicare will be protected.

We support your effort to pass H.R. 3631.

Sincerely,

MARTY FORD,  
The Arc of the United  
States and United  
Cerebral Palsy.

ANDREW MORRIS,  
United Spinal Association and National  
Spinal Cord Injury  
Association.

SUSAN PROKOP,  
Paralyzed Veterans of  
America.

LIZ SAVAGE,  
The Arc of the United  
States and United  
Cerebral Palsy.

PAUL SEIFERT,  
Council of State Ad-  
ministrators of Voca-  
tional Rehabilita-  
tion.

ETHEL ZELENSEK,  
National Organization  
of Social Security  
Claimants' Rep-  
resentatives.

#### AARP APPLAUDS NEW BILL TO HELP SENIORS STRUGGLING IN TOUGH ECONOMY

WASHINGTON—AARP Executive Vice President Nancy LeMond issued this statement applauding the introduction of the "Medicare Premium Fairness Act" (H.R. 3631):

"As health care costs continue to soar despite lower inflation throughout the economy, older Americans are hit particularly hard. Retirees have seen their savings wiped away by market losses while their health care bills continue to climb. People in Medicare today spend nearly a third of their income on health care. The lack of a cost-of-living update in Social Security means that millions more in Medicare could see their health care costs rise further out of reach.

"AARP applauds Chairman Rangel, Chairman Stark, Rep. Titus, Chairman Henry Waxman, Chairman Emeritus Dingell and Chairman Pallone for introducing this important legislation. By holding Medicare premiums steady for all beneficiaries for the next year—premiums that have doubled since 2000—their bill would help ensure that health care is more affordable for people in Medicare—without burdening taxpayers or future generations with new spending.

"We urge every House member who worries about the health and economic security of their constituents in Medicare to support this legislation when it reaches the floor tomorrow."

ALLIANCE FOR RETIRED AMERICANS,  
Washington, DC, September 23, 2009.

Representative CHARLES RANGEL,  
Chair, Committee on Ways and Means, House of  
Representatives, Washington, DC.

Representative HENRY WAXMAN,  
Chair, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN RANGEL AND WAXMAN: The Alliance for Retired Americans, on behalf of its more than three million members throughout the nation, supports your legislation, the Medicare Premium Fairness Act, H.R. 3631, and we urge its prompt passage by the House of Representatives.

Your legislation will protect members of the Alliance and all older Americans from unfair increases in their 2010 Medicare Part B premiums. Without enactment of this legislation, more than 10 million Medicare Part B beneficiaries will see their premiums increase even though they will not receive a Social Security cost of living increase in 2010. Many of those affected by this change are low income beneficiaries who would be particularly hard hit without this legislation. In addition, Alliance members who are new enrollees to Medicare would also be adversely affected as well.

Passage of the Medicare Premium Fairness Act is necessary to protect older Americans from unfair Medicare Part B premiums. If we can be of assistance, please contact Richard Fiesta, Director of Government and Political Affairs, at the Alliance. The Alliance for Retired Americans is committed to enacting legislation that improves the quality of life for retirees and all Americans.

Sincerely yours,

EDWARD F. COYLE,  
Executive Director.

NATIONAL ACTIVE AND RETIRED  
FEDERAL EMPLOYEES ASSOCIATION,  
Alexandria, VA, September 23, 2009.

Hon. CHARLES B. RANGEL,  
Rayburn House Office Building,  
Washington, DC.

DEAR CHAIRMAN RANGEL: On behalf of the National Active and Retired Federal Employees Association (NARFE), I am writing to endorse H.R. 3631, the "Medicare Premium Fairness Act," which you and Reps. Henry A. Waxman, Fortney "Pete" Stark, Frank Pallone, Chris Van Hollen and Dina Titus have introduced to protect all Medicare beneficiaries from an increase in their Part B premium in 2010 when they are unlikely to receive any cost of living adjustment (COLA).

Under current federal law, about 75 percent of Medicare beneficiaries do not have to pay for the increase in Part B premiums in any year when they receive no Social Security COLA. However, there are four groups of older Americans who are *not* protected by the 'hold harmless' provision, including over a million federal, state and local government retirees who are not eligible to receive Social Security benefits. Absent a change in law, they would not only have to pay the higher Part B premiums without a COLA, but also absorb the costs of other Medicare beneficiaries currently 'held harmless.'

We support your bill because it shields all older Americans from the Part B premium increase in 2010, including government retirees who are not eligible for Social Security. That means no one will pay the Part B increase next year. We appreciate that the legislation is fully financed through the Medicare Improvement Fund.

NARFE applauds you and Reps. Waxman, Stark, Pallone, Van Hollen and Titus for protecting all retirees—public and private—from premium increases in Medicare in a year when they are unlikely to receive the inflation protection needed to shoulder the rate hike. For that reason, we urge your colleagues to vote for this important legislation when it is considered by the House.

Sincerely,

MARGARET L. BAPTISTE,  
President.

NATIONAL COMMITTEE TO PRESERVE  
SOCIAL SECURITY AND MEDICARE,  
Washington, DC, September 23, 2009.

Hon. CHARLES B. RANGEL,  
Chairman Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and Medicare, I am writing to express our support for your legislation, H.R. 3631, the Medicare Premium Fairness Act, which will protect certain Medicare beneficiaries from an increase in their Part B premiums in 2010.

As you know, Social Security's Trustees are currently projecting that, for the first time in thirty-five years, seniors will not see a Cost-of-Living Adjustment (COLA) in 2010, despite experiencing increases in their out-of-pocket health care costs. In this circumstance, current law contains a "hold harmless" provision that prevents reductions in Social Security checks for about three-quarters of beneficiaries by prohibiting an increase in their Part B premiums. We share your concern that this "hold harmless" provision does not protect new enrollees, higher-income enrollees, enrollees whose premiums are not deducted from their Social Security checks, and low-income dual-eligible beneficiaries whose premiums are paid for through state Medicaid programs.

It is my understanding that your legislation would extend the current "hold harmless" policy to these remaining categories of Medicare enrollees so that their 2010 Part B monthly premiums will also remain at the current \$96.40. This is an important first step toward protecting America's millions of seniors who are burdened with high health care costs even with Medicare and we thank you for your leadership on this important issue. We look forward to working with you on legislation to further protect our nation's seniors by restoring the 2010 Social Security COLA.

Cordially,

BARBARA B. KENNELLY,  
President and CEO.

CENTER FOR MEDICARE ADVOCACY, INC.,  
Washington, DC, September 23, 2009.

TO THE MEMBERS OF THE HOUSE COMMITTEE ON WAYS AND MEANS: The Center for Medicare Advocacy, Inc. is pleased to support H.R. 3631, the "Medicare Premium Fairness Act," sponsored by Representative Titus. This bill would extend the current hold harmless policy to all Medicare enrollees, meaning that 2010 Part B premiums will remain at \$96.40 and no Social Security recipients will see a decrease in their Social Security checks.

Although Social Security benefits will not increase in 2010, many of the fixed expenses faced by Medicare beneficiaries will go up. For example, premiums for Medicare Part D drug plans are expected to increase in 2010, as are the costs for prescription drugs and the cost for other medical expenses. Adults living on fixed incomes, particularly those with limited resources, are unlikely to meet their increased costs. All Social Security recipients should be protected against increased Part B premiums in these circumstances. Beneficiaries should be protected again.

We thank you for your efforts on behalf of Medicare beneficiaries. We look forward to working with you on this issue.

Sincerely,

VICKI GOTTLICH,  
Senior Policy Attorney.

I reserve the balance my time.

Mr. HERGER. Mr. Speaker, I yield the gentleman from Michigan, the ranking member of the Ways and Means Committee, Mr. CAMP, the remaining time.

Mr. CAMP. I thank the gentleman for yielding.

The majority wants you to think we are here today to help seniors. This bill will help some seniors, and I intend to vote for it.

But seniors shouldn't sleep well tonight, for they are facing massive cuts in Medicare benefits in pending health legislation proposed by the Democrats and the President. That's what I want to talk about today.

The reality is the majority's health care bill will slash Medicare Advantage benefits for millions of seniors, and the administration is abusing its regulatory powers to keep that fact from seniors. This week we learned that the Centers for Medicare and Medicaid Services has initiated an investigation into at least one provider of Medicare Advantage health care plans for accurately informing its enrollees that Medicare cuts proposed in pending health care legislation could alter their benefits.

CMS has since banned all Medicare Advantage health plans from providing similar information to beneficiaries, and let me just read to you the phrase that was communicated: If the proposed funding-cut levels become law, millions of seniors and disabled individuals could lose many of the important benefits and services that make Medicare Advantage health plans so valuable.

Frankly, this is government intimidation, pure and simple. Seniors know the President's Medicare cuts will impact their benefits. The Congressional Budget Office has confirmed these cuts could negatively impact Medicare benefits and increase seniors' costs. But when health care plans try to share that information with their enrollees, the administration slaps a gag order on them. It is an abuse of power, plain and simple.

So while the government is intimidating Medicare health care plans, shockingly, no such pressure has been applied to those supportive of the President's Medicare cuts. AARP, which boasts the largest Medicare Advantage plan, for example, has directly communicated with its members via e-mail, a Web site and letters. However, their pro-Medicare cut stance has apparently received no scrutiny from the administration. CMS' selective use of its regulatory authority threatens the integrity of the agency and our democracy.

In fact, CMS' unprecedented action is in direct conflict with its own guidance issued during the Clinton administration. The then-director of what was called HCFA at that time, Center for

Health Plans and Providers, instructed health plans in 1997 that "Prohibiting such information would violate basic freedom of speech and other constitutional rights of the Medicare beneficiary as a citizen. As long as member materials that discuss the rights and responsibilities of the member and the HMO with regard to HMO membership are not misrepresented in the context of this article, we see no reason for prohibiting the distribution of information."

This policy reversal by CMS is also at odds with Supreme Court decisions in the area. We need to get to the bottom of this, and we need to make sure all Americans, and especially seniors, know the facts about what the President and the congressional Democrats health care bill will mean for them.

Mr. STARK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 3631, the Medicare Premium Fairness Act. For nearly four decades, Medicare has improved the quality of life for our Nation's seniors. Because of Medicare, Americans no longer live in fear of not having health care when they retire.

Yet keeping Medicare affordable for seniors is consistently a challenge. Under the Medicare formula, most seniors will see no increase in their premiums. However, unless we act, some will.

Our economy is beginning to turn around but is not yet fully recovered. We must ensure that next year seniors living on a fixed income are not forced to pay more for the Medicare that they depend on.

H.R. 3631 will ensure that premiums will not increase for necessary medical services like doctor's visits and imaging scans.

I urge my colleagues to support this legislation and keep the promise of quality, affordable health care for American seniors.

Mr. HERGER. I yield back the remainder of my time.

Mr. STARK. Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman from California for yielding.

Mr. Speaker, I want to single out and say how much I appreciate the work of Congresswoman DINA TITUS from the State of Nevada, as well as Chairman RANGEL and Chairman WAXMAN and Subcommittee Chairman STARK on this very important issue.

The economic downturn has hit many parts of this country very dramatically, but none more dramatically than in the State of Nevada, and certainly in the southern part of the State that I represent. I have 100,000 Social Security recipients in my congressional district, many of whom will be

impacted by the increase in the Medicare part B premiums next year.

Since this increase is not going to be offset by the normal cost-of-living increase in their Social Security checks, I think this is a very important way and a very necessary way of helping to keep my seniors, who rely on Social Security and who will be harmed with this additional payment, keep them whole.

So I want to thank my colleague again and join with her in protecting the seniors in the State of Nevada and throughout the country.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland, the majority leader of the House, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

First of all, I want to congratulate Congresswoman TITUS for her leadership on this issue. She is an extraordinary Member of this House, very able, and, as Congresswoman BERKLEY, her colleague from Nevada just indicated, this will be directed at helping a lot of seniors.

I rise in opposition to this suspension bill.

I have, for a number of years, spoken about how difficult it will be for us to get a handle on entitlements. If we don't get a handle on entitlements, my friends, we will be spending nothing more in another 50 years than money on entitlements and payment on the national debt, and our children will not be happy. They will not congratulate us.

Now, there is no speaker who will speak today who will not speak on behalf of those seniors who, as my colleague SHELLEY BERKLEY just referenced, rely on Social Security to support themselves. We anticipated that concern when we adopted the legislation relating to this subject. And as a result of anticipating that, we said if there is not a cost-of-living increase, we will exempt approximately three-quarters, actually 73 percent, of seniors from any premium increase.

Why? Because we rightfully concluded, as many speakers on this floor have observed, that those seniors would be put under stress because of no cost-of-living increase but having an increase in their premium.

Now, ladies and gentlemen, I don't know how many of you go to sleep at night worried about whether Ross Perot can pay his premium, but this will freeze Ross Perot's basic premium from going up. This will affect every premium payer, including those who make individually \$85,000 or more, and, as a couple, \$170,000 or more.

Now, the problem with doing that is not that we don't have some empathy for those folks—by the way, every one of us who votes on that bill falls in that category. Now, we may not be 65 or above, as I am, but we are in that category.

Now, the issue is, at a time of stress, of fiscal challenge, do we say to Ross Perot, we feel your pain and so we are going to exempt you from an increase? Hear me, we have exempted all of those \$85,000 and below under present law.

My friends, I think that as well meaning as this legislation is, it is not about poor seniors. It's not about those who are less well off who are having greater stress, because they are taken care of.

There are four categories of people who aren't taken care of under present law.

First of all, there are some 2.1 million who are the \$85,000 and above crowd.

There are a lesser number, 1.3 million, who are Medicare newly eligible folks, and they have never paid a premium, so their premium won't go up; their premium will be what it is.

There are 7.3 million who are dual-eligibles, and the dual-eligibles, of course, will not pay anything more because that will be the responsibility of the States. Is this an additional burden on the States? It is. We will either borrow the money or the States will pay it. Our children will pay off our debt. But our law anticipated that if this was the case, that for the 7.3 million dual-eligibles, the States would pick up the difference. People say, well, what if the States don't pick up the difference? The States have an option. I understand that. We don't control that. We could change the law and say they don't have an option, but we haven't done that.

Then there are some 850,000 who did not participate in Social Security.

There are the four categories.

Because they didn't participate in Social Security, they are not covered here and they get a State pension. Now, I tried to get the average of the State pension or the board of education pension or whatever, and I don't have that. I haven't been able to get that information. This bill was considered by the committee yesterday, reported out today.

Do I stand here happy that some seniors around the country are going to say STENY HOYER was against them? I am not happy about that.

But I have felt it my responsibility to come to this floor, as someone who speaks about entitlement reform, as someone who believes we have got to exercise fiscal discipline, as someone who believes we ought to take care of the less well-off in our country, which are taken care of by the present law, 73 percent, under \$85,000. We take care of that. That's an individual; \$170,000 for a couple.

At some point in time, my friends, we have to buck up our courage and our judgment and say, if we take care of everybody, we won't be able to take care of those who need us most. That's my concern. If we take care of every-

body, irrespective of their ability to pay for themselves, the Ross Perots of America, frankly, the Steny Hoyer's of America, then we will not be able to take care of those most in need in America.

□ 1215

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy. I reflect on what the distinguished majority leader just said. I agree with much of what he advanced. But my concern, I guess, is that what we have done is symbolic of how we have sort of jerry-rigged a system.

We have the entire burden fall upon 27 percent of the population, some of whom perhaps can afford it, others who may not; and we are at a time when there is great stress on a number of these 27 percent. They will bear the entire burden.

I would hope that this would be the last time that we are dealing with a fix of this nature that is surgical, trying to deal with the inherent complexity that we have.

One of the reasons I am supporting comprehensive health care reform and Medicare modernization is so that we can tease out these anomalies; that we can provide an underpinning for all—not just our seniors citizens—but for all our citizens.

I agree this is suboptimal, but from my vantage point, this is the best that we can do in an unpleasant situation.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I think this debate has framed the issues very well. I very much share the concern of our majority leader about entitlement reform. I think part of that will have to be consideration of this issue.

But let's look at what the impact of a failure to act will mean. For the States, they will carry a large bulk of this because of the dual-eligibles. So, essentially, by doing nothing, we would say to the States, When you're in unusual circumstances, we're doing nothing. And for the many new-eligibles, they would, regardless of income, bear the weight here in times of real stress for them.

These are unusual circumstances for the States and for those who are receiving the benefits, and I think we have no choice now but to vote for this bill and tackle the issues of reform of our entitlements in the future.

So I urge support of this legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Medicare Premium Fairness Act, which will protect millions of seniors and people with disabilities from unfair increases in their 2010 Medicare Part B premiums.

Because of very low inflation, it is expected that there will not be a cost-of-living-adjustment (COLA) in Social Security benefits next

year. The current law has built-in protections for approximately seventy-five percent of Medicare Part B enrollees in which they will not see an increase in their Part B premiums as a result of not receiving a COLA on their Social Security checks. However, the remaining twenty-five percent of Medicare Part B enrollees will not be held harmless from an increase in their Part B premiums and will instead be responsible for shouldering the entire burden of next year's Part B program cost increase.

This bill, quite simply, would extend the current hold harmless policy to all Medicare enrollees. By taking this action, it will ensure that no senior will face Medicare Part B premium increases next year—including federal and state government retirees who do not pay their Part B premiums out of a Social Security check and so would have been disproportionately burdened without this change.

The legislation is fully paid for and meets PAY-GO requirements. I strongly urge my colleagues to support this very important bill that will help seniors and people with disabilities.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today as a proud original cosponsor of H.R. 3631, the Medicare Premium Fairness Act.

Many of us heard from our senior citizens over the August recess that they would not be receiving a Social Security cost of living increase because of the economic downturn.

This will cause a problem for many seniors because Medicare Part B premiums will still increase as they do yearly to cover the cost of the program. A "hold harmless" policy in existing law ensures that most seniors will not have a decrease in their Social Security checks if the Part B premium increase is projected to be greater than the Social Security cost of living adjustment.

The hold harmless policy will protect most seniors from an increase in their 2010 Medicare premium, but the 27 percent of our seniors will not be protected by these hold harmless provisions and because of the way the law is written, premiums for these enrollees will be disproportionately increased to \$110-\$120 a month.

The Medicare Premium Fairness Act will extend the current hold harmless policy to all Medicare enrollees. Ensuring that no Medicare beneficiary will see a decrease in their social security check due to the 2010 Part B premium increase and they will not see decrease in their Social Security checks.

Our seniors live on a fixed income and any decrease in their monthly social security check puts them in jeopardy of not being able to afford food and medicine. We need to ensure that even when we cannot increase the cost of living for Social Security we protect our seniors from a reduction in their monthly check.

I urge my colleagues to support his legislation which is fully offset and has the support of the AARP, the National Committee to Preserve Social Security and Medicare, the Center for Medicare Advocacy, the Alliance for Retired Americans, the Medicare Rights Center, and the National Active and Retired Federal Employees Association.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H.R. 3631—Medicare Premium Fairness Act. I commend

Congresswoman TITUS for her efforts on this issue and also would like to recognize Chairmen RANGEL, WAXMAN, STARK, DINGELL and PALLONE for their tireless work.

Today Congress acted to ensure that some of our nation's most vulnerable citizens do not face a dramatic increase in their Medicare Part B premiums. During these difficult economic times we must make the right choices to protect our senior citizens and individuals with disabilities. Without this measure that we are acting on today, many of my constituents in the First Congressional district and individuals and families across the country would be faced with an increase in the cost of their health care that they simply can't afford.

I am pleased that there is bipartisan consensus on this legislation and hope to build upon this effort to protect and strengthen Medicare as we move forward with health care reform. Once again I thank my colleagues for their hard work on this issue and urge the bill's passage.

The SPEAKER pro tempore. All time has expired. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 3631.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HERGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 18, not voting 8, as follows:

[Roll No. 737]

YEAS—406

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Becerra  
Berkley  
Berman  
Berry  
Biggett  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boccieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)

Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello

Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Fleming  
Forbes  
Fortenberry

Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Herger  
Herseth Sandlin  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hunter  
Inglis  
Inslee  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebbeck  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer

Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)

Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradner  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Space  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Peters  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NAYS—18

Akin	Garrett (NJ)	McClintock
Baird	Hensarling	Pence
Bean	Hill	Price (GA)
Broun (GA)	Hoyer	Ryan (WI)
Chaffetz	Jordan (OH)	Shadegg
Flake	Lamborn	Smith (WA)

## NOT VOTING—8

Barrett (SC)	Doyle	Moran (VA)
Buyer	Graves	Speier
Delahunt	Israel	

□ 1245

Messrs. HILL and JORDAN of Ohio changed their vote from “yea” to “nay.”

Messrs. FRANK of Massachusetts, FRANKS of Arizona, and COFFMAN of Colorado changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1245

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SCHRADER). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, the American people should have serious questions when it comes to the war in Afghanistan, and I believe we need answers before we ever talk about sending additional young men and women into that conflict.

General Stanley McChrystal told us this week that he needs more troops in Afghanistan or else our mission there will likely result in failure, but there seems to be some confusion over what that mission is.

Question one: Are we building nations or hunting terrorists? The administration has stated that its primary goal is preventing al Qaeda from operating, but General McChrystal has stated that his mission is to protect the Afghan civilians and establish good governance. These objects are related, but they are not the same. As the President has stated, we must first define our strategy, and then we will determine how to resource it.

Question two: How many troops will we need? The figure being discussed is an additional 40,000 to 45,000 more troops on top of the 68,000 already in Afghanistan. But experts such as General Charles Krulak put the figure for a

successful counterinsurgency at several hundred thousand. The greater our footprint over there, the more it looks like an occupation to a people who have violently resisted occupations for centuries.

Question three: Are we stretching our Army to its breaking point? Many of our troops are on their third or fourth tour. That has an impact on families and communities. Many of our National Guard units have left equipment over there and faced recruitment problems over here.

Question four: How long will these troops be there? It's not enough to decide we can manage it for another year or two with greater deployment. Without a specific end date, a decision to increase deployment today means more troops next year and the year after that.

Question five: Where will we get enough troops with the experience needed in Afghanistan? The military needs more IED experts to diffuse roadside bombs; however, it takes 11 months to train a bomb specialist, and these specialists are already in short supply.

We also need translators, medical officers, and other specialists that could require a great deal of training, yet we continue to kick out such specialists because of the immoral and extraordinarily shortsighted “don't ask, don't tell” policy.

Question six: How many NATO forces can we count on, and how will we maintain an effective command structure? We are told that this cannot be a go-it-alone mission, but resources in other NATO countries are limited, and incidents such as the German airstrike show the dangers of coalition warfare.

Question seven: Can we count on the Government of Pakistan to remain with us in this fight? Pakistan has a great deal of trouble controlling the tribal areas, and our continued presence is causing more unrest in the cities.

Question eight: Is it worth American lives to prop up the Government of Afghanistan? The Government faces serious charges of election fraud and corruption, and it appears to be losing control over much of the country as the Taliban moves in.

Question nine: Is this a winnable war? In General McChrystal's recent report he states that although the situation is serious, success is still achievable, but we still don't have a definition of success.

Final question: Is the war in Afghanistan really the best approach to protect the American people from terrorism? Our focus needs to be on protecting the people of the United States and stopping the international spread of terrorism. If this war is not the best way to do that, we need to leave. We cannot send more troops to fight for an undefined amount of time in an unde-

fined mission and for an undefined success.

## RESPECTING FAITH OF MILITARY CHAPLAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, this year, I introduced H.R. 268, a bill to make sure that our military chaplains of all faiths and religions are able to close a prayer in any way they see fit.

America was built on religious freedom, and that is why I am truly disturbed by a letter that was sent to Secretary Gates from the Freedom from Religion Foundation. This organization has taken exception to the fact that while speaking on the anniversary of D-day in France, U.S. Military Chaplain Thomas MacGregor closed a prayer in the name of Jesus Christ. This is just another example of how this country's Judeo-Christian values have been under assault.

As I think my colleagues know, I am a man that respects all faiths, whether it be Christian, Jewish, Muslim, and I would be just as upset if a chaplain from a non-Christian religion came under the same attack. I respect the rights of nonbelievers just as I respect the rights of believers.

It is a sad day in America when a military chaplain is criticized for closing his prayer in a way that is true to his faith.

In closing, with our young men and women fighting for religious freedom for people overseas, it is our duty to protect our own military chaplains and respect the faith of each of them.

Mr. Speaker, before I close, I do this frequently on the floor of the House because my heart aches for those over in Afghanistan and Iraq. I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in His loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I ask God to please bless the President of the United States with wisdom, strength and courage to do what is right for America. And I close three times, God please, God please, God please continue to bless America.

## TENTH ANNIVERSARY OF POLAND'S SUCCESSION TO NATO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, September 1, 2009, and September 17, 2009, mark the 70th anniversary of Poland's invasion on the west by Nazi Germany and on the east 3 weeks later by the Soviet Red Army. It triggered the start

of World War II. World War II began with the invasion of Poland.

Poland suffered the loss of more citizens, percentage-wise, during that war—over 20 percent of its people—under domination by the Nazis and Communists than any other nation. You would think that to mark these historically important and solemn occasions on this 70th anniversary our Congress and our President would have passed a commemoration supporting Poland's struggle for liberty and its recent democratic advances. You would think that our Nation, a nation that owes so much to Poland for inspiring our own struggle for freedom at our Nation's founding, and to its great generals, Thaddeus Kosciuszko, chief engineer of our Continental Army, and Casimir Pulaski, who saved the life of General George Washington, that we would have risen to praise the 10th anniversary of Poland's succession to NATO and its support of our current military engagements in the war on terror.

□ 1300

This year Poland will mark one decade as a signatory of NATO, the North Atlantic Treaty Organization, an intrinsic part of the United States' strategic foreign policy. September 17 should have been a reverent commemoration of an extraordinary effort that cost so many lives but seeded and bequeathed a powerful sense of freedom and democracy inside the Nation of Poland that ultimately yielded solidarity and strikes that began in 1956 until the final solidarity victory in 1989 and the collapse of the Berlin Wall. September 17 should be a day that commends the valiant people of Poland for their historic struggle against fascism and communism and commemorates the sacrifices made by the Polish people, including those who have since become American citizens.

On that day, our President should have called for strength and partnership in the NATO organization, North Atlantic Treaty Organization, European Union alliances, and continued friendship with our Polish allies in the furtherance of freedom's cause. We should have honored the historic ties that our two great nations have fashioned over two centuries.

Instead, on September 17, on the very anniversary date of the heinous Communist invasion of Poland, our government and the Obama administration chose to withdraw support of the proposed antiballistic missile shield in Poland and the Czech Republic. Whatever one's views of the merits or demerits of that defensive system, the choice of that date to announce this historic withdrawal is truly an insult to the Nation of Poland and to the people of Poland. Our Nation not only owes Poland an apology, we owe her affirmative support.

The United States has had diplomatic relations with this region since they were first established in April 1919—after having been wiped off the maps of Europe for over a century—with the then-newly formed Polish Republic, while the two nations have enjoyed consistently warm bilateral relations since 1989. The Polish Government has been a strong supporter of continued American military and economic presence in Europe. We have a shared love of freedom and democracy. They have supported our global war on terror, Operation Enduring Freedom in Afghanistan, and our coalition efforts in Iraq.

Why did the administration do this? Poland cooperates closely with American diplomacy on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Central and Eastern Europe, and U.N. reform. Now is definitely the moment for this Congress and the administration to restore a level of credible relationship with Poland in order to continue an abiding friendship that should not be smeared by this really tactless decision to announce this consequential defense decision on September 17, a date which harkens back to some of the worst memories that Poland has as part of her history.

I beseech this Congress and the administration to correct a great mistake.

#### MORE VETERINARIANS ARE NEEDED IN RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to discuss an issue not at the forefront of debate here in Washington but which will impact many areas of our country and many aspects of our lives. I am referring to the need for skilled veterinarians in many communities across America. This may not be a topic which makes its way to the House floor very often, but I assure you, it is an issue for many areas of our country.

Our food animal veterinary workforce is on the front lines of food safety, public health and animal health. This vital profession, however, is facing a critical shortage in the public, private, industrial and academic sectors. To make matters worse, the problem is on the rise. Large animal veterinarians, in particular, are integral to small rural communities. But in many of these communities, communities with few people but large numbers of animals, we are seeing a very distressing trend.

Let me show you. This map is a geographic display of total food animals by county in the United States. The dark gold areas have particularly high

concentrations of animals per county, more than 250,000. As you can see, States such as Iowa, Nebraska, Colorado, Texas and California all have extremely high concentrations of counties with 250,000 or more food animals.

Now let's take a look at a map showing total food animal veterinarians by county. The areas of dark green indicate counties with 35 or more food animal veterinarians by county, certainly quite a difference.

Finally, let's take a look at a map showing food animal concentration per veterinarian. I want to draw your attention to the red flags that dot the map. We all know that red flags mean danger or a hazard ahead. The red flags on this map indicate counties without one single food animal veterinarian but which have more than 25,000 food animals, several counties across the country.

According to the most recent data from the USDA, Cherry County, one county in my district, has 145,000 food animals per veterinarian. Fillmore County, also in Nebraska, has 112,000 food animals but not one food animal veterinarian. It's absolutely necessary for the farmers, ranchers, hobbyists—not lobbyists but hobbyists—and even animal lovers to have access to qualified local veterinary clinics.

To this end, Mr. Speaker, I have introduced H.R. 3519, the Veterinarian Services Investment Act. The legislation authorizes the Secretary of Agriculture to award competitive grants to help develop, implement and sustain veterinary services, especially in underserved areas. These grants may be used to support a wide array of activities based on the needs of an area, such as veterinarian and veterinary technician recruitment; expanding and establishing practices in high-need areas; surveillance of food animal disease and the utilization of veterinary services; establishing mobile/portable clinics and tele-vet services; and accredited veterinary education programs, including continuing education, distance education and faculty recruitment.

Under my bill, eligible applicants must carry out programs or activities which will substantially relieve the veterinary shortages throughout our country, as indicated on a geographical basis. These include entities such as veterinary clinics located in underserved or rural areas; veterinary practices which meet food animal protection needs; State, national, allied or regional veterinary organizations and specialty boards; colleges or schools of veterinary medicine; and State, local or tribal veterinary agencies.

I am proud to say that more than 30 of my colleagues, Democrat and Republican, have joined me as cosponsors of H.R. 3519. It has been endorsed by, among others, the American Veterinary Medical Association, the South



Dakota Veterinary Medical Association, the Iowa Veterinary Medical Association, Nebraska and Minnesota as well, the Farm Bureau, the Animal Health Institute, the National Association of Federal Veterinarians and the National Cattlemen's Beef Association.

Veterinarians make a difference every day. They understand animals and are integral parts of our rural communities. Unfortunately, too many rural communities don't have this necessary support. The Veterinary Services Investment Act will go a long way in this direction.

#### SOCIAL SECURITY RECIPIENTS NEED A COST OF LIVING ADJUSTMENT NEXT YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, earlier today the House passed a bill that will give relief to about a quarter of the Nation's seniors on Social Security by not having them experience a Medicare premium increase this year. That's all well and good and meritorious. Times are tough. But it doesn't go to the other three-quarters of the Nation's Social Security recipients, and it doesn't get to the bottom line that there is, for the first time since we had a regularly adjusted Social Security COLA—it used to be into the fifties and early sixties before we put in place a regular COLA, a cost of living adjustment for seniors on Social Security. They would get one in election years, strangely enough. The Congress would wake up, notice that seniors were out there and give them some sort of an increase.

We fixed that problem many years ago by saying, Well, Social Security benefits would be automatically adjusted. But the measure that is used is incredibly flawed, and it was not only flawed to begin with. The cost of living index is calculated on a lot of things that seniors don't buy, things that have gotten cheaper in this bad economy, actually, like giant flat screen televisions, computers and cell phones and other things that are not consumed to any great extent by our Nation's seniors.

But if anybody has checked the price of pharmaceuticals or medical care or basic utilities or many other must-have expenses, they haven't gone down. In fact, they've gone up. But seniors, some of whom are living only on a Social Security check, many who are principally dependent upon a Social Security check, are not going to get a cost of living adjustment this year because the formula that is used is faulty. It's not only faulty; it was actually tampered with by the Republicans and Alan Greenspan, that great guru, the guy who helped almost destroy the

world's economy recently through his deregulationist philosophy which became so embedded that Wall Street ran wild.

Alan Greenspan has always hated Social Security since he was on a commission many years ago and tried to find ways to go after it. A number of years ago he convinced a Republican Congress that the cost of living index actually overestimated inflation and that you should take away one point before you give a COLA to seniors on Social Security. The Republican Congress did that.

Now here we are today. We have a Democratic Congress. We're being told that there is no inflation; seniors won't get a COLA. The Obama administration says probably for 2 years they won't get a cost of living adjustment. That's not right. The things they are buying are going up in price, dramatically, and they're having tremendous difficulties making ends meet, living on that fixed income.

I have had a bill for many years that would put in place a new cost of living index for seniors called a CPIE—elderly—to look at the things they really buy and have to buy to live and get by. That hasn't gone anywhere, but I'm still pushing that idea.

But while we're working on developing a true index that would really look at the costs for seniors, we should pass a 1-year cost of living adjustment. And we can do that without borrowing the money, with no impact to the Social Security trust fund, very simply. We would just say that those who earn between \$250,000 a year and \$359,000, they would pay the same rate of Social Security tax as every normal wage-earning American who earns less than \$106,000 a year. If you earn less than \$106,000 a year, you pay Social Security tax on every penny of your income. If you earn \$250,000, well, no, you just pay on the first \$106,000. You don't pay after that. Your tax rate is lower.

Let's have a little bit of equity here. So we would simply have people earning between \$250,000 and \$359,000 pay the same rate of Social Security tax as every other American that would pay for a one-time COLA for seniors to help them make ends meet. We must act and act soon to get this done before this injustice happens next year.

#### AMERICA NEEDS TO STAND BY HER WORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I wish to address the issue of credibility that is so critical. And I want to follow up on what my friend was just discussing with regard to Social Security. These seniors would be flush with cost of living increases; the money would be

there if we did one thing, the one thing that has not been done in the entire history of Social Security and, that is, put the tax that provides for Social Security into the Social Security Trust Fund. It has never been done. It has always had IOUs go in. As the money comes in, it goes out the other door. That ought to stop.

And what it would create is the need to control the outrageous spending that's been going on, the \$770 million we passed for wild horses, the \$25 million for rare dogs and cats in foreign countries, the \$25 million for rare cranes, 80 percent of which are in other countries. Those are the things that would need to stop.

When it comes to the issue of our Nation's credibility, you can go back historically to 1812. There were banks and merchants in England that had loaned the United States money. When we went to war with England in 1812 as a nation, we made the commitment that we will still stand good for our word because even though we'll be at war, our word, our credibility, is too important to do otherwise.

□ 1315

That opened the door for the United States to become an economic powerhouse because people around the world said this is a Nation that can be trusted; their word is good.

With the way Vietnam ended under President Nixon and the Carter years, our credibility around the world was devastated, as we went back on commitments we had made. And it took the years of President Reagan, former President Bush, former President Clinton, former President George W. Bush to build our credibility back among the other nations, that you may not like our position, but when we give our word, we're going to stand good for it.

Now in 9 months' time that is all in jeopardy again. We heard during the campaign the noble promises that we will not go it alone on anything. We will not be that arrogant. We will consult with the other nations. And we had an agreement with Eastern Europe with regard to missiles and a missile defense shield, and there are leaders in Eastern Europe that took great political risk, and it cost them politically in mighty ways to work an agreement with the United States. But they did it because they believed they could trust the United States at its word.

Whether you believe in the propriety of the missile defense shield in Eastern Europe, that's one thing, but to unilaterally go against the word that was provided that we will not do that, that we keep our agreements, and unilaterally announce we're going back on our word on the missile defense shield shatters credibility even to those who didn't care about the missile defense shield but who are thinking about reaching agreements with us.



After the U.N. speech yesterday, all of the promises that have been made by this administration, both before and after its election, that that was the critical war we could not afford to lose, we're going to stand with them, now after the speech yesterday people are wondering, wow, are they going to back out and go against this Nation's word yet again already in this 9-month period? It's not just the Afghans wondering. Can we trust these people when they say they're going to help us? This is our Nation's credibility at risk. That affects everything.

There were pledges made to Israel during the campaign by the people inhabiting this administration, and now we're telling them you're going to have to go back to the lines the way they existed before 1967 because you cannot occupy land that you achieved during warfare. My goodness, we're going to have to give back California. We're going to have to give back Utah, Nevada, Colorado, Wyoming.

This is ridiculous. We are hurting our credibility nationally. Regardless of whether you agree or disagree with the prior administration, please do no

more damage to this Nation's credibility.

REVISIONS TO THE 302(a) ALLOCATIONS ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2010 THROUGH 2014

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 321 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit a revision to the budget allocations and aggregates for certain House committees for fiscal year 2010 and the period of fiscal years 2010 through 2014. This adjustment responds to House consideration of the bill H.R. 3631, "To amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner." A corresponding table is attached.

This revision represents an adjustment for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional

Budget Act of 1974, as amended, this revised allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

BUDGET AGGREGATES			
[On-budget amounts, in millions of dollars]			
	Fiscal Year 2009	Fiscal Year 2010	Fiscal Years 2010–2014
Current Aggregates: <sup>1</sup>			
Budget Authority	3,668,601	2,882,149	n.a.
Outlays	3,357,164	3,002,606	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Change in the Medicare Premium Fairness Act (H.R. 3631):			
Budget Authority	0	2,065	n.a.
Outlays	0	2,065	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	3,668,601	2,884,214	n.a.
Outlays	3,357,164	3,004,671	n.a.
Revenues	1,532,579	1,653,728	10,500,149

<sup>1</sup> Current aggregates do not include the disaster allowance assumed in the budget resolution, which if needed will be excluded from current level with an emergency designation (section 423(b)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2011 through 2014 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2009		2010		2010–2014 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation: Ways and Means	0	0	6,840	6,840	37,000	37,000
Change in the Medicare Premium Fairness Act (H.R. 3631): Ways and Means	0	0	2,065	2,065	0	0
Revised allocation: Ways and Means	0	0	8,905	8,905	37,000	37,000

WHERE IS THE HEALTH CARE REFORM BILL?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, Congress recessed on July 31 for the beginning of the August recess. On that day, H.R. 3200 passed out of the committees that had jurisdiction. That is the health care reform bill. It passed out of the Energy and Commerce Committee, on which I serve, late on that Friday evening, the last day in July. And everybody in this House went home for the August recess.

During that period of time, I held town hall meetings, as did many of my colleagues. There were TEA parties. There were freedom rallies. The American public spoke out as they have not done in a very long time and much of their frustration centered around the bill H.R. 3200 that at that point in time had passed all of the committees of the House and was ready for action on the floor.

But the American public sent a message, a message that they don't like the runaway spending that Congress has been engaged in. They don't like many of the programs that they think are jeopardizing the future of their

children and grandchildren in terms of the repayment responsibilities. But more than anything else, they sent the message that they do not want their health care tampered with and taken over by the United States Government.

Now, surprisingly, that message apparently has not been heard on the floor of this House.

Yesterday in the committee of primary jurisdiction that has H.R. 3200, the bill was, in effect, reopened for further amendments. Now, you would think that if the bill is going to be revisited that we would have heard not only from the American people but we would have heard from the President of the United States, who on September 9 spoke right here on the floor of the House. At the time he enunciated issues that he was in favor of. Republicans agreed with many of those things. But the question we had at the time was, where is the bill that embodies the things that you say you're in favor of? We did not see a bill then, and, unfortunately, we have not seen one since that time.

So yesterday in the committee of primary jurisdiction, you would think that we would have seen a bill that embraced the principles that the President said he was in favor of even though they were not embraced in the

bill that was the only bill before this House when the President was actually speaking. You would think it would have embraced many of the issues that the American public said they were concerned about.

Republicans attempted to offer a bill that would have embraced those issues where there should be bipartisan support, but we were not allowed to have a vote.

There are many issues that are encompassed in this debate. One that I have supported for a very long time is that if we are going to use taxpayer money, we should verify the citizenship of individuals who are going to receive the benefits of that taxpayer money because unless that is verified, there is no validity to simply saying that we are not going to spend taxpayers' money for people who have violated our law and are coming into our country inappropriately.

So the question remains, Where are we on health care reform? The rumors now abound that Speaker PELOSI is about to introduce a bill that purports to address the issues she's concerned with. We haven't seen the bill. I would ask the question, Is that bill going to come before the committees of jurisdiction? Is there going to be a hearing on it? Are committees going to have

the opportunity to amend it? Or is it going to go, as so many other things have gone in this body during these last few months, straight to the floor of this House with very little, if any, opportunity to have an input from the Representatives, who are the elected representatives of the people of this great country?

Those are the questions that still remain. They are still unanswered.

I would conclude, again, if there is something that we have gained from what we have heard from the President and, more particularly, what we have heard from the American public during the August recess, where is the bill that puts it in writing? We have yet to see it.

#### THE LACK OF TRANSPARENCY OF WHERE OUR TAX DOLLARS ARE GOING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, across this country there are many people today who are worried, and they're concerned and are even fearful about a number of things, but two of those things consistently work their way to the top.

The first one is the enormous amount of debt that this country is incurring and this administration is imposing upon our children and our grandchildren and, secondly, the lack of transparency of where our dollars are going.

If you look at the millions of dollars that have gone to ACORN, no one in this administration can tell you where they went and account for them. We have got millions of dollars going to banks that no one can account for; billions of dollars in the stimulus package that no one can account for; billions of dollars in welfare benefits that no one can trace and account for. And we have czars popping up all over the place with no accountability.

So we look at these people across the country who are fearful and concerned, and sometimes we say why are they assembling themselves together and why are they using some of the language that they are using? But what are their options?

And let's look at just one agency, the Department of Defense. Many of us have been concerned that these huge expenditures are for the first time putting us in a position where our budget is driving our defense posture as opposed to our defense posture driving our budget.

This year when the Defense budget came to the Armed Services Committee, the Secretary of Defense was required by this Congress, by law, to submit two things with that budget: First of all, a plan about the number of

ships that we have, a shipbuilding plan, so that we could look at that plan and see how it matches up to threats that we have around the world. And the second thing was an aviation plan. It just makes sense that you have a plan and know how many planes you're building and where they're going to be so that we can see that we can defend this country. As the ranking member of the Readiness Subcommittee it is important, I felt, for us to know those risk factors.

The law says specifically in 10 U.S. Code, section 231 that the Secretary has to submit a shipbuilding plan and then certify that this budget will meet it. The law also says he has to submit an aviation plan and certify that this budget will meet it. This year he simply refused to do it.

And, Mr. Speaker, when we then said what are our options, we thought, first of all, let's just be polite. So we wrote a letter, I wrote it, as ranking member of the Readiness Subcommittee of the Armed Services Committee, asking him to submit those plans. Do you know what we got? This is what we got: absolutely nothing.

So then we decided let's work in a bipartisan manner to see if we could correct that. So the Armed Services Committee issued a congressional inquiry demanding that the Secretary of Defense comply with the law and simply give us the plan for shipbuilding and aviation and certify that this budget would meet it. And, Mr. Speaker, this is exactly what we got: nothing.

Every member of the Armed Services Committee unanimously agreed that that information should be submitted by September 15 and issued that in the congressional inquiry. And, to date, the Secretary of Defense has refused to turn over those dollars, those figures, that certification, and those plans.

Mr. Speaker, I just ask you this: How can the Secretary of Defense look at our men and women in uniform and say we expect you to follow the law, to follow the statutes that Congress has passed and the President has signed, but they apply to you and not me?

I don't know what options we have; but I know this, Mr. Speaker, that I'm going to continue to come on this floor day after day after day until the Secretary complies with the law and gives the Armed Services Committee what he's supposed to give us, a shipbuilding plan and an aviation plan and the certifications that our budget will meet those so that we are defending the United States of America.

□ 1330

#### OUR FRIENDS IN EUROPE: YOU WILL NOT BE FORGOTTEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, a national missile defense: I am aghast at its being dropped by this administration.

First of all, we have a missile defense program, and that protects the west coast against a launch by a rogue nation, namely, North Korea. The national missile defense site proposed plan for Europe was designed primarily to defend our eastern coast against a rogue attack by Iran, so that's why I reject the arguments of this administration. This administration is citing concerns into Europe.

The benefit of the national missile defense site was that we got a twofer from this. Not only did we get a system, again, that's already in application on the western coast—we have a system in place to protect our eastern seaboard from a launch of an intercontinental ballistic missile, armed by a nuclear warhead by Iran against our eastern coast—but it also gives coverage to our allies and friends in the vast majority of Europe.

Our allies, the Poles and the Czechs, worked hard to educate their public to bring together consensus and to support the two sites—one being a radar site in the Czech Republic and another being an interceptor site in Poland.

What did they do based upon the negotiations with us? What is our response to them? Our response to them is to now reject and to turn away from this site.

Now, the launch sites in Poland are a few interceptors, not the hundreds of offensive missiles that are placed in Russia. The interceptors were never a threat to Russia. However, this administration now bows to the totalitarian regime in Russia at the rejection of our friends and allies in the democratic countries in Eastern Europe—our friends the Poles and the Czechs—who have worked hard, who have solid democratic institutions, who support the war on terror, and who are our allies in the battle of freedom. So we side with the Russians in opposition to our Eastern European friends and neighbors.

You know, Russia may have been successful in causing this administration to back away from its commitment, but I want them to understand there are still many, many Members in this Chamber who will not kowtow to you or bow to the threats imposed by a reemergent Russia. Russia has meddled in the affairs of the Eastern European countries for long enough, most recently in the invasion of Georgia, meddling in the Ukraine and trying to destabilize their neighbors on the borders.

We will continue to fight for those freedom-loving, democratic institutions in Eastern Europe, especially for the countries I mentioned before—the Ukraine and Georgia—and for the people who want democracy in Belarus. We

will not allow a reemergent Russia to try to build a new sphere of influence that will deprive these people of freedom.

This battle on national missile defense is the first victory for Russia in, again, attacking the credibility of the leadership of our country and in causing us to back down to commitments we made, not only to our citizens on the eastern coast but also to our allies and friends in Europe as a whole, and particularly to the Eastern European countries.

For years, the Eastern European countries have been called the "captive nations" because these were the countries which were under the totalitarian regime, under the old Soviet Socialist Republic system. They were deprived of their freedoms for decades. Of course, that is the desire of this new emergent Russia—to bring them back into that sphere. It is disappointing that this administration didn't stand strong in support of freedom and democracy and keep the movement on the national missile defense reaching forward.

We look forward to continuing this debate. I just want to send a message to our friends in Europe that you will not be forgotten.

#### THE PROGRESSIVE CAUCUS MESSAGE HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, I am KEITH ELLISON, here to claim the time.

The Progressive Caucus message hour, which comes to the House floor every week, week after week, with a Progressive message will be short tonight. We want to let our Republican colleagues know that. Tonight, though short, it will be a very potent and effective message because it is a Progressive message.

Obviously, everything these days is health care. Health care is a crucial issue, but it's important to understand that, from a Progressive standpoint, health care reform is part of an overall package of reform for middle and working class people in America.

How are you doing with your family budget when you see, over the last 10 years, that health care premiums have increased, that deductibles are increasing and that copays are increasing? How is it going when you see your neighbors are foreclosed upon and when the houses in your neighborhood are seeing a reduction in value? That's real wealth you're losing with this foreclosure crisis.

In a Progressive vision of this world, we see middle class people and working class people—people who are making only a little bit, who are making only

minimum wage—who are actually seeing their wages rise, who are seeing their health care costs level off and go down, who are seeing their home values go up, and who are seeing the doors to the universities remain open so that young people can have real opportunities in this America.

We have a vision where everybody counts, where everybody matters, where we're not constantly looking for the next person to throw under the bus. With the Progressive vision, we know that it doesn't really matter what your economic station is in life. You still have an opportunity to do well in America. You still should have that opportunity. You should still have an opportunity to have your civil and your human rights respected. As we move forward in this health care debate, we must remember from a Progressive message standpoint that it is a part of a network of things that American middle class and working class people need—people of all colors, people of all cultures and people of all faiths.

The Progressive message: We don't believe that it makes sense to rail against and to demonize people who come from other countries. We welcome new Americans. We think it's a good idea. Immigration has been good for the United States.

We have a Progressive message which says that we believe that everybody's health care in the United States ought to be covered and that your health should not be a commodity which is bought and sold on Wall Street, which is bought and sold on commodity markets, where people basically look at you and your health as an economic entity to make themselves richer and wealthier.

So it is with that opening remark that I talk about our short presentation tonight: the Progressive message about health care. It is in this context that we talk about health care, not so much about the technicalities of health care at this point, but really focusing on health care reform—patients before profits. We believe in this.

Thirty-six other nations in this world provide some form of national health care. Our country does not. We are the richest country in the world. We have a GDP bigger than any other country in the world by double, and still we say we don't have enough to go around to cover the 49 million who are left uninsured or to make sure that we hold prices down and have quality care for the 250 million who do have employer-based health care and government health care but who are seeing their premiums rise.

Tonight, though our friends on the other side of the aisle constantly bang on government and talk about government-sponsored health care, we are here to say that the government is a good thing. There is nothing wrong with government. From a Progressive

standpoint, we say that, yes, government must be efficient, that, yes, government must be effective and that, yes, government must not be too intrusive. Yet, just to make blanket statements about how government is bad, this is not part of the Progressive mission, because we know the GI Bill is part of government; we know that Medicare is part of government; we know that Medicaid, which covers the poor, is part of government; we know Social Security is part of government. We don't look at the government as the enemy in a country that is by, for and of the people. The government is us. So what are people talking about when they rail on government-run health care as if it's some horrible thing?

The fact is that we're here to stand up and to stand out for real health care reform as a part of an overall package to make middle and working class people better off, with a higher quality of life and with more opportunities for themselves and for their families.

So, as we discuss this issue and as we keep it in context, it's important to also bear in mind that a key element of reform—an essential element of reform—is the public option. The public option is an essential element of reform, and I want to talk to you about it tonight for just a few minutes because we're not going to be here long. We're going to be here for a while. Most doctors support the public option.

We have this chart here—and I hope I can get a nice, wide camera angle—of both the public and private options.

Sixty-three percent of all doctors—they call it "doctors/providers" nowadays, but they're really doctors. Sixty-three percent of doctors support both a public and a private option. Sixty-three percent. That's a lot. Now, you have another 10 percent of doctors who say, You know what? Get profit-based health care out of our American system. We want public-only options.

If you put all of the doctors who believe in both public and private options and doctors who believe in public-only options, that's 73 percent of doctors.

Doctors say they know the public option is better. You might have some folks who are accountable to industry interests in the insurance industry who don't want a public option, but you don't have doctors saying it. Doctors are for the public option—63 percent-plus more.

I am very pleased to be joined right now by my dear friend from the great State of New York, ANTHONY WEINER.

Anthony, how are you doing tonight? Mr. WEINER. I thank you very much.

I am an honorary member of the Progressive Caucus. I am not a member of the caucus, but I am very interested in the work that you've done on this issue. I just want to pick up on a point that you just made.

Part of the reason doctors understand the need for the public option is

that they deal every day with insurance companies. You and I, when we get sick—and God willing, that's not often—and when our constituents get sick, they have to deal with their insurance companies. They deal with them every day. They've got six or seven different in-boxes on their desks. About 20 percent of their overhead is dealing with insurance companies, and I don't mean dealing with them as in, "Hey, how are you doing? Let's have a doughnut and coffee together." I mean sitting on hold, getting approval, trying to find out when they're going to get reimbursed, spending months and months and months waiting for insurance companies to give them money for services they've already provided.

So when doctors look at this debate, they say, You know what? Having some level of competition is helpful to them as well. Just so we understand the context of this, we swing wildly between people who say the public option in this health care debate is going to transform the world and people who say it's not really going to do anything. Somewhere in between is probably right.

When this health care plan goes into effect under the President's proposal we have here in the House, for most Americans, they're not even going to have the ability to go sign up for the public option because they get health insurance at their work. If they decide to leave their employers, they're going to leave whatever the employers are putting into the kitty, so they're probably not going to do that. They effectively are not going to go into the public option. If you're on Medicare, Medicaid, the VA, or the Department of Defense, you're not going to be even eligible to go into the public option.

So the people who are going to benefit are a small group of people, an important group of people who are underinsured, meaning their employers don't provide even the basic health insurance we believe they should, or those who have no coverage at all. They're going to be able to shop. Even for those people, it is going to take a while for this public option to get up and running.

The reason it's so important—and you've made this point continually during the debate—is that we should have at least some experiment with how it might work. We should have some way to look through the lens and say, You know what? Here's a private insurance company that's paying for advertisements and that's paying bonuses. The CEO of the public option will probably make—I don't know—\$190,000 a year, whatever it is, versus an institution, a public option, which might say, You know what? Maybe we can do it for less because we don't have to look out for shareholders. That sliver of competition has the insurance companies mortified.

The question is why. Why are they so afraid?

Because, I say to my colleague from Minnesota, at the end of the day, it could just be that these insurance companies say, You know what? If I'm going to compete, maybe I'll have to turn a little bit less over to profits, a little bit less over to advertising and over to bonuses. Now, for them, that might not be so good, but for the rest of us and for the country as a whole, that is actually, probably, a pretty good thing.

Mr. ELLISON. If the gentleman would yield briefly—and I'll hand it right back to the gentleman from New York—I just want to throw this out there:

I propose that the people who support the public option and the people who oppose the public option do so for the same reasons.

□ 1345

One is that the public option will be competitive. Because we don't have to funnel monies into these things that don't really go to care, we will be able to provide cost-competitive products for people to be able to purchase.

Mr. WEINER. Well, let me make one other point. First, that's funny, you made that observation, great minds think alike or average minds think alike.

I had written an op-ed a month ago, made the same exact point that actually the two sides agree on this. But what's interesting about some of my Republican friends who have fought so vehemently against it is, at the end of the day, we are introducing another market player. That is, you always want more market players because that's where competition comes from.

We are introducing another one. Now we have tied its hands behind its back a bit more than I would have liked, but we are introducing another market player. It's fascinating because the argument seems to be, wait a minute, if you give my constituents choice, they might take it. Now, it's fine that—we apparently believe that our constituents are smart enough to choose us to be their representatives, but, oh, no, we can't trust them to be smart enough to choose the health insurance plan.

By the way, I already see the TV commercials. Don't go with them, you don't want government-funded health care. Yes, the private insurance companies are going to do everything possible to compete in that way. But at the end of the day, we are trying to introduce market forces where they don't exist today.

Let me just make this one final point. We hear all the time from the other side. Let the marketplace work. There is no marketplace for health care as a commodity the way we know it.

If I have an appendix burst right now standing here, I am not going to say, You know what, I am not going to get

an appendix, I am going to shop for a liver instead. Or I am not going to say, You know, I am going to wait. I understand appendix goes on sale in December, I am going to wait. Or I don't have the ability to say, I am going to go buy some books and learn how to sew up my own appendix. That doesn't happen.

If I am like 80 percent of all people that get their insurance from an employer, I have one option. My employer walks in and says, Congratulations, everyone here at the supermarket. We have Blue Cross or we have Oxford, and here is the coverage.

I don't get to say, Hey, boss, uh-uh, give me my money, I am going to go shop around a little bit more. That doesn't happen.

So the idea that we have some kind of a free market guaranteed choice doesn't exist. Now we are introducing a little bit here, but at the end of the day, this is not a commodity, like a suit of clothes that you can say I am going to buy or I am going to not. It's also true when people say, Why should I have to get insurance, I am not sick.

Well, you might not be sick today, but if, God forbid, you get hit by a car and you have \$170,000 worth of insurance, of health care costs, and \$100 in your pocket, you know who is paying? You and I are.

But what happened to the idea of letting us all make free choices? The right of your choice stops where it starts impacting me. As my father would frequently say to me when he was explaining to me the law, the right of my fist stops at your nose. You can't have this kind of conversation that—but if you really believe in the marketplace, introduce more players.

That's what Mr. ELLISON has talked about, and that's what the Progressive Caucus talked about. That's what, frankly, overwhelming numbers of Americans and overwhelming numbers of doctors are talking about.

If you are interested in making sure that we have a marketplace that is not just dominated by the idea if you can afford to pay, you do, and let me make this final—I know I keep saying final point. There is one other thing. You know, I have made the point that insurance companies for health care at the end of the day are not like insurance companies in any other walk of life.

Your car insurance company, since we all have automobile insurance coverage, they are apportioning risk. They are trying to figure out how you spread risk around. Health insurance companies don't do that. They are not covering anyone over 65. They are not covering anyone that has a preexisting condition. People like my father who tried to get health insurance before he was 65 were charged so much he effectively couldn't get it. So they are not doing that either.

So the question becomes what are the insurance companies doing? They

are taking our money and giving it to doctors, giving it to hospitals, giving it to clinics. But they are putting 20 percent in their pocket.

So why don't we, if we are trying to figure out savings, not that I have anything—I mean insurance companies aren't venal people; they are doing what we frankly have allowed them to do and they have risen up for natural reasons. Let's start with that 20 percent. Let's start with that 350 or so billion dollars out of a \$2.5 trillion pot. You know what, let's put that back into health care, let's put that back into tax cuts. Let's put that back into other service.

Frankly, that's the argument behind the public option, and it's 4 percent overhead, compared to the health insurance plan that I have, which has about a 25 percent overhead.

Mr. ELLISON. If the gentleman would just hang with me for a minute—well, tonight, we are short here tonight, we are going to be handing it over in a little while.

But I just want to explore this issue of competition with the gentleman from New York one more time. Now you pointed out how we have real problems with competition. We have real issues with flexibility within the market because, when you need the operation, you need it. There is not much opportunity for shopping around.

But what about the number of health care insurance companies that are in markets as they exist today? As you look around the cities of our country, are we seeing health insurance companies proliferating throughout these cities where you have multiple companies to choose from or are you looking at large markets being dominated by one to five actors?

I believe 75 percent of all the major markets are dominated by no more than five actors. Even if you could go shop around for that policy, do you have a lot to choose from?

Mr. WEINER. It's an interesting point. One of the most common things we hear from people who oppose this comprehensive health plan is they pick a reed of information and say, Why don't we do this? Why don't we let all insurance companies around the country compete in every market?

Well, I am open to the idea, but I have got to tell you they don't seem to want to. We have 50 States that have 50 State insurance commissions, and you can knock on the door of any one of them and say, I am an insurance company, I want to apply to provide insurance here in Minnesota or New York.

Now you know we have a grand total of zero applications from insurance companies in New York who want to operate in Maine. I tell you why, for an obvious reason. If you are a health insurance company in New York, you don't know any of the doctors in Maine. What your patients and your

customers are going to want is my doctor in your network.

So they have to go organize all these doctors, create a whole new network. It's hard to do. I honor health insurance companies for trying to do it. They make a lot of money. Maybe it's because they were able to do that. But you want to know, there is one insurance entity that has been able to do it for the entire country. It's called Medicare. Not only have they have been able to do it, but they have been able to do it at 3.5 percent overhead compared to a 30 percent overhead.

Mr. ELLISON. Wait a minute, isn't this a government-administered program?

Mr. WEINER. Well, not long ago on this floor, my colleagues on the Republican side of the aisle, who thump their chest and beat the rostrum about being against government-funded single payer health care plans, all voted for it. I mean, maybe not all of them; most of them voted for it.

They are the defenders of Medicare? Well, that's a single-payer, government-funded, government-controlled health care. Now it is not one thing, though—that really needs to be clarified. It's not socialism, and I will tell you why. Socialism means that government controls the means of production.

Government doesn't run the doctors or the hospitals any more than Oxford, Blue Cross or Aetna does. Now it's a common thing to say—and never or hardly ever do my colleagues on the other side of the aisle actually try to figure out the literal sense of what they are saying. It's not that.

It is, in a way, trying to figure out a way that we as a society figure out how to deal with the society problem, but the problem that we have here is the private insurance companies pick and choose markets the same way they pick and choose customers. I have got to tell you something. We can pass a law tomorrow saying that everyone can compete, all over the 50 States. You won't have people applying to go into Idaho and set up a—or probably going into Minnesota.

We have in New York a pretty rich—because we have a lot of customers, a lot of senior citizens. But we also have some of the toughest regulatory regimes because of many of the abuses that we have seen.

Look, I want to tell you something. It is my view we should have something like Medicare for all Americans. We should treat health care like we treat the fire department. Hopefully we don't need it very often. We all pay taxes so that when there is a fire they will come and put out the fire. It's good for our economy that our neighborhood shoe store should worry about selling shoes, not health care.

Under a vote that I am going to be offering, and I think it will have your support—

Mr. ELLISON. Absolutely.

Mr. WEINER. We are going to take the shoe store guy and say, You focus on that. We, the government, have an infrastructure that we know that works for health care. It has a financing problem like all health care does. Actually the curve for health care is not as severe as it is for private insurance. That's the way we should do it.

We should make it less expensive, not more expensive for citizens, because we shouldn't say, Your State taxes are going to go up, your local taxes are going to go up, your hospitals are going to close. We are going to run it the way we run Medicare, which is efficiently, and we will provide it as a service.

But putting that aside for a moment, at the very least, if we're going to have insurance companies be the primary place we get it, how about a tiny reed, a tiny sliver of competition. If you don't do it because you think you should have choice, do it because you think we should save money.

The Congressional Budget Office says that if we take a public option and we link it to Medicare plus 5 percent, we will save another \$100 billion. If you are a fiscal hawk, you want the public option. If you want choice, you want the public option.

If you are a doctor, you want a public option. If you are uninsured, you want a public option. If you have insurance, you may not know it, but you want a public option too.

I thank the gentleman for just about every day talking about these important issues.

Mr. ELLISON. I want to thank the gentleman for being as eloquent as he has been. We turn on the TV screen and the gentleman has been on national news talking about these critical issues from the standpoint of the numbers, the logic, but also from the standpoint of the person who really, really needs the change.

Congressman, you have done a great service. I have told you on the floor one-on-one how proud I am of the work that you have done. I think that you are going to keep doing it. You can count on me to support the Weiner amendment, which is a single-payer payment.

Mr. WEINER. Let me say very briefly what the single payer—consider it Medicare fraud. Ask your neighbor, if you are not old enough to have Medicare, ask them how their service is.

Every year they do a survey of all Medicare beneficiaries; 96 percent say they are satisfied with it, which any program or any business would be glad to have that. They also ask the providers, the hospitals, the doctors: Rate it on a score of 1 to 6. Last year the average score was 4.5. That is pretty good. That is essentially an A minus.

What it does is say, Look, we are not going have high overhead. We will not

pay you the bust-out top of the market. For every single person you are going to get prompt payment. Everyone is going to be covered. You are going to have customers all around the neighborhood, and we will try to do some smart things to contain cost.

Now make no mistake about it. The canard that's raised—wait a minute. Medicare is a successful program. We don't like it, but there are costs to it. It's true. We have more older people. To some degree Medicare's success is why it's having trouble financially.

We are living 10 years longer today than we were when Medicare was passed. By the way, it's not 10 years in our teenage years, we get 10 years at the end of life when we have more health care costs.

But if we want to solve a problem in Medicare, you call your Congressman. You get on the phone. The taxpayers employ those people. If you want to fix your private insurance, if they shut you down, they kick you out, you get on an 800 number or you buy shares in their company. Those are the two ways you influence it.

What we are saying is, let's have a more efficient model, let's have a model that's lower cost, let's have a model that you know works. If you don't think it works, ask our Republican friends how come they keep voting for it over and over and over.

I offered an amendment in the Energy and Commerce Committee. I see my colleague from the Judiciary Committee, but the Energy and Commerce Committee—I said, You don't like single-payer health plan, put your money where your mouth is. I offered an amendment on the day of the 44th anniversary of Medicare to eliminate the program. They say they don't like government-run health care. Eliminate the program.

Not a single one of those people—and I am prohibited on the floor from calling them phonies—not a single one of those people voted “no”—or voted “yes” to eliminate Medicare. Oh, no, no, no, we love Medicare. You like Medicare if you are 65 but not if you are 64?

□ 1400

Not if you're 60, not if you're 45. Why? What's the intellectually honest explanation of that? If you believe the program that you're going to fight and defend—you should have it when you're 65—what's magical about that?

When my dad retired at 60, he wasn't eligible to get Medicare, and he went to the private insurance market. They said, Fine. For \$15,000 a year, a retired guy, why not give that guy Medicare? And then maybe in a couple of years we give younger guys Medicare. And we get down to the twenties, where you are, we give you Medicare.

The point is, we know what works. You want simple? We got simple. Medi-

care for all Americans. You want inexpensive, you want low overhead? We got that. Medicare for all Americans. You want something that every doctor accepts? Medicare for all Americans. You want complete, 100 percent choice of what doctor you go to? Medicare for all Americans.

Now, one thing it doesn't do. It doesn't skim off 20 percent for profits. You won't see TV commercials with people sitting in rocking chairs saying, Boy, I'm glad I got Medicare. No, they're going to put that money into health care.

Does it need some fixing? Yeah. We do some dumb things. We'll put \$900 for someone to be in a hospital bed. We won't pay \$50 to put up a handrail when one-third of all seniors get into a hospital emergency room because of slips and falls. We do some dumb things, and we need to fix it.

But I've got to tell you something. As a Member of Congress representing 650,000, 660,000 people in Brooklyn and Queens in New York City, in God's country, I would much rather fight with CMS, fight with the Federal bureaucracy which, by the way, I get far fewer complaints about them than I do about private insurance companies, than having to hope that I get a good response from my insurance company.

So that's basically the philosophy behind the single-payer thing. I have to take exception to one thing the President said in his speech. He said, Some people in this Chamber want a single-payer system like they have in Canada. No. I want a single-payer system like we have in the United States of America. I want a single-payer plan that my father has. I want a single-payer plan that my mother has.

I want a single-payer plan that took my grandparents, whose generation had a 30 percent poverty rate before Medicare, and is now at 8 percent. That's the American single-payer.

So don't let people distract you by, Oh, it's Europe; it's socialism; it's Canada. It's the United States of America. We know how to do health care in the United States, and it's called Medicare. The Democrats created it. The Republicans now embrace it. It's got bipartisan support. Let's expand it.

I appreciate it. Let me just yield on this point. First of all, I appreciate it. I'm not a member of the Progressive Caucus. The final stage of the application, as you know, is the talent competition, and I was never able to make it through that last threshold.

But the fact that you, in hour-long blocks, have real thoughtful conversation—this present company excluded—but real thoughtful conversations about this issue that explore the actual facts and the underpinning is exactly why this has been, I believe, a proud moment in our American civic life.

You put aside the people yelling, call people names, put that aside for a mo-

ment. This is something all Americans see through the lens of their own experience. They feel very compassionate about it.

So I ask all of the people watching today and all of the people here observing this debate, ask someone about their experience with Medicare and you'll see it's a pretty good ambassador for a government program that works pretty well that we should try to expand to more Americans.

I thank you for your kindness.

Mr. ELLISON. I do thank the gentleman. This will be the conclusion of our Progressive message tonight. The Progressive Caucus, appearing with ANTHONY WEINER, who did such a fine job, we will be back next week, every-body.

This has been KEITH ELLISON with the Progressive message, and we yield back.

#### CONFERENCE REPORT ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Ms. WASSERMAN SCHULTZ (during the Special Order of Mr. ELLISON) submitted the following conference report and statement on the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes:

CONFERENCE REPORT (H. REPT. 111-265)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2918), making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### REFERENCES

SEC. 1. Except as expressly provided otherwise, any reference to “this Act” or “this joint resolution” contained in any division of this Act shall be treated as referring only to the provisions of that division.

#### DIVISION A—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

#### TITLE I

#### LEGISLATIVE BRANCH SENATE

#### PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Victoria Reggie Kennedy, widow of Edward M. Kennedy, late a Senator from Massachusetts, \$174,000.

#### EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$20,000; the President Pro Tempore of the Senate, \$40,000; Majority Leader of the Senate,

\$40,000; Minority Leader of the Senate, \$40,000; Majority Whip of the Senate, \$10,000; Minority Whip of the Senate, \$10,000; Chairmen of the Majority and Minority Conference Committees, \$5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$5,000 for each Chairman; in all, \$180,000.

#### REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

#### SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$178,982,000, which shall be paid from this appropriation without regard to the following limitations:

##### OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$2,517,000.

##### OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$752,000.

##### OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$5,212,000.

##### OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$3,288,000.

##### COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$15,844,000.

##### CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,726,000 for each such committee; in all, \$3,452,000.

##### OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$850,000.

##### POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,763,000 for each such committee; in all, \$3,526,000.

##### OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$415,000.

##### OFFICE OF THE SECRETARY

For Office of the Secretary, \$25,790,000.

##### OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$70,000,000.

##### OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,836,000.

##### AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$45,500,000.

##### OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$7,154,000.

##### OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,544,000.

##### EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$7,500; Sergeant at Arms and Door-

keeper of the Senate, \$7,500; Secretary for the Majority of the Senate, \$7,500; Secretary for the Minority of the Senate, \$7,500; in all, \$30,000.

#### CONTINGENT EXPENSES OF THE SENATE INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$140,500,000.

#### EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$520,000.

#### SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$2,000,000.

#### SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$153,601,000, which shall remain available until September 30, 2014.

#### MISCELLANEOUS ITEMS

For miscellaneous items, \$19,145,000, of which up to \$500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

#### SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$422,000,000.

#### OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

#### ADMINISTRATIVE PROVISIONS

#### GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS

SEC. 1. Effective on and after October 1, 2009, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2009, increased by an additional \$50,000 each.

#### REPORTING REQUIREMENT

SEC. 2. Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88-454; 2 U.S.C. 104a) is amended—

(1) in the last sentence of paragraph (1), by striking "shall" and inserting "may"; and

(2) by adding at the end the following:

"(6) Beginning with the report covering the first full semiannual period of the 112th Congress, the Secretary of the Senate—

"(1) shall publicly post on-line on the website of the Senate each report in a searchable, itemized format as required under this section;

"(2) shall issue each report required under this section in electronic form; and

"(3) may issue each report required under this section in other forms at the discretion of the Secretary of the Senate."

#### HOUSE OF REPRESENTATIVES

#### SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,369,025,000, as follows:

#### HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$25,881,000, including: Office of the Speak-

er, \$5,077,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$2,530,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$4,565,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$2,194,000, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,690,000, including \$5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, \$517,000; Republican Steering Committee, \$981,000; Republican Conference, \$1,748,000; Republican Policy Committee, \$362,000; Democratic Steering and Policy Committee, \$1,366,000; Democratic Caucus, \$1,725,000; nine minority employees, \$1,552,000; training and program development—majority, \$290,000; training and program development—minority, \$290,000; Cloakroom Personnel—majority, \$497,000; and Cloakroom Personnel—minority, \$497,000.

#### MEMBERS' REPRESENTATIONAL ALLOWANCES

#### INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$660,000,000.

#### COMMITTEE EMPLOYEES

#### STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$139,878,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2010, except that \$1,000,000 of such amount shall remain available until expended for committee room up-grading.

#### COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2010.

#### SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$198,301,000, including: for salaries and expenses of the Office of the Clerk, including not more than \$23,000, of which not more than \$20,000 is for the Family Room, for official representation and reception expenses, \$3,089,000 of which \$2,600,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than \$3,000 for official representation and reception expenses, \$9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer including not more than \$3,000 for official representation and reception expenses, \$130,782,000, of which \$3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, \$5,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, \$4,445,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, \$1,415,000; for the Office of the Chaplain, \$179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, \$2,000 for preparing the Digest of Rules, and not more than \$1,000 for official representation and reception expenses, \$2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House,



\$3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, \$859,000; for other authorized employees, \$1,249,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), \$597,000.

#### ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$313,665,000, including: supplies, materials, administrative costs and Federal tort claims, \$3,948,000; official mail for committees, leadership offices, and administrative offices of the House, \$201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$276,703,000, including employee tuition assistance benefit payments, \$3,500,000, if authorized, and employee child care benefit payments, \$1,000,000, if authorized; Business Continuity and Disaster Recovery, \$25,098,000, of which \$5,425,000 shall remain available until expended; transition activities for new members and staff, \$2,907,000; Wounded Warrior Program, \$2,500,000, to be derived from funding provided for this purpose in Division G of Public Law 111-8; Office of Congressional Ethics, \$1,548,000; Energy Demonstration Projects, \$2,500,000, if authorized, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$760,000.

#### CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

#### ADMINISTRATIVE PROVISIONS

SEC. 101. (a) **REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.**—Notwithstanding any other provision of law, any amounts appropriated under this Act for “House of Representatives—Salaries and Expenses—Members’ Representational Allowances” shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) **REGULATIONS.**—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) **DEFINITION.**—As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. Effective with respect to fiscal year 2010 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by \$96,000.

(2) The allowance for the office of the Minority Whip is increased by \$96,000.

#### HOUSE FITNESS CENTER

SEC. 103. Any active duty member of the Armed Forces who is assigned to a congressional

liaison office of the Armed Forces at the House of Representatives may obtain membership in the exercise facility established for employees of the House of Representatives (as described in section 103(a) of the Legislative Branch Appropriations Act, 2005) in the same manner as an employee of the House of Representatives, in accordance with such regulations as the Committee on House Administration may promulgate.

SEC. 104. (a) Section 101(d) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(d)), as added by section 103(a) of the Legislative Branch Appropriations Act, 2009, is amended by striking “and made available” and inserting “and merged with and made available”.

(b) The amendment made by subsection (a) shall apply to funds appropriated for fiscal year 2010 and succeeding fiscal years.

#### JOINT ITEMS

For Joint Committees, as follows:

##### JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,814,000, to be disbursed by the Secretary of the Senate.

##### JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$11,327,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

##### OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$1,300 per month to the Senior Medical Officer; (3) an allowance of \$725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of \$725 per month to two assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) \$2,366,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$3,805,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

##### OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

##### SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, \$1,377,000, to be disbursed by the Secretary of the Senate.

##### CAPITOL POLICE

##### SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$265,188,000, to be disbursed by the Chief of the Capitol Police or his designee.

##### GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication serv-

ices, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$63,130,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

#### ADMINISTRATIVE PROVISION

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 1001. Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings “Salaries” and “General expenses” upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

#### OFFICE OF COMPLIANCE

##### SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$4,377,000, of which \$884,000 shall remain available until September 30, 2011: Provided, That not more than \$500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

#### ADMINISTRATIVE PROVISION

##### DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1101. (a) **IN GENERAL.**—Title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is amended by inserting after section 305 the following:

##### “SEC. 306. DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

“The Executive Director may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of contents for the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended by inserting after section 305 the following:

“Sec. 306. Disposition of surplus or obsolete personal property.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

#### CONGRESSIONAL BUDGET OFFICE

##### SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$45,165,000.

#### ADMINISTRATIVE PROVISION

##### EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE

SEC. 1201. Section 1201 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 611 note; Public law 110-161; 121 Stat. 2238) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “3” and inserting “5”; and

(B) in paragraph (2), by striking “3” and inserting “5”;

(2) by striking subsection (d), and redesignating subsection (e) as subsection (d); and

(3) in subsection (d) (as redesignated by this section), by striking “Subject to subsection (d), this” and inserting “This”.

#### ARCHITECT OF THE CAPITOL GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$106,783,000, of which \$5,400,000 shall remain available until September 30, 2014.

#### CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$33,182,000, of which \$6,499,000 shall remain available until September 30, 2014.

#### CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$10,974,000, of which \$1,410,000 shall remain available until September 30, 2014.

#### SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$74,392,000, of which \$15,390,000 shall remain available until September 30, 2014.

#### HOUSE OFFICE BUILDINGS

For necessary expenses for the maintenance, care and operation of the House office buildings, \$100,466,000, of which \$53,360,000 shall remain available until September 30, 2014.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, \$50,000,000, to remain available until expended.

#### CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$119,133,000, of which \$25,610,000 shall remain available until September 30, 2014: Provided, That not more than \$8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be obligated for obligation during fiscal year 2010.

#### LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation

of the Library buildings and grounds, \$45,795,000, of which \$19,560,000 shall remain available until September 30, 2014.

#### CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, \$27,012,000, of which \$8,150,000 shall remain available until September 30, 2014.

#### BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$11,390,000, of which \$900,000 shall remain available until September 30, 2014: Provided, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

#### CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, \$22,459,000.

#### ADMINISTRATIVE PROVISIONS

#### DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1301. (a) IN GENERAL.—The Architect of the Capitol shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

#### FLEXIBLE AND COMPRESSED WORK SCHEDULES

SEC. 1302. Chapter 61 of title 5, United States Code, is amended—

(1) in section 6121(1) by striking “and the Library of Congress” and inserting “the Library of Congress, the Architect of the Capitol, and the Botanic Garden”; and

(2) in section 6133(c) by adding at the end the following:

“(3) With respect to employees of the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.”.

#### ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1303. (a) Section 3111 of title 5, United States Code, is amended by adding at the end the following:

“(e) For purposes of this section the term ‘agency’ shall include the Architect of the Capitol. With respect to the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.”.

#### HOUSE HISTORIC BUILDINGS REVITALIZATION TRUST FUND

SEC. 1304. (a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States, as an account for the Architect of the

Capitol, the House Historic Buildings Revitalization Trust Fund (hereafter in this section referred to as the “Fund”).

(b) USE OF AMOUNTS.—Amounts in the Fund shall be used by the Architect of the Capitol for the revitalization of the major historical buildings and assets of the House of Representatives which the Architect is responsible for maintaining and preserving, except that the Architect may not obligate any amounts in the Fund without the approval of the Committee on Appropriations of the House of Representatives.

(c) CONTINUING AVAILABILITY OF FUNDS.—Any amounts transferred to and merged with, or otherwise deposited into, the Fund shall remain available until expended.

(d) PERMITTING TRANSFERS FROM AMOUNTS APPROPRIATED FOR HOUSE OF REPRESENTATIVES.—Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b), as amended by section 103(a) of the Legislative Branch Appropriations Act, 2009, is amended by adding at the end the following new subsection:

“(e) Amounts appropriated for any fiscal year for the House of Representatives under any heading other than the heading ‘Members’ Representational Allowances’ may be transferred to the Architect of the Capitol and merged with and made available under the heading ‘House Historic Buildings Revitalization Trust Fund’, subject to the approval of the Committee on Appropriations of the House of Representatives.”.

(e) EFFECTIVE DATE.—This section and the amendment made by this section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

#### SUPPORT AND MAINTENANCE DURING EMERGENCIES

SEC. 1305. (a) During an emergency involving the safety of human life or the protection of property, as determined or declared by the Capitol Police Board, the Architect of the Capitol—

(1) may accept contributions of comfort and other incidental items and services to support employees of the Office of the Architect of the Capitol while such employees are on duty in response to the emergency; and

(2) may incur obligations and make expenditures out of available appropriations for meals, refreshments, and other support and maintenance for the Office of the Architect of the Capitol if, in the judgment of the Architect, such obligations and expenditures are necessary to respond to the emergency.

(b) This section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

#### LIBRARY OF CONGRESS

#### SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$446,151,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2010, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2010 and shall remain available until expended for the development and maintenance of an international legal

information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$6,350,000: Provided further, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, \$7,315,000 shall remain available until expended for the digital collections and educational curricula program: Provided further, That of the total amount appropriated, \$750,000 shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106-173, of which \$10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, \$250,000 shall be used to carry out activities under the Civil Rights History Project Act of 2009: Provided further, That of the total amount appropriated, \$200,000 shall be used for the purpose of preserving, digitizing and making available historically and culturally significant materials related to the development of Nebraska and the American West, which amount shall be transferred to the Durham Museum in Omaha, Nebraska.

#### COPYRIGHT OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$55,476,000, of which not more than \$28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2010 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than \$5,861,000 shall be derived from collections during fiscal year 2010 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$34,612,000: Provided further, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

#### CONGRESSIONAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorga-

nization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$112,490,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

#### BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

##### SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$70,182,000, of which \$30,577,000 shall remain available until expended: Provided, That of the total amount appropriated, \$650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

#### ADMINISTRATIVE PROVISIONS

##### REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) IN GENERAL.—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$123,328,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "Library of Congress", under the subheading "Salaries and Expenses", to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed \$1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

#### TRANSFER AUTHORITY

SEC. 1402. (a) IN GENERAL.—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading "Library of Congress" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading "Library of Congress" for fiscal year 2010 may be transferred from that account by all transfers made under subsection (a).

#### CLASSIFICATION OF LIBRARY OF CONGRESS POSITIONS ABOVE GS-15

SEC. 1403. Section 5108 of title 5, United States Code, is amended by adding at the end the following:

"(c) The Librarian of Congress may classify positions in the Library of Congress above GS-15 pursuant to standards established by the Office in subsection (a)(2)."

#### LEAVE CARRYOVER FOR CERTAIN LIBRARY OF CONGRESS EXECUTIVE POSITIONS

SEC. 1404. Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking "or" at the end;

(2) in subparagraph (G), by striking the period and inserting "; or" and

(3) by adding after subparagraph (G) the following:

"(H) a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314."

(4) The amendments made by subsection (a) shall apply with respect to annual leave accrued during pay periods beginning after the date of the enactment of this Act.

#### GOVERNMENT PRINTING OFFICE

##### CONGRESSIONAL PRINTING AND BINDING

##### (INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$93,768,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

#### OFFICE OF SUPERINTENDENT OF DOCUMENTS

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$40,911,000: Provided, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2008 and 2009 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING  
FUND

For payment to the Government Printing Office Revolving Fund, \$12,782,000 for information technology development and facilities repair: Provided, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than \$7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund and the funds provided under the headings "Office of Superintendent of Documents" and "Salaries and Expenses" may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE  
SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$556,849,000: Provided, That not more than \$5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than \$2,350,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than \$7,423,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments

hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

REPEAL OF CERTAIN AUDITS, STUDIES, AND REVIEWS OF THE GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1501. (a) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by striking subsection (d).

(b) AUDITS OF SMALL BUSINESS PARTICIPATION IN CONSTRUCTION OF THE ALASKA NATURAL GAS PIPELINE.—Section 112 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720j) is amended by striking subsection (c).

(c) AUDITS OF ASSISTANCE UNDER COMPACTS OF FREE ASSOCIATION.—Section 104(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(h)) is amended by striking paragraph (3).

(d) SEMIANNUAL AUDITS OF INDEPENDENT COUNSEL EXPENDITURES.—The matter under the heading "Salaries and Expenses, General Legal Activities" under the heading "Legal Activities" under title II of the Department of Justice Appropriation Act of 1988, (28 U.S.C. 591 note; Public Law 100–202; 101 Stat. 1329, 1329–9) is amended by striking "Provided further, That the Comptroller General shall perform semi-annual financial reviews of expenditures from the Independent Counsel permanent indefinite appropriation, and report their findings to the Committees on Appropriations of the House and Senate."

(e) REPORTS ON AMBULANCE SERVICE COSTS.—Section 414 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

- (1) by striking subsection (f); and
- (2) by redesignating subsection (g) as subsection (f).

OPEN WORLD LEADERSHIP CENTER TRUST  
FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), \$12,000,000.

ADMINISTRATIVE PROVISION

OPEN WORLD LEADERSHIP CENTER

SEC. 1601. (a) BOARD MEMBERSHIP.—Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)) is amended—

- (1) in subparagraph (A), by striking "members" and inserting "Members of the House of Representatives"; and
- (2) in subparagraph (B), by striking "members" and inserting "Senators".

(b) EXECUTIVE DIRECTOR.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(d)) is amended in the first sentence by striking "The Board shall appoint" and inserting "On behalf of the Board, the Librarian of Congress shall appoint".

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to—

- (1) appointments made on and after the date of enactment of this Act; and
- (2) the remainder of the fiscal year in which enacted, and each fiscal year thereafter.

JOHN C. STENNIS CENTER FOR PUBLIC  
SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), \$430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

LANDSCAPE MAINTENANCE

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW, on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I-395 tunnel on the southeast.

LIMITATION ON TRANSFERS

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

## GUIDED TOURS OF THE CAPITOL

SEC. 209. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

This Division may be cited as the "Legislative Branch Appropriations Act, 2010".

DIVISION B—CONTINUING  
APPROPRIATIONS RESOLUTION, 2010

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2010, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2009 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2009, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110-252).

(2) Section 155 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), except that subsections (c), (d), and (e) of such section shall not apply to funds made available under this joint resolution.

(3) Divisions C through E of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329).

(4) Divisions A through I of the Omnibus Appropriations Act, 2009 (Public Law 111-8), as amended by section 2 of Public Law 111-46.

(5) Titles III and VI (under the heading "Coast Guard") of the Supplemental Appropriations Act, 2009 (Public Law 111-32).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2009 or prior years; (2) the increase in production rates above those sustained with fiscal year 2009 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-I line item in a budget activity within an appropriation account and an R-I line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2009.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quan-

tity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2009.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2010, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2010 without any provision for such project or activity; or (3) October 31, 2009.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2010 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2009, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2009, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2009 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations nec-

essary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2009, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. Amounts made available by this joint resolution related to amounts provided in chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110-252), and titles III and VI of the Supplemental Appropriations Act, 2009 (Public Law 111-32), are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, except that amounts so designated under this section shall not exceed \$129,989,000,000.

SEC. 115. The provisions of section 14103 of Public Law 111-32 shall continue in effect through the date specified in section 106(3) of this joint resolution, and such provisions shall also apply to funds made available in this joint resolution.

SEC. 116. Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

SEC. 117. The authority provided by paragraphs (3) and (4) of section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3); 1758(h)(4)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 118. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 119. Section 21(g)(1)(A)(ii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)(ii)) shall be applied by substituting "October 1, 2008, and October 1, 2009" for "October 1, 2008" and shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 120. The authority provided by section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 121. Notwithstanding section 101, amounts are provided for "Department of Commerce—Bureau of the Census—Periodic Censuses and Programs" at a rate for operations of \$7,065,707,000.

SEC. 122. The authority provided by section 8116 of division C of Public Law 110-329 and section 310 of title III of Public Law 111-32 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 123. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended by section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 124. The authority provided by section 1022 of the National Defense Authorization Act

for Fiscal Year 2004 (Public Law 108-136), as amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 125. The authority provided by section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as amended by section 1024 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 126. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds" for such programs and activities under title IV of S. 1432 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under "District of Columbia Funds" as included in the Second Fiscal Year 2010 Budget Request Act (D.C. Act 18-188).

SEC. 127. The authority provided by section 5739 of title 5, United States Code, shall continue in effect through the date specified in section 106(3) of this joint resolution, notwithstanding subsection (e) of such section 5739.

SEC. 128. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "the 11-year period beginning on the first day the pilot program is in effect".

SEC. 129. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016a and 4026) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

SEC. 130. The requirement set forth in section 610(b) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall continue through the date specified in section 106(3) of this joint resolution.

SEC. 131. Section 550(b) of Public Law 109-295 shall be applied by substituting the date specified in section 106(3) of this joint resolution for "three years after the date of enactment of this Act".

SEC. 132. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

SEC. 133. Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

SEC. 134. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

SEC. 135. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291), as amended by section 336 of the Consolidated Appropriations Act, 2005 (Public Law 108-447), shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

SEC. 136. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by Public

Law 106-113), as amended by section 335(6) of Public Law 108-108, shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

SEC. 137. The authority provided by section 325 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108-108), as amended by section 426 of division E of Public Law 111-8, shall continue to apply through the date specified in section 106(3) of this joint resolution.

SEC. 138. The authority provided by the 19th unnumbered paragraph under heading "Administrative Provisions, Forest Service" in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109-54, shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 139. Notwithstanding any other provision of law, including section 703 of Public Law 109-415, the authorities provided in title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) shall continue in effect as they were in effect during fiscal year 2009, and apply through the date specified in section 106(3) of this joint resolution.

SEC. 140. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "the end of fiscal year 2009".

SEC. 141. Notwithstanding section 101, amounts are provided for "Veterans Health Administration—Medical Services", "Veterans Health Administration—Medical Support and Compliance", and "Veterans Health Administration—Medical Facilities" of the Department of Veterans Affairs at rates for operations not exceeding the lower of the amount in the President's fiscal year 2010 Budget Request (H. Doc. 111-3), the amount in H.R. 3082, as passed by the House of Representatives on July 10, 2009, or the amount in S. 1407, as reported by the Committee on Appropriations of the Senate on July 7, 2009.

SEC. 142. Notwithstanding section 7042(b) of division H of Public Law 111-8, amounts provided by section 101 of this joint resolution for Iraq shall be obligated under the terms and conditions of section 1106(b) of Public Law 111-32.

SEC. 143. Notwithstanding section 7040(f) of division H of Public Law 111-8, amounts provided by section 101 of this joint resolution for the Palestinian Authority shall be obligated under the terms and conditions of section 1107 of Public Law 111-32.

SEC. 144. Notwithstanding sections 7042(a) and 7070(e) of division H of Public Law 111-8, amounts provided by section 101 of this joint resolution for assistance for Iraq and Zimbabwe shall be obligated under the terms and conditions of section 1108 of Public Law 111-32.

SEC. 145. The authority provided by section 1113 of Public Law 111-32 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 146. The authority provided by section 309(f) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(f)) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 147. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 148. The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 149. Notwithstanding any other provision of this joint resolution, other than section 106, the Secretary of Housing and Urban Development shall obligate funds provided by section 101 at a rate the Secretary determines is necessary to renew or amend, in a timely manner, all section 8 project-based, section 202, and section 811, rental assistance contracts. In renewing or amending such contracts, the Secretary may provide for payments to be made beyond the period covered by this joint resolution.

SEC. 150. Commitments to guarantee loans, as authorized by the National Housing Act and insured under the Mutual Mortgage Insurance Fund, shall not exceed a loan principal of \$1,500,000,000 multiplied by the number of days covered by this joint resolution.

SEC. 151. Commitments to guarantee loans, as authorized by section 306 of the National Housing Act, shall not exceed a loan principal of \$2,500,000,000 multiplied by the number of days covered by this joint resolution.

SEC. 152. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)), the Secretary of Housing and Urban Development may, through the date specified in section 106(3) of this joint resolution, insure, and enter into commitments to insure mortgages under section 255 of such Act. During the period covered by this joint resolution, for new loans guaranteed pursuant to section 255 of the National Housing Act (12 U.S.C. 1715z-20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate.

SEC. 153. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for the date specified in such section 24(o).

SEC. 154. Funds made available under section 101 for the National Transportation Safety Board shall include amounts necessary to make lease payments due in fiscal year 2010 only, on an obligation incurred in 2001 under a capital lease.

SEC. 155. (a) Section 48103(6) of title 49, United States Code, shall be applied: (1) by substituting the amount specified in such section with an amount that equals \$3,820,000,000 multiplied by the ratio of the number of days covered by this joint resolution to 365; and (2) by substituting the fiscal year specified in such section with the period beginning October 1, 2009, through the date specified in section 106(3) of this joint resolution. This subsection shall be in effect through the earlier of the date of enactment of an Act amending section 48103 of title 49, United States Code, or the date specified in section 106(3) of this joint resolution.

(b) Section 47104(c) of title 49, United States Code, shall be applied by substituting "2010" for "2009".

(c) Nothing in this section shall affect the availability of any balances of contract authority provided under section 48103 of title 49, United States Code, for fiscal year 2009 and any prior fiscal year.

SEC. 156. (a) Sections 4081(d)(2)(B), 4261(j)(1)(A)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 shall each be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

(b) Subsections (d)(1) and (e)(2) of section 9502 of such Code shall each be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for "October 1, 2009".

(c) Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting "or any joint



resolution making continuing appropriations for the fiscal year 2010" before the semicolon at the end.

**SEC. 157. (a) EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.**—Except as otherwise provided in this section, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, and chapter 53 of title 49, United States Code, which would otherwise expire on or cease to apply after September 30, 2009, are incorporated by reference and shall continue in effect through the date specified in section 106(3) of this joint resolution.

**(b) USE OF FUNDS.**—Except as otherwise expressly provided in this section, funds made available for obligation under this joint resolution and expended under the authority of this section shall be distributed, administered, limited, and made available for obligation in the same manner and at the same rate as funds authorized to be appropriated for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 53 of title 49, United States Code, including section 5338(f)(1) of title 49, United States Code, chapter 303 of part A of subtitle VI of title 49, United States Code, and part B of subtitle VI of title 49, United States Code.

**(c) DISTRIBUTION OF FUNDS UNDER TITLES III AND V OF SAFETEA-LU.**—Funds made available for programs authorized under titles III and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1544 and 1779) and continued under this joint resolution shall be distributed to major program areas under those programs in the same proportion as funds were allocated for those program areas for fiscal year 2009, except that any designations for specific activities in sections 3044 and 3046 under title III and in title V of such Act shall not be required to be continued for the duration of this joint resolution.

**(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.**—Notwithstanding any other provision of law, the portion of the share of funds of a State under subsection (b) determined by the amount that the State received for fiscal year 2009 to carry out sections 1301(m), 1302(e), 1307, 1702, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1202, 1205, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(1) made available to the State for purposes described in section 133(b) of title 23, United States Code; and

(2) administered in the same manner and with the same period of availability as such funding is administered under section 133 of title 23, United States Code, except that subsections (d)(2) and (d)(3) of such section shall not apply to amounts administered pursuant to this section.

**SEC. 158. (a) APPROPRIATION OF FUNDING FOR CERTAIN HIGHWAY TRUST FUND PROGRAMS.**—For the period from October 1, 2009, through the

date specified in section 106(3) of this joint resolution, an amount shall be available from the Highway Trust Fund (including from the Mass Transit Account) to carry out each program, project, and activity continued under section 158 of this joint resolution that was funded from the Highway Trust Fund (including from the Mass Transit Account) during fiscal year 2009 in a sum equal to and from the same account as—

(1) the total amount available for such program, project, and activity for fiscal year 2009 under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144) and the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), divided by 365; and multiplied by

(2) the number of days between September 30, 2009, and the date specified in section 106(3) of this joint resolution.

**(b) CONTRACT AUTHORITY.**—Funds made available under this joint resolution to be expended under the authority of section 158 of this joint resolution shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, or section 5338(f)(1) of title 49, United States Code, whichever appropriate.

**(c) CALCULATION.**—The amounts made available under this joint resolution to be expended under the authority of this section shall be calculated by taking into account any rescission or cancellation of funds or contract authority for fiscal year 2009 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or any other law.

**SEC. 159. (a) EXTENSION OF AUTHORITY FOR EXPENDITURES FROM HIGHWAY TRUST FUND.**—

(1) Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 shall be applied—

(A) by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009"; and

(B) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for "October 1, 2009".

(2) Paragraph (1) of section 9503(c) of such Code is amended by striking "under" and all that follows and inserting "under the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution)".

**(b) MASS TRANSIT ACCOUNT.**—

(1) Paragraph (3) of section 9503(e) of such Code shall be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for "October 1, 2009".

(2) Paragraph (3) of section 9503(e) of such Code is amended by striking "in accordance with" and all that follows and inserting "in accordance with the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution)".

**(c) EXCEPTION TO LIMITATIONS ON TRANSPORTATION.**—Subparagraph (B) of section 9503(b)(6) of such Code shall be applied—

(1) by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009"; and

(2) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for "October 1, 2009".

**SEC. 160.** Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), by inserting "and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law," after "2009,"; and

(2) in subsection (b)(1)(A), by inserting "and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law," after "2009".

**SEC. 161. (a)** Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking "(as in effect" in subparagraph (A) and all that follows in such subparagraph and inserting "(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010),";

(2) by striking "(as in effect" in subparagraph (B) and all that follows in such subparagraph and inserting "(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010), and"; and

(3) by striking "(as in effect" in subparagraph (C) and all that follows in such subparagraph and inserting "(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010)".

**(b)** Paragraph (2) of section 9504(d) of such Code shall be applied by substituting the date that is one day after the date specified in section 106(3) of this joint resolution for "October 1, 2009".

**SEC. 162.** Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to sections 158 through 162 of this joint resolution shall be available until (1) enactment into law of an Act to extend or reauthorize surface transportation programs, or (2) the date specified in section 106(3) of this joint resolution, whichever first occurs, and shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

**SEC. 163.** None of the funds made available by this joint resolution or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

**SEC. 164. (a)** Clause (iii) of section 8909a(d)(3)(A) of title 5, United States Code, is amended to read as follows:

"(iii) \$1,400,000,000, not later than September 30, 2009";

**(b)** The amendment made by subsection (a) shall take effect as if included in the enactment of section 803(a)(1)(B) of the Postal Accountability and Enhancement Act (Public Law 109-435; 120 Stat. 3251).

This division may be cited as the "Continuing Appropriations Resolution, 2010".

And the Senate agree to the same.

DAVID R. OBEY,  
DEBBIE WASSERMAN  
SCHULTZ,  
MICHAEL HONDA,  
BETTY MCCOLLUM,  
TIM RYAN,  
C.A. RUPPERSBERGER,  
CIRO RODRIGUEZ,

Managers on the Part of the House.

BEN NELSON,  
DANIEL K. INOUE,  
MARK PRYOR,  
JON TESTER,  
LISA MURKOWSKI,  
THAD COCHRAN,

Managers on the Part of the Senate.



JOINT EXPLANATORY STATEMENT OF THE  
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amended the House bill with a single amendment which deleted the full text of the House passed bill and inserted a complete substitute. The conference agreement includes a revised substitute for the Senate amendment which addresses all the differences contained in the two versions of the bill.

Many items in both the House and Senate Legislative Branch Appropriations bills are identical and are included in the conference agreement without change. The conferees have endorsed statements of policy contained in the House and Senate reports accompanying the appropriations bills, unless amended herein. With respect to those items in the conference agreement that differ between the House and the Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections:

## DIVISION A

## TITLE I

## SENATE

The conferees agree to appropriate \$926,160,000 for Senate operations. Inasmuch as these items relate solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the amendment of the Senate as amended.

## HOUSE OF REPRESENTATIVES

The conferees agree to appropriate \$1,369,025,000 for House operations. Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendment of the House as amended. The agreement includes two new administrative provisions not included in the House passed bill. These amendments (1) establish eligibility at the House Fitness Center for military liaison officers; and (2) make a technical change in transfer language enacted in Public Law 111-8.

## JOINT ITEMS

## JOINT ECONOMIC COMMITTEE

The conference agreement includes \$4,814,000 as proposed by the House and the Senate.

## JOINT COMMITTEE ON TAXATION

The conference agreement includes \$11,327,000 as proposed by the Senate instead of \$11,451,000 as proposed by the House.

## OFFICE OF THE ATTENDING PHYSICIAN

The conference agreement includes \$3,805,000 as proposed by the House and the Senate.

OFFICE OF CONGRESSIONAL ACCESSIBILITY  
SERVICES

The conference agreement includes \$1,377,000 as proposed by the Senate instead of \$1,314,000 as proposed by the House.

## CAPITOL POLICE

## SALARIES

The conference agreement includes \$265,188,000 for salaries of officers, members, and employees of the Capitol Police instead of \$263,198,000 as proposed by the House and \$267,203,000 as proposed by the Senate. This level will support a staffing level of 1,799 sworn officers and 444 civilian personnel including staff transferred as a result of the merger with the Library of Congress police force. The staffing level provided by the conference agreement includes five civilian FTEs for radio technicians to facilitate the acquisition, installation and operation of the new radio system which was approved earlier this year. The conference agreement sets a limit of \$25,500,000 for overtime for the Capitol Police force as proposed by the Senate instead of \$24,000,000 as proposed by the House. This cap on overtime may only be exceeded if the Capitol Police Board notifies the Committees on Appropriations that this cap needs to be exceeded due to unanticipated safety or security concerns. The conferees note that both House and Senate reports request that the Government Accountability Office work with the Chief and the Capitol Police Board on improving workforce management systems, including overtime. The GAO is to report to the Committees on their progress in this area on a quarterly basis beginning in January 2010.

Based on the detailed review of the Capitol Police 2010 budget conducted in August and September of this year in preparation for conference discussions, the conferees are concerned that, despite progress over the last year, chronic problems related to budget preparation and execution continue. Estimates of end of year staffing levels for 2009 fluctuated significantly, not only from the original estimates submitted in February, but also from revisions submitted as late as July of this year. Basic estimates of the cost of benefits for transferred employees were erroneously calculated in the original budget. Based on these concerns, the Committees request that the GAO expand its work with the USCP to include a review and validation of the accuracy of its fiscal year 2011 budget request. A report of this validation review should be submitted not later than 30 days after the USCP budget is transmitted to Congress.

The House and Senate Committees on Appropriations expect the report on new posts requested in S. Rpt. 111-29 to be submitted within 60 days of the date of this conference report and that the USCP fully comply with the notification requirements related to new posts stated in that report.

## GENERAL EXPENSES

The conference agreement includes \$63,130,000 for general expenses of the Capitol Police instead of \$61,914,000 as proposed by the House and \$64,354,000 as proposed by the Senate. This amount includes funding for improved egress/evacuation systems for House Office Buildings including the full cost for installation of two cameras in the stairwell areas used as egress routes during emergencies. The installation of the new cameras will be accomplished over a two year period. Funds have also been included to support the replacement of older equipment as part of the life-cycle replacement program.

*GSA vehicle lease proposal.*—The conferees are fully supportive of the proposal transmitted to the Appropriations Committees on June 29, 2009 to manage the primary vehicle fleet of the USCP through the General Services Administration and urges implementation on an expedited basis.

## ADMINISTRATIVE PROVISION

## (INCLUDING TRANSFER OF FUNDS)

The conferees have included a routine administrative provision, section 1001, which continues authorization for transfers between accounts upon the approval of the Committees on Appropriations of the House and Senate.

## OFFICE OF COMPLIANCE

## SALARIES AND EXPENSES

The conference agreement includes \$4,377,000 for salaries and expenses of the Office of Compliance, instead of \$4,335,000 as proposed by the House and \$4,418,000 as proposed by the Senate. The agreement includes a general provision providing authority for the Office of Compliance to dispose of surplus property. This language was included in both the House and Senate bills in slightly different form.

The conferees are concerned that the Congressional Accountability Act of 1995 may enable the Office of Compliance (OOC) to apply a higher enforcement standard for certain health and safety standards than those applied to the Executive Branch and private sector. Strict statutory deadlines for remedying citations exacerbate this situation, and have led AOC to give highest priority to projects for which OOC has issued citations regardless of whether they represent the highest risk to health and safety.

The conferees believe that the standards applied to the legislative branch should be consistent with their application to the private sector and the executive branch. Therefore, the conferees expect the Office of Compliance General Counsel (OOCGC) to work with legislative branch agency heads to implement corrective actions in a realistic and reasonable time frame, taking into consideration the risks the deficiencies pose, the costs involved in remedying the deficiencies, as well as mitigating factors which have been implemented (sprinklers, alarms, and other building improvements) to reduce risk. The conferees expect the OOCGC to amend its regulations to establish criteria that use a comprehensive risk-based approach, including the cost of remedial actions as well as building renovations planned for the future, in working with agencies to address needed corrections.

## CONGRESSIONAL BUDGET OFFICE

## SALARIES AND EXPENSES

The conference agreement includes \$45,165,000 for salaries and expenses of the Congressional Budget Office as proposed by both the House and Senate.

## ADMINISTRATIVE PROVISION

The conferees have agreed to Section 1201, as proposed by the House and the Senate, to extend the Congressional Budget Office's Executive Exchange Program and increase the number of potential participants from three to five.

## ARCHITECT OF THE CAPITOL

## GENERAL ADMINISTRATION

The conference agreement includes \$106,783,000 for General Administration of which \$5,400,000 shall remain available until September 30, 2014, instead of \$109,392,000 of which \$8,950,000 would remain available until September 30, 2014 as proposed by the House,

and \$106,587,000 of which \$5,400,000 would remain available until September 30, 2014, as proposed by the Senate.

The utility metering project, funded by the House at \$3,550,000 in this account, is instead funded in the Architect of the Capitol Power Plant account.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget .....	\$101,383,000
Project Budget:	
1. Capitol Complex Tertiary Pumping Options (Study) .....	150,000
2. ESPC Management Program .....	2,000,000
3. Energy Reduction Program .....	3,250,000
Total, General Administration .....	\$106,783,000

#### CAPITOL BUILDING

The conference agreement includes \$33,182,000, of which \$6,499,000 shall remain available until September 30, 2014, for maintenance, care and operation of the Capitol, instead of \$32,800,000 of which \$6,241,000 would remain available until September 30, 2014 as proposed by the House, and \$33,305,000 of which \$6,499,000 would remain available until September 30, 2014, as proposed by the Senate.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget .....	\$26,683,000
Project Budget:	
1. Dome Rehabilitation, Phase 1B (Interim Painting) .....	2,500,000
2. Conservation of Fine and Architectural Art .....	499,000
3. Minor Construction ....	3,500,000
Total, Capitol Building .....	\$33,182,000

#### CAPITOL GROUNDS

The conference agreement includes \$10,974,000, of which \$1,410,000 is to remain available until September 30, 2014, for the care and improvement of the grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power Plant, as proposed by the Senate, instead of \$10,920,000 as proposed by the House.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget .....	\$9,564,000
Project Budget:	
1. Independence Avenue Repaving .....	910,000
2. Capitol Grounds Study .....	500,000
Total, Capitol Grounds .....	\$10,974,000

#### SENATE OFFICE BUILDINGS

The conference agreement includes \$74,392,000 for Senate Office Buildings, of which \$15,390,000 would remain available until September 30, 2014, for the maintenance, care and operation of the Senate office buildings. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

Operating Budget .....	\$59,002,000
Project Budget:	
1. Senate Underground Garage Expansion (Study) .....	1,000,000

2. Air Handling Unit Replacement, DSOB .....	1,100,000
3. Replace Modular Furniture, HSOB .....	3,500,000
4. Fire Protection System Upgrade Subway Tunnels .....	2,260,000
5. Skylight Replacement .....	2,480,000
6. HSOB Truck Tunnel Roadway/Ramp Replacement .....	1,050,000
7. Minor Construction ....	4,000,000

Total, Senate Office Buildings .....	\$74,392,000
--------------------------------------	--------------

#### HOUSE OFFICE BUILDINGS

*Base funding, House Office Buildings.*—The conference agreement includes \$100,466,000 for the basic and recurring needs of the House within the House Office Buildings account, of which \$53,360,000 would remain available until September 30, 2014. These funds support the regular maintenance, care and operation of the House office buildings by the Architect of the Capitol.

Operating Budget .....	\$47,106,000
Project Budget:	
1. CAO Project Support ..	4,390,000
2. Interior Rehabilitation of the East House Underground Garage .....	37,640,000
3. Rayburn Roof Replacement .....	6,330,000
4. Minor Construction ....	5,000,000

Total, House Office Buildings (base program) .....	\$100,466,000
--	---------------

*House Historic Buildings Revitalization Trust Fund.*—In addition to funding for core facility needs, the conference agreement includes \$50,000,000 for a newly created House Historic Buildings Revitalization Trust Fund, to remain available until expended, instead of \$60,000,000 as originally proposed by the House. These funds are included to begin to address known major building requirements to repair and upgrade the historic icon buildings and facilities of the U.S. House of Representatives. The House bill included these funds in a separate appropriations account to address additional Capitol complex needs. The Senate bill did not include a similar provision.

Inasmuch as these funds relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

#### CAPITOL POWER PLANT

In addition to the \$8,000,000 made available from receipts credited as reimbursements to this appropriation, the conference agreement includes \$119,133,000 for maintenance, care and operation of the Capitol Power Plant, instead of \$125,083,000 as proposed by the House and \$118,597,000 as proposed by the Senate. Of this amount, \$25,610,000 would remain available until September 30, 2014, instead of \$31,560,000 to remain available until September 30, 2014 as proposed by the House and \$25,074,000 to remain available until September 30, 2014 as proposed by the Senate.

The conference agreement includes \$84,262,000, as requested, for utility costs for the Capitol Complex, including an increase of \$4,340,000 to purchase 100 percent natural gas for use at the power plant. The agreement does not include the funding requested in the budget for conversion of the large coal burning boiler to natural gas. The conferees

understand that the conversion of this boiler is not necessary to achieve 100 percent natural gas use at the power plant and that conservation of the boiler will allow for the potential future use of other environmentally safe, renewable solid fuels.

With respect to operations and project differences the House and Senate conferees have agreed to the following:

Operating Budget (net) .....	\$93,523,000
Project Budget:	
1. Tunnel Program .....	16,850,000
2. Replacement of Existing WRP Switchgear (Design) .....	740,000
3. Mechanical System Survey & CPP Retro-Commissioning (Study) .....	250,000
4. Structural Fireproofing & Integrity (Study) .....	220,000
5. Utility Metering, Energy Program .....	3,550,000
6. Minor Construction ....	4,000,000
Total, Capitol Power Plant .....	\$119,133,000

#### LIBRARY BUILDINGS AND GROUNDS

The conference agreement includes \$45,795,000 for Library of Congress buildings and grounds, instead of \$41,937,000 as proposed by the House and \$40,754,000 as proposed by the Senate. Of this amount, \$19,560,000 would remain available until September 30, 2014, instead of \$15,750,000 to remain available until September 30, 2014 as proposed by the House and \$14,470,000 to remain available until September 30, 2014 as proposed by the Senate.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget .....	\$26,235,000
Project Budget:	
1. Sprinkler System, West Main Pavilion 1st Floor, TJB (Design) .....	500,000
2. Book Conveyor System Modifications (Design) .....	1,170,000
3. Monumental Exterior Exit Doors, JAB .....	1,600,000
4. Fire Door Improvements (Design) .....	730,000
5. ADA Bathroom Renovations, JAB .....	3,100,000
6. Elevator Modernization, MA-1 to MA-4, JMMB .....	3,590,000
7. ABA Space Reorganization, JMMB .....	2,000,000
8. Rain Leader Replacement, JAB .....	4,870,000
9. Minor Construction ....	2,000,000

Total, Library Buildings and Grounds .....	\$45,795,000
--	--------------

#### CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

The conference agreement includes \$27,012,000 for Capitol Police Buildings, Grounds and Security instead of \$26,364,000 as proposed by the House and \$26,160,000 as proposed by the Senate. Of this amount, \$8,150,000 would remain available until September 30, 2014, instead of \$7,750,000 as proposed by the House and \$7,050,000 as proposed by the Senate. Included within the total is \$1,500,000, to install emergency call boxes and camera equipment in congressional building stairwells, as proposed by the House.

With respect to operations and projects the conferees have agreed to the following:

Operating Budget .....	\$18,862,000
------------------------	--------------

## Project Budget:

1. Security Upgrades, Power Plant and Coal Yards .....	2,000,000
2. Hazardous Device Unit Facility Purchase .....	3,000,000
3. Power Switchgear Re- placement (Design) .....	250,000
4. Energy Audit Projects .....	400,000
5. Minor Construction (including security camera installation) ....	2,500,000
<b>Total, Capitol Police Buildings, Grounds and Security .....</b>	<b>\$27,012,000</b>

## BOTANIC GARDEN

The conference agreement includes \$11,390,000 for salaries and expenses, Botanic Garden, instead of \$11,263,000 as proposed by the House and \$11,898,000 as proposed by the Senate. Of this amount, \$900,000 shall remain available until September 30, 2014 as proposed by the House, instead of \$1,280,000 as proposed by the Senate.

With respect to operations and projects the conferees have agreed to the following:

Operating Budget .....	\$10,490,000
Project Budget:	
1. Administration Build- ing .....	900,000
<b>Total, Botanic Garden .....</b>	<b>\$11,390,000</b>

## CAPITOL VISITOR CENTER

The conference agreement includes \$22,459,000 for the Capitol Visitor Center (CVC), instead of \$23,166,000 as proposed by the House and \$22,756,000 as proposed by the Senate.

Funding is included for improvements to the existing online reservation system, training programs, and way-finding signage at the CVC. In addition, funding is provided to support the hiring of 5 full-time equivalents (FTE) to support critical operations of the CVC, including financial management and information technology. Funding is not provided for the additional 20 requested FTEs.

## ADMINISTRATIVE PROVISIONS

The conference agreement includes several administrative provisions related to the operations of the Architect of the Capitol (AOC). Section 1301 provides the AOC authority to retain proceeds from the sale of used or surplus personal property. Section 1302 provides that AOC utilize flexible work schedules. Section 1303 provides AOC the authority to accept voluntary student services. Section 1304 establishes the House Historic Buildings Revitalization Trust Fund. Section 1305 provides the AOC certain authorities to operate during emergencies. The conference agreement does not include Senate provision 1202 related to the CVC as this language has already been enacted into law. The conference agreement deletes Senate provision 1303 related to noncompetitive appointments without prejudice as this is an authorizing issue.

## LIBRARY OF CONGRESS

## SALARIES AND EXPENSES

The conference agreement includes \$439,801,000 in direct appropriations for salaries and expenses, Library of Congress instead of \$443,861,000 as proposed by the House and \$434,683,000 as proposed by the Senate. In addition to this amount \$6,350,000 is available from receipts collected by the Library of Congress and is to remain available until expended. The conference agreement provides the following specific allocations of funds:

\$3,554,000 for start-up costs at the new Ft. Meade storage facilities;

\$7,677,000 for the National Digital Information Infrastructure and Preservation Program;

\$5,317,000 for Department of State capital security cost-sharing;

\$700,000 for the Global Legal Information Network;

\$2,000,000 for support of the new custodial services contract;

\$7,315,000 for the digital collections and educational curricula program;

\$750,000 for the Abraham Lincoln Bicentennial Commission;

\$15,000,000 for the technology infrastructure improvements initiative;

\$250,000 to implement the new Civil Rights History Project Act;

\$2,213,000 for the Veterans Oral History program;

\$200,000 for the Durham Museum digitization program; and

\$150,000 for the American Folklife Center Fellowship program.

*Archie Green fellowship program.*—The conference agreement deletes without prejudice House bill language related to the honoring of Dr. Archie Green, one of the Founders of the American Folklife Center (AFC) at the Library of Congress. In lieu of naming the Center after Dr. Green, as proposed in the House bill, the conference agreement establishes a new fellowship program at the Library as a living memorial to his work. The AFC was established in 1976 to “preserve and present American folklife” by conducting original field research, archiving cultural heritage collections, presenting public programs, providing reference services and publishing research findings. The AFC owes its existence in large part to the efforts and vision of Dr. Green, who passed away earlier this year. As recognition of his contributions, the Librarian of Congress is directed to establish the “Archie Green Fellowship Program at the American Folklife Center” for which the Librarian may enter into contracts with individuals and groups to promote the initiation, encouragement, support, organization, and promotion of research, scholarship, and training in American folklife in accordance with the provisions of the American Folklife Preservation Act (Pub. L. 94-201, 20 U.S.C. 2101-2107).

## COPYRIGHT OFFICE

## SALARIES AND EXPENSES

The conference agreement includes \$20,864,000 in direct appropriations to the Copyright Office as proposed by both the House and the Senate. An additional \$34,612,000 is made available from receipts for salaries and expenses.

## CONGRESSIONAL RESEARCH SERVICE

## SALARIES AND EXPENSES

The conference agreement includes \$112,490,000 for salaries and expenses, Congressional Research Service (CRS), as proposed by the House instead of \$112,836,000 as proposed by the Senate. The conferees are fully supportive of a program of telework at the CRS and urge its implementation not later than January 2010. The conference agreement also includes funding for the CRS evaluation study directed by the House in H. Rpt. 111-160.

## BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

## SALARIES AND EXPENSES

The conference agreement includes \$70,182,000 as proposed by both the House and Senate. This amount includes \$650,000 for

costs to provide recorded newspaper services for the blind and physically handicapped.

## ADMINISTRATIVE PROVISIONS

The conferees have agreed to include administrative provisions carried in both bills related to reimbursable and revolving fund activities, transfer authorities, classifications of Library positions, and leave carry-over policies. The conference agreement does not include section 1301 of the House bill related to incentive awards. The agreement modifies section 1306 as proposed by the House to create a fellowship program at the American Folklife Center (see description under the “Salaries and Expenses” appropriations account).

## GOVERNMENT PRINTING OFFICE

## CONGRESSIONAL PRINTING AND BINDING

## (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$93,768,000, an increase of \$472,000 above the amount proposed by both the House and Senate. These funds will support costs not anticipated when the fiscal year 2010 budget was transmitted to the Congress.

## OFFICE OF SUPERINTENDENT OF DOCUMENTS

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$40,911,000 as proposed by both the House and Senate.

## GOVERNMENT PRINTING OFFICE REVOLVING FUND

The conference agreement includes \$12,782,000 as proposed by the Senate instead of \$12,000,000 as proposed by the House.

## GOVERNMENT ACCOUNTABILITY OFFICE

## SALARIES AND EXPENSES

The conference agreement includes \$556,849,000 in direct appropriations for salaries and expenses, Government Accountability Office instead of \$558,849,000, as proposed by the House and \$553,658,000 as proposed by the Senate. In addition, \$15,222,000 is available from offsetting collections. A total of 3,220 FTEs will be supported with these funds. The agreement modifies an administrative provision proposed by the Senate repealing a number of recurring statutory reports which are no longer required.

## OPEN WORLD LEADERSHIP CENTER TRUST FUND

The conference agreement includes \$12,000,000 for payment to the Open World Leadership Center Trust Fund, instead of \$9,000,000 as proposed by the House and \$14,456,000 as proposed by the Senate. The conferees are fully supportive of expanded efforts of the Open World Center to raise private funding and expect this effort to reduce the requirements for funding from the Legislative Branch appropriations bill in future years. The Committees look forward to a report of progress being made by the Center's fundraising program prior to hearings on its fiscal year 2011 budget request. The conference agreement also includes language proposed by the Senate making technical corrections in the Center's authorization language related to Board appointments.

## JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The conference agreement includes \$430,000 as proposed by both the House and Senate.

## TITLE II—GENERAL PROVISIONS

The conference agreement continues in sections 201 to 208 eight routine provisions carried in prior years. The conference agreement does not include language proposed by

the Senate but not included by the House amending the Congressional Accountability Act. The agreement includes Sec. 209 related to employee-led tours of the U.S. Capitol as proposed by the House instead of the language proposed by the Senate.

REPROGRAMMING GUIDELINES FOR  
LEGISLATIVE BRANCH AGENCIES

For Fiscal Year 2010, the House and Senate Appropriations Committees have jointly agreed that, unless otherwise stated in this report, a formal reprogramming letter will be required if an agency proposes to reallocate amounts which exceed a threshold of \$500,000 or 10 percent for any program, project or activity funded in this Act. Reprogramming requests are also required for reallocations of funds below these thresholds if they represent significant changes in policy. Each reprogramming request should be transmitted through a formal letter which should be signed by the Agency head. It should include a specific justification for each increase as well as for each offsetting reduction being proposed. The Committees have set annual spending levels in the reports accompanying this bill, including in this conference agreement, and do not expect the reprogramming process to be used as a mechanism for making routine changes to the directions in this report. It should be used only in the case of unanticipated needs

or significant and unexpected changes in program requirements. Operating Plans are not required for Fiscal Year 2010.

DISCLOSURE OF EARMARKS AND CON-  
GRESSIONALLY DIRECTED SPENDING  
ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI of the rules of the House of Representatives, neither the conference report nor the joint statement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.

LEGISLATIVE BRANCH			
[Congressionally Directed Spending Items]			
Account	Project	Amount	Requester(s)
Library of Congress	Durham Museum Photo Archive Project.	\$200,000	Senator Ben Nelson

CONFERENCE TOTAL—WITH  
COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follows:

[In thousands of dollars]	
Budget estimates of new (obligational) authority, fiscal year 2010 .....	\$5,041,787
House bill, fiscal year 2010 .....	\$3,674,500
Senate bill, fiscal year 2010 .....	\$4,611,666
Conference agreement, fiscal year 2010 .....	\$4,656,031
Conference agreement compared with	
Budget estimates of new (obligational) authority, fiscal year 2010 .....	—\$385,756
House bill, fiscal year 2010 .....	+\$981,531
Senate bill, fiscal year 2010 .....	+\$44,365

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - LEGISLATIVE BRANCH						
SENATE						
Payment to Widows and Heirs of Deceased Members of Congress.....	---	---	---	---	174	+174
Expense allowances:						
Vice President.....	20	20	---	20	20	---
President Pro Tempore of the Senate.....	40	40	---	40	40	---
Majority Leader of the Senate.....	40	40	---	40	40	---
Minority Leader of the Senate.....	40	40	---	40	40	---
Majority Whip of the Senate.....	10	10	---	10	10	---
Minority Whip of the Senate.....	10	10	---	10	10	---
Chairman of the Majority Conference Committee.....	5	5	---	5	5	---
Chairman of the Minority Conference Committee.....	5	5	---	5	5	---
Chairman of the Majority Policy Committee.....	5	5	---	5	5	---
Chairman of the Minority Policy Committee.....	5	5	---	5	5	---
Subtotal, expense allowances.....	180	180	---	180	180	---
Representation allowances for the Majority and Minority Leaders.....	30	30	---	30	30	---
Total, Expense allowances and representation....	210	210	---	210	210	---
Salaries, Officers and Employees						
Office of the Vice President.....	2,413	2,517	---	2,517	2,517	+104

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Office of the President Pro Tempore.....	720	752	---	752	752	+32
Office of the President Pro Tempore Emeritus.....	100	---	---	---	---	-100
Offices of the Majority and Minority Leaders.....	4,998	5,212	---	5,212	5,212	+214
Offices of the Majority and Minority Whips.....	3,096	3,288	---	3,288	3,288	+192
Committee on Appropriations.....	15,200	15,844	---	15,844	15,844	+644
Conference committees.....	3,310	3,452	---	3,452	3,452	+142
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority.....	814	850	---	850	850	+36
Policy Committees.....	3,380	3,526	---	3,526	3,526	+146
Office of the Chaplain.....	397	415	---	415	415	+18
Office of the Secretary.....	24,020	25,790	---	25,790	25,790	+1,770
Office of the Sergeant at Arms and Doorkeeper.....	66,800	75,044	---	70,000	70,000	+3,200
Offices of the Secretaries for the Majority and Minority.....	1,758	1,836	---	1,836	1,836	+78
Agency contributions and related expenses.....	44,693	47,531	---	45,500	45,500	+807
Total, Salaries, officers and employees.....	171,699	186,057	---	178,982	178,982	+7,283
Office of the Legislative Counsel of the Senate						
Salaries and expenses.....	6,743	7,154	---	7,154	7,154	+411
Office of Senate Legal Counsel						
Salaries and expenses.....	1,484	1,544	---	1,544	1,544	+60



LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances.....	30	30	---	30	30	---
Contingent Expenses of the Senate						
Inquiries and investigations.....	137,400	172,989	---	145,500	140,500	+3,100
Expenses of United States Senate Caucus on International Narcotics Control.....	520	520	---	520	520	---
Secretary of the Senate.....	2,000	2,000	---	2,000	2,000	---
Sergeant at Arms and Doorkeeper of the Senate.....	153,601	168,461	---	153,601	153,601	---
Miscellaneous items.....	21,043	19,145	---	19,145	19,145	-1,898
Senators' Official Personnel and Office Expense Account.....	400,000	450,830	---	425,000	422,000	+22,000
Official Mail Costs						
Expenses.....	300	-300	---	300	300	---
Total, Contingent expenses of the Senate.....	714,864	814,245	---	746,066	738,066	+23,202
Total, Senate.....	895,030	1,009,240	---	933,986	926,160	+31,130

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
HOUSE OF REPRESENTATIVES						
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker.....	4,879	5,077	5,077	5,077	5,077	+198
Office of the Majority Floor Leader.....	2,436	2,530	2,530	2,530	2,530	+94
Office of the Minority Floor Leader.....	4,390	4,565	4,565	4,565	4,565	+175
Office of the Majority Whip.....	2,115	2,194	2,194	2,194	2,194	+79
Office of the Minority Whip.....	1,630	1,690	1,690	1,690	1,690	+60
Speaker's Office for Legislative Floor Activities.....	501	517	517	517	517	+16
Republican Steering Committee.....	950	981	981	981	981	+31
Republican Conference.....	1,777	1,748	1,748	1,748	1,748	-29
Republican Policy Committee.....	337	362	362	362	362	+25
Democratic Steering and Policy Committee.....	1,315	1,366	1,366	1,366	1,366	+51
Democratic Caucus.....	1,749	1,725	1,725	1,725	1,725	-24
Nine minority employees.....	1,502	1,552	1,552	1,552	1,552	+50
Training and Program Development:						
Majority.....	290	290	290	290	290	---
Minority.....	290	290	290	290	290	---
Cloakroom Personnel:						
Majority.....	476	497	497	497	497	+21
Minority.....	476	497	497	497	497	+21
Subtotal, House Leadership Offices.....	25,113	25,881	25,881	25,881	25,881	+768

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses.....	609,000	699,344	660,000	660,000	660,000	+51,000
Committee Employees						
Standing Committees, Special and Select.....	154,000	175,189	139,878	139,878	139,878	-14,122
Committee on Appropriations (including studies and investigations).....	31,300	33,303	31,300	31,300	31,300	---
Subtotal, Committee employees.....	185,300	208,492	171,178	171,178	171,178	-14,122
Salaries, Officers and Employees						
Office of the Clerk.....	27,457	33,901	32,089	32,089	30,089	+2,632
Office of the Sergeant at Arms.....	8,355	10,092	9,509	9,509	9,509	+1,154
Office of the Chief Administrative Officer.....	125,838	133,948	130,782	130,782	130,782	+4,944
Office of the Inspector General.....	4,945	5,062	5,045	5,045	5,045	+100
Office for Emergency Planning, Preparedness and Operations.....	3,974	4,469	4,445	4,445	4,445	+471
Office of General Counsel.....	1,357	1,431	1,415	1,415	1,415	+58
Office of the Chaplain.....	173	179	179	179	179	+6
Office of the Parliamentarian.....	2,007	2,060	2,060	2,060	2,060	+53
Office of the Parliamentarian Compilation of precedents of the House of Representatives.....	(1,442)	(1,466)	(1,466)	(1,466)	(1,466)	(+24)
Office of the Law Revision Counsel of the House.....	(565)	(594)	(594)	(594)	(594)	(+29)
Office of the Legislative Counsel of the House.....	3,057	3,299	3,258	3,258	3,258	+201
Office of the Legislative Counsel of the House.....	8,337	8,900	8,814	8,814	8,814	+477

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Office of Interparliamentary Affairs.....	777	866	859	859	859	+82
Other authorized employees.....	1,158	1,320	1,249	1,249	1,249	+91
Office of the Historian.....	519	597	597	597	597	+78
Subtotal, Salaries, officers and employees.....	187,954	206,124	200,301	200,301	198,301	+10,347
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims.....	4,135	3,979	3,948	3,948	3,948	-187
Official mail for committees, leadership offices, and administrative offices of the House.....	201	201	201	201	201	---
Government contributions.....	260,703	302,776	278,278	278,278	276,703	+16,000
Capitol Visitor Center.....	1,900	---	---	---	---	-1,900
Business Continuity and Disaster Recovery.....	18,698	32,516	27,698	27,698	25,098	+6,400
Transition activities /1.....	4,721	2,907	2,907	2,907	2,907	-1,814
Wounded Warrior program /1.....	2,500	2,500	---	---	---	-2,500
Energy demonstration projects.....	---	10,000	2,500	2,500	2,500	+2,500
Office of Congressional Ethics /1.....	300	1,548	1,548	1,548	1,548	+1,248
Miscellaneous items.....	742	787	760	760	760	+18
Subtotal, Allowances and expenses.....	293,900	357,214	317,840	317,840	313,665	+19,765
Total, Salaries and expenses.....	1,301,267	1,497,055	1,375,200	1,375,200	1,369,025	+67,758
Total, House of Representatives.....	1,301,267	1,497,055	1,375,200	1,375,200	1,369,025	+67,758

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
1/ FY 2009 funding derived from Supplies, materials, administrative costs and Federal tort claims account						
JOINT ITEMS						
Joint Economic Committee.....	4,626	4,814	4,814	4,814	4,814	+188
Joint Committee on Taxation.....	10,719	12,823	11,451	11,327	11,327	+608
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances.	3,105	3,832	3,805	3,805	3,805	+700
Office of Congressional Accessibility Services.....	800	1,377	1,314	1,377	1,377	+577
Capitol Guide Service and Special Services Office.....	9,940	---	---	---	---	-9,940
Statements of Appropriations.....	30	30	30	30	---	-30
Total, Joint items.....	29,220	22,876	21,414	21,353	21,323	-7,897
CAPITOL POLICE						
Salaries.....	248,000	268,675	263,198	267,203	265,188	+17,188
Emergency appropriations, P.L. 111-32.....	71,606	---	---	---	---	-71,606
General expenses.....	57,750	141,394	61,914	64,354	63,130	+5,380
Total, Capitol Police.....	377,356	410,069	325,112	331,557	328,318	-49,038
OFFICE OF COMPLIANCE						
Salaries and expenses.....	4,072	4,474	4,335	4,418	4,377	+305

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
<b>Capitol Visitor Center:</b>						
CVC Project (cost-to-complete).....	31,124	---	---	---	---	-31,124
CVC Operations.....	9,103	24,568	23,166	22,756	22,459	+13,356
	-----	-----	-----	-----	-----	-----
Total, Capitol Visitor Center.....	40,227	24,568	23,166	22,756	22,459	-17,768
	=====	=====	=====	=====	=====	=====
Total, Architect of the Capitol.....	529,586	644,609	541,391	545,889	601,586	+72,000
<b>LIBRARY OF CONGRESS</b>						
Salaries and expenses.....	419,030	458,577	450,211	441,033	446,151	+27,121
Authority to spend receipts.....	-6,350	-6,350	-6,350	-6,350	-6,350	---
	-----	-----	-----	-----	-----	-----
Subtotal, Salaries and expenses.....	412,680	452,227	443,861	434,683	439,801	+27,121
Copyright Office, salaries and expenses.....	51,592	55,476	55,476	55,476	55,476	+3,884
Authority to spend receipts.....	-33,315	-34,612	-34,612	-34,612	-34,612	-1,297
	-----	-----	-----	-----	-----	-----
Subtotal, Copyright Office.....	18,277	20,864	20,864	20,864	20,864	+2,587
Congressional Research Service, salaries and expenses. Books for the blind and physically handicapped, Salaries and expenses.....	107,323	115,136	112,490	112,836	112,490	+5,167
	-----	-----	-----	-----	-----	-----
Total, Library of Congress.....	607,096	658,409	647,397	638,565	643,337	+36,241
	=====	=====	=====	=====	=====	=====
<b>GOVERNMENT PRINTING OFFICE</b>						
Congressional printing and binding.....	96,828	93,296	93,296	93,296	93,768	-3,060

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
<b>Office of Superintendent of Documents</b>						
Salaries and expenses.....	38,744	40,911	40,911	40,911	40,911	+2,167
Government Printing Office Revolving Fund.....	4,995	32,100	12,000	12,782	12,782	+7,787
<b>Total, Government Printing Office.....</b>	<b>140,567</b>	<b>166,307</b>	<b>146,207</b>	<b>146,989</b>	<b>147,461</b>	<b>+6,894</b>
<b>GOVERNMENT ACCOUNTABILITY OFFICE</b>						
Salaries and expenses.....	538,635	582,719	574,071	588,880	572,071	+33,436
Offsetting collections.....	-7,635	-15,222	-15,222	-15,222	-15,222	-7,587
Emergency appropriations (P.L. 111-5).....	25,000	---	---	---	---	-25,000
<b>Total, Government Accountability Office.....</b>	<b>556,000</b>	<b>567,497</b>	<b>558,849</b>	<b>553,658</b>	<b>556,849</b>	<b>+849</b>
<b>OPEN WORLD LEADERSHIP CENTER</b>						
Payment to the Open World Leadership Center Trust Fund.....	13,900	14,456	9,000	14,456	12,000	-1,900
<b>JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT</b>						
Stennis Center for Public Service.....	430	430	430	430	430	---
<b>Grand total.....</b>	<b>4,500,606</b>	<b>5,041,787</b>	<b>3,674,500</b>	<b>4,611,666</b>	<b>4,656,031</b>	<b>+155,425</b>
Regular appropriations.....	(4,402,000)	(5,041,787)	(3,674,500)	(4,611,666)	(4,656,031)	(+254,031)
Emergency appropriations.....	(98,606)	---	---	---	---	(-98,606)



LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses.....	44,082	46,365	45,165	45,165	45,165	+1,083
Emergency appropriations, P.L. 111-32.....	2,000	---	---	---	---	-2,000
Total, Congressional Budget Office.....	46,082	46,365	45,165	45,165	45,165	-917
ARCHITECT OF THE CAPITOL						
General administration.....	90,659	121,460	109,392	106,587	106,783	+16,124
Capitol building.....	35,840	33,305	32,800	33,305	33,182	-2,658
Capitol grounds.....	9,649	10,974	10,920	10,974	10,974	+1,325
Senate office buildings.....	69,359	76,032	---	74,392	74,392	+5,033
House of Representatives buildings:						
House office buildings.....	65,814	111,926	100,466	100,466	100,466	+34,652
House Historic buildings revitalization fund.....	---	---	---	---	50,000	+50,000
Capitol Power Plant.....	157,042	162,503	133,083	126,597	127,133	-29,909
Offsetting collections.....	-8,000	-8,000	-8,000	-8,000	-8,000	---
Subtotal, Capitol Power Plant.....	149,042	154,503	125,083	118,597	119,133	-29,909
Library buildings and grounds.....	39,084	69,144	41,937	40,754	45,795	+6,701
Historic buildings revitalization fund.....	---	---	60,000	---	---	---
Capitol police buildings, grounds and security.....	18,996	30,777	26,364	26,160	27,012	+8,016
Botanic garden.....	10,906	11,920	11,263	11,898	11,390	+484

DIVISION B—CONTINUING  
APPROPRIATIONS RESOLUTION, 2010

Division B provides continuing appropriations for all agencies and activities that would be covered by the regular fiscal year 2010 appropriations bills, until enactment of the applicable regular appropriations bill, or until October 31, 2009, whichever occurs first.

DAVID R. OBEY,  
DEBBIE WASSERMAN  
SCHULTZ,  
MICHAEL HONDA,  
BETTY MCCOLLUM,  
TIM RYAN,  
C.A. RUPPERSBERGER,  
CIRO RODRIGUEZ,  
JERRY LEWIS,  
ROBERT B. ADERHOLT,

*Managers on the Part of the House.*

BEN NELSON,  
DANIEL K. INOUE,  
MARK PRYOR,  
JON TESTER,  
LISA MURKOWSKI,  
THAD COCHRAN,

*Managers on the Part of the Senate.*

THE REMARKABLE CAREER OF  
CONGRESSMAN BOB DOUGHTON  
OF ALLEGHANY COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Thank you, Mr. Speaker. Next month, Alleghany County, a beautiful rural mountain county in northwest North Carolina, which I represent, will celebrate Bob Doughton Day and mark the beginning of the celebration of the 75th anniversary of the creation of the Blue Ridge Parkway.

Congressman Bob Doughton was an Alleghany County native from the town of Laurel Springs, who is fondly remembered for the instrumental role he played in the passage of Social Security and the creation of the Blue Ridge Parkway.

Congressman Doughton, who was sometimes known as "Farmer Bob," served in the House of Representatives for 42 consecutive years, from 1911–1953.

According to his congressional biography, Congressman Doughton was educated in the public schools of Laurel Springs and Sparta in Alleghany County. He began his career as a very successful Alleghany County farmer known for raising excellent cattle. He also worked as a banker and was the owner and president of the Deposit Savings and Loan Bank of North Wilkesboro until 1936.

He launched his political career as a member of the State Board of Agriculture from 1903 to 1909. He was later elected to the North Carolina State Senate in 1908 and in 1909, and was finally elected as a Democrat to the 62nd Congress in 1910.

For 6 years he chaired the Committee on Expenditures in the Department of Agriculture and then later he rose

through the ranks to chair the powerful Ways and Means Committee for nine terms. He also served as chairman for the Joint Committee on Internal Revenue Taxation for two terms.

He retired from Congress in 1952, and died about 2 years later at the age of 90, on October 1, 1954, in his hometown of Laurel Springs.

He had a remarkable congressional career, chairing the Ways and Means Committee for 18 years through some of the most tumultuous years of the 20th century. In his final year in Congress he became the longest serving Member of the House, preceding Congressman Sam Rayburn as what is known as the dean of the House, in 1952.

As we mark the 75th anniversary of the Blue Ridge Parkway, which is the most visited park of the National Park System, it is very appropriate today to stop and remember this influential North Carolina lawmaker whose vision helped create this beautiful scenic highway.

SOCIALIST VERSUS PROGRESSIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. I very much appreciate you recognizing me to address the House of Representatives and you today. As we near the close of this week and I listened to the emphatic presentation of the gentleman from New York and the more low-key, but I think equal conviction, presentation of the gentleman from Minnesota, it caught my ear that the gentleman from New York gave us a definition of socialism. He said, Socialism is when the government controls the means of production. I'm going to tell you that I believe that is a closer definition to communism than it is socialism.

Yet, I think the people who are the self-professed socialists in this country know who they are, and I think we should know who they are. They are the members of the Democratic Socialists of America. The Web site [dsausa.org](http://dsausa.org) is the central source, the most important and influential source of socialist thinking in America.

They write in there—and I have a whole series of documents since the gentleman made the statement about what socialists are. I have spent a little time probing around in this Web site location. And I find out some things in there that I think the public should know, Mr. Speaker.

It tells about the organization. It says that, We are socialists because we reject an international economic order sustained by private profit. Socialists reject private profit. Now that didn't seem to be what I heard the gentleman from New York say.

They also reject alienated labor, race and gender discrimination, which certainly I also reject, environmental destruction and brutality and violence in defense of the status quo. We are socialists because we share a vision of a humane international social order based both on democratic planning and market mechanisms to achieve equitable distribution of resources, meaningful work, and a healthy environment, sustainable growth, gender and racial equality and non-oppressive relationships, like having to work "for the man."

These socialists have a difference. On the Web site [dsausa.org](http://dsausa.org), there is a link that opens up and it says—first, it leads with, We are not Communists. Now I have always been very suspicious of any group that would start out with: I'm not a Communist. But the Democratic Socialists of America, that's how they start it.

They say, We're not Communists. Communists want to control everything. They want to nationalize everything. They want to nationalize not only the major corporations, the industry refining industry, the automobile manufacturers, the banks, the insurance companies, the lending companies. The Communists want to do all that and they want to nationalize small business: the butcher, the baker, and the candlestick maker, to keep it simple, Mr. Speaker. That's communist by the definition of the socialists on [dsausa.org](http://dsausa.org) Web site for the Democratic Socialists of America.

They also contend on those Web site links that they are a political party and they do support candidates, but they just don't actively ask them to carry around with them the socialist label. You'll find at the Web site [dsausa.org](http://dsausa.org) that the people who are their candidates are labeled themselves and by the socialist Web site as progressives. That would be the blue posters we saw within the last hour. The Progressive Caucus. And we wonder what progressives are.

Well, they are socialists. They have a far bigger influence on this Congress than the public is aware. There are 75 members of the Progressive Caucus that are listed on their Web site.

Now, there was a time that you could have gone to the socialist Web site and opened up the link and read down through the list of the members of the Progressive Caucus who are, every one of them a Democrat in this Congress, and every one is claimed by the socialists as being the legislative party and arm of their political activism.

You cannot disconnect progressive and socialist. You can't give them a different definition. And if you wonder about the heritage and the genesis of progressives, their Web site was hosted by the socialists up until a few years ago. And when it became known publicly that the socialist Web site was actually managing the progressives' Web

site—and you can go down the list: Marxist, Leninist, Trotskyite, Maoist, Stalinist, Communist, Socialist, Progressive. You see where I've gone. It's less egregious to be a progressive than a socialist. So they took another step away.

Socialists took a step away from communism because communism had a bad name. And they stepped away from it and they defined themselves differently and put it on their Web site. They said, Well, we're not communists because we don't want to do all these things. But they also say progressives are socialists. They're our people. And they used to host their Web site. Now the Progressive Caucus does their own Web site. But they advocate directly from the legislative agenda of the social Web site. Facts easy to find at dsausa.org.

Now what does a socialist do that's different than a communist? That's the question. Communists want to nationalize everything. They want to control the means of all production. They want to nationalize the corporations because the corporations aren't running consistent with their belief. And they want to also nationalize the butcher, the baker, and the candlestick maker. Small business. That's communists.

Socialists, right on their Web site, speaking presumably for the progressives as well, that they're anticorporate. They don't want to go nationalized to small business because they believe that small business can actually function okay without being repressive of the worker and can produce hair cuts and set up beer upon the bar and maybe hand you a sandwich out through the deli without them having to be involved as government in any means except to oppressively tax the profits that come. And then if you set up a sandwich store and it turns out to be a sandwich chain and it gets big enough, then they're going to want to nationalize it.

That's what socialists do. They want to nationalize corporations, large corporations. And it's all in the Web site. It's not a mystery. We have to do our reading. Dsausea.org. That's the socialist Web site.

When the gentleman from New York says, There's a difference; they're not socialists because they're not calling for controlling the means of production, well, I have to say, gentlemen, your names are on the list. I read it in the Web site. It's there. It exists. It's a matter of fact.

When you're anti-free enterprise, that puts you in the camp of the people who are on the hard core left. It's a philosophy that's been rejected by Americans.

By the way, you can also go to this Web site and read in here, dsausea.org, the people who advocate and support the progressives in this Congress and have not been repudiated by any pro-

gressive that I know of. You can also go to that Web site and you can see the agenda they have about nationalizing the major corporations in America. The nationalization of the Fortune 500 companies, for example, is written about on the Web site. They say, though, that they don't have to do it all at once, not in one fell swoop, that it can happen incrementally.

So you have an active political party with 75 Members in the House of Representatives and one Member in the United States Senate, a self-professed socialist, Senator BERNIE SANDERS, who are part of a movement to nationalize major corporations in America. And now we've elected the most liberal President in the history of the United States. And what has he done?

He has in the term that he has had so far, and this is only September, he has nationalized three large investment banks: AIG, the largest insurance company in America; Fannie Mae; Freddie Mac; General Motors and Chrysler. Eight huge entities nationalized and now under the control of the White House.

□ 1415

And how did he do that, and how was it brought about, the economic crisis, the crisis that Rahm Emanuel said we should never let go to waste? The President and others utilized the crisis to nationalize the largest entities they could get their hands on.

I recall looking at a picture of President Obama standing next to Hugo Chavez, and they asked what I thought. I said, well, my reflection is that there are two huge nationalizers here. Hugo Chavez has been nationalizing right and left in Venezuela, but in the previous 30 days, he had only nationalized a Cargill rice plant, a Minnesota proud, privately held company, and nationalized that rice plant down in Venezuela. He simply said, I don't like the way you are running your rice plant; I will run it. And they will decide what the production is and what the people get paid that work there, and what they are going to pay for the product, and they will take their margin out that goes in to run the Government of Venezuela.

Well, what is going on with General Motors and Chrysler and Fannie Mae and Freddie Mac and AIG and the three large investment banks, what is different about that? You are paying back TARP funding. That is one thing. But you have the President of the United States involved in, or at least his direct appointees, involved in the day-to-day management, for example, of General Motors. The President fired the CEO of General Motors, don't forget. He hired his CEO of General Motors. He put in place all but two of the board members of General Motors. And then he appointed a car czar who didn't hold up to the standard, apparently, because

he never made a car or sold a car. I suspect he had driven and ridden in them. But the car czar didn't quite meet the standard and so he appointed a new car czar.

And the CEO of General Motors admitted he was on the phone with the car czar sometimes multiple times a day. That is not what you would call disinterested. I wish the President took as much interest in ACORN as he did in General Motors. If that would happen, maybe we could get the President to the position where he would have a public comment on ACORN, after we have watched this saga unfold from across the country.

The films on ACORN have emerged in Baltimore; here in Washington, DC; Brooklyn, New York; San Bernardino, California; and then San Diego, California. The pattern that we have seen, people posing as a prostitute and as pimp walking into ACORN's headquarters in each of those five cities and proposing that ACORN help them set up a house of ill repute so they could funnel teenage girls, young girls into child prostitution. And what did the ACORN people do in each of those five cities? They helped facilitate this. They helped facilitate child prostitution, setting up a house of ill repute. It was a promotion of prostitution of children.

The first film I saw that was in Baltimore, there were two women that were telling the young girl who was posing as a prostitute and the fella who was posing as a pimp how they could best circumvent the law in order to get it done, how they could best circumvent the tax laws, and how they could game the taxpayers, all under this process, telling them how they could qualify for the earned income tax credit. If you make \$96,000 a year, just report \$9,600 a year, then you will get the earned income tax credit, which is a check from the Federal Government out of the pocket of the working people in America into the pockets of somebody running a prostitution ring advocated by ACORN.

And they told them, If you are going to have 13 prostitutes, you really should just claim three of them as dependents. And if you do that, then you can qualify for the child tax credit, which is a thousand dollars a year.

So that counseling at ACORN that came about spontaneously after they rummaged around through their records to come up with the right kind of label for these young girl prostitutes and to call them performing artists, and that would fit, and you could game the Federal Government, circumvent, defy the law, break the law, and not only turn your house of prostitution into a profit center, but also be able to draw down funds from the Federal Government.

These are some very effective people at taking our tax dollars, Mr. Speaker,

when it comes from them as a matter of instinct how you game the system, how you avoid taxes and cheat the government, and how you reach into the Federal coffers, the people's money, and draw that down for your own.

What a corrupt demonstration was taking place in Baltimore and in the other cities. But in Baltimore, the women who were working in there, the two women that were working at ACORN that were telling the young girl posing as a prostitute how to bring in young girls, 14-year-old girls plus or minus a year, how to bring them in, how to get this done and how to game the system, these women, I don't know if they were mothers, the ones working for ACORN, but I could hear children playing in the background in the tape as if they were right behind the wall. The door was open behind them into presumably another office, and you could hear children playing in there.

Could it be in the middle of raising children we have people who are advocating for child prostitution? Could it be that the children who were making the noise that we could overhear on the tape, could they have been the actual children of the women who were advocating child prostitution as representatives of ACORN? I suspect that is the most likely scenario, although I haven't confirmed it.

That is the part that bothers me perhaps as much as anything else, that a worker for ACORN that could be a mother that had children within earshot could be advocating for child prostitution. And what would be the difference between bringing a girl in from El Salvador, bringing in a baker's dozen of girls from El Salvador illegally, put them up in a house of ill repute with money borrowed by the advocacy and the brokering of ACORN housing, we presume, to help fund and set up the capital base and loan that would be a business enterprise? And what happens when those kids that we could hear playing, what happens when they get to 13 or maybe 12 or 14? Do the ACORN workers just turn around and funnel them right into that house and put them to work?

The lack of outrage on the part of my colleagues on the other side of the aisle, the people who have for years railed against child labor and have pushed so hard for child labor laws, 75 of them voted to continue funding to ACORN. Seventy-five Members of the House of Representatives voted to continue funding for ACORN even though the tapes in five cities confirm absolutely that there is a culture of that type of corruption, child prostitution, within the doors of ACORN.

Who could imagine that out of 120 cities where ACORN has a presence, that they were able to do the sting operation on all of them that were helping to facilitate child prostitution or susceptible to doing that. I can't imag-

ine that they went to 115 other locations and the people at ACORN said, Get out. I don't want to have anything to do with illegal behavior; and, by the way, I am going to call the police. We don't have any evidence that happened anywhere except Bertha Lewis told us that, who has consistently given us misinformation over the media airwaves. Mr. Speaker, I think America needs to know that she is the CEO, in effect, of ACORN, known formally as ACORN's chief organizer.

We have a great big problem in this country, and the biggest part of this problem, in my view, that undermines our country the most is not the child prostitution component. That is the most repulsive, but the biggest problem is ACORN's involvement in corrupting our election process. They have, for election cycle after election cycle, been complicit in false or fraudulent voter registrations. They bragged that they had produced 1.3 million voter registrations in the last cycle. That is on a document that they are using to raise money to go down and protest Sheriff Joe Arpaio of Maricopa County.

The document that they are using as a fund-raiser says we registered 1.3 million voters, and we need you to write us a check so we can continue to go in here and try to intimidate people who are standing up for the rule of law. That is how I would interpret it. They didn't produce 1.3 million registrations. On closer analysis, the number comes down to be less than half a million. But they did produce, by their own admission, over 400,000 fraudulent voter registration forms, false or fraudulent. To be more precise, voter registrations turned in.

Now imagine, the integrity of our vote. The franchise that every voter has is predicated upon the integrity of the voter registration rolls. That's why we register voters. If we didn't care how many times people voted, we wouldn't register them. We would just say, Go ahead and go vote. If you think you are an adult, walk in there and do so as many times as you like. But we do care. One person, one vote, and that is all that can be allowed, and we can't allow the process to be corrupted and we can't allow people to vote in multiple jurisdictions. One person, one vote per election. That's why you have to declare your residence. That is why you have to register, and that is why we have to go through the voter registration rolls and verify that they are legitimate registrations.

By the way, if you don't care about that, if you don't care about the integrity of the election process, you might be, Mr. Speaker, among those kind of people that would advocate for things like motor voter registration. Or if you go in and get a driver license's, they will say to you, Do you want to register to vote? That person might an-

swer, No comprende. It happens thousands of times in America. People get a driver's license, whether or not that is legitimate, and they sign here, now you are registered to vote. That happens thousands of times in America. All they have to do is assent to that. Yes, there is a check box that asks if you are a citizen. But if they can't understand the language, how could they possibly know that they are checking the right box and that they are guilty of perjury if they put down the wrong information? We know this happens tens of thousands of times in America. I suspect the number is a lot larger.

Why would an organization promote fraudulent voter registrations—I'm talking about ACORN—and why would they brag about it?

I can only come to this conclusion: If you can corrupt the voter registration rolls so badly that they didn't have any value any more, then anybody could vote and the election process would be who can herd the most people through the most polls the most times, and that is kind of the logical progression of it.

Who can imagine that with over 400,000 fraudulent registrations that we didn't have a fraudulent vote take place in America? ACORN would tell you that. Well, we may have gotten a little overzealous in our voter registrations, but we didn't have any fraudulent votes.

Please. With 400,000, why did you spend millions of dollars to register voters if there was no advantage, if you didn't think that you could game the system?

I will submit they benefit from confusion, especially in close elections, and I believe they benefit also from fraudulent votes. And when you have a fluid registration system, then you can have people on buses that go back and forth across State lines, jurisdictional lines, county lines, and vote multiple times. Once the ballot is cast, there isn't a means by which you can go back and prove it unless you have a video camera sitting in the polling place and you can show the full act of someone walking into the polling place and acknowledging their name and address, going in and voting, and seeing the same thing take place with the same face in another place. This is almost a perfect crime. In the means of trying to actually catch them, you really need confessions.

As we went through the election process in the year 2000 when there were all kinds of allegations that were made, Mr. Speaker, I sat for 37 days and drilled down into this and chased every rabbit trail I could find on the Internet. I was on the phone and I had a network of communications on my e-mail, and I found example after example of stealing elections. That happens to be the title of John Fund's book, who will be speaking in this Capitol shortly.

I found example after example, 400,000 fraudulent voter registrations turned in by ACORN, and still we can't pass a law that requires the person that hands those registrations over to the voter registrar, and in my State it will be the county auditor, we can't require them to identify themselves so that at least when it turns out to be fraudulent you can go back and say, Well, that was Sally Smith or Joe Jones that did that, and here's their address and here's their identification document when they turned this in.

□ 1430

And it's because there has been a concerted effort to undermine the integrity of the ballot box. And it isn't every Democrat, but that's where the chorus comes from, that's where the arguments come from, that's where the push comes from.

Now, that's not just Motor Voter that took place under Bill Clinton back in the nineties; we've got same-day registration taking place all across America in many, many States, including mine, same-day registration.

My Governor, Governor Culver, was Secretary of State; and in the middle of an election when he was Secretary of State, he advised people, If you don't know what precinct you live in, if you didn't get around to voting or changing your registration if you moved, or if you just moved in, don't worry about that, go to a polling place wherever you can, find one and go in there and vote. And we'll just call it a provisional ballot if anybody calls you on it, and we'll sort those ballots out later.

Can you imagine? We have 3 million Iowans, and I don't know the total of votes, perhaps 1.5 million, thousands of them went anywhere that was convenient and asked for a provisional ballot and cast it. And the ability to sort that all out and argue over the integrity of them, it overloaded our system.

Now, I come from a State that is the first-in-the-nation caucus. We have the great privilege to have the first bite of the apple to make a recommendation to the rest of America on whom we would like to see nominated for each political party, Democrats and Republicans, first-in-the-nation caucus. It's a high responsibility to maintain a high level of integrity. We were first-in-the-nation caucus, last in the Nation to certify the vote because our then-Secretary of State, now Governor, gave information to the voters all across the State that they could just go anywhere, further corrupting and confusing the system.

Now, add this up; Motor Voter registers anybody that will agree when they're asked, Do you want to be registered to vote. Who's going to say no? Especially if you think you're in the country illegally, you don't want to say no—you might think it's a responsibility to assent to registration.

So we've got Motor Voter registration, we've got same-day registration where somebody can just drive across the board into, name your State—Iowa, Minnesota, Wisconsin all come to mind—drive across the border, walk in, register to vote and vote on the spot. You don't have to prove residence to speak of. You maybe have to have somebody attest to who you are. There's a limit to the number of people that the bus driver can bring in and attest for, but it corrupts the process, Mr. Speaker.

And so I'm watching this country, this country that I love, this country that I was raised from the standpoint of, Eat your cold mashed potatoes, there are people starving in China. You've been born in the greatest Nation in the world and you hit the jackpot because God chose to have you born here in the United States—and I'll say especially in Iowa, from my perspective—a Nation that had never lost a war, that stood proud, that stood for freedom, that had the blessing and the gift of the Founding Fathers and the Declaration and the Constitution and the rule of law and all the pillars of American exceptionalism.

This great Nation that went through manifest destiny from the Atlantic to the Pacific Oceans, settled a continent in the blink of a historical eye. And we did it founded upon the values that are in our Declaration and our Constitution and our values of faith and our work ethic, with these unlimited natural resources, low or no taxation, no regulation when Americans settled this continent.

We built a culture and a civilization built on—I'll use the Superman term, "Truth, justice and the American way," and now I am watching it corrupted in the electoral process by an organization like ACORN. Four hundred thousand fraudulent voter registrations turned in, and still they count them when they brag about how many they registered, they count the fraudulent ones too. It's like saying I made \$2 million last year, but not bothering to mention that you stole \$1 million from the bank. That's the equivalent of their brag.

Now, we saw what ACORN did in five cities when confronted with child prostitution rings and illegal immigration. They promoted it, and they said, Game the system and you can get a check from Uncle Sam in the process. We've seen what they've done to corrupt the voter registration process and the election process. We've seen them get involved politically as a partisan organization over and over again. Nobody in this country believes that ACORN is out here to get out the vote for Republicans. They are a partisan organization that gets out the vote for Democrats. They are the machine. They are the foundational machine across the country that gets out the vote for

Democrats. We all know that, but it can't really be challenged.

And so as I look at their activities, and I understand that they say—well, I guess they changed their definition a little bit, 501(c)(3), that's what it says on a press release I just picked up, Mr. Speaker. There is apparently some intention that the IRS is going to take a look into ACORN. The first thing the IRS needs to do, Mr. Speaker, is take a look at ACORN's corporate filings and verify that they are a 501(c)(3). 501(c)(3) is a not-for-profit status, and if you violate that not-for-profit status, then your income becomes taxable.

And so I'm suggesting—no, I'm stating flat out—ACORN is a partisan organization, a get-out-the-vote organization for Democrats. They take millions of dollars and use them for partisan purposes. They were hired—an affiliate was hired by President Obama to get out the vote for him at the cost of—if I remember the number exactly, it was close to \$832,000. There is strong evidence that the President's fundraising list, once people maxed out to him, it was handed over to ACORN so they could use it to raise money.

We know that they've drawn down at least \$53 million in Federal tax money that will be posted on the 990 form as grants from government; \$53 million since 1994. I suspect the number is a lot larger. But if anybody would like to come down and defend ACORN, I would welcome you to come down and do that. If anybody thinks anything I've said here is even marginally factual, let's fine-tune it just a little bit. But I'm standing on the solid ground of fact. And the facts are this; 501(c)(3) organization, self-professed—it's in the press release, it has to do with the IRS now talking about investigating similar organizations, not specifically ACORN.

But if you're not for profit, it also means you're a nonpartisan, and you are barred by law from participating in partisan activities. Partisan activities would be, Mr. Speaker, advocating for a particular candidate or political party. So, working on a campaign, putting up yard signs, door hangers, running ads that advocate for candidates—especially by name—would all constitute violations of the not-for-profit status and make their income taxable.

Well, Mr. Speaker, I have here an interesting little picture. And the good part of this picture is that I don't have to wonder about the source; this is a picture that I took. This picture was taken in early July, before the Fourth of July. This is a picture of ACORN's national headquarters. They're at 2609 Canal Street, New Orleans, Louisiana. I walked up to the door. The door looks like a jail cell. It's got a glass business door entry behind it, but it's black bars and welded steel with an outdoor lock on the outside. This is the most fortified building in the neighborhood.

This is the second or third story where you see the bars here yet in the second or third story.

Mr. Speaker, right behind the glass at the national headquarters of ACORN is a poster here and it says, "Obama '08," a campaign poster for President Obama proudly displayed in the front window of ACORN's national headquarters. I don't know how you could get any more definitive evidence that it's a violation of the 501(c)(3) not-for-profit, no partisan activity if you're going to hang a partisan campaign sign in your window and leave it there, let's see—6, 7, 8 months after the election, it's still there. Does anybody imagine that it wasn't there before the election? And by the way, if anybody wonders if this is real, they can see over on the right-hand side, this hangs outside the glass, this is the ACORN banner, the ACORN logo, it's their logo on there. They fly that flag like we fly Old Glory.

So here's the flag, the glory of ACORN, the ignominy of it all, and here's the Obama poster. There are other posters behind there; I can't verify that they are Obama posters; it doesn't matter. This one is in the window. They're advertising for a political candidate. It's clearly a violation of the law. And it's blatant and it's open—and curiously, it's unnecessary. How sloppy can they be?

And so I think I've tied together the corrupt election process, the corrupt promotion of child prostitution rings, and also illegal immigration, which, out of the San Diego office especially, when the ACORN worker said, you've got to trust us; we have to work with Mexicans, I can bring people in through Tijuana, we'll help set this up for you. Child prostitution, violations, and then clear violations of voter laws.

In fact, there have been as many as 70 convictions for voter registration violations of ACORN employees. ACORN, as an entity, is under indictment in the State of Nevada. In the last couple of weeks they have put out, in the State of Florida, 11 warrants for arrests to pick up ACORN employees for voter registration violations. They did pick up 6 of the 11; the last I saw the news there were five still on the loose. And that was before the prostitution emerged from the film that was taken by the two intrepid reporters—whom I'm quite pleased and proud that they have done what they've done.

And that's not all, Mr. Speaker. If we continue on with ACORN, I would say here's another major concern of ACORN's involvement, and that is the practice of shaking down lenders, especially within the inner cities. Back in the seventies—it was either '77 or '78—Congress passed an act called the Community Reinvestment Act. It was an act that recognized a practice that I reject. It was the practice of red lining, as they called it—taking an ink pen

and drawing a red line around a neighborhood in a city or several neighborhoods in the city. Banks that were loaning money for real estate, home mortgages, and commercial property identified that property that had its value going down, and they defined it. And it happened to also be inner city property.

Often one could index race with that declining value of property and the red lining. If it turned out it was a racial conclusion, it was utterly wrong. If it was a business conclusion purely, then it could be justified. But Congress passed the Community Reinvestment Act that set the stage so that banks were then given an incentive to make loans into those communities where they had previously not been making loans. That was a direction of Congress to try to fix an ill that I believe at least was, in significant part, a wrong that needed to be corrected.

But ACORN exploited this. They were founded in 1977 or '78, as I said, and they began seeing the opportunities with the Community Reinvestment Act. And I don't know their involvement in getting the legislation passed. I suspect they were there at the table when it happened, but I don't know that. But I do know that they went in and shook down lenders and demonstrated outside the banks and intimidated the banks into giving money to ACORN. Not just in the first round of this. This wasn't. Give loans to the people in the inner city, it was, Write a check to ACORN, and we'll go away. Sometimes they would go into the lender's office, push his desk over to the wall, surround that lender and intimidate him, yell at him, shout at him and make demands, and eventually the intimidation tactics worked because banks wanted them to go away. So sometimes they wrote the check and sometimes they went away. Oftentimes they came back after a passage of time and began the process all over again.

Now, one demand was the shakedown that compelled—well, gave a strong incentive for—lenders to write the check to ACORN. That helped fund ACORN. You've also heard of this taking place from other organizations—Rainbow/PUSH comes to mind. They wrote the check to get ACORN off their back and then ACORN went away. And then they came back. And they did that over and over again. At a certain point, ACORN then demanded that the banks loan money into the neighborhoods that ACORN specified. They did their own red lining. They drew their red line around and said, You loan money into these neighborhoods or we'll come back and we'll protest so your customers can't get through the door. And so banks began loaning money into those neighborhoods and showing their records to the ACORN representatives, and now they're influencing a business practice. That's stage two.

Stage three is the lenders. In order to get ACORN off their back after they came back over and over again and escalated this, demanded money, demanded that loans be made into ACORN's red line district, then the next one was to grant ACORN a block of funds to be brokered into the communities of their choice, giving them more and more power.

□ 1445

This kind of shakedown undermines the free enterprise system, and it gives power to people through intimidation rather than market principles or moral principles. In fact, it is utterly corrupting in a society, and I can't draw a moral distinction between an ACORN shakedown, a Mafia shakedown, or a shakedown that might come from Hugo Chavez or some strongman in some other country. "You will pay the protection or you will not be in business."

I wonder if Cargill refused to pay protection in Venezuela and that was why Hugo Chavez nationalized the rice company down there, the rice plant in Venezuela earlier this spring, in about April.

So this is some of the pattern of ACORN's activity, Mr. Speaker, and it isn't, by any means, all of it. In fact, Wade Rathke, who was the founder of ACORN and was their CEO up until about a year ago, has a brother named Dale Rathke. Dale Rathke embezzled \$948,000 and change from ACORN. It is a matter of public record. They found out about it within ACORN and covered it up for 8 years. They covered up a crime, a felony, for 8 years. And in order to solve the bookkeeping problem, they took money from donors and money from pension plans and backfilled the hole in the accounting which was created by the embezzlement of the brother of the CEO who helped cover up this crime. Then it erupted and finally blew up to the point where Wade Rathke was pushed out of ACORN—or I should say, off to the side of ACORN. They're still players today. He and his brother are both engaged in, let me say, community organizing. Activist community organizers, people who read the book by Saul Alinsky, people who read Cloward-Piven and now people who are writing their own book, the Rathke brothers.

Mr. Speaker, we need to clean up this mess that is ACORN. This Congress has a responsibility. We know it now. I offered an amendment to unfund ACORN back in 2007. It did not have a lot of support at the time. Today we have seen this Congress vote to unfund ACORN, and we've seen 75 Members—every one a Democrat—vote against unfunding ACORN. We know what our duty is. Our duty is oversight. It's our constitutional responsibility, Mr. Speaker. And we need to use all of the tools in this Congress to drill into

ACORN, to get to the bottom of it, to bring the truth and the facts out. That will require, with all of these resources we have, in the House alone—and I call upon the Senate as well to engage in this. But in the House alone, we must have a full committee investigation and hearings by the Judiciary Committee, taking a look at the voter registration fraud that we know exists and look at it on a national scale. And from this, we need to drill into ACORN and pull out all of the rotten apples that are in there and shut down everything that is questionable. If there is anything left that has any integrity, I don't know what to do in that situation because I don't know how there would be any entity within ACORN that is not stained by this. But the Judiciary Committee has an obligation to investigate where there are violations of the law and where there are violations of voter registration and election fraud. That's our responsibility in the Judiciary Committee.

Government Reform—and this has been headed up very well in Government Reform by Congressman ISSA of California—needs to look into this from the standpoint of: how is government tied into this; what does it do to corrupt our government; what about all the tentacles of ACORN that would reach into government; how many places are they working in cooperation with government? And let's sever all of those relationships. That's the Government Reform component of this. To the extent that we can overlap and cooperate, we should do so committee by committee.

We need to go into the Financial Services Committee. Chairman FRANK needs to come all the way around to cleaning up ACORN. He was not here for the vote that would have unfunded ACORN. He had a couple of different announcements. But the most recent announcement of his intentions was that he would have voted to shut off funding to ACORN. Well, we can speculate if we like. But, Mr. Speaker, to verify the position of the chairman of the Financial Services Committee, we'll have to see what he does with ACORN. Will Chairman FRANK investigate? Will he use the powers of the gavel and the staff that he has in Financial Services? Will he work with the ranking member of the Republicans to drill into ACORN and go back and pull out those pieces that he put in himself over the years in this Congress that set up the scenario by which ACORN still today—let me say it this way: still today, ACORN is looking at categories of as many as \$8.5 billion that they could tap into of Federal tax dollars. Our tax dollars, Mr. Speaker. Altogether, \$8.5 billion in categories. That is money that's within the Community Development Block Grant, a low-income housing grant, and the stimulus package. Those three add up

to \$8.5 billion. ACORN, as far as anything that has been signed into law today, would still qualify to go into those funds.

The chairman of Financial Services, Mr. FRANK, has been involved in setting up the language, setting the stage. And it's not a practice of just this year. It's a practice of each year that I have been aware since I have been in this United States Congress, Mr. Speaker. So let's see if the chairman of the Financial Services Committee uses his gavel to investigate and provide proper oversight, with all the resources that he has at his disposal, working in full cooperation with Republicans on our side of the aisle and staffs working together. Let's see if that happens.

The Judiciary Committee needs to do a full investigation and hearings. Financial Services needs to do a full investigation of ACORN and hearings. By the way, when I say ACORN, that's a general term for ACORN and all of their affiliates, 361 of which have been identified by the Government Reform Committee in the report that was put out July 23 by the Government Reform Committee and Ranking Member DARRELL ISSA. The Judiciary Committee and the Government Reform Committee need to investigate ACORN and all of their 361 affiliates.

We also need to ask the Ways and Means Committee and Chairman RANGEL—who I recognize has his own problems in this Congress, but this is an opportunity for Mr. RANGEL to redeem himself as chairman. The chairman of the Ways and Means Committee needs to commence a full, all-out, full-court investigation of ACORN and all of their affiliates and use the tools at his disposal, the power of the gavel and the subpoena ability that that committee has to bring in ACORN and examine their taxes and also to turn the pressure up and direct the IRS to do a complete audit of ACORN and all of their affiliates. The only way to get a clean bill of health is to put them all through, let me say, the fiscal physical, that is, a complete analysis of all of the funds that come into ACORN and all of their affiliates. Chairman RANGEL can bring that about, and certainly he needs to work in cooperation with the ranking member on the Ways and Means Committee. I'm pushing very hard that we get this done.

I have named three committees. We have Judiciary, Ways and Means, Government Reform, all of them need to commence their investigations. We need the House Admin, who works in cooperation with the voter election laws. They're the ones that brought about the HAVA act, the Help America Vote Act. They need to be involved in this working in cooperation with the Judiciary Committee. We need to bring the Appropriations Committee into this. We need to examine every dollar that's been appropriated that may have

gone into the coffers of ACORN and their affiliates. How did that money get used? Was it matching funds? And how does it go down into the States?

All of this needs to happen out of this Congress, Mr. Speaker, and we need the IRS doing a complete forensic audit of ACORN and all of their affiliates. And we need the Department of Justice doing more than just an Inspector General's investigation to determine if Justice has written checks to ACORN or their affiliates and whether there's justice in Justice paying ACORN and their affiliates. If the limit of Justice's scope of justice is, did they actually pay somebody that was violating the not-for-profit laws, and did they use it for partisan purposes, that's pretty narrow.

ACORN wants to examine themselves and audit themselves. That's laughable that we should accept the idea that ACORN has appointed someone to audit themselves. It's a joke. But we do have the Justice Department who has said, We want to audit ourselves too with respect to what money we might have sent to ACORN, so that they find it before someone else finds it. Then they can make their press release and say they've cleaned it up and sworn off and washed their hands of ACORN—like the Census Bureau finally did? For the second time, by the way. They put out a press release 3 months ago. After we turned up the pressure, they said, Well, we won't be hiring ACORN to do our Census. We turned up some more pressure, and when they saw the prostitution film, they put out another release that said, We have now finally—for the second and perhaps final time—severed our relationship with ACORN. Well, if you have to do something twice, who would believe you did it the first time? And then if you do something once, who is going to believe that that actually got done the first time? They will do it over and over again. Justice wants to look at it and wash their hands of ACORN, but I don't see them moving towards a complete investigation at the Department of Justice, which we must have, Mr. Speaker. The scrubbing that's taking place on the Census and now the U.S. Treasury. The Treasury has said that they no longer want to work with ACORN. ACORN was helping out with tax forms. So maybe they're going to rely on TurboTax instead. But they no longer want to have the relationship with ACORN because they're too hot a political potato.

These aren't things that these departments didn't know before. I have known this for months and, much of it, years. Yet we couldn't penetrate the minds of the Census Bureau until we beat on them through the media. We couldn't penetrate into the Department of the U.S. Treasury until the prostitution films came out. And the Department of Justice only wants to



examine far enough to determine if they have written checks to ACORN and then what those checks were for, if they were legitimate or not.

It doesn't look to me, Mr. Speaker, like this administration is determined to do this forensic analysis. In fact, if you would draw a line down through the middle of the piece of paper—you could draw it figuratively right down this aisle, Democrats on this side, Republicans on this side—Democrats, as a party, beneficiaries of ACORN; Republicans on this side, a lot of them who are not here, are victims of ACORN's partisan activities. They've already lost their elections. They aren't here now, and many of them are not coming back. But that same line can be this: who has consistently called for the cleanup of the corrupt ACORN, the criminal enterprise ACORN and all of their affiliates? It's been people on the Republican side of the aisle who have done that, the survivors. Who has finally made some little mouse noises about cleanup of ACORN? Well, it's been Democrats. And it's been people who have redirected—it would be Chairmen FRANK and CONYERS who have called for the Congressional Research Service (CRS) to take a look at ACORN and write a report. Well, CRS doesn't have the authority to go in and actually do a criminal investigation or a tax audit. They don't have the authority that these chairmen have themselves. If they want to get to the bottom of it, they don't have to ask anybody. They call for hearings and an investigation, and they levy their subpoena power, and they do that. But instead, they would like to redirect the American people into believing that calling for a CRS report is somehow a substitute of a congressional investigation. It's not. The Justice Department should be doing a complete, thorough criminal investigation, working hand in glove with the IRS. Instead, it simply announces that they're going to take a look to see if they've written checks to ACORN and then react accordingly. The U.S. Treasury finally takes a position that they don't want to have ACORN cooperating with them in helping out with taxes.

These are all of the weak things on this side. These are redirections. These are straw men. They are red herrings. They don't have substance to accomplish what we need to get accomplished, which is clean up ACORN. On this side, we've called for substance for a long time, and we haven't cracked through because the people on this side hold the gavel, and they were determined to protect and defend ACORN until the political heat got so hot that all but 75 of them voted to stop Federal funds from coming into ACORN.

That's what's taken place, Mr. Speaker. Those are the facts. They cannot be denied. By the way, we need to ask some questions about why the

chief organizer of America has not had a statement to say about ACORN, except for his statement on the Sunday talk show circuit; when asked about this, he said, Well, it's really not on my radar screen. It's not the most important thing before America. So I'm not really paying attention to ACORN.

Really, Mr. President? This is the star of ACORN. He is the lead chief organizer. He is the person who told the people at ACORN, I will invite you in, and we will be setting the agenda for America, even before he is inaugurated as President of the United States. This is the man who worked for ACORN. He is the man who was an attorney for ACORN. He is the man who trained ACORN's workers. Remember what he said before the election to his people: "Get in their face. Get out, and get in their face." Does that sound like what was happening around the lenders' desks when they were capitulating to ACORN's intimidation of the shake-down? ACORN's activists got in the lenders' faces. The President said, Get in their face.

□ 1500

He worked for ACORN, trained ACORN's workers, headed up Project Vote. And Project Vote is integral to ACORN. You can't separate the two, and there are people who are labeled Project Vote and ACORN who concur with that.

Then on top of that, the President of the United States, as a candidate, hired ACORN to get out the vote. And then the evidence exists that his donor list was transferred over to ACORN. Once it was maxed out and they couldn't write another check in the Presidential campaign, the list went over so ACORN could raise money on that.

This man's not interested in ACORN? He's ambivalent about it? That's what he told us just last Sunday. Curious. He could inject himself into police operations of a professor of Harvard, Officer Crowley and Professor Gates. He can inject himself into that and have a beer summit, but he can't pay attention to what's going on when things are melting down around him?

This man stands at the top of ACORN. He's the man that directed that the Census be pulled out of the Department of Commerce and put into the White House. This is a man that hired ACORN to help hire individuals to work for the Census. And he's not paying attention? Do we think Rahm Emanuel is running this country or President Obama, or is it just Chicago politics? I think it's all of those things, actually, Mr. Speaker. But the President cannot deny knowledge of what's going on.

The United States Senate voted 83-7 to shut off funding to ACORN housing, Senator JOHANNIS from Nebraska's amendment. That sent a resounding message. It shook through all the

media. I'll bet you even Charlie Gibson knows about that one. And shortly after that, the House acted; and we had a motion to recommit that, if it functions the way we'd like to have it function, would shut off funding to ACORN. 345 Members of the House of Representatives voted to shut off funding to ACORN; 75 voted to defend ACORN, but there were a couple of them that wanted to change their intentions after the fact.

Chairman FRANK wanted to change it. He wasn't here. He had a good excuse. He got to redefine his vote after he saw the politics of it. No allegations. Those are just the facts. Chairman CONYERS said even though, let's see, whatever side he was on when he voted, he meant to vote the other way. I don't remember very many Members having to explain any votes in that fashion. I don't get to use that excuse. Maybe once in a career, not multiple times on a single issue by multiple Members of Congress.

But this man, Mr. Speaker, has a deep abiding involvement in ACORN. His history goes back to it. At the genesis of President Obama's political life, there he stands with ACORN, and he walks with them all the way through. It isn't my supposition; it's his own assertion, that ACORN was with him from the beginning. He's been with ACORN all of the way through, and one of the affiliates that he headed up was Project Vote.

There still are 360 other affiliates out there. We need to audit Project Vote. We need to audit the other 360 affiliates. We need all of the tools of the IRS and the Department of Justice. We don't need a lame little announcement that Justice is going to go look and see if they maybe wrote a check to some bad people and they'll correct that. We need to have them drilling into everything. And we also need every committee that has jurisdiction in the House of Representatives doing the examination of ACORN.

I yield to the gentlewoman from Minnesota.

Mrs. BACHMANN. I'm so grateful for the gentleman from Iowa and the comments that he's been making regarding ACORN and the situation that they find themselves in.

One thing that we have seen from the American people in a recent Gallup survey is that today, at the highest level ever in the history of our country, more people believe that government is wasting money than at any other time in modern times. Today the American people believe that the government wastes about 50 cents of every dollar. And as if these activities were bad enough that the gentleman from Iowa was speaking about, the stunning STEVE KING of Iowa, I think, Mr. Speaker, one thing we recognize is that the American taxpayer should not be paying for these activities.

Now, this is stunning. This truly is a stunning feature, that you have an organization that's been the recipient of about \$53 million since 1994. And you have a photo, I noticed, a poster, of the President with an ACORN emblem on his shirt. Since President Obama, who formerly was the attorney for Project Vote, yet one of the many affiliates of ACORN, since that time, he has made available to his patron, to ACORN, he has made available to them \$8.5 billion.

And if a bill that went through this House actually passes, that would be \$10 billion that is available to this organization, who we have seen has been furthering the trafficking of illegal aliens, minor girls into childhood prostitution and child abuse. This is unconscionable. And this same organization has been educating individuals that they should take their money and bury it in a tin can in the backyard rather than paying taxes.

And we're giving this organization \$10 billion in tax money? How could this be? No wonder that the American people are saying, at the highest time ever, that they believe 50 cents of every dollar is wasted.

We need an investigation, I believe, Mr. Speaker, into that fact. Do we know how much of our tax money is being wasted? The American people think it's 50 percent of every dollar. Perhaps it is if you have \$10 billion going to an organization like this.

Mr. KING of Iowa. Reclaiming my time, I thank the gentlewoman from Minnesota. And I'm looking forward to some future comments with regard to this as well.

The waste that's there is a significant part of all of this. But another one is just the lack of conscience and using Federal funds to do something of a partisan nature and do so with impunity in a completely cynical approach that we've known for years were designed to produce this result.

Mr. Speaker, I appreciate your indulgence. I will introduce the DSAUSA documents into the RECORD.

#### THE ORGANIZATION

The Democratic Socialists of America (DSA) is the largest socialist organization in the United States, and the principal U.S. affiliate of the Socialist International. DSA's members are building progressive movements for social change while establishing an openly socialist presence in American communities and politics.

At the root of our socialism is a profound commitment to democracy, as means and end. We are activists committed not only to extending political democracy but to demanding democratic empowerment in the economy, in gender relations, and in culture. Democracy is not simply one of our political values but our means of restructuring society. Our vision is of a society in which people have a real voice in the choices and relationships that affect the entirety of our lives. We call this vision democratic socialism—a vision of a more free, democratic and humane society.

In this web site you can find out about DSA, its politics, structure and program.

DSA's political perspective is called Where We Stand. It says, in part:

We are socialists because we reject an international economic order sustained by private profit, alienated labor, race and gender discrimination, environmental destruction, and brutality and violence in defense of the status quo.

We are socialists because we share a vision of a humane international social order based both on democratic planning and market mechanisms to achieve equitable distribution of resources, meaningful work, a healthy environment, sustainable growth, gender and racial equality, and non-oppressive relationships.

DSA has a youth section, Young Democratic Socialists (YDS). Made up of students from colleges and high schools and young people in the work force, the Youth Section works on economic justice and democracy and prison justice projects. It is a member of the International Union of Socialist Youth, an affiliate of the Socialist International. The Youth Section meets several times during the year. More information is available from YDS staff.

This web site also includes an extensive set of resources, including bibliographies, pamphlets and links to information on socialism and U.S. politics in general.

Please join DSA as we work to help build a better and more just world for all.

#### WHERE WE STAND: THE POLITICAL PERSPECTIVE OF THE DEMOCRATIC SOCIALISTS OF AMERICA

##### PREAMBLE

At the beginning of the 20th century, a young and vibrant socialist movement anticipated decades of great advances on the road to a world free from capitalist exploitation—a socialist society built on the enduring principles of equality, justice and solidarity among peoples.

At the end of the 20th century, such hope and vision seem all but lost. The unbridled power of transnational corporations, underwritten by the major capitalist nations, has created a world economy where the wealth and power of a few is coupled with insecurity and downward mobility for the vast majority of working people in both the Northern and Southern hemispheres. Traditional left prescriptions have failed on both sides of the Communist/socialist divide. Global economic integration has rendered obsolete both the social democratic solution of independent national economies sustaining a strong social welfare state and the Communist solution of state-owned national economies fostering social development.

The globalization of capital requires a renewed vision and tactics. But the essence of the socialist vision—that people can freely and democratically control their community and society—remains central to the movement for radical democracy. Those who the collapse of communist regimes, for which the rhetoric of socialism became a cover for authoritarian rule, as proof that capitalism is the foundation of democracy, commit fraud on history. The struggle for mass democracy has always been led by the excluded—workers, minorities, and women. The wealthy almost never join in unless their own economic freedom appears at stake. The equation of capitalism with democracy cannot survive scrutiny in a world where untrammelled capitalism means unrelenting poverty, disease, and unemployment.

Today powerful corporate and political elites tell us that environmental standards are too high, unemployment is too low, and

workers earn too much for America to prosper in the next century. Their vision is too close for comfort: inequality of wealth and income has grown worse in the last 15 years: one percent of America now owns 60 percent of our wealth, up from 50 percent before Ronald Reagan became president. Nearly three decades after the "War on Poverty" was declared and then quickly abandoned, one-fifth of our society subsists in poverty, living in substandard housing, attending underfunded, overcrowded schools, and receiving inadequate health care.

#### TOWARDS FREEDOM: DEMOCRATIC SOCIALIST THEORY AND PRACTICE

[By Joseph Schwartz and Jason Schulman]  
THE DEMOCRATIC SOCIALIST VISION

Democratic socialists believe that the individuality of each human being can only be developed in a society embodying the values of liberty, equality, and solidarity. These beliefs do not entail a crude conception of equality that conceives of human beings as equal in all respects. Rather, if human beings are to develop their distinct capacities they must be accorded equal respect and opportunities denied them by the inequalities of capitalist society, in which the life opportunities of a child born in the inner city are starkly less than that of a child born in an affluent suburb. A democratic community committed to the equal moral worth of each citizen will socially provide the cultural and economic necessities—food, housing, quality education, healthcare, childcare—for the development of human individuality.

Achieving this diversity and opportunity necessitates a fundamental restructuring of our socio-economic order. While the freedoms that exist under democratic capitalism are gains of popular struggle to be cherished, democratic socialists argue that the values of liberal democracy can only be fulfilled when the economy as well as the government is democratically controlled.

We cannot accept capitalism's conception of economic relations as "free and private," because contracts are not made among economic equals and because they give rise to social structures which undemocratically confer power upon some over others. Such relationships are undemocratic in that the citizens involved have not freely deliberated upon the structure of those institutions and how social roles should be distributed within them (e.g., the relationship between capital and labor in the workplace or men and women in child rearing). We do not imagine that all institutional relations would wither away under socialism, but we do believe that the basic contours of society must be democratically constructed by the free deliberation of its members.

The democratic socialist vision does not rest upon one sole tradition; it draws upon Marxism, religious and ethical socialism, feminism, and other theories that critique human domination. Nor does it contend that any laws of history preordain the achievement of socialism. The choice for socialism is both moral and political, and the fullness of its vision will never be permanently secured.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report

(Rept. No. 111-266) on the resolution (H. Res. 772) providing for consideration of the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the Fiscal Year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### HEALTH CARE

The SPEAKER pro tempore (Mr. DRIEHAUS). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes.

Mrs. BACHMANN. Mr. Speaker, the focus of my remarks over the next hour will be on the issue of health care. This is the issue that has really captured the attention of the American people over these summer months, and well it should. This for many States is one of the top spending priorities in their States and here for the Federal Government as well.

We have learned, as we've looked through the budget this year, since President Obama has assumed the Presidency, under his leadership we have seen the Federal budget increase 22 percent at a time when the American economy is contracting. In one quarter alone we saw a 5 percent contraction rate. The private sector is contracting in this current economy, and yet what's government's response? Government is on a party. It is growing. Growing to the tune of 22 percent. That's almost a one-fourth level of increase.

Imagine if any of us, Mr. Speaker, in our own lives, in our own businesses, in our family situation would increase our spending 22 percent when our income had fallen 6 percent. None of us would ever consider treating our own finances in that way. No business could consider treating its own finances in that way. It's only a government that looks to our pockets and to our resources to finance its party, only a government that's out of control, that has capitulated to practically fiscal hedonism, fiscal hedonism, to run up bills that are unconscionable for the next generation.

I think we are looking at a time, Mr. Speaker, unlike any other in the history of the United States. That's why this health care debate plays into the center of where our economy is at.

Mr. Speaker, I'm a former Federal tax litigation attorney, and I had done a study when I was in my post-doctorate program at William and Mary Law School down in Williamsburg, Virginia, back in the late 1980s. And at that time, the study came out that said the kids who are today about 22 years of age, when they get to be in their prime earning years, knowing what we know about the current demo-

graphics, the number of people who will be 65 or older, eligible for Medicare, those who will be 62 and older, eligible for Social Security, we know approximately how many Americans we have to support who will be age 62 when today's current 22 years olds will be in their peak earning years.

And what this study showed, Mr. Speaker, is those now-22-year-old children, those born back in about the year 1987, will look at an unprecedented debt load out of their paycheck. And here it is:

Those kids will be looking at spending approximately 25 percent of their earnings just for Social Security. So imagine 25 percent of your earnings goes just to pay for Social Security.

What else do we know? We know that Medicare is also an obligation that the Federal Government has made, a promise, if you will, that we have made to America's senior citizens. Medicare costs exceed those of Social Security. So if, then, America's young people, now 22 years of age, in their peak earning years have 25 percent of their income taken to support Social Security and if we know that Medicare is more than Social Security, those two components alone would consume 50 percent of the average person's paycheck in just a few years hence, 50 percent of the paycheck just going for Social Security and Medicare.

That doesn't even contemplate Medicare part D, which is the pharmaceutical portion, a relatively new entitlement that has been put before the American people. So let's be very conservative and say 5 percent of that young person's paycheck. That would be 25 percent for Social Security. Government would take another 25 percent for Medicare. Now we're up to 50. Let's say another 5 percent for Medicaid part D, and that's very conservative. Now we're at 55 percent.

Well, what about the Federal income tax? That doesn't even contemplate what an individual would pay in Federal income tax. Federal income tax could easily be another 30 percent of that young person's income. Now we're up to 85 percent. For an American born in 1987, we are up to 85 percent of their income check going to the Federal Government just to pay for entitlement programs.

Well, Mr. Speaker, that doesn't include the State income tax program. In Minnesota, the State that I'm from, that could well be an additional 8 percent, which would add up to 93 percent of an American's paycheck. An American born in 1987, when they get in their peak earning years, could be looking at a minimum of 93 percent of their paycheck going to pay just Social Security, Medicare, Medicare part D, Federal income tax, and State income tax.

But, Mr. Speaker, that doesn't include property tax. Mr. Speaker, that

does not include sales tax. So property tax, sales tax, gas tax, every-time-you-turn-around tax. There won't be enough money, Mr. Speaker, in the next generation of young people that are only now just beginning to earn their first W-2 wage withholding. Those young people are looking at a burden no other generation has ever yet contemplated.

In the middle of this financial crisis that we are looking at, Mr. Speaker, now comes forward the health debate. And what is the solution put forward by President Obama and by the majority that controls the House of Representatives, the Democrat majority? We have one-party rule in Washington, D.C. One party controls every level of power. And what is the solution? Well, let's just have government take over the rest of health care. As if we already haven't obligated ourselves on health care, now the proposal being advanced is that the government would take over the rest of health care.

□ 1515

What would that mean?

Well, we know at minimum, according to the Congressional Budget Office, it would be an additional, perhaps, \$990 billion in expenses. That's according to President Obama's figures. Yet what were the initial figures we were given when we were told of and were talked to about this government takeover of health care? Mr. Speaker, it was \$2 trillion, upwards of \$2 trillion, according to the Congressional Budget Office.

Why do we think that this isn't stretching things, \$2 trillion?

Well, because we know, when President Johnson implemented the modern welfare state in 1965, President Johnson and those here in Washington, D.C., estimated that the cost of Medicare to Americans would be about \$9 billion, adjusting for inflation by 1990. What was the actual cost? The actual cost was \$67 billion. The Federal Government only undershot its estimate by a factor of 7, but it wasn't just on Medicare. It was on hospitalization insurance. You can go down the list. One new revision of Medicare after another undershot the true cost to the American people of what Medicare would cost them down the road, sometimes by as much as 17 to 1. The Federal Government was off by that much.

Well, what has that done to our budgets?

That has caused us to go into a deficit mode so severe that now the Chinese are lecturing Americans. Chinese Communists are lecturing American free marketers on our out-of-control spending and on our debt. Why? Because China owns so much of our debt.

Mr. Speaker, what are the options, if you will, that the Federal Government has in front of itself when it comes to paying for these government programs? Well, there are three:

The Federal Government can either increase taxes or it can increase borrowing from countries like China, countries which are a lot more reluctant to purchase our debt. When we were a producing country—when we were making washing machines and irons and cars—other countries were only too happy to purchase our debt; but now that our new industry is producing more welfare, countries like China aren't quite so interested because they know we aren't actually producing a good. We're providing government welfare benefits. Now China is not quite so interested in purchasing our debt.

So we can raise taxes on the American people—that's not going to work in a down economy—or we can issue more debt. That's not working. China is calling for throwing over the American dollar as the international currency and means of exchange. Now China, now the U.N., now Russia, now Brazil, now South America, now country after country is calling for a new international, one-world currency. This is a new event, Mr. Speaker. This is a new happening. Why? Because this is the greatest country that has ever been in the history of man. In 5,000 years of recorded human history, there has never been a country greater or freer or more powerful than the United States of America. That is our richness and that is our legacy. Now, for the first time, we're hearing a call for the replacement of the U.S. dollar as the international means of exchange, to be replaced with a new international, one-world currency, probably regulated by a world regulator, perhaps under the International Monetary Fund.

What would that mean for the dollar? What would that mean for the stability of our country economically? What would that mean for America's senior citizens who are dependent upon the Federal Government now for their health care through Medicare and for their Social Security/retirement? What does that mean for our senior citizens?

Well, here is the third option that's available to the government when it comes to dealing with finances. Again, the government can tax our people. Ouch. That really hurt. The government is already whacking us a lot with our taxes.

Then we talked about the area of borrowing. Well, other countries aren't too keen on that right now.

What's the third option, Mr. Speaker? It's this: As a last resort, governments can do what the Weimar Republic did in the 1920s. They can print money. They can print money that's basically worthless. In some sense, the paper is worth more than what's printed on it. What that is and what that represents is the good faith, the hard work, the years, and the toil of the American people.

Just this afternoon, I made a call to some constituents back in my district.

One man named Richard told me that he was thinking about moving to Singapore. Richard said the reason he is moving to Singapore, Mr. Speaker, is that he spent his whole life working. He worked so hard. He took his American dollars, and he put them in the bank, and now he sees what our government has done. Our government has flooded the money supply with money that they've printed.

From one of our leading financial papers, one gentleman told me that we had about \$1 trillion in currency in circulation. We had about 1 trillion U.S. dollars in circulation here in the United States. Last year, the Federal Reserve pumped an additional \$1 trillion into the currency.

Well, what does that mean?

If you had a dollar in the bank when your government flooded the money supply with an additional \$1 trillion on top of the \$1 trillion we had with no more goods and services backing that money up, that meant that an American's dollar was only worth 50 cents.

Well, that's why Richard was upset. He said to me, Congresswoman, I don't want to hold onto American dollars if my government is going to inflate its way out of this current problem. If they do that to pay their bills—to pay their Medicare bills, to pay their Social Security bills—then we're all poorer. We're not richer. We're poorer.

That brings us to the context, Mr. Speaker, of our debate in health care, and that's why I believe we are seeing the American people soundly rejecting the Federal Government's taking over of health care—yet one more area where it seems that it's wasting money.

Again, a Gallup Poll was just released that showed, for the first time, the American people believe that this government wastes 50 percent of every dollar it gets, which is why we should have an investigation. Truly, what amount of money does Congress waste? What actually goes to a true and a beneficial purpose? What are the alternatives for us as we look at health care?

Today, 85 percent of Americans have health insurance. They like it. They enjoy it. One of our Democrat colleagues was on the floor here earlier this afternoon, and he said that the majority of doctors in our country support the government takeover of health care. Only he didn't call it the "government takeover of health care," Mr. Speaker. He called it the "public option," which is the government takeover of health care.

Well, that isn't true. That isn't what doctors in this country believe. Surveys were sent out. There was a survey sent out by Investors Business Daily that has been reported for the last 7 days. They received surveys back from 28,000 physicians in the United States. They sent the surveys out to all physi-

cians, and physicians responded back—28,000 physicians. Of those physicians, two-thirds of them said that they believe that the government takeover of health care will lead to diminished care in the United States. They believe that senior citizens will be worse off if the government takes over their health care.

That's exactly what I'm hearing from my constituents as well and from senior citizens who don't care if it's a Republican plan or a Democrat plan. They don't care. They're very smart, Mr. Speaker. America's senior citizens are very smart. They're watching this debate carefully. They're watching. They're paying attention. They're listening to what the conversations are because they know they have the most to lose in this system.

Why?

President Obama was here, speaking to the 535 Members of Congress in a speech to the joint session of Congress. He spoke to all of America when he said he will be cutting the Medicare Advantage program. That's about \$149 billion out of Medicare. He also said that he will have about \$500 billion in savings from Medicare. Well, what does that mean? It means \$500 billion that America's seniors will no longer be able to count on.

That's not what we want to do to America's senior citizens. We can do so much better than this. We have a great option, great plans that do not put the government in charge. That is one thing, Mr. Speaker, that I would say to America's young people, to America's middle-aged and to our senior citizens. In the middle of the debate on health care, Americans really need to ask one question, and it is this:

Once this health care bill goes through and is passed, will it give more power to the government and more control to the government over my health care or will it give me more control over my own health care? Will I have more options or will I have fewer?

With every plan put forward so far by the Democrat majorities that run Washington, D.C.—whether it's our Democrat President or the Democrats who control the House or the Democrats who control the Senate—they've all run to the left, to the liberal option. They've all said there is only one way to handle this health care problem: Me. You need me. You need more government. That's what the liberals are saying in Congress, that government needs to be the one to take this over.

Well, I don't think so, Mr. Speaker. The American people don't think so. They think this Congress wastes 50 cents of every dollar. They may be right. The American people are some of the sharpest people in the world, and they know when they've been had. We don't have to go down that road. There is a positive alternative which we can

embrace and which can immediately bring down costs.

Again, 85 percent of the American people already enjoy health care, and they enjoy the health care that they have. For those who don't have health care today, a large percentage are illegal aliens. We have no business as American citizens being forced to subsidize and to pay for the health care of illegal aliens, of people who are in our country against our law. We have no obligation to pay for that health care. We also have a large segment of our population, Mr. Speaker, which makes over \$75,000 a year. They could purchase their own health care. They simply choose not to. They choose to spend their money on other items. It's not their priority. We have a huge segment of our population which makes over \$50,000 a year, which also chooses not to purchase health care. Many people in that category are between the ages of 18 and 35. They are, perhaps, without health care maybe for 4 months, so they roll the dice and think maybe they'll be healthy for the next 4 months and won't need it.

Mr. Speaker, I've been in that situation. My husband and I were in that situation when we had children. We had a few months where we didn't have health care coverage, and we simply could not afford the very high rate that we would have had to have purchased by ourselves to have been able to cover ourselves and our children, so we rolled the dice. A lot of Americans do that.

Yet there is a segment of our population which truly can't afford health care, and we have safety net after safety net after safety net that this body has put into place for people who truly, through no fault of their own, can't afford to purchase health care. There certainly are people in that category. We will always have that safety net. What can we do? We have a positive alternative. It's very simple. This is what we can do:

Every American can purchase and own their own health care. Today, it's not that way, but we could be that way. Today, we have American employers owning most people's health care. So it's either our employer who owns our health care or it's the Federal Government or it's the State government—one of the two. It's either the government or an employer who owns our health care. Very few Americans actually own their own health care, but they would like to. It's the same way they own their car insurance. It's the same way they own their homeowners' insurance. It's the same way when they go out and purchase any other item. They would like to be able to purchase their own health insurance. We can make that possible for them. So this is where we start:

We start by letting every American purchase and own their own health insurance coverage. How do we do that?

We allow Americans to band together with anyone they want to. Maybe it will be with people who live in their communities. Maybe it's all teachers. Maybe it's farmers. Maybe it's Realtors. You can band together. Maybe it's other senior citizens. You can band together so you can have a large purchasing power. It's like a credit union would act. It's with people in the geographical area. Maybe you live in a rural area, Mr. Speaker. People could band together, and they could purchase health insurance as a pool. They own it. They purchase it as a pool, together in a big, large group so that they can have better purchasing power. It's just like if you go to Sam's Club or if you go to Costco. They're able to offer cheaper prices because they buy such a large volume of the product. Well, let's let American citizens do that.

If it's good enough for Sam's Club, if it's good enough for Costco, why can't it be good enough for the average American person?

□ 1530

You have banded together with whoever you want, buy your own insurance. Then, Mr. Speaker, we let people buy whatever level of coverage they want. Maybe they want to buy a policy that is expensive that has all the bells and whistles on it. Or maybe, Mr. Speaker they only want a small amount of coverage.

Maybe they only want hospitalization. So in case something happens to them, they have to go to the hospital for a heart attack or for cancer treatments or they get laid up somehow and they have to go to the hospital. They only want catastrophic coverage, truly catastrophic. That would be a very inexpensive plan.

Why don't we allow people to do that? In my home State of Minnesota, Mr. Speaker, we are the most, if not the most, we are one of the most heavily mandated States in the country. In other words, our State legislature, where I used to be a State senator, we have about 70 different mandates. In other words, 70 different requirements before any insurance company can sell an insurance policy.

An insurance company might decide I would like to sell this low-cost, low-frills insurance plan. I think that maybe I could sell it for, oh, \$60 a month.

Well, in my State, an insurance company can't do that. Why? They are prohibited by law. Because my State mandates that an insurance company has to have 70 different requirements before they can sell the policy.

In other words, they have to sell a Cadillac policy rather than a Kia. No offense to Kia owners, no offense to Cadillac owners.

But the point is simply this. We should allow insurance companies to sell truly a wide variety of products.

Isn't that what President Obama said when he was here in this Chamber? He said he wants choice. He wants competition.

Well, his words don't line up with his actions. There is a little problem here with what the President has said. How is it choice and competition if government is the choice, if, after 5 years time, as the House bill has said, all insurance plans have to look exactly like the government plan?

You could have 45,000 different insurance plans but so what? If they all look exactly the same, and if the Federal Government controls what you would spend on premiums for that policy, this is nonsense.

The thing is, Mr. Speaker, the American people are too smart. They are seeing through the rhetoric from the President and from the majorities that dominate this Congress. That's why, Mr. Speaker, the American people are embracing our plan, which has rested on the groundwork of freedom, which is about the American people owning their own insurance policy, banding together with whomever they want to, to purchase whatever level of coverage they want from any State in the country.

I will tell you, Mr. Speaker, you will see States all across this great country change the number of mandates that they require on insurance policies. Their State can be the go-to State for issuing insurance policies, and from there, as a former tax lawyer, I would recommend this: I would recommend that every American be allowed to set aside, tax free, in an account, money that every American believes that they want to set aside to pay for their own health care. It's completely tax free. No taxes paid on it.

If they have a catastrophic event, where their expenses out-pace their tax-free money, they can fully deduct the cost of their premiums, of their copays, of their medicines, of their medical devices, of their surgeries, of their hearing aides, of their chiropractic care, of their acupuncture care. Whatever it is, they would be allowed to fully deduct that on their income tax returns. In other words, truly own and take responsibility for your own health care.

Then from there, finally, true lawsuit reform. Everybody knows this. You ask a doctor what do we need to do? Lawsuit reform, without a doubt. Eighty-three percent of all doctors sued in this country today are found not liable for the alleged problem. What's happening?

We are seeing now today people filing lawsuit after lawsuit. And rather than go through the hassle and worry about a jury award, doctors are settling, Mr. Speaker, when they don't want to settle, when they know they are innocent, when they know they didn't do anything wrong.

This isn't helping anyone, not anyone, not even the trial lawyers. Because, why? It's bringing down this great country. We truly do have the finest health care that has ever been offered to people ever in the history of the world. From my State of Minnesota, we are a leader in medical ally and medical devices. We have Medtronic. We have Boston Scientific. We have Guidance. We have great companies in Minnesota that have contributed mightily to medical advances and breakthroughs.

And now what? Now the government wants to impose a 10 percent tax on these medical devices? Why would we do this? Who gains? Who gains from all of this?

We have a positive alternative. Rather than the government taking it over, rather than the government ramping up expenses, rather than taking away choice from America's most vulnerable citizens, we could instead embrace a positive alternative where Americans own their own health care, ban together with more people so they have purchasing power, purchasing any level of care they want from anyone they want in any State they want, putting aside tax-free money, deducting on their income tax return, their orthodontia, their hearing aids, their eyeglasses, truly owning their health insurance. Then they finally get rid of these evil lawsuits that are eating up so much of America's substance.

This is a positive alternative. It won't break the bank. When our country is functionally bankrupt now, this won't break the bank. It will cause our country to turn itself right-side up so we can get back on track, get people back to work. We want to be able to see this positive alternative.

Right now, Mr. Speaker, I am joined by two great physicians here in our body. One is Dr. JOHN FLEMING, and he is a new Member of Congress with great ideas.

Another Member in our Congress is Dr. PHIL GINGREY, who we are just so proud of for his courage. He offered an amendment in his committee that would keep illegal aliens from having access to taxpayer-subsidized health care. President Obama told America that illegal aliens will not receive taxpayer-subsidized health care.

That was after the Democrats in this body rejected Dr. GINGREY's amendment that would have denied taxpayer-subsidized coverage to illegal aliens. We have a lot we can talk about.

I want to now turn over to my colleague, Dr. JOHN FLEMING.

Mr. FLEMING. I thank my colleague, Gentlewoman BACHMANN, for providing leadership in this hour and particularly on the subject of health care.

You know, Mr. Speaker, there is really a fundamental economic, that I think we always have to go back to. I practiced family medicine for over 30 years, still practice from time to time.

There is something very important that we all need to learn. That is that, yes, Medicare and Medicaid is government-run health care. If you ask the average person who has Medicare, they will say they are happy with it.

But there is a very important reason why they say this. Medicare currently pays a fraction of the actual cost and delivery of Medicare care.

So who pays the rest? The rest is paid for by private insurance. Private insurance today subsidizes Medicare and Medicaid. If you ask the average physician in practice, he or she will tell you that they can only have a certain number of Medicare and Medicaid patients in their office. Otherwise, they become insolvent.

So when the President says, Well, we need to have this government-run option to pull the cost of private insurance down, that really defies reasoning. It's really upside down from what economically is going on.

What is happening is, when you make your private insurance payment to the tune of about \$1,800 per family per year, what you are really finding is that that is the subsidy that goes for Medicare.

So, if you enlarge Medicare or government-run health care in general, and you artificially depress the price, which is what the President and H.R. 3200, our colleagues on the other side of the aisle call for, what will in fact happen is you will cause the cost of health care, private insurance premiums, to actually accelerate.

Under this plan, the employers are given the option: They can either pay 8 percent as a fine, if you will, or a tax, and dump their employees into this plan, this government-run option, or they can try to continue to keep up with the growing cost of private insurance. Over time and through competition, employers will be forced to dump their employees into enlarging, if you will, a black hole, a public option or government-run medicine.

What we end up with at the very end of the day is a very small flange, if you will, of private insurance, that which we all know and appreciate today. And everyone else, of course, is in this large government-run system.

Who will be left in the private insurance market? Well, it will be the very healthy, it will be the elite and, of course, Members of Congress.

I proposed House Resolution 615, and I have many of my colleagues, now, who have signed on to it and over a million Americans who have signed in support of it, that simply says that if a Congressman votes for the public option, he or she should be willing to sign up for it themselves. So far I have not had one person on the other side of the aisle who has also signed up for that.

In closing, let me say that we also need to focus on who the insured group is. You have heard this number: 46 mil-

lion Americans who are uninsured. Well, who is that group?

About 10 million of them actually are not Americans at all. They are illegal immigrants. Ten to perhaps 17 million of them are young healthy adults, what we call the invincibles, who have opted out of the insurance, who have decided it's not worth the money because they are healthy anyway.

We also have a number who are eligible for Medicaid but simply don't sign up for it. Really what we have is 10 million Americans who qualify for health insurance as Americans, but they can't afford it because of a pre-existing illness or a current illness; the expense is too high. Perhaps they own a small business or they are employees of a small business. Because the risk pool is so small, they simply can't find affordable insurance. All of that is fixable for that targeted 10 million Americans who want insurance but can't buy it.

Instead, Mr. Speaker, what our colleagues on the other side of the aisle want us to do is totally dismantle the best health care system in the world and put in place a UK- or Canadian-style medicine, form of medicine, form of health care, which provides universal coverage but not universal care.

What do I mean by that? Certainly, I think we can all agree that care delayed is care denied.

In America today, those who are uninsured still can go to the emergency room and, by law, be treated for whatever ails them, even if they don't have the ability to pay for it. In fact, we are not even allowed to ask them, as providers, whether they can afford that.

If someone has needed surgery, perhaps, or they need to be admitted to the hospital for lifesaving treatment, it's going to be done. Now, you take the UK, you take Canada and much of Europe, yes, they have coverage. But what good is coverage if it takes 4 years to get the treatment?

The average waiting time in Canada today is a year to get an MRI scan. Then after the scan is done, you get in line for the needed surgery. Talking in my district, a lot of folks in my district have relatives back in Canada. One lady said, Well, my brother tore his rotator cuff, but it took a year to get an MRI. When he finally saw the doctor, it was too late to repair it. The definition of elective surgery in Canada is surgery that's not lifesaving. For us, elective surgery is surgery that you elect to have. You don't necessarily need to have it.

Mr. Speaker, I really think that we on this side of the aisle have won the debate on this issue. The American people agree with us today, 56 versus 32 percent, that the current health care we have today is better than this Obama care or this government-run option.

The problem is, we still have Members of Congress, we have Members of



the Senate and even a President, who insist on going down that road and taking one-sixth of our entire economy and reforming it into a socialist government-run system. I think if we look back on what the government is doing today and what it has done in the past, whether you are talking about the post office, which has a \$9 billion deficit, whether you are talking about Medicare itself, which will run out of money completely within 8 years, and all the fraud, waste and abuse that exists there, and the \$350 billion that our President says he is going to save out of that, when after 40 years not one single politician has been able to find the solution to that problem. I think it's really the wrong decision to make, to have more government control of our health care.

With that, I appreciate so much my good friend, MICHELE BACHMANN, for inviting me and allowing me to participate in this discussion today.

□ 1545

Mrs. BACHMANN. I want to thank the gentleman so much for his remarks and for his comments. It is tremendous credibility to be able to come here on the floor and speak as a physician. You've had years of service treating and healing patients all across the United States. You look into the eyes of your patients and know the fear that they feel, knowing that they may lose some of the finest health care ever. And we don't want to see our physicians have their hands bound.

As a matter of fact, I just want to refer to, again, *Investors Business Daily*, which did a seven-part series, and they have said that 45 percent of American doctors may leave the profession if government takes over health care. As a matter of fact, doctors, more than anyone, detest the current status quo and the role played by insurance companies.

They want to see us change health care, which we agree. But this is not the route to go. And physicians are telling us that. As a matter of fact, two-thirds of practicing physicians said that senior citizen care will suffer under the government's plan. Three of five doctors think that drug development of new drugs will also be thwarted. Also, they see that fewer doctors will be entering the new profession of medicine.

Before I hand this over to my colleague, Dr. GINGREY of Georgia, I would like to just add something that we saw happen. There was an article in *The Wall Street Journal*. This just happened. Now we have a directive last week from one of our Senators, Mr. BAUCUS. He has ordered Medicare regulators to investigate and likely punish Humana for trying to educate their enrollees in their Advantage plan about the fact of the Medicare Advantage.

This is very concerning. We're seeing a United States Senator calling for an

investigation of a company that is communicating with its enrollees in its companies. So a company with its customers is simply communicating material and now a company is given a gag order by the government?

Well, this didn't occur with the AARP. The government isn't telling the AARP, which also offers Medicare Advantage plans. They aren't putting a gag order on them.

This is really concerning, Mr. Speaker, because we can't have the Federal Government engaging in censorship. That's what this is, pure and simple.

The Obama administration and Democrat Senators are calling for censorship. They want to stop insurance companies from communicating with their customers about what government takeover of health care might mean for them. This is unconscionable. Who would have ever thought we would live in a time when government would be calling for censoring a company because the company is not communicating the message that government wants it to communicate.

Well, with that, I want to hand the next few minutes over to my colleague from Georgia, the great Dr. PHIL GINGREY, who courageously has offered amendment after amendment after amendment in committee to try and make it clear that no bureaucrat should ever come between you and your doctor, and also that no illegal alien should ever receive taxpayer-subsidized health care.

These issues were all brought up by the President in his joint session speech. Dr. GINGREY put Members of Congress on record. And that's why the American people are concerned—and rightly so.

Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I certainly appreciate the gentlelady from Minnesota for carrying this hour of important information in regard to the health care reform proposal, H.R. 3200, and also my good friend and colleague, physician colleague from the great State of Louisiana, Dr. JOHN FLEMING.

As the gentlelady has said, before coming to Congress from the State of Georgia, I spent something like 32 years practicing medicine; 26 as an OB/GYN physician. The physician Members in this body—and there are about 17 of us; 5 on the Democratic side, 12 on the Republican side—probably have over 400 years of clinical experience combined in regard to health care.

We bring to this issue, I think, a fund of knowledge that needs to be listened to—and listened very carefully to. Not that we're necessarily the experts on the last word, but I think we are a very important word.

As Representative BACHMANN was saying, the President right here, Mr. Speaker, 2 weeks ago, as he spoke to the Nation about the need for health

care reform and he had a joint session here—the Senate, the House of Representatives, his Cabinet, the Supreme Court Justices—the President was talking about promises that he had made to the Nation in regard to health care reform.

You remember, Mr. Speaker, that was when one of the Members on our side of the aisle in a moment of extreme passion and emotion suggested that the President was guilty of serial disingenuity.

But as we look at the speech and we look at the things that the President said about health care reform and you go through it almost line by line, certainly there are some statements that need to be questioned. And we will continue to question, and I think the American people will continue to question, Mr. Speaker. And they deserve answers. They deserve straightforward and accurate answers.

I have a little chart, Mr. Speaker, that I want my colleagues on both sides of the aisle this afternoon to pay close attention to. It's called the Obama Health Care Test. This is just sort of an abstract, really, of a much larger test. But I think it gives the Members and their constituents an idea of where this test is going and what the likely grade would be.

The President said, "The reforms I'm proposing would not apply to those who are here illegally." Well, quite honestly, Mr. Speaker, H.R. 3200, that bill that has passed three committees of this body, including the committee that I serve on, Energy and Commerce, well, H.R. 3200 fails in regard to the President's pledge that the reforms would not apply to those who are here illegally because in this bill, while it says no one in this country illegally will be eligible for any government subsidies in this health reform plan to help them purchase health insurance, it takes out the provision that currently exists in law that says if you are going to be a beneficiary of a safety net program such as Medicaid in the 50 States, or the CHIP program, the Children's Health Insurance Program—a great program, but it's heavily federally funded with taxpayer dollars—in those programs you have to show verification: a Social Security card, a verifiable number; in some cases in some States, a photo identification. All of that is taken out in H.R. 3200.

So, quite honestly, that first statement the President makes, H.R. 3200 fails on that pledge.

The second quote I would like to have my colleagues be aware of, the President said—and this, again, is in his speech 2 weeks ago: "Nothing in the plan requires you to change what you have."

H.R. 3200 fails miserably in regard to the President's pledge of: if you like what you have, you can keep it. That certainly is not true for those 10 million of our Medicare recipients—that's



25 percent, by the way, of everybody that's on Medicare that gets their coverage through Medicare Advantage. And they pick Medicare Advantage because it covers so much more. And I think Dr. FLEMING spoke about that.

Under traditional fee-for-service Medicare, you can't even, Mr. Speaker, go to the doctor for a routine annual physical and have it paid for, other than that first entry level when you turn 65. But under Medicare Advantage, certainly you do; and you can on an annual basis. You don't have to be sick to be seen.

You can get coverage for things like hearing aids, and you have the opportunity when you get your prescriptions filled that a nurse will call and make sure that you're taking those medications.

So wellness and prevention, two aspects of improving health care in this country that the President, the Democratic majority has continued to stress. That is a huge part of Medicare Advantage. That's why we created Medicare Advantage and that's why 25 percent of our seniors choose that as the delivery system that they get.

In this bill, to help pay for it, \$500 billion, Mr. Speaker, \$500 billion, is ripped out of the Medicare system, and \$170 billion for Medicare Advantage. That is a 17 percent cut per year over the next 10 years, each and every year, cutting that program by 17 percent.

It's estimated now by the Congressional Budget Office that at least 3 million people—that's 30 percent of those who are on Medicare Advantage—will lose that coverage because of the plan to pay for this massive new government takeover of our health care system.

Again, going back to the test, nothing in the plan requires you to change what you have. That is just absolutely, Mr. Speaker, not true. H.R. 3200 fails on that account.

I'm going to skip down to the last question on my little mini-test in the interest of time. The President says, I will not sign a plan that adds one dime to our deficit. I will not sign a plan that adds one dime to our deficit.

Well, again, Mr. Speaker, let's go back to what the nonpartisan Congressional Budget Office says—and the director, Mr. Elmendorf, is chosen by the Speaker of the House and by the Democratic leadership. And he says this bill is not fully paid for. In fact, \$260 billion are not paid for. That's a little bit more, Mr. Speaker, than one thin dime, isn't it, \$260 billion?

So I could go on and on and on. But the Obama health care test, quite honestly—my colleagues may have trouble seeing this—but we have a grade in the left-hand corner, and it's a big old fat F.

The American people understand that, and the American people are not happy with it. They're not happy with

this idea also of a public option that they know and that we on this side of the aisle know is going to lead to a government takeover.

I'm going to close out, Mr. Speaker, so I can yield the time back to the gentlelady from Minnesota so she can yield to other speakers. But I want to close out with this: in our committee yesterday, as we continued to mark up some amendments to H.R. 3200, one of the most powerful members of that committee on the Democratic majority side made this statement: "When there is a marked failure in this country, the government must step in."

Now let me repeat that, Mr. Speaker. One of the most powerful members of the most powerful committees drafting and writing this health care legislation made this statement: "When there is a marked failure, the government must step in." I guess just like they did with Government Motors, just like they did with AIG, just like they want to do now with health care.

That's not the American way. And I don't think the American people want that. We should have the freedom under our Constitution to succeed or fail and not have the government come in and take over. That sounds like some other country that, thank God, I was not born and raised in.

Mr. KING of Iowa. Will the gentleman yield?

Mr. GINGREY of Georgia. I yield back to the gentlelady from Minnesota for a question from the gentleman from Iowa.

Mrs. BACHMANN. Thank you to the gentleman from Georgia.

I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady from Minnesota and the gentleman from Georgia.

Dr. GINGREY, I wanted to just step in and reinforce your statement in looking at your poster. As ranking member of the Immigration Subcommittee, I want to reinforce the analysis that you've laid out, especially on that first point. The President said, The reforms I'm proposing would not apply to those who are here illegally.

H.R. 3200, not only has it been the vote in your committee, a vote of 29-28 that voted down the Deal amendment, which would have required proof of citizenship, which has been a consistent standard in Federal law under Medicaid, that pattern is played out here. Democrats want to fund illegals in this program and many others.

There is also a vote in the Ways and Means Committee that is consistent. That was a straight party-line vote on a very similar amendment that would have required proof of citizenship.

And the third piece of proof that you were right and your critics are wrong and my critics are wrong would be the Congressional Budget Office's estimate of the cost of funding illegals in this. Their estimate leaves as many as 5.6

million that would qualify under the language of H.R. 3200—5.6 million illegals.

The fourth reinforcement of your statement would be Congressional Research Services, who reached a similar conclusion, although from a different approach and a little bit different language.

So there's four ways that says that this bill will fund illegals. The President has denied that, and now he wants to simply legalize the illegals in order to be able to maintain his statement that he's not proposing anything that will fund illegals. That's a pretty deft maneuver, if you can get by with it. But this is a modern world, and we see it happening.

Then I drop down to the statement that the President said, which is, I will not sign a plan that adds one dime to our deficits.

□ 1600

All I need to say about that is the President said he will not sign a bill that has earmarks. We know he has signed bills that had thousands of earmarks in them, so I don't make that statement at face value. And I don't make allegations about labels of the President.

No Federal tax dollars will be used to fund abortions. We know historically if there is not a specific prohibition, Federal funds will be used to fund abortions, 300,000 of them in the first couple years alone after *Roe v. Wade*.

Nothing in the plan requires you to change what you have. No, probably not specifically requiring you to change what you have, but there are certainly many threats as to the viability of the health insurance companies and the existence of the policies after the new health choices administration czar gets done writing new rules.

So this is ambiguous language designed to cause people to believe what they want to hear. But upon analysis, I rise to support your analysis, Dr. GINGREY.

Mrs. BACHMANN. I thank the gentleman from Iowa. I think that is something that we wanted to consider when the President was here was speaking to the joint session of Congress. He made it clear there were some large details that had yet to be worked out. Essentially what that is is the President saying to the American people, Trust me. Trust me. Not only the American people, but to the Senators and the Members of Congress that were here serving as representatives of the people in this Chamber. Trust me. Because the details aren't worked out. There are so many vagaries. We don't know, for instance, how the bill will be paid for. Trust me, the President says.

Then the President talks about various commissions that will be set up. We know another health care czar will

be set up in the bill. A czar? The American people are already saying government is wasting too much money. The American people's opinion is that 50 percent of every dollar we spend is wasted, and now we are supposed to give authority to a health care czar to basically write the bill over a 4-year period because as the current bill, H.R. 3200, is written, it is very interesting, who is the enforcer of this bill? Well, none other than the Internal Revenue Service, the IRS. That's the enforcer of this bill. Loads of new taxes larded onto the backs of the American taxpayer. Loads of new taxes enforced by the IRS. My goodness, Mr. Speaker, could we add insult to injury to the American people? It is amazing.

And the taxes would be scheduled to go in place January 1. In just a few months, the taxes will go into effect on insurance companies, on individuals, on businesses. The taxes will go into place January 1, 2010. Well, what about the care? What about all of the new care that people are going to get? Oh, that doesn't go into effect for another 3, 4 years down the road. What?

So we are paying for this with larded new taxes to the Federal Government for 3 or 4 years, and then the care comes down? And we are supposed to trust this administration? We are supposed to trust this Democrat majority that they will figure it all out and somehow it won't cost any money and we won't have to worry about it. We are going to bring another 47 million people into the system, not add any new doctors, and we are going to actually cut costs? That is like saying you can eat a chocolate cake and it has no calories. This doesn't add up. That's why there is no credibility on the government takeover of health care, which is why our colleague, Dr. GINGREY, offered his very simple amendments, put up or shut up.

Will illegal aliens be covered or not? Oops, Democrats apparently think they will.

Will abortion be covered by taxpayers? Our colleague, JOE PITTS, put that in. Oops, I guess that it will because they didn't take it out.

What about bureaucrats? Will bureaucrats be able to substitute their decisions for you and those of your doctor? Will a bureaucrat get between you and your doctor? That was offered by Dr. GINGREY. Oops, I guess it is up to a bureaucrat now, not a doctor.

There is a reason why the American people are panicking on this issue, and we are right there with them. Because we think you deserve better than that. Because, Mr. Speaker, this is the American people's money; and because, Mr. Speaker, this is about life and death. That's why we have such a great alternative. That's why we say to the American people, you own your own insurance policy. You band together with whoever you want to buy that policy.

You buy it from anyone you want to buy it from. You buy it in any amount you want to buy it, and you buy it anywhere in the United States. And that's why we say buy it with your own tax free money and deduct the rest on your income tax return. And then let's truly have lawsuit reform. That is 95 percent of the problems; done just like that. What does it cost the Treasury? I guarantee it doesn't bankrupt it, not the way that this \$2 trillion monstrosity will do.

That is why we are here this afternoon, because we have a positive alternative to the government takeover of health care. We can do far better.

I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentlelady for yielding.

I just want to refer back to the other night and the President's speech and the issue of whether or not illegal immigrants were covered. That was the point at which my good friend, Mr. WILSON, JOE WILSON from South Carolina, made his comment, and it kind of upset the applecart a little bit, if you will.

But, Mr. Speaker, after the speech was over with and the President was back at the White House, I don't know, possibly talking with Rahm Emanuel or David Axelrod and they went through the speech, went through H.R. 3200 and said, Mr. President, the gentleman from South Carolina was a little bit on the rude side, but by golly, maybe he was a little bit on the right side as well and we need to do something about this verification, because if we don't, then illegal immigrants are going to be able to take advantage of our hardworking taxpayers across this country.

And so the President in subsequent speeches, and on Sunday morning he was on a number of shows and he is continuing to give speeches, he made the comment, you know, we absolutely do need a verification system very similar to what we currently have with our safety net programs that I referenced earlier, Medicaid and the SCHIP program.

So I think the President is certainly paying attention and is maybe getting a little more careful about understanding and reading those—how many pages are in the bill, 1,200?

Mrs. BACHMANN. There are 1,018.

I thank the gentleman from Louisiana, the gentleman from Georgia and the gentleman from Iowa. Clearly, the American people know we can do better. That is what we will do.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUIGLEY) to revise and ex-

tend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

(The following Members (at the request of Mr. KING of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 1.

Mr. JONES, for 5 minutes, October 1.

Mr. BURTON of Indiana, for 5 minutes, September 28, 29, 30 and October 1.

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. FORBES, for 5 minutes, today and September 25.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

#### SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 41. Concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama, to the Committee on House Administration.

#### ADJOURNMENT

Mrs. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Friday, September 25, 2009, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3772. A communication from the President of the United States, transmitting FY 2010 Budget Amendments for the Department of Energy; (H. Doc. No. 111—65); to the Committee on Appropriations and ordered to be printed.

3773. A communication from the President of the United States, transmitting FY 2010 Budget Amendments for the Department of Defense; (H. Doc. No. 111—66); to the Committee on Appropriations and ordered to be printed.

3774. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers, Write-Your-Own Arrangement [Docket ID FEMA-2008-0001] (RIN: 1660-AA58) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3775. A letter from the Office of Chief Counsel, Department of Homeland Security/

FEMA, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8083] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3776. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program [Docket ID: OCC-2009-0007] (RIN: 1557-AD25) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3777. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding the Financial Accounting Standards Board's Accounting Standards Codification received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3778. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Examination of the 2008 Summer Youth Employment Program Contracts", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3779. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the letter report entitled "Audit of Advisory Neighborhood Commission 1D for Fiscal Years 2006 Through 2009, as of March 31, 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3780. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Audit of the Department of Employment Service's 2008 Summer Youth Program", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3781. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Audit of Advisory Neighborhood Commission 3E for Fiscal Years 2007 Through 2009, as of March 31, 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3782. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ52) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3783. A letter from the Deputy Assistant Administrator for Operations, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea/Aleutian Islands Crab Rationalization Program; Amendment 28 [Docket No.: 080630808-91192-03] (RIN: 0648-AW97) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3784. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Depart-

ment's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 0810141351-9087-02] (RIN: 0648-XQ93) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3785. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Total Allowable Catch (TAC) Harvested for Loligo Squid Trimester II [Docket No.: 0808041043-9036-02] (RIN: 0648-XQ73) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3786. A letter from the Deputy Assistant Administrator for Operations, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 92) and Gulf of Alaska License (Amendment 82) Limitation Program [Docket No.: 0808011016-91210-04] (RIN: 0648-AX14) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3787. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ26) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3788. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No. 0812171612-9134-02] (RIN: 0648-XQ35) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3789. A letter from the Acting Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; State Waters Exemption [Docket No.: 090224231-91118-02] (RIN: 0648-AX54) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3790. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Department of Commerce, transmitting the Department's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009-2011 and Turtle Mitigation Requirements in Purse Seine Fisheries [Docket No.: 090130104-9910-01] (RIN: 0648-AX60) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3791. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revision of Single Geographic Location Requirement in the Bering Sea Subarea; Amendments 62/62 [Docket No.: 071102641-91087-04] (RIN: 0648-AR06) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3792. A letter from the Deputy Assistant Administrator For Regulatory Programs,

NMFS, Department of Commerce, transmitting the Department's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009-2011 and Turtle Mitigation Requirements in Purse Seine Fisheries [Docket No.: 090130104-91027-02] (RIN: 0648-AX60) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3793. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — 2009-2010 Hunting and Sport Fishing Regulations for the Upper Mississippi River National Wildlife and Fish Refuge [Docket No.: FWS-R3-NSR-2009-0007] (RIN: 1018-AW48) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3794. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Supreme Court will open the October 2009 Term on Monday, October 5, 2009 at 10:00 am and will continue until all matters before the Court ready for argument have been disposed of or decided; to the Committee on the Judiciary.

3795. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Port Huron to Mackinac Island Sail Race [Docket No.: USCG-2009-0659] (RIN: 1625-AA08) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3796. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Naval Training August and September, San Clemente Island, CA [Docket No.: USCG-2009-0456] (RIN: 1625-AA00) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3797. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; AVI September Fireworks Display, Colorado River, Laughlin, NV [Docket No.: USCG-2008-1262] (RIN: 1625-AA00) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3798. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2008-1143; Directorate Identifier 2008-NM-136-AD; Amendment 39-15990; AD 2009-16-07] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3799. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of tax liability (Rev. Proc. 2009-34) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3800. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rollovers from Employer Plans to Roth IRAs [Notice 2009-75] received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3801. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Paid Time Off Contributions at Termination of Employment (Rev. Rul. 2009-32) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3802. A letter from the Regulation Coordinator, Centers for Medicare and Medicaid Services, transmitting the Service's final "Major" rule — Medicare Program; Limitation on Recoupment of Provider and Supplier Overpayments [CMS-6025-F] (RIN: 0938-AN42) received September 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. WASSERMAN SCHULTZ: Committee of Conference. Conference report on H.R. 2918. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-265). Ordered to be printed.

Mr. MCGOVERN: Committee on Rules. House Resolution 772. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for the other purposes (Rept. 111-266). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. CAPUANO, Ms. HIRONO, Mr. TIERNEY, and Mr. LEVIN):

H.R. 3639. A bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes; to the Committee on Financial Services.

By Mr. CHILDERS (for himself and Mr. KRATOVIL):

H.R. 3640. A bill to amend the Internal Revenue Code of 1986 to extend and expand the first-time homebuyers credit and to provide a loss deduction on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. NYE:

H.R. 3641. A bill to amend the Internal Revenue Code of 1986 to expand the military housing allowance exclusion for purposes of determining area gross income in determining whether a residential rental property is a qualified residential rental property for purposes of the exempt facility bond rules; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. KIRK, Mr. ACKERMAN, Mr. ROYCE, Ms. JACKSON-LEE of Texas, and Mr. WEXLER):

H.R. 3642. A bill to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALEXANDER:

H.R. 3643. A bill to make technical corrections to section 3013(b) of the Water Resources Development Act of 2007; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Mr. EHLERS, and Mr. FARR):

H.R. 3644. A bill to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions; to the Committee on Natural Resources.

By Mrs. KIRKPATRICK of Arizona (for herself, Mr. MATHESON, and Mr. LUJÁN):

H.R. 3645. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for States with Indian reservations; to the Committee on Transportation and Infrastructure.

By Ms. MATSUI:

H.R. 3646. A bill to amend the Communications Act of 1934 to establish a Lifeline Assistance Program for universal broadband adoption, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SABLAN:

H.R. 3647. A bill to delay the implementation of the provisions of the Consolidated Natural Resources Act of 2008 applying Federal immigration laws to the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself and Ms. MARKEY of Colorado):

H.R. 3648. A bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities; to the Committee on Energy and Commerce.

By Mr. PENCE:

H. Res. 770. A resolution electing a minority member to a standing committee; considered and agreed to.

By Ms. MCCOLLUM (for herself, Mrs. CAPPS, Mr. ELLISON, Mr. COHEN, Mr. OBERSTAR, Mr. LANCE, Mr. GRIJALVA, Ms. BORDALLO, and Mr. GENE GREEN of Texas):

H. Res. 771. A resolution supporting the goals and ideals of a National Mesothelioma Awareness Day; to the Committee on Oversight and Government Reform.

By Mr. BOOZMAN (for himself and Mr. SESTAK):

H. Res. 773. A resolution expressing the sense of the House of Representatives with respect to the United States Submarine Force; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Mr. DELAHUNT, and Mr. WEXLER):

H. Res. 774. A resolution expressing appreciation to Bermuda for accepting 4 individuals released from the detention facility at Naval Station, Guantanamo Bay, Cuba; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Mr. WEXLER, and Mr. DELAHUNT):

H. Res. 775. A resolution expressing appreciation to Portugal for accepting two detain-

ees released from Guantanamo Bay prison; to the Committee on Foreign Affairs.

By Mr. HODES (for himself and Mr. CAPUANO):

H. Res. 776. A resolution congratulating the Dartmouth Outing Club of Hanover, New Hampshire, for 100 years of service to the United States and its wilderness; to the Committee on Education and Labor.

By Mr. MCDERMOTT (for himself, Ms. BALDWIN, Mr. FRANK of Massachusetts, and Mr. POLIS):

H. Res. 777. A resolution honoring all those participating in a production of "The Laramie Project: 10 Years Later" in remembrance of Matthew Shepard; to the Committee on the Judiciary.

By Mr. MORAN of Kansas:

H. Res. 778. A resolution expressing the sense of the House of Representatives that the White House's increasing use of "czars" leads to inadequate vetting standards and unacceptable growth in the size and scope of the Federal Government; to the Committee on Oversight and Government Reform.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. PELOSI introduced a bill (H.R. 3649) for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas; which was referred to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. JONES, Mr. HINOJOSA, Mr. YOUNG of Alaska, Mr. SNYDER, Ms. SCHAKOWSKY, Mr. BARTLETT, Mr. SKELTON, Mr. LANGEVIN, Mr. ABERCROMBIE, Mr. SPRATT, Mr. MCCARTHY of California, Mr. GRIFFITH, Mr. MELANCON, Mr. DAVIS of Tennessee, Ms. FALLIN, Mr. SHIMKUS, and Mr. SCOTT of Georgia.

H.R. 211: Ms. PINGREE of Maine.

H.R. 333: Mr. DAVIS of Alabama.

H.R. 365: Mr. SNYDER.

H.R. 484: Ms. ZOE LOFGREN of California and Mrs. MCMORRIS RODGERS.

H.R. 622: Mr. BISHOP of Georgia.

H.R. 690: Mr. NUNES, Mr. NEUGEBAUER, Mr. MANZULLO, and Mr. MCCAUL.

H.R. 716: Ms. BALDWIN.

H.R. 775: Mr. INGLIS, Mrs. DAHLKEMPER, Mr. MATHESON, Ms. TITUS, Mr. LEE of New York, Mr. COFFMAN of Colorado, Mr. WALDEN, and Ms. DEGETTE.

H.R. 836: Mr. KRATOVIL and Mr. TOWNS.

H.R. 868: Mr. LOEBSACK, Ms. PINGREE of Maine, Mr. CHANDLER, and Mr. LANGEVIN.

H.R. 916: Mr. SARBANES.

H.R. 932: Mr. COHEN and Mr. CARNAHAN.

H.R. 1022: Mr. FORBES and Mr. CARDOZA.

H.R. 1074: Mr. BACHUS.

H.R. 1103: Mr. CARNEY, Mr. ALTMIRE, and Mr. ROONEY.

H.R. 1132: Mr. CONAWAY, Mr. CARTER, Mr. THORNBERRY, Mr. BARTON of Texas, Mrs. CAPPS, Mr. WATT, Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Mr. HARPER, Mr. SMITH of Texas, Mr. TEAGUE, Mr. AL GREEN of Texas, and Mr. MATHESON.

H.R. 1203: Mr. TERRY.

H.R. 1207: Mr. CUELLAR.

H.R. 1250: Ms. BERKLEY.

H.R. 1283: Mr. RYAN of Ohio.

H.R. 1351: Mr. NUNES.

H.R. 1410: Mr. DOYLE.

H.R. 1469: Mr. ROTHMAN of New Jersey and Mr. GRAYSON.

H.R. 1505: Mrs. CAPITO and Mr. LOBIONDO.

H.R. 1521: Mr. FLEMING, Mr. GRAYSON, and Mr. WU.

H.R. 1558: Ms. LORETTA SANCHEZ of California.

H.R. 1560: Mr. WESTMORELAND.

H.R. 1585: Ms. LINDA T. SANCHEZ of California.

H.R. 1695: Mr. LYNCH, Mr. SHULER, Mr. RAHALI, Mrs. LOWEY, and Mr. LIPINSKI.

H.R. 1751: Mr. MORAN of Virginia.

H.R. 1829: Mr. ANDREWS.

H.R. 1855: Ms. PINGREE of Maine.

H.R. 1961: Ms. TSONGAS.

H.R. 1989: Mr. LATTI.

H.R. 1993: Mr. HOLT.

H.R. 2017: Mr. GOODLATTE.

H.R. 2035: Mr. RADANOVICH.

H.R. 2138: Mr. MCNERNEY and Mr. WALZ.

H.R. 2139: Mr. SHADEGG.

H.R. 2266: Mr. PERRIELLO, Mr. WEXLER, Mr. ACKERMAN, Mr. CAPUANO, Mr. MCDERMOTT, and Mr. GUTIERREZ.

H.R. 2277: Mr. LEE of New York.

H.R. 2378: Mr. DINGELL.

H.R. 2421: Mrs. LOWEY, Mr. STEARNS, Ms. EDWARDS of Maryland, Mr. GRIFFITH, Mr. JACKSON of Illinois, Ms. PINGREE of Maine, and Ms. RICHARDSON.

H.R. 2427: Mr. PASCRELL.

H.R. 2456: Mr. SARBANES.

H.R. 2480: Mrs. SCHMIDT and Mr. LOBIONDO.

H.R. 2492: Ms. ZOE LOFGREN of California.

H.R. 2499: Mr. TIERNEY.

H.R. 2517: Mr. DOYLE.

H.R. 2607: Mr. PUTNAM.

H.R. 2616: Mr. COHEN.

H.R. 2708: Mr. COLE.

H.R. 2906: Mr. CASTLE.

H.R. 2927: Mr. WILSON of South Carolina.

H.R. 2941: Mr. GRAYSON.

H.R. 2946: Mr. BISHOP of Georgia, Ms. BERKLEY, Mr. PAYNE, Mr. LUJÁN, Mr. SIRE, Mr. SALAZAR, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. COSTA, Mr. GRIJALVA, and Mr. SERRANO.

H.R. 2949: Mrs. BONO MACK.

H.R. 2954: Ms. SCHAKOWSKY.

H.R. 2999: Mr. SESTAK.

H.R. 3001: Mr. PASTOR of Arizona.

H.R. 3007: Ms. SCHAKOWSKY.

H.R. 3011: Mr. MARCHANT, Mr. MCCAUL, Mr. ROGERS of Michigan, Mr. MILLER of Florida, Mrs. SCHMIDT, Mr. CAMP, Mr. HARPER, Ms. FOX, Mr. MARIO DIAZ-BALART of Florida,

Ms. GRANGER, Mr. CULBERSON, Mr. HENSARLING, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. BRADY of Texas, Mr. POE of Texas, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. HALL of Texas, Mr. GOHMERT, Mr. KING of Iowa, Mr. LOBIONDO, Mr. GOODLATTE, Mr. LATTI, Mrs. BLACKBURN, Mr. WALDEN, Mr. EHLERS, Mr. NUNES, Mr. SOUDER, Mr. COLE, Mr. SULLIVAN, Mrs. LUMMIS, Mr. REICHERT, Mr. MACK, and Mr. HOEKSTRA.

H.R. 3044: Mr. INGLIS, Mr. BACA, Mr. BRADY of Texas, Mr. DONNELLY of Indiana, Mr. WESTMORELAND, Mr. MACK, Mr. SAM JOHNSON of Texas, and Mr. SHERMAN.

H.R. 3076: Mr. CARSON of Indiana.

H.R. 3217: Mr. PUTNAM.

H.R. 3284: Mr. GRAYSON.

H.R. 3329: Mr. STARK and Mr. ELLISON.

H.R. 3371: Ms. RICHARDSON.

H.R. 3380: Mr. MICHAUD, Mr. BRALEY of Iowa, and Mr. SCHRAEDER.

H.R. 3401: Mr. COSTA and Mr. VAN HOLLEN.

H.R. 3438: Mr. BILBRAY and Mr. PITTS.

H.R. 3439: Ms. MATSUI.

H.R. 3455: Mr. AUSTRIA.

H.R. 3519: Mr. HARPER, Mr. PIERLUISI, and Mr. GOODLATTE.

H.R. 3535: Mr. GRAYSON.

H.R. 3545: Mr. GUTIERREZ and Ms. HIRONO.

H.R. 3551: Ms. BALDWIN.

H.R. 3554: Ms. BALDWIN.

H.R. 3567: Ms. CHU, Mr. HALL of New York, and Mr. CLAY.

H.R. 3569: Mr. WILSON of South Carolina.

H.R. 3572: Mr. BARTLETT.

H.R. 3578: Mr. FILNER.

H.R. 3592: Mr. HASTINGS of Florida.

H.R. 3604: Mr. HONDA.

H.R. 3612: Mr. KLINE of Minnesota.

H.R. 3631: Mr. COHEN, Mr. TIBERI, Mr. PIERLUISI, Mr. LARSEN of Washington, Mrs. LOWEY, Mr. KLEIN of Florida, Mr. MAFFEI, Mr. MASSA, and Mr. FRANKS of Arizona.

H.R. 3636: Ms. WOOLSEY.

H.J. Res. 26: Ms. MOORE of Wisconsin.

H. Con. Res. 51: Mr. CARSON of Indiana.

H. Con. Res. 129: Mr. JONES, Mr. NYE, Mrs. MCMORRIS RODGERS, Mr. FLEMING, Mr. MASSA, Mr. REICHERT, Mr. TIAHRT, Mr. ROONEY, and Mr. HASTINGS of Washington.

H. Con. Res. 149: Mr. ROE of Tennessee.

H. Con. Res. 168: Mr. COURTNEY and Mr. NYE.

H. Con. Res. 170: Mr. ROGERS of Kentucky, Mr. CAMPBELL, and Mr. MASSA.

H. Res. 16: Mr. LANCE, Mr. FRANK of Massachusetts, Mr. BRADY of Texas, and Mr. PAULSEN.

H. Res. 200: Ms. WATERS.

H. Res. 216: Mr. LAMBORN.

H. Res. 225: Mr. BROWN of South Carolina and Mr. GRAVES.

H. Res. 416: Mr. OLVER.

H. Res. 524: Mr. MCNERNEY.

H. Res. 554: Mr. BARROW, Mr. LAMBORN, Mr. UPTON, Mr. WOLF, and Mr. SIMPSON.

H. Res. 638: Mr. MILLER of North Carolina and Mr. SKELTON.

H. Res. 672: Mr. HONDA.

H. Res. 700: Mr. MANZULLO.

H. Res. 715: Mr. COURTNEY, Mr. CONNOLLY of Virginia, and Mr. CHAFFETZ.

H. Res. 727: Mr. WU, Mr. YOUNG of Florida, Mr. THOMPSON of California, and Mr. LOBIONDO.

H. Res. 740: Mr. CARNAHAN, Mr. LATTI, Mr. MASSA, and Mr. GRAYSON.

H. Res. 742: Mr. BOREN, Mr. BOCCIERI, Mr. DONNELLY of Indiana, Mr. COOPER, Ms. MCCOLLUM, Mr. MURPHY of Connecticut, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. YARMUTH, Ms. BALDWIN, Ms. HERSETH SANDLIN, Mr. NYE, Mr. DEFazio, Mr. HODES, Ms. SCHAKOWSKY, Mr. ETHERIDGE, Ms. ZOE LOFGREN of California, Mr. PETERSON, Mr. WALZ, Mr. ROGERS of Alabama, Mr. BONNER, Mr. CASSIDY, Ms. FOX, Mrs. SCHMIDT, Mr. LUCAS, Mr. COLE, Mrs. MILLER of Michigan, Mrs. CAPITO, Mrs. BLACKBURN, Mr. NEUGEBAUER, Mrs. MCMORRIS RODGERS, Mrs. BIGGERT, Mrs. MYRICK, Mrs. BONO MACK, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Ms. WATERS, Ms. CLARKE, Ms. TITUS, Mrs. DAVIS of California, Ms. MARKEY of Colorado, Ms. WOOLSEY, Mrs. LOWEY, Ms. DEGETTE, Ms. GIFFORDS, and Mr. SNYDER.

H. Res. 743: Mr. GUTIERREZ, Mr. FOSTER, Mr. PETERS, Mr. MARSHALL, Mr. WEINER, Mr. BAIRD, Mrs. DAVIS of California, Ms. CLARKE, Ms. TITUS, Mr. MCDERMOTT, and Mr. DONNELLY of Indiana.

H. Res. 747: Mr. TOWNS, Ms. BORDALLO, Mr. DAVIS of Kentucky, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Mr. LATTI, and Mr. MCNERNEY.

H. Res. 752: Mr. BOUCHER and Ms. WOOLSEY.

H. Res. 759: Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. EHLERS, Mr. MCCOTTER, Mr. FRANKS of Arizona, Mr. SMITH of New Jersey, Mrs. SCHMIDT, Mr. DONNELLY of Indiana, Mr. ROE of Tennessee, Mr. PENCE, Mr. LAMBORN, and Mr. HOEKSTRA.

H. Res. 768: Ms. DELAURO and Ms. WOOLSEY.

## SENATE—Thursday, September 24, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Mac Richard, Senior Pastor of Lake Hills Church in Austin, TX.

The guest Chaplain offered the following prayer:

Let us pray.

Our Lord and our God, we thank You for Your favor and Your goodness to our Nation. Lord, in this room where decisions are made on behalf of millions of people, we pause to acknowledge Your power and to thank You for the gift of good government.

Thank You, Lord, for each woman and man who has chosen to serve and lead in this place. I ask that You would bless them, bless and protect their families who also sacrifice so that they might serve. Father, we come to You and ask that You would grant wisdom in this place. Give our leaders eyes to see what might be and the courage to truly lead our Nation.

Lord, You have blessed us with so much prosperity, so much opportunity. May we be faithful with the responsibility these blessings carry. Thank You for the promise of this new day, for the freedom to approach and worship You, and for the ultimate liberty we enjoy in relationship with You.

Father, I ask this prayer in the powerful Name of Jesus. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 24, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business, for up to 1 hour, with Senators permitted to speak for up to 10 minutes each. We will have the morning hour extended until 10:30 so the Democrats and Republicans can divide up that time because we have a cloture vote set for 10:30. The Republicans will control the first half and the Democrats will control the second half.

Following morning business, the Senate will resume consideration of the Interior appropriations bill. Mr. President, I have spoken to the necessary parties this morning, and I think we are going to be able to work out an agreement so we will not have to have the cloture vote. I hope that is the case. If, in fact, that is the case, we will vitiate the cloture vote and what we will do—because of the heavy workload of the Finance Committee, and I have spoken to the necessary folks in this regard—we will schedule a time this afternoon to have a block of votes so they can come over at once and not have to keep going back and forth. We hope to work that out.

We made progress on this legislation yesterday, and if we can get these block of votes out of the way, we will move on to our next appropriations bill, which will be the Defense appropriations bill. This comes at a very important time in the history of our country, with troops coming out of Iraq and the situation we have developing in Afghanistan. Mr. President, you can announce morning business now.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with

Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The majority leader.

### FILING DEADLINE

Mr. REID. Mr. President, I forgot to announce that the filing deadline for second-degree amendments is at 10:30 this morning.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

### HEALTH CARE

Mr. ALEXANDER. Mr. President, I see the majority leader is still on the floor, and I wish to thank him and the Republican leader for organizing last night's reception honoring Henry Clay, a great Senator, whose portrait will be hanging in the stairway outside of here. There was a time in history when Henry Clay, Daniel Webster, and John Calhoun were better known than the Presidents of the United States. That was in the 1850s, before the Civil War. It was good to take a moment all together, Democrats and Republicans, and think about that history and to honor the man who was known as the great compromiser, who during a time when our Nation was completely split over the Civil War, on three different occasions, found a way to try to bring it together. Of course, he died before the great war.

Mr. President, I ask unanimous consent that during the Republican morning business time I be permitted to enter into a colloquy with my colleagues Senator MCCAIN, Senator COBURN, Senator BROWNBACK, Senator THUNE, and Senator MURKOWSKI, who will be here shortly.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, health care reform is the agenda for the Nation and it ought to be. We, on the Republican side, want health care reform, but we want the right kind of health care reform. Our focus is on costs. Our focus is on the cost to each American as he or she buys their health care policy; our focus is on the cost of the Government of the United States, for which each American has a responsibility to pay. What we have to do is to reduce costs to make it easier for Americans to afford their health care and to afford their government.

Every single one of us knows that unless we reduce the increasing costs of health care we will not be able to pay our bills in Washington, DC. We are in the midst of appropriations bills, and there is well-meaning debate here about whether we should spend more money for national parks and for safe drinking water and other urgent needs we have. That is the bill we are talking about today—clean air. Well, we should spend money on those urgent needs. Americans want us to do that. But we can't have those dollars, as the Senator from Alabama pointed out yesterday, if we continue to increase the debt—trillions in debt—and run up the interest rate bill.

We are headed toward a situation where, by the end of this decade, we will be spending \$800 billion a year on debt—more than we spend on national defense, eight times as much as we spend from Washington on education this year. So those dollars could either be in the pockets of the American people for them to spend for themselves or we could be spending those dollars to clean the air, to relieve traffic congestion or to provide Pell grants and student loans so Americans can go back to school. Those are the things government ought to be spending money on, not on increasing debt.

So health care reform is, first, about cost—the cost to Americans for their own health care policies and the cost of their debt. The President noted this the other night and said in his remarks to us and to the American people that the health care bill couldn't add one dime to the deficit. That is reassuring because the President's proposals are already adding \$9 trillion to the deficit over the next 10 years. He is doubling or tripling the national debt, which means he is adding more to the debt by a factor of two and then three than all the other Presidents put together. So surely we don't want to add more to it with a health care reform bill.

But when the President said that, he completely wiped out all the Democratic health care bills that have been proposed so far from the House and from the Senate. The Congressional Budget Office has said the Senate HELP Committee and the bills in the House all add to the debt in the first 10 years and in the years after that. So they should be off the table, according to the President's own standards.

Now we are looking at the Finance Committee in the Senate to see what they can do. Mr. BAUCUS, the Senator from Montana, has worked very hard in a good-faith, bipartisan way to try to develop a bipartisan bill—a comprehensive bill. But as we read the bill, there are a great many things to be worried about. For example, if you don't buy a health care plan, the IRS will tax you.

The President and George Stephanopoulos, on a Sunday show—and Senator GRAHAM said the President seemed

to be on every Sunday show except the Food Channel—were talking about the definition of tax. So that is the first thing. The second is the Medicare cuts.

I see the Senator from Arizona has come, and I would say to the Senator, through the Chair, we have received permission from the Chair to engage in a colloquy between myself and other Republican Senators who might come. I have already pointed out that the President himself has disqualified all the plans our committee worked on, the HELP Committee and from the House, because they all add to the debt. Now we see the Baucus plan coming forward, and I wonder if the Senator from Arizona has had an opportunity to look at—of course, that is not a bill yet. We all understand that. It is just concepts, and we will want to make sure we have time to read the bill and to know what it costs. But I wonder if the Senator from Arizona has had an opportunity yet to form an opinion about whether the Baucus bill does what we had hoped, which is reduce the cost to the American people of what their insurance costs and reduce the cost to the American people of their government in Washington.

Mr. MCCAIN. Well, I thank my colleague from Tennessee and the great work he has been doing. First of all, I would ask my friend if he has had the same experience I have had at townhall meetings and that is from one of the hand-done signs—not printed-out signs but one of the hand-done signs—which says: Have you read the bill? One of the first questions at the townhall meeting was: Have you read the bill? Of course, that is an impossibility for anyone to read the bill because there is no bill before the Finance Committee, it is my understanding. I understand it is about 200 pages of a "framework." I think the Senator from Tennessee and I are keenly aware that many times there is a comma, a word inserted here, a word taken out there which changes the entire legislative impact.

The American people are a lot smarter than we give them credit for. They know that in the middle of the night, many times legislation is written and turned into the kind of legislation that, frankly, unless you go through it page by page, word by word, you don't know the final impact. So what I, first, wish to say to my friend from Tennessee is that apparently the Finance Committee is working to turn out a legislative package that is not in legislative form, and I am curious how the Members would understand what is in it.

I guess the second point is, there is still no serious consideration of a couple of the fundamentals—medical malpractice or medical liability reform or, obviously, the ability to go across State lines to purchase insurance and allowing small businesses to pool their assets so they can compete for health

insurance policies that large corporations are able to.

The other question I would ask, because I know my friend from Tennessee has had many roles in his long political life, has the Senator from Tennessee, as a former Governor, had any contact with the Governors and their organizations as to how much additional costs would be added to those States, which are already in dire shape—certainly mine is—in the form of additional Medicaid costs?

I notice the majority leader at first complained about the bill and the cost it might accrue to his State of Nevada, but I guess that has been fixed to his satisfaction. But I don't think the other States—a State such as mine, which is still looking at over a \$50 billion deficit—probably would be eager to absorb dramatically increased Medicaid costs. I wonder if my friend, a former Governor, former Cabinet member, former candidate for President, former dog catch—excuse me, someone who has had many roles in American life, would respond to that.

Mr. ALEXANDER. One of my friends said to me after I was Governor: Rooster today, feather duster tomorrow. And I am afraid I am in the feather duster category.

The Senator has made a terrific point. I want to go to the Senator from Oklahoma, who has just arrived, to talk about this, one of the physicians in the Senate. But on the first point, we need to read the bill, and there is no bill. Yesterday, Republicans tried to get the Finance Committee to say once there is a bill that at least for 72 hours it would be on the Internet. Then we need to know what it costs because even the President said—

Mr. MCCAIN. If I might interrupt, if it were on the Internet for 72 hours, maybe as many Americans who wanted to would be able to read the bill themselves.

Mr. ALEXANDER. They could let us know what they think of it, and then we need to know what it costs.

As to Medicaid, every Governor in America is worried about this. The Democratic Governors and Republican Governors have said to us: If you want to expand the Medicaid Program, which the States pay 40 percent of, you pay for it because we can't raise State taxes or raise tuitions or cut the highway program to do that.

The Senator from Oklahoma heard Senator MCCAIN's question. The Senator from Oklahoma and Senator BARASSO the Senator from Oklahoma has delivered thousands of babies, and the Senator from Wyoming is an orthopedic surgeon. They have been touring the country, listening to a lot of doctors and physicians and medical personnel. I wonder if you have a reaction, Senator COBURN, to the questions of Senator MCCAIN?

Mr. COBURN. First of all, let me say my biggest concern for my patients in



this whole debate is, will the American consumer still have the power and the ability to select who is going to give them this most personal of all care when this is over? The answer to that is "no." It is not "no" for everybody, but it is a "no" for half of the American public. That is what it means.

Mr. MCCAIN. Would it be "no" for the individual who has employer-based health care and that employer then opts for the so-called public option, which would be a government-run health program? Could that employee see the same doctor?

Mr. COBURN. We don't know, but most likely half of them will not. The whole debate ought to be how do we get more value out of the health care system we have today rather than how do we add more money to the cost of health care to cover more people.

The reason my patients have trouble getting care is cost. Right now, they have choice, except if they are in Medicaid, and they have some choice if they are in Medicare because we are seeing a larger and larger percentage of doctors who cannot afford to take the Medicare reimbursements. But can they afford the care? This bill does nothing to lower health care costs. It does nothing to lower health care costs.

Mr. MCCAIN. Isn't it true, in fact, that the Congressional Budget Office has said that these increased costs, at least half of them, will be passed on to the individual?

Mr. ALEXANDER. I would say to the Senator from Arizona, that is exactly right. The Congressional Budget Office did an analysis of the impact of Senator BAUCUS's plan on insurance premiums. It showed the premiums for those in the individual market would go up. So, to the point of the Senator from Oklahoma, one of the effects of the one remaining bill that is being considered here, at a time when we are trying to reduce the cost to Americans of their policies and their government, is that premiums would go up.

Mr. COBURN. Premiums will.

Mr. MCCAIN. I have one very important question. There is no one who has led the fight against waste, fraud, and abuse more than Dr. COBURN!

Dr. COBURN, the President keeps saying we will eliminate all this fraud and abuse and waste. If we can, why don't we start tomorrow?

Mr. COBURN. I agree. We have offered for years a couple of ways to do this. I think it is important for the American people to know how much there is. The Department of Health and Human Services estimated in 2007—that is the last year for which they have numbers—that \$62 billion was improperly paid out of Medicare. The GAO, when they looked at that report, said: No, you are way off. It is at least \$85 billion, and we think it is higher.

If you look at that, that is almost 20 percent—20 cents out of every dollar—

Medicaid pays out is lost to fraud. Why wouldn't we fix that first rather than say that if we fix it, we are going to take it from Medicare and put it somewhere else, when the trust fund, the HI trust fund, the hospital insurance fund, is going to be belly-up in 2017?

Mr. ALEXANDER. Mr. President, I ask Senator COBURN, isn't it true that, under the Baucus plan, about half of it would be paid for by Medicare cuts, which would then be spent on a new program?

Mr. COBURN. That is right. And Medicare is already unsustainable. So what is going to happen? There is another factor, which is we have it fixed that, with this bill, there will not be a big cut to the payments to doctors under Medicare. But in the years that follow that, there will be a 25-percent cut. If access is a problem for Medicare patients today, it is going to get worse. It is part of the lack of truth in this bill that they do not address what we have set in motion to take dollars away from the health care industry.

Mr. MCCAIN. May I ask Dr. COBURN again, if we start tomorrow, what can we do?

Mr. COBURN. The first thing is you put uncovered patients in the Medicare system and you put people in jail who are defrauding Medicare. If 30 or 40 doctors went to jail in the next 6 months in this country, you would lower Medicare costs by 10 percent because all of a sudden they would start thinking about: I can't skirt this. I can't play this game. I can't do it. The risk is too high.

As a matter of fact, here is one of the things we know. In Florida, the drug dealers have switched from being drug dealers to Medicare suppliers because they can make more money defrauding the Federal Government. It is harder to get caught and the penalties, when you are caught, are less than when you are dealing drugs. Consequently, we have all these people in the business of defrauding Medicare, and there has not been a plan that has been effective in cutting Medicare fraud because nobody knows—and the government is all about Medicare. So it, by its very design, is designed to be defrauded. We should make structural changes so it is not and with that get better care and lower cost care, like paying for outcomes rather than paying the American Medical Association to use their CPT code.

Mr. ALEXANDER. The Senators from South Dakota and Kansas have joined us.

Senator MCCAIN is leading a colloquy on the Baucus bill and health care.

I wonder, I ask Senator THUNE, if you see the Baucus bill as a bill—it is not a bill yet—that is likely to reduce costs?

Mr. THUNE. I think that is the big question about all of these various pieces of legislation we have had in

front of us. What do they do to reduce costs? Even the Congressional Budget Office has said repeatedly, in this bill in particular, the Baucus bill, the most recent version of a health care reform proposal here, there is a \$1.7 trillion cost over 10 years when fully implemented.

If you actually look at what it does for most people in this country, they are going to see their health care costs not go down but go up. The premiums are actually going to increase. The reason for that is many of the taxes imposed in the bill to help pay for the cost of the \$1.7 trillion expansion are going to get passed on. So the people who get hurt by this are hard-working Americans who are expecting, if Congress is actually reforming health care, that would mean health care costs, the costs people pay for premiums for their health care coverage, would actually go down. The Congressional Budget Office, under questions that were raised yesterday by some of our colleagues, responded that dollar for dollar, those additional—those taxes that would be imposed to pay for this would actually be passed on and you would see higher health care costs.

So there has not been anything in this entire debate yet, or any of the bills that have been put before various committees or that eventually we assume will be considered on the floor here in the Senate and in the House of Representatives, that has actually impacted costs in a way that they go down, that reduces the overall cost for the people in this country.

Furthermore—and I talked about this with the Senator from Tennessee; we had this discussion on the floor yesterday—many Americans, those I heard from in my State of South Dakota during the month of August in the many conversations I had out there, are very concerned. They are really concerned about two issues: one is control, one is cost. Who is going to control their health care? Is the Federal Government going to do it, the bureaucrat in Washington, DC? In this country, are we ceding one-sixth of our economy, more and more control to the people in Washington, DC? The Baucus bill, inasmuch as it doesn't at this moment contain the government plan, still assumes a high level of government involvement, government intervention. The government would determine which health care plans it would have to approve, which would meet the standards the government set. So you have a high level of government intervention with this plan as you have had with all the other plans.

But perhaps even more important—and this is the issue I think most Americans are really homing in on—is the cost. What is the cost to me as a taxpayer? In this case, \$1.7 trillion over a 10-year period when fully implemented. And does it reduce my cost of

health care? They are going to look at it two different ways. One is, what am I going to have to owe in the form of higher taxes to finance this; and second, how is it going to impact the cost of health care for me in terms of the premiums I pay? I think it is fair to say—it is not what we are saying, it is what the Congressional Budget Office has determined—that actually the cost of health care for a lot of Americans, under this proposal, the Baucus proposal, is going to go up.

Mr. ALEXANDER. Senator THUNE, I see the Senator from Kansas is here. I wonder if Senator BROWNBACK from Kansas or you from South Dakota have been hearing from your constituents about the possibility of shifting costs from Washington to the States when, because we in Washington say it is a great idea to expand Medicaid, then we shift some of the cost of that to the State, the State taxes go up or State services go down. I wonder if you have heard anything from the people of Kansas about that, Senator BROWNBACK?

Mr. BROWNBACK. I certainly have. I appreciate the Senator from Tennessee leading this discussion and also asking that question. As a former Governor, he has dealt with these issues. He knows that when Washington dictates something—or too often Washington will dangle a little bit of money out here and say: We would like the State to do this, and here is a little money to get it started. Then 3 years in the program, 5 years in the program, the money is pulled away at the Federal level and the State is left with trying to fund this.

It is on two levels that I get it at the State level: No. 1, trying to drive so many more people into Medicaid; that is, by raising the amount of coverage of people in Medicaid, it then gets a big price tag with it—at the Federal level initially and at the State level as well—and State budgets are really strapped right now. I was just talking with some State legislators yesterday, and they are looking at a multiple hundreds of millions of dollars hole next year—that alone, without adding additional Medicaid requirements from the Federal Government on top of that. It is clearly a huge problem for them if you are going to add a cost at a time when they don't have the funds.

The Federal Government, much of it, is saying: We are going to pay for it initially, and the proposals under Baucus are to pay for most of it initially, but I don't think there is any question that then, over time, the State is going to have to assume a bigger role of that, and that is going to be up to State responsibility.

Mr. ALEXANDER. I believe the National Governors Association chairman, of Vermont, said that all Democratic Governors as well as all Republican Governors said: Don't shift it to us. If you want to expand Medicaid

from Washington, pay for it from Washington.

Mr. BROWNBACK. Pay for it and pay for it completely. But this is also a more pernicious piece of this, and that is we have 40 percent of our physicians in Kansas saying they are not taking more Medicaid patients. That is 40 percent now. Now you are talking about expanding Medicaid, the number of people in Medicaid, when 40 percent of your doctors are saying: We aren't taking them. You are saying: Why won't the doctors take it? It is not that they don't want to have Medicaid patients, but it is the reimbursement ratios they get. Listen to these numbers from MedPAC saying that Medicare provider reimbursement rates are about 80 percent of private insurance. So private insurance, and then 80 percent of that is Medicare, and then Medicaid is 72 percent of Medicare. So you are cutting it back even further, to the point that physicians are saying: I just can't afford to take more.

Mr. ALEXANDER. Medicaid is the largest government program we have today, bigger than Medicare; it has low-income Americans in every State. I believe the Baucus proposal plans to add about 11 million more low-income Americans to this plan that 40 percent of doctors will not see patients for?

Mr. BROWNBACK. They won't see them. Now what you are doing is driving people into a system that is a very low reimbursement system, that physicians are, almost half, saying: We won't take any more.

My concern here is that you are going to drive people in this system where you are not going to be able to get health care; they are not going to be able to get health care at all because of these reimbursement rates, because of the reimbursement rates physicians are having under Medicaid.

So I think that is a deadly piece of this overall proposal. It is the cost to the States, and then it is also that you are driving people into an area where providers are fleeing and heading out of.

Mr. ALEXANDER. We have 5 minutes left. We will go to Senator THUNE and let Senator BROWNBACK wrap up our time.

But "Medicare cuts," those are scary words to most Americans. And some people say: Well, you Republicans are trying to scare the seniors of America when you say the words "Medicare cuts."

But is it not a fact that the Baucus plan would cut Medicare by about \$500 billion and use it for a different program instead of shoring up the Medicare Program?

Mr. THUNE. We know for a fact that the Medicare trustees have said the Medicare Program is destined to be bankrupt in the year 2017. So Medicare is already on an unsustainable path. It needs to be shored up. And what we are

talking about doing is getting savings, if you want to call them that, or "cuts," I would say out of Medicare to create a whole new entitlement program here in Washington, instead of fixing and making more sustainable a Medicare Program that, as I said, is destined for bankruptcy by the year 2017.

I think most seniors and most providers around the country are going to be very concerned about the idea of having cuts in the Medicare Program, \$500 billion, as the Senator from Tennessee has mentioned, go to paying for this new entitlement program which, as I said earlier, over a 10-year period is going to cost \$1.7 trillion.

So I think you are not only going to have, as the Senator mentioned, a lot of providers very concerned about cuts, I think you are going to have an awful lot of seniors who are concerned about how their Medicare benefits are going to be impacted by this proposal. I would add to what the Senator has already talked about, and I know the Senator from Tennessee's Governor has called some of these Medicaid expansions "the mother of all unfunded mandates."

I have had numerous conversations with my Governor in my State of South Dakota about this. It would cost our State about \$45 million a year, new revenues they would have to raise, to meet the matching requirements under this expansion of Medicaid.

In my State of South Dakota, that is real money. I know that does not sound like a lot out here in Washington. But that really is. My Governor is very concerned, as are all Governors, about the impacts not just on Federal budgets but on State budgets.

Of course, as the Senator from Tennessee and the Senator from Kansas have pointed out, Medicare—and I might add, I love the quote from the CEO of Mayo, which the Senator from Tennessee has mentioned, "If the public plan looks like Medicare, I think the country would go broke almost overnight," because Medicare is already proposed to go broke by 2015 to 2017.

I think that is the problem we run into when we try and build upon a foundation that is already crumbling. The Medicare Program is destined to go bankrupt. We are talking about adding a whole new entitlement. Instead of trying to figure out how to plow some of these savings back into Medicare and make it sustainable, we are actually adding to and building upon a foundation that is already crumbling.

Mr. ALEXANDER. We have about a minute and a half left in our time. I wonder if Senator BROWNBACK would conclude.

Mr. BROWNBACK. Mr. President, I think to put it in Kansas-type terms, if you are talking about taking savings from Medicare to start a whole new

health care entitlement program, that is like writing a big fat check on a completely overdrawn bank account to buy a new car.

You are going: Now, well, who would do something like that? When you are saying: Well, that is what the Federal Government is looking at doing in this proposal that Senator BAUCUS has put forward.

Medicare is not sustainable. It is not fiscally sound. You are going to write an overdraft check on that to start a whole new program that you do not have the wherewithal to do, that most Americans do not want to see you do because they want to see you fix the current program and get it on a sustainable basis.

It does not make sense. It is out of the stream of thought of the American public. We ought to back up, stop, and go at this in incremental changes, to get costs down and more people covered, that do not drive costs up, that do not do a big federal takeover of the system.

Mr. ALEXANDER. I thank Senators THUNE and BROWNBACK.

Obviously, we believe that instead of a 1,000-page bill, we should do what Senator BROWNBACK said. We should go step by step to re-earn the trust of the American people. For example, permitting small business plans to pool their resources to offer more insurance to a million people; buying insurance across State lines; stopping runaway junk lawsuits against doctors; signing up those people already eligible for Medicaid and SCHIP; and encouraging technology.

All of those are steps we can agree on and reduce costs, without running trillions of dollars of new debt, more taxes, and Medicare cuts. I thank the Senators from South Dakota and Kansas for participating in our colloquy.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mrs. SHAHEEN). The Republican leader is recognized.

#### HEALTH CARE WEEK X, DAY III

Mr. MCCONNELL. Madam President, over the past several months, the American people have made their voices heard in the debate over health care. Everyone is frustrated at the high cost of even routine services and procedures. But the good news is this: everyone agrees that these are real and pressing issues and that Congress can and should do something to help.

Unfortunately, the Democrat plan being contemplated here in Congress is not content simply to address the problems at hand. Instead, this plan uses these problems as an excuse to dis-

slap together a new one as quickly as possible, and force it on the American people whether they like it or not.

That is what is going on this week in the hearing room of the Finance Committee.

The U.S. Congress is hashing out the details of an enormously complicated bill that calls for a massive expansion of Washington's role in the health decisions of every single American. And when they are done, they plan to rush this so-called reform through Congress and force it on a country that is overwhelmingly opposed to it.

But there is really only one thing Americans need to know about this legislation: When all the talking is through, what is left is this: a trillion dollar experiment that cuts Medicare, raises taxes, and threatens the health care options that millions of Americans enjoy.

The administration has been telling Americans for months and months that if they like the coverage they have, they can keep it. Whoever believes this apparently is not familiar with the bill that Democrats in Congress want the President to sign. If they were, they would realize that it creates a new government standard for coverage, and that anyone who falls below that standard will be forced to buy a different health plan.

Government would tell you which plans you can have and which ones you can not, and if you do not like the plan they suggest, then you will have to send a check to Washington. You will get taxed. That is government expansion. Americans do not want it.

Americans are worried about spending. It seems like every time they turn around they are hearing about another trillion-dollar spending bill coming out of Washington. Well here is another. Once again, it is being rushed through Congress, and once again, we will not have enough time to read it. They made sure of that yesterday. My Republican colleague from Kentucky, Senator BUNNING, offered an amendment to give senators the time they need to study the details. Democrats struck it down.

Taxes are already high enough. They are about to get higher. This legislation will lead to significantly higher taxes on just about everybody in America. If you have health insurance, you are taxed. If you do not have health insurance, you are taxed. If you need prescription medicine, you are taxed. If you need a medical device, you are taxed.

All these taxes would be bad enough if they were not so hard to understand.

For months we have been hearing that the goal of reform is to lower costs. Yet any school kid in America can tell you that raising taxes on something raises its cost. And every nonpartisan, independent study we have seen confirms this basic economic

principle. Despite all the talk of lowering costs, all these higher taxes mean that, as a result of this legislation, health care costs are headed in one direction, and that is up.

What is worse, the Joint Committee on Taxation and the Congressional Budget Office say that some of the worst taxes would fall squarely on the backs of consumers: not on the rich, but on ordinary Americans who are already struggling through a recession.

Seniors take a serious hit from this legislation, either through cuts in services that millions of them currently enjoy, or by being forced off the plans they have. All told, this bill calls for nearly \$140 billion in cuts to Medicare Advantage; nearly \$120 billion in Medicare cuts for hospitals that care for seniors; more than \$40 billion in cuts to home health agencies; and nearly \$8 billion in cuts to hospice care.

Everyone agrees Medicare needs reform. This is not reform. This is a massive raid on a program millions of seniors depend on in order to cover the cost of another new government program. This bill uses Medicare as a piggy bank to pay for this experiment.

There is no question that Americans want health care reform. They want lower costs. They want greater access. They want commonsense reforms, like a plan to get rid of junk lawsuits on doctors and hospitals and to level the playing field when it comes to taxes on health plans. But what they are getting from Congress instead is a trillion-dollar experiment that cuts Medicare, raises taxes, and threatens the health care options that millions of Americans now enjoy. And here is the worst part: they are being told that all this has to be rushed through Congress on some artificial timeline.

Americans have been asking us to slow down. Congress is doing the opposite.

This is not how Americans expect us to do their business. We need nonpartisan groups like the Congressional Budget Office to tell us how much this legislation will cost and how we would pay for it, and we need to slow down and get it right. We need to give Members of Congress the time they need to understand what they are going to be voting on. And we need to give the American people the time they need to understand this legislation too. This bill is too big, too costly, and too important to allow anything less.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the time for the cloture vote, now set for 10:30 a.m., be extended until 11 o'clock this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, for the knowledge of all Members, we are very close to being able to work out an agreement on the finalizing of the Interior appropriations bill. There are some language problems the staff is working on now. But we should have a series of amendments—it could be as many as seven, eight amendments—and we will try to do those in a block of time. We have 23 members who are trying to work out something in the Finance Committee as it relates to health care, so we would like to have those votes in a block of time sometime this afternoon. But we should be able to have a consent agreement that will be approved by Senator MCCONNELL and me in the near future.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, the time between now and 11 o'clock, I ask unanimous consent that be time for morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, are we in morning business?

The PRESIDING OFFICER. Yes, we are.

## AFGHANISTAN/PAKISTAN STRATEGY

Mr. BOND. Madam President, I rise today to call for the testimony before Congress of our top military commanders in Afghanistan, GEN Stanley McChrystal and General Petraeus. Con-

gress and the American people need to hear directly and as soon as possible from the generals to ensure that political motivations in Washington do not override the vital needs of our commanders and our troops on the ground.

Ordinarily, I don't like the idea of calling generals away from their duties in theater but, unfortunately, in the often surreal world of Washington politics, all the hard work by our military and intelligence professionals on the battlefield in Afghanistan can be undone very quickly. Unfortunately, the latest verbal wavering by the administration and some of my colleagues in Congress can do just that.

Last November, when I sent my report, the Roadmap to Success in South Asia, to then President-elect Obama and his national security team, I outlined the importance of messaging to our overall success in Afghanistan and Pakistan. For too long, the United States has flailed about with an uncoordinated communication plan. In other words, we have been off message.

Unfortunately, the enemy has continued to hone its own message. Radical Islamic terrorists have staged suicide attacks for maximum publicity, propagandizing their message on the Internet, and convinced their fellow terrorists-at-arms that they will defeat the international community.

Negative and indecisive comments by the President, broadcast worldwide, have now given the enemy a big win in the public information battle.

On CNN, the President questioned: "Are we pursuing the right strategy?"

On NBC's "Meet the Press," the President's words were even more disturbing, signaling a lack of confidence in his earlier strategy. The President said:

If an expanded counterinsurgency strategy in Afghanistan contributes to the goal of defeating al-Qaida, then we will move forward. But, if it doesn't, then I'm not interested in just being in Afghanistan for the sake of being in Afghanistan or saving face or . . . sending a message that America is here for the duration.

Comments such as these call into doubt America's commitment to Afghanistan. They give hope to the terrorists—hope that America's resolve is not real, and that they only need to wait us out to win the war.

The people of Afghanistan get the message that we are leaving soon. The implied message is that you better work with the Taliban and al-Qaida, because they will be here after America leaves. This is a public bonanza in diplomacy for our terrorist enemies.

At the same time, these comments have done a great disservice to our men and women serving in harm's way. These heroes need our country's unwavering support, not vacillation because of political pressures.

President Obama's recent comments present a stark and dangerous contrast to his earlier resolve—resolve that I

applauded on this floor and publicly and proudly supported. When President Obama commissioned General McChrystal's assessment of the situation in Afghanistan, I believed that he was genuinely interested in receiving the general's expert, on-the-ground perspective and his informed opinion of what strategic and tactical changes would be required for success.

Unfortunately, it now appears that the President has developed a sudden case of buyer's remorse. It seems increasingly clear to me the Obama administration is inclined to reject the counterinsurgency strategy recently recommended by General McChrystal and endorsed by the head of the U.S. Central Command, GEN David Petraeus and the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen. In a bewildering twist, this is the same counterinsurgency strategy the President himself endorsed this past March.

I have been a strong and vocal supporter of the administration's new strategy in Afghanistan, so I was particularly disappointed by the President's suggestion this past Sunday that he is reconsidering the American commitment to the war in Afghanistan.

I am also deeply disturbed by press reports that Defense Secretary Gates will delay sending General McChrystal's troop request to the White House because the White House is not ready to receive it. Given the President's resolve this spring, I am somewhat puzzled by the strange treatment of General McChrystal's assessment and troop request. Unnecessary delay is not our friend in this war.

The clearest reason for this delay seems to be that the President is considering not granting General McChrystal's request. Instead, we are now hearing that he may push for a more aggressive covert war against al-Qaida leadership in Pakistan.

We all want to eliminate the al-Qaida leadership that plotted and planned the attacks that claimed more than 3,000 American lives on September 11. And depending on the details, more aggressive action in Pakistan may be a good thing. But such action should be in addition to, not a substitute for, giving our troops in Afghanistan all the resources and supporting personnel they need to succeed.

While denying al-Qaida and Taliban militants sanctuary in the border regions of Pakistan is critical, a counterterrorism-only approach, focusing on one part of this regional conflict, will ultimately hand victory to the world's most violent and feared terrorists. This type of counterterrorism-only approach failed us in Iraq and it has failed us in Afghanistan for the last 7 years.

I have consistently called for—and President Obama had promised—a comprehensive counterinsurgency strategy

designed to meet a set of clearly defined goals for the Afghanistan-Pakistan region. The Obama administration has rightly characterized the problem as involving both of these two countries. But right now, we have a plan only for one country.

I am not suggesting it is General McChrystal's job to set that wider. As directed by the President and by our NATO allies whom he represents as commander of ISAF, the general has laid out a good strategy for success in Afghanistan and that strategy includes a request for more boots on the ground. I understand there is a lot of hand-wringing in Washington right now over Afghanistan. We saw the same reaction over sending more troops into Iraq 2 years ago. The political courage shown by the White House and Congress back then proved to be successful. Today, we must marshal the same courage and give General McChrystal what he needs to get the job done.

Amid the reports of wavering and hand-wringing, an important question comes into mind: What has changed? During the campaign and after his inauguration, the President spoke repeatedly about the importance of winning the war in Afghanistan.

For example, on March 27, 2009, when he rolled out his comprehensive new strategy for Pakistan and Afghanistan, the President declared that:

To succeed, we and our friends and allies must reverse the Taliban's games and promote a more capable and accountable Afghan government. Our troops have fought bravely against a ruthless enemy. Our civilians have made great sacrifices. Our allies have borne a heavy burden. Afghans have suffered and sacrificed for their future. But for six years, Afghanistan has been denied the resources that it demands because of the war in Iraq. Now, we must make a commitment that can accomplish our goals.

I was heartened by these words. I agreed with the President on the need for a fully resourced counterinsurgency campaign and a solid commitment to ensure the security of the Afghan people and our own vital interests. I applauded his recognition of winning this war when he told our veterans, the VFW, this past August:

Those who attacked America on 9/11 are plotting to do so again. If left unchecked, the Taliban insurgency will be an even larger safe haven from which al-Qaida would plot to kill more Americans. So this is not only a war worth fighting; this is fundamental to the defense of our people.

But our troops in the field have now been waiting over 6 months for the President to follow through on his promises. As General McChrystal's recently leaked assessment points out, time is of the essence, and we cannot afford more stalling by the administration on this vital national security issue.

The general said the next 9 to 12 months are critical and that is why we need a decision now. I call on the Presi-

dent to heed his own words from this past weekend. Let's ignore the politics of the moment and finish the job in Afghanistan.

I recognize we have not yet seen any official numbers associated with General McChrystal's troop request, but I am very encouraged by the general's emphasis on putting more of an Afghan face on operations. I believe our ultimate success depends on our ability to hand responsibility for security over to Afghans.

I was also gratified to see the report's strong emphasis on the importance of "smart power" to achieving success. While the assessment does not actually use the term, the concept is woven into the core of the report. General McChrystal and others have been clear that traditional kinetic military efforts alone will not achieve the success we need. Success will be attainable only if we maximize the ability of nonmilitary agencies of the United States Government to work through Afghan institutions to achieve stability, reconstruction, and the rule of law.

As I have said repeatedly on the floor, the efforts by the National Guard, led by my own Missouri National Guard, to bring agricultural experts, including full-time farmers who also serve as trained military soldiers, who have gone into Nangarhar Province and in 1 year transformed the agriculture of Afghanistan so they could make a greater profit from raising legitimate crops and taking Afghanistan and Nangarhar Province from the No. 2 poppy-producing province in the nation down to almost zero poppy production. Six more National Guards from different States are there now. More are coming. Two weeks ago, I challenged all of the Nation's National Guard and their commanders at their meeting in Nashville to commit to send a National Guard unit from every State to an appropriate province where they can help, and they can make a difference. That is part of smart power. They need to bring the economic resources and the structures and the information and experience we have, protected by soldiers and airmen of the National Guard who can defend themselves and those they are protecting. That is smart power.

In the McChrystal report, the Afghan Defense Minister rejected the popular myth that Afghanistan is a graveyard of empires and we are destined to fail there. I couldn't agree more. As General McChrystal affirmed in his report: "While the situation is serious, success is still achievable." The Obama administration and Congress must each do its own part to give our troops the resources and time they need to make that success a reality.

Let's not snatch a defeat from the jaws of victory in Afghanistan just because a few pundits are pedaling polit-

ical pessimism in Washington. All the experts, including General McChrystal, agree we need a properly resourced counterinsurgency strategy, and we need it now. It is time to listen to our commanders on the ground, not the ever-changing political winds whispering defeat in Washington.

Madam President, I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EASTERN EUROPE

Mr. VOINOVICH. Madam President, I rise to discuss America's relationship with our Eastern European friends as well as the challenges America faces in our relationship with Russia.

Over the last decade in the Senate, I have been a champion of NATO and worked diligently to increase membership in the alliance. I have also been active in improving our image in Eastern Europe through the expansion of the Visa Waiver Program at the request of our friends and allies in Eastern Europe. My passion for foreign relations stems in large part as a supporter of Ohio's diverse ethnic communities. As mayor of Cleveland and Governor of Ohio, I gained a keen understanding of Europe from my close work with constituents who had ties to countries that were once subject to life behind the Iron Curtain. This goes back to my first paper in undergraduate school and how the United States sold out Yugoslavia at Teheran and Yalta.

We did see the Berlin Wall fall and the Iron Curtain torn thanks in part to the efforts of Pope John Paul II, President Reagan, and President George H.W. Bush. But even with the end of the Cold War, I was deeply concerned that darker forces in Russia could once again reemerge as a threat to democracy, human rights, and religious freedom not just for the Russian people but for the newly freed "captive nations" of Eastern Europe.

I understood getting those nations into NATO could make the alliance more vibrant and healthy and give them safe harbor from the possible threat of Russian expansionism. One of my proudest moments in the Senate was being present at Prague in March of 2002 in the room when Lord Robertson announced that seven countries—

Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia—were invited to join NATO.

When I was Governor of Ohio and chairman of the National Governors Association, I led an effort in 1998 to secure passage of an all-50-State resolution in support of NATO expansion for the Czech Republic, Hungary, and Poland. These new members have brought great vigor to the NATO Alliance and are now some of our strongest allies working alongside our troops in Iraq and Afghanistan—especially Afghanistan.

As such, I was astounded last week to see the Obama administration appear to turn its back on some of our staunchest NATO allies. Last week's missile defense announcement was made with little advance notice or consultation and disregarded the great political capital expended by the leaders of Poland and the Czech Republic. This decision leaves the impression that the United States is dealing unilaterally with Russia without regard to our NATO allies. Regardless of the merits of the decision itself—and I had a chance to talk to Secretary Gates about it, and it makes sense that this was a good decision—the manner in which it was revealed to Warsaw and Prague was a major public relations and public diplomacy blunder.

The Polish people are up in arms about the decision—and not so much with the decision, but the way it was handled and the disregard for handling it in a proper fashion. The fact also that the decision was announced on September 17, 2009, the 70th anniversary of the Soviet invasion of Poland, makes it even worse. The way this decision was communicated shabbily to Poland and the Czech Republic should also send a shiver down the spines of our brothers and sisters in Eastern Europe and their Baltic neighbors, who are concerned with Russia's aggressive efforts to reassert its influence in what was once the Soviet Union.

In an opinion piece in last Friday's edition of the Washington Post, David J. Kramer, of the German Marshall Fund, notes that:

Whatever the official explanation now for not moving forward, many—including the Kremlin—will read this shift as an effort to placate Moscow. Announcing the decision ahead of [President] Obama's meeting with Russian President Dmitry Medvedev this week in Pittsburgh reinforces such thinking.

I had the opportunity this past July to travel to the Baltic States with my friends Senators Durbin, Cardin, and Wicker as part of the U.S. delegation to the Organization for Security and Cooperation in Europe, to the parliamentary assembly that was held in Vilnius, Lithuania. As part of that trip, I also visited Riga, Latvia—a stop that marked the highest ranking official visit of the United States in Latvia in over 3 years. In all of our bilateral

meetings with Presidents, Prime Ministers, and Foreign Ministers from former Soviet countries or countries the Soviet Union exercised influence over, we were told it was comforting for them to know their membership in NATO serves as a hedge against a potential expansionist Russia.

We should be worried about the uncertainty surrounding a Russia that is reverting back to a KGB-ruled country seeking to weaponize its oil and natural gas resources as a means to expand its influence on Europe and the West.

I think one of the concerns we all ought to have is that many members of the European Union, instead of coming together and negotiating with Russia over the issue of natural gas, are cutting their own deals. I think we should be very concerned that in the long run many of those countries are not going to be able to make good decisions because of the influence Russia will have over their natural gas resources.

Russia has the world's largest reserves of natural gas and has the eighth-largest oil reserves. Moscow turned off the tap to Ukraine this past winter. They could do it again. We should also be concerned about Moscow using its control of oil and natural gas to pit members of NATO against each other.

There is much talk about resetting the U.S. bilateral relationship with Russia. Moscow seeks to regain its global stature and be respected as a peer in the international community. There is nothing inherently wrong with this.

I believe there are key areas where the United States and Russia share common cause and concern: Russia is a permanent member of the U.N. Security Council and will be essential to effective multilateral pressure on Iran to give up its nuclear program; Russia continues to have leverage on the North Korean regime and has stated that a nuclear-free Korean peninsula is in the interest of both our countries; we are partners on the International Space Station—in fact, we are going to rely on them to send our NASA people to the space station; and, until the Georgia situation flared in August of last year, our government and U.S. industry were working hard on a nuclear cooperation agreement with Russia, very much like the one we entered into with India.

With the world economy as it is today, the worst thing we could do is break off communication and revert back to our Cold War positions. This week's G-20 conference in Pittsburgh is an opportunity to further engage Russia and determine where we have a symbiotic relationship and what we can accomplish together for the good of the international community. Nevertheless, such a reset should not come at the expense of our Eastern European friends.

Time will tell whether last week's decision will have any influence on Russian cooperation on the Strategic Arms Reduction Treaty—START—or our efforts to prevent a nuclear-armed Iranian regime.

In the meantime, we have our work cut out as we seek to rebuild confidence and trust with our friends in Eastern Europe. After last week's events, I suspect that their confidence in the reliability of the United States as a partner and ally has been shaken.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Madam President, I would like to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT

Mr. BURRIS. Madam President, in my home State of Illinois, there are roughly 44,000 people living with HIV or AIDS.

Every day, these Americans face deadly illnesses that require delicate—and often expensive—treatment.

Thankfully, they don't have to fight this fight alone.

Across America, about 500,000 HIV patients who don't have adequate income or insurance are currently able to receive assistance under the Ryan White HIV/AIDS Treatment Modernization Act.

This program supports a wide range of medical and support services that benefit HIV and AIDS patients.

Illinois alone receives \$75 million in Federal funds that serve more than 10,000 people.

These programs make a real difference, not just in my home State, but in every State in the Union.

They are critically important not only for the people who receive treatment, but for public health in general.

That is why we cannot let the Ryan White Act expire on September 30.

If we do not take action right now to reauthorize this program, the treatments will stop.

If we do not stand up for those who need our help, half a million Americans will suddenly find themselves out in the cold.

We cannot let that happen. We must act now keep this safety net in place.

That's why I support a 3-year extension of the Ryan White Treatment Modernization Act.

But we shouldn't stop there.

As we reauthorize this legislation, it is a great opportunity to make a few small changes to make it more effective.

We should update the Ryan White Act, to make HIV/AIDS information more accurate.

We need to maintain transitional grant areas, so that essential services can be better matched with existing needs.

We should make sure medical transportation and dietary treatments are covered for all patients.

And we should use common sense to ensure that rebates and grants are classified and awarded the right way, with less bureaucratic redtape.

This will make the system more efficient, and it will increase the impact this program can have on people's lives.

More than 250 AIDS organizations have already expressed support for these changes, and for the reauthorization of this program.

It is time to stand with them.

It is time to stand with all the people who need treatment.

Let us send a strong message to those who are counting on us to keep the money flowing:

We will not abandon you in your time of need.

If this Senate fails to act by September 30, the aid will stop.

These successful programs—which enjoy broad, bipartisan support—will simply cease to exist.

We cannot let that happen on our watch.

I ask my colleagues to join with me in updating and reauthorizing the Ryan White Act.

I yield the floor and suggest the absence of a quorum.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

#### INTERIOR APPROPRIATIONS

Mr. REID. Mr. President, first of all, we have a unanimous consent agreement that has taken a lot of work. I appreciate the work of the two managers, Senator FEINSTEIN and Senator ALEXANDER. It is not easy, but this is an important piece of legislation. I think it is good for the body.

I heard my friend—I will be real quick; I know we are in a hurry—commenting on the dinner we had last night. I think that was such a timely, fortuitous event we had with Senators getting together to, in effect, cut the

ribbon on this wonderful picture out there, 147 years old.

I did not know much about Henry Clay other than he is a famous man but a great compromiser. He said everything legislatively you need to develop a consensus. Legislation is the art of compromise. This is a smaller piece; it is not Henry Clay stuff, but it is good stuff. I appreciate the two managers following in the footsteps of Henry Clay and we were able to work this out.

I ask unanimous consent that the following be the only first-degree amendments and an Ensign motion to recommit, other than the pending amendments, remaining in order to H.R. 2996, Interior appropriations; and that no second-degree amendments be in order to any of the listed amendments prior to a vote in relation to the amendment, except as noted with respect to Coburn amendment No. 2511; that a managers' amendment also be in order that has been cleared by the managers and the leaders, and that if that amendment is offered, then the vote on adoption of the amendment occur immediately; and that if agreed to, then the motion to reconsider be considered made and laid upon the table:

Carper No. 2456, pending, to be withdrawn once a managers' amendment has been agreed to; Collins No. 2498, pending; Isakson No. 2504, as modified, pending; Vitter No. 2549; Ensign motion to recommit; Coburn amendment Nos. 2482, 2463, 2480, 2523, 2466, 2483, 2468, and 2511, with a Feinstein second-degree amendment in order to No. 2511; Feingold No. 2522, to be withdrawn upon the adoption of the managers' amendment; Reid No. 2531; Bingaman No. 2493, with a modification; further, that during the consideration of the bill, Senators Murkowski and Thune each be provided up to 30 minutes, and Senator BOXER for up to 60 minutes for debate only; that upon disposition of all amendments and the motion to recommit, the substitute amendment, as amended, be agreed to, the motion to reconsider be considered made and laid upon the table; that the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, and that the subcommittee plus Senators Inouye and Bond be appointed as conferees; further, that if a point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions but including any amendments which had been agreed to prior to the point of order; that no further amendments be in order; that the new substitute amendment be agreed to, and the motion to reconsider be considered made

and laid upon the table; and that the remaining provisions beyond adoption of the substitute amendment remain in effect; that if there is a sequence of votes, then after the first vote, the succeeding votes be limited to 10 minutes each and that there be 2 minutes of debate prior to each vote, equally divided and controlled in the usual form; that once this agreement is entered, the cloture motions be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2996, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Carper amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

Collins amendment No. 2498, to provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports bi-annually to Congress.

Isakson modified amendment No. 2504, to encourage the participation of the Smithsonian Institution in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009.

AMENDMENTS NOS. 2492, 2501, 2505, 2509, 2518, 2519, 2522, 2534, AS MODIFIED; 2491, AS MODIFIED; 2495, 2507, 2493, AS MODIFIED, EN BLOC

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, as part of the unanimous consent agreement entered into this morning by the leader, a managers' package of amendments to the Interior bill is in order.

I would like to proceed to that business now because of yesterday's filing deadline for all first-degree amendments. Each of these amendments which constitute the managers' package have been filed at the desk.

Therefore, I ask unanimous consent that the pending amendment be set



aside, and that the following amendments be called up and considered en bloc, and where modifications are noted, that those modifications be agreed to: Bingaman amendment No. 2492; Risch amendment No. 2501; Carper amendment No. 2505; Roberts amendment No. 2509; Feinstein amendment No. 2518; Feinstein amendment No. 2519; Feingold amendment No. 2522; Whitehouse amendment No. 2534, as modified; Bingaman amendment No. 2491, as modified; Schumer/Durbin amendment No. 2495; Tester/Crapo amendment No. 2507; and, Bingaman amendment No. 2493, as modified.

Let me make one note with respect to Carper amendment No. 2505. The amendment being included in the managers' package is very similar to pending Carper amendment No. 2456. But the version we are adopting now is the version that has been agreed to by both sides. At the proper time, then, I believe we will be in a position to withdraw the pending Carper amendment No. 2456.

In order to comply with Senate rule XLIV, which requires Members to certify that they have no financial interest in congressionally designated spending items, I also ask unanimous consent to have printed in the RECORD financial disclosure letters associated with amendments Nos. 2501 and 2518.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 16, 2009.

Hon. DANIEL K. INOUE,  
Chairman, Senate Committee on Appropriations,  
U.S. Capitol, Washington, DC.

Hon. THAD COCHRAN,  
Ranking Member, Senate Committee on Appropriations,  
U.S. Capitol, Washington, DC.

Hon. DIANNE FEINSTEIN,  
Chairman, Appropriations Subcommittee on Interior,  
Environment, and Related Agencies,  
Dirksen Senate Office Building, Washington, DC.

Hon. LAMAR ALEXANDER,  
Ranking Member, Appropriations Subcommittee  
on Interior, Environment, and Related  
Agencies, Dirksen Senate Office Building,  
Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: I am writing to request your assistance in making a technical correction to the below projects in House Report 107-272, House Report 108-10, and House Report 108-401 so that the funds referenced may be made available to the City of Thomasville, Alabama. The awards in question are:

\$2,500,000 STAG award to the Southwest AL/Rural Municipal Water System in FY02; \$1,000,000 STAG award to the Southeast Alabama Regional Water Authority in FY02; \$450,000 STAG award to the Southwest Alabama Regional Water Authority in FY03; \$450,000 STAG award to the Southwest Alabama Regional Water Supply District in FY04.

I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending item(s) that I have requested for Fiscal Year 2010, consistent with the requirements of paragraph 9

of Rule XLIV of the Standing Rules of the Senate.

Very Truly Yours,  
JEFF SESSIONS,  
United States Senator.

Hon. DIANE FEINSTEIN,  
Chairwoman, Subcommittee on Interior, Environment,  
and Related Agencies, Dirksen  
Senate Office Building, Washington, DC.

DEAR MADAM CHAIRMAN: I am writing to seek your assistance in a technical correction for the City of Thomasville in the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill.

The City of Thomasville is constructing a water treatment facility. The project began under the auspices of the Southwest Regional Water Authority and was composed of the City of Thomasville and the City of Jackson. Therefore, funds were appropriated in 2002, 2003, and 2004 under this name.

2002—AL Regional Water Authority for AAL/Rural Municipal Water System, \$2,425M; 2002—Southeast Alabama Regional Water Authority, \$970,000; 2003—Southwest Alabama Regional Water Authority, \$433,700; 2004—Southwest Alabama Regional Water Supply District, \$433,900.

Since that time, the City of Jackson has withdrawn from the authority and the City of Thomasville remains the only active partner. To meet eligibility qualifications of USDA/Rural Development and EPA to proceed with the development of the Thomasville water supply project, we were told that the earmarks from 2002-2004 would need to be amendment and replaced with the name "City of Thomasville."

Finally, I certify that neither I nor my immediate family has a pecuniary interest, consistent with the requirements of Paragraph 9 of Rule XLIV of the Standing Rules of the Senate, in any congressionally directed spending item I requested that is contained in the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill or accompanying report. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

I greatly appreciate your assistance in this matter. As always, please do not hesitate to contact me or Laura Friedel in my office should you or your staff have any questions. Sincerely,

RICHARD SHELBY.

U.S. SENATE,

Washington, DC, September 17, 2009.

Hon. DIANNE FEINSTEIN  
Chairman, Subcommittee on Interior, Environment,  
and Related Agencies, Dirksen Senate  
Office Building, Washington, DC.

DEAR CHAIRMAN FEINSTEIN: I am writing to request your support for the enclosed amendment to the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill.

Furthermore, I certify that neither I nor my immediate family has a pecuniary interest consistent with the requirements of Paragraph 9 of Rule XLIV of the Standing Rules of the Senate, in this or any other congressionally directed spending item I requested that is contained in the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill or accompanying report. I further certify that I have posted a description of the amendment requested on my official website, along with the accompanying justification.

Thank you for your consideration of my request. As always, please do not hesitate to

contact me or Laura Friedel in my office should you or your staff have any questions. Sincerely,

RICHARD SHELBY.

Enclosure.

#### AMENDMENT

(Purpose: To provide for the use of certain funds for water system upgrades in Fayette County, Alabama)

On page 190, line 10, insert before the period at the end the following: "Provided further, That, notwithstanding House Report 108-401, the amount of \$2,000,000 made available to the Tom Beville Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, shall be made available to Fayette County, Alabama, for water system upgrades".

U.S. SENATE,

Washington, DC, September 16, 2009.

Hon. DANIEL K. INOUE,  
Committee on Appropriations, U.S. Senate,  
Washington, DC.

Hon. DIANNE FEINSTEIN,  
Subcommittee on Interior, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,  
Committee on Appropriations, U.S. Senate,  
Washington, DC.

Hon. LAMAR ALEXANDER,  
Subcommittee on Interior, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS, I am offering three amendments regarding congressionally directed spending items on the Senate floor to the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Bill.

Consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate, I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending items that I have requested for Fiscal Year 2010. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Project Title: Lake County, California, for wastewater system improvements

Recipient: Lake County, CA  
Location: 230 A Main Street, Lakeport, CA 95453

Amount Requested: \$500,000

Lake County is upgrading the Kelseyville wastewater system to eliminate effluent and high nutrient pollution from entering Clear Lake. The facility, which is located on the south shore of Clear Lake, is under cease and desist orders to meet clean water standards, and requires expansion overflows into Clear Lake. This important project will improve sanitation and water quality for County residents by limiting sewage overflow.

Project Title: Tahoe Basin Vessel Inspection Station

Recipient: U.S. Fish and Wildlife Service  
Location: Lake Tahoe, California and Nevada

Amount Requested: \$800,000

The requested funding will be used for study, construction, staffing, and other expenses necessary to conduct water vessel inspection and decontamination at stations located away from boat and vessel ramps at Lake Tahoe and Echo Lake and Fallen Leaf Lake in California. The Tahoe Basin is under threat of Quagga and zebra mussel infestations because of its high-use by recreational boaters. An infestation could have devastating impacts on the regional economy,

including recreation, tourism, property values, and other infrastructure equaling approximately \$22 million a year. If introduced, Quagga and zebra mussels could destroy the region's fisheries, alter the food web and ecosystem, jeopardize the public drinking supply, and ruin the shoreline and public access points. An infestation would also jeopardize more than \$1.43 billion that has already been invested in environmental restoration and water clarity improvements in Lake Tahoe, including \$424 million from the Federal government.

*Project Title: Inland Empire Alternative Water Supply*

Recipient: City of San Bernardino Municipal Water Department

Location: 300 North "D" Street, San Bernardino, CA 92418

Amount Requested: Technical Correction

The Rialto-Colton Basin is seriously contaminated by perchlorate, and the cities and water districts in the area have had to abandon wells or install wellhead treatment equipment to use their groundwater. Local water providers have found a temporary source of 20,000–30,000 acre-feet in the Bunker Hill Basin, within the incorporated limits of the City of San Bernardino, which will use this water source in the long-term. I secured \$500,000 in the Fiscal Year 2009 Omnibus Appropriations Act, but the San Bernardino Municipal Water Department has been unable to access these funds and this technical correction will clarify that the city is the recipient of this funding.

Thank you for your consideration of my requests. If you have any questions, please do not hesitate to contact me, or have your staff contact Ryan Hunt in my office.

Sincerely,

DIANNE FEINSTEIN,  
United States Senator.

U.S. SENATE,

Washington, DC, September 16, 2009.

Hon. DANIEL K. INOUE,  
Chairman, Senate Committee on Appropriations,  
The Capitol, Washington, DC.

Hon. DIANNE FEINSTEIN,  
Chairman, Subcommittee on Interior, Environ-  
ment, and Related Agencies, Senate Com-  
mittee on Appropriations, Washington, DC.

Hon. THAD COCHRAN,  
Ranking Member, Senate Committee on Appro-  
priations, The Capitol, Washington, DC.

Hon. LAMAR ALEXANDER,  
Ranking Member, Subcommittee on Interior, En-  
vironment, and Related Agencies, Senate  
Committee on Appropriations, Washington,  
DC.

DEAR CHAIRMAN INOUE AND RANKING MEM-  
BER COCHRAN, CHAIRMAN FEINSTEIN AND  
RANKING MEMBER ALEXANDER: As the Fiscal  
Year 2010 Interior, Environment, and Related  
Agencies Appropriations bill moves to the  
floor, I respectfully request your consider-  
ation of the technical corrections for  
projects from previous bills listed in this  
letter. These technical corrections are also  
listed on my website. I look forward to  
working with you through enactment of this bill.

I certify that neither I nor my immediate family has a pecuniary interest in any of the congressionally directed spending item(s) that I have requested, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Line 96 of the list of STAG Infrastructure Grants/Congressional Priorities in the Explanatory Statement for Title II of Division

F of Public Law 110-161 is revised to read "The City of Prescott for wastewater treatment plant construction project, \$170,800; and The City of Wichita for storm water technology pilot project, \$129,200."

Line 108 of the list of STAG Infrastructure Grants/Congressional Priorities in the Explanatory Statement for Title II of Division E of Public Law 111-8 is revised to read "City of Manhattan for water mainline extension project, \$185,000."

Line 111 of the list of STAG Infrastructure Grants/Congressional Priorities in the Explanatory Statement for Title II of Division E of Public Law 111-8 is revised to read "City of Manhattan for Konza water main extension project, \$290,000."

Sincerely,

SAM BROWNBACK,  
United States Senator.

Hon. DANIEL INOUE,

Chairman, Senate Appropriations Committee.

Hon. THAD COCHRAN,

Vice Chairman, Senate Appropriations Com-  
mittee.

Hon. DIANNE FEINSTEIN,

Chairman, Subcommittee on Interior, Environ-  
ment, and Related Agencies, Appropria-  
tions.

Hon. LAMAR ALEXANDER,

Ranking Member, Subcommittee on Interior, En-  
vironment, and Related Agencies, Appropria-  
tions.

DEAR CHAIRMAN INOUE, VICE CHAIRMAN COCHRAN, CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: I write to respectfully request a technical correction to my requests for congressionally directed appropriations in the Fiscal Year 2010 Interior and Environment Appropriations Bill. I have attached the legislative language for my amendment, which would provide for the use of certain funds for certain water projects to be carried out by the cities of Prescott, Wichita, and Manhattan. I know that this year's budget situation is extremely tight, and I appreciate your consideration of these requests.

In addition, I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending items that I have requested, consistent with the requirements of paragraph 9 of rule XLIV of the Standing Rules of the Senate. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Again, I thank you for your consideration of these requests. Should you have any questions, please do not hesitate to contact my Legislative Director Mike Seyfert.

With every best wish,

Sincerely,

PAT ROBERTS.

AMENDMENT

(Purpose: To provide for the use of certain funds for certain water projects to be carried out by the cities of Prescott, Wichita, and Manhattan)

On page 190, line 10, insert before the period at the end the following: "Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, \$170,800 shall be made available to the city of Prescott for a wastewater treatment plant construction project and \$129,200 shall be made available to the city of Wichita for

a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for the Konza Water Main Extension project".

U.S. SENATE,

Washington, DC, September 16, 2009.

Hon. ROBERT C. BYRD, Chairman,

Hon. THAD COCHRAN, Ranking Member,  
Senate Committee on Appropriations, U.S. Cap-  
itol, Washington, DC.

Hon. DIANNE FEINSTEIN, Chairman,

Hon. LAMAR ALEXANDER, Ranking Member,  
Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies,  
Dirksen Senate Office Building, Wash-  
ington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS, Please find enclosed amendments I will offer to the FY 2010 Interior appropriations bill making technical changes to previously enacted provisions. All changes are a result of requests by the U.S. Environmental Protection Agency for clarification on the specific funds recipient, and none involve appropriation of additional funds.

I certify that neither I nor my immediate family has a pecuniary interest in these items, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate.

Thank you in advance for your attention to this matter.

Sincerely,

CHRISTOPHER S. BOND.

AMENDMENT

(Purpose: To provide for the use of certain funds for Johnson County, Missouri for a drinking water and wastewater infrastructure project)

On page 190, line 10, insert before the period at the end the following: *Providing further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,300,000 made available to the City of Warrensburg, Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to Johnson County, Missouri for that project".

AMENDMENT

(Purpose: To provide for the use of certain funds for the Gravois Arm Sewer District for a wastewater infrastructure project)

On page 190, line 10, insert before the period at the end the following: "Providing

further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,000,000 made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the Gravois Arm Sewer District for that project".

## AMENDMENT

(Purpose: To provide for the use of certain funds for PWSD #1 of McDonald County, Missouri for a wastewater infrastructure project)

On page 190, line 10, insert before the period at the end the following: "Providing further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to McDonald County, Missouri for a wastewater infrastructure expansion project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to PWSD #1 of McDonald County, Missouri for that project".

U.S. SENATE,

Washington, DC, September 17, 2009.

Hon. ROBERT C. BYRD, *Chairman*,  
Hon. THAD COCHRAN, *Ranking Member*,  
*Senate Committee on Appropriations, U.S. Capitol, Washington, DC.*

Hon. DIANNE FEINSTEIN, *Chairman*,  
Hon. LAMAR ALEXANDER, *Ranking Member*,  
*Senate Appropriations Subcommittee on Interior, Environment and Related Agencies, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMEN AND RANKING MEMBERS: Please find enclosed an amendment I will offer to the FY 2010 Interior appropriations bill making a technical change to a previously enacted provision. The change retains the drinking water infrastructure purpose of the project, does not increase the amount of funds appropriated and does not change the funding recipient.

I certify that neither I nor my immediate family has a pecuniary interest in this item, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate.

Thank you in advance for your attention to this matter.

Sincerely,

CHRISTOPHER S. BOND.

## AMENDMENT

(Purpose: To provide for the use of certain funds for the Pemiscot Consolidated Public Water Supply District #1 for a drinking water source protection infrastructure project)

On page 190, line 10, insert before the period at the end the following: "Providing further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110-161 (121 Stat. 1844), the amount of \$150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District #1 for a water storage tank (as described in the section entitled 'STAG Infrastructure Grants/ Congressionally Priorities' on page 1264 of the joint explanatory statement) shall be made available to Pemiscot Consolidated Public Water Supply District #1 for a drink-

ing water source protection infrastructure project".

U.S. SENATE,

Washington, DC, September 16, 2009.

Hon. DIANNE FEINSTEIN,  
*Chairman, Subcommittee on Interior, Environment, and Related Agencies, Senate Committee on Appropriations, Washington, DC.*

Hon. LAMAR ALEXANDER,  
*Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, Senate Committee on Appropriations, Washington, DC.*

DEAR CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: I am writing to request your assistance in making a technical correction to the Joint Explanatory Statement accompanying the Interior portion of the Omnibus Appropriations Act for Fiscal Year 2009. The Joint Explanatory Statement mistakenly directs \$400,000 from the Environmental Protection Agency's (EPA) State and Tribal Assistance Grants (STAG) account to the City of Lake Norden in South Dakota for wastewater infrastructure improvements. I request your assistance in correcting this description to reflect the fact that the Lake Norden project involves drinking water infrastructure.

I certify that neither I nor my immediate family has a pecuniary interest, consistent with the requirements of Paragraph 9 of Rule XLIV of the Standing Rules of the Senate, in any congressionally directed spending item that I requested from the Committee on Appropriations for Fiscal Year 2009.

Thank you for consideration of this request, and please contact me if you require any additional information.

Sincerely,

TIM JOHNSON,

United States Senator.

U.S. SENATE,

Washington, DC, September 24, 2009.

Hon. DIANNE FEINSTEIN,  
*Chairman, Appropriations Subcommittee on the Interior, Environment and Related Agencies, Washington, DC.*

Hon. LAMAR ALEXANDER,  
*Ranking Member, Appropriations Subcommittee on The Interior, Environment and Related Agencies, Washington, DC.*

DEAR CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: I certify that neither I nor my immediate family has a pecuniary interest in any of the congressionally directed spending items that I have requested, including Senate Amendment # 2501, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate for the FY 2010 Department of Interior, Environment, and Related Agencies Appropriations bill.

Sincerely,

JAMES E. RISCH,  
United States Senator.

Mrs. FEINSTEIN. Mr. President, all of these amendments have been cleared on both sides, and I believe we are in a position to voice vote the package.

Before voting, through, I would yield to my distinguished ranking member for any comments he may wish to make.

Mr. ALEXANDER. Mr. President, I concur with the remarks of the distinguished chairman of the subcommittee. I believe these are good amendments. We are able to clear them with the relevant members and their staffs. I support their adoption.

Beyond that, I would like to say to the chairman, I appreciate her willingness to accommodate the amendments and the positions of a large number of Republican Senators who have important issues that we will have a chance to vote on, and for including us in the process. I thank her for that, and we look forward to the rest of the day and concluding work on the bill.

Mrs. FEINSTEIN. I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the managers' package of amendments en bloc.

The amendments were agreed to en bloc, as follows:

## AMENDMENT NO. 2492

(Purpose: To provide funds for the Collaborative Forest Landscape Restoration Fund, with an offset)

On page 197, line 11, strike "\$2,586,637,000" and insert "\$2,576,637,000".

On page 198, line 10, strike "\$350,285,000" and insert "\$340,285,000".

On page 200, between lines 13 and 14, insert the following:

COLLABORATIVE FOREST LANDSCAPE  
RESTORATION FUND

For expenses authorized by section 4003(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)), \$10,000,000, to remain available until expended.

## AMENDMENT NO. 2501

(Purpose: To provide for the use of certain funds for the Upper Snake/South Fork River Area of Critical Concern)

On page 122, line 11, insert before the period at the end the following: "Provided, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$2,000,000 made available for the Henry's Lake ACEC in the State of Idaho (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho".

## AMENDMENT NO. 2505

(Purpose: To require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions)

On page 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL  
PROTECTION AGENCY

## BLACK CARBON

SEC. 201. (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, may carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading "ENVIRONMENTAL PROGRAMS AND MANAGEMENT" for operations and administration, up to \$2,000,000 shall be—

(1) transferred to the account used to fund the Office of Air Quality Planning and Standards of the Environmental Protection Agency; and

(2) used by the Administrator to carry out this section.

#### AMENDMENT NO. 2509

(Purpose: To encourage the Administrator of the Environmental Protection Agency to reassess the cost-effectiveness of the buyout and relocation of residents of certain properties in Treece, Kansas)

At the end of title IV, add the following:

#### BUYOUT AND RELOCATION

SEC. 4. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") is encouraged to consider all appropriate criteria, including cost-effectiveness, relating to the buyout and relocation of residents of properties in Treece, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Treece, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

#### AMENDMENT NO. 2518

(Purpose: To make technical corrections to certain State and tribal assistance grants)

On page 190, line 10, insert before the period at the end the following: "": *Provided further*, That, notwithstanding House Report 107-272, the amount of \$1,000,000 made available to the Southeast Alabama Regional Water Authority for a water facility project and the amount of \$2,500,000 made available to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System may, at the discretion of the Administrator, be made available to the city of Thomasville for those projects: *Provided further*, That, notwithstanding House Report

108-10, the amount of \$450,000 made available to the Southwest Alabama Regional Water Authority for water infrastructure improvements may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108-401, the amount of \$450,000 made available to the Southwest Alabama Regional Water supply District for regional water supply distribution in Thomasville, Alabama, may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108-401, the amount of \$2,000,000 made available to the Tom Bevill Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, may, at the discretion of the Administrator, be made available to Fayette County, Alabama, for water system upgrades: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to the San Bernardino Municipal Water District for the Inland Empire alternative water supply project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of San Bernardino municipal water department for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, \$170,800 may, at the discretion of the Administrator, be made available to the city of Prescott for a wastewater treatment plant construction project and \$129,200 may, at the discretion of the Administrator, be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for the Konza Water Main Extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,300,000 made available to the City of Warrensburg,

Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to Johnson County, Missouri for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,000,000 made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the Gravois Arm Sewer District for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to McDonald County, Missouri for a wastewater infrastructure expansion project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to PWSD #1 of McDonald County, Missouri for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110-161 (121 Stat. 1844), the amount of \$150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District 1 for a Water Storage Tank (as described in the section entitled 'STAG Infrastructure Grants/Congressional Priorities' on page 1264 of the joint explanatory statement) may, at the discretion of the Administrator, be made available to Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$400,000 made available to the City of Lake Norden, South Dakota, for wastewater infrastructure improvements (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the City of Lake Norden, South Dakota, for drinking water infrastructure improvements".

#### AMENDMENT NO. 2519

(Purpose: To extend a special use permit for Drake's Estero at Point Reyes National Seashore, California)

On page 179, strike line 7 and all that follows through page 180, line 9, and insert the following:

SEC. 120. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit ("existing authorization") within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: *Provided*, That such extended authorization is subject to annual payments to the United States based on

the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization.

## AMENDMENT NO. 2522

(Purpose: To clarify the authority of the Secretary of Agriculture regarding the coordination of biobased product activities)

On page 240, between lines 13 and 14, insert the following:

SEC. 4. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking “Agricultural Research Service” and inserting “Department of Agriculture”; and

(2) by adding at the end the following:

“(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.”.

## AMENDMENT NO. 2534, AS MODIFIED

At the appropriate place, insert the following:

SEC. . (a) It is the sense of the Senate that the Senate—

(1) Supports the National Vehicle Mercury Switch Recovery Program as an effective way to reduce mercury pollution from electric arc furnaces used by the steel industry to melt scrap metal from old vehicles; and

(2) Urges the founders of the Program to secure private sector financial support so that the successful efforts of the Program to reduce mercury pollution may continue.

## AMENDMENT NO. 2491, AS MODIFIED

On page 240, between lines 13 and 14, insert the following:

## SEC. 423. NATIONAL FOREST FOUNDATION.

Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j-1(a)) is amended, in the first sentence, by striking “fifteen Directors” and inserting “not more than 30 Directors”.

## AMENDMENT NO. 2495

(Purpose: To support the Pest and Disease Revolving Loan Fund)

On page 193, line 13, insert before “: *Provided*” the following: “and of which \$2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b))”.

## AMENDMENT NO. 2507

(Purpose: To limit the increase in cabin user fees, with an offset)

On page 193, line 9, strike “\$1,556,329,000” and insert “\$1,552,429,000”.

On page 193, line 20, insert before the period at the end the following: “: *Provided further*, that \$282,617,000 shall be made available for recreation, heritage, and wilderness”.

On page 240, between lines 13 and 14, insert the following:

## SEC. 423. CABIN USER FEES.

Notwithstanding any other provision of law, none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount beyond the amount levied on December 31, 2009.

## AMENDMENT NO. 2493, AS MODIFIED

On page 159, line 25, strike “\$979,637,000” and insert “\$904,637,000”.

On page 197, line 11, strike “\$2,576,637,000” and insert “\$1,817,637,000”.

On page 240, between lines 13 and 14, insert the following:

## SEC. 423. FLAME FUND FOR EMERGENCY WILDFIRE SUPPRESSION ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term “Flame Fund” means the Federal Land Assistance, Management, and Enhancement Fund established by subsection (b).

(3) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(4) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(b) ESTABLISHMENT OF FLAME FUND.—There is established in the Treasury of the United States a fund to be known as the “Federal Land Assistance, Management, and Enhancement Fund”, consisting of—

(1) such amounts as are appropriated to the Flame Fund; and

(2) such amounts as are transferred to the Flame Fund under subsection (d).

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Flame Fund such amounts as are necessary to carry out this section.

(B) CONGRESSIONAL INTENT.—It is the intent of Congress that the amounts appropriated to the Flame Fund for each fiscal year should be not less than the combined average amount expended by each Secretary concerned for emergency wildfire suppression activities over the 5 fiscal years preceding the fiscal year for which amounts are appropriated.

(C) AVAILABILITY.—Amounts appropriated to the Flame Fund shall remain available until expended.

(2) APPROPRIATION.—There is appropriated to the Flame Fund, out of funds of the Treasury not otherwise appropriated, \$834,000,000.

(3) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS AS EMERGENCY REQUIREMENT.—It is the sense of Congress that further amounts appropriated to the Flame Fund should be designated as amounts necessary to meet emergency needs.

(4) NOTICE OF INSUFFICIENT FUNDS.—The Secretaries shall notify the congressional committees described in subsection (h)(2) if the Secretaries estimate that only 60 days worth of funding remains in the Flame Fund.

(d) TRANSFER OF EXCESS WILDFIRE SUPPRESSION AMOUNTS INTO FLAME FUND.—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts that—

(1) are appropriated to the Secretary concerned for wildfire suppression activities for the fiscal year; but

(2) are not obligated for wildfire suppression activities before the end of the fiscal year.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts in the Flame Fund shall be available to the Secretary concerned to pay the costs of emergency wildfire suppression activities that are separate from amounts annually appropriated to the Secretary concerned for routine wildfire suppression activities.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildfire suppression activity is eligible for funding from the Flame Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretaries under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; and

(II) the Secretaries determine that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression activities for the Secretary concerned have exceeded the amounts appropriated to the Secretary concerned for those activities (not including funds deposited in the Flame Fund).

(3) TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.—After issuance of a declaration under paragraph (2) and on request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildfire suppression activities associated with the declaration.

(4) STATE, PRIVATE, AND TRIBAL LAND.—Use of the Flame Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—

(1) IN GENERAL.—Subject to subsection (e)(2)(B)(ii), the Secretary concerned shall continue to fund routine wildfire suppression activities within the appropriate agency budget for each fiscal year.

(2) CONGRESSIONAL INTENT.—It is the intent of Congress that funding made available through the Flame Fund be used—

(A) to supplement the funding otherwise appropriated to the Secretary concerned; and

(B) only for purposes in, and instances consistent with, this section.

(g) PROHIBITION ON OTHER TRANSFERS.—Any amounts in the Flame Fund and any amounts appropriated for the purpose of wildfire suppression on Federal land shall be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildfire suppression.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING SYSTEM.—The Secretaries shall establish an accounting and reporting system for the Flame Fund that is compatible with existing National Fire Plan reporting procedures.

(2) **ANNUAL REPORT.**—Annually, the Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate and make available to the public a report that—

(A) describes the use of amounts from the Flame Fund; and

(B) includes any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

(3) **ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.**—

(A) **IN GENERAL.**—Consistent with the schedule provided in subparagraph (C), the Secretaries shall submit to the committees described in paragraph (2) an estimate of anticipated wildfire suppression costs for the applicable fiscal year and the subsequent fiscal year.

(B) **PEER REVIEW.**—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic peer review to ensure compliance with subparagraph (D).

(C) **SCHEDULE.**—The Secretaries shall submit an estimate under subparagraph (A) during—

(i) the first week of February of each year;

(ii) the first week of April of each year;

(iii) the first week of July of each year; and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) **REQUIREMENTS.**—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and

(ii) models and other analytic tools.

(i) **TERMINATION OF AUTHORITY.**—The authority under this section shall terminate at the end of the third fiscal year in which no appropriations to or withdrawals from the Flame Fund have been made for a period of 3 consecutive fiscal years.

#### **SEC. 424. COHESIVE WILDFIRE MANAGEMENT STRATEGY.**

(a) **STRATEGY REQUIRED.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) **ELEMENTS OF STRATEGY.**—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;

(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;

(3) employing the appropriate management response to wildfires;

(4) assessing the level of risk to communities;

(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;

(6) assessing the impacts of climate change on the frequency and severity of wildfire; and

(7) studying the effects of invasive species on wildfire risk.

(c) **REVISION.**—At least once during each 5-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretaries shall revise the strategy submitted under that subsection to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

Mr. COBURN. Mr. President, Senator CARPER successfully offered an amendment to this act that would authorize the EPA to conduct a study on black carbon emissions to “improve global and domestic public health” and “to mitigate the climate impacts of black carbon.”

A similar bill, S. 849, was also introduced by Senator CARPER and approved recently by the Senate Committee on the Environment and Public Works.

While I did not object to the purpose of the bill, I did object to the bill because the cost of the study—\$2 million according to the Congressional Budget Office—was not offset.

As I wrote in a letter to Minority Leader MCCONNELL and Senator CARPER outlining my objections to this bill, “At a time when our national debt is greater than \$11.6 trillion, we cannot afford to add to this debt that will be inherited by our children and grandchildren. Even our best intentions need to be paid for with offsets from lower priorities or wasteful spending.”

I also requested the opportunity to modify this legislation if no offsets were made.

I intended to offer a second-degree amendment to offset the expected cost increase in spending as a result of the Carper amendment by capping the amount of funds EPA can spend on conference travel. According to EPA, \$17.296 million was spent on conference travel in 2006—the last year for which we have records. This amendment would have capped conference travel spending at \$15 million, thus assuring that the full cost of the study will be offset.

In the past couple of years, as Americans were tightening their belts and travelling less, EPA was growing its conference budget and travelling more. This is reflected in its annual costs for conference participation and related expenses, which increased from \$10.781 million in fiscal year 2000 to \$17.296 million in fiscal year 2006.

Conference attendance for Federal employees in many, if not most, cases is discretionary, meaning that it is up to Federal agencies to determine to what conferences agency employees should go and how many employees should go. Some conferences provide valuable educational or agency-related information in a format unavailable in a normal office setting. Many conferences, by the sponsors’ design, are held in locations chosen to attract attendees.

That being said, it is the responsibility of the U.S. Congress and the

managers within Federal agencies to exercise due diligence in performing oversight over an area of Federal spending that has cost taxpayers over \$2 billion on conferences from 2000–2006. This spending has increased over 95 percent, from over \$200 million a year in fiscal year 2000 to almost \$400 million a year in fiscal year 2006. In addition to the financial cost of these trips, oversight hearings I held as the chair of the Federal Financial Management Subcommittee highlighted the lost productivity of government employees when they are out of the office on non-essential travel.

The EPA is just one among many Federal agencies that I believe has overspent on nonessential conferences and travel. In my research I found numerous instances where EPA showed questionable judgment in this regard.

In September 2006, EPA sent 23 employees to Paris, France, for the International Society of Exposure Analysis Meeting, at a cost of \$56,000. This conference featured a gala dinner cruise on the River Seine and a cast of presenters that consisted primarily of Americans.

The agency’s employees attended an annual National Beaches Conference in Niagara Falls, NY. The 2006 conference was attended by at least seven EPA employees, at a cost to taxpayers of \$52,500.

One EPA employee attended a December 2006 GSA Small Business Conference in Palm Springs, CA, at a cost of \$4,100, with his or her travel costs alone listed at \$1,800.

A Cancun, Mexico, meeting attended by two EPA employees cost \$4,200, with travel costs listed at \$2,900.

A March 2007 Waste-to-Energy Conference in San Juan, Puerto Rico cost taxpayers \$48,000 for nine EPA employees and two taxpayer-funded non-employees to attend.

A 2006 “Beyond Translation Forum” sponsored by the EPA in Texas to “engage the Hispanic community in becoming environmental stewards” costs \$52,100 for the attendance of 20 EPA employees and 85 taxpayer-funded non-employees.

Over 2 years, EPA also spent \$2.6 million in grants and contracts and over \$300,000 in travel and related expenses for brownfields conferences in Oregon and Missouri.

EPA spent \$235,000 in grants and \$25,000 in travel costs for the National Tank Conference in Memphis. Costs included events at BB King’s and seeing the Memphis Grizzlies basketball team play.

EPA spent \$355,000 in grants and contracts and \$167,000 in travel costs for the Community Involvement Conference in Milwaukee.

In February of 2007, EPA spent \$150,000 to sponsor the “Measuring Program Results” Conference, to which it sent one EPA employee and paid for the attendance of four nonemployees.



Instead of specifically capping the amount EPA could spend on conference travel, Senator CARPER has graciously modified his amendment to transfer \$2 million from the EPA's Environmental Programs and Management account to fund this study of black carbon emissions. This EPA account "provides personnel compensation, benefits, and travel and other administrative expenses for all agency programs."

It is my hope that this transfer in funds will help EPA better manage the funds it is entrusted with by Congress and limit questionable expenditures and unnecessary conference travel and related expenses.

I am pleased that the Senate has agreed to this offset and hope that Congress can begin to prioritize funds for its priorities with real offsets.

AMENDMENTS NOS. 2456 AND 2522 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendments Nos. 2456 and 2522 are withdrawn.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2522

The PRESIDING OFFICER. For the clarification of the Senate, amendment 2522 was not withdrawn. It was part of the managers' package.

The majority leader.

HEALTH CARE DEBATE

Mr. REID. Mr. President, this past April, as the health care debate was getting underway, I sent my Republican counterpart, Senator McCONNELL, a letter outlining our priorities for the debate. I wrote, of course, that Democrats are committed to lowering health care costs, expanding access, and improving the quality of care. I said that we look forward to a dialog about how to prevent diseases, reduce health disparities, and encourage both early detection and effective treatments that save lives. But in that letter of 5 months ago, I also said that in order to help struggling Americans, we cannot drown in distractions and distortions. I made clear that bipartisanship depended on Republicans demonstrating a sincere interest in legislating. It depends on their joining us to offer concrete and constructive proposals, even if we disagree on the content of those ideas. It depends on us working together in our common interests rather than against each other and against the interests of the American people.

I stand by that assessment as strongly today as I did this spring. It is painfully clear to everyone who has seen this debate's disturbing turns and dis-

honest tactics that more than ever, we now need people willing to work together in good faith. If we have learned anything from the recent rhetoric, both in our respective States and here in the Senate, it is that we need honest debate. It is regrettable that we have seen far too little of that lately.

Today, I want to talk about one area of the debate that has seen particularly reckless rumors and scare tactics—what health insurance reform will mean to seniors.

A Republican Congresswoman recently claimed that our plan to improve health care would "put seniors in a position of being put to death by their government." That was wrong when it was said, and it is wrong now. A Republican Senator made a similar statement to mislead his constituents. He actually accused Democrats of proposing a plan that would kill Americans. Others pretend our reforms will cut benefits when, in fact, the only thing they cut is waste. Is this any way to have an honest debate? I don't think so. Is this what our constituents sent us here to do? I don't think so. Some of our friends on the other side may not want to let reality get in the way of a good sound bite, but I think it is crucial that we get the facts straight.

The fact is, ever since a Democratic Congress and Democratic President created Medicare, Democrats have spent the past 40 years protecting seniors.

I know a little bit about Medicare. My first elective job in Nevada was on a countywide hospital board. It was then called the Southern Nevada Memorial Hospital. It is now called the University Medical Center. When I started my job, 40 percent of seniors who came into that hospital had no insurance. We had an aggressive plan to go after their fathers, mothers, brothers, sisters, whoever signed for them. That is no longer the case with Medicare. Virtually every senior who comes into that institution and all institutions has insurance to cover their hospitalizations. It is called Medicare. By the time I left that job, Medicare had come into existence.

The fact is, ever since Republicans opposed the creation of Medicare, they have spent the past 40 years on the wrong side of history when it comes to helping seniors. They were wrong then, and they are wrong now.

I don't carry much in my wallet. I have three credit cards. I have a few dollars. One thing I always carry with me is something I think is pretty important. I have carried this for years. You can see how wilted it is. I have done it for many years because I want to be able to quote accurately what I am talking about here. Republicans have hated Medicare from the very beginning, and they still hate it.

I was there fighting the fight, one of twelve voting against Medicare because we knew it wouldn't work in 1965.

Robert Dole, former leader of the Republicans in the Senate, candidate for President on the Republican ticket, that is what he said.

Now, we didn't get rid of it in round one because we don't think it is politically smart, but we believe Medicare is going to wither on the vine.

Newt Gingrich. I am not making this up. This is what they said.

Dick Arme, majority leader a few years ago in the House of Representatives:

Medicare has no place in a free world.

When I say that since Democrats created Medicare, we have spent 40 years protecting America's seniors, the fact is, ever since the Republicans opposed the creation of Medicare, they have spent the past 40 years on the wrong side of history when it comes to helping seniors. They were wrong then. They are wrong now. They conveniently ignore facts such as that in 1965, only half the Nation's seniors had health insurance. Today, virtually every senior has health insurance. It is called Medicare. Is it a perfect program? Of course, it is not. But it is a pretty good program. Seniors' life expectancy has gone up and the number of seniors living in poverty has gone down. Those on Medicare universally like it.

People complain about this program. Do you know what the overhead is on this program? It is less than 3 percent. It is one of the most effective programs in the history of the country. But that hasn't stopped Republicans from bragging about trying to kill Medicare. It hasn't stopped them from looking out for insurance companies instead of their constituents. And in the past 10 years, it hasn't stopped Republicans from voting against protecting and strengthening Medicare 59 times. Look at this. These are the votes by year. Just last year, these are the votes. I hope this year's reform will not be No. 60 because this bill will also protect and strengthen Medicare.

There will be an opportunity for Democrats and Republicans to offer amendments to whatever bill comes out of the Finance Committee and out of the HELP Committee, and they will be melded together. What our legislation does is lower the cost of medicine. It provides a free yearly checkup, makes preventive care for seniors free. It will give doctors who treat seniors a raise, and it will cut waste from Medicare. For seniors, health insurance reform will mean all of that.

Rather than having a serious and real debate about a serious and real crisis, some would prefer to deploy tactics to frighten the American people. But what really frightens them is that under the status quo, they live just one illness, one accident, one pink slip away from losing everything they have.

This is no time to let partisanship get the best of us. This is no time to



obsess over rumors or oppose ideas simply because they were proposed by people who sit on a different side of this Chamber. This is no time to instill unfounded fears or incite hope that our Nation's leaders fail.

This is the time to get serious about making it easy for American citizens to afford and live healthy lives. When it comes to Republicans' attacks on Medicare, the messenger has no credibility and the message is nothing more than an excuse. At the end of the day, the other side's insistence on spreading fear above all else is what will truly hurt seniors and all Americans.

Our opponents' claims this time around are as disingenuous as they have been and phony at worst—disingenuous because they have a long track record of standing in the way of giving America's seniors what they need, phony because they completely and willfully misrepresent what the bills we are considering will actually do for seniors. Our bill will lower the cost of medicine, provide a free yearly checkup, make preventive care free, give doctors who treat seniors a raise, and cut waste from Medicare. That is what it is all about.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the majority leader, Mr. President, because a lot has been said in this health care debate that needs to be clarified. I have been on the floor—how many times—when the Republican leadership has come to the floor and told us that if we are not careful in health care reform, we will end up with a government-run health insurance program. They have warned us: Be careful. Government run health insurance, it is socialism, too much government. I am waiting for the first Republican Senator to come to the floor and say: So we should abolish Medicare; we ought to get rid of Medicaid, which is for the poorest people, and we ought to get rid of veterans health care, another government program, and the Children's Health Insurance Program that makes health insurance affordable all across the United States. If one follows the Republican logic, they are all government health insurance programs.

Traditionally, the Republican Party has not embraced the concept. Let's be honest about it. They have a different view. They would like government to step aside and let the market work its will. Have you noticed what the market is working? The market is working its will in health insurance, and we are seeing private, for-profit health insurance companies making a fortune, denying one out of five people the coverage they thought they had, raising their costs every single year. That is the reality of the private market.

When it comes to Medicare, a program created under President Lyndon Johnson more than 40 years ago, 45

million Americans have the peace of mind to know they have basic health insurance protection. Do you know who these people are? They are folks who worked their whole lives, paid money out of their paychecks to be part of Medicare so that they would have not only the peace of mind but quality health care in their retirement years. It is not just the peace of mind of having access to good health care, it is the peace of mind of knowing that all the money you worked for your entire life to save, the money you wanted to live on in comfort after retirement would not disappear because of medical bills. Medicare gives people peace of mind and protects their assets so they can live independently, comfortably, in the kind of style most of us dream of for all Americans who have worked so hard for many years.

We hear the other side tell us how bad those government health insurance programs are. The administrative costs of Medicare are dramatically lower than the cost of private health insurance. It is obvious. Medicare is a not-for-profit entity. It is managed at a cost of about 3 percent. Do you know what happens with health insurance companies? They load up with costs for profit. They load up with costs for advertising and marketing.

They load up with people who get on the telephone to say: No—no to your doctor. You know what I am talking about. When the doctor says: I think the best thing for you is this procedure, and you are under private health insurance, that last stop in that medical decision is not at the hospital or in the doctor's office; the last stop is a long-distance phone call to some clerk sitting out in Omaha, NE, with a manual in front of him or her, and the first words at the top of the page say: Say no. Raise questions. Tell them you will get back to them.

Am I making this up? I am not. I have example after example from my home State of Illinois, from people I have met during the course of my service in the Senate and the House, and people I met this last summer who will verify that.

So when the Republicans come to the floor to criticize us and say they are the guardians of Medicare, it does not square with their traditional position of opposing Medicare, with their efforts to cut Medicare over the years and the fact that when we talk about Medicare and its future, they are nowhere to be found.

This is a critical health care debate we are facing. I admit the President has stuck his neck out a mile. It takes some courage to do it because he knows it is a controversial issue. President Obama said to us in a joint session of Congress: If this were easy somebody would have done it a long time ago. But he is going to take this on, and he said to us publicly and pri-

vately he will spend every penny of political capital he has to get it done. It means that much to him and to our Nation.

So for seniors this is a critical debate. A lot of seniors are being misled by things that are downright awful. I saw the videotape. This Republican Congresswoman went to the floor of the U.S. House of Representatives and said that: Oh, these Democrats want to create death panels. Sarah Palin said that those death panels would take the life of one of her children or something. That is an outrageous statement and not true.

Do you know what they are talking about? They are talking about an amendment offered by a Georgia Senator—a Republican Georgia Senator—JOHNNY ISAKSON—a reasonable amendment. Do you know what it said? Under our health care reform, people should be allowed to go to a doctor and, in privacy and in confidence, sit down and say the words that need to be said—words like: Listen, I don't want to be hooked up to some machine. When the time comes, I want to go peacefully. I don't want extraordinary things done for me. That is my wish and, doctor, I want you to know that wish. I am going to tell my family, but I want you to know.

Is that an important conversation? Any one of us—and so many of us fit in this category, who have been through one of those situations with a parent, a member of our family, or someone we love—wants to know what they want.

So Senator ISAKSON proposed that amendment. It was a thoughtful, reasonable amendment that we brought into this debate. What happened to it? You know what happened: death panels. Oh, they are going in there. They are going to mandate that they pull the plug on Granny. That is sad. It is unfortunate. It shows a lack of maturity and judgment by those who are making those charges. And we have heard them from the halls of Congress and outside. What we are talking about here is health care reform this country needs but health care reform that will actually benefit Medicare beneficiaries.

As shown on this chart, this is basically what we hope to do for seniors when it comes to health insurance reform.

First, we want to lower the cost of medicine. Ask seniors about Medicare's prescription drug plan, and they will tell you: Well, it is good, but if you have a lot of drugs and they are very expensive—somehow or other Congress dreamed up something called the "doughnut hole." What it basically means is, for some period of time each year, those seniors who need drug protection the most are on their own. They have to start spending out of their pocket. We close the doughnut hole, lowering the cost of medicine for seniors under Medicare.

We provide for that free yearly checkup that can make all the difference in the world. A senior who gets to go in and check up with the doctor regularly is one who is likely going to spot something before it becomes serious where it can be treated successfully. That makes good sense. Seniors across America will appreciate that. That is part of our plan.

Preventive care is free. We are talking about mammograms, colonoscopies, blood tests for prostate cancer. These things will be free under the health care reform we are talking about for senior citizens and for virtually everyone in America.

Giving doctors who treat seniors compensation for the care they are providing. We want doctors who are professional enough to include Medicare patients in their practice to be compensated fairly.

Finally, cut waste from Medicare. I want to say a word about this. I got on this "Meet The Press" program. I get on there once in a while on Sunday mornings. I think they put me on because I am free. But for whatever reason, I was on there, and I was in debate with Newt Gingrich. You know Newt Gingrich, former Republican Speaker of the House of Representatives, the spokesman for many parts of his party today.

I said: It bothers me when people say health care reform is going to cut Medicare. Let me tell you what we have in mind. A few years ago, the private insurance companies came to us and said: We can do a better job at a lower cost in providing Medicare benefits. Well, some people were skeptical.

They said: Let us prove it. The government is doing this all wrong. Let the private health insurance companies do it. We will show you, and we will call it Medicare Advantage.

Off they went providing these Medicare Advantage programs that were to match the benefits under Medicare. The jury came in a few years later, and, do you know what, many of these plans cost up to 14 percent more than Medicare. They did not save us money. It ended up these private health insurance companies not only did not make their point about being cheaper, they cost the taxpayers more money than we should have paid out. They did not provide additional benefits for Medicare recipients that they needed.

They want us to continue to subsidize these private health insurance companies that have failed in their offer to beat Medicare at its own game. So when we say, and the President says, we want to cut the subsidy to health insurance companies under Medicare, that is what he and we are talking about. If they did not keep their end of the bargain to provide medical care at the same cost or less cost than Medicare, why should we continue to subsidize them? I do not think we should.

I said that on the show, and the next person to speak was former Speaker Newt Gingrich, who said: Well, that proves our point. DURBIN wants to cut Medicare.

Well, fortunately for me, Dr. Howard Dean, the former Governor of Vermont, was on the panel, and he corrected him. He said: Mr. Gingrich, he didn't say cut Medicare. He said cut the subsidy to the health insurance companies that are taking advantage of Medicare to profiteer, take that extra money and provide the kind of care we need for seniors, and make sure, in the process, we save the Medicare Program.

Untouched, our Medicare Program is going to suffer from the same thing everybody else suffers from in America: the escalating cost of health care. We have to do something. We have to keep our promise, not only to the seniors today, but to the many who will come after them, that Medicare will be there when they need it, that when they reach the age of 65, they will have the peace of mind of knowing they can still go to their doctor, still go to their hospital, get quality care, and not have a catastrophic illness that wipes out their savings.

This is a debate which is worth getting into. I hope those who follow it understand this party on this side of the aisle fought to create Medicare, fought to protect Medicare, and now is fighting to save Medicare. Do not let those who come before us, misleading us about what we are trying to achieve here, mislead the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am not so sure, given what is happening in the country these days, it would be very easy to enact the Medicare Program, had we not done so previously. The Medicare Program was enacted at a time when one-half of the senior citizens in this country had no health care—none. That is not surprising because the fact is, insurance companies do not go running after elderly people to say: Can we provide health insurance coverage to you? We know you are in your seventies or eighties, and we know you are probably going to need coverage for various things in the years ahead. We would like to provide that coverage.

In the mid-1960s, this country and the Congress said: People in their elderly years should not have to lay their head on their pillow at night and wonder whether tomorrow might be the day when they become ill, have a disease, have an accident, and go to a hospital with no health insurance to cover their needs.

This Congress did something very important, and, as is usually the case, when it created Medicare, there were plenty of people saying: Don't do it. It won't work. It is socialism. It shouldn't happen. But it did happen.

There is a health care bill being written in the Finance Committee now. I am not part of a gang of two or a gang of six or a gang of eight. I am part of a gang of 99 Senators, as of today, who will consider the bill they come up with. I do not know what it will look like, and I wish to see all of it before I make a judgment about its merits, but I will say this: Even as it is being written, we hear of efforts to cold call into homes of senior citizens to tell them that what is happening is an attempt to injure and take away services from Medicare for senior citizens. It is not true. It is false.

It is hard to make the case, it seems to me, but some are trying, that if you try to reduce the cost of Medicare by getting rid of waste and fraud and abuse, somehow that results in less health care services for senior citizens, yet that is exactly what is being represented by some.

I have watched very carefully and been very concerned about the issue of waste and fraud and abuse in Medicare.

There should be aggressive oversight, with respect to those who are providing Medicare benefits to senior citizens. There is too much fraud. My hope is—and my understanding from what is being written with respect to preventing fraud—it is going to be a new day. If you want to sign up as a provider and get reimbursement from Medicare for helping senior citizens, you better be providing the service. All too often that has not been the case.

So when we decide we are going to try to cut waste and fraud and abuse in a very serious and relentless and aggressive way, we have people who say: Aha, what they are going to do will harm senior citizens. It is not going to harm senior citizens in the delivery of health care to those who are entitled to it if we take on the waste and the fraud and the abuse and start putting the crooks in jail. That is not going to hurt senior citizens. That is going to help America's elderly.

Let me describe what I am talking about. In 2007, the Department of Justice randomly visited 1,600 durable medical equipment suppliers that bill Medicare for services. They found that one-third of the businesses did not exist. Think of that. They randomly visited 1,600 durable medical equipment suppliers that provide services to beneficiaries, we are told—they are billing the government for it—and they found out that one-third of them did not exist. They were mailboxes to collect fraudulent checks. They billed Medicare, combined, \$237 million in 2007.

Putting those people in jail and stopping that kind of fraud does not injure Medicare. It strengthens it. It does not hurt senior citizens.

A man named Mr. Alcides Garcia was sentenced to 8 years in prison. Here is a picture of him, so we can give him a little credit for what he did. He was

sentenced to 8 years in prison after his medical equipment company made millions in false Medicare claims.

Mr. Thomas Fiore, as shown in this picture, was indicted with 10 others on racketeering charges in south Florida for identity theft and Medicare fraud and much more.

In April of this year, just months ago, officials in Oregon wrapped up a lengthy fraud case. Again, to give credit where credit's due, this is a man named Richard Vanderschuere. He faked disability. His wife Karen and son Richard, Jr. claimed to be full-time care providers. His mother claimed to be a weekend backup assistant. The so-called caretakers received payments for providing home health care while he received Social Security disability benefits. His mother was employed. By the way, this person's mother was employed as a fraud investigator for a State agency in the State of Oregon at the time. Here is his wife, to make sure she gets proper credit. We don't want to leave out the kid because they were all involved in this—trying to fleece the American taxpayers and defraud the American Government.

My point is very simple. My point is that when we take on waste, fraud, and abuse—and this is a new day; this is not part of the lost decade when we had a whole lot of people fleecing this program—when we do that, when we cut down on the waste, fraud and abuse and reduce the costs of Medicare, it is not about reducing Medicare for senior citizens.

I was in a little ice cream shop about 6 weeks ago in a little town in North Dakota. Two elderly women came up to me and said: BYRON, please don't let them take my Medicare benefits away. I understand that is what they are going to try to do.

I said: Well, they are not going to do that, but who told you that?

They said: We got telephone calls from some organization that said you have to be aware they are trying to take your Medicare Program away.

I said: Well, that is not true.

They said: Well, we got the telephone calls.

I said: You might have gotten the calls, but it is not true. It is false.

But what is happening around here—again, I don't know what the health care plan will be that comes out of the Finance Committee, but I will guarantee this: Whatever it is, it would not have a ghost of a chance of passing this Chamber if it begins to harm Medicare Programs for the elderly in this country. This is a very important program. We are the ones who created Medicare. We believe it is important. Those naysayers, those people who have always opposed everything—and there are plenty of them, by the way—they are the ones who are saying: If you cut waste, fraud, and abuse, you are going to cut X billions of dollars of costs;

therefore, you are cutting health care for senior citizens. That is false. I think it ought to stop. We have groups out there that are making cold calls into homes trying to scare senior citizens.

The fact is Medicare is a very important program. It has enriched the lives of the elderly in this country. Would we want to go back to a time when half the senior citizens reached the point in their lives where they were finished with their work life, didn't have much in assets, and then sat around thinking: Oh, my God, I hope I don't get sick because I don't have health care, and I can't find an insurance company that wants to cover me because they know what I know; that when you get older, sometimes you have those health issues that are most acute.

In North Dakota, I recently met a 111-year-old woman named Mary—111 years old. She is acutely aware of everything; she can visit with you about everything. She described to me when the barn burned down in 1904 when she was 6 years old. This is a wonderful, remarkable woman. She is certainly the oldest person in my State and I assume one of the oldest people in our country. But think of what she has experienced in 111 years. Unbelievable things: the automobile, the airplane, walking on the Moon, you name it. But then think of this: In the middle of all this, after she was well into her sixties, Medicare was provided to say to America's senior citizens: You don't have to be frightened anymore. We are going to provide health care coverage in your older years.

Now 99 percent of the senior citizens in this country have health care. They are our parents, our grandparents, those who raised us, those who loved us, those who cared about us. This country then provided a program called Medicare which said: You don't have to be afraid in your older years. You are going to be able to get health care. That is what Medicare is about. Is it perfect? No, it is not perfect. Is there waste, fraud, and abuse? Yes, there is, and we are determined to shut it down. It will be shut down with the right kinds of programs to prevent fraud. And if you try to cheat the Medicare Program, we are going to aggressively prosecute.

Again, I wish to make sure everybody understands, when we hear people say: If you reduce the cost of Medicare by getting rid of waste, fraud, and abuse you are hurting senior citizens and you are trying to cut senior citizens' benefits, that is false and it ought to stop. It is going on right now and it ought to stop. Organizations doing cold calls into homes of senior citizens ought to stop. And it is parroted by politicians and others who think it is an interesting message to scare senior citizens and it ought to stop.

Let me finish as I started. I don't know what kind of health care bill is

going to come to the Senate, and I want to see it before I evaluate it. It is important. It is important to everybody. But I do know this: The Medicare Program is something that has very substantial support in this Chamber. I don't believe there is anything being written in any one of the committees in the Senate that would begin to diminish or in any other way weaken Medicare coverage for America's senior citizens. If that was the case, it wouldn't have a ghost of a chance of getting through this Senate.

I yield the floor.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to modify the previously agreed to list of amendments to be considered in order to include my amendment No. 2530 and to set aside the pending amendment so mine may be called up.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. On behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. MURKOWSKI. Mr. President, I believe it is truly unfortunate that we are not allowed to consider this amendment. The amendment I was hoping to be able to bring up and consider is one that would prohibit the use of funds that has the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

It is unfortunate that the majority will not allow us to consider this amendment. The problem it seeks to address is significant. I don't believe it is going to go away if we choose to ignore it. As disappointed as I am, this amendment has clearly received considerable attention, so I wish to take this time this afternoon to fully explain its intent, my efforts to ensure its bipartisan nature, as well as the reasons I believe it is so incredibly important for the Senate to be given an opportunity to vote in favor of its adoption, if not now, then at some other point.

In writing this amendment over this past week, I have listened to the concerns of many of my colleagues and the concerns of the environmental community, as well as the concerns expressed by the administration. My colleagues don't have to take my word for this. Look at the text of the amendment and see how it reflects—I think it so reflects—very seriously the comments and the criticisms from those who have weighed in. All I ask, at this time, is that for the next few minutes, my colleagues and my critics return the favor and listen to what I have to say.

For context, let's start back at the beginning. Back in April of 2007, the Supreme Court declared, in the case of *Massachusetts v. EPA*, that carbon dioxide is a pollutant that can be regulated under the Clean Air Act. The

Court held that the EPA must regulate emissions from mobile sources—meaning vehicles—if the Agency determined that carbon dioxide posed a threat to public health and welfare.

In the wake of that decision, EPA began to lay the groundwork for Federal regulation of greenhouse gas emissions. Through its proposed “endangerment finding,” the Agency has sought to confirm that greenhouse gas emissions are, indeed, a threat to the public health and welfare. That proposal is now under review and most expect that it will be finalized in the very near future.

The EPA has also released its draft rule to regulate mobile source emissions as required by the Supreme Court, and this will be accomplished through a dual standard that includes increased vehicle fuel economy and reduced tailpipe emissions.

I am not putting the brakes on that proposal, despite some assertions to the contrary, but I am deeply concerned about the reach it may ultimately have. Under the “Prevention of Significant Deterioration” provisions within the Clean Air Act, anything found to be a pollutant under one section will be subject to regulation under all other sections of the statute.

So what exactly does this mean in plain English? The EPA’s decision to regulate carbon dioxide legally covers not only mobile sources but also stationary sources. We tend to think of powerplants when we think of stationary sources, but also we think of office buildings, hospitals, schools, and apartment buildings. If you follow along those lines, you get the right idea. Very clearly, stationary sources must reduce emissions in order to bring our Nation to its climate goals, but forcing them to do so through the Clean Air Act would be one of the least efficient and most damaging ways to pursue that goal. It would be rife with unintended consequences and, I believe, potentially devastating for our economy.

Under the Clean Air Act, any stationary source that emits more than 250 tons of pollutants each year is subject to regulation. Unlike other pollutants, pretty much every form of economic activity generates some level of carbon dioxide emissions. So these add up relatively quickly. In fact, the U.S. Chamber of Commerce has looked at this very closely. They believe that more than 1.2 million buildings that have never before been regulated under the Clean Air Act would come under this regulation if Congress does not intervene and if EPA moves forward.

The 250-ton threshold would encompass more than just our major emitters. Caught in the same net would be dry cleaners, restaurants, the local Barnes & Noble bookstore. Realistically, we are probably talking about any facility that is heated or cooled by

conventional means that is more than 65,000 square feet in size.

I think there are some very grave concerns about the path the EPA would lead us down. I think they are apparent. I think others are seeing this as well and are expressing their concerns. Just this week, I received letters from over 11 different agricultural groups, including the American Farm Bureau Federation. I have received letters from the American Council of Engineering Companies; NFIB, the National Federation of Independent Businesses; the National Association of Manufacturers and the U.S. Chamber of Commerce.

I ask unanimous consent that the letters from these organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION  
OF INDEPENDENCE BUSINESS,  
Washington, DC, September 23, 2009.

Senator LISA MURKOWSKI,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR MURKOWSKI, On behalf of the National Federation of Independent Business (NFIB), the nation’s leading small business advocacy organization, I am writing to support your amendment to the Fiscal Year 2010 Interior/Environment Appropriations bill to prohibit the Environmental Protection Agency for one year from using federal funds to regulate stationary sources of carbon dioxide (CO<sub>2</sub>).

As you know, the EPA proposed that six greenhouse gasses (GHGs), including CO<sub>2</sub>, endanger public health and welfare. These findings would trigger stringent new regulations under the Clean Air Act (CAA) that would disproportionately affect small entities that are not major polluters and least able to handle or even understand new restrictions. Regulation of GHGs under the CAA will create new burdens such as federal permitting requirements, restrictions on fuel choices and energy use, and requirements for installation of new energy efficient equipment.

Small business routinely cites unreasonable government regulations as a top problem, ranking number six on the 2008 NFIB Small Business Problems and Priorities publication. Regulatory costs are significant and small businesses pay disproportionately more than larger businesses. According to the 2001 NFIB study on Coping with Regulation, small businesses cite many reasons for being frustrated by government regulations, including dealing with the extra paperwork, understanding what is needed to be in compliance, and the dollars spent to comply with government regulations.

The cost of regulation for small business has risen by 10 percent, to \$7,647 per employee per year (according to the Small Business Administration’s Office of Advocacy). This means that for the average member at NFIB with ten employees, the cost of regulation now exceeds \$75,000 annually. Adding more regulatory costs would be a serious blow to already overburdened small business owners, who according to the September 2009 NFIB Small Business Economic Trends survey, are still suffering from weak sales and profits numbers.

NFIB supports the Murkowski amendment because it would delay for one year the use

of federal funds by the EPA to regulate stationary sources of CO<sub>2</sub>. As the 111th Congress continues, I look forward to working with you to address energy issues in a way that is not disruptive to the small business community.

Sincerely,

SUSAN ECKERLY,  
Senior Vice President, Public Policy.

SEPTEMBER 23, 2009.

U.S. Senate.

DEAR SENATOR: The undersigned agricultural organizations urge your support for an amendment to be offered by Senator Murkowski that would prevent unintended and unwanted consequences from regulation by the Environmental Protection Agency (EPA) of greenhouse gases under the Clean Air Act.

The Supreme Court, in *Massachusetts v. EPA*, held that EPA was not precluded from regulating greenhouse gases under section 202(a) of the Clean Air Act, which addresses new motor vehicle emission standards. This amendment would not affect the rulemaking since the rulemaking is still pending.

We do not believe it is sound policy for the EPA to extend this pending regulation beyond motor vehicles into activities like the production of crops, livestock and poultry. We urge your support for the Murkowski amendment.

Sincerely,

American Farm Bureau Federation®,  
American Soybean Association, National Association of Wheat Growers, National Barley Growers Association, National Cattlemen’s Beef Association, National Cotton Council, National Council of Farmer Cooperatives, Public Lands Council, United Egg Producers, US Dry Pea and Lentil Council, USA Rice Federation.

NATIONAL ASSOCIATION  
OF MANUFACTURERS,  
Washington, DC, September 23, 2009.

U.S. Senate,

Washington, DC.

DEAR SENATOR: The National Association of Manufacturers (NAM), the nation’s largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges, you to support the Murkowski Amendment to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

At a time when our economy is attempting to recover from the most severe recession since the 1930s, Environmental Protection Agency (EPA) regulations, with no guidance from Congress, will establish disincentives for the long-term investments that would be necessary to grow jobs and expedite economic recovery. The Murkowski Amendment seeks to ensure a healthy and productive discussion in Congress on harmonizing our nation’s energy, environmental and economic needs before the EPA starts regulating carbon dioxide (CO<sub>2</sub>) emissions from stationary sources, including manufacturing facilities.

Manufacturers support a comprehensive, federal climate policy within a framework that will cause no economic harm while granting sufficient time to deploy low-carbon technologies, such as carbon capture and sequestration, renewable energy and a renewed and large-scale deployment of nuclear power plants.

Prior to the onset of the financial crisis in 2008, energy inflation and price volatility were major contributors to a loss of approximately 3.7 million high-wage manufacturing

jobs. As you may know, manufacturers use one-third of our nation's energy. Because of the impact a federal climate policy will have on the nation's energy future, this is an issue that must be debated by Congress without preemption from a federal agency.

Supporting the Murkowski Amendment does not convey opposition to climate change policy; it merely allows Congress to do its job. We concur with the sentiment in a Washington Post September 21 editorial, "Regulating Carbon." It noted that the EPA "is preparing to regulate carbon under the Clean Air Act," which "is breathtakingly unsuited to the great task of battling global warming. . . . Yet if Congress does not act, it's likely that the EPA will. It won't be pretty."

The NAM's Key Vote Advisory Committee has indicated that votes on the Murkowski Amendment, including potential procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress. Thank you for your consideration.

Sincerely,

JAY TIMMONS.

AMERICAN COUNCIL  
OF ENGINEERING COMPANIES,  
Washington, DC, September 23, 2009.

Hon. LISA MURKOWSKI,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MURKOWSKI: The American Council of Engineering Companies (ACEC) is pleased to support your amendment to the FY 2010 Interior Appropriations bill disallowing for one year the U.S. Environmental Protection Agency (EPA) from regulating under the Clean Air Act greenhouse gas (GHG) emissions from stationary sources. Without taking an overall position on comprehensive climate change legislation, we agree that Clean Air Act regulation of GHGs for stationary sources is not the appropriate way to manage carbon emissions.

ACEC is the business association of America's engineering industry, representing more than 5,000 independent engineering companies throughout the United States engaged in the development of America's infrastructure. ACEC member firms represent the broad spectrum of the industry, from very large firms to small, family-owned businesses.

We think it is wise public policy to delay for one year potentially premature EPA regulatory actions under the Clean Air Act before the Congress decides on its course of action. The breadth of the issues in a comprehensive climate change-energy bill requires thoughtful debate with ample time to negotiate differences between senators from all regions of the country, which has just begun in the Senate and should not be hindered by concerns that EPA could be developing a regulatory program for stationary sources that may be entirely inappropriate for GHG emissions. Even the EPA Administrator has indicated that she would prefer that the Congress work its will on a climate change bill rather than ceding authority to EPA.

It is also important to note that your amendment does not permanently take away any authority from EPA, but simply asks for a one-year delay in stationary source regulations. Given that the House-passed climate change bill makes it clear that stationary sources are subject only to the provisions of the legislation and not to Clean Air Act regulations, your amendment is eminently reasonable as the debate continues.

At the same time, we are hopeful that the amendment can be carefully tailored to limit

EPA's GHG regulatory authority under the Clean Air Act to only mobile sources. We thank you for the opportunity to express our views. If you have any questions or would like to discuss our comments, please feel free to contact me or our environment and energy director, Diane S. Shea.

Sincerely,

DAVID A. RAYMOND,  
President and CEO.

CHAMBER OF COMMERCE  
OF THE UNITED STATES OF AMERICA,  
Washington, DC, September 23, 2009.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector and region, strongly supports an amendment expected to be offered by Sen. Murkowski and strongly opposes an amendment expected to be offered by Sen. Feinstein to the FY2010 Interior, Environment and Related Agencies Appropriations Act, both related to greenhouse gas emissions. The Murkowski amendment would ensure that should the U.S. Environmental Protection Agency seek to regulate greenhouse gases under the Clean Air Act absent specific authorization from Congress, that EPA limit such regulation to mobile sources. This was the issue decided by the U.S. Supreme Court in *Massachusetts v. EPA*. The Feinstein amendment would seek to "tailor" a small subset of EPA regulations, but in a manner far less comprehensive than the Murkowski amendment.

The House has approved climate change legislation, and the Senate may take up the matter this Congress. It would be inappropriate for EPA to usurp ongoing congressional action on a major policy decision and regulate the very same sources (and the very same emissions) that would be covered by greenhouse gas legislation. Yet that is precisely what would happen if EPA were allowed to proceed.

Since the *Massachusetts v. EPA* decision, EPA has issued regulations implementing a federal greenhouse gas registry, has proposed "endangerment" for the motor vehicle sector, and has proposed a rule to regulate motor vehicle greenhouse gas emissions.

EPA is also likely to issue and enforce as early as spring 2010 a suite of regulations applying to stationary sources, New Source Performance Standards for equipment, Prevention of Significant Deterioration construction permits, and Title V operating permits.

EPA asserts it can use the Clean Air Act to "tailor" its rules to large industrial sources, despite the Act's clear language. The Chamber disagrees, believing only Congress can determine the scope of the Clean Air Act. As raised repeatedly in correspondence from the Chamber, EPA could cripple the economy if it opens greenhouse gas regulation beyond mobile sources. EPA should remain within the bounds of the *Massachusetts v. EPA* decision, which dealt with mobile, not stationary, sources.

The Murkowski amendment would allow EPA to move forward with its greenhouse gas registry and to take public comment on its motor vehicle rule, but it would hold in abeyance EPA's efforts to regulate stationary sources while Congress considers greenhouse gas legislation and the Obama administration negotiates an international accord. If enacted, the Murkowski amendment would allow Congress to consider meaningful and pragmatic greenhouse gas legislation free from any EPA-imposed threat of a regulatory cascade.

The Chamber opposes the Feinstein amendment, which would only exempt farms and other small stationary sources from Clean Air Act Title V regulation. While the Chamber has long argued that the Clean Air Act is a poor tool to address greenhouse gas emissions because it would trigger regulation of smaller sources, like farms, hospitals and small businesses, it would be unwise policy for Congress to react to an attempt by EPA to assert jurisdiction over greenhouse gas emissions from stationary sources with piecemeal, temporary, and wholly incomplete fixes.

The Chamber reiterates its call for Congress to approve bipartisan, comprehensive greenhouse gas legislation in a manner that adequately addresses environmental, energy security, economic, and international aspects of the issue. The Murkowski amendment would facilitate a bipartisan, sensible framework for greenhouse gas legislation and ensure that EPA does not exceed the Court's *Massachusetts v. EPA* decision.

Sincerely,

R. BRUCE JOSTEN,  
Executive Vice President,  
Government Affairs.

Ms. MURKOWSKI. To its credit, the EPA realized that regulations at the 250-ton level are simply not feasible. So to try and resolve this issue, the Agency is apparently considering what they are calling a tailoring proposal. This would lift the Clean Air Act's regulatory threshold to 25,000 tons. That is a hundredfold increase.

I shared the Agency's concern about a 250-ton carbon dioxide limit, but this 250-ton proposal moving up to a 25,000-ton proposal, this tailoring issue, is simply not going to hold. It has no legal basis. I think we expect it would be swiftly rejected by the courts. The EPA cannot constitutionally legislate a major change in the Clean Air Act. Ultimately, once this has all played out, the Agency's carbon dioxide regulations would remain in effect, but the threshold would be triggered at a level 100 times lower than the Agency had planned.

That brings us to the tremendous consequences we can expect as a result. There is widespread agreement that the regulation of carbon dioxide emissions under the Clean Air Act would be absolutely unworkable and, at the same time, economically devastating. In the words of a long-term Democrat over in the House, it will create a "glorious mess." Another observed it could result in "one of the largest and most bureaucratic nightmares that the U.S. economy and Americans have ever seen."

Just this week, the editors of the Washington Post argued that the Clean Air Act is "breathtakingly unsuited to the great task of battling global warming." The Wall Street Journal's editors cast it as "reckless endangerment." They went on to assert that the regulation would be like putting "a gun to the head of Congress" to "play cap and trade roulette with the U.S. economy."

That may sound over the top, but even some members of the environmental community have agreed with

the metaphor, as one clean air advocate affirmed this by saying this regulation is “the legal equivalent of a .44 magnum.”

This regulation is a train that could wreck our fragile economy. It is our own creation, and it is barreling toward us at full speed. I recently saw an ironic motivational poster that said: “Government—if you think the problems we create are bad, wait until you see our solutions.” It is fair to say that this issue, the regulation of carbon dioxide under the Clean Air Act, is one of the many examples of why that poster was created and, sadly, it occasionally rings true.

Today, however, the Senate can choose another course for the debate over energy and climate policy. The Clean Air Act is one of our worst options to regulate carbon dioxide emissions, but it is not our only option for that cause.

Those of us in Congress can and should step up and pass workable, intellectually honest climate legislation—whether it is a system of cap and trade, a carbon tax, or something else that removes the Clean Air Act from the equation. Nearly every participant in this debate, from elected officials to businesses and the environmental community, has stated their preference for legislation over regulation.

That is where my amendment comes in. For exactly 1 year, it would limit the EPA’s ability to regulate carbon dioxide emissions to just the mobile sources that were the subject of the 2007 *Massachusetts v. EPA* lawsuit. This is nothing more than a temporary timeout that will give us the breathing room in an already heated debate. It will give us the time we need to develop a sensible, effective policy that achieves the same result at a much lower cost.

Anyone who takes the time to read my amendment will see I have gone to great lengths here to ensure it does not lead to any unintended or adverse consequences. It has been drafted and redrafted to limit one action by the EPA for 1 year, and nothing else. I have been responsive to bipartisan requests, even from Members who I knew would not be able to support this amendment, because I am committed to avoiding any overreach.

So the result we have is an amendment that will not interfere or conflict with any other regulation or action that EPA is obliged to complete. That goes for the preparatory work for the regulation of carbon dioxide emissions. It holds true for the rule to expand the renewable fuel standard, for construction permits, and for regulations to foster the development of clean coal technologies.

My amendment will not in any way impact EPA’s authority relating to the reporting of greenhouse gas emissions, its ability to develop a voluntary car-

bon offset program, to issue permits for energy infrastructure on or near Federal land, permit carbon sequestration projects, or to move forward with very important work of both exploring for and producing the vast reserves of domestic energy on our Outer Continental Shelf.

All of these concerns have been raised over the past several days, before this amendment was even introduced. All of these concerns are explicitly addressed within it. Some of our Nation’s leading Clean Air Act attorneys—among the best and brightest legal minds—have assisted us in its preparation. They agree it will do exactly as it says, and that leaves very little ground for the claims that have been made against it.

Given how devastating the EPA’s regulation of carbon dioxide emissions could be, many casual viewers are probably left wondering why, exactly, my amendment has drawn such fierce opposition. Well, again, let me be clear. As much as anything else, the regulation of carbon dioxide under the Clean Air Act is being used as a thinly veiled threat to force the Senate to act on climate legislation, regardless of where we are in what remains an ongoing and incredibly important debate.

The possibility that our worst option to reduce emissions will move forward, despite its consequences, is supposed to somehow compel us to move faster. We are expected to push through a climate bill, perhaps regardless of its content, in order to stave off this regulation. If the House debate is any indication of how our own will proceed, we will be asked to rush to judgment, cut off debate on one of the greatest challenges of our time, and to pass a bill—any bill—that purports to reduce emissions.

In my mind, this situation has created a false dilemma, a proverbial Morton’s Fork on Capitol Hill—meaning between a rock and a hard place. Right now, those of us in the Senate are clearly left with two bad choices—the EPA’s endangerment regulation or the House’s energy and climate bill—neither of which will end well for the American people. Making matters worse, we are told there isn’t enough time to consider our options and develop a more viable path forward.

By voting “yes” on my amendment, we could easily change this unfortunate dynamic. But we will not halt or hinder progress on climate legislation, as some have suggested. Not one of the climate bills that has been introduced so far would take effect until 2012—2 full years after the limitation imposed by my amendment would expire.

If my amendment were to be accepted, the EPA will continue its work to regulate emissions from mobile sources. The agency and its employees will go about their business exactly as normal. They can even continue developing regulations for carbon dioxide

emissions from stationary sources. For the next year, they simply cannot put those regulations into effect. One year after this bill is signed into law, that limitation would expire, and the EPA would have every authority to proceed if Congress has still not acted.

For those who have expressed concern that my amendment would become a long-term fixture in appropriations legislation, be assured that I will work with you to ensure that the climate debate not only proceeds but reaches a conclusion in the form of a responsible bill that a majority of us can support. As an elected representative of the State that has been hit hardest by climate change, I will work in good faith with all who want to address climate change in an effective way, while protecting our fragile economy from further harm.

To those who have claimed I am trying to put the brakes on climate legislation, I simply remind you of my longstanding support for renewable, nuclear, and alternative energies as part of the solution. There is a right way and there is a wrong way to moving forward in addressing climate change. EPA regulation of greenhouse gas emissions is simply the wrong way. We must reduce emissions, but it is unacceptable to do so at any cost and by any means. While Congress has not yet developed a workable bill, I will continue to work as hard as I can to make sure that, in fact, we do.

Unlike many Members of the Senate, I have also cosponsored cap-and-trade legislation. I cosponsored the Low Carbon Economy Act that was offered last Congress by Senator BINGAMAN and Senator SPECTER. This year, recognizing that our work is far from finished, Senator BINGAMAN and I worked together, very cooperatively and collaboratively, on another comprehensive measure—the American Clean Energy Leadership Act. We reported that bill from the Energy Committee more than 3 months ago. It would significantly reduce greenhouse gas emissions, without causing economic harm, and yet it is still waiting to be heard on the Senate floor.

The 23 members of the Energy Committee produced a bipartisan energy bill in the first 6 months of Congress. I have every reason to believe that the full Senate can, over a time period twice as long, develop an effective climate policy that will further reduce greenhouse emissions, without disrupting our economy. But that will require us to base our decisions more than on vote counts and special requests. It will require us to set aside politics and focus on substance. It will force us to cross the aisle instead of closing ranks, and it will mean acting on behalf of the American people, in their best interests, rather than our own or our party’s.

With regard to my amendment, the majority has again objected to calling



it up. They have done everything they can to prevent a vote from occurring on the amendment, culminating in the objection that we not even have debate on the matter today. I want my colleagues to know, however, that this issue will not go away. Neither will my commitment to seeing it addressed head-on in a responsible and, if at all possible, bipartisan way.

I ask unanimous consent that Senators BARRASSO, JOHANNIS, and CHAMBLISS be added as cosponsors to my amendment.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. JOHANNIS) Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I know Senator BOXER, the chairman of the Environment and Public Works Committee, has an hour reserved to come and speak.

First, I will respond to the comments of the distinguished Senator from Alaska. I hope she will understand there are many of us who have viewed her amendment with substantial alarm, for reasons that I thought I might spend a few moments speaking about.

Essentially, as I understood the amendment, which was blocked from coming to the floor, it attempted to prohibit the EPA from using any funds to enforce the Clean Air Act to reduce greenhouse gas emissions from stationary sources.

The proponents have argued that their only goal was to protect small family-owned farms and businesses from overly burdensome regulations. Yet the amendment would have gone much further. In fact, it would actually exempt some of the Nation's largest commercial emitters from climate change regulation, including huge industrial facilities, such as powerplants and refineries.

I am very pleased that this amendment is not before us today. The underlying rationale, as I understand it from the amendment, is groundless. EPA Administrator Lisa Jackson has made it clear that the agency will not use the Clean Air Act to regulate either small businesses or family-owned farms. I was prepared, should the amendment have come up, to put down a side-by-side amendment that would have clearly exempted any farm, as well as any business, that emits under 25,000 tons of carbon dioxide per year.

Let me point this out. Stationary industrial sources account for over half of the U.S. greenhouse gas emissions, according to EPA. These are the leading cause of climate change, and they must be reduced if we have any hope of containing the worst impact of climate change. The amendment would have hampered the administration's effort to tackle one of the biggest pieces of the emissions puzzle: large industrial

facilities. It would have been a major setback.

Thirdly, the amendment would effectively overturn the Supreme Court's landmark decision in *Massachusetts v. EPA*. In that decision, the Court found that the Clean Air Act requires the EPA to determine whether the emissions of greenhouse gases may be reasonably anticipated to endanger public health or welfare and then comply with the Clean Air Act requirements designed to protect public health from dangerous pollution.

Upon completion of an endangerment finding, the Clean Air Act requires EPA to control greenhouse gases from both stationary and mobile sources.

Many argue—and I happen to agree—that regulating the largest greenhouse gas emitters through new legislation, establishing a cap-and-trade system, would be more efficient and less expensive than regulating these sources under the existing Clean Air Act.

But until Congress enacts climate change legislation, EPA has a legal obligation to follow the Clean Air Act. So if one does not want EPA to take action under the Clean Air Act, then this body should want to pass a cap-and-trade bill.

The chairman of the EPW Committee, Senator BOXER, has been working very hard to put together a bill which has an opportunity to pass this Senate.

The point is, if we do not want the Clean Air Act to prevail, then the cap-and-trade bill is the only way to go. That is a clear incentive for the Senate and the House to pass a bill.

EPA has released a draft endangerment finding which it is going to soon finalize. Yet the amendment would have blocked EPA from completing the endangerment finding and from complying with its legal obligations to protect public health. The repercussions would have been major. It means EPA would not be able to complete a joint rulemaking with the Department of Transportation to increase corporate average fuel economy, which we call CAFE, and create a tailpipe emissions standard for automobiles.

That would have been a major problem. It would block implementation of the 2007 fuel economy law which I authored with Senator SNOWE and which took us a long time to get passed and enacted.

By undermining the negotiated agreement between States and the Obama administration, the Murkowski amendment would also have likely resulted in States moving forward with their own tailpipe emissions standards which automakers have fought for years as too onerous. This would have stopped California and 14 other States and the District of Columbia from moving forward with implementing tailpipe emissions standards.

This amendment is vigorously opposed by the Alliance of Automobile

Manufacturers, which includes General Motors, Ford, and Chrysler, the Association of International Automobile Manufacturers, and the United Auto Workers. To that end, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter from the Auto Alliance and the Association of International Automobile Manufacturers.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, finally, the amendment would send the wrong signal to the rest of the world about the Senate's intentions on climate change. It would suggest that we want to ignore the clear imperative to act, despite the efforts of the administration to motivate the international community in advance of the Copenhagen summit.

There is some concern also about small emitters. EPA is not planning to regulate small emitters. EPA Administrator Lisa Jackson has clearly stated on several occasions that the agency will not regulate small emitters. She said it in her confirmation hearings, she said it again at Senate budget hearings, and she reiterated that comment when she appeared before the Senate Interior Appropriations Subcommittee hearing on EPA's fiscal year 2010 budget just a few months ago.

In fact, Administrator Jackson has sent a draft deregulatory rule to the Office of Management and Budget for review which would establish clearly that all but the very largest sources of greenhouse gas will be preemptively exempted from the stationary source permitting requirements in the Clean Air Act.

She has no intention of regulating small sources that emit under 25,000 tons of carbon dioxide or any small farm.

Mr. President, 25,000 metric tons is a very high threshold. According to EPA, it is equivalent to the emissions from burning 131 trainloads of coal per year—these would be exempted—or burning 2.8 million gallons of gasoline annually.

The 25,000-ton threshold would exempt every small source, focusing only on 13,000 of the largest emitters in the United States.

Let me say that again. The 25,000-ton threshold which EPA intends to proceed with, and which my side-by-side amendment would have had as one of the two criteria, would exempt every small source, focusing only on the 13,000 largest emitters in the United States.

EPA intends to only regulate the largest facilities, and these facilities are, almost without exception, already regulated under the Clean Air Act for emissions of other pollutants such as soot, smog-forming nitrous oxides, or acid-rain-inducing sulfur dioxide.



Let me now explain why the Murkowski Amendment would impact the joint EPA-Department of Transportation rulemaking on automobile greenhouse gas emissions.

This rulemaking is of critical importance, and the regulation implementing this law was negotiated by the White House in cooperation with automakers, the States, and labor.

But according to a letter I received from EPA Administrator Lisa Jackson last night, the impact of the Murkowski amendment "would be to make it impossible for the EPA to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009."

She writes:

Because of the way the Clean Air Act is written, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator MURKOWSKI's amendment would be to not promulgate the light-duty vehicle standards.

These standards are something Senator SNOWE and I have worked on for at least 7 years now, beginning with the SUV loophole and ending with the bill that became law, would be totally undermined. By undermining the negotiated agreement between States, the amendment would also likely result in States moving forward with their own tailpipe emissions standards.

As I indicated before, in 2002 California enacted a landmark law to reduce tailpipe emissions standards by 30 percent for all new sedans, trucks, and SUVs by 2016.

I also stated that 14 other States—namely, Arizona, Connecticut, Florida, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and the District of Columbia—have adopted or announced their intention to adopt California's greenhouse gas emissions controls.

The amendment would have been a major roadblock in efforts to improve fuel economy standards for vehicles.

I don't think we can bury our head in the sand when it comes to climate change.

I would like to conclude by reminding my colleagues that it makes no sense at this particular point in time to put on the floor a major amendment which well could have devastated both the EPA and any effort to get to cap-and-trade legislation when, in fact, the EPW Committee is struggling to write a comprehensive bill which has an opportunity to pass this body.

Again I say, if people do not want the Clean Air Act prevailing, then the only way you can do that is with a cap-and-trade bill. That is the way the committee of this body is proceeding. I believe it is the correct way.

I believe our Nation is in serious jeopardy, as is the rest of planet Earth, with global warming. I believe it is real. Just this week, the *Journal Nature* published a new paper that found rapid deterioration of the ice sheets on Greenland and Antarctica. Yesterday on this floor, I showed the deterioration in the Arctic. I showed the deterioration in Greenland. I showed the deterioration in the Chukchi Sea. I showed the deterioration off Barrow, AK. It is happening all over the world.

The Flat Earth Society cannot prevail. I think there is a real danger signal out there for planet Earth. We know we cannot reverse it. We know that greenhouse gases do not dissipate and go away after a period of time in the atmosphere. We now know these gases that began during the Industrial Revolution are still present in the atmosphere, and we know that the Earth is not immutable, that it can change. We look at other planets and we see that they have changed over the millennia. What we do here to protect our planet Earth for the next generations is so key and critical.

This discussion has to be joined in an appropriate way, and an appropriate way is when a cap-and-trade bill is produced by the Environment and Public Works Committee and the chairman of that committee is on this floor and the bill is open for amendments and there is a free flow of debate and discussion.

I believe the science is real. I pointed out yesterday we have a project in intelligence whereby the satellites are tracking deterioration in the ice shelves of the world. I hope to present more of that information when there is a bill on the Senate floor.

I ask unanimous consent to have printed in the RECORD Administrator Lisa Jackson's letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,  
Washington, DC, September 23, 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter about Senator Lisa Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As you noted in your letter, Senator Murkowski's amendment would prohibit the Environmental Protection Agency from using any funds made available under the Act to take any action that would have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

You asked me what the practical impact would be if Congress enacted Senator Murkowski's amendment. Perhaps the most striking impact would be to make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009. Because of the way the Clean Air Act is writ-

ten, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator Murkowski's amendment would be to not promulgate the light-duty vehicle standards.

As you know, promulgation of EPA's light-duty vehicle greenhouse-gas emissions standards is an essential part of the historic agreement that President Obama announced earlier this year with the nation's automakers, the State of California, the Department of Transportation, and EPA. That agreement attracted broad, bi-partisan support. The joint DOT-EPA standards are projected to save 1.8 billion barrels of oil over the life of the program, which is twice the amount of oil (crude oil and products) imported in 2008 from the Persian Gulf countries, according to the Department of Energy's Energy Information Administration Office. Additionally, the standards are projected to help save consumers more than \$3,000 over the lifetime of a model year 2016 vehicle and reduce approximately 900 million metric tons of greenhouse gas emissions. Enactment of Senator Murkowski's amendment would pull the plug on those extraordinary accomplishments.

Sincerely,

LISA P. JACKSON,  
Administrator.

EXHIBIT 1

SEPTEMBER 24, 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing regarding Senator Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As manufacturers, we are sympathetic to the thrust of Senator Murkowski's amendment that the Congress—and not simply EPA acting under the provisions of the current Clean Air Act—should determine how best to reduce U.S. greenhouse gas emissions economy-wide.

However, the amendment raises additional issues that must be considered where complicated and interconnected environmental and legal issues are at stake. We are concerned that due to the complex interactions among regulations under the various sections of the Clean Air Act, the amendment may impact significantly pending regulations in the mobile source sector—despite language in the amendment that would appear to leave the sector unaffected. In a letter to Senator Feinstein dated September 23, Administrator Jackson stated EPA's interpretation that the Murkowski amendment as filed would "make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009."

While the author of the amendment appears not to intend this outcome, we feel compelled to express our concerns. It is critical that the national program for regulating greenhouse gas emissions from autos be finalized early next year. Failure to do so would subject automakers to a patchwork of conflicting state and federal regulations.

Therefore, we respectfully oppose the adoption of the Murkowski amendment as written to H.R. 2996.

Sincerely,

DAVE MCCURDY,  
President & CEO, Alliance of Automobile Manufacturers.

MICHAEL STANTON,  
President & CEO, As-  
sociation of Inter-  
national Automobile  
Manufacturers.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, under the unanimous consent agreement, I apparently had 30 minutes. Can the Chair tell me if I have time remaining?

The PRESIDING OFFICER. The Senator from Alaska has 11 minutes remaining.

Ms. MURKOWSKI. Mr. President, I know the Senator from Oklahoma had wanted to make a couple comments, but I would like to take a couple extra minutes before I turn to him in response to my friend and colleague from California.

In many ways, she has made my point or supported the argument. I would agree that, in fact, in order to deal with this very timely issue, this very significant issue, we must act. I just do not believe that utilizing the regulation, moving a climate change regulation through the EPA, is the best instrument, the most effective instrument.

The people I represent back home are very concerned about this, as I have indicated, and are expecting their Congress to act. But they do not feel very comfortable with unelected bureaucrats in the Environmental Protection Agency telling them that, in fact, this is the road we are going to be going down, with no real appreciation or sensitivity to the environmental factors that we in this body assess as we are trying to advance policy. We need to be driving forward good, thoughtful, considered, reasonable policy on the issue of climate change.

I am not disagreeing we stop on this issue. I am simply suggesting we need to make sure it is Congress, it is through the legislative process that we advance these very important policy initiatives.

I do want to also make a comment about the concern that somehow or another my legislation would pull back on what the EPA is currently doing with mobile sources, the emissions from tailpipes. I don't think we could have drafted the amendment any more clear to ensure that it is specific as to the stationary sources.

Again, I urge my colleagues to make sure they are looking at the draft of the amendment we have proposed and not some previous initiatives.

One final point before I turn to Senator INHOFE. The point has been made by my colleague from California that the Administrator for EPA has said it is not her intention to be regulating the small emitters—the farms, the small businesses. She has made those statements, and I appreciate that, but

the problem we face is the Clean Air Act, which doesn't give her that flexibility to change the Clean Air Act. She is obligated to regulate those entities that emit in excess of 250 tons. These are our smaller emitters. So even though she may have suggested or stated this is not her intention to go down that road—she can perhaps move forward with this tailoring proposal, but as I stand before you, I can almost bet that will be challenged in court and it will not pass the test and we will be stuck with what we are all attempting to avoid, which is capturing the smaller businesses—the restaurants, the dry-cleaners, et cetera—into this net as we try to provide for the regulation of the major emitters.

I am sure we will have plenty of opportunity on this floor to continue this debate, but at this time, Mr. President, I yield the remainder of my time to my colleague from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I only want to be here to thank the Senator from Alaska and Senator THUNE for trying to bring to our attention the issue of the endangerment findings. I have been discussing the incoming economic train wreck that can result from these regulations since the case of *Massachusetts v. EPA* was decided back in 2007. The EPA's regulatory reach could go everywhere. It could go into schools, hospitals, assisted-living facilities, and just about any activity that meets the minimum thresholds of the Clean Air Act.

Despite the attempts to draft an exemption for small businesses by the senior Senator from California, this effort would be hollow at best. Upon issuance of mobile source regulations the EPA has proposed in its light-duty vehicle greenhouse gas emission standards, the farmers and small sources still retain the obligation under the Clean Air Act, and this obligation is enforceable through citizen suits which we have confirmed through environmental groups will follow. So we know that is going to happen.

I would have to say, as the ranking member on the Environment and Public Works Committee, the more we get into this, the more complications we find. In the process of coming up with some type of an endangerment finding, we find that the information science has been suppressed. We know of the case of Dr. Alan Carlin, who claims his assessment of the latest science on global warming wasn't considered in the endangerment proposal. So we have the endangerment proposal. And some people are not aware of how this process works; that ultimately, if the findings are there, that is when they reach into every life in America. However, this Dr. Carlin has been with the EPA for a long period of time, and he was upset that his information was intentionally suppressed.

Then we find out that information concerning the economics, such as we found through the U.S. Treasury's assessment when they were trying to say, during the consideration of, perhaps this modified bill that it would be the cost of a postage stamp a day, that in fact it would have been some \$1,761 per family every year—we tried to relate that back to what kind of a tax increase this is. If you remember back in the year 1993, we had the Clinton-Gore tax increase—the largest tax increase in decades. It was the inheritance tax, marginal rates, capital gains, and every kind of tax imaginable. If you add all that up, that was a \$32 billion tax increase. This would be almost 10 times that much.

So I think, as we progress along the lines of the endangerment finding, we know how it will be life changing for every element of our society. So I appreciate the efforts of both Senator MURKOWSKI and Senator THUNE to bring this issue of endangerment findings to the forefront. I am not sure it is the best idea to try to get a 1-year moratorium because in a way that might suppress some of the activity that is going on to expose how bad this is to the public.

Having said that, I appreciate being yielded a small amount of time, and I yield the floor.

AMENDMENT NO. 2549

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I stand to briefly discuss my amendment, No. 2549, which is about the so-called czar issue that has a number of Members on both sides of the aisle very concerned.

As I introduce this amendment, Mr. President, let me ask unanimous consent to add Senators GRASSLEY, BUNNING, ROBERTS, and BROWNBACK as co-authors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, at this point, I call up amendment No. 2549.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. GRASSLEY, Mr. BUNNING, Mr. ROBERTS, and Mr. BROWNBACK, proposes an amendment numbered 2549.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be disposed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that the Assistant to the President for Energy and Climate Change (commonly known as the "White House Climate Change Czar") is not directing actions of departments and agencies funded by this Act)

At the appropriate place, insert the following:

FUNDING LIMITATION

SEC. \_\_\_\_\_. None of the funds made available by this Act may be obligated for the purpose

of departments or agencies funded by this Act and lead by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the "White House Climate Change Czar").

Mr. VITTER. Mr. President, I did just waive reading of the amendment, but I am going to read it. It is very short and very to the point, and I think simply reading the language is the best way to introduce the concept.

The language is very clear:

None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and led by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the "White House Climate Change Czar").

That is the entire amendment, and the amendment is, again, very simple and straightforward. The point it is making is that we have Cabinet-level appointees. They come before the Senate for vetting and they come before the Senate for confirmation. After they are confirmed, they come before the House and Senate on a regular basis as part of our oversight responsibilities. This constitutional structure should not be superceded by these so-called czars which have grown enormously under this administration.

In making this argument, let me say that this argument has nothing to do with Carol Browner and her qualifications. It is not an attack on her. It is an attack, quite frankly, on the concept of these multitude of czars and the fact that they are an end run around the constitutional process by which top Cabinet and other officials of any administration are confirmed by the Senate and regularly come before the House and Senate as part of our oversight process.

We all know this particular administration has developed an unprecedented number of these so-called czars. We have seen a dramatic increase in this phenomenon. Politico wrote that President Obama "is taking the notion of a powerful White House staff to new heights" and that he is creating "perhaps the most powerful staff in modern history." Specifically, the President has created 18 new czar positions, and I want to focus on those 18 positions.

This czar concept is obviously very general and somewhat undefined. What I am talking about are those 18 positions because none of those positions are established by statute. Congress has not authorized or established any of those positions, No. 1; No. 2, none of those individuals have come before the Senate for confirmation; and No. 3, none of those positions preexisted this administration. As I said a while ago, this has raised concerns among a number of Senators and certainly among the American people.

As I began my remarks, I added as coauthors of this amendment Senators

GRASSLEY, BUNNING, ROBERTS, and BROWNBACK. In addition, the distinguished Senator from Maine, Ms. COLLINS, who chairs the relevant authorization committee, has expressed grave concern about this same phenomenon and, in fact, has another amendment about this very issue. Unfortunately, that amendment is going to be struck down as legislating on an appropriations bill. But she has expressed concern. She spearheaded a letter signed by herself and Senator ALEXANDER and others which she sent to the President.

In addition, and this is very important, this has been a bipartisan concern. Going back to February of this year, the distinguished Senator from West Virginia, Mr. BYRD, wrote the administration expressing strong and grave concern about the constitutional implications of all of these czars. Again, the 18 I am talking about are not created by statute, have not been confirmed by the Senate, and never existed prior to this administration. Also, within the last 2 weeks, Senator FEINGOLD, in addition, has expressed strong and serious concern about exactly the same issue and has written to the administration.

The purpose of my amendment is to say quite simply that when we have an agency, when we have a department that is led by a Senate-confirmed appointee, we shouldn't have a so-called White House czar ordering that appointee or ordering that agency or that department to do things, particularly when that White House czar is not an office created by law through Congress, is not a Senate-confirmed position, and did not exist in any form or fashion prior to this administration.

In terms of my specific amendment, I have chosen to focus on the Assistant to the President for Energy and Climate Change, commonly known as the White House climate change czar, for one simple reason: First, she is among this 18 never created by statute, never confirmed by the Senate, never existing prior to this administration, and she is clearly in a very powerful position—apparently giving orders to Senate-confirmed appointees such as the head of EPA. Of course, the EPA is governed by this appropriations bill now on the floor, so that is why I chose to focus on this particular czar position.

Clearly, this particular czar meets all of those criteria which give rise to my concerns. The President himself, when he appointed this czar, said, "She will be indispensable in implementing an ambitious and complex energy policy."

In addition, there have been several media reports about her dominant stature and dominant role in these sorts of considerations. The Wall Street Journal, for instance, on September 11 of this year, reported:

Ms. Browner helped broker a fuel-standards deal between the administration and

automakers earlier this year and has been a conspicuous presence in climate negotiations with Congress. Energy Secretary Steven Chu, meanwhile, has been largely tied up administering billions of dollars in stimulus projects. Ms. Browner, through a spokesman, declined to comment.

Also, Mary Nichols, the head of the California Air Resources Board, and Carol Browner were key in crafting a plan to impose the first-ever national carbon limits on cars and trucks.

On May 20, the New York Times reported the following:

In an interview yesterday, Nichols said Browner quietly orchestrated private discussions from the White House with auto industry officials.

The obvious question this gives rise to is, What about the head of the Senate-confirmed Energy Department? What about the head of the EPA, Senate confirmed? Those folks seem to be shoved to the side, and this new super agency head, a super Cabinet Member seems to be playing a far more dominant role in key issues that are clearly under the purview of the Energy Department and the EPA. Again, this gives rise to serious constitutional concerns. A number of Senators, Republicans and Democrats, have expressed these concerns—Senator COLLINS, Senator BYRD, Senator FEINSTEIN, Senator ALEXANDER. So this is a germane limitation amendment that goes absolutely to the heart of the matter: Should these czars, positions never created by Congress or by statute, never confirmed by the Senate, never existing prior to this administration—should these czars have a role that is more significant than Senate-confirmed Cabinet Secretaries or agency heads?

Again, I have very carefully crafted an amendment to go specifically to this point. Let me read it word for word. It is not long.

None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and led by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the "White House Climate Change Czar").

It does not say you cannot implement policies of the President of the United States. Obviously, the President is elected by the people and the President obviously ranks higher than the head of EPA or anyone else. But it does say the head of EPA, a Senate-confirmed position, should not be ranked below some so-called czar, a position never before created by Congress, never confirmed by the Senate, never existing prior to this administration.

I encourage all my colleagues to stand up for the rights and the proper constitutional role of the Senate. We play a vital role, particularly with regard to Presidential appointments because only the Senate has advice and consent powers. I urge my colleagues

to stand up for that constitutional role, to preserve that vital constitutional role, and not to allow so-called White House czars to be an end-run around it and to minimize that role in a significant way.

This is a significant constitutional issue, it is a significant bipartisan issue, and I urge support of my amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the amendment offered by the Senator from Louisiana. Over the past several weeks we have seen issues raised with increasing frequency and volume around the use of the word "czar" by the Obama administration.

I do believe it is unfair to suggest that the White House has a climate czar directing EPA's actions behind the scenes. I do not believe that is true. Effectively, the title "czar," as we all know, does not exist. The current Assistant to the President for Energy and Climate is there to serve as an adviser to the President and to Administrator Jackson on energy and environmental issues. She also coordinates the work of multiple Cabinet level agencies on one of President Obama's key policy priorities—clean energy and jobs that are essential for long-term economic growth.

In a way, this is becoming quite political because it is not unusual for a President to have high-level staff members in the White House who help to coordinate policy issues that touch a number of Federal agencies. We have heard a lot about it. What we do not hear is that President Bush had 47 such advisers for other issues. We Democrats did not make a huge issue about it. So I have a hard time understanding, with all of the concern over climate change and the rapidity with which it is moving, that a Special Assistant to the President who was head of the EPA during the Clinton administration is somebody who is spurious. She is steeped in this. She can give the President good advice. He wants her to be an assistant. So I do not understand quite why she is being picked on.

I still believe the day-to-day work of protecting the environment is very much driven by Administrator Jackson and the EPA staff. I have met with the Administrator. I spoke with her on the phone this morning. I read into the RECORD a letter she wrote yesterday. She is very much hands-on. So I think all of the energy going into these attacks ought to be put into perspective, and that perspective is that the former President of the United States had 47 special assistants. We didn't make a big deal of it. So I do not understand why this one position is now taken and an amendment is there to eliminate it.

I urge a "no" vote on the Vitter amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I want to very briefly rebut some of the arguments of the distinguished Senator from California. First of all, in her last sentence she characterized the amendment as an amendment to eliminate the position. Of course it does not eliminate the position in any way.

She said earlier that Carol Browner does not tell EPA what to do. If that is the case, then this amendment will not have to change anything she does or how she operates and we should all come together to support the amendment to help allay concerns of the public. The amendment does not prohibit her from advising the President. The amendment does not prohibit her from coordinating multiagency meetings. The amendment is very clear, and it simply prohibits her from ordering around the EPA, which has its own Senate-confirmed head.

Again, I underscore the fact that this amendment is very carefully and narrowly written and does not prevent any of the legitimate advisory responsibilities that Senator FEINSTEIN has discussed.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Perhaps I can engage the Senator from Louisiana. Candidly, I do not understand the wording of the amendment. Let me read it. You have read it, and I appreciate that. It does not make sense to me. Here is how it reads.

None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act—

So none of the funds may be obligated for the purpose of departments or agencies funded by this act—and lead—

It says "lead" but led, I think that is a misspelling—

by Senate-confirmed appointees, implementing policies of the Assistant to the President for Energy and Climate Change.

I don't know what that means on its face.

Mr. VITTER. I would be happy to explain through the Chair what it means. The agency I have in mind, which is funded by this act and led by a Senate-confirmed position, is EPA. So it simply means that EPA cannot use any of its funds to implement orders, policies, from Carol Browner—the White House czar's policies. If the President wants to direct them, obviously the President outranks the head of EPA. But a White House czar, in a position not created by Congress, not confirmed by the Senate, never existing prior to this administration, should not be giving orders to a Senate-confirmed Cabinet Member.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, Carol Brown's title is not czar, it is As-

sistant to the President. The President has chosen to appoint an assistant to assist him in evaluating, I assume, various issues pertaining to climate change. It is a complicated subject. She has experience. She has been in government. She has served as head of a department. But the actual policies come over the signature of the Administrator of the EPA.

What you are saying is, essentially, then, the President cannot have any special assistant for the purpose of coordination, asking questions, informing, helping produce—it does not make sense to me. I think on its face it is not clear.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, to wrap up, my amendment says none of that. My amendment does not prevent this climate change czar from informing and assisting the President. My amendment does not prevent her from convening multiagency and multidepartment meetings. My amendment doesn't say any of that and doesn't prevent any of that. It simply prevents her from ordering the EPA, headed by a Senate-confirmed appointee, to do certain things.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. If I may, I would like to respond to that. Let me give an example. The CIA is headed by a Senate-confirmed Director, Leon Panetta. He carries on policies from the National Security Council led by General Jones, a nonconfirmed official. Does the Senator from Louisiana believe that the National Security Adviser to the President should not have any role in intelligence and national security matters? What is sauce for the goose is sauce for the gander.

Mr. VITTER. Through the Chair, my answer is no, I don't believe that. My amendment has nothing to do with that, and, by the way, that position is created by statute.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. If I may, I know the Senator from Missouri is waiting to speak because he has an important meeting to go to. But if I could take 2 minutes, I think the Senator from Louisiana is making a point that concerns not just him but a number of us in the Senate on both sides of the aisle. Maybe the best way to suggest that is this way.

No. 1, the focus should be on the 18 new czars appointed by this President who were not confirmed, never have existed before, and the number of them.

No. 2, it was not the Republican side of the aisle that raised these concerns first. Perhaps this would best express the concern that many of us have. It was offered by Senator BYRD, senior Member of the Senate, the constitutional conscience of the Senate, who in

a letter on February 23 said—this was a letter to President Obama—

The rapid easy accumulation of power by White House staff can threaten the constitutional system of checks and balances. At the worst, White House staff have taken direction and control of problematic areas that are the statutory responsibility of Senate-confirmed officials.

That would be exactly the point in terms of an environment or energy czar and energy or environment Secretary.

As Presidential assistants and advisers,

Senator BYRD goes on to say—

these White House staffers are not accountable for their actions to Congress, to cabinet officials, and to virtually anyone but the President. They rarely testify before Congressional committees—

Et cetera.

Then, Senator COLLINS, on behalf of six Senators, wrote the President a very respectful letter focusing on the 18 new czars who had been appointed by the President simply asking what their authorities and duties are, how they are appointed, whether they are willing to testify, whether they would consult with us. Senator FEINGOLD, the Democratic chairman on the constitution subcommittee, has expressed his concern and indicated he might hold hearings.

I think Senator VITTER is selecting a single example of this unusual number of new czars and raising the question of the constitutional checks and balances that is the same issue that Senator BYRD and Senator FEINGOLD and many of the rest of us raised.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, through the Chair, I thank my colleague from South Dakota, Senator THUNE, for allowing me to speak for a minute. We agreed to do that rather than to offer amendments that I intended to propose to this bill. I want to make sure everybody understands a concern that Senator THUNE, many others, and I have; that is, the U.S. Environmental Protection Agency's potential efforts to push through back-door carbon regulations which they cannot achieve legislatively on the Senate floor.

EPA, over the next several years, may attempt to impose trillions of dollars in new energy taxes that will kill millions of jobs. Of course they will say that is not their intent. They want to control climate. But that will be the impact of regulations they could issue over the next few years to control carbon emissions.

Experts have told us the House-passed Waxman-Markey legislation would kill 2.4 million American jobs and impose new energy taxes on the American people. Even President Obama has previously confirmed that under his plan for carbon emission mandates, electricity prices will "necessarily skyrocket."

"Necessarily skyrocket". Those are the President's words. In the EPW

Committee, I presented information from the Missouri University Food and Agricultural Policy Research Institute which determined that the Waxman-Markey legislation would raise farm production for an average family-run commercial production farmer who grows corn and soybeans by about \$11,000 in 2020 and rising to over \$30,000 by 2050.

In this time of suffering, when so many people are out of work and so many family budgets are stretched thin, I cannot, in good conscience, stand by and remain quiet when there is a potential that such new energy taxes would be imposed on American families, farmers, and workers. It is no wonder the Senate is pausing before we jump off the cliff.

Senators, especially from manufacturing and the coal-dependent heartland where I am from, know how much this bill will punish the Midwest, South, and Great Plains. This spring, EPA began the process to start limiting carbon emissions through regulations, and they will do it through expensive plant-by-plant command-and-control regulations, not a cap-and-trade system.

Some say we could limit this problem by not regulating small emitters. But that is no different than Waxman-Markey, which already exempts small emitters. Thus, similar to Waxman-Markey's national energy tax, regulations that exempt small emitters would still impose a national energy tax and kill millions of jobs. Every family will be hit by higher electricity prices when they go after the large electricity-producing companies.

They will face more money for heating, more money for gasoline, more money for diesel fuel—if you are on the farm—more money for almost everything they buy that is produced with energy, which is just about everything that is not in the IT world, although there will be costs there too.

Businesses will face large increases in backdoor costs put on them by higher prices they must pay, even if they fall below the threshold. These costs, the backdoor impact of these costs, will be felt on families, on workers who can lose their jobs.

That is why I proposed two amendments to prevent EPA from imposing backdoor carbon regulations when they result in lost American jobs or raise costs unacceptably for farmers. I was gratified when the Senate earlier passed a version of my jobs amendment during the budget debate. But the leaders on the majority side stripped the job protection out of the bill, leaving workers vulnerable again.

They again, during this debate, will not allow us to protect workers from job-killing carbon proposals, but we will continue to educate the American people on how much they will suffer under proposed carbon legislation and regulation.

I have to add one last word about my friends and majority colleagues, Senators KERRY and BOXER. There continue to be reports that their bill will not include, in writing, before anybody votes on it, crucial sections on how they would distribute their program carbon allowances.

This, regrettably, would hide, not only from us but from the American people, the true costs of the energy tax they propose to impose.

If my Senator friends from Massachusetts and California believe truly in what they are doing, they should not hide the provisions from us. They should give us the time and the American people the time they need to determine the bill's impact.

With millions of jobs on the line and trillions of dollars in tax increases at stake, the American people deserve no less. I call on my colleagues to stand for the suffering people of America who are burdened already by energy costs and could pay much more. I call on people who may be affected to let their Members of Congress know how they feel.

Nobody is going to put out a mandate saying we cannot encourage them to speak. Nobody, no czar is going to come down and say: You cannot express your opinion. I have expressed mine. I have found a lot of people—almost everybody I talk to who raised the subject in my State of Missouri agrees.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from California.

Mrs. FEINSTEIN. I move to table the Vitter amendment No. 2549. I ask for the yeas and nays.

Mr. President, I withdraw that request.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I wish to speak in support of an amendment that was offered earlier today, actually it was filed, I think it was attempted to be called up by Senator MURKOWSKI. The Democratic majority objected to getting a vote on that amendment, which, I think, suggests they do not want to have a vote on that amendment. Frankly, I can see why.

From what I hear about the whole debate on climate change and cap-and-trade legislation that has passed in the House, it will not be voted on in the Senate this year. The reason it will not be voted on is because there are a lot of people in this Chamber who, I think, do not want to have that vote because they know it is a bad vote for them to make.

Fear not, EPA has come to the rescue of people who want to see a lot of this stuff accomplished but do not want to have to make a tough political vote on it. So what we are now faced with is the Environmental Protection Agency deciding they are going to regulate carbon emissions under the Clean

Air Act and moving forward with the regulations to do that.

The Murkowski amendment would essentially prevent funds from being used to do that. It weighs in favor of having Congress deal with this very complex, very weighty, very consequential, and very costly issue to the American people.

This legislation, as we all know, would increase energy prices, cost us jobs, be unfair to entire regions of the country, mine included, enlarge an already bloated bureaucracy in Washington, DC, and put our Nation at a certain economic disadvantage.

I have been skeptical of that controversial legislation that has passed the House, the cap-and-trade bill over there, for some time, for the reasons I have mentioned.

Additionally, I think it is fair to say there would be very little environmental benefit derived from that legislation, were it enacted, without binding, enforceable commitments by China, by India, and other developing countries that are now significant sources of carbon emissions.

I find it disappointing that in the middle of this important debate the administration wants to use the back door—issuing regulations to cap carbon dioxide under the Clean Air Act because they cannot get a Waxman-Markey type climate bill through the front door.

Instead, the relevant committees of this body and the Senate as a whole should be able to consider whether now is the right time for a new massive energy tax disguised as an EPA regulation.

During the previous administration, the EPA had published an Advanced Notice of Proposed Rulemaking that showed just how impractical it would be to regulate carbon dioxide and other greenhouse gases under the Clean Air Act.

These onerous regulations covered homes, schools, churches, hospitals, small businesses and potentially even small farms with livestock.

Under the Clean Air Act, the primary mechanism for regulating carbon emissions would be a fee placed on each ton of covered pollutant emitted above a certain threshold.

This fee, if applied to carbon emissions, is nothing more than a tax on energy that would have severe consequences as our economy struggles to recover from a long recession.

While the Bush administration regulations never made it past an initial draft, the Obama EPA is moving quickly to finalize an endangerment finding and regulate carbon dioxide emissions.

In April 2009, the EPA issued a draft endangerment finding that linked emissions from motor vehicles to an endangerment of human health.

The comment period has closed on this draft endangerment finding, and

when the EPA issues a final ruling it will trigger an array of regulations under the Clean Air Act.

These command and control regulations will have far reaching consequences for our economy at a time when we can least afford it.

According to media reports, EPA will eventually propose regulations for not just mobile sources, but stationary sources that emit over 25,000 tons of carbon dioxide.

The first round of regulations on stationary sources would cover approximately 13,000 facilities in the United States.

These include powerplants, large manufacturing facilities, refineries, fertilizer manufacturers, and a long list of other facilities that are critical to the health of our economy.

In South Dakota, these regulations would place a tax on powerplants, ethanol refineries, and even our largest public university.

And we need to remember that these companies will pass these new costs on to you and me. Now is an especially bad time to saddle the American people with what is in effect a gigantic new energy tax that would cause electricity, gasoline, and home heating costs to skyrocket.

Additionally, pending the outcome of the final endangerment finding, the EPA might be legally bound to regulate all sources that emit over 250 tons of carbon dioxide.

If this statutory threshold of the Clean Air Act is enforced, over 1 million carbon-emitting entities would be faced with a new tax, including commercial buildings, churches, homes, schools, restaurants, and manufacturing facilities both big and small.

Regulation of carbon dioxide is far too important for EPA and the administration to craft expensive, cumbersome, top-down regulations under the Clean Air Act.

Republicans in the Senate know this, Democrats in the Senate know this, the EPA knows this and the White House knows this.

Last year, Congressman JOHN DINGELL said that EPA greenhouse gas regulations would lead to “a glorious mess.” He continued by stating that “As a matter of national policy, it seems . . . insane that we would be talking about leaving this kind of judgment, which everybody tells us has to be addressed with great immediacy, to a long and complex process of regulatory action.”

Congressman DINGELL said it best when he concluded that carbon regulation under EPA had “the potential for shutting down or slowing down virtually all industry and all economic activity and growth.”

According to an OMB memo associated with EPA’s endangerment finding, “Making the decision to regulate CO<sub>2</sub> under the [Clean Air Act] for the first

time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities.”

Representative COLLIN PETERSON, chairman of the House Agriculture Committee, noted in a recent op-ed that EPA regulations of greenhouse gas emissions would result “in one of the largest and most bureaucratic nightmares that the U.S. economy and Americans have ever seen.”

Senator MURKOWSKI and I have filed an amendment to the fiscal year 2010 Interior and Environment appropriations bill that would prohibit the EPA from moving forward with regulations on carbon dioxide emitted from stationary sources for 1 year.

This amendment is not intended to impact the recent announcement from EPA and the Department of Transportation regarding new tailpipe emission requirements for new cars and light trucks.

Additionally, this amendment is not intended to impact the regulation of other greenhouse gasses, such as hydrofluorocarbons, which are also included in the proposed endangerment finding.

This amendment would simply delay the expensive, top-down regulation of carbon emissions from thousands if not 1 million stationary sources in the United States.

For those Senators who wish to regulate carbon emissions through a cap-and-trade system, I encourage you to support this amendment as well. You should be supporting this amendment.

This amendment is not about whether carbon dioxide emissions should be regulated or whether the Federal Government should take any action to reduce carbon emissions. Rather, this amendment is about the process of regulating carbon dioxide emissions.

Should regulations as far reaching and expensive as taxing carbon dioxide be determined by EPA bureaucrats behind closed doors? Or should carbon regulations be openly debated on the floor of the U.S. Senate?

The Murkowski amendment gives the Senate a clear choice.

Constituents, through their elected representatives, should have a voice in that debate. If carbon dioxide regulations moved through the EPA unchanged, the American people would be deprived of their opportunity to be heard on this very important subject. Meanwhile the cost of gasoline, food, and manufactured goods will skyrocket. I urge colleagues on both sides to acknowledge the extremely dangerous consequences of allowing the administration to unilaterally regulate carbon dioxide under the Clean Air Act. I understand the Murkowski amendment will not be allowed to be voted on. I believe the regulations that amendment addresses should be delayed until Congress has the opportunity to debate the consequences. I



will continue to work with Senator MURKOWSKI and other colleagues, families, and small business, to make them aware of what the EPA intends to do by regulation.

In addition to speaking on the Murkowski amendment, as I have filed an amendment which is similar, I ask unanimous consent to call up my amendment and ask that it be made pending.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Let me briefly speak to the amendment because it simply addresses this subject in a slightly different way. It is clear the majority does not want to have a vote on either the Murkowski amendment or my amendment because they get at the fundamental issue which is whether we are going to have a debate in Congress about regulating CO<sub>2</sub> emissions or whether we will allow an administrative agency, the EPA, to do that for us. I understand my amendment, which has now been objected to, will not have a vote. We know where the votes are on this. But like the Murkowski amendment, what my amendment is designed to do is to shed daylight on harmful regulations that are taking shape behind the closed doors of the EPA. My amendment is designed to give our constituents a greater say in climate change regulations.

The amendment is also designed to force the EPA to consider the dramatic impact these new Clean Air Act regulations on carbon dioxide will have on electricity and gasoline prices. If these regulations move forward, I am concerned that many families, especially those who rely on coal-generated electricity, will see skyrocketing electricity bills. I am also concerned for families and truckdrivers who could see gasoline and diesel prices go up. EPA regulation of CO<sub>2</sub> would amount to a tax on millions of working-class families.

During debate on the climate change bill, proponents of cap and trade claimed that lower income families will be made whole by giving local distribution companies free allowances to meet the new carbon regulations. Aside from whether this mechanism would actually limit the impact on working families, it is clear such a safeguard is simply not possible under the Clean Air Act. Carbon regulations under the Clean Air Act would effectively be a huge new tax on electricity and gasoline prices paid by families and small businesses.

Additionally, new taxes under the Clean Air Act would apply to oil and ethanol refineries. In South Dakota, we produce approximately a billion gallons annually of ethanol. If the EPA moves forward with carbon caps under

the Clean Air Act, 12 ethanol plants in South Dakota will be subject to this new tax. Additionally, we have a large soybean processing facility hoping to soon produce biodiesel that would also be covered. Not only will these costs be passed on to consumers in the form of higher prices at the pump, but the new regulations will be a major setback to renewable fuel production. In the end, the energy security benefits of domestic renewable fuel production will be negatively impacted by these new regulations.

My amendment 2540 asks EPA to consider the costs and the adverse impacts these regulations will have on the economy before moving forward with an endangerment finding.

It is clear that neither the Murkowski amendment nor mine will be voted on. This issue is not going away. The EPA is moving forward. The House has acted on this issue. The Senate doesn't want to take the hard votes on this so they have punted it to the EPA. The EPA is now moving forward by regulation to do what Congress doesn't have the courage or the will to do, and that is to have a debate about the relative costs and, perhaps, benefits of climate change legislation. It is wrong for us to allow the bureaucracy at the EPA to move forward with these regulations that could be so harmful to our economy, so harmful to jobs, so disastrous when it comes to the energy prices paid by families and small businesses.

This issue will be back. Senator MURKOWSKI will bring it back. I will bring it back. Others of my colleagues who care about the impact of this particular regulation on small businesses and families will be back to debate the issue even though the Democratic majority will not allow us to get a vote today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mrs. FEINSTEIN. Mr. President, I know the Senator from Louisiana wishes to speak in morning business, which is fine. I wonder if I could make one brief announcement. Members are interested in bringing this bill to a conclusion. There are a number of amendments that were listed in the consent order. I ask that Members come to the floor to call up their amendments shortly. Senator COBURN has a number, Senator REID, Senator COLLINS. Senator ENSIGN has a motion to recommit. If these Members could come to the floor and call up their amendments, it would be appreciated. We would be able to, hopefully, conclude the bill.

Mrs. BOXER. Will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mrs. BOXER. I am here to make a few comments addressing the points raised by Senator THUNE and Senator MURKOWSKI. They were going to offer an amendment.

Mrs. FEINSTEIN. The Senator has an hour.

Mrs. BOXER. I won't be taking that. At what point would the Senator like me to use the time?

Mrs. FEINSTEIN. I think directly following Senator LANDRIEU.

Mrs. BOXER. That is fine. And how long is Senator LANDRIEU speaking?

Ms. LANDRIEU. Ten minutes.

Mrs. BOXER. I ask unanimous consent that I be recognized following Senator LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I appreciate the leadership of the Senators from California and Tennessee, trying to move this important appropriations bill through the process. As we heard this morning, there are lots of important issues pending. I came to speak for a few minutes not about a pending amendment but about an issue bubbling up and brewing in a fairly significant way that we will have to address sometime soon, not necessarily on this bill today, not necessarily through an amendment process to the Interior appropriations, but a program that is in the Interior appropriations bill that is screaming for attention. That is the program having to do with the management of wild horses. It is not a major issue in all 50 States, but it is a big issue to a handful of western States and of interest to several of us in this body.

Let me thank Senator FEINSTEIN and her staff for the leadership they are providing in helping us shape policy. She has been extremely attentive over the last several months. I thank her. I acknowledge the interest of former Senator Salazar, now Secretary of Interior, and his top leadership. They have a tremendous amount of issues before them, issues that will take a lot of their time. For them to make this a priority because some of us have asked them to, I acknowledge that and thank them, all the assistant secretaries and staff from the Interior Department who are working on this.

There are two aspects to this important issue. One involves the fiscal element which taxpayers are alarmed about. The wild horse program, because of its mismanagement and poor, old-fashioned way of operating, is chewing up or taking up about three-quarters of the budget of the Bureau of Land Management. From a fiscal perspective and a financial management perspective, it is crying out for reform.

On the other hand, there is the view of the inhumaneness of some of the practices going on that also cries out for attention. I come to speak briefly about both.

As to the big picture, at the turn of the century, we had about a million wild horses in the territory of the United States. It is sad, from the perspective of most people, that we are



now down to 66,000 wild horses and burros basically forced, through policies developed in the 1970s, to stay in relatively small places, grouped in a few States, most notably the States of Nevada, Wyoming, and California, and a few other western States. We also are down to a few herds of horses. The reason I believe this is important not only to western States or ranchers or landowners or humane societies and others is because for the American people generally, the idea of wild spaces with wild horses is something that is part of our heritage. We want to make sure that heritage is not lost, that we are being responsible in terms of the way the land is being used for multiple purposes and, from the perspective of horse advocates, that the horses themselves are being treated well.

None of that is now being done in the way that most people would appreciate or would be satisfied with. There have been any number of studies I will submit for the record. Most recently, the Congressional Research Service, as well as the Government Accounting Office, suggested major changes to the program. I am going to go through a few possible options. One is the creation of several public/private sanctuaries. This has been suggested by a few fairly high-profile individuals. The idea has merit. We are working with a variety of groups, along with the Department, to think about the possibility of creating public/private partnerships, large sanctuaries, maybe 500,000 or a million acres, where thousands of wild horses could not only roam freely in a healthy way but could potentially become ecotourist opportunities for some of the States and communities, as it would be an attraction that could potentially make money and attract people to some of the western areas or, for that matter, rural areas in other parts of the country.

There is the possibility of making some smart investments to step up some of the adoption programs that might work. There are any number of scientific and new technologies that can be brought to bear in terms of breed management, reproductive issues that could help us to get a much more cost-effective, sane, and humane approach to this problem.

I wanted to let the managers of this legislation know that while we will not have an amendment at this time on the Interior bill, I am looking forward to working with members of the Energy Committee who have jurisdiction over this matter to review in detail a bill that has come over from the House, the ROAM Act, by the chairman of that subcommittee, whom I commend for taking the committee's time, Congressman RAHALL, who sent the bill over here to the Senate. As we begin to discuss the ways that bill could potentially be modified, working with the Department of Interior to find a long-

term solution, one that is cost effective, one that is humane, and one that honors the great history of wild horses, not just pleasant to look at but helped us to settle the West, helped us to open transport and commerce for the Nation, have carried us into war, into battle, helped to feed and clothe this Nation in our history, needs a bit more attention than what they are getting right now.

In conclusion, there was a disturbing roundup conducted not too long ago—just a few weeks ago—and I thank the advocates who brought this to my attention and commit to them to continue to work until we find a better way forward; again, a way that is good for the wild horses, that honors our heritage but is also very respectful of these Western lands and the ranchers who have multiple uses of this property.

I am certain in the Nation God has bequeathed to us we can find enough space for everyone if we keep an open mind. I know the Senator from Tennessee would agree with that; that if we work hard enough, we can find some common ground solutions to this issue.

I thank the Chair and yield the time. I understand my colleague from California is here to speak on a different issue.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, thank you very much.

I am on the floor, along with Senator WHITEHOUSE—there may be some others—to respond to the remarks made by Senators MURKOWSKI and THUNE regarding an amendment they very much wanted to put before this body. That amendment, simply stated, would stop the Environmental Protection Agency from enforcing the Clean Air Act as it relates to the pollutant carbon.

Some of the things they said are so reminiscent of what was said before the Clean Air Act passed, that: Oh, this is going to be a terrible thing for our people; and the same thing that was said when the Clean Water Act was passed: Oh, this is going to be a burden on business. I have to say to this body, the day we turn our back on these landmark environmental laws is the day the health of our people will suffer. We do not want that to happen.

I wish to be clear, I know this amendment will come back again and again. I know there will be attacks on the Clean Air Act and the Clean Water Act. That is an attack on our families. It is particularly an attack on our children and on our vulnerable senior citizens and our citizens who may have disabilities and who are ill. I will fight it with every ounce of my strength every time it rears its ugly head in this Chamber.

The interesting thing is, most of these environmental laws started with a Republican President named Richard Nixon. What happened to the days

when environmental laws were supported on both sides? Those days appear to be gone.

What I would like to do is—I am going to yield up to 20 minutes to the Senator from Rhode Island. He is so eloquent on this point. Before I do, I wish to place some letters in the RECORD.

One letter is from the Environmental Protection Agency, saying they would have a very difficult time making sure the air was clean if that Murkowski amendment had been offered and passed and become law.

Interestingly, we have a letter from the Alliance of Automobile Manufacturers, also opposing that Murkowski amendment.

We have two more letters to put in the RECORD—and this just happened in 24 hours—one from a coalition made up of the Alliance for Climate Protection, Center for American Progress Action Fund, Center for Auto Safety, Center for Biological Diversity, the Clean Air Task Force, Clean Water Action, the Defenders of Wildlife, Environment America, the Environmental Defense Fund, League of Women Voters of the United States, National Audubon Society, the Natural Resources Defense Council, Oceana, the Sierra Club, Southern Alliance for Clean Energy, Southern Environmental Law Center, and Union of Concerned Scientists—all saying they oppose this amendment, which concerns not enforcing the Clean Air Act as it relates to carbon dioxide.

Lastly, we have a very well put together letter by the National Wildlife Federation, in which they quote a poll that says 75 percent of Americans believe our government should, in fact, regulate global warming pollution, which, of course, is mostly carbon.

Mr. President, I ask unanimous consent those letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY.

Washington, DC, September 23, 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter about Senator Lisa Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As you noted in your letter, Senator Murkowski's amendment would prohibit the Environmental Protection Agency from using any funds made available under the Act to take any action that would have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

You asked me what the practical impact would be if Congress enacted Senator Murkowski's amendment. Perhaps the most striking impact would be to make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the

agency proposed on September 15, 2009. Because of the way the Clean Air Act is written, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator Murkowski's amendment would be to not promulgate the light-duty vehicle standards.

As you know, promulgation of EPA's light-duty vehicle greenhouse-gas emissions standards is an essential part of the historic agreement that President Obama announced earlier this year with the nation's auto-makers, the State of California, the Department of Transportation, and EPA. That agreement attracted broad, bi-partisan support. The joint DOT-EPA standards are projected to save 1.8 billion barrels of oil over the life of the program, which is twice the amount of oil (crude oil and products) imported in 2008 from the Persian Gulf countries, according to the Department of Energy's Energy Information Administration Office. Additionally, the standards are projected to help save consumers more than \$3,000 over the lifetime of a model year 2016 vehicle and reduce approximately 900 million metric tons of greenhouse gas emissions. Enactment of Senator Murkowski's amendment would pull the plug on those extraordinary accomplishments.

Sincerely,

LISA P. JACKSON.

SEPTEMBER 24, 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing regarding Senator Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As manufacturers, we are sympathetic to the thrust of Senator Murkowski's amendment that the Congress—and not simply EPA acting under the provisions of the current Clean Air Act—should determine how best to reduce U.S. greenhouse gas emissions economy-wide.

However, the amendment raises additional issues that must be considered where complicated and interconnected environmental and legal issues are at stake. We are concerned that due to the complex interactions among regulations under the various sections of the Clean Air Act, the amendment may impact significantly pending regulations in the mobile source sector—despite language in the amendment that would appear to leave the sector unaffected. In a letter to Senator Feinstein dated September 23, Administrator Jackson stated EPA's interpretation that the Murkowski amendment as filed would "make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009."

While the author of the amendment appears not to intend this outcome, we feel compelled to express our concerns. It is critical that the national program for regulating greenhouse gas emissions from autos be finalized early next year. Failure to do so would subject automakers to a patchwork of conflicting state and federal regulations.

Therefore, we respectfully oppose the adoption of the Murkowski amendment as written to H.R. 2996.

Sincerely,

DAVE MCCURDY,  
President & CEO, Alliance of Automobile Manufacturers.

MICHAEL STANTON,  
President & CEO, Association of International Automobile Manufacturers.

SEPTEMBER 24, 2009.

DEAR SENATOR: We are writing in opposition to Senator Murkowski's revised appropriations amendment (No. 2350) to the FY 2010 Interior Appropriations bill, H.R. 2996, which concerns carbon dioxide pollution and the Clean Air Act.

The filed amendment's spending limitation would go well beyond blocking the Environmental Protection Agency (EPA) from curbing carbon dioxide pollution from power plants, refineries, and other big "stationary sources." It also would block EPA from implementing the Supreme Court's landmark decision in *Massachusetts v. EPA* by curbing carbon pollution from cars and trucks. If this amendment passes, EPA could not issue the historic consensus standards that the President announced in May with the support of the auto makers, the UAW, states, and the environmental community. Here is why:

The first sentence of the amendment says: "No action taken by the Environmental Protection Agency using funds made available under this Act shall have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act . . . for any source other than a mobile source. . . ." This is a reference to Section 169 of the Act, which says that every new or modified major stationary source needs to install best available control technology (BACT), considering costs, for each pollutant "subject to regulation under this chapter," i.e., under the Clean Air Act.

When EPA issues final vehicle carbon dioxide standards under Section 202 of the Act as planned next March, carbon dioxide will automatically become a pollutant "subject to regulation" under Section 169. From that point on, new or modified major stationary sources will need to install BACT for carbon dioxide, just as they currently do for other dangerous pollutants. This is automatic; there is no way around it without blocking the vehicle rules. Since the Murkowski amendment would bar any action that has the effect of making carbon dioxide "subject to regulation" under Section 169, EPA would be barred from issuing the vehicle standards.

This is why EPA Administrator Lisa Jackson said yesterday that the amendment would be "a death knell to the historic agreement between the President and automakers to increase gas mileage and reduce emissions from cars and trucks."

Congress should not take any action that would undo the progress already made on carbon pollution from motor vehicles.

Later paragraphs of the revised amendment attempt to limit other collateral damage done by the amendment. But those provisions cannot overcome the effect of the amendment's first sentence.

We believe common ground can be found to ensure that the Clean Air Act's stationary source requirements apply only to power plants and other big sources, not smaller sources, and to incorporate this approach in comprehensive energy and climate legislation. But it cannot be accomplished through this rider.

The Murkowski amendment would only move us farther from, not closer to, a bipartisan consensus on comprehensive clean energy and climate legislation that the Senator says she seeks. We strongly urge you to

oppose Senator Murkowski's amendment as well as any other amendments to the Interior Appropriations bill that would delay America's progress toward a clean energy economy that would create jobs, increase America's energy security, and cut pollution.

Alliance for Climate Protection, Center for American Progress Action Fund, Center for Auto Safety, Center for Biological Diversity, Clean Air Task Force, Clean Water Action, Defenders of Wildlife, Environment America, Environmental Defense Fund, League of Women Voters of the United States, National Audubon Society, Natural Resources Defense Council, Oceana, Sierra Club, Southern Alliance for Clean Energy, Southern Environmental Law Center, Union of Concerned Scientists.

NATIONAL WILDLIFE FEDERATION,  
NATIONAL ADVOCACY CENTER,  
Washington DC, September 24, 2009.

DEAR SENATOR: National Wildlife Federation asks you to oppose Amendment 2530, sponsored by Sen. Murkowski, on HR 2996 (the Fiscal Year 2010 Interior and Environment appropriations bill).

America and the world are poised to take long overdue action to reduce global warming pollution. As President Obama said this week in a climate address to the United Nations, there are "no excuses for inaction. . . we don't have much time left." At this historic juncture, Senators should not hit the "snooze button" to delay enforcement of the Clean Air Act and extend the government's long nap on global warming. Year after year, Congress has debated whether or not to act on global warming, but little has been done. Over the past two decades, as the impacts of warming became increasingly severe and the scientific warnings increasingly urgent, U.S. emissions of global warming pollution increased 17%.

National Wildlife Federation, which represents over four million members and supporters, and Americans across the nation strongly and overwhelmingly support action by the Environmental Protection Agency. A recent Washington Post poll found that 75% of Americans believe the government should regulate global warming pollution from power plants and factories.

Amendment 2530 has been revised from earlier drafts and now has a fatal flaw that would extend the amendment's damage beyond what is intended, undoing the recent progress made by automakers, environmental groups and the Obama administration to reach agreement on reducing vehicle emissions. The regulation of a pollutant under the Clean Air Act for vehicles automatically triggers regulation of stationary sources. By blocking action on stationary sources, the amendment would block the Environmental Protection Agency from implementing the new vehicle tailpipe standards as well.

The Clean Air Act has a strong and proven track record of cleaning the air we breathe while allowing our economy to prosper. The Supreme Court has spoken clearly on the government's neglected responsibility to address global warming under the Clean Air Act. And the Environmental Protection Agency is already taking commonsense steps to meet the requirements of the Clean Air Act, focusing on the biggest corporate polluters and limiting the reach of any new regulations.

We appreciate Sen. Murkowski's commitment to advance global warming legislation

in Congress, and look forward to pursuing that common effort with her and other Senators this year. But we strongly oppose this amendment.

Please support action on global warming and vote "no" on Murkowski Amendment 2530.

Sincerely,

LARRY J. SCHWEIGER,  
*President and CEO.*

Mrs. BOXER. So here we had a situation where I am very pleased the rules of this Senate did not allow this very dangerous amendment to be brought before the body. We would have talked about it for days because, before I would allow a vote on that, I would want to make sure every single Senator understood it is a repeal of the Clean Air Act through the backdoor, even after the Bush Supreme Court said the Clean Air Act covers carbon and greenhouse gases.

With that, Mr. President, I yield 20 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, first, let me thank my distinguished Environment and Public Works Committee chairman, Senator BOXER, for her passionate defense of this statute, which has improved the quality of life and the quality of our air for a generation now of Americans against this assault. I appreciate that she has given me a few moments to discuss the amendment the Senator from Alaska wanted to offer. I know it was not offered, but, nevertheless, I feel we need to respond, given the message that amendment sends to this body, to the Nation, and to the world regarding America's position on the need to curb global warming and our move toward a clean energy economy.

This amendment would have tied the hands of the Environmental Protection Agency at the very time we need its help to protect the American public from the dangers of climate change—dangers to America's public health, to our national security, and to our economy.

A little history is in order here.

In 2007, the U.S. Supreme Court overrode the Bush administration and ruled, in a case called *Massachusetts v. EPA*, that the Clean Air Act requires the Environmental Protection Agency to regulate greenhouse gas emissions as pollutants, if the Agency determined that greenhouse gases posed a danger to public health, and the Court further obliged the EPA to go ahead and make that determination, yes or no.

The Bush administration, of course, did everything in its power to avoid the duty ordered by the Supreme Court, and it was only this April that the EPA, under Administrator Jackson, finally issued its proposed endangerment finding. The finding, unsurprisingly, acknowledged what every reasonable scientist—in fact, every reasonable

person—has known for years: That carbon dioxide and other so-called greenhouse gas emissions cause our planet's atmosphere to warm and pose a threat to the public health.

The conclusion that these gases should be regulated under the Clean Air Act logically and inevitably followed, as required by law, from the determination that these pollutants threaten public health. Thankfully, this administration has already begun this important work. Senator MURKOWSKI's amendment would have required EPA to take what is called a timeout while Congress crafted a legislative solution to global warming. Unfortunately, time is not on our side as we race to protect our planet from the effects of carbon pollution.

Just yesterday, our President spoke before the United Nations about the challenges to all nations from unchecked global climate change and the opportunities we have to revive the world economy through the advancement of clean energy and clean energy jobs. The world community needs the United States to be a leader in this effort, and the world is watching our actions closely.

President Obama pledged that our steps so far—investments in alternative energy, efficiency measures, tougher fuel standards—and our steps to come "represent an historic recognition on behalf of the American people and their government." He said:

We understand the gravity of the climate threat. We are determined to act. And we will meet our responsibility to future generations.

Forcing the EPA to take a timeout now would have sent exactly the opposite message; would tell the world we do not truly care about climate change; that we are not ready to step up, let alone lead; would say we would prefer to leave a polluted world to our children and grandchildren, a world far worse off than the world our parents and grandparents left to us. Any timeout now would have damaged our international progress and our leadership.

Moreover, a timeout of the sort proposed in the Murkowski amendment would have hurt our legislative efforts. Supporters of the timeout idea profess to want a legislative solution to address climate change. Well, maybe. But doing so would have set back that very goal.

To the extent some of the big polluters are working with us in this legislative process, it is because they feel the hot breath of the future on their necks, and they know they had better participate or be left to their fate. Give them an artificial reprieve from those consequences—real consequences of science, of fact, of law, and of nature—and their motivations would change. Delay would become their friend, indeed their purpose, because of the artificial, false status quo that a timeout would create for them.

Let me tell you how these polluters affect Rhode Island, my home.

Let's start back in 1972, when EPA authorized the use of tall smokestacks instead of emissions limits. By the mid-1970s, four different circuit courts of appeal had ruled that the Clean Air Act required real emissions controls and not just increased stack heights. A tall smokestack only curbs local emissions, but it spreads the poisons widely.

In 1977, Congress enacted section 123 of the Clean Air Act, which barred the construction of smokestacks taller than called for by good engineering practice. Notwithstanding, Midwestern powerplants continued to increase the height of their stacks. The average smokestack height increased from 200 feet tall in 1956 to over 500 feet tall in 1978. In 1970, there were two smokestacks in the United States taller than 500 feet. By 1985, 180 smokestacks stood taller than 500 feet. Twenty-three of these were over 1,000 feet. Once you get over 1,000 feet tall, you actually have to put that smokestack on the aviation safety maps because it becomes a hazard to aviation. Local interests, of course, were happy because less of the smokestack-emitted poisons fell locally and more were spread abroad.

What did this mean for downwind States, such as my State of Rhode Island? Well, all other things being equal, the taller the stack, the farther the poisons travel. According to a 2001 report by the Clean Air Act Task Force entitled "Power to Kill: Death and Disease from Power Plants Charged with Violating the Clean Air Act," pollution spewed from just 51 plants has shortened the lives of as many as 9,000 people nationwide annually, including about 1,500 to 2,100 people in our downwind States such as Rhode Island.

These plants have also caused tens of thousands of asthma attacks each year and hundreds just in Rhode Island. This is just from 51 plants. Physicians for Social Responsibility has estimated that all coal plants in the United States together cause about 23,600 premature deaths and 554,000 asthma attacks each year.

The Centers for Disease Control tells us that between 1980 and 1995 the incidence of childhood asthma increased over 100 percent—the increase of childhood asthma more than doubled—from 3.6 percent to 7.5 percent of all children.

By 2005, nearly 9 percent of all children were reported to have asthma. In African-American children, the rate soared to 19.2 percent—nearly one in five African-American children.

Massachusetts, Maryland, and my State of Rhode Island—all downwind States—were among the five States with the highest incidence of asthma. The Rhode Island Lung Association estimates that 15,000 children—15,000

children in my State of less than 1 million population—have asthma. Nationally, every year more than 40 kids 4 years old and under will die from asthma. Another 115 kids 5 to 15 years old will die, and nearly 400 more age 15 to 34 will die every year. This is what upwind polluters have helped cause.

When I was attorney general for the State of Rhode Island, I joined EPA's lawsuit against American Electric Power for its illegal modification of 16 plants. In 2008, the utility company settled the lawsuit by installing billions of dollars of pollution-control equipment which slashed NO<sub>x</sub> and SO<sub>2</sub> emissions by 813,000 tons each year—813,000 tons of pollution each year. American Electric Power also paid a \$15 million penalty, nearly five times what ExxonMobil has paid so far for the Exxon Valdez oil spill in 1990, and it invested another \$60 million in environmental mitigation projects. So don't tell me things can't be done.

But in Rhode Island, the danger continues, and still every summer in Rhode Island the morning radio announces several days that are unsafe air days, when infants and seniors and people with breathing difficulties are told they should stay home, that they should stay indoors because the summer air in Rhode Island is not safe, and one of the prime reasons it isn't safe is because we are downwind. So don't expect a lot of sympathy from me for these polluters, with their belching smokestacks, that want a free pass to endanger the public, timeout or not.

Here is a little description of how tall some of these stacks go. The tallest building is Willis Tower in Chicago. A lot of its radio towers are on the top, but it is still a heck of a big building. The Empire State Building is 1,250 feet. The Washington Monument is 555 feet. The Statue of Liberty is 305 feet. In Marshall, WV, there is a smokestack 1,204 feet tall. In Rockport, IN, there is a smokestack 1,038 feet tall. In Jefferson, OH, there is a smokestack exactly 1,000 feet tall. I don't know whether that has to go on the aviation safety maps. That is just at the boundary. What these things do is they solve the local problem of pollution by pushing the poisons so far up into the atmosphere that they don't fall in West Virginia, in Indiana, and in Ohio, but they move elsewhere and they land often in Rhode Island, and we face the health consequences every day. So if anybody is looking for a sympathetic ear for these powerplants, they have come to the wrong place if they have come to Rhode Island.

Today, we are facing perhaps the greatest environmental threat of our time: Global climate change triggered by increased concentrations of carbon dioxide in our atmosphere. We have supersaturated the atmosphere with carbon dioxide, and it is having an effect. Coal-fired powerplants share

much of the blame. Forty percent of all carbon dioxide emissions come from coal powerplants. And the polluters will fight—they are fighting—any effort to control their carbon dioxide emissions. The polluter opponents of climate change who are resisting our change to a clean energy economy are strong and wealthy, and they will stop at nothing. We have even recently seen forged letters to Congress opposing climate change legislation in the names of groups that never authorized the letters.

Just like the polluters fought the Clean Air Act in the past, just like the polluters built taller stacks rather than making what comes out of the stacks cleaner, just like the polluters manipulated their flunkies in the Bush administration, today the polluters wanted a timeout. They may say they support a legislative solution to climate change, but if they could fool us so that we defunded and stopped and weakened all of the other available tools for pollution control, that would not help in passing a climate bill. That would give those polluters every incentive in the world to defect, to delay, and ultimately to defeat our efforts to move this country toward a clean energy economy, to stop subsidizing their pollution of our air, and our efforts to start solving this great problem of our day. To protect ourselves, we have to keep all of our tools available, all options for curbing greenhouse gas emissions working to protect us.

I thank the chairman very much for yielding me this time, and I look forward to working with her as we continue to find ways to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank the Senator from Rhode Island. He gets us to where we need to be, which is focusing on what happens to our people when we walk away from protecting them from pollution.

I know Senator BROWN is in the chair. I wanted to share with him the fact that he knows well that after the Cuyahoga River caught fire in Ohio in 1969 and many of our lakes and rivers appeared to be more like sewers, the committee, which I now chair so proudly and on which Senator WHITEHOUSE sits, responded by enacting the Clean Water Act. That was 1972. I don't know if Senator BROWN was born yet. The fact is, that incident of a river catching fire really caught the attention of the people of this Nation. Whether it was our water or our air or endangered species, we decided to take control of our communities, of our health, of our environment.

There is a lot about America that makes us proud. There is a lot about America that makes us great. I believe one of our values is caring about the

health of our families. I thought Senator WHITEHOUSE was very clear that we are not just debating a regulation on page 4 or 5 or 20 or 50. We are talking about the ability of our kids to breathe the air. We are talking about the ability of this planet to survive without the ravages of global warming, which the Bush administration's CDC told us would have unbelievable effects on the health and safety of our people.

The laws we passed are the landmark laws. So therefore I just want to be put on record, along with Senator WHITEHOUSE, that if this amendment that wasn't offered today comes back in any other form, we are going to have to open up the debate pretty wide—pretty wide—because a repeal of an environmental law can't be done on an appropriations bill. In essence, when you don't enforce a law—that is what the Murkowski amendment would have done—when you don't enforce it, it is the same as not really having it. But you don't have to look in the eyes of your constituents and say: Oh, by the way, today I repealed the Clean Air Act. What you say instead is: Today I fought to have a pause—no enforcement. Well, let me tell my colleagues, when that child gets asthma, she is not going to ask her mom: Did I get asthma because there was a pause in the Clean Air Act or because they repealed the Clean Air Act? That child will get asthma. I swear to my colleagues that I am not going to let more kids get asthma, not on my watch. It is wrong. It is wrong.

Here is the great news. The great news is, if we decide to be the leader in this clean energy revolution, we will see our people get healthy. We will see millions of jobs created. We will move off of these dirty energy sources. We will create American jobs, 21st-century jobs, building wind turbines, installing solar panels, producing a new fleet of electric cars, hybrid vehicles. We see it in Ohio already where they are building solar panels. This is the one area of growth.

We are having a tough time in our State—people laid off, terribly high unemployment rate. The stimulus is helping us. We are getting some jobs back, but we are suffering. The one area of growth, I say to the Chair, 125,000 new green jobs that can't be taken away. You can't take a job of putting a solar rooftop on a home in Los Angeles or Riverside or San Bernardino or San Diego or Akron, OH—you can't have that person in China putting on a solar rooftop. They have to be here. These are good jobs. That is what we ought to be doing, not repealing the laws that protect the health of our citizens but trying to figure out a way to work together to have a bill that will create these new clean energy jobs, that will protect our kids from carbon pollution, and that will make sure the ravages of global warming won't occur.

At the end of the day, our competitiveness depends on how we face this challenge. I believe Thomas Friedman got it right. If you haven't read his book "Hot, Flat, and Crowded," I think you should read it because he is so eloquent on the point. He is not on the defense on this, he is on the offense. He says that if we don't grab this mantle of leadership on clean energy, then other countries will grab it and they will create the technologies, they will create the jobs, and we will fall behind.

America is a leader. We are not a follower. We will have many more opportunities to debate this in the future, but, my goodness, if we are facing legislation that does not move us forward but takes us back to before Richard Nixon was President by not enforcing the Clean Air Act—I have heard of the party of no, but this is the party of yesterday if those are the kinds of amendments we are going to face, dangerous amendments that will hurt the health of our children.

So I wanted to make sure that America takes control of its energy future and that it doesn't cower in the corner and repeal laws that protect our citizens, landmark laws such as the Clean Air Act. I am so glad that today we avoided having to have this long debate. I am glad this amendment was disallowed because it doesn't belong on an appropriations bill. It is a repeal of the Clean Air Act. Let's face it, you don't do that in 15 minutes on the floor of the Senate and call it a timeout. Call it whatever you want, but when you tell an agency: Don't enforce the law that protects the health of our children and our families, that is a repeal through the back door.

So I thank you very much for the time. I know I have additional time. I will not be using it. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, in just a few minutes, the Senator from Maine will have the floor. Senator FEINSTEIN has asked those Senators who have amendments which are part of the unanimous consent agreement to come on over and call them up. I think Senator COBURN is probably coming following Senator COLLINS from Maine.

I listened carefully to Senator WHITEHOUSE and to the distinguished chairman of the Environment and Public Works Committee. I wish to make an observation, if I may, which will take only 3 or 4 minutes, not to prolong the debate.

First, what Senator THUNE and Senator MURKOWSKI were saying is that the question of climate change is so important that we in the Congress ought to deal with it, not the Environmental Protection Agency. That is the point of the amendment.

Second, I am one Senator who believes we need to deal with climate

change and who believes humans are contributing to it, and we need to stop stuffing so much carbon into the atmosphere. But while my friends on the other side often speak in great rhetorical flourishes about the inconvenient problem of climate change that my friend and fellow Tennessean Al Gore talks about, they are conspicuously silent about the inconvenient solution, which is nuclear power.

Even the President of the United States went to New York this week and made an entire speech talking about our commitment to climate change and lecturing the developing countries of the world about climate change when they are ahead of us on nuclear power and the President, in his entire remarks, didn't mention it once. I simply think that ought to be noted in the midst of this debate.

The largest contributors to carbon in the air are China, the United States, Russia, India, and Japan. There are 44 nuclear reactors under construction this minute, almost all of them in Asia. China has 4 reactors under construction and has announced plans for 130 more reactors. Why? Because nuclear power is carbon free. The United States hasn't built a new nuclear plant in 30 years. Russia intends to build 2 reactors a year in order to replace the 30 percent of electricity they get from natural gas so they can sell that gas to Europe at a big profit.

Japan is building two nuclear reactors a year. They derive 36 percent of their electricity from nuclear. South Korea gets nearly 40 percent of its electricity from nuclear, and they are planning 8 more reactors by 2015. India is developing thorium reactors instead of uranium. France is 80 percent nuclear and is selling electricity to Germany, which is the only major European country still renouncing nuclear power. And here we sit worried about climate change, having 104 reactors that we built before 30 years ago, which produce 20 percent of our electricity, but 70 percent of our carbon-free electricity, and the President goes to New York and doesn't say one word about nuclear power. He wants to build 186 50-story wind turbines, which will operate about a third at a time, and not at all in our part of the country, instead of taking the greatest technological advance of the last century, which we already use to produce 70 percent of our carbon-free electricity, and say let's do more of that.

I am hopeful that as this debate proceeds, the President will say let's double our nuclear production and build 100 new nuclear plants in the next 20 years. We should be able to agree on 100 new nuclear plants and electrifying our cars and trucks. If we do those two things alone, we would meet the Kyoto Protocol by 2030. But we don't hear a word about it.

Let's bring up the inconvenient problem of climate change and let's deal

with it here. But let's bring up the inconvenient solution of nuclear power. As far as science goes, the chief scientist in the Obama administration, a Nobel Prize winner, Dr. Chu, says nuclear power is safe and nuclear waste—used nuclear fuel—can be safely dealt with for the next 40 to 60 years by having it stored onsite, while we have a mini Manhattan Project over the next 20 years to find the best way to recycle used nuclear fuel that doesn't produce plutonium.

This is a good debate. I am glad Senators have come to the floor to talk about this, and this is an appropriate amendment on which to have the discussion. The point of the Republican amendments were, let's do it in Congress, not the agency. If we are going to talk about the inconvenient problem, climate change—and I agree it is a problem and we need to deal with it—let's talk about the inconvenient solution, nuclear power, which today provides 70 percent of our carbon-free electricity, which is what we are debating.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader is recognized.

AMENDMENT NO. 2531

Mr. REID. Mr. President, I have an amendment No. 2531, and I ask that it be brought before the Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2531.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make funds available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada)

On page 183, line 14, before the period, insert the following: "Provided, That, at the discretion of the Administrator of the Environmental Protection Agency, from the funds included under this heading, \$500,000 may be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada".

Mr. REID. Mr. President, I appreciate my friend from Maine allowing me to speak for a couple minutes prior to her being recognized.

The amendment I have called up allows, not directs, the EPA Administrator to use \$500,000 of the funds provided in the bill for preliminary planning and design to work to consolidate the many agency offices and labs in Las Vegas into one high-performance green building.

It doesn't make a lot of sense to continue spending money on aging facilities spread across several buildings in

need of repair and rehabilitation, particularly with the leases that are not far from ending. Current costs associated with these facilities' leases and their operation cost over \$5.5 million annually.

Consolidation would improve administrative efficiencies and reduce agency energy, water, and other costs over time. Developing a more precise estimate of total savings would be part of the preliminary planning effort my amendment authorizes.

The people in the offices and labs I think could be consolidated would also greatly benefit from their being able to work more closely together, given their mission and activities. These include the agency's National Exposure Research Laboratory, the Emergency Response Team—when something bad happens with a nuclear device, they are able to move on that—the Radiation and Indoor Environments National Laboratory, the Financial Management Center, the Human Resources Office, the National Environmental Research Center, and the Environmental Services Division's various laboratories and Technical Reference Center.

As we know, the Energy Independence and Security Act of 2007 and the Recovery Act strongly direct the Federal Government to be a leader, not a follower, in adopting green building technologies. EPA should be at the top of the list, given its important role, and I think its labs and facilities in Las Vegas should serve as a shining example of environmental leadership that saves the Federal Government and taxpayers money.

I ask unanimous consent to have printed in the RECORD following my statement a letter to the Appropriations Committee regarding this request, in compliance with paragraph 9 of rule XLIV of the Standing Rules of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 22, 2009.

Hon. DANIEL K. INOUE,  
Chairman, Committee on Appropriations, U.S.  
Senate, Washington, DC.

Hon. DIANNE FEINSTEIN,  
Chairwoman, Subcommittee on Interior, Environ-  
ment, and Related Agencies, U.S. Sen-  
ate, Washington, DC.

Hon. THAD COCHRAN,  
Vice Chairman, Committee on Appropriations,  
U.S. Senate, Washington, DC.

Hon. LAMAR ALEXANDER,  
Ranking Member, Subcommittee on Interior, En-  
vironment, and Related Agencies, U.S. Sen-  
ate, Washington, DC.

DEAR CHAIRMAN INOUE, VICE CHAIRMAN COCHRAN, CHAIRWOMAN FEINSTEIN, AND RANKING MEMBER ALEXANDER: I am writing to request that the Interior Appropriations bill for fiscal year 2010 include the discretion for the Administrator of the U.S. Environmental Protection Agency to use up to \$500,000 from the amounts identified for buildings and facilities for the purpose of preliminary planning and design work to consolidate the

Agency's Las Vegas offices into one high-performance green building.

Such a consolidation would save taxpayers money, reduce energy and water use, and improve administrative efficiency. The current facilities used by the EPA offices and laboratories are in need of rehabilitation and repair and their leases expire in the near future, so it is essential that the Agency begin making plans for their future use.

Consistent with paragraph 9 of Rule XLIV of the requirements of the Standing Rules of the Senate, I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending items I have requested. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Thank you for your attention to this request

Sincerely,

HARRY REID,  
United States Senator.

Mr. REID. Mr. President, on the University of Nevada-Las Vegas campus we have EPA buildings. They are so old. We have been talking about doing something about them for decades. They have been so terribly important over the years with what has been going on at the Nevada Test Site and Yucca Mountain. The leases are about to run out. It is not fair to the Federal Government or the university. It would save the government huge amounts of money and it would be the right thing to do. This would be the beginning of accomplishing what EPA wanted to do for decades. I hope that Senators will look favorably on this amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Reid amendment.

AMENDMENT NO. 2498

Ms. COLLINS. Mr. President, prior to Senator REID offering his proposal, the pending business before the Senate was an amendment I offered earlier this week, which was designed to promote better transparency, accountability, and oversight within our government.

I am deeply disappointed that a procedural tactic will be invoked to prevent an up-or-down vote on my amendment, which is designed to bring the proliferation of czars under the normal process.

The amendment I proposed would have ensured that the 18 new czar positions appointed by this administration could be held accountable to Congress and to the American people. The proliferation of czars under the current administration to manage some of the most complex and important issues facing our country has created serious problems in oversight, accountability, and transparency. It is of great concern to me that these positions circumvent the congressional requirements for oversight. They circumvent the constitutional process by which the Senate is supposed to give advice and con-

sent to major policy positions within our government.

I have a list of the 18 new czar positions that have been created by this administration. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CZARS

##### POSITIONS IN THE EXECUTIVE OFFICE OF THE PRESIDENT (10)

Central Region Czar: Dennis Ross. Official Title: Special Assistant to the President and Senior Director for the Central Region. Reports to: National Security Adviser Gen. James L. Jones.

Cybersecurity Czar: TBD. Reported Duties: Will have broad authority to develop strategy to protect the nation's government-run and private computer networks. Reports to: National Security Adviser Gen. James L. Jones and Larry Summers, the President's top economic advisor.

Domestic Violence Czar: Lynn Rosenthal. Official Title: White House Advisor on Violence Against Women. Reported Duties: Will advise the President and Vice President on domestic violence and sexual assault issues. Reports to: President Obama and Vice President Biden.

Economic Czar: Paul Volcker. Official Title: Chairman of the President's Economic Recovery Advisory Board. Reported Duties: Charged with offering independent, non-partisan information, analysis and advice to the President as he formulates and implements his plans for economic recovery. Reports to: President Obama.

Energy and Environment Czar: Carol Browner. Official Title: Assistant to the President for Energy and Climate Change. Reported Duties: Coordinate energy and climate policy, emphasizing regulation and conservation. Reports to: President Obama.

Health Czar: Nancy-Ann DeParle. Official Title: Counselor to the President and Director of the White House Office of Health Reform. Reported Duties: Coordinates the development of the Administration's healthcare policy agenda. Reports to: President Obama.

Senior Director for Information Sharing Policy: Mike Resnick. Reported Duties: Lead a comprehensive review of information sharing and lead an interagency policy process to identify information sharing and access priorities going forward. (Perhaps performing functions statutorily assigned to the Program Manager for the Information Sharing Environment). Reports to: Unknown.

Urban Affairs Czar: Adolfo Carrion Jr. Official Title: White House Director of Urban Affairs. Reported Duties: Coordinating transportation and housing initiatives, as well as serving as a conduit for federal aid to economically hard-hit cities. Reports to: President Obama.

WMD Policy Czar: Gary Samore. Official Title: White House Coordinator for Weapons of Mass Destruction, Security and Arms Control. Reported Duties: Will coordinate issues related to weapons of mass destruction across the government, including: proliferation, nuclear and conventional arms control, threat reduction, and terrorism involving weapons of mass destruction. Reports to: National Security Adviser Gen. James L. Jones.

Green Jobs Czar: TBD (Van Jones—Resigned). Official Title: Special Adviser for Green Jobs, Enterprise, and Innovation at the White House Council on Environmental



Quality. Reported Duties: Will focus on environmentally-friendly employment within the administration and boost support for the idea nationwide. Reports to: Head of Council on Environmental Quality.

POSITIONS IN A DEPARTMENT OR AGENCY (8)

Afghanistan Czar: Richard Holbrooke. Official Title: Special Representative for Afghanistan and Pakistan. Reported Duties: Will work with CENTCOM head to integrate U.S. civilian and military efforts in the region. Reports to: Secretary of State (position is within the Department of State).

Auto Recovery Czar: Ed Montgomery. Official Title: Director of Recovery for Auto Communities and Workers. Reported Duties: Will work to leverage government resources to support the workers, communities, and regions that rely on the American auto industry. Reports to: Labor Secretary and Larry Summers, the President's top economic advisor (position is within the Department of Labor).

Car Czar (Manufacturing Policy): Ron Bloom. Official Title: Counselor to the Secretary of the Treasury. Reported Duties: Leader of the White House task force overseeing auto company bailouts; worked on the restructuring of General Motors and Chrysler LLC. Reports to: Treasury Secretary and Larry Summers, the President's top economic advisor (position is within the Department of Treasury).

Great Lakes Czar: Cameron Davis. Official Title: Special advisor to the U.S. EPA overseeing its Great Lakes restoration plan. Reported Duties: Oversees the Administration's initiative to restore the Great Lakes' environment. Reports to: Environmental Protection Agency Administrator (position is within the Environmental Protection Agency).

Pay Czar: Kenneth Feinberg. Official Title: Special Master on executive pay. Reported Duties: Examines compensation practices at companies that have been bailed out more than once by the federal government. Reports to: Treasury Secretary (position is within the Department of the Treasury).

Guantanamo Closure Czar: Daniel Fried. Official Title: Special Envoy to oversee the closure of the detention center at Guantanamo Bay. Reported Duties: Works to get help of foreign governments in moving toward closure of Guantanamo Bay. Reports to: Secretary of State (position is within the Department of State).

International Climate Czar: Todd Stern. Official Title: Special Envoy for Climate Change. Reported Duties: Responsible for developing international approaches to reduce the emission of greenhouse gases. Reports to: Secretary of State (position is within the Department of State).

Special Representative for Border Affairs and Assistant Secretary for International Affairs (dubbed "Border Czar"): Alan Bersin. Official Title: Assistant Secretary for International Affairs. Reported Duties: Will coordinate all of the Department's border security and law-enforcement efforts. Reports to: Homeland Security Secretary (position is within the Department of Homeland Security).

Ms. COLLINS. Many of the czars on the list seem to either duplicate or dilute the statutory authority and responsibilities that Congress has already conferred upon Cabinet level officials and other senior executive branch officials who go through the normal constitutional process whereby the Senate gives its consent to these nominees.

As I said when I first introduced this amendment, I do not consider every position that has been identified as a czar in various media reports to be problematic. Some of those positions are established by law. Some of them are subject to Senate confirmation. Rather, my amendment is carefully tailored so it would not cover and would not apply to positions recognized in law or subject to Senate confirmation.

For example, the proposal I have would not apply to the Director of National Intelligence, to the National Security Advisor, to the Homeland Security Advisor, to the Chairman of the Recovery Accountability and Transparency Board, or to the so-called information or regulatory czar within OMB. These positions, because they are recognized in law, or they are subject to Senate confirmation, simply do not raise the same kinds of concerns about accountability, transparency, oversight, and vetting.

Instead, my amendment has been carefully tailored to cover officials that the President has unilaterally designated as responsible for significant policy matters. It would not have covered the President's Chief of Staff, for example, and it would not cover less senior White House officials, despite some misinformation to the contrary.

Because the White House has raised so many objections to my amendment, I have offered to sit down with the White House counsel and narrow the scope of the amendment further, to address any concerns the White House might have. Unfortunately, the White House has failed to provide any modification to the text of my amendment. Instead, they said they did not want any of these officials to be called to testify before Congress.

Let me explain exactly what my amendment would have done, so you can see how modest indeed the amendment was.

The amendment simply would have required that the President certify to Congress that officials in these important positions would respond to all reasonable requests to testify before or provide information to congressional committees with jurisdiction over the issues involved.

Second, it simply would have required these officials to submit a biannual report to the congressional committee with jurisdiction, describing the activities of the official and his or her office, and any rule, regulation, or policy that the official participated in or assisted in the development of.

That is it. How can we possibly be against that kind of accountability, transparency, and oversight? It is our job as Members of Congress to conduct such oversight.

We cannot do so when the administration sets up a structure where there is an energy czar, an urban affairs czar, an environmental czar, a cyber-security

czar—the list goes on and on. It creates confusion over who is in charge, who is making policy.

Let's take the area of health care. Is the top policy position in this administration Nancy-Ann DeParle, who is the health care czar within the Executive Office of the President—a person, by the way, for whom I have the greatest respect—or is it Senate-confirmed Kathleen Sebelius, the Secretary of Health and Human Services? Who is in charge? Whom do we hold accountable?

What the President has done by creating so many czar positions within the White House that appear to duplicate the executive branch officials who are subject to Senate confirmation is to blur the lines of authority. That is not good for our system of government, and it is not in keeping with this administration's pledge to be the most transparent administration ever—a pledge for which I salute the President.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Ms. COLLINS. I will be happy to yield.

Mr. DURBIN. Mr. President, I would like to ask the Senator about her amendment. The first thing I would like to ask is, her amendment does not specify how many czars—I think that is the term she used on the floor—how many czars she thinks there are in the administration or what their titles are. Could the Senator from Maine tell me how many czars we are going to try to impact with her amendment?

Ms. COLLINS. I will be happy to. Mr. President, I say to my friend that I have a list of 18 positions which I have talked repeatedly about and which I have inserted into the RECORD. As I have said, I am not one who has used this term in the way some have to include individuals with broad authority across various agencies, such as the Director of National Intelligence. But that is the position that is established or recognized in law and is subject to Senate confirmation. I did not include those. In fact, in the language of my amendment, I specifically say it does not apply to positions established in law.

Mr. DURBIN. Mr. President, if the Senator will yield and share a copy of that list with me, I would appreciate it. But in the meantime, I ask the Senator, it seems that the czar watchers on her side of the aisle, Senator HUTCHISON, for example, found 32 czars when she went looking. One of the advisers to some politicians—and I will not include the Senator from Maine; she can speak for herself—the noted guru Glenn Beck has identified 32 czars as well.

I ask the Senator from Maine before we get into the propriety of her amendment under Senate rules, who is going to define who is covered by her amendment, if her colleague from Texas found 32, Glenn Beck found 32, and she found 18?



Ms. COLLINS. Mr. President, I will be glad to respond to the question of my colleague. My colleague did not have the benefit of being on the Senate floor when I first presented my amendment, and I addressed this very issue.

I was very careful in drafting this amendment to make clear that I was not talking about positions that are recognized in law. Some of my colleagues legitimately have taken a different approach. But that is not the approach that is before the Senate now. Rather, I have taken into account the issues that have been raised by my colleagues on the other side of the aisle, such as Senator BYRD—who certainly knows more about the Constitution than I think any of us who are serving at the present time—who has expressed concerns about the proliferation of czars. I have taken into account concerns expressed by Senator FEINGOLD, by Senator FEINSTEIN. I have done a careful, narrowly tailored amendment that does not attempt to sweep in positions that are recognized in law, nor does it sweep in positions that are subject to Senate confirmation.

That is why it is so disappointing to me that my colleagues are not unanimously adopting my amendment, which it looked like they were going to do earlier this week before the White House weighed in, because I did not take a broad sweeping approach. I took a very narrow, careful approach that aimed at the promise the President talked about, the lack of oversight, transparency, and accountability.

Mr. DURBIN. If the Senator will yield further for a question, I would like to ask the Senator—I have been told that using the definition of “czar” that Mr. Beck, political adviser to some, and Senator HUTCHISON, and even you use, that under President George W. Bush, the previous Republican administration, one could characterize his officials and advisers in the Executive Office of the President and other agencies as an Afghanistan czar, an AIDS czar, a drug czar, a faith-based czar, an intelligence czar, a Mideast peace czar, a regulatory czar, a science czar, a Sudan czar, a TARP bailout czar, a terrorism czar, and a weapons czar, under the previous administration. I ask the Senator from Maine if she proposed this amendment under a Republican President who clearly had his own stable of Muscovite czars of a lot of different versions?

Ms. COLLINS. Mr. President, I, again, will be happy to attempt to clarify this issue for my colleague and friend—and he is my friend—from Illinois. I realize he has his role to play in this debate. But the fact is, he has just listed several positions that are established by law. The intelligence czar is the Director of National Intelligence, Dennis Blair. Joe Lieberman and I wrote the law that established that position in 2004, and he is confirmed by the Senate.

The regulatory czar—he is referring to Cass Sunstein in this administration and John Graham in the previous one—it is established by law. It is part of the Office of Information and Regulatory Affairs within OMB. I am not talking about those positions no matter in whose administration it is. I am talking about perhaps other positions on his list. Regardless of whose administration they are in, I would apply the same standards.

The Senator may say why didn't I offer this amendment in the previous administration. The answer is, we did not have this proliferation of czar positions in the previous administration. But I would say to my colleagues, regardless of whether it is a Democratic President or a Republican President, a Democratic Congress or a Republican Congress, I think this is an institutional issue, and I think all of us as Members of Congress should be very concerned about organizational structures that make it impossible for us to conduct effective congressional oversight; that insulate these officials who have significant policy responsibilities from ever coming to testify, from going through the vetting and the confirmation process.

I think that is a problem regardless of who the President is, and I am not the only one who thinks it. That is why Senator ROBERT C. BYRD wrote to the White House, wrote to the President, as this press release says, questioning the Obama administration on the role of White House czar positions because, as he says:

Too often, I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.

I am not saying this is part of a plot to obscure information, but what I am saying is we have an obligation to exercise our constitutional duties, and the proliferation of these unaccountable positions in any administration makes that impossible for us to do so.

Mr. President, if I may complete the end of my statement—before we got into this good little colloquy. And I do appreciate the opportunity to clarify whom my amendment would cover, who would be covered by it and who would not. As I said, I was willing to work with the White House to make this even clearer. My staff was here many hours last night. I had conversations with White House officials and, unfortunately, at the last moment, they decided not to try to propose revisions to the text.

I am not going to seek to overturn the Chair's ruling on this amendment which will be forthcoming, and I know how it will go. But I do think it is unfortunate that a procedural tactic is being used to block a vote on this amendment. I do want to tell my colleagues that I think this is a real issue.

I am very pleased the Homeland Security and Governmental Affairs Committee, under Chairman LIEBERMAN, is going to hold a hearing to explore this issue because it does have constitutional ramifications and it does involve the balance of power between the executive and legislative branches. The ruling the Chair is going to make is not going to be the last word on this subject.

The administration needs—any administration—to fully explain the responsibilities and authorities of these czars. Until all of these czars are made available to testify before and provide information to Congress, until Congress is fully consulted on the decisions to create these positions in the first place, I will continue to press forward on this issue.

I believe the amendment I drafted is a very reasonable, balanced one, and it would have been a significant step toward establishing an oversight structure for these positions that would provide the transparency, accountability, and oversight our Nation expects from its leaders. I am dismayed the Senate is about to choose a point of order over these principles.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me point out at the outset my friendship and respect for Senator COLLINS. These are terms tossed around on the Senate floor sometimes in meaningless context, but this is meaningful. We have worked together on many issues. I respect her very much and believe when she was chairman of the then Governmental Affairs Committee, later to be the Homeland Security Committee, that she did extraordinary work with Senator LIEBERMAN, particularly when it came to the creation of a new intelligence agency. After 9/11, it was one of the toughest political assignments ever given, and Senator COLLINS handled it with professionalism, in a bipartisan way. I commend her for it. I think she is exceptionally talented, and I am happy to have her as my ranking member on the Financial Services and General Government Appropriations Subcommittee where we continue to work closely together.

She raises a legitimate inquiry. The legislative branch should ask whether the executive branch has gone beyond its constitutional authority. I think it is a legitimate question. Unfortunately, before she came to the Senate floor, the waters had been muddied by statements made by our colleague, Senator HUTCHISON, in the Washington Post on September 13 as to when she went searching for czars in the Obama administration, she found 32 of them. The political wise man, Glenn Beck, found 32 as well but went on to say on his Web site—he is a major champion on this issue, incidentally—“since czar isn't an official job title, the number

[of czars in the Obama administration] is somewhat in the eye of the beholder.”

That is why this becomes a pretty difficult amendment to consider at this moment in time. The Senator from Maine has been kind enough to add a page in the RECORD that lists her findings of 18 of these so-called czars. I don't know if others would find the same number, more or less. Whether there are 57 known czars or whether there are 18, I just don't know.

This amendment would prohibit funds for the administrative expenses of White House advisers—and that is a term usually used by those not partial to Russian history—unless those positions were created through express statutory authorization.

Further, the amendment requires the President to certify to Congress that the adviser will respond to all reasonable requests to testify before or provide information to any congressional committee with jurisdiction over such matter.

The adviser must give a report every 6 months, kind of a work-in-progress report, a diary of what they are doing. So in addition to working on issues such as health care reform, they need to prepare a report sent to Congress every 6 months to let us know they are showing up on time at their desks and actually doing what they are supposed to do. The President doesn't need statutory authority to appoint advisers, and it doesn't make sense to require an assistant to the President, who has an otherwise pretty serious workload, to fill out these reports to Congress every 6 months to make sure they are showing up as promised.

But the amendment does touch on accountability in a way that I agree with. Public officials, including those who serve at the pleasure of the President, should be responsive to congressional inquiries. That is why Senator COLLINS and I, through our appropriations subcommittee, bring in leaders from the administration. And I can't say for certain, but I am virtually certain we have not been turned down by any at this point. The committee expects officials employed in whole or in part by the Executive Office of the President and designated by the President to coordinate policy agendas across executive departments and agencies to keep Congress fully and currently informed. We ask that of them, and so far we have received their cooperation.

Over the past several weeks, there has been this new interest in the czars and czarinas in the Obama administration, according to Mr. Beck and others. Some Members have asked serious questions about the makeup of the White House staff. The bulk of the noise being heard right now began with partisan commentators like Mr. Beck, suggesting this is somehow a new and

sinister development that threatens our democracy.

Unfortunately, this czar issue didn't start with the Obama administration. It goes back much further in history, and it certainly includes the previous Bush administration, which was not subjected to an amendment such as is being offered at this moment. Many of the officials cited by conservative commentators—and I don't include Senator COLLINS because I haven't seen her list of 18—are Senate-confirmed appointees or advisory roles carried over from the Bush White House. Many are advisers to the President's Cabinet Secretaries. Many hold policy jobs that existed in the Bush administration. Some hold jobs that involve coordinating the work of agencies on President Obama's key policy priorities: health insurance reform, energy and green jobs, and building a new foundation for a longlasting economic growth.

I might say that in the past the same concern and furor hasn't arisen. DARRRELL ISSA, a Congressman from California, was recently on FOX News and was asked what kind of investigation he had made into the Bush administration about czars, and he said he hadn't done so. He hadn't raised any objection, although he now thought it was a pretty important issue under President Obama. In fact, if you adhere to the definition of czar held by many Members—and I won't include Senator COLLINS in this group but other Members in the Senate—the Bush administration had 47 czars—budget czars, faith czars, manufacturing czars, to name a few.

Many of the Members who now decry the practice have called on Presidents in the past to appoint czars. Senator ROBERT BENNETT of Utah, a friend and recognized colleague who worked hard on the Y2K concern, asked for a czar to be appointed, and he said he had worked with that person to maintain “bipartisan and across-the-government communication.” Even the ranking member of the Appropriations Interior Subcommittee, Senator ALEXANDER of Tennessee, has had words said about czars in this administration. But during remarks delivered on the Senate floor in 2003, captured in the CONGRESSIONAL RECORD, Senator ALEXANDER said, “I would welcome [President Bush's] manufacturing job czar.” That same day in the Senate, he also expressed support for President Bush's AIDS czar, Randall Tobias.

Mr. ALEXANDER. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. ALEXANDER. Mr. President, I would ask the distinguished assistant Democratic leader if he is aware that the manufacturing czar in President Bush's time was appointed by the President and confirmed by the Senate and testified before the Senate? And I

wonder if he is also aware that the AIDS czar was appointed by the President and confirmed by the Senate and testified before the Senate?

Senator COLLINS has been careful—I believe he is aware; I wonder if he is aware—that she is not talking about any czars whom we confirm and the President appoints and who testify, and she is only talking about the 18 new czars under the Obama administration, just as Senator BYRD did in February.

I wonder if the Senator is aware of those things?

Mr. DURBIN. I thank the Senator from Tennessee for the question, and I am aware of that fact, and I would respond to him, that is why I was trying to clarify how many czars are in this Muscovite conspiracy because one of his colleagues from Texas, Senator HUTCHISON, identified 32, as did Mr. Glenn Beck, and they included 16—pardon me, 7 of these so-called czars are people who have—pardon me, 9 have been confirmed by the Senate. So it appears that some of your colleagues do not share your definition that Senator COLLINS referred to on the floor.

The point I am trying to make is that this is a legitimate inquiry, it is an important inquiry, but it has been muddled by statements made by some Members of Congress and certainly by those in the political commentary realm.

The good news for Senator ALEXANDER and Senator COLLINS and everyone else concerned about this issue is that a trusted friend and colleague, Senator JOE LIEBERMAN, chairman of the Homeland Security Committee, has promised a hearing on this issue. I know he will engage Senator COLLINS, as ranking Republican member, on it, and serious questions which have been presented will be considered by Senator LIEBERMAN. We respect him in that capacity.

So the reason I am objecting to this amendment isn't because I don't think Senator COLLINS has at least a legitimate inquiry, but I think it should be taken in the greater order of things rather than considered in this fashion on an appropriations bill.

So, Mr. President, I make a point of order that the Collins amendment, No. 2498, violates rule XVI, paragraph 4, legislating on an appropriations bill.

Excuse me, Mr. President, I missed one procedural step.

I call for regular order on the pending Collins amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. DURBIN. Mr. President, I now make a point of order that the Collins amendment, No. 2498, violates rule XVI, paragraph 4, in that it legislates on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the assistant Democratic leader for his comments, and I want to especially thank the Senator from Maine.

The Senator from Illinois suggested that the waters had gotten muddled because some of us didn't count very well in terms of the number of czars who might exist in the Obama administration. That is why we are so fortunate to have the Senator from Maine, who is always careful, always thoughtful, and always experienced. What she has done is gone back to Senator BYRD's first letter in February, in which he expressed his concern about the constitutional issues here, and then she has counted 18 new czars in the Obama administration. Her letter of September 14 to the President is limited, thoughtful and respectful, and she simply asks that the President identify the specific authorities and responsibilities of those positions, the process by which the administration examines these people, and whether they are willing to testify before us. She is the ranking member of the committee Senator LIEBERMAN chairs and will have an opportunity during the hearings to explore this.

Some of us are concerned that the administration is too dedicated to too many Washington takeovers, and the unusual number of new czars is the most visible symbol of the large number of Washington takeovers. I think we are fortunate that we have as thoughtful a Senator as the Senator from Maine and an independent Senator from Connecticut, JOE LIEBERMAN, who will look into it. I am sure Senator BYRD will want to weigh in. Senator FEINGOLD may want to have a hearing. So we will have an opportunity to have a thoughtful resolution.

I thank the Senator from Maine for her amendment and her leadership on this issue, and I look forward to hearing more from her on it.

Madam Chairman, if I could say to the Senator from California, the Senator from New Mexico has been waiting and the Senator from Louisiana has been waiting.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent for 2 minutes of recognition before we move away from this issue.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. VITTER. Mr. President, I will be brief. I wish to compliment my distinguished colleague from Maine on her amendment. It was very well tailored and very carefully put together. I do think it is a shame that it won't be able to come to any vote because of this procedural move by the assistant majority leader.

I want to underscore three points:

No. 1, maybe we can talk about some other universe when we debate the Beck amendment, but we are not debating the Glenn Beck amendment, we are talking about the Collins amendment, and we will get to vote on the Vitter amendment. What all of us have been talking about are appointees of the President whose offices were not created by statute in any way and who were never Senate confirmed.

No. 2, I also want to underscore the point that this is clearly a bipartisan concern, as evidenced by Senator BYRD's letter of February and the recent comments of Senator RUSS FEINGOLD. It is a very serious and very bipartisan concern.

No. 3, we will have an opportunity to vote on this issue today under my amendment. The climate change czar is one of those 18, and she clearly threatens to supercede and overshadow Senate-confirmed Cabinet members such as the head of EPA. My amendment is very simple. It says EPA shouldn't have to carry out orders of the climate change czar when it is supposed to be headed by a Cabinet member, a Senate-confirmed appointee, directly at EPA.

So again I compliment the Senator from Maine on her efforts. I will certainly pledge ongoing support on the issue, including through my amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I rise today to oppose the Murkowski amendment. The Murkowski amendment would prohibit the EPA from using funds under the Clean Air Act to deal with climate change.

I listened earlier today, and I heard the Senator from California, the chairman of the Appropriations Interior, Environment Subcommittee, speaking about the issue, and she spoke eloquently. I heard Senator BOXER, the chairman of the Environment and Public Works Committee, speaking about this issue. She also made the very strong point that this amendment would be ill-advised and irresponsible. And I rise today to speak to this amendment and to oppose it.

America and the world are face-to-face with a perfect storm—an energy crisis and a climate crisis that require a do-it-all energy policy. These two crises are closely linked, and today I would like to raise one facet of the solution: clean energy incentives.

I strongly believe we should resist efforts to block the Obama administration actions on clean energy on the fiscal year 2010 Interior and Environment Appropriations Act or other legislation, for that matter. If that were to happen, American families and the men and women in our Armed Forces would be stuck with the bill.

Concerns about the cost of the administration's actions to address our

energy and climate crisis have it exactly backward. The biggest cost is the cost of inaction—costs families pay at the pump in energy bills every day; money from their hard-earned paychecks that end up in the treasuries of foreign countries or foreign oil companies, some of which are hostile to the United States. In the end, the only people who will benefit from efforts to block clean energy solutions are members of OPEC and other special interests in the fossil fuel industry.

To put it simply, our dependence on fossil fuels is a huge drag on families' pocketbooks and a clear and present danger to our national security. In 2008, American families and businesses sent \$475 billion overseas to pay for foreign oil. That works out to over \$4,000 per household in America—a massive transfer of wealth from hard-working families in New Mexico and the other 49 States to the treasuries of foreign nations. The largest consumer of foreign oil is the U.S. military, which is engaged in two major conflicts in the Middle East—an area of strategic importance largely due to its massive oil reserves.

Making matters worse, this same reliance on fossil fuels pollutes our atmosphere with toxic compounds such as sulfur dioxide, soot, and mercury, alongside greenhouse gases such as carbon dioxide. The global climate crisis is real. Strong scientific evidence shows unless we transition to clean energy sources, our home States will pay a heavy price.

In New Mexico, scientific evidence indicates more devastating forest fires, droughts, and invasive species caused by climate change.

Luckily, we have numerous cost-effective solutions at hand to address the energy and climate crisis. My home State of New Mexico and many other States across the Nation are rich in much cleaner domestic sources of energy, sources such as wind and solar, geothermal and natural gas. Several years ago, wind energy was unusual but today these projects are quite common. Wind projects create thousands of U.S. jobs in the steel, manufacturing, and construction sectors.

The United States is now installing over a gigawatt of solar power each year and there are six other gigawatts of concentrated solar power projects planned nationally, particularly in the Southwest.

U.S. natural gas reserves have also increased by 35 percent in 1 year, an increase that gives our Nation a century's worth of supply. While natural gas is a fossil fuel, it is significantly cleaner than either coal or oil, and much more abundant.

Despite these improvements, we continue to waste tremendous amounts of energy. Government and industry studies have found that the right investments could save energy and more than

\$1 trillion at the same time. Energy efficiency does not mean turning down the heater in the winter. Rather, efficiency means investments in building technologies such as advanced windows, insulation, and smart electric grids that do not waste energy or money. Improving our efficiency on a major scale would also save more than 1 billion tons of greenhouse gases, proving we can address the global climate crisis without increasing costs on families.

The U.S. Supreme Court ruled that the Bush administration was required by the Clean Air Act to reduce air pollution that is causing our climate crisis, but the Bush administration failed to act. Congress should not put the Obama administration in handcuffs when the President is trying to change course and follow the law. To those who worry that the administration action could short circuit debate on these issues in Congress, nothing could be further from the truth. I agree that Congress should act and set a comprehensive clean energy incentive policy. Numerous Cabinet Secretaries from the administration have testified that they welcome congressional action to create a path forward on clean energy. For Congress to block the administration and to fail to act itself would be the height of irresponsibility.

Our energy and climate crisis have the same root cause. The Senate should address both challenges with the same cost-effective solutions—incentives for renewable energy and energy efficiency. That is why efforts to block the Obama administration from acting on climate change are so dangerous. Such efforts continue our reliance on fossil fuels that hurt family budgets, threaten our national security, and pollute our atmosphere.

The bottom line is America needs a “do it all” energy policy, one that includes all the tools in our energy toolbox—more alternative energies and a commitment to conservation; increased domestic oil production, including offshore; investments in clean coal research and technology; and nuclear power has to be part of the mix. Energy and climate change are one of the defining challenges of our time—our perfect storm. We have the tools to fix the problem. Now we need the will to act, not to obstruct.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wanted to make some comments based on the comments the Senator from New Mexico raised.

He talked about \$4,000 a year in terms of imported oil into this country and then he talked about we needed to do offshore exploration, but I note for the RECORD he voted against an opportunity to expand offshore exploration yesterday. You can't have it both ways.

If we are going to get off oil and hydrocarbons, it is going to take us 25 years. But when we have an opportunity to decrease that cost of \$4,000 per family and use American oil, we do not have the same consistency as the rhetoric when it comes to the votes. I think the RECORD needs to show that although the Senator claims that, when he had the opportunity yesterday to vote in a way to expand domestic offshore exploration, he voted against that opportunity.

I wish to take this time to bring up several amendments and make them pending. I thank the chairman of the committee and staff for working with us. We will try to make this as painless as possible and do it in as short a period of time as possible, but I have been down here for the last 4 days, every day, trying to get things done and unable to get them done. So I am going to take adequate time to explain these amendments and also explain a couple of amendments I agreed not to offer but I think it pertinent the American people hear about.

#### AMENDMENT NO. 2463

First, I ask the pending amendment be set aside and amendment No. 2463 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2463.

Mr. COBURN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

- (1) the public posting of the report compromises national security; or
- (2) the report contains proprietary information.

#### AMENDMENT NO. 2523

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2523 be called up.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2523.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To secure our borders and protect our environment)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL CONTROL.

None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109-367)) over the international land and maritime borders of the United States.

#### AMENDMENT NO. 2483

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2483 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2483.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To help preserve America's national parks and other public land treasures by reducing maintenance backlogs that threaten the health and safety of visitors)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. MAINTENANCE BACKLOG.

Notwithstanding any other provision of this Act, any funds provided from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) to an agency under this Act for federal land acquisition shall be used by the agency for maintenance, repair, or rehabilitation projects for constructed assets.

#### AMENDMENT NO. 2482

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2482 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2482.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect property owners from being included without their knowledge or consent in the Federal preservation and promotion activities of any National Heritage Area)

Beginning on page 173, strike line 1 and all that follows through page 174, line 5, and insert the following:

NORTHERN PLAINS HERITAGE AREA,  
AMENDMENT

SEC. 115. (a) IN GENERAL.—Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking “subsection (i)” and inserting “subsection (j)”;

(3) by inserting after subsection (f) the following:

“(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN A NATIONAL HERITAGE AREA.—

“(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in a National Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

“(2) PROPERTY REMOVAL.—

“(A) PRIVATE PROPERTY.—At the request of an owner of private property included in a National Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the National Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

“(B) PUBLIC PROPERTY.—

“(i) INCLUSION.—Only on written notice from the appropriate State or local government entity may public property be included in a National Heritage Area.

“(ii) WITHDRAWAL.—On written notice from the appropriate State or local government entity, public property shall be immediately withdrawn from a National Heritage Area.”.

(b) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act shall be made available for a Heritage Area that does not comply with section 8004(g) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) (as amended by subsection (a)).

## AMENDMENT NO. 2511

Mr. COBURN. I ask it be set aside and amendment No. 2511 be called up.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Mr. President, if I may, if the Senator would be good enough to mention the subject of the amendment as he reads the number, it would be appreciated. We could keep it straight that way.

Mr. COBURN. This is the last one. These are all in the agreement the Senator and I had that I would bring up and this is the last one.

Mr. FEINSTEIN. Good. I just want to know about which one the Senator is speaking when he is speaking.

Mr. COBURN. I will be happy to do that. No. 2511.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. COBURN. This amendment is as modified without the second degree, with agreement of the chairman of the committee, and you should have the modified amendment at the desk.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2511.

The amendment is as follows:

(Purpose: To prohibit no-bid contracts and grants)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROHIBITION ON NO-BID CONTRACTS AND GRANTS.**

(a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

## AMENDMENT NO. 2511, AS MODIFIED

Mr. COBURN. I ask unanimous consent this amendment be as modified, and I yield to the chairman of the committee.

Mrs. FEINSTEIN. Mr. President, with respect to amendment No. 2511, Senator COBURN and I have come to an agreement. Therefore, there is no need for me to offer a second degree.

I ask unanimous consent that the Coburn amendment No. 2511 be modified with the changes at the desk, and that the amendment, as modified, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2511), as modified, was agreed to, as follows:

(Purpose: To prohibit no-bid contracts and grants)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROHIBITION ON NO-BID CONTRACTS AND GRANTS. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—**

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, or other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without

regard for these requirements, including formula grants for States, or Federally recognized Indian tribes; or

(3) Such contracts or grants are authorized by the Indian Self-Determination and Education and Assistance Act (P.L. 93-638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a grant or contract with an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)).

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I will try to do this, to save some time, in the shortest amount of time I can. I also thank the chairman of this committee for working with me.

There are several amendments I did not offer. I want to spend a couple of minutes talking about those because I think the American people need to hear about them.

Less than a block from this building is the Belmont House. It is a foundation. It is a beautiful building. It has \$4 million in the bank, the foundation does. There is an earmark in this bill at this time of a \$1.8 trillion deficit, of a 16-percent increase in this bill. The Senator, Senator LANDRIEU from Louisiana, is sending \$1 million to that building. They have the money in the bank but we are still going to take \$1 million from our grandkids and send it there. I am not offering that amendment in conjunction with having the pleasure of the chairman consider my other amendments. But the American people need to know that kind of thing is going on. It is absolutely not indicated. Who uses that building? We do, for fundraisers. We do for events. We do for social events. In fact, there is a high price paid when you rent it. But what we are going to do, without regard to what our fiscal situation is, is we are going to send another \$1 million as though it is a peanut and send it to that building. That is all I will say on it, but to me it is one of the reasons why this Congress, and we in particular as Members of the Senate, lack the respect of the American people.

The other amendment I am not going to offer that was objected to by the chairman of the Resources Committee is for us to know what kind of land we own. We don't know, since 2005, how much land we have or where we own it.

Supposedly the BLM puts out something. Supposedly the Geological Survey puts something out. But there is not a concise list of the land that the Federal Government owns—and it is somewhere in excess of a third of all the land of this country—and it is 650 million acres. In this bill is another \$300 million—almost \$400 million—to buy more land. At the same time, the National Park Service has a backlog of \$11 billion. We do not have one national park that does not have significant factors of erosion and dilapidation that is now putting both the employees and park visitors at risk. Yet we are going

to spend \$400 million to buy more land, to require more of their services to take care of, rather than to take care of what we have. It does not fit with common sense.

There is no way the American people as a whole would embrace that kind of stupidity. Yet that is in this bill. We are going to buy more land, we are going to take more land off the tax rolls, we are going to hurt the States, we are going to limit the ability of property owners, and we are going to continue—the Park Service, this year, their backlog grew by over \$400 million.

We have the Carlsbad Caverns where we had sewage leaking into the cavern. I won't spend the time to go through the hundreds of examples the Park Service has given us, that they cannot maintain the parks because we will not send them the money to do it. We would rather spend it on an earmark or buy more land. The priorities here are amazing.

Let me talk about amendment No. 2511. I will spend a short period on it. That is the competitive bidding amendment. We have carefully crafted that with the concerns of both staff and the chairman and ranking member of this committee. What it says is we are going to use competitive bidding, much like the President campaigned, when we go to buy things that are approved in this bill. We very carefully exempted the sections of the Native Americans where their sovereignty reigns, where we would not step on their sovereignty—although I am not sure we should not require them to competitively bid, but we agreed not to do that.

Here is what we do know. If you take different branches of the Federal Government, about 5 percent of the costs are excessive because we do not have competitive bidding. If you take the Pentagon, it is about \$20 billion a year because we do not have competitive bidding. In the Interior it is much smaller. But any penny we can save, in terms of enhancing the value of the American taxpayers' dollars by saying what we buy is going to be competitively bid, we ought to do that. We ought to get the best value we can. We may not always get great value but at least we are going to have a competitive bid and we are at least going to have everybody in that who is qualified to have a shot at some of that business. So it is a "two-fer." It is, No. 1, better value for the American people but also opening up all this to everybody who has a opportunity to offer a service when the Federal Government buys it.

With that, we have an agreement and I appreciate the chairman accepting that amendment.

Amendment No. 2463 is an amendment for the public to see all the reports required by this bill if, in fact, that will not in any way compromise

national security. I think we have worked out an agreement on that amendment to where that is going to be accepted. It is about transparency.

We ought to make sure the American people see what we are doing, and if we ask for a report that will not in any way endanger the security of this country that comes back to us, there is no reason the American people should not be able to see that and we make it available to them so they can make a judgment to judge us on what we are doing and whether we are responding properly to problems identified in such reports.

So I am very thankful for the chairman in terms of accepting this amendment. I look forward to her comments on it. We should do the same thing with this amendment as we did with the last one.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would be happy to do the same thing. If I may, Senator COBURN's amendment No. 2463, he and I have come to an agreement.

I ask unanimous consent that the Coburn amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2463) was agreed to.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Oklahoma is recognized.

#### AMENDMENT NO. 2523

Mr. COBURN. Madam President, I switch now to amendment No. 2523, which is a prohibition on funds being spent in this act that would actually limit the effectiveness of the Homeland Security Department in terms of securing our borders and protecting us.

This amendment basically ensures that the wilderness areas and other public lands are protected from crime and pollution. I know it is not seen that way, but what is happening is a very big and sad story about what is happening in our wilderness areas.

Border violence and trafficking is at an all-time high. Our public lands along the border are being exploited by drug and human smugglers. Wilderness concerns hinder law enforcement efforts. How do we balance properly our concerns for the environment and still secure our borders and still protect our population from both drug smuggling and human trafficking?

Wilderness areas also are being destroyed by these very smugglers because we do not allow the enforcement agencies access to be able to make a difference. We have not acted on it; we have not acted on it in this bill. We have to make sure there is the proper balance between protecting our wilderness areas and protecting our country and our citizens.

We have sought to address in the last couple of years our border security concerns by appropriating a large increase in Federal funds for law enforcement and for significant legislation to construct infrastructure along the southern border.

In the Secure Fence Act of 2006, Congress sought to ensure that the Secretary of the Department of Homeland Security was able to take the actions necessary and appropriate to achieve and maintain the operational control over the entire international land and maritime borders of the United States.

The goal of the act was to prevent all unlawful entries into the United States, including entries by terrorists, narcotics, and other contraband, except it has not had the desired impact, and in large part, to the unwelcome increase of illegal human and drug trafficking through public lands, along our southern border. So we have a conflict of desires by agencies to do their jobs.

Amendment No. 2523 would prohibit any funds from within the Interior appropriations bill to be used to prohibit or restrict the activities of Homeland Security on public lands to secure our borders. The effect of this amendment would be to ensure that DHS is able to further secure our borders from terrorists and other national security threats and protect the environment of these lands.

I know there is some concern on the other side of the language, the way we have written it. I am more than willing to work with the chairman of both the Resources Committee, Interior Committee, and the Appropriations Committee to try to put that in a way that properly balances it. I know this is a tough amendment. I do not deny that.

But when you hear the testimony—and I am going to ask that this be printed in the RECORD. This is former Border Patrol officers and field supervisory Border Patrol agents who testified in Congress last April about what is going on in our wilderness areas.

Do you realize that these people, because we do not have law enforcement in there, they are setting fires in our wilderness areas to distract us to the fire so they can smuggle contraband and humans while we are addressing the fire?

Our wilderness areas are being defiled near McAllen, TX. It relates: When a wilderness area or refuge is established near the border, the criminal element moves in and trashes it because the restrictive wilderness or refuge status accorded to these lands effectively prevents all law enforcement from effectively working the area.

This is Border Patrol:

In other words, refuge or wilderness designation actually serves to put the environment at a greater risk of being seriously damaged and defaced. Law enforcement must have common, unrestricted, free access to all lands near the U.S. border.



He goes on to clarify that it needs to be at least 50 miles. The other thing that was especially telling and which is horrific is the comments about what is going on along Interstate 8 and Interstate 10 in Arizona: numerous reported "rape trees" have been identified in and near the current Pajarita Wilderness near the U.S.-Mexican border.

Rape trees mark the location where drug and alien smugglers habitually sexually assault and rape illegal alien females that are being brought into the United States across the Mexican border. These locations are marked by the perpetrators who prominently display and hang—

I will not use the words that he does. the underwear of their victims on a particular tree. I visited one such reported tree on March 27, 2008, and noticed 30 sets of underwear. These rape-tree trails begin at the Mexican border and travel all of the way through the Pajarita Wilderness.

In southern Arizona we are experiencing increased incidents of wildfires from two primary sources. The first source is illegal aliens who cross into the United States illegally and start fires through carelessness. The second is from illegal aliens engaged in other criminal enterprises who start wildfires intentionally to create a diversion so they can smuggle things into or out of the United States.

You cannot deny the fact that we are having a conflict between the Department of Interior and the Department of Homeland Security in terms of law enforcement along our border. The tragedy is that the very intent of the Department of Interior to protect the environment is actually being made worse by their policy of not allowing law enforcement efforts, i.e., the Border Patrol, into those areas.

So this amendment is intended to do a couple of things. Let me talk about what the claims against this amendment are first, and that I am more than willing to try to work out a sensible agreement. What is driving me nuts is those two Departments have not worked out a sensible agreement themselves, which we ought to have significant oversight hearings on the fact that we are having to do something that they should be taking care of.

The claim is that if this amendment passes it will devastate the environment and give the Department of Homeland Security the mandate to show no regard for the environment. Nothing can be further from the truth. The interpretation of congressional intent that we currently have has led to the destruction of much of our wilderness area because human and drug smugglers have been able to use these lands as major thoroughfares without fear of law enforcement.

Additionally, the Department of Homeland Security will still be obligated to conduct its law enforcement activities in a manner that seeks to minimize or mitigate any negative en-

vironmental impact. Do you realize in Arizona they are cutting down 150-year-old cactuses to block the road to inhibit anybody following them? And the fact that we do not have significant law enforcement, i.e., Border Patrol there, these majestic, 100-year-old cactuses, which are protected, are intentionally being destroyed to protect the smugglers.

In the past, when the Secretary of Homeland Security waived 30 environmental and other laws and regulations associated with the construction of tactical infrastructure along the southwest border in compliance with the Federal law, he still required the Department to practice responsible stewardship of natural and cultural resources.

The U.S. Customs and Border Patrol is also committed to do that. I will stop with this: I do want to have printed in the RECORD a letter from the National Border Patrol Council, which is the AFL-CIO representative of our Border Patrol agents who fully endorse this amendment because they are the people actually on the ground seeing the problem, and we are not allowing them to do their job.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EAGLE FORUM,  
September 23, 2009.

U.S. Senate,  
Washington, DC.

DEAR SENATOR: On behalf of the many thousands of American families we represent, I urge you to support Senator Tom Coburn's (R-OK) Secure Our Borders and Protect the Environment amendment (#2523) to the Interior Appropriations bill, H.R. 2996, currently being debated on the Senate floor.

The Coburn amendment would simply prevent any funds in this bill from going to any Department of the Interior efforts or activities to impede or stall the Department of Homeland Security's progress of the border fence or to prevent the enforcement of U.S. law on public lands near the border. Yesterday, the House passed a motion to recommit to the Santa Cruz Valley National Heritage Area Act (H.R. 324) by a vote of 259 to 167 that included this same amendment language.

In 2006, the U.S. Senate overwhelmingly passed the Secure Fence Act of 2006 by a vote of 80 to 19 to construct 700 miles of border fence between the U.S. and Mexico—even then-Senator, President Barack Obama, voted in favor of the fence. Despite the enactment of this law and billions of taxpayer dollars for law enforcement efforts, our border remains vulnerable and the increase in violence in Mexico has begun to spill over into the United States. Even worse, our national parks and other federal public lands are being easily targeted by and used as sanctuaries for illegal drug smugglers because environmental concerns limit the range of U.S. Border Patrol agents and also complicate efforts to build the barrier ordered by Congress.

Not only do these restrictions on enforcement endanger our border guards, but the increased illegal activity as a result of reduced law enforcement has led to adverse environmental impacts on these lands, including

contamination of pristine areas with bio-hazardous waste and communicable diseases, contamination of water supplies for animals and local ranchers, and an increase in wildfires.

We need the Coburn amendment because it is a common-sense step in our fight against the illegal drug and human trade, to secure our border, and to restore our wilderness areas that border Mexico. I urge you to vote in favor of the Coburn amendment when it comes up for a floor vote today. Eagle Forum will score this vote, which will appear in our scoreboard, published annually, for the 1st session of the 111th Congress.

Sincerely,

SUZANNE BIBBY,  
Legislative Director, Eagle Forum.

NATIONAL BORDER PATROL COUNCIL  
OF THE AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFFILI-  
ATED WITH AFL-CIO.

September 24, 2009.

Hon. TOM COBURN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR COBURN: The United States Border Patrol is charged with the formidable task of securing our Nation's borders, and confronts numerous obstacles that hinder the accomplishment of that goal, including rugged terrain, extreme climatic conditions, an overwhelming number of people crossing the border illegally, and violence perpetrated by smugglers and other criminals. Bureaucratic regulations that prevent Border Patrol agents from utilizing vehicles and technology on public lands should be the least of their concerns, but unfortunately are not.

Your amendment to the Fiscal Year 2010 appropriations bill for Interior, Environment and Related Agencies that would preclude the use any of those funds to impede, prohibit, or restrict any activities of the Department of Homeland Security on public lands that are undertaken to achieve operational control of our borders is therefore greatly appreciated by the dedicated men and women of the U.S. Border Patrol.

Sincerely,

T.J. BONNER,  
President.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, if I may say through the Chair to the distinguished Senator from Oklahoma, the manager of the amendment and I are prepared to take the amendment. Moreover, we are prepared to convene a meeting between the two Department heads, have you present, and sit down and see what we can work out.

Mr. COBURN. Well, that is perfectly acceptable to me. I want the problem solved. I think security is just as important as protecting our environment. We are not going to allow one to trump the other.

Mrs. FEINSTEIN. We will accept the amendment on both sides with the stricture I just added to it on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2523) was agreed to.

Mrs. FEINSTEIN. Thank you, Madam President.



AMENDMENT NO. 2483

Mr. COBURN. I would next like to talk about amendment No. 2483. This is the amendment that moves the Federal Land Acquisition Fund to backlog.

There is no question my colleagues in this body know of my concern about an ever-expanding, ever-enlarging Federal role in terms of land ownership. In fact, I have had a lot of conflicts with the chairmen, whether it was a Republican chairman or a Democratic chairman, in terms of expanding the amount of property the Federal Government owns.

It is not just about expanding. When we expand it costs more money. It costs our kids more money. But in this bill, we have almost \$400 million that is going to be put in to buy more land where we cannot take care of the land that we have today.

What we know is the following: Federal land management agencies across all these different branches of government, as well as within this bill, are responsible for a large and aging number of structures. As we have continued, through the Federal Government, to consume more private land nationwide, Federal agencies have increasingly been unable to maintain the existing land holdings.

All one has to do is talk to any park ranger. Go up to the Statue of Liberty, they have an \$800 million backlog. Go to the Washington Mall, well over \$1 billion in maintaining some of our most significant structures. If you go to the Grand Canyon National Park, people are continually being limited because we can't maintain the trails and because we don't put the money in to do it. The National Park Service, which receives most of the money to buy more land in this bill, faces an \$11 billion backlog.

When I first started talking about the issue, the backlog was \$6 billion. In 4 years, we have seen the backlog with the National Park Service almost double. Although I am thankful for the increase in maintenance funds this bill does add to the national parks, it does not come sufficiently close.

What is the priority? Is the priority for the Federal Government to consume more land, restrict more access, limit the freedom of people around that land and on that land, or is it to let Americans own the land and take care of the land the Federal Government already has? It owns a third of the land. How much land is enough for the Federal Government to own? How much is enough, especially when most of the land we own we are not taking care of. We are letting it fall down. The question has to be: What are the priorities?

The committee says the priority is to buy more land. This amendment says the priority is to repair and take care of the land we have. It specifically directs this money to the National Park Service to help with a backlog of fall-

ing down structures and the increased risk of safety for both park employees and visitors.

I obviously don't have all the information the committee has, but as the Senator from New Mexico knows, I have been looking at land acquisition and land bills for the last few years. I have not been successful in slowing them down, but I think the American people need to know about this. They need to recognize that our priorities are screwed up and that, in fact, we ought to be about taking care of what we have before we add to it.

I yield the floor.

Mrs. FEINSTEIN. Madam President, regretfully, I have to oppose this amendment. The fact is, we would lose opportunities to conserve valuable lands because within national parks there are inholdings, and inholdings, when they become available—these are private properties that people own—the Federal Government buys them and adds to the public land. Let me name a few: In Georgia, I am told the Chattahoochee National Recreation Area would be involved; in many States, Civil War battlefield sites; in Ohio, the Cuyahoga Valley National Park; in the State of Washington, Mount Rainier, Olympic, and San Juan National Parks; in Texas, Big Thicket National Preserve; in Indiana, the Hoosier National Forest; in Utah, Dixie National Forest; in South Dakota, the Black Hills National Forest.

The point I wish to make is, on occasion, there are families who have large land holdings, and these are valuable, pristine land holdings. Their first preference might be to have the Federal Government buy these lands to hold them for the future and to conserve the lands. If the Federal Government can't do that, the lands go on the market, generally, for the highest and best use. With some of our prized and treasured possessions, that is not the way to go.

I will oppose this amendment. I am sure it will be in line for a vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. The chairman makes my point for me. Yes, we might miss an opportunity. But we don't have the courage to put the priorities right. We are going to miss an opportunity while structures fall down at Yellowstone. That is what the choice is. We are going to take large, valuable land segments that are now paying property taxes and, because they are up for sale, we are going to spend that money rather than repair Carlsbad Caverns. That is the choice. The chairman made my argument for me. We are not going to do the sensible thing.

Many of these things will come back. They are not gone forever. What we are saying is, because we don't have any limitation on what we spend or how we spend it, we therefore have no limitation in worrying about whether things

fall down. The fact is, now an \$11 billion backlog, which grew \$400 million last year alone in the Forest Service, documented by the Forest Service—those are not my numbers—we are going to say these are more important now than putting back in proper order things that relate to safety or security in the national parks. I will end with the fact that if we don't do this, what we have done is earned the reputation we are garnering, that we refuse to make tough choices. Life is about tough choices. Maybe we don't get to add to one of these parks right now. But how about taking care of what we have? Why not make that a priority?

It is kind of like when your front porch is falling down and that is the only entrance to your house, you start building a garage rather than fix your front porch or you buy an extra five acres so you can have a big garden. We wouldn't do that. The American people wouldn't do that. We need to respond with some commonsense solutions. Instead, we are adding to the cost as the backlog grows.

I am uncomfortable with the fact that that is how we think here. I know the American people are uncomfortable with that fact. I am disappointed we will not have the support of the committee. I look forward to the vote.

The next amendment I will call up is pending, but I will discuss amendment No. 2482.

Mrs. FEINSTEIN. Will the Senator yield? I know he is a gentleman.

Mr. COBURN. I am happy to.

Mrs. FEINSTEIN. Madam President, when we did the stimulus, we put in the maximum amount that the departments could use for maintenance and rehabilitation. I have the breakdown. It is hard to add it all up quickly, but I can give some idea. Bureau of Land Management deferred maintenance, \$35 million; recreation maintenance, 25; trail maintenance, 20; abandoned mine site remediation, \$30 million; habitat restoration, 25. It goes on. I recall as we did this, what we were told by our staffs is that was the maximum amount these departments could absorb in the length of time covered by the stimulus. I will leave my colleagues with that.

Mr. COBURN. I would be happy to have a UC on this amendment that would exclude the inholdings, if that would satisfy the chairman.

In fact, the inholdings are a very small amount of the \$400 million. A very small amount of the money for land acquisitions is inholdings. I would be happy to accept a second degree that would exclude the inholdings from this.

Mrs. FEINSTEIN. I appreciate that, but I cannot accept that. We believe the Land and Water Conservation Fund is working as it is supposed to. If anything, it has been underfunded. This

bill proposes to appropriate \$420 million of the \$900 million that is authorized. That is less than 50 percent. The Land and Water Conservation Fund, we believe, is extraordinarily important. We would try to get it higher if we could, but we cannot.

Mr. COBURN. I thank the chairman for her comments on that. I am sure it is important. It is important to preserve what we have. You can't go to one national park and talk to the park rangers and talk to the person in charge without hearing them talk about the declining status of their individual parks. We have to start making some choices. We are going to refuse to do that. So next year, instead of it being \$11 billion, it is going to be \$11.6 billion, and then it is going to grow. What is happening right now is, we are shutting off parts of our parks. We are saying, since it is dangerous or it is in disrepair, we cannot let people experience it.

I will put in the RECORD hundreds of examples where that is happening right now. We have researched and the parks have told us where they are limiting access because of the lack of maintenance funds and funds for repair of required things in the parks.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2504, AS MODIFIED

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2504, as modified, be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is pending.

#### AMENDMENT NO. 2504, AS FURTHER MODIFIED

Mrs. FEINSTEIN. Madam President, there is a further modification at the desk, and I ask unanimous consent that the amendment be further modified.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment, as further modified, is as follows:

(Purpose: To encourage the participation of the National Park Service in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009)

On page 135, line 2, before the period, insert the following: "of which \$200,000 may be made available by the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue, preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct schol-

arly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.,".

Mrs. FEINSTEIN. Madam President, this modification, which has been agreed to on both sides, allows the Secretary of the Interior to make \$200,000 available for preservation of the Martin Luther King papers. It is an amendment offered by Senator ISAKSON. I fully support the amendment.

Madam President, I ask unanimous consent that the amendment as further modified, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2504), as further modified, was agreed to.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2535

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to call up amendment No. 2535.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. BARRASSO, proposes an amendment numbered 2535.

The amendment is as follows:

(Purpose: To provide for the use of certain funds for an Indian estate planning assistance program)

In the matter under the heading "FEDERAL TRUST PROGRAMS (INCLUDING TRANSFER OF FUNDS)" under the heading "OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS" under the heading "DEPARTMENT OF THE INTERIOR" of title I, insert "and of which \$1,500,000 shall be available for the estate planning assistance program under section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f))" after "historical accounting".

Mrs. FEINSTEIN. Madam President, this amendment has been accepted by both sides. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2535) was agreed to.

#### AMENDMENT NO. 2527

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to call up amendment No. 2527.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. BENNETT, proposes an amendment numbered 2527.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the definition of the term "Beaver Dam Wash National Conservation Area Map")

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_ Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111-11) is amended by striking "December 18, 2008" and inserting "September 20, 2009".

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2527) was agreed to.

Mrs. FEINSTEIN. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I come to the floor because we were looking at an amendment earlier today that would have stopped the EPA from exercising its obligation to combat global warming pollution. There are those here who would choose to defer taking action to deal with this enormous threat where future generations' lives and well-being would be at risk. But the time for delay is a luxury we don't have. We can't afford to wait any longer and we cannot afford to limit our options.

Every day the science makes it more clear we are on a dangerous course. In fact, the scientific community has recently had to revise its own estimates because rising temperatures are destabilizing our planet far faster than originally expected. For instance, 2 years ago, scientists warned us that summers in the Arctic would be completely ice free by 2050. Now they are saying summers in the Arctic will be completely ice free in 3 years. Two years ago they said sea levels would rise less than 2 feet by the end of this century and now it is being said sea levels will rise by 6 feet. The risks of inaction are too great.

We have to look also at the national security risks we face by continuing to do nothing about climate change. According to the CIA's National Intelligence Council, if we fail to act, nearly 1 billion people may face water and food shortages in the next 15 years. These shortages will set the stage for conflict and breed conditions for terrorism. At the same time, with 20 percent of the world's population living in

coastal zones, rising sea levels and stronger hurricanes could displace more than 150 million people by 2050. When it is expressed in percentages such as that and talking about numbers that are almost beyond the imagination, it sometimes loses its impact. But what we are talking about are people seeking higher-level places to take themselves and their families so they are not overwhelmed by floods.

Border pressures created by these mass migrations will increase tensions and lay the groundwork for armed conflict. The U.S. Navy has looked at this problem in the past and issued a report that in the last half of the 21st century we could be looking at a different structure for naval engagements with smaller boats, higher speeds, and so forth to keep people from flooding our shores because they are trying to get away from higher water. Nations will look to us, to the United States, as a first responder in the aftermath of these major natural emergencies and humanitarian disasters.

Retired GEN Anthony Zinni put it this way, that if we don't begin reducing carbon emissions now, we will "pay the price later in military terms and that will involve human lives."

Delay is not a substitute for confronting this growing problem. It is no surprise that many of those who want to shelve the Clean Air Act and stop EPA from doing its duty are the same ones who close their eyes to the overwhelming scientific evidence that says, Wake up, hear the alarm. They have dismissed the ominous forecasts of life changes for plants, animals, and humans. They called global warming "the greatest hoax ever perpetrated on the American people." A hoax is a joke. That is a bad joke.

Let's not forget, the EPA's power to curb greenhouse gas emissions under the Clean Air Act was recently affirmed by the Supreme Court. The Clean Air Act has been one of the great success stories of our lifetime and it is one of the few tools we have to overcome climate change. For the last 40 years, this law has led to cleaner skies and healthier children. If it weren't for the Clean Air Act, 225,000 Americans would have died prematurely, according to an EPA study. Imagine, we would have lost 225,000 people if it weren't for the Clean Air Act.

While the gains have been enormous, the cost to polluters has been minimal. In fact, the total benefits to our economy have been identified as high as \$49 trillion, putting the benefit at 100 times greater than the cost for action. Even so, history shows that opponents often dramatically overstate the costs of environmental improvement. The last time we strengthened the Clean Air Act, our adversaries rang the alarm that these changes would cost too much and damage the economy. But as it turned out, the actual costs were

less than one-fifth of what these opponents estimated. Today, even though EPA has a proven track record of producing trillions in benefits for our economy and our country under the Clean Air Act, we are hearing the same kinds of warnings. It makes no sense.

There is no doubt our opponents prefer to endorse inaction and will reward failure. That is why I urge my colleagues to stand up to the special interests and stand for the public interest. It is time to say from our hearts that we are willing to stand firm against those who claim the overstated cost of change outweighs the risk of disappearing species, poor health, and international unrest.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, I wish to put my colleagues on notice that we are trying to work out an amendment so it can be acceptable to all parties concerned. It has to do with the heritage areas. If, in fact, you are a landowner in this country or you are a farmer or you are a rancher or you happen to have 20 acres in the country, you ought to be very worried about the implications and the consequences of those who come in and change the zoning laws on heritage areas.

Most people in this country have no idea they are in a heritage area. They have no knowledge that they are in a heritage area. As a matter of fact, the whole State of Tennessee is a heritage area. So what we are attempting to do is to create a mechanism where anybody in the country who is in a heritage area who doesn't want to be in it can be out of it with their property.

We also want to respectfully protect some efforts in North Dakota on one specifically where they would have to opt in. So we are working on an agreement. We will come back and talk about this when this is finished. Hopefully, this is the start of restoring property rights to Americans that have been trampled, in my opinion, by those who are empowered through the heritage area name.

My hope is we are going to make good progress on this with this bill. It is important. If you are a farmer or a rancher, if you are a farm bureau member, if you are a cattleman or if you are a dairy farmer, it is time to make sure this stays—whatever agreement we come to—in this bill as it goes to conference. Because real property rights are at risk. They have been at risk. They have been trampled on. This is a great solution in terms of solving it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I wish to thank the Senator from Oklahoma, the Senator from California, the Senator from North Dakota, and the Senator from New Mexico for their work on this amendment. The Senator from Oklahoma stated it exactly right, and that is our intention. I wish to thank the Senators involved.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I am in support of the amendment offered by the Senator from Oklahoma. I also offered an amendment which I understand will be accepted. It allows for something called an "opt in" for private property. It means that for the Northern Plains Heritage Area, private property would be involved only if someone wishes to be included. My understanding is, after having worked with the Senators from Tennessee and Oklahoma, and the Senator from California, who is managing this bill, my amendment will also be accepted by unanimous consent.

My amendment is amendment No. 2441 which has previously been filed.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, in the interest of moving things along—Members are impatient. We have been on this bill for a long time. We wish to conclude. It is my understanding both sides are agreeable to take the Dorgan amendment No. 2441, so I ask for unanimous consent.

Mr. ALEXANDER. Madam President, the Senator from Oklahoma has asked to be present when we do that, so I wonder if it might not be possible to take up other amendments at this time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I withdraw my prior request and I ask unanimous consent that at 5 o'clock tonight, the Senate proceed to vote in relation to the following amendments and motion to recommit remaining in order to H.R. 2996, the Interior Appropriations Act, and in the following order:

The Vitter amendment, No. 2549; the Ensign motion to recommit; the Coburn amendment No. 2482; the Coburn amendment No. 2483; and the Reid amendment No. 2531; that the remaining provisions of the previous order are still in effect.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, the exercise of governmental authority by White House advisers, sometimes called "czars," is a serious issue that deserves serious consideration by the Senate. Our ability to conduct meaningful oversight of those who hold the

levers of power and to evaluate whether they have the qualifications and character to carry out their duties may be undermined by the centralization of power in the White House. That is why I wrote to the President recently and plan to chair a hearing in the Constitution Subcommittee on this topic in the very near future. We need to know more about the role of these advisers and what powers they have. There is a core issue here that concerns me. At this point, however, it is premature to pass legislation on this topic before fully understanding the constitutional and policy ramifications. I am also uncomfortable with singling out a single policy adviser, the Assistant to the President for Energy and Climate Change, particularly since I am not aware of any evidence that she is acting inappropriately. Therefore, I will vote against the Vitter amendment.

Mrs. FEINSTEIN. Mr. President, I yield back the time remaining on the Vitter amendment No. 2549, and I move to table it. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 295 Leg.]

#### YEAS—57

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

#### NAYS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McCaskill
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker
Crapo	Lugar	

#### NOT VOTING—1

Byrd

The motion was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. ALEXANDER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

#### MOTION TO RECOMMIT

Mr. ENSIGN. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit H.R. 2996 to the Committee on Appropriations with instructions to report the same back to the Senate with changes that reduce the aggregate level of discretionary appropriations in the Act for fiscal year 2010 by \$4,270,000,000 from the level currently in the Act.

The PRESIDING OFFICER. There is 2 minutes equally divided.

Mr. ENSIGN. Mr. President, this is a very simple motion. It just says that at this time of runaway deficits, of out-of-control Federal spending, we are going to try to do a little something. We are just going to take this appropriations bill and say with regard to last year's level, which was increased fairly substantially, we are going to freeze it to last year's level.

As State budgets, local budgets, and family budgets are all being cut, trimmed, and tightened around the country, Washington says: You know what, we are going to print money. We are just going to borrow from our children and grandchildren and continue to print money and print money and push it off onto the next generation.

It is time for this body to show some fiscal restraint. So let's cut \$4 billion out of this spending bill and bring it back to last year's level. Let the Appropriations Committee determine where that spending is, but let's actually show some fiscal responsibility.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I urge a "no" vote. I am going to move to table at the appropriate time. If we adopt the Ensign motion, we cut Park Service dollars, Indian health dollars, particularly water infrastructure. Mr. President, \$2.5 billion in this bill is for sewer grants; \$1.8 billion is for fire suppression. It is the first time we have met the fire suppression need fully so that they do not have to take from other accounts to fight fires.

I move to table the motion to recommit.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the motion to recommit.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 296 Leg.]

#### YEAS—64

Akaka	Feinstein	Nelson (NE)
Alexander	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Klobuchar	Shelby
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Feingold	Murray	

#### NAYS—34

Barrasso	Enzi	McCain
Bayh	Graham	McCaskill
Brownback	Grassley	McConnell
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	Wicker
DeMint	LeMieux	
Ensign	Lugar	

#### NOT VOTING—1

Byrd

The motion to table the motion to recommit was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

#### AMENDMENT NO. 2482, AS MODIFIED

Mr. COBURN. Mr. President, I think we can dispense with two fairly quickly, one with a vote and one without. We have worked out an agreement on amendment No. 2482. I believe the modification is at the desk. We have an agreement between the chairman and ranking member of the committee and the Senator from New Mexico, who is chair of the appropriate authorizing committee, which allows private property owners to opt out of heritage areas. I ask for its consideration now, rather than spending more time on it, and ask unanimous consent it be accepted.

Mrs. FEINSTEIN. The Senator is correct. We are prepared to accept the amendment.

The PRESIDING OFFICER. If there is no objection, the amendment will be modified and agreed to as modified.

The amendment (No. 2482), as modified, was agreed to, as follows:

At the appropriate place insert the following:

Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

#### AMENDMENT NO. 2441

Mrs. FEINSTEIN. A corollary part of this is Dorgan amendment No. 2441, which also moves along with this. So we are prepared to accept Dorgan No. 2441 as well.

Mr. DORGAN. Mr. President, let me say I think this has been cleared by both sides. It does have a connection to the previous amendment. I appreciate the cooperation of the Senator from California, the Senator from Tennessee, and the Senator from Oklahoma.

I ask for its immediate consideration and approval.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, and Mr. CONRAD, proposes an amendment No. 2441.

The amendment is as follows:

(Purpose: To provide for the inclusion of property in, or removal of property from, the Northern Plains Heritage Area)

Beginning on page 173, strike line 12 and all that follows through page 174, line 5, and insert the following:

“(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

“(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

“(2) PROPERTY REMOVAL.—

“(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

“(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.”.

The PRESIDING OFFICER. Without objection, the amendment will be accepted.

The amendment (No. 2441) was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

#### AMENDMENT NO. 2483

Mr. COBURN. We are on amendment No. 2483, which was not agreed to. We could not work out an agreement. I want to take a minute or two—we don't have a time agreement on this—to talk about this amendment, what amendment No. 2483 will do.

The PRESIDING OFFICER. There is 2 minutes equally divided on this amendment.

Mr. COBURN. I am not sure I was present. Do we have a unanimous consent in that regard?

The PRESIDING OFFICER. Yes.

Mr. COBURN. I should have been here to object.

We have an \$11 billion backlog in the national parks. It grew by \$400 million this year. The Land and Water Conservation Act of 1965 was not meant just to buy land. It was meant to take care of the backlogs and the problems associated with outdoor recreation enjoyment by the American people. There is almost \$400 million in this bill to buy more land rather than take care of the things we have today. This amendment simply moves that to take care of the backlog at every national park we have. If we do not do that, we are soon going to be at \$12 billion, soon at \$13 billion.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COBURN. The fact is, it is common sense. Every American knows you do not build a garage when your front porch is falling down and that is the only way to get into your house. That is what is happening to our parks. I know there is some increased funding for the parks but the fact is they are falling down, whether it is Yellowstone—I don't care where it is, there are significant maintenance problems in the parks. That ought to be a priority before we add 1 more acre to 650 million acres we already own.

The PRESIDING OFFICER. Who yields time?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, we oppose this amendment. We oppose it because it takes \$420 million out of the Land and Water Conservation Fund. We oppose it because the committee in the stimulus bill put in as many dollars as these departments could absorb in the period of time for maintenance.

I move to table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 297 Leg.]

#### YEAS—79

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Baucus	Gregg	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Hutchison	Reid
Bennett	Inouye	Roberts
Bingaman	Isakson	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Sessions
Brownback	Klobuchar	Shaheen
Burr	Kohl	Shelby
Burris	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	LeMieux	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Vitter
Corker	McCain	Voinovich
Dodd	McCaskill	Warner
Dorgan	McConnell	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

#### NAYS—19

Barrasso	DeMint	Kyl
Bunning	Ensign	Lugar
Chambliss	Enzi	Risch
Coburn	Grassley	Thune
Conrad	Hatch	Wicker
Cornyn	Inhofe	
Crapo	Johanns	

#### NOT VOTING—1

Byrd

The motion was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. ALEXANDER. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

#### AMENDMENT NO. 2531

The PRESIDING OFFICER. The question is on agreeing to the Reid amendment No. 2531.

Mrs. FEINSTEIN. I yield back all time on the Reid amendment. It has been cleared on both sides. I ask for its adoption by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2531) was agreed to.

#### TAHOE RIM TRAIL

Mrs. FEINSTEIN. Mr. President, I rise to provide additional clarification regarding a congressionally directed spending items included in the fiscal year 2010 Senate Interior Appropriations Subcommittee. At Senator REID's request, the committee included \$100,000 for the U.S. Forest Service to fund trail improvements in Nevada. It is my understanding that Senator REID intended those funds to be used for improvements for the Tahoe Rim Trail, to be conducted through a partnership with the Tahoe Rim Trail Association. Due to a clerical error, the project is not listed correctly in the committee report, and I would like to ensure that the RECORD clearly reflects Senator REID's intended use for these funds.

Through the chair, I would like to ask my colleague from Nevada, the distinguished majority leader, if my understanding of his intent is correct?

Mr. REID. I would like to thank the chairman for her efforts to clarify this matter. Chairman FEINSTEIN is correct, I do intend that the funds recommended by the committee be used by the U.S. Forest Service for improvements to the Tahoe Rim Trail through their partnership with the Tahoe Rim Trail Association. I would also note for the record that my request complies fully with all disclosure requirements relating to congressionally directed spending.

Mrs. FEINSTEIN. Mr. President, I thank the majority leader for his clarification and I look forward to working with him to support his project as we move through the annual appropriations process.

#### FUNDING RCAPS

Mr. LEAHY. Mr. President, as the Chair knows, I have long been a supporter of improving the quality of drinking water in rural America. There is a lot of work to be done. While small rural communities are home to fewer than 20 percent of America's population, they account for more than 85 percent of the Nation's community water systems, and are more likely than larger systems to report major drinking water violations. According to EPA data, 93 percent of the maximum contaminant level, MCL, and treatment technique, TT, violations reported in 2002 affected community water systems serving fewer than 10,000 people. MCL and TT violations include higher than allowable levels of organic and inorganic contaminants such as arsenic, benzene, atrazine, lead, copper and nitrate.

One significant reason for these high numbers is the lack of capacity among local elected officials to deal with the complexities of maintaining a safe and clean supply of drinking water. For this reason I have supported funding for RCAPs—six regional nonprofit organizations that help rural communities with facilities needs.

The technical assistance and training activities the RCAPs provide focus on helping communities comply with the Clean Water Act and the Safe Drinking Water Act. Last year alone, the RCAPs assisted more than 2,000 communities, leveraged over \$200,000,000 in funding, conducted 78 training sessions for almost 2,000 community water officials, and assisted nearly 3 million people to access safe and clean water. Most of the communities the RCAPs work with have populations of less than 1,500.

Funding for the RCAPs has been included in this bill for more than 20 years. I understand that the committee was limited by rules regarding earmarks, and I note that funding for the RCAPs is not included in the fiscal year 2010 Senate bill. However, I under-

stand that the House bill includes funding for the RCAPs at the current rate and it my hope that in conference the Senate will move toward the House position on this.

Mrs. FEINSTEIN. I thank the Senator for his comments on this. I appreciate the difficulties faced by rural communities in gaining and maintaining access to adequate drinking water. I also know well the good work of the RCAPs in assisting those communities. As we move into conference on this legislation I look forward to working with my colleague to see if we can maintain funding for this important program.

#### WHITE NOSE SYNDROME

Mr. LAUTENBERG. I would like to discuss with the Senator a serious issue that deserves our attention. White nose syndrome, WNS, is a fungus that is causing an extraordinary number of bat deaths, particularly in the Northeast. This disease has the potential to inflict widespread ecological, agricultural, and economic damage throughout our country. More than 1 million bats have died from New Hampshire to Virginia over the last two winters, and scientists report mortality rates as high as 100 percent in some affected caves. Experts fear that WNS could lead to the extinction of many bat species as the disease spreads across the country.

WNS not only has ecological effects, but it also has severe economic and environmental implications. Bats consume vast quantities of insects, protecting crops and reducing pesticide use. A single bat can easily eat more than 3,000 insects a night and an entire colony will consume hundreds of millions of insects per year. Bats prey on mosquitoes, which spread disease, and moths and beetles, which damage agriculture.

With the Senator's leadership, the fiscal year 2010 Interior appropriations bill has included \$500,000 for research to prevent the spread of WNS, and I thank the Senator for that.

Mrs. FEINSTEIN. I thank Senator LAUTENBERG. Our offices have worked together on efforts to provide funding to fight WNS, and I share his concerns about this issue.

Mr. LAUTENBERG. As the Senator knows, the U.S. Fish and Wildlife Service, FWS, is spearheading efforts to better understand this deadly disease and learn how to control its spread. FWS is working in conjunction with the U.S. Geological Survey, National Park Service, and U.S. Forest Service and with State and local partners, scientists, and conservation organizations. Due to the high mortality rate and the rapid spread of the disease, time is of the essence.

Mrs. FEINSTEIN. I agree with the Senator. We must tackle this issue head-on and make sure all stakeholders are working together to combat this challenge.

Mr. LAUTENBERG. Experts estimate that much more funding is needed for research on WNS. Accordingly, I filed an important amendment to this bill, amendment No. 2476, to shift \$1.4 million in additional funding to WNS research. My amendment would not put any other projects or programs at risk, and it would provide critical resources to fight this disease. I ask for the chairman's assurance that she will work in conference to implement my amendment.

Mrs. FEINSTEIN. As I mentioned earlier, I share the Senator's concerns and agree that we need to focus more attention and resources on WNS. I commit to work in conference to increase funding for this disease as called for in his amendment.

#### CLEAN AUTOMOTIVE TECHNOLOGY

Mr. LEVIN. Mr. President, I want to bring to the attention of the distinguished chair of the Appropriations Subcommittee on Interior, Environment and Related Agencies a very important program in my State. The Environmental Protection Agency's National Vehicle and Fuel Emissions Laboratory in Ann Arbor, MI, leads EPA's Clean Automotive Technology Program by facilitating collaboration with the automotive industry through innovative research to achieve ultra low-pollution emissions, increase fuel efficiency and reduce greenhouse gases.

One of the programs that has been developed collaboratively through the Ann Arbor laboratory and its industry partners is the hydraulic hybrid technology which has come out of the laboratory's focus areas in hydraulic hybrid research, engine research, alternative fuels research and technical and analytical support. This technology offers potential to reduce greenhouse gas emissions by 50 percent.

The President's fiscal year 2010 budget increases the Climate Protection Program line in EPA's budget, which includes this facility, and I appreciate the subcommittee's concurrence with the request in the bill before the Senate.

It is my understanding that the version of the bill adopted by the House of Representatives provides an additional \$1.6 million over the fiscal year 2010 budget request. Is that also the understanding of the Senator from California?

Mrs. FEINSTEIN. The Senator is correct. The President's budget proposed \$18.975 million for the Climate Protection Program, and that is the same amount proposed in this bill. The House of Representatives approved \$20.575 million.

Mr. LEVIN. I hope to provide additional funding for this program in order to fund a demonstration program to deploy hybrid hydraulic technology in larger fleet vehicles, such as school buses. Demonstration of this hybrid hydraulic technology, through its incorporation into a fleet of school buses,

would not only bring these fuel-efficient and environmentally friendly technologies closer to wide-scale viability and acceptance but also provide EPA with important data to support its work in developing achievable standards for fuel economy and greenhouse gas emissions.

As the conference committee considers the differences between the House and Senate bills, I am hopeful that the additional \$1.6 million included in the House bill will be maintained and that serious consideration will be given to directing this funding to demonstration of the hybrid hydraulic technology I have described.

Mrs. FEINSTEIN. I appreciate the Senator from Michigan bringing this to my attention and I assure him that I will keep his suggestions in mind as this bill progresses.

Mr. LEVIN. I thank the distinguished Senator.

NEW YORK'S NORTHEASTERN STATES RESEARCH  
COOPERATIVE FUNDING

Mrs. FEINSTEIN. I would like to enter into a colloquy with my colleague from New York.

Mrs. GILLIBRAND. I thank the chairman for entering into a colloquy with me and for her hard work on this bill. I want to discuss the need to add New York to the list of States included for Northeastern States Research Cooperative Funding.

The Northeastern States Research Cooperative, NSRC, was originally authorized by Congress in the Forest and Rangeland Renewable Resources Research Act of 1978 and is managed by the U.S. Forest Service. The clear intent of Congress in creating the NSRC was to fund a competitive grants research program shared by the four states of the cooperative, New Hampshire, Vermont, Maine and New York.

The original intent of Congress was to have all four States jointly funded by the enacted authorization of this act. Unfortunately, New York has been left out of the Forest Service budget requests this year.

Funding through this cooperative will maintain critical forestry research programs in New York State. For instance, the State University of New York, College of Environmental Science and Forestry has received funding through this program in the past that has provided research, technology transfer and outreach to coordinate and improve ecological and economic vitality of the northeastern forests of New York, Vermont, New Hampshire and Maine.

The NSRC's research is critical to the economic vitality of and quality-of-life in the 18.5 million acres of the New York's forested land.

Mrs. FEINSTEIN. I would like to thank my colleague for bringing this to my attention and I will certainly look into this matter during conference negotiations.

Mrs. GILLIBRAND. I thank the chairman for her help and for her leadership.

Mr. UDALL of New Mexico. Mr. President, I would like to correct the record regarding some recent remarks of Senator TOM COBURN of Oklahoma regarding offshore drilling. Senator COBURN stated in today's debate that I "voted against an opportunity to expand offshore exploration yesterday."

First, the Senator's comments are somewhat confusing because there were no votes yesterday that would have opened up even one acre of our offshore public lands to oil exploration. Instead, I believe that Senator COBURN may have been referring to yesterday's motion to recommit by Senator VITTER of Louisiana.

I opposed the Vitter motion yesterday because it was counter-productive. By using political interference in offshore permitting, it would have actually created serious delays. Supporters of the Vitter motion talked about their desire to expand offshore oil drilling, but the motion set up major legal obstacles to developing our natural resources.

The motion was vaguely drafted, but it could have blocked funding from being used to review the over 300,000 public comments received. The motion also could have blocked the Secretary from considering facts and scientific evidence regarding the decision he needs to make.

I opposed the Vitter motion because the only way that we can legally access our public lands for natural resources is by due process. If we block the Department of Interior from following due process, that only serves to delay the process with litigation.

Mr. HATCH. Mr. President, I rise today to discuss an amendment I filed to the Interior appropriations bill, and in doing so, I hope to remind my colleagues about their responsibility as federally elected representatives of the citizens of the United States. The U.S. Constitution, the document written by the people to empower and limit government, specifically gives the Congress the power to make the laws that direct this government. The first section of the first article of the Constitution states "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." The people also established an executive power and a judicial power, but put the lawmaking power specifically into the hands of Congress.

I would invite my colleagues to consider for a moment, and to remind themselves, why the people put the control of the Nation's laws into the hands of Congress, and not to the other branches of government. It is because Congress is directly answerable to the people. For members of Congress, there

is no escape from the people. Our founding document ensures that we routinely have elections whereby law-makers face the citizens who sent them here. By limiting legislative powers to Congress, the people have secured this power to themselves. So we see that the people are willing to live under laws, but only to the extent that those laws are their own.

This is a principle upon which our Nation was founded. This is a principle upon which we have achieved our status as a great nation. It is a principle that has made our government an inspiration to generations of free minds throughout the world. And I believe it is a principle that is being weakened on our watch during the 111th Congress.

In April of 2007, the Supreme Court ruled in *Massachusetts v. EPA*, by a 5 to 4 margin, that the Environmental Protection Agency could act to regulate carbon dioxide emissions as a pollutant from vehicles under the Clean Air Act without further authorization from Congress. And it is widely believed that this decision allows the EPA to also regulate carbon dioxide emissions from all other sources, as well, without further action from Congress.

I disagree with the Supreme Court's decision in *Massachusetts v. EPA* and even consider it ill-informed in some respects. However, I don't question the role of the Court to make such a decision. After all, the people did, in fact, give the Supreme Court the jurisdiction to interpret the laws of Congress.

Furthermore, I disagree with the EPA's finding that carbon dioxide poses an endangerment to humans and that it is a pollutant. Unlike conventional pollutants, CO<sub>2</sub> does not normally cause direct harm to our environment or to our bodies. It is considered an endangerment only because it has the potential as a greenhouse gas to warm the planet. What seems to be completely lost by the EPA, is that most scientists will tell you that a warming climate is a net benefit, while a cooling climate is a net detriment to life on Earth.

If greenhouse gases and warming are detrimental to life, then why doesn't the EPA propose to regulate water vapor? Water vapor makes up 95 percent of all greenhouse gases, and a cubic foot of water vapor has a much stronger warming factor than a cubic foot of carbon dioxide?

Those are just a couple questions that haven't been answered sufficiently, in my view. And so I disagree with the EPA's finding that carbon dioxide is an endangerment. In spite of that, I do recognize that the Supreme Court has the ability to interpret the Clean Air Act in a way that allows the EPA to make this finding.

However, I doubt that any of my colleagues can honestly say that when Congress voted for the Clean Air Act in



1970, that we intended that carbon dioxide should be regulated as a pollutant. But now we are witnessing the EPA initiating a process to that end which will lead to the most sweeping, and probably most expensive set of regulations in our nation's history, with no specific authorization from Congress to do so.

Is it the proper role of Congress to sit by and allow an independent agency, with nary an elected official within its walls to take over every single energy producing activity in the Nation? Could there be a more dramatic and sweeping centralization of government power than the move to control all carbon dioxide emissions? And are we, as the elected body representing the people going to hide behind a decision by a Supreme Court and just watch it happen? While technically, the Supreme Court and the EPA are acting within their jurisdictions and authority. Certainly, though, with such far reaching regulations, Congress has a responsibility to put these actions back under the direct authority of Congress, and thus back into the hands of the people.

My amendment would do just that. It would bar the EPA from moving forward with these far reaching regulations until Congress has expressly authorized such an action. I urge my colleagues to restore Congress and the people to their proper role over laws that relate to the regulation of carbon dioxide, and support my amendment.

Mr. AKAKA. Mr. President, I rise today to speak in support of the fiscal year 2010 Department of the Interior, Environment, and Related Agencies Appropriations Act. I wish to thank subcommittee Chairman FEINSTEIN and Ranking Member ALEXANDER, as well as committee Chairman INOUE and Vice Chairman COCHRAN, for their work on this bill.

This bill will fund important programs at the Environmental Protection Agency, Department of the Interior, Indian Health Service, Forest Service, Smithsonian Institution, National Endowment for the Arts, and National Endowment for the Humanities. Consequently, it addresses critical needs related to public lands management, environmental protection, Indian Country, and cultural education. I am pleased with the inclusion of a number of initiatives for which I requested funding and that I believe will be of great benefit to Hawaii and our Nation. Therefore, I am very thankful that my colleagues on the Appropriations Committee recognized the need of these programs and backed them with unanimous committee approval. I would like to take this opportunity to discuss these important initiatives.

The Omnibus Public Lands Management Act of 2009, which was signed into law earlier this year, includes a bill I introduced in the 110th Congress to au-

thorize appropriations for the National Tropical Botanical Garden, NTBG. Chartered by Congress in 1964, the NTBG collects, cultivates, and preserves tropical flora and conducts research in tropical botany. The NTBG's work has advanced disease treatment, world hunger prevention, and medical education. Funding in this appropriations bill will allow the NTBG to continue to help protect, propagate, and study tropical species that could permit additional scientific advances but are threatened with extinction.

The bill will also fund the establishment and construction of a research and education center for the Hawaii Experimental Tropical Forest, HETF. The Hawaii Tropical Forest Recovery Act, which I sponsored and became law in 1992, authorized the establishment of the HETF to be managed as a site for research and education on tropical forestry, conservation biology, and natural resource management. HETF has been home to dozens of research projects since its establishment, and it has been selected as one of the National Science Foundation's 20 core wildland sites of the National Ecological Observatory Network and a site of the Forest Service's Experimental Forest and Range Synthesis Network. Construction of the center will further HETF's mission to improve the conservation and scientific understanding of tropical forests, a natural resource of global significance.

The James Campbell National Wildlife Refuge will receive funding in this bill to help provide for the acquisition of the remaining parcels on Oahu's northern shore to complete the expansion of the Refuge. The expansion would add approximately 1,100 acres and ensure protection of the largest natural coastal wetland and last remaining natural coastal dune ecosystem on Oahu. It is a premier endangered Hawaiian waterbird recovery area and supports four endangered Hawaiian waterbirds and a variety of migratory shorebirds and waterfowl. I was pleased to be an original cosponsor of the 2005 legislation that authorized such expansion and believe that securing the remaining parcels will aid in preserving the wetland's natural flood-water retention function.

In addition, the invasive species management project in Hawaii included in this bill will help to reduce the impact of established invasive species in the State and support ongoing efforts to prevent the introduction of new ones. Hawaii's delicate insular ecosystems are home to over 300 endangered species, which is more than any other State, and the primary factor limiting their recovery and contributing to their decline in Hawaii is the continued presence of ecologically harmful invasive species. Thus, continued vigilance and action is needed to safeguard these species and their habitats, which

are so important both nationally, in terms of biodiversity, and locally, in terms of agriculture, tourism, and culture.

I am also pleased the funding in this appropriations bill that will support the Native Hawaiian Culture and Arts Program, NHCAP, which preserves, supports, revitalizes, and develops Native Hawaiian arts and culture. NHCAP's efforts are focused on assisting Native Hawaiians to be practitioners of their culture and to share knowledge of and celebrate Hawaiian art and culture. NHCAP projects include educational programs, exhibits, publications, and increased access to the Bishop Museum's vast cultural collections of artifacts, documents, and images. These projects foster Native Hawaiian cultural preservation, create important educational opportunities for youth, and promote the sort of understanding necessary in a multicultural nation and increasingly interconnected world.

As population grows on islands with limited freshwater resources, information to evaluate the sustainability of water resources is needed to make informed decisions that balance environmental protection with economic opportunity. The resources that this bill supports for well monitoring and water assessment in my State will enable continued work with stakeholders to provide information on water resources so that they can be managed in a sustainable and legally compliant basis. It will also provide for the operation of stream gauges, which supply data important to signaling flood conditions, improving long-term planning, examining climate change, and measuring water availability and quality.

In all, funding for our national priorities in such areas as environmental protection, Federal lands, and cultural education is complemented in this bill by these six Hawaii programs that drive progress on research, education, planning, and preservation related to natural and cultural resources across my home state for the benefit of my constituents and the country as a whole. Again, I thank my colleagues for their support of these initiatives and urge continued support in conference.

Mr. LEVIN. Mr. President, I will vote for this bill to provide \$32 billion in funding for a variety of important environmental and infrastructure purposes. This bill would provide clean drinking water, prevent pollution from contaminating our precious natural resources, clean up hazardous waste sites, protect lands for habitat preservation and recreation, improve vehicle efficiency, and help restore the Great Lakes.

I am pleased this bill includes \$400 million for Great Lakes restoration and protection efforts through a new effort called the Great Lakes Restoration Initiative, GLRI. The GLRI is a

multiagency effort to address the array of current and historic threats facing the Great Lakes including invasive aquatic species, nonpoint source pollution, and contaminated sediment.

While I appreciate the significant investment in the Great Lakes, I have encouraged the bill managers to provide the full funding requested for the GLRI. The President requested \$475 million for the GLRI, and the Environmental Protection Agency has prepared a spending plan for the full funding. Full funding is needed now and would be well spent.

A 2003 GAO report on Great Lakes federal restoration programs stated: "Despite early success in improving conditions in the Great Lakes Basin, significant environmental challenges remain, including increased threats from invasive species and cleanup of areas contaminated with toxic substances that pose human health threats." More recently, scientists report that the Great Lakes are exhibiting signs of stress due to a combination of sources, including toxic contaminants, invasive species, nutrient loading, shoreline and upland land use changes, and changes to how water flows. A 2005 report from a group of Great Lakes scientific experts states that "historical sources of stress have combined with new ones to reach a tipping point, the point at which ecosystem-level changes occur rapidly and unexpectedly, confounding the traditional relationships between sources of stress and the expected ecosystem response."

The Great Lakes are a unique American treasure. We must recognize that we are only their temporary stewards. If Congress does not act to keep pace with the needs of the lakes, and the tens of millions of Americans dependent upon them and affected by their condition, the problems will continue to build and we may start to undo some of the important work that has already been done and is underway. We must be good stewards by providing the resources that the Federal Government needs to meet its ongoing obligation to protect and restore the Great Lakes. This bill will help us meet that great responsibility to future generations.

Importantly, the bill would provide \$1.4 billion to capitalize the Drinking Water State Revolving Fund and \$2.1 billion for the Clean Water State Revolving Fund for wastewater projects. The funding in the Senate bill more than doubles the amount provided in the fiscal year 2009 bill. I had urged appropriators to provide this increase because Michigan's water infrastructure needs are sizable. Michigan would receive about \$41 million for drinking water and \$88 million for wastewater projects, protecting public health, improving the environment, and creating a stronger economic climate.

I am also pleased this bill provides \$2.7 billion for our National Park Serv-

ice, an increase of \$200 million from last year's level, which I supported. Michigan has six national park units, and this funding would help ensure these resources are adequately maintained and protected. The national parks have been struggling for years with inadequate funding and large maintenance and construction backlogs. This funding would help meet these needs so that our Nation's natural and cultural heritage is preserved. Over a million people visited Michigan's national parks last year, and it is important that visitors find our parks in good condition and that we do the same for future generations.

I am pleased to see this bill includes the President's fiscal year 2010 budget request for the Environmental Protection Agency's Climate Protection Program, which includes the Clean Automotive Technology Program. EPA's National Vehicle and Fuel Emissions Laboratory in Ann Arbor, MI, leads the Clean Automotive Technology Program by facilitating collaboration with the automotive industry through innovative research to achieve ultra low-pollution emissions, increase fuel efficiency and reduce greenhouse gases. An example of the work done collaboratively through this program at the Ann Arbor laboratory with its industry partners is development of hydraulic hybrid technology that offers potential to reduce greenhouse gas emissions by 50 percent. The House bill includes an additional \$1.6 million for the Climate Protection Program, and I am hopeful this additional funding will be maintained in conference and that serious consideration will be given to directing this funding to deployment of hybrid hydraulic technology in larger fleet vehicles, such as schoolbuses.

Mr. President, this appropriations bill would protect our natural resources and the Great Lakes in particular, provide communities with safe drinking water and wastewater infrastructure, improve fuel efficiency and reduce greenhouse gases, and protect and improve public lands and parks, and I support its passage.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, my understanding is that the next vote will be final passage on the Interior appropriations bill. I want to alert all Members and give them kind of a suggestion of what the schedule is going to be.

First of all, people are asking about the Finance Committee. I have spoken to Chairman BAUCUS. The Finance Committee is going to work late tonight. They are going to come in in the morning and work, and then they will make a decision how long they are going to work tomorrow and whether they go into the weekend.

The next item of business will be the Department of Defense appropriations bill. Tonight will be debate only. There

will be no votes on Friday. The Defense appropriations managers will be here for amendments and debate.

This is one of the most important bills we deal with every year. There will be no votes on Monday. It is one of the high holidays, Yom Kippur. The Defense managers will be here to continue consideration of the bill. We are not going to be in session on Monday, not on the holiday. I do not think that would be appropriate. People are traveling that day. I do not think it is fair.

There will be votes on Tuesday. It will be like a regular Monday. There will be no votes before 5:30. I would hope if people have amendments on this Defense bill they will lay them down. We want to move on this as quickly as possible. We know there are lots of important subjects people want to talk about.

Wednesday, September 30, is the end of the fiscal year. We have a number of things we must do before the end of the fiscal year. We are going to have a CR. We have to extend FAA authority and other issues. All of the chairmen and ranking members know what they are and we have discussed them on the Senate floor.

Next week will be an extremely busy week. I am hopeful in the next few days the Finance Committee will complete their work on the Finance health care bill, and I hope we do not have to do anything dealing with reconciliation on that. We have made progress this week.

Members this week working on this bill have been very cooperative. We have two wonderful managers on this Interior appropriations bill. They have worked well together and done a good job.

Mrs. FEINSTEIN. Before you call the roll, I just want to thank the distinguished ranking member. A lot of cooperation went into this bill or it would have taken a lot longer.

I thank particularly the staff: Peter Kiefhaber, Virginia James, Scott Dalzell, Rachael Taylor, Chris Watkins; on the Republican side, Lee Fennesbeck, Rachelle Schroeder, and Rebecca Benn. We thank you very much.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. In 60 seconds I would like to thank Chairman FEINSTEIN for being so accommodating working with Republican Members. I would like to thank my colleagues for moving this bill along. Senators COCHRAN, INOUE, REID, and MCCONNELL have been terrific. The staff members, Peter and Rachael and Scott; on our side, Leif and Rachelle and Rebecca. We thank you for your hard work.

The PRESIDING OFFICER. Under the previous order, the committee substitute, as amended, is agreed to.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2445

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Inhofe amendment No. 2445 be in order.

The PRESIDING OFFICER. Notwithstanding the adoption of the substitute, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2445.

Mrs. FEINSTEIN. This amendment has been cleared on both sides. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2445) was agreed to, as follows:

#### AMENDMENT NO. 2445

(Purpose: To provide for the expedited cleanup of the Tar Creek Superfund Site)

On page 240, between lines 13 and 14, insert the following:

#### SEC. 423. TAR CREEK SUPERFUND SITE.

(a) IN GENERAL.—To expedite the cleanup of the Federal land and Indian land at the Tar Creek Superfund Site (referred to in this section as the “site”), any purchase of chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (or a successor regulation)), from the site shall be—

(1) counted at twice the purchase price of the chat; and

(2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

(b) RESTRICTED INDIAN OWNERS.—Subsection (a) shall only apply if the purchase of chat is made from 1 or more restricted Indian owners or an Indian tribe.

(c) APPLICABLE LAW.—The use of chat acquired under subsection (a) shall conform with applicable laws (including the regulations for the use of chat promulgated by the Administrator of the Environmental Protection Agency).

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment in the nature of a substitute, as amended, and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there are other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 298 Leg.]

#### YEAS—77

Akaka	Gillibrand	Murray
Alexander	Gregg	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Hatch	Reed
Bennett	Hutchison	Reid
Bingaman	Inouye	Risch
Bond	Isakson	Roberts
Boxer	Johanns	Rockefeller
Brown	Johnson	Sanders
Brownback	Kaufman	Schumer
Burr	Kerry	Shaheen
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Crapo	Lincoln	Voinovich
Dodd	Lugar	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Murkowski	

#### NAYS—21

Barrasso	Cornyn	Kyl
Bayh	DeMint	LeMieux
Bunning	Ensign	McCain
Burr	Enzi	McConnell
Chambliss	Graham	Sessions
Coburn	Grassley	Thune
Corker	Inhofe	Vitter

#### NOT VOTING—1

Byrd

The bill (H.R. 2996), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER appointed Senators Mrs. FEINSTEIN, Mr. BYRD, Mr. LEAHY, Mr. DORGAN, Ms. MIKULSKI, Mr. KOHL, Mr. JOHNSON, Mr. REED, Mr. NELSON of Nebraska, Mr. TESTER, Mr. INOUE, Mr. ALEXANDER, Mr. COCHRAN, Mr. BENNETT, Mr. GREGG, Ms. MURKOWSKI, Ms. COLLINS, and Mr. BOND conferees on the part of the Senate.

#### ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1707, introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1707) to authorize appropriations for fiscal year 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1707) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

#### S. 1707

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Enhanced Partnership with Pakistan Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Statement of principles.

#### TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

- Sec. 101. Authorization of assistance.
- Sec. 102. Authorization of appropriations.
- Sec. 103. Auditing.

#### TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

- Sec. 201. Purposes of assistance.
- Sec. 202. Authorization of assistance.
- Sec. 203. Limitations on certain assistance.
- Sec. 204. Pakistan Counterinsurgency Capability Fund.
- Sec. 205. Requirements for civilian control of certain assistance.

#### TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS

- Sec. 301. Strategy Reports.
- Sec. 302. Monitoring Reports.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term “appropriate congressional committees” means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term “counterinsurgency” means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through violent means.

(3) COUNTERTERRORISM.—The term “counterterrorism” means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

(4) FATA.—The term “FATA” means the Federally Administered Tribal Areas of Pakistan.

(5) FRONTIER CRIMES REGULATION.—The term “Frontier Crimes Regulation” means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) IMPACT EVALUATION RESEARCH.—The term “impact evaluation research” means

the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(7) **MAJOR DEFENSE EQUIPMENT.**—The term “major defense equipment” has the meaning given the term in section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)).

(8) **NWFP.**—The term “NWFP” means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(9) **OPERATIONS RESEARCH.**—The term “operations research” means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(10) **SECURITY FORCES OF PAKISTAN.**—The term “security forces of Pakistan” means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(11) **SECURITY-RELATED ASSISTANCE.**—The term “security-related assistance”—

(A) means—

(i) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(ii) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et. seq); but

(B) does not include—

(i) assistance authorized to be appropriated or otherwise made available under any provision of law that is funded from accounts within budget function 050 (National Defense); and

(ii) amounts appropriated or otherwise available to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32).

### SEC. 3. FINDINGS.

Congress finds the following:

(1) The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) Since 2001, the United States has contributed more than \$15,000,000,000 to Pakistan, of which more than \$10,000,000,000 has been security-related assistance and direct payments.

(3) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule, reversing years of political tension and mounting popular concern over military rule and Pakistan's own democratic reform and political development.

(4) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past seven years.

(6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—the FATA,

parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, the Terikh-e Taliban and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) The security forces of Pakistan have struggled to contain a Taliban-backed insurgency, recently taking direct action against those who threaten Pakistan's security and stability, including military operations in the FATA and the NWFP.

(8) On March 27, 2009, President Obama noted, “Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the United States homeland from its safe-haven in Pakistan.”

(9) According to a Government Accountability Office report (GAO-08-622), “since 2003, the [A]dministration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA” and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 22 U.S.C. 2375 note).

(10) During 2008 and 2009, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with ¾ of the population living on less than \$2 a day and ¾ of the population living below the poverty line according to the United Nations Development Program.

(11) Economic growth is a fundamental foundation for human security and national stability in Pakistan, a country with more than 175,000,000 people, an annual population growth rate of two percent, and a ranking of 136 out of 177 countries in the United Nations Human Development Index.

(12) The 2009 Pakistani military offensive in the NWFP and the FATA displaced millions of residents in one of the gravest humanitarian crises Pakistan has faced, and despite the heroic efforts of Pakistanis to respond to the needs of the displaced millions and facilitate the return of many, it has highlighted the need for Pakistan to develop an effective national counterinsurgency strategy.

### SEC. 4. STATEMENT OF PRINCIPLES.

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and economic development of Pakistan.

(2) United States assistance to Pakistan is intended to supplement, not supplant, Pakistan's own efforts in building a stable, secure, and prosperous Pakistan.

(3) The United States requires a balanced, integrated, countrywide strategy for Pakistan that provides assistance throughout the country and does not disproportionately focus on security-related assistance or one particular area or province.

(4) The United States supports Pakistan's struggle against extremist elements and recognizes the profound sacrifice made by Paki-

stan in the fight against terrorism, including the loss of more than 1,900 soldiers and police since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(5) The United States intends to work with the Government of Pakistan—

(A) to build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, including strengthening Pakistan's parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) to promote sustainable long-term development and infrastructure projects, including in healthcare, education, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;

(D) to ensure that all the people of Pakistan, including those living in areas governed by the Frontier Crimes Regulation, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(E) to support the strengthening of core curricula and the quality of schools across Pakistan, including madrassas, in order to improve the prospects for Pakistani children's futures and eliminate incitements to violence and intolerance;

(F) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan, including support for institutions of higher learning with international accreditation;

(G) to expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(H) to encourage the development of local analytical capacity to measure program effectiveness and progress on an integrated basis, especially across the areas of United States assistance and payments to Pakistan, and increase accountability for how such assistance and payments are being spent;

(I) to assist Pakistan's efforts to improve counterterrorism financing and anti-money laundering regulatory structure in order to achieve international standards and encourage Pakistan to apply for “Financial Action Task Force” observer status and adhere to the United Nations International Convention for the Suppression of the Financing of Terrorism;

(J) to strengthen Pakistan's counterinsurgency and counterterrorism strategy to help prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan or elsewhere;

(K) to strengthen Pakistan's efforts to develop strong and effective law enforcement and national defense forces under civilian leadership;

(L) to achieve full cooperation in matters of counter-proliferation of nuclear materials and related networks;

(M) to strengthen Pakistan's efforts to gain control of its under-governed areas and

address the threat posed by any person or group that conducts violence, sabotage, or other terrorist activities in Pakistan or its neighboring countries; and

(N) to explore means to consult with and utilize the relevant expertise and skills of the Pakistani-American community.

# **TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN**

## **SEC. 101. AUTHORIZATION OF ASSISTANCE.**

(a) IN GENERAL.—The President is authorized to provide assistance to Pakistan—

(1) to support the consolidation of democratic institutions;

(2) to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights;

(3) to promote economic freedoms and sustainable economic development;

(4) to support investment in people, including those displaced in on-going counterinsurgency operations; and

(5) to strengthen public diplomacy.

(b) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (a) include the following:

(1) To support democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen Pakistan's institutions, including the capacity of the National Parliament of Pakistan, such as enhancing the capacity of committees to oversee government activities, including national security issues, enhancing the ability of members of parliament to respond to constituents, and supporting of parliamentary leadership;

(B) support for voter education and civil society training as well as appropriate support for political party capacity building and responsiveness to the needs of all the people of Pakistan; and

(C) support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities at the national, provincial, and local levels.

(2) To support Pakistan's efforts to expand rule of law, build the capacity, transparency, and trust in government institutions, and promote internationally recognized human rights, including assistance such as—

(A) supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector;

(B) support for police professionalization, including training regarding use of force, human rights, and community policing;

(C) support for independent, efficient, and effective judicial and criminal justice systems, such as case management, training, and efforts to enhance the rule of law to all areas in Pakistan;

(D) support for the implementation of legal and political reforms in the FATA;

(E) support to counter the narcotics trade;

(F) support for internationally recognized human rights, including strengthening civil society and nongovernmental organizations working in the area of internationally recognized human rights, as well as organizations that focus on protection of women and girls, promotion of freedom of religion and religious tolerance, and protection of ethnic or religious minorities; and

(G) support for promotion of a responsible, capable, and independent media.

(3) To support economic freedom and economic development in Pakistan, including—

(A) programs that support sustainable economic growth, including in rural areas, and the sustainable management of natural resources through investments in water resource management systems;

(B) expansion of agricultural and rural development, such as farm-to-market roads, systems to prevent spoilage and waste, and other small-scale infrastructure improvements;

(C) investments in energy, including energy generation and cross-border infrastructure projects with Afghanistan;

(D) employment generation, including increasing investment in infrastructure projects, including construction of roads and the continued development of a national aviation industry and aviation infrastructure, as well as support for small and medium enterprises;

(E) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders;

(F) access to microfinance for small business establishment and income generation, particularly for women; and

(G) countering radicalization by providing economic, social, educational, and vocational opportunities and life-skills training to at-risk youth.

(4) To support investments in people, particularly women and children, including—

(A) promoting modern, public primary and secondary education and vocational and technical training, including programs to assist in the development of modern, nationwide school curriculums for public, private, and religious schools; support for the proper oversight of all educational institutions, including religious schools, as required by Pakistani law; initiatives to enhance access to education and vocational and technical training for women and girls and to increase women's literacy, with a special emphasis on helping girls stay in school; and construction and maintenance of libraries and public schools;

(B) programs relating to higher education to ensure a breadth and consistency of Pakistani graduates, including through public-private partnerships;

(C) improving quality public health to eliminate diseases such as hepatitis and to reduce maternal and under-five mortality rates;

(D) building capacity for nongovernmental and civil society organizations, particularly organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations; and

(E) support for refugees and internally displaced persons and long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(5) To strengthen public diplomacy to combat militant extremism and promote a better understanding of the United States, including—

(A) encouraging civil society, respected scholars, and other leaders to speak out against militancy and violence; and

(B) expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State designed to promote mutual understanding and interfaith dialogue and expand sister institution programs between United States and Pakistani schools and universities.

(c) ADDITIONAL AND RELATED ACTIVITIES.—

(1) AVAILABILITY OF AMOUNTS FOR PAKISTANI POLICE PROFESSIONALIZATION, EQUIPPING, AND TRAINING.—Not less than \$150,000,000 of the amounts appropriated for fiscal year 2010 pursuant to the authorization of appropriations under section 102 should be made available for assistance to Pakistan under this section for police professionalization, equipping, and training.

(2) AVAILABILITY OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Up to \$10,000,000 of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 may be made available for administrative expenses of civilian departments and agencies of the United States Government in connection with the provision of assistance under this section. Such amounts shall be in addition to amounts otherwise available for such purposes.

(3) UTILIZING PAKISTANI ORGANIZATIONS.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contracts, and to work with local leaders to provide assistance under this section.

(4) USE OF DIRECT EXPENDITURES.—Amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(5) CHIEF OF MISSION FUND.—Of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102, up to \$5,000,000 may be used by the Secretary of State to establish a fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under this title or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes of this section, or for purposes of humanitarian relief. The fund established pursuant to this paragraph may be referred to as the "Chief of Mission Fund".

(6) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence in Pakistan and support international efforts to coordinate assistance to refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(B) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, health, education, infrastructure development, and environmental restoration in identified parts of the country where Afghan refugees have lived; and

(C) the United States should have a coordinated, strategic communications strategy to engage the people of Pakistan and to help ensure the success of the measures authorized by this title.

(d) NOTIFICATION.—For fiscal years 2010 through 2014, the President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of the Government of Pakistan and

shall include in such notification a description of the purpose and conditions attached to any such budgetary support.

#### SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under this title and to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), up to \$1,500,000,000 for each of the fiscal years 2010 through 2014.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the amounts appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

(A) none of the amounts appropriated for assistance to Pakistan may be made available after the date that is 60 days after the date of the enactment of this Act unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees pursuant to section 301(a); and

(B) not more than \$750,000,000 may be made available for assistance to Pakistan unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during such fiscal year—

(i) a certification that assistance provided to Pakistan under this title or the Foreign Assistance Act of 1961 to date has made or is making reasonable progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report; and

(ii) a memorandum explaining the reasons justifying the certification described in clause (i).

(2) MAKER OF CERTIFICATION.—In the event of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification and memorandum described under paragraph (1)(B) may be made by the Secretary of State.

(c) WAIVER.—The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to do so.

(d) SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to \$1,500,000,000 for each of the fiscal years 2015 through 2019 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

#### SEC. 103. AUDITING.

(a) ASSISTANCE AUTHORIZED.—The Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the inspectors general of other Federal departments and agencies (other than the Inspector General of the Department of Defense) carrying out programs, projects, and activities using amounts appropriated to carry out this title shall audit, investigate, and oversee the obligation and expenditure of such amounts.

(b) AUTHORIZATION FOR IN-COUNTRY PRESENCE.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient staff

from each of the Offices of the Inspector General, respectively, to carry out subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under section 102 for each of the fiscal years 2010 through 2014, up to \$30,000,000 for each fiscal year is authorized to be made available to carry out this section.

(2) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

### TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

#### SEC. 201. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to support Pakistan's paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests;

(2) to work with the Government of Pakistan to improve Pakistan's border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to help strengthen the institutions of democratic governance and promote control of military institutions by a democratically elected civilian government.

#### SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded international military education and training (commonly known as "E-IMET").

(2) USE OF FUNDS.—It is the sense of Congress that a substantial amount of funds made available to carry out this subsection for a fiscal year should be used to pay for courses of study and training in counterinsurgency and civil-military relations.

(b) FOREIGN MILITARY FINANCING PROGRAM.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) USE OF FUNDS.—

(A) IN GENERAL.—A significant portion of the amount made available to carry out this subsection for a fiscal year shall be for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan.

(B) SENSE OF CONGRESS.—It is the sense of Congress that a significant majority of funds made available to carry out this subsection for a fiscal year should be used for the purpose described in subparagraph (A).

(3) ADDITIONAL AUTHORITY.—Except as provided in sections 3 and 102 of the Arms Export Control Act, the second section 620J of

the Foreign Assistance Act of 1961 (as added by Public Law 110-161), and any provision of an Act making appropriations for the Department of State, foreign operations, and related programs that restricts assistance to the government of any country whose duly elected head of government is deposed by military coup or decree, and except as otherwise provided in this title, amounts authorized to be made available to carry out paragraph (2) for fiscal years 2010 and 2011 are authorized to be made available notwithstanding any other provision of law.

(4) DEFINITIONS.—In this section, the terms "defense articles", "defense services", and "military education and training" have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate Pakistan's establishment of a program to provide reconstruction assistance, including through Pakistan's military as appropriate, in areas damaged by combat operations.

(d) EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.—

(1) IN GENERAL.—The Secretary of State is authorized to establish an exchange program between—

(A) military and civilian personnel of Pakistan; and

(B)(i) military and civilian personnel of countries determined by the Secretary of State to be in the process of consolidating and strengthening a democratic form of government; or

(ii) military and civilian personnel of North Atlantic Treaty Organization member countries, in order to foster greater mutual respect for and understanding of the principle of civilian rule of the military.

(2) ELEMENTS OF PROGRAM.—The program authorized under paragraph (1) may include conferences, seminars, exchanges, and other events, distribution of publications and reimbursements of expenses of foreign military personnel participating in the program, including transportation, translation and administrative expenses.

(3) ROLE OF NONGOVERNMENTAL ORGANIZATIONS.—Amounts authorized to be appropriated to carry out this section for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 to carry out the program established by this subsection.

#### SEC. 203. LIMITATIONS ON CERTAIN ASSISTANCE.

(a) LIMITATION ON SECURITY-RELATED ASSISTANCE.—For fiscal years 2011 through 2014, no security-related assistance may be provided to Pakistan in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(b) LIMITATION ON ARMS TRANSFERS.—For fiscal years 2012 through 2014, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(c) **CERTIFICATION.**—The certification required by this subsection is a certification by the Secretary of State, under the direction of the President, to the appropriate congressional committees that—

(1) the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks;

(2) the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups, consistent with the purposes of assistance described in section 201, including taking into account the extent to which the Government of Pakistan has made progress on matters such as—

(A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

(B) preventing al Qaeda, the Taliban and associated terrorist groups, such as Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan, including carrying out cross-border attacks into neighboring countries, closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets; and

(C) strengthening counterterrorism and anti-money laundering laws; and

(3) the security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.

(d) **CERTAIN PAYMENTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), none of the funds appropriated for security-related assistance for fiscal years 2010 through 2014, or any amounts appropriated to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be obligated or expended to make payments relating to—

(A) the Letter of Offer and Acceptance PK-D-YAD signed between the Governments of the United States of America and Pakistan on September 30, 2006;

(B) the Letter of Offer and Acceptance PK-D-NAP signed between the Governments of the United States of America and Pakistan on September 30, 2006; and

(C) the Letter of Offer and Acceptance PK-D-SAF signed between the Governments of the United States of America and Pakistan on September 30, 2006.

(2) **EXCEPTION.**—Funds appropriated for security-related assistance for fiscal years 2010 through 2014 may be used for construction and related activities carried out pursuant to the Letters of Offer and Acceptance described in paragraph (1).

(e) **WAIVER.**—

(1) **IN GENERAL.**—The Secretary of State, under the direction of the President, may waive the limitations contained in subsections (a), (b), and (d) for a fiscal year if the Secretary of State determines that is important to the national security interests of the United States to do so.

(2) **PRIOR NOTICE OF WAIVER.**—The Secretary of State, under the direction of the

President, may not exercise the authority of paragraph (1) until 7 days after the Secretary of State provides to the appropriate congressional committees a written notice of the intent to issue to waive and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

#### **SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.**

(a) **FOR FISCAL YEAR 2010.**—

(1) **IN GENERAL.**—For fiscal year 2010, the Department of State’s Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32), hereinafter in this section referred to as the “Fund”, shall consist of the following:

(A) Amounts appropriated to carry out this subsection (which may not include any amounts appropriated to carry out title I of this Act).

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) **PURPOSES OF FUND.**—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) **TRANSFER AUTHORITY.**—

(A) **IN GENERAL.**—The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense’s Pakistan Counterinsurgency Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32) and such amounts may be transferred back to the Fund if the Secretary of Defense, with the concurrence of the Secretary of State, determines that such amounts are not needed for the purposes for which initially transferred.

(B) **TREATMENT OF TRANSFERRED FUNDS.**—Subject to subsections (d) and (e) of section 203, transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense’s Pakistan Counterinsurgency Fund.

(C) **RELATION TO OTHER AUTHORITIES.**—The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) **NOTIFICATION.**—The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees in writing of the details of any such transfer.

(b) **SUBMISSION OF NOTIFICATIONS.**—Any notification required by this section may be submitted in classified or unclassified form, as necessary.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

#### **SEC. 205. REQUIREMENTS FOR CIVILIAN CONTROL OF CERTAIN ASSISTANCE.**

(a) **REQUIREMENTS.**—

(1) **IN GENERAL.**—For fiscal years 2010 through 2014, any direct cash security-related assistance or non-assistance payments by the United States to the Government of Pakistan may only be provided or made to civilian authorities of a civilian government of Pakistan.

(2) **DOCUMENTATION.**—For fiscal years 2010 through 2014, the Secretary of State, in coordination with the Secretary of Defense, shall ensure that civilian authorities of a civilian government of Pakistan have received a copy of final documentation provided to the United States related to non-assistance payments provided or made to the Government of Pakistan.

(b) **WAIVER.**—

(1) **SECURITY-RELATED ASSISTANCE.**—The Secretary of State, in consultation with the Secretary of Defense, may waive the requirements of subsection (a) with respect to security-related assistance described in subsection (a) funded from accounts within budget function 150 (International Affairs) if the Secretary of State certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(2) **NON-ASSISTANCE PAYMENTS.**—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) with respect to non-assistance payments described in subsection (a) funded from accounts within budget function 050 (National Defense) if the Secretary of Defense certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(c) **APPLICATION TO CERTAIN ACTIVITIES.**—Nothing in this section shall apply with respect to—

(1) any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.);

(2) any assistance to promote democratic elections or public participation in democratic processes;

(3) any assistance or payments if the Secretary of State determines and certifies to the appropriate congressional committees that subsequent to the termination of assistance or payments a democratically elected government has taken office;

(4) any assistance or payments made pursuant to section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as amended;

(5) any payments made pursuant to the Acquisition and Cross-Servicing Agreement between the Department of Defense of the United States of America and the Ministry of Defense of the Islamic Republic of Pakistan; and

(6) any assistance or payments made pursuant to section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4578).



(d) DEFINITIONS.—In this section—

(1) the term “appropriate congressional committees” means the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the term “civilian government of Pakistan” does not include any government of Pakistan whose duly elected head of government is deposed by military coup or decree.

### TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS

#### SEC. 301. STRATEGY REPORTS.

(a) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan under this Act. The report shall include the following:

(1) A description of the principal objectives of United States assistance to Pakistan to be provided under title I of this Act.

(2) A general description of the specific programs, projects, and activities designed to achieve the purposes of section 101 and the respective funding levels for such programs, projects, and activities for fiscal years 2010 through 2014.

(3) A plan for program monitoring, operations research, and impact evaluation research for assistance authorized under title I of this Act.

(4) A description of the role to be played by Pakistani national, regional, and local officials and members of Pakistani civil society and local private sector, civic, religious, and tribal leaders in helping to identify and implement programs and projects for which assistance is to be provided under this Act, and of consultations with such representatives in developing the strategy.

(5) A description of the steps taken, or to be taken, to ensure assistance provided under this Act is not awarded to individuals or entities affiliated with terrorist organizations.

(6) A projection of the levels of assistance to be provided to Pakistan under this Act, broken down into the following categories as described in the annual “Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance”:

- (A) Civil liberties.
- (B) Political rights.
- (C) Voice and accountability.
- (D) Government effectiveness.
- (E) Rule of law.
- (F) Control of corruption.
- (G) Immunization rates.
- (H) Public expenditure on health.
- (I) Girls’ primary education completion rate.
- (J) Public expenditure on primary education.
- (K) Natural resource management.
- (L) Business start-up.
- (M) Land rights and access.
- (N) Trade policy.
- (O) Regulatory quality.
- (P) Inflation control.
- (Q) Fiscal policy.

(7) An analysis for the suitable replacement for existing Pakistani helicopters, including recommendations for sustainment and training.

#### (b) COMPREHENSIVE REGIONAL STRATEGY REPORT.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the achievement of United

States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan’s long-term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

(2) COMPREHENSIVE REGIONAL SECURITY STRATEGY.—The President shall develop a comprehensive interagency regional security strategy to eliminate terrorist threats and close safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas of Pakistan and Afghanistan, including the FATA, the NWFP, parts of Balochistan, and parts of Punjab.

#### (3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the comprehensive regional security strategy required under paragraph (2).

(B) CONTENTS.—The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term “appropriate congressional committees” means—

(i) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(c) SECURITY-RELATED ASSISTANCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a plan for the proposed use of amounts authorized for security-related assistance for each of the fiscal years 2010 through 2014. Such plan shall include an assessment of how the use of such amounts complements or otherwise is related to amounts described in section 204.

#### SEC. 302. MONITORING REPORTS.

(a) SEMI-ANNUAL MONITORING REPORT.—Not later than 180 days after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), and every 180 days thereafter through September 30, 2014, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the assistance provided under this Act during the preceding 180-day period. The report shall include—

(1) a description of all assistance by program, project, and activity, as well as by geographic area, provided pursuant to title I of this Act during the period covered by the report, including the amount of assistance provided for each program or project, and with respect to the first report a description of all amounts made available for assistance to Pakistan during fiscal year 2009, including a description of each program, project, and activity for which funds were made available;

(2) a list of persons or entities from the United States or other countries that have

received funds in excess of \$100,000 to conduct projects under title I of this Act during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;

(3) with respect to the plan described in section 301(a)(3), updates to such plan and a description of best practices to improve the impact of the assistance authorized under title I of this Act;

(4) an assessment of the effectiveness of assistance provided under title I of this Act during the period covered by the report in achieving desired objectives and outcomes as guided by the plan described in section 301(a)(3), and as updated pursuant to paragraph (3) of this subsection, including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

(5) a description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;

(6) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;

(7) any incidents or reports of waste, fraud, and abuse of expenditures under title I of this Act;

(8) the amount of funds authorized to be appropriated pursuant to section 102 that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under sections 101(c)(2) and 103;

(9) a description of the expenditures made from any Chief of Mission Fund established pursuant to section 101(c)(5) during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any expenditures from the Chief of Mission Fund in excess of \$100,000;

(10) an accounting of assistance provided to Pakistan under title I of this Act, broken down into the categories set forth in section 301(a)(6);

(11) an evaluation of efforts undertaken by the Government of Pakistan to—

(A) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;

(B) eliminate the safe havens of such forces in Pakistan;

(C) close terrorist camps, including those of Lashkar-e-Taiba and Jaish-e-Mohammed;

(D) cease all support for extremist and terrorist groups;

(E) prevent attacks into neighboring countries;

(F) increase oversight over curriculum in madrassas, including closing madrassas with direct links to the Taliban or other extremist and terrorist groups; and

(G) improve counterterrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and take steps to adhere to the United Nations International Convention for the Suppression of Financing of Terrorism;

(12) a detailed description of Pakistan’s efforts to prevent proliferation of nuclear-related material and expertise;

(13) an assessment of whether assistance provided to Pakistan has directly or indirectly aided the expansion of Pakistan’s nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan’s financial resources

that would otherwise be spent for programs and activities unrelated to its nuclear weapons program;

(14) a detailed description of the extent to which funds obligated and expended pursuant to section 202(b) meet the requirements of such section; and

(15) an assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.—

(1) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(A) a review of, and comments addressing, the Pakistan Assistance Strategy Report;

(B) recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of this Act;

(C) a detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program); and

(D) an assessment of the impact of the assistance on the security and stability of Pakistan.

(2) CERTIFICATION REPORT.—Not later than 120 days after the date on which the President makes the certification described in section 203(c) for a fiscal year, the Comptroller General of the United States shall conduct an independent analysis of the certification described in such section and shall submit to the appropriate congressional committees a report containing the results of the independent analysis.

(c) SUBMISSION.—The Secretary of State may submit the reports required by this section in conjunction with other reports relating to Pakistan required under other provisions of law, including sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1906 and 1907).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 159, H.R. 3326, the Defense Department Appropriations Act; that once the bill is reported, the Senate then proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for military functions administered by the Department of Defense and for other purposes, namely:*

#### TITLE I

##### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$41,267,448,000.*

##### MILITARY PERSONNEL, NAVY

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$25,440,472,000.*

##### MILITARY PERSONNEL, MARINE CORPS

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$12,883,790,000.*

##### MILITARY PERSONNEL, AIR FORCE

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$26,378,761,000.*

##### RESERVE PERSONNEL, ARMY

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,286,656,000.*

##### RESERVE PERSONNEL, NAVY

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,905,166,000.*

##### RESERVE PERSONNEL, MARINE CORPS

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$611,500,000.*

##### RESERVE PERSONNEL, AIR FORCE

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,584,712,000.*

##### NATIONAL GUARD PERSONNEL, ARMY

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$7,535,088,000.*

##### NATIONAL GUARD PERSONNEL, AIR FORCE

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section*

708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,923,599,000.

## TITLE II

### OPERATION AND MAINTENANCE

#### OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$30,667,886,000.

#### OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$34,773,497,000.

#### OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$5,435,923,000.

#### OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$33,739,447,000.

#### OPERATION AND MAINTENANCE, DEFENSE-WIDE

##### (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$28,205,050,000: Provided, That not more than \$50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than \$29,732,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That \$6,667,000, to remain available until expended, is available only for ex-

penses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

#### OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,582,624,000.

#### OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,272,501,000.

#### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$219,425,000.

#### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,085,700,000.

#### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$5,989,034,000.

#### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facili-

ties; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$5,857,011,000.

#### UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$13,932,000, of which not to exceed \$5,000 may be used for official representation purposes.

#### ENVIRONMENTAL RESTORATION, ARMY

##### (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$430,864,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

#### ENVIRONMENTAL RESTORATION, NAVY

##### (INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$285,869,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

#### ENVIRONMENTAL RESTORATION, AIR FORCE

##### (INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$494,276,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same

purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)**

For the Department of Defense, \$11,100,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, FORMERLY USED  
DEFENSE SITES**

**(INCLUDING TRANSFER OF FUNDS)**

For the Department of the Army, \$307,700,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC  
AID**

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$109,869,000, to remain available until September 30, 2011.

**COOPERATIVE THREAT REDUCTION ACCOUNT**

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel

for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$424,093,000, to remain available until September 30, 2012: Provided, That of the amounts provided under this heading, not less than \$15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

**DEPARTMENT OF DEFENSE ACQUISITION  
WORKFORCE DEVELOPMENT FUND**

For the Department of Defense Acquisition Workforce Development Fund, \$100,000,000.

**TITLE III  
PROCUREMENT**

**AIRCRAFT PROCUREMENT, ARMY**

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$5,244,252,000, to remain available for obligation until September 30, 2012.

**MISSILE PROCUREMENT, ARMY**

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,257,053,000, to remain available for obligation until September 30, 2012.

**PROCUREMENT OF WEAPONS AND TRACKED  
COMBAT VEHICLES, ARMY**

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,310,007,000, to remain available for obligation until September 30, 2012.

**PROCUREMENT OF AMMUNITION, ARMY**

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and inter-

ests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,049,995,000, to remain available for obligation until September 30, 2012.

**OTHER PROCUREMENT, ARMY**

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of eight vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$9,395,444,000, to remain available for obligation until September 30, 2012.

**AIRCRAFT PROCUREMENT, NAVY**

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$18,079,312,000, to remain available for obligation until September 30, 2012.

**WEAPONS PROCUREMENT, NAVY**

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,446,419,000, to remain available for obligation until September 30, 2012.

**PROCUREMENT OF AMMUNITION, NAVY AND  
MARINE CORPS**

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$814,015,000, to remain available for obligation until September 30, 2012.

## SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, \$739,269,000;  
Carrier Replacement Program (AP), \$484,432,000;

NSSN, \$1,964,317,000;  
NSSN (AP), \$1,959,725,000;  
CVN Refueling, \$1,563,602,000;  
CVN Refuelings (AP), \$211,820,000;  
DDG-1000 Program, \$1,393,797,000;  
DDG-51 Destroyer, \$3,650,000,000;  
DDG-51 Destroyer (AP), \$328,996,000;  
Littoral Combat Ship, \$1,080,000,000;  
LPD-17, \$872,392,000;  
LPD-17 (AP), \$184,555,000;  
LHA-R (AP), \$170,000,000;  
Intratheater Connector, \$177,956,000;  
LCAC Service Life Extension Program, \$63,857,000;

Prior year shipbuilding costs, \$144,950,000;  
Service Craft, \$3,694,000; and  
For outfitting, post delivery, conversions, and first destination transportation, \$391,238,000.

In all: \$15,384,600,000, to remain available for obligation until September 30, 2014: Provided, That additional obligations may be incurred after September 30, 2014, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

## OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,499,413,000, to remain available for obligation until September 30, 2012.

## PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine

Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,550,080,000, to remain available for obligation until September 30, 2012.

## AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$13,148,720,000, to remain available for obligation until September 30, 2012.

## MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$6,070,344,000, to remain available for obligation until September 30, 2012.

## PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$815,246,000, to remain available for obligation until September 30, 2012.

## OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-

owned equipment layaway, \$17,283,800,000, to remain available for obligation until September 30, 2012.

## PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$4,017,697,000, to remain available for obligation until September 30, 2012.

## NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$1,500,000,000, to remain available for obligation until September 30, 2012: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

## DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$149,746,000, to remain available until expended.

## TITLE IV

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,653,126,000, to remain available for obligation until September 30, 2011.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$19,148,509,000, to remain available for obligation until September 30, 2011: Provided, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$28,049,015,000, to remain available for obligation until September 30, 2011.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be

designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$20,408,968,000, to remain available for obligation until September 30, 2011, of which \$2,500,000 shall be available only for the Missile Defense Agency to construct a replacement Patriot launcher pad for the Japanese Ministry of Defense.

#### OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$190,770,000, to remain available for obligation until September 30, 2011.

#### TITLE V

##### REVOLVING AND MANAGEMENT FUNDS

###### DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,455,004,000.

###### NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,242,758,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

#### TITLE VI

##### OTHER DEPARTMENT OF DEFENSE PROGRAMS

###### DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$28,311,113,000; of which \$26,990,219,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2011, and of which up to \$15,093,539,000 may be available for contracts entered into under the TRICARE program; of which \$322,142,000, to remain available for obligation until September 30, 2012, shall be for procurement; and of which \$998,752,000, to remain available for obligation until September 30, 2011, shall be for research, development, test and evaluation.

#### CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,539,869,000, of which \$1,125,911,000 shall be for operation and maintenance, of which no less than \$84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$34,905,000 for activities on military installations and \$49,934,000, to remain available until September 30, 2011, to assist State and local governments; \$12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than \$12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$401,269,000, to remain available until September 30, 2011, shall be for research, development, test and evaluation, of which \$398,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

#### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

##### (INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,103,086,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

#### OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$288,100,000, of which \$287,100,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2012, shall be for procurement.

#### TITLE VII

##### RELATED AGENCIES

###### CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$290,900,000.

#### INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$750,812,000.

#### TITLE VIII

##### GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

##### (TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2010: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: Provided further, That no obligation of funds may be made pursuant to



section 1206 of Public Law 109-163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8007. The Secretaries of the Air Force and the Army are authorized, using funds available under the headings "Operation and Maintenance, Air Force" and "Operation and Maintenance, Army", to complete facility conversions and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

#### (TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) A multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be

available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2010, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2011.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advance for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent



ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8019. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor

or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350f(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than \$25,756,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$22,433,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$2,426,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) \$897,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be com-

pensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2010 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2010, not more than 5,600 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,100 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2011 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$120,200,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities

and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2010. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2011 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2011: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2011.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or  
(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

#### (RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Research, Development, Test and Evaluation, Air Force, 2009/2010", \$110,230,000;

"Research, Development, Test and Evaluation, Defense-Wide, 2009/2010", \$199,750,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011", \$41,087,000;

"Other Procurement, Army, 2009/2011", \$138,239,000;

"Aircraft Procurement, Air Force, 2009/2011", \$628,900,000;

"Missile Procurement, Air Force, 2009/2011", \$147,595,000;

"Other Procurement, Air Force, 2009/2011", \$5,000,000;

"Procurement, Defense-Wide, 2009/2011", \$5,200,000; and

"Procurement, Defense-Wide, 2008/2010", \$2,000,000.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procure-

ment Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in

support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. (a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term "World War II" has the meaning given that term in section 101(8) of title 38, United States Code.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. None of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government: Provided, That the Department of Defense may conduct or participate in studies, research, design and other activities

to define and develop a future export version of the F-22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8057. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8058. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8059. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely

basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8062. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8063. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8064. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8065. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary-tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8066. Notwithstanding any other provision of law, the Chief of the National Guard

Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8067. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8068. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, \$106,754,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8070. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide”, \$202,434,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, \$80,092,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, \$50,036,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and \$72,306,000 shall be for the Arrow Missile Defense Program, of which \$25,000,000 shall be for

producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$144,950,000 shall be available until September 30, 2010, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading "Shipbuilding and Conversion, Navy, 2004/2010":

New SSN, \$26,906,000; and

LPD-17 Amphibious Transport Dock Program, \$16,844,000.

Under the heading "Shipbuilding and Conversion, Navy, 2005/2010":

New SSN, \$18,702,000; and

LPD-17 Amphibious Transport Dock Program, \$16,498,000.

Under the heading "Shipbuilding and Conversion, Navy, 2008/2012":

LPD-17 Amphibious Transport Dock Program, \$66,000,000.

SEC. 8073. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8074. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 8076. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest

of national security and only after written prior notification to the congressional defense committees.

SEC. 8077. In addition to funds made available elsewhere in this Act, \$5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as the provision of funds for information technology and textbook purchases, professional development for educators, and student transition support) to public schools in states that are considered overseas assignments with unusually high concentrations of special needs military dependents enrolled: Provided, That up to 2 percent of the total appropriated funds under this section shall be available for the administration and execution of the programs and/or events that promote the purpose of this appropriation: Provided further, That up to 5 percent of the total appropriated funds under this section shall be available to public schools that have entered into a military partnership: Provided further, That \$1,000,000 shall be available for a nonprofit trust fund to assist in the public-private funding of public school repair and maintenance projects: Provided further, That \$500,000 shall be available to fund an ongoing special education support program in public schools with unusually high concentrations of active duty military dependents enrolled: Provided further, That to the extent a Federal agency provides this assistance by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose.

SEC. 8078. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$50,500,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: \$20,000,000 to the Edward M. Kennedy Institute for the Senate; \$5,500,000 to the U.S.S. Missouri Memorial Association; and \$25,000,000 to the National World War II Museum.

SEC. 8079. The budget of the President for fiscal year 2011 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8080. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8081. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the

Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8082. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8083. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8084. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8085. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8086. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8087. Of the funds provided in this Act, \$10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8088. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as

authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8089. Up to \$16,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8090. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2011.

SEC. 8091. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by \$294,000,000, the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$236,000,000, and the total amount appropriated in title V of this Act is hereby reduced by \$9,000,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, sub-activity group, and each program, project, and activity, within each appropriation account.

SEC. 8092. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8093. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8094. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than \$20,000,000 in any fiscal year, the P-1, Procurement Program; P-5, Cost Analysis; P-5a, Procurement History and Planning; P-21, Production Schedule; and P-40 Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than \$10,000,000 in any fiscal year, the R-1, RDT&E Program; R-2, RDT&E Budget Item Justification; R-3, RDT&E Project Cost Analysis; and R-4, RDT&E Program Schedule Profile.

SEC. 8095. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 8096. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8097. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8098. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8099. The Department of Defense shall continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

SEC. 8100. The amounts appropriated in title II of this Act are hereby reduced by \$500,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows:

From "Operation and Maintenance, Air Force", \$500,000,000.

SEC. 8101. During the current fiscal year, not to exceed \$10,000,000 from each of the appropriations made in title III of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites

pursuant to section 2493(d) of title 10, United States Code.

SEC. 8102. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: Provided, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: Provided further, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8103. Funds appropriated by this Act for operation and maintenance shall be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

#### TITLE IX

#### OVERSEAS CONTINGENCY OPERATIONS MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$9,597,340,000.

##### MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,175,601,000.

##### MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$670,722,000.

##### MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,445,376,000.

##### RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$293,637,000.

##### RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$37,040,000.

##### RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$31,337,000.

##### RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$19,822,000.

##### NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$824,966,000.

##### NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$9,500,000.

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$51,928,167,000.

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$5,899,597,000.

##### OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$3,775,270,000.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$9,929,868,000.

#### OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$7,550,900,000, of which:

(1) Not to exceed \$12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and



(2) Not to exceed \$1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: Provided, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

**OPERATION AND MAINTENANCE, ARMY RESERVE**  
For an additional amount for "Operation and Maintenance, Army Reserve", \$234,898,000.

**OPERATION AND MAINTENANCE, NAVY RESERVE**  
For an additional amount for "Operation and Maintenance, Navy Reserve", \$68,059,000.

**OPERATION AND MAINTENANCE, MARINE CORPS RESERVE**

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$86,667,000.

**OPERATION AND MAINTENANCE, AIR FORCE RESERVE**

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$125,925,000.

**OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD**

For an additional amount for "Operation and Maintenance, Army National Guard", \$450,246,000.

**OPERATION AND MAINTENANCE, AIR NATIONAL GUARD**

For an additional amount for "Operation and Maintenance, Air National Guard", \$289,862,000.

**AFGHANISTAN SECURITY FORCES FUND**

For the "Afghanistan Security Forces Fund", \$6,562,769,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon

the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation.

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$1,119,319,000, to remain available until September 30, 2012.

##### MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$475,954,000, to remain available until September 30, 2012.

##### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$875,866,000, to remain available until September 30, 2012.

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$365,635,000, to remain available until September 30, 2012.

##### OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$4,874,176,000, to remain available until September 30, 2012.

##### AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$1,342,577,000, to remain available until September 30, 2012.

##### WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$50,700,000, to remain available until September 30, 2012.

##### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$681,957,000, to remain available until September 30, 2012.

##### OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$260,118,000, to remain available until September 30, 2012.

##### PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$868,197,000, to remain available until September 30, 2012.

##### AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$736,501,000, to remain available until September 30, 2012.

##### MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$36,625,000, to remain available until September 30, 2012.

##### PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$256,819,000, to remain available until September 30, 2012.

##### OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$3,138,021,000, to remain available until September 30, 2012.

##### PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$480,780,000, to remain available until September 30, 2012.

##### MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, \$6,656,000,000, to remain available

until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$57,962,000, to remain available until September 30, 2011.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$84,180,000, to remain available until September 30, 2011.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$39,286,000, to remain available until September 30, 2011.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$112,196,000, to remain available until September 30, 2011.

##### REVOLVING AND MANAGEMENT FUNDS

##### DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$412,215,000.

##### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,563,675,000, which shall be for operation and maintenance.

##### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

For an additional amount for "Drug Interdiction and Counter-Drug Activities", \$353,603,000, to remain available until September 30, 2011.

##### JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", \$2,033,560,000, to remain available until September 30, 2012: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: Provided further, That the Secretary of Defense



shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

#### OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", \$8,876,000.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2010.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2010: Provided further, That the amount in this section is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of \$75,000 per vehicle and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed \$1,200,000,000 of the amount appropriated in this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commander's Emer-

gency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. Each amount in this title is designated as being for overseas deployments and other activities pursuant to section 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9009. (a) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander of the United States Central Command; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings "Iraq Security Forces Fund", "Afghanistan Security Forces Fund", and "Pakistan Counterinsurgency Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security

forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of \$20,000,000 using funds appropriated by this or any prior Act under the headings "Iraq Security Forces Fund", "Afghanistan Security Forces Fund", and "Pakistan Counterinsurgency Fund".

SEC. 9010. (a) None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to transfer, release, or incarcerate any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba, to or within the United States or its territories.

(b) In this section, the term "United States" means the several States and the District of Columbia.

SEC. 9011. In addition to amounts made available elsewhere in this title there is hereby appropriated \$329,000,000 for the purchase of fuel to the following accounts in the specified amounts:

"Operation and Maintenance, Army", \$83,552,000;

"Operation and Maintenance, Navy", \$33,889,000;

"Operation and Maintenance, Marine Corps", \$1,619,000;

"Operation and Maintenance, Air Force", \$179,191,000;

"Operation and Maintenance, Army Reserve", \$8,567,000;

"Operation and Maintenance, Navy Reserve", \$3,007,000;

"Operation and Maintenance, Marine Corps Reserve", \$39,000; and

"Operation and Maintenance, Army National Guard", \$19,136,000.

This Act may be cited as the "Department of Defense Appropriations Act, 2010".

Mr. INOUE. Mr. President, today the Senate will begin consideration of the bill making appropriations for the Department of Defense for fiscal year 2010. On behalf of the committee, Vice Chairman COCHRAN and I are recommending funding which totals \$636.3 billion for the discretionary programs under the Defense Subcommittee's jurisdiction.

This amount is \$3.9 billion below the amount requested but is the same as the subcommittee's allocation.

Of this amount \$128.2 billion is funding to sustain our overseas contingency operations, primarily in Iraq and Afghanistan.

I applaud Secretary Gates and the administration for putting forward a budget request which covers the operations both for the normal cost of running our national security programs and for the ongoing wartime needs.

The proposed funding in this measure protects the priorities of our military and civilian leaders; it supports our men and women in uniform, and provides the funding needed for critical acquisition programs.

There has been much discussion this year about proposals by the administration to cut funding for "unnecessary" weapons programs. Vice Chairman COCHRAN and I have reviewed each of the proposals by the administration.

While we are not in complete agreement with the judgment of administration officials, we have generally concurred with the recommendations of our current leaders.

I would like to remind the Members of the Senate that the Defense Department has been wrong on several occasions in recommending program terminations. Luckily the Congress has not always agreed with such proposals.

Let me give three examples, although we could spend all day relaying examples of mistakes by previous administrations.

First, the F-117 Stealth fighter. After producing only one squadron of F-117s the Air Force wanted to terminate the program which some in the Defense Department saw as a threat to the F-15E. Congress continued to add funding for the program until two squadrons had been completely filled out.

Without the additional aircraft provided by the Congress, the Defense Department would have been woefully short of Stealth aircraft in conducting operations in Desert Storm and Bosnia.

Second, the first Bush administration fought very hard to kill the V-22 which today the Marine Corps considers one of its greatest assets.

Finally, I would remind my colleagues that shortly before Desert Shield-Desert Storm some in the Pentagon wanted to eliminate the Central Command. The view at the time was that we probably wouldn't need to focus much attention on South West Asia. This clearly demonstrates that our ability to predict hot spots and future threats is not perfect.

As we go forward today—killing the F-22, the VH-71 Presidential helicopter, the Combat Search and Rescue helicopter, the Kinetic Energy Interceptor, we do so with the hope that today's military and civilian leaders are better able to predict the future than some of their predecessors were.

The recommendations before the Senate provide our best judgment on the needs of our Nation for national security.

We have not provided funding for the closure of Guantanamo because the administration has yet to produce a credible plan. Instead we have included language which for all practical purposes is the same as was adopted by the Senate earlier this year.

We have adjusted funding for the littoral combat ship because the administration did not request sufficient funding to produce the quantity it requested.

On that subject, I must report that the administration has recently announced that it will only procure two LCS ships this year, which is the number that our committee has funded.

We have reapplied savings cut from unjustified amounts requested in the budget to programs that are better suited for funding.

For example, we have reduced amounts requested for Afghanistan security forces which the administration has informed the committee cannot be spent in the coming year and transferred that amount to cover a shortfall in the critically needed MRAP program.

While we strongly concur with the administration that increased funding is required to train and equip our Afghan army and police forces, the amount that we recommend is nearly \$1 billion more than was provided for fiscal year 2009.

Moreover, my colleagues should be advised that the Defense Department has not yet spent nearly \$2 billion of the funds that are currently available for this program as we near the end of this fiscal year.

Notwithstanding the critical importance of funding for the Afghan security forces, it simply makes no sense to provide more funding than can be spent for this program when other shortfalls exist.

Along with our staffs we spend countless hours reviewing the programs and funding requests proposed by the administration. As you all know the defense budget is huge and it is extremely complex. There are thousands of acquisition and operations programs. In most cases the specific amounts requested for each of these programs was proposed by the military services more than a year ago.

During the intervening period many changes occur. It is not unusual for a program to be delayed or even terminated while a request is pending before the Congress.

As such, it is up to the subcommittee to make the necessary adjustments based on the latest information to ensure that the Nation is afforded the best use of the funds provided in this measure.

In so doing, we are recommending several program increases in this bill.

For example, we are recommending adding \$1.5 billion to provide for essential equipment for our National Guard and Reserve Forces.

We have also added funding to sustain our near term missile defense programs—like the AEGIS standard missile, THAAD radars, and ground based interceptors for testing.

We are recommending \$1.7 billion to purchase an additional DDG-51 Destroyer to put that restarted program on a more efficient and economical production schedule.

And we have added \$2.5 billion to sustain production of the C-17 program for one additional year. The administration has recently been provided with authority to retire the aging, hard to maintain, and often broken C-5A force.

We expect that in re-examining its airlift fleet the Defense Department will eventually conclude that purchasing additional C-17s and maintain-

ing the strategic asset of a hot airlift production line is the right solution.

On the question of earmarks, as we described earlier this year, the committee has reduced the amount recommended for earmarks by \$300 million or 10 percent from last year's recommendation.

In numbers, the committee has reduced the number of earmarks by nearly 200 fewer projects. We recognize that most members of the Senate will receive less than last year. We hope that our colleagues can support this package with its streamlined approach to earmarking.

Collectively, we believe the recommendations in this bill will provide for our Nation's defense and is far superior to the budget request submitted by the administration. Having had the time to review the suggestions of the administration carefully has afforded the subcommittee the opportunity to produce a better bill. I hope that all my colleagues can support the bill which was approved unanimously by the committee.

Mr. COCHRAN. Mr. President, I thank Chairman INOUE for his leadership and bipartisanship in putting together this legislation and moving it to the floor for consideration.

Two weeks ago, the Appropriations Committee unanimously approved this bill which provides over \$636 billion for Department of Defense operations for fiscal year 2010, including \$128 billion for overseas contingency operations. In compliance with committee allocation, this bill is \$3.9 billion below the President's budget request.

Given the allocation, the committee was forced to make tough decisions. This bill reflects a balanced recommendation which fully funds key readiness programs as well as providing for pay, housing allowance, medical care and family support for our men and women in uniform and their families.

Included in this bill is funding for requirements identified by the administration after the budget request was submitted. Funding is included to address the administration's budget amendment to grow the Army by an additional 22,200 personnel. Also included is an additional \$1.2 billion for 1400 mine resistant ambush protected vehicles that were recently identified as new requirements for our men and women serving in Afghanistan.

This bill also includes \$1.5 billion in the National Guard and Reserve Equipment account to help the Guard and Reserve components procure needed equipment. The Guard and Reserve continue to answer the call to duty. With over 140,000 Guard and Reserve personnel activated, we need to ensure they have the resources necessary to be ready to perform their Federal and State missions. This additional funding will help ensure the Guard and Reserve have the equipment they need.

I urge Senators to support the passage of this bill so we can make sure service members and their civilian colleagues in the Department of Defense have the funding they need to carry out their responsibilities. The men and women who wear our Nation's uniform make great sacrifices and one way to show our support is to provide funding in a timely manner. My hope is that we finish floor consideration of this bill this week. It would be good for all concerned if we could in a timely fashion before the end of this fiscal year.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business.

The Senator from Georgia.

#### DEPARTMENT OF JUSTICE INVESTIGATION

Mr. CHAMBLISS. Mr. President, I rise today to speak in opposition to Attorney General Holder's decision to re-examine the judgment by career prosecutors at the Department of Justice and initiate a preliminary review to determine whether criminal charges should be filed against CIA officers who conducted interrogations against hardened al-Qaida terrorists.

At the outset, let me remind everyone that President Obama promised the American people he would look forward rather than backward and would not seek a criminal investigation for individuals involved in the CIA's interrogation and detention program. Notwithstanding this promise, he has allowed the Attorney General, a member of his Cabinet who answers to him, to rehash old ground despite the fact that career prosecutors already have examined the same information and declined to prosecute the same individuals for the same actions.

By allowing this decision to stand, President Obama is failing to exercise his duty as Chief Executive and enforcer of the law. Given that there are no new facts to justify this action by the Attorney General, the President should demand that the legal conclusions previously reached by career prosecutors be upheld.

Just last week, seven former CIA Directors—encompassing all living former CIA Directors from both political parties except the two presently serving in the Obama administration, current Director Panetta and Secretary of Defense Gates—wrote in a letter to President Obama that the decision to reexamine these cases “creates an atmosphere of continuous jeopardy for those whose cases the Department of Justice had previously declined to prosecute.”

No facts have changed since then, no new facts have arisen, and in light of the previous refusal of the Department

of Justice to prosecute all but one CIA employee, the CIA has already taken administrative action against some of these individuals. Where is the justice for these government employees who have been on the front lines in the war on terror since the 9/11 attacks and who acted under the legal guidance given to them if they are to face potential punishment more than once for their actions?

What is the message we are sending to our intelligence community? Reopening these cases is exactly the type of action which creates risk-averse intelligence agencies and officers. If an intelligence officer involved in a clandestine operation today worries that he may be prosecuted for it tomorrow, he is not going to think twice about conducting the operation. He simply will not do it. Worse yet, if an intelligence officer involved in a clandestine operation today worries that he may be prosecuted for it tomorrow because of random policy changes, it will evoke an even greater subjective risk-adverse environment. Creating such an environment where intelligence activities today are held hostage to the political decisions of tomorrow is a recipe for failure for our intelligence collection efforts.

As a member of the Senate Select Committee on Intelligence, I understand the important role that intelligence plays in our military, law enforcement, and intelligence operations. I see firsthand the bravery and professionalism exhibited by our intelligence community cadre. Partisanship plays no role in their daily operations. They are guided not by which political party may obtain their vote on a particular day in November but by an overwhelming sense of duty to their country. They understand they do not make policy. Yet they are out there risking their lives to gather the intelligence necessary for policymakers to make an informed decision.

Similarly, partisanship should play no role in the decisions of the administration or Congress when it comes to intelligence gathering. I do not want our intelligence community professionals to have to think twice about whether to gather certain information that will inform me of foreign policy developments because they fear potential prosecution at a later date for doing so. These men and women need to know they have the freedom to do their jobs within the guidance that is given to them at the time, even though that guidance or policy may change down the road. They need to know the country they are serving has their back. Sadly, that is not the message we are sending. Never before has a change in policy brought the threat of potential prosecution for past sanctioned actions.

Some may ask why the Attorney General's decision is so harmful to our

national security. The answer is simple. Without calculated risk taking on the part of our intelligence community, we will lose the fight against not only our state adversaries but against terrorists as well. This is not a tradeoff I am willing to take. It is not a tradeoff the President should be willing to make either, particularly as we continue the fight in Afghanistan.

We need to look no further than the events of the past week, the arrests on American soil of three individuals with admitted ties to al-Qaida who may have been planning attacks against the U.S. homeland, to understand that the threats to our country are real and that this tradeoff which the administration has sanctioned is a lot closer to hitting home.

Finally, I would point out that the same report—the CIA inspector general's report entitled “Counterterrorism Detention and Interrogation Activities (September 2001–October 2003)” —that Attorney General Holder claims was his reason for reopening this investigation was the same report that prompted the CIA to self-report to the Department of Justice in the first place.

Long before the IG even started his review, the CIA informed the Department of Justice that they had recommended an IG investigation related to the interrogation program. Once the report was completed, the Department of Justice received it and carefully reviewed the facts and circumstances described within it. Only after doing so did the career attorneys decline to prosecute. Unfortunately, press reports from this past weekend indicate that the Attorney General never even bothered to read the declination memos prepared by these career public servants.

In recent months, the administration has declassified and released to the public this IG report, as well as the legal guidance from the Department of Justice. The record is there for the American people to review for themselves. I have reviewed all of this information, and I am confident that anyone else who does so will reach the same conclusion I have; namely, that reopening an investigation is not merited.

Further, it is worth noting that the IG report found that:

The Agency's detention and interrogation of terrorists has provided intelligence that has enabled identification and apprehension of other terrorists and warned of terrorist plots planned for the United States and around the world.

Where deviations from the approved procedures and guidance occurred, it was an anomaly and was either prosecuted or administratively punished by the CIA leadership.

The issues at the heart of the Attorney General's decision have been examined thoroughly, and it is time for

them to be laid to rest. President Obama and the Attorney General should put an end to their unjustified second-guessing of career prosecutors. I cannot imagine they would be willing to expose their own policy decisions and legal determinations to future politically motivated prosecutions. Yet by doing so with their actions against the CIA employees, they are setting a dangerous precedent which I believe will have a lasting, chilling effect on our intelligence community and our national security.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CELEBRATING THE 2009 SERVICE TO AMERICA MEDAL WINNERS

Mr. KAUFMAN. Mr. President, I rise once again to honor America's great Federal employees.

When I began my great Federal employees initiative in May, I did so by sharing the stories of some outstanding public servants who in past years had won Service to America Medals.

Last night, at its eighth annual awards gala, the Partnership for Public Service announced its 2009 Service to America Medal winners. These nine exemplary Federal employees represent a number of agencies and hail from diverse backgrounds. Together, they form a snapshot of the finest civil service in history.

When I spoke in May about what makes our Federal workforce so excellent, I said there are several qualities our civil servants embody. First and foremost, they demonstrate great citizenship by choosing careers in the public sector. Second, they are industrious and hardworking in the face of often difficult and challenging tasks.

Our Federal employees take risks both to their safety and to their careers. They persevere even when faced with setbacks or with the knowledge that the effects of their work may not be felt for years to come. Our public servants exhibit great intellect and bring to their jobs many advanced skills and specialized knowledge. I am glad—very glad—there are awards such as the Service to America Medals to recognize the unsung heroes who keep America moving ever forward. This is what I have tried to do each week by speaking about our great public servants.

This year's Service to America medalists can well be described by the five attributes I just listed.

Dr. Janet Kemp, who won this year's Federal Employee of the Year Medal, exemplified the value of outstanding

citizenship when she organized a national suicide prevention hotline for veterans. As national director for the VA's Suicide Prevention Program, Janet oversaw the creation of the hotline to help combat veteran suicide, which has increased significantly in recent years. Since 2005, when she was asked to spearhead this program, Janet's initiative has rescued over 3,000 veterans and has assisted them in finding help.

An important aspect of citizenship is a commitment to protecting one's community from harm. Ben Fisherow was awarded the 2009 Justice and Law Enforcement Medal for his work to prevent air pollution. As an experienced litigator with the Department of Justice's Environment and Natural Resources Division, Ben has spent over 20 years enforcing key provisions of the Clean Air Act and taking legal action against utilities that violate anti-pollution mandates. In one case alone, Ben secured a settlement that prevented the release of over 800,000 tons of air pollutants annually.

Our federal employees are hard working, and this year's Citizens Services Medal winner proves it. Michael German, of the Department of Housing and Urban Development, has been working tirelessly to combat homelessness in America. The Interagency Council on Homelessness, which he leads, coordinates with over 850 State and local officials nationwide on efforts to help the homeless obtain medical care and permanent housing. Their work has led to a 30-percent reduction in the chronically homeless between 2005 and 2007.

Another example of our civil servants' industriousness can be found in Allan Comp. Allan won the 2009 Environment Medal for his work at the Department of the Interior's Office of Surface Mining. He created the Appalachian Coal Country Watershed Team, a partnership between his office and VISTA volunteers who help local citizens and community groups organize clean-up projects and monitor water quality. His program was so successful that it was recently expanded to the American West. Today, joint Office of Surface-Mining and VISTA teams are at work protecting and empowering local communities in Colorado, New Mexico, and Montana.

Clare Rowley is an economic analyst for the FDIC. She won the Call to Service Medal for helping to implement the FDIC's mortgage modification program, which helped thousands of families stay in their homes after the collapse of subprime mortgages. In February, Clare, who is only 25 years old, found herself sitting in a high-level meeting with regulators, bankers, and Obama administration officials on the foreclosure crisis. Despite feeling somewhat intimidated because of her age and junior position, Clare spoke up and offered important ideas that even-

tually made their way into the Treasury Department's mortgage crisis recovery plan. Now, Clare is one of those instrumental in carrying out the plan.

A risk-taker, who won this year's National Security and International Affairs Medal, serves as the director of the USAID's Office of Economic Growth in Pakistan. In July, I spoke about a USAID employee who was gunned down by extremists while posted in the Sudan. For Amy Meyer, who performs similar work in Pakistan, the danger is very real. Nonetheless, she arrived in the country in 2006 and began working with local women to create dairy cooperatives. Starting with just a staff of two and little funding, Amy now oversees a \$200 million budget and several successful economic empowerment programs. She even teaches yoga on Pakistani television and has spent much of her personal time dispensing advice to local women in their homes.

The winner of the 2009 Career Achievement Medal knows the meaning of perseverance. Dr. Thomas Waldmann has been a medical researcher at the National Institutes of Health for over 50 years. Currently, Tom is chief of the NIH National Cancer Institute's Metabolism Branch, and the focus of his career has been researching disorders in which the body attacks its own cells. His work has led to treatments to once-fatal varieties of lymphoma, leukemia, and multiple sclerosis. Tom also co-discovered a type of molecule that may lead to advances in the fight against AIDS and cancer. But his successes did not happen overnight. His achievements were the work of a lifetime, and the full impact of Tom's discoveries will not be known for years.

Similarly, Dr. Patricia Guerri has demonstrated great resolve while researching an elusive vaccine. Now serving as chief of the Naval Medical Research Center's Molecular Biology and Biochemistry Branch, she has spent nearly 30 years studying a microbe that causes food poisoning. Researchers discovered that the most common microbe involved in food-borne illnesses is *Campylobacter*. In the mid-1980s, after several years of unsuccessfully attempting to find a vaccine, many microbiologists turned their attention elsewhere. Patricia, however, never gave up. Today, she and her team of researchers are nearing their goal, and their vaccine is now in the testing phase. She persevered, and our troops stationed abroad as well as tens of millions in the developing world will likely soon benefit from a vaccine.

This year's Homeland Security Medal was shared by a pair of CIA employees who showed great intellect in solving a critical problem. In 2005, the Office of the Director of National Intelligence gave Sean Dennehy and Don Burke the task of improving information-sharing

across the intelligence community. Lack of communication between the intelligence agencies had been a serious impediment to preventing the September 11 attacks. To fix this, Sean and Don created an online system called "Intellipedia," modeled after the popular Wikipedia Web site. Intellipedia enables analysts from different agencies to contribute information to subject pages and open cases. Today, Intellipedia has grown to nearly a million pages, and it has helped prevent threats to the Beijing Olympics, analyze IED patterns in Iraq, and study the 2008 Mumbai terror attacks.

All of these outstanding public servants display great humility. Even with such accomplishments, modesty is their common response.

I want to congratulate the Partnership for Public Service on their work to award the Service to America Medals. The winners were selected by a blue ribbon panel of leaders from both the public and private sectors, of which our colleague from Mississippi, Senator THAD COCHRAN, is a member.

I hope the rest of my colleagues will join me in congratulating all of this year's Service to America winners on receiving their medals. We thank them, and all Federal employees, for their service to our Nation.

Mr. President, I yield the floor.

#### FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, I wish to make a series of adjustments to the allocation of budget authority and outlays to the Senate Appropriations Committee and the section 401(b) Senate discretionary spending limits. I am making these adjustments for the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010, and for the Department of Defense Appropriations Act, 2010.

First, section 401(c)(2)(A) of the 2010 Budget Resolution permits the chairman to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal year 2010 that both appropriates \$273 million and provides an additional appropriation of up to

\$485 million to the Social Security Administration for continuing disability reviews and Supplemental Security Income redeterminations.

Second, section 401(c)(2)(C) of the 2010 Budget Resolution permits the chairman to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal year 2010 that appropriates up to \$311 million to the Health Care Fraud and Abuse Control Program at the Department of Health and Human Services.

Third, section 401(c)(2)(D) of the 2010 Budget Resolution permits the chairman to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal year 2010 that both appropriates \$10 million and provides an additional appropriation of up to \$50 million for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

Fourth, section 401(c)(3) of S. Con. Res. 13, the 2010 Budget Resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal year 2010 that appropriates \$3.2 billion in funding for the Low-Income Home Energy Assistance Program and provides an additional appropriation of up to \$1.9 billion for that program.

On August 4, 2009, the Senate Appropriations Committee reported H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010, with an amendment in the nature of a substitute. The reported bill contains \$2.746 billion in funding that satisfies the conditions of sections 401(c)(2)(A), 401(c)(2)(C), 401(c)(2)(D), and 401(c)(3). The Congressional Budget Office estimates that the \$2.746 billion in budget authority will result in \$2.197 billion in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Ap-

propriations for discretionary budget authority and outlays by those amounts in 2010.

Finally, section 401(c)(4) of S. Con. Res. 13, the 2010 Budget Resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is \$90.745 billion, and for 2010, it is \$130 billion.

On September 10, 2009, the Senate Appropriations Committee reported H.R. 3326, the Department of Defense Appropriations Act, 2010, with an amendment in the nature of a substitute. The reported bill contains \$128.221 billion in funding that has been designated for overseas deployments and other activities pursuant to section 401(c)(4). The Congressional Budget Office estimates that the \$128.221 billion in budget authority will result in \$66.653 billion in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays by those amounts in 2010. When combined with previous adjustments made pursuant to section 401(c)(4), \$128.6 billion has been designated so far for overseas deployments and other activities for 2010.

When combining the effects of the adjustments made for both bills, I am revising today both the discretionary spending limits and the allocation to the Senate Committee on Appropriations by a total of \$130,967 million for budget authority and \$68,850 million for outlays.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTIONS 401(c)(2), 401(c)(3), AND 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Current allocation/limit	Adjustment	Revised allocation/limit
FY 2009 Discretionary Budget Authority .....	1,482,201	0	1,482,201
FY 2009 Discretionary Outlays .....	1,247,872	0	1,247,872
FY 2010 Discretionary Budget Authority .....	1,087,285	130,967	1,218,252
FY 2010 Discretionary Outlays .....	1,307,200	68,850	1,376,050

### NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. JOHNSON. Mr. President, today I wish to recognize September as National Prostate Cancer Awareness Month. Prostate cancer is the most diagnosed nonskin cancer in the United States and the most commonly diagnosed cancer in men. It is estimated that 200,000 men will be diagnosed with prostate cancer and 30,000 men will die from the disease this year. Our commitment to making awareness and early detection of this disease a national priority must continue.

A simple blood test, the prostate-specific antigen, or PSA, can detect the risk of prostate cancer. Health experts recommend that doctors offer men yearly screening beginning at age 50. However, men with high-risk factors should consider starting yearly testing earlier. We must remember that through screening and early detection, we truly can save lives.

I am proud to add my voice to those who are working to fight prostate cancer, and I take this opportunity to recognize the families, professionals, and advocates who work day after day to be a powerful voice for prostate cancer patients. I commend them on their tireless efforts to raise awareness of the risks, to promote early detection and treatment, and to further our efforts to understand and eliminate this disease. We must all join these efforts to pursue increased funding for biomedical research and public health awareness campaigns, as well as expanded diagnosis and treatment options.

I urge all citizens to support the search for the early detection and cure of prostate cancer and support those individuals and families who face this devastating disease.

### RECOGNIZING CHARACTER COUNTS! WEEK

Mr. JOHNSON. Mr. President, today I wish to pay tribute to the national week of CHARACTER COUNTS!, the most widely used character building framework in the United States.

In 1993, after a conference in Aspen, Colorado, CHARACTER COUNTS! was formed to educate students about universal ethical standards. With six vital pillars—trustworthiness, respect, responsibility, fairness, caring, and citizenship—CHARACTER COUNTS! teaches students essential values for developing into productive citizens. This important program supplements a regular school's curriculum to educate our future generations about important decisionmaking skills. The program has been credited for increased school attendance, as well as a reduction in misbehavior.

Character education is vital to our youth, and it teaches important lessons we would all do well to embrace. I commend the CHARACTER COUNTS!

organization, its instructors, and its participants for being a part of this admirable initiative.

### HONORING OUR ARMED FORCES

SPECIALIST JUSTIN PELLERIN

Mr. GREGG. Mr. President, I rise today to pay tribute to a special person, U.S. Army SPC Justin Pellerin of Concord, NH, for his service and supreme sacrifice for our Nation.

Tragically, on August 20, 2009, this courageous young soldier, only 21 years of age, gave his last full measure of devotion when an explosive device detonated near his vehicle in Wardak Province, Afghanistan. At the time of the incident, Specialist Pellerin was serving as an infantryman assigned to the 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division based at Fort Drum, NY.

Justin joined the U.S. Army in June 2007 after graduating from Concord High School and deployed in January in support of Operation Enduring Freedom. This decorated patriot is the recipient of the National Defense Service Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, NATO Service Medal, and most recently, the Purple Heart and Bronze Star.

Heroes from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Afghanistan. Undoubtedly, Justin has advanced that fine tradition. Daniel Webster said: "God grants liberty only to those who love it, and are always ready to guard and defend it." Justin chose to serve our Nation, guard our precious liberties, and answer the call of freedom. Our debt of gratitude will never be fully repaid to Justin or his loved ones.

The sudden death of a young person is especially difficult for family and friends. In November 1864, President Abraham Lincoln was informed by the War Department of a mother who had lost five sons in the Civil War. He wrote the mother: "I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save."

My heartfelt sympathy, condolences, and prayers go out to Justin's wife Chelsey; his parents Dale and Melissa, and family and friends. The death of Justin, on a battlefield far from New Hampshire, is a true loss for our State and Nation, and a grievous pain for those who knew him best and loved him most. Although he will be sorely missed by all, it is my hope that his family and friends may find some comfort in knowing that Justin's devotion, sense of duty, and selfless dedication have made the safety and liberty of

each and every American more secure. May God bless SPC Justin Pellerin.

### ADDITIONAL STATEMENTS

#### TRIBUTE TO OUTSTANDING HAWAII EDUCATORS

• Mr. AKAKA. Mr. President, I wish to congratulate two outstanding educators from my State, elementary school teachers Liane Tanigawa of Pearl Ridge Elementary School and Seanyelle Yagi of Kanewai Elementary School, for receiving the Presidential Award for Excellence in Mathematics and Science Teaching, PAEMST.

The PAEMST, administered by the National Science Foundation on behalf of the White House Office of Science and Technology Policy, is the highest recognition that a mathematics or science teacher may receive. Since the program's inception in 1983, more than 3,900 educators nationwide have been recognized for their contribution to mathematics and science education. As a former educator and principal, I know firsthand of the countless hours that go into creating curricula, and it makes me proud to see outstanding teachers receive recognition for their hard work.

The dedication of Liane and Seanyelle to their field and to the children of Hawaii is undeniable. I congratulate them both for receiving this outstanding recognition, and I wish them the very best in their future endeavors. •

#### TRIBUTE TO STEWART AND MARLENE GREENEBAUM

• Mr. CARDIN. Mr. President, today I wish to pay special tribute to the outstanding achievements of Stewart and Marlene Greenebaum. Stewart and Marlene are lifelong residents of Baltimore and good friends of mine who have shown a deep personal commitment to Baltimore, to Maryland, and to improving our community and Nation through their commitment of time and resources.

The Greenebaums have helped to establish our community as a leader in health care. Through their efforts, they established one of our Nation's premier cancer centers. The Marlene and Stewart Greenebaum Cancer Center is known for translating its innovative research into better treatments. Stewart is a past chairman of the board of the University of Maryland Medical System, home to the Marlene and Stewart Greenebaum Cancer Center. The Greenebaums also founded the Children's House at Johns Hopkins Hospital, a facility dedicated to helping the families of children who are fighting life-threatening illness.

The Greenebaums' commitment to improving health care outcomes is



known nationwide. Stewart serves as the founding chair for the American Cancer Society's Cancer Resource Network, a program that provides resource navigators to major cancer centers. He is chairman emeritus and member of the Board of Advisors for the Baltimore-based Institute of Human Virology, which focuses on HIV/AIDS research, care, and treatment, and he serves on the board of Profectus Biosciences Inc. and Welldoc, a company whose products help in the management of diabetes. Stewart also is one of the five U.S. directors of the Hadassah Hospital in Jerusalem.

Marlene Greenebaum is known in our community for her commitment to Judaism. She has served as president of Temple Oheb Shalom Sisterhood and is past president of Miriam Lodge, K.S.B. She was vice president of fundraising for Hadassah Hospital in Jerusalem and is currently on the Greenebaum Cancer Center board.

Marlene and Stewart are also committed to education. Stewart helped to found and fund a program that sends African-American students to Israel. He is the founding president of Shoshana S. Cardin Jewish High School. On October 21, the Shoshana S. Cardin School will honor Marlene and Stewart Greenebaum for all they have contributed. I ask my colleagues to join me in applauding the many accomplishments of Stewart and Marlene Greenebaum and for their undying commitment and dedication to helping others.●

#### TRIBUTE TO BRAYDIN AND TORIN SONES

● Mr. CARPER. Mr. President, I wish today to recognize the noble efforts of both the Sones family and the Dover Air Force Base community for their support of Karina Sones in her battle against cancer. Karina was diagnosed with acute lymphocytic leukemia when she was 4 years old. Although the doctors thought they had beaten the cancer after a round of chemotherapy in 2004, she unfortunately relapsed in 2006. I wish to commemorate the sterling efforts of her two younger brothers, her parents, and the men and women of Dover Air Force Base for encouraging and supporting Karina through this difficult time. Thankfully, she is now on the path to recovery.

When Karina relapsed, her parents were informed that a bone marrow transplant was her only option. Despite there being approximately 20 million bone marrow donations on record, there were no matches on the National Marrow Donor database for Karina. Her parents, however, remained optimistic that a solution would be found. In what can only be described as good fortune, Karina was lucky enough to be the recipient of an anonymous donation of umbilical cord stem cells that allowed

her to have a second chance at life. Karina bravely endured radiation and 50 days of isolation before she could receive the transplant. Afterwards, the whole family had to work together to prevent her from getting sick. Although, Karina still suffers from graft-vs-host disease which has caused her skin to be inflamed, she remains brave and upbeat. She insists that she would like to go to Disneyland with her mother and be Cinderella.

Her two younger brothers, Braydin, age 10, and Torin, age 7, admirably refuse to be helpless as their sister battles leukemia. Karina's struggle inspired them to want to help other kids with cancer and to further support research, so they began collecting golf balls that had landed in their backyard and selling them on to golfers. Their goal was to collect \$500, and they have already exceeded that amount. They will donate all the money to the Alfred I. duPont Hospital for Children where Karina still receives treatment.

This story is a true example of the Air Force, the Dover community, and the Sones family all coming together to unite against a common adversary. The city of Dover and the Dover Air Force Base are known for their tight-knit relationship which is certainly demonstrated by the Dover community having won the Abeliene trophy twice—the trophy designated for the base with the most supportive community—and this story only provides further evidence for that statement.

I believe that it is a mark of Karina's character and impressive bravery that she has persevered through all of her medical setbacks. To this day, Karina refuses to rest and is working on spreading awareness about becoming a bone marrow donor because she wants other children to have the same chance at life that she had. Most children, after spending so much time in hospitals, would wish to stay away from them, but Karina is not most children. She wants to become a cardiologist when she grows up.

Karina's brave story is one that we do not hear often. I wish to honor not just her courage but also the bravery and perseverance of her brothers and her parents and to wish them continued blessings in the future. I also want to emphasize the good work and support that Dover Air Force Base has offered the Sones family during such a trying and difficult time.●

#### TRIBUTE TO THE WHIFFENPOOFS

● Mr. DODD. Mr. President, 100 years ago this winter, history was made at the old Mory's Bar on Temple Street in New Haven, CT, as Denton Fowler, James Merriam Howard, Carl Lohmann, Meade Minnigerode, and George Pomeroy formed an acappella singing group known as the Whiffenpoofs of Yale University.

The Whiffenpoofs, as every Yale knows, are unsurpassed in talent and tradition. They are now the oldest continuously functioning collegiate a cappella singing group in the United States.

Their history is rich and vibrant. During World War II, the brave men of the U.S. Army Air Force's Black Sheep Squadron adopted "The Whiffenpoof Song" as their theme song. And over the course of the 20th century, that famous tune has been recorded by such legendary artists as Bing Crosby, Ella Fitzgerald, Louis Armstrong, and Elvis Presley.

The Whiffenpoofs have inspired a cappella singing groups at colleges and secondary schools across America—in fact, there are now more than 1,200 such groups entertaining audiences.

But their influence is not limited by our borders. Each year, the Whiffenpoofs embark on an international tour, visiting foreign capitals and tiny villages, great palaces and humble churches, and U.S. Embassies around the world, spreading song and good will on behalf of Yale University and America's college students.

Next month, Whiffenpoofs alumni from around the world will descend upon Yale to convene with the current group in celebration of the Whiffenpoofs' centennial. It is sure to be an occasion filled with good cheer, great music, and tremendous fellowship—the trademarks of this beloved Connecticut institution.

Mr. President, I congratulate the Whiffenpoofs of Yale University on their centennial. I thank them for their many contributions to our Nation, and I look forward to another century of song and friendship.●

#### TRIBUTE TO STEVE AND SHELLEY BRUNE

● Mr. JOHANNIS. Mr. President, Steve and Shelley Brune are extraordinary Nebraskans who made a commitment to open their hearts and home to a foster child, which led to a remarkable story of love and compassion.

In September 1999, they welcomed Jonathon into their home as a foster child. In February 2001, Jonathon's biological brother, James, was also removed from the home. The Brune family recognized the importance of keeping siblings together and agreed to unite the brothers by welcoming James into their home as a second foster child.

The Brunos worked closely with the Nebraska Department of Health and Human Services, HHS, in efforts to reunite Jonathon and James with their biological parents. When HHS determined that reunification was not in the boys' best interest, Steve and Shelley made a permanent commitment to the boys by adopting them; Jonathon on July 19, 2001 and James on January 17, 2002.



In October 2007, the biological sister of James and Jonathon, Mary Ann, was removed from the home. HHS contacted the Brune family to discuss the possibility of once again becoming foster parents. The Bruness recognized that this child needed a loving home and would benefit from being with her brothers. For a third time, they admirably opened their hearts and home, welcoming Mary Ann on July 15, 2008.

In April 2009, another sibling, Madeline Grace, was born and was also removed from the home. The Brune family showed tremendous compassion and devotion to the children of this family by agreeing to welcome Madeline Grace into their family. Steve and Shelley are currently in the process of adopting both Mary Ann and Madeline Grace.

It is with heartfelt admiration that I nominate Steve and Shelley Brune as Adoption Angels. Their capacity to love and care for these four children is an inspiration and worthy example for others to follow. My hope is that their story inspires others to consider opening their hearts and homes to the many children awaiting adoption, in need of loving families.

May God bless Shelley, Steve, Jonathon, James, Mary Ann, Madeline Grace, and all adoptive parents who give children the gift of a loving family.●

#### RECOGNIZING THE 100TH ANNIVERSARY OF THE BRICKLAYERS AND ALLIED CRAFT WORKERS

● Mr. JOHNSON. Mr. President, I wish to recognize the 100th anniversary of the Bricklayers and Allied Craft Workers of the South Dakota Administrative District Council Local 03 of Aberdeen, SD. October 2009 marks the month and year of this landmark anniversary. BAC is highly respected as one of the oldest highly skilled trade unions in the United States and Canada.

For the past 100 years, Local 03 has played a major role in shaping the workforce in Aberdeen. Working with their signatory contractors, Local 03 negotiated fair wages, safe working conditions, a respectable retirement, and solidarity among the membership. Although Local 03 has never had a large membership, they have always believed that working together will accomplish more than working alone. Today, 16 members keep the hopes and dreams of their founding members alive and well. Special recognition is given to Howard Jones as he receives his 50-year gold card and Don Feiock as he receives his 25-year membership pin.

I commend Local 03 Bricklayers and Allied Craft members for continuing the proud tradition of craft excellence and union solidarity started by their founders a century ago.●

#### RECOGNIZING HARBOR TECHNOLOGIES

● Ms. SNOWE. Mr. President, as we emerge from this lengthy recession, companies small and large are seeking to grow their businesses and become increasingly more innovative. Many are seeking to be leaders in some of the world's foremost emerging technologies. I wish to recognize a small firm in my home State of Maine that has been at the cutting edge of the composites industry since its founding 6 years ago, positioning itself well for continued future success.

Harbor Technologies, located in Brunswick, was founded during the summer of 2003 to fill the demand for environmentally friendly composite building products used for marine infrastructure. In particular, Harbor Technologies' composites are utilized in the manufacturing of docks, piers, marinas, sea walls, pilings, and other similar structures. Additionally, Harbor Technologies is using its composites to build bridge beams as an alternative to heavy steel. As we seek to improve and upgrade our Nation's roads and bridges, Harbor Technologies' distinctive fiberglass bridge beams should be at the forefront.

What makes composites so unique is its durability. While steel rusts and wood is subject to rotting, composites last longer and are easily maintained, leading to huge cost savings for both the supplier and the purchaser. Composites are also lightweight and compact; a large composite beam weighs 4,000 pounds, while similar concrete beams weigh 63,000 pounds. This allows Harbor Technologies to save on shipping costs, and reduce its carbon footprint in the process.

Just last year, Harbor Technologies tripled the size of its manufacturing space to 30,000 square feet, and added state-of-the-art pultrusion machinery to produce pilings of any length. This has allowed the company to take on considerable new work and hire additional employees, even during these difficult economic times.

Significantly, Harbor Technologies has played a critical role in developing an advanced composites cluster in the Maine midcoast region. Additionally, Harbor Technologies' president Martin Grimnes, is the founder of the Maine Composites Alliance, an organization that seeks to promote the State's leadership in several composites industries, including marine, aerospace, and automotive. Clusters, which are geographic concentrations of companies and organizations that collaborate to create specific products, represent proven tools in our Nation's innovation agenda, and Mr. Grimnes is to be commended for his steadfast determination to advance their effectiveness and utilization throughout Maine.

As a national leader in the composites industry, Harbor Technologies has

made a name for itself as a reliable and trustworthy company that produces innovative, cost-effective, and environmentally sound products. And it is small businesses like Harbor Technologies that represent the brightest lights for our economy's future. I congratulate president Martin Grimnes and everyone at Harbor Technologies on their outstanding work and wish them continued success.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1677. An act to reauthorize the Defense Production Act of 1950, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 10:25 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 324. An act to establish the Santa Cruz Valley National Heritage Area, and for other purposes.

H.R. 2131. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 2215. An act to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shiven Post Office Building".

H.R. 3593. An act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

H.R. 3617. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 74. Concurrent resolution supporting the goals and ideals of a decade of action for road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020.

H. Con. Res. 178. Concurrent resolution expressing the sense of Congress that we reaffirm the historic ties between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, and agrees to conference the conference asked by the Senate on disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House: Ms. WASSERMAN SCHULTZ, Mr. HONDA, Ms. MCCOLLUM, Mr. RYAN of Ohio, Mr. RUPPERSBERGER, Mr. RODRIGUEZ, Mr. OBEY, Mr. ADERHOLT, Mr. LATOURETTE, Mr. COLE, and Mr. LEWIS of California.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 324. An act to establish the Santa Cruz Valley National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2131. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Relations.

H.R. 2215. An act to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shiven Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3593. An act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 74. Concurrent resolution supporting the goals and ideals of a decade of action for road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020; to the Committee on Foreign Relations.

H. Con. Res. 136. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of Citizenship Day; to the Committee on Rules and Administration.

H. Con. Res. 178. Expressing the sense of Congress that we reaffirm the historic ties between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society; to the Committee on Foreign Relations.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 24, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1677. An act to reauthorize the Defense Production Act of 1950, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3129. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Israel for the manufacture of various F-16 components for end use by the governments of Bahrain, Belgium, Chile, Denmark, Egypt, Greece, Israel, Italy, Jordan, Morocco, The Netherlands, Norway, Oman, Pakistan, Poland, Portugal, the Republic of Korea, Singapore, Taiwan, Thailand, Turkey, the United Arab Emirates, and the United States in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3130. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of technical data, defense services, and defense articles to Italy for the manufacture of T700/T6A aircraft engine parts and assembly of these engines for the Italian EH-101 helicopter program in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3131. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of technical data, defense services, and defense articles for the manufacture of Inertial Systems derived from the H-4223 Ring Laser Gyro based Inertial Navigation System for end-use by the Ministry of Defense of Japan; to the Committee on Foreign Relations.

EC-3132. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of an application for a license for the export of defense articles or services relative to the launch of all commercial and foreign non-commercial satellites from the Pacific Ocean utilizing a modified oil platform to Russia, Denmark, Ukraine, and Norway in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3133. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services Biloxi, Mississippi" [MB Docket No. 09-125] received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3134. A communication from the Chief of the Policy Division, International Bureau, Federal Communications Commission, trans-

mitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 25 of the Commission's Rules to Allocate Spectrum and Adopt Service Rules and Procedures to Govern the Use of Vehicle-Mounted Earth Stations in Certain Frequency Bands Allocated to the Fixed-Satellite Service" (IB Docket No. 07-101) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3135. A communication from the Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Excess Risk Estimate for Highway-Rail Grade Crossings Along the Florida East Coast Railway Line" (RIN2130-AB88) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3136. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3337" ((RIN2120-AA65)(9-14-9-14/30684/3337)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3137. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3336" ((RIN2120-AA65)(9-14-9-14/30683/3336)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3138. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64)(9-17-9-22/0136/NM-171)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3139. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 Airplanes" ((RIN2120-AA64)(9-14-9-14/0817/CE-046)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3140. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes" ((RIN2120-AA64)(9-17-9-22/0292/NM-011)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3141. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Modification of Class E Airspace; Sarasota, Florida" ((RIN2120-AA66)(9-14/9-14/0652/ASO-21)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3142. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Saluda, South Carolina" ((RIN2120-AA66)(9-14/9-14/0603/ASO-16)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3143. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Clayton, Georgia" ((RIN2120-AA66)(9-14/9-14/0605/ASO-19)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3144. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Hertford, North Carolina" ((RIN2120-AA66)(9-14/9-14/0705/ASO-25)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3145. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tompkinsville, Kentucky" ((RIN2120-AA66)(9-14/9-14/0604/ASO-18)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3146. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lewisport, Kentucky" ((RIN2120-AA66)(9-14/9-14/0706/ASO-26)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3147. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace, Establishment of Class E Airspace; Binghamton, New York" ((RIN2120-AA66)(9-14/9-14/0202/AEA-11)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3148. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Restricted Areas R-5103A, R-5103B, and R-5103C; McGregor, New Mexico" ((RIN2120-AA66)(9-17/9-17/0770/ASW-20)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3149. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation by Reference" (Docket No.

29334)(Amendment No. 71-41)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3150. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: USCG Barque Eagle Transits of Rockland Harbor, ME, Portland Harbor, ME and Portsmouth Harbor, NH" (Docket No. USG-2009-0777) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3151. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Swim Events in Lake Champlain, NY and VT; Casco Bay, Rockland Harbor, Linekin Bay, ME" (Docket No. USG-2009-0523) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3152. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: MS Harborfest Tugboat Races in Casco Bay, ME" ((RIN1625-AA00)(Docket No. USG-2009-0524)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2010" (Rept. No. 111-78).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 251. A bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities (Rept. No. 111-79).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1670. A bill to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN from the Committee on Armed Services.

Air Force nomination of Maj. Gen. Ralph J. Jodice II, to be Lieutenant General.

Air Force nomination of Maj. Gen. William J. Rew, to be Lieutenant General.

Air Force nomination of Maj. Gen. Christopher D. Miller, to be Lieutenant General.

Army nomination of Brig. Gen. Joseph B. DiBartolomeo, to be Major General.

Army nomination of Lt. Gen. Benjamin C. Freakley, to be Lieutenant General.

Army nomination of Lt. Gen. John D. Gardner, to be Lieutenant General.

Army nomination of Lt. Gen. Frank G. Helmick, to be Lieutenant General.

Army nomination of Maj. Gen. Mark P. Hertling, to be Lieutenant General.

Army nominations beginning with Colonel Robin B. Akin and ending with Colonel Peter B. Zwack, which nominations were received by the Senate and appeared in the Congressional Record on September 9, 2009. (minus 1 nominee: Colonel Kelly J. Thomas)

Army nomination of Col. David J. Conboy, to be Brigadier General.

Army nomination of Col. James V. Young, Jr., to be Brigadier General.

Army nomination of Col. Ivan N. Black, to be Brigadier General.

Navy nominations beginning with Rear Adm. (lh) Michael H. Mittelman and ending with Rear Adm. (lh) Matthew L. Nathan, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2009.

Navy nomination of Adm. Michael G. Mullen, to be Admiral.

Navy nomination of Capt. Charles A. Rainey, to be Rear Admiral (lower half).

Navy nomination of Capt. Jonathan W. White, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) David W. Titley, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Gregory J. Smith, to be Rear Admiral.

Navy nomination of Vice Adm. Bruce W. Clingan, to be Vice Admiral.

Marine Corps nomination of Gen. James N. Mattis, to be General.

Marine Corps nomination of Maj. Gen. Frank A. Panter, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Thomas D. Waldhauser, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. John F. Kelly, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Lance L. Annicelli and ending with David A. Welge, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2009.

Air Force nomination of Thomas M. Anderson, to be Lieutenant Colonel.

Air Force nomination of Ricky B. Reaves, to be Major.

Air Force nomination of Jose R. Pereztorres, to be Major.

Air Force nominations beginning with Loyd A. Graham and ending with Christine E. Stahl, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2009.

Army nomination of Robert J. Schultz, to be Major.

Army nomination of Andrea J. Fuller, to be Major.

Army nominations beginning with Peter H. Guevara and ending with Jean R. Elysee, which nominations were received by the Senate and appeared in the Congressional Record on July 28, 2009.

Army nominations beginning with James Bane and ending with Benoit D. Tano, which nominations were received by the Senate and

appeared in the Congressional Record on July 28, 2009.

Army nominations beginning with John A. Blankenbaker and ending with Virginia R. Zoller, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Army nominations beginning with William L. Abernathy, Jr. and ending with Francisco Zuniga, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Army nominations beginning with Gregory T. Adams and ending with Scott L. Zonis, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Army nomination of Cameron D. Wright, to be Colonel.

Army nomination of Andre L. Brown, to be Major.

Army nominations beginning with Kathleen E. Coffey and ending with Brian R. Trenda, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Army nomination of Sonnie D. Deyampert, to be Lieutenant Colonel.

Army nomination of Douglas Lougee, to be Colonel.

Army nomination of James Peak, to be Major.

Army nominations beginning with Joyvetta Lewis and ending with William A. Wyman, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2009.

Army nomination of Derek D. Brown, to be Major.

Army nominations beginning with Stephanie Latimer and ending with Oanh K. Tran, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

Army nominations beginning with Michelle H. Martin and ending with Margaret A. Mosley, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

Army nominations beginning with Robert E. Powers and ending with Mysore S. Shilpa, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

Navy nomination of Erik J. Modlo, to be Lieutenant Commander.

Navy nominations beginning with Josh A. Cassada and ending with Larry R. Smith, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Matthew J. Acanfora and ending with David W. York, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Ron J. Arellano and ending with Joel A. Yates, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Benjamin I. Abney and ending with Mckinnya J. Williamsrobinson, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Christopher D. Addington and ending with Kurt A. Young, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Kelly W. Bowman, Jr. and ending with Michael Windom, which nominations were received

by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Hasan Abdulmutakallim and ending with Kenya D. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Denise G. Barham and ending with Herlinda K. Sweeney, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Guillermo R. Amezaaga and ending with Mike E. Svatek, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Christopher W. Anderson and ending with Colin D. Xander, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Matthew L. Abbot and ending with Stuart R. Zurn, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Paul C. Kerr and ending with Bruce A. Waterman, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Scott A. Anderson and ending with Gwendolyn Willis, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Keith R. Barkey and ending with Jason D. Zeda, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Paul S. Anderson and ending with Michael D. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Robin M. Allen and ending with Scott Y. Yamamoto, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with James D. Abbott and ending with Robert W. Zurschmit, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Jason T. Baltimore and ending with Ian S. Wexler, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Joel R. Bealer and ending with Richard G. Zeber, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Martin J. Anerino and ending with Walter H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Roger S. Akins and ending with Tingwei Yang, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Brian J. Ellis and ending with Matthew L. Tucker, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2009.

Navy nominations beginning with Anthony T. Cowden and ending with Jared E. Scott,

which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2009.

Navy nominations beginning with Neri B. Barnea and ending with William O. Voelker, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

Navy nominations beginning with Anita Aminoshariae and ending with Denny Martin, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

Navy nominations beginning with Tracy D. Emerson and ending with David K. Shellington, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

By Mr. LEAHY for the Committee on the Judiciary.

Paul Joseph Fishman, of New Jersey, to be United States Attorney for the District of New Jersey for the term of four years.

Jenny A. Durkan, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Florence T. Nakakuni, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years.

Deborah K. R. Gilg, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

Ignacia S. Moreno, of New York, to be an Assistant Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself, Mr. TESTER, Mr. INOUE, Mr. AKAKA, Mr. BAUCUS, Mr. UDALL of New Mexico, Mr. BINGAMAN, and Mr. FRANKEN):

S. 1703. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Indian Affairs.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, and Mr. CARDIN):

S. 1704. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary.

By Mr. BARRASSO:

S. 1705. A bill to suspend temporarily the duty on certain acrylic fiber tow containing a minimum of 92 percent acrylonitrile; to the Committee on Finance.

By Mr. BARRASSO:

S. 1706. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1707. A bill to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; considered and passed.

By Ms. KLOBUCHAR (for herself and Mrs. HAGAN):

S. 1708. A bill to establish a grant program to prevent truancy, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. THUNE, Mr. JOHNSON, Mr. COCHRAN, Mr. JOHANNIS, Mr. GRASSLEY, Mr. BARRASSO, Mr. ISAKSON, Mr. CHAMBLISS, Ms. KLOBUCHAR, Mr. TESTER, Mr. BAUCUS, Mr. HARKIN, Mr. SANDERS, Mrs. GILLIBRAND, Mr. CRAPO, Mr. BENNET, Mr. LEAHY, Mr. BROWNBACK, and Mr. NELSON of Nebraska):

S. 1709. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER (for himself and Mr. SHELBY):

S. 1710. A bill to prohibit recipients of TARP assistance from funding ACORN, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1711. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself, Mrs. BOXER, and Mr. CARDIN):

S. 1712. A bill to promote water efficiency, conservation, and adaptation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID (for himself, Mr. BAUCUS, Mr. HATCH, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 1713. A bill to establish loan guarantee programs to develop biochar technology using excess plant biomass, to establish biochar demonstration projects on public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 1714. A bill to authorize grants for the creation, update, or adaption of open textbooks, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mrs. GILLIBRAND, Mr. CARPER, Ms. MIKULSKI, Mr. LIEBERMAN, Ms. COLLINS, Mr. REID, Mr. LEVIN, Mr. BENNETT, Ms. SNOWE, Ms. LANDRIEU, Mr. HATCH, Mr. BAYH, and Mr. VOINOVICH):

S. Res. 285. A resolution supporting the goals and ideals of national cybersecurity awareness month and raising awareness and enhancing the State of cybersecurity in the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. Res. 286. A resolution expressing condolences to the families of the individuals killed during unusual storms and floods in the State of Georgia between September 18 and September 21, 2009, and expressing gratitude to all of the emergency personnel who

continue to work with unyielding determination to meet the needs of Georgia's residents; considered and agreed to.

By Mr. BROWN:

S. Res. 287. Honoring the 25th anniversary of the enactment of the Drug Price Competition and Patent Term Restoration Act of 1984 (the Hatch-Waxman Act); to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 327

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 327, a bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.

S. 624

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 628

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 723

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 723, a bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 839

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 839, a bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1337

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1337, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1547

At the request of Mr. REED, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1584

At the request of Mr. MERKLEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1584, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers

to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes.

S. 1661

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1661, a bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.

S. 1666

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1666, a bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1678

At the request of Mr. CARDIN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1685

At the request of Mr. SANDERS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1685, a bill to provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes.

S. 1699

At the request of Mr. REED, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1699, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

S. CON. RES. 37

At the request of Mr. JOHANNIS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution supporting the goals and ideals of senior caregiving and affordability.

AMENDMENT NO. 2441

At the request of Mr. DORGAN, the name of the Senator from North Da-

kota (Mr. CONRAD) was added as a cosponsor of amendment No. 2441 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2477

At the request of Mr. HARKIN, the names of the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 2477 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2491

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 2491 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2498

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 2498 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2501

At the request of Mr. CRAPO, his name was added as a cosponsor of amendment No. 2501 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2530

At the request of Ms. MURKOWSKI, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2530 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2534

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 2534 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2535

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 2535 pro-

posed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2543

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 2543 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. TESTER, Mr. INOUE, Mr. AKAKA, Mr. BAUCUS, Mr. UDALL of New Mexico, Mr. BINGAMAN, and Mr. FRANKEN):

S. 1703. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I rise today to introduce a technical amendment to the Act of June 18, 1934.

On February 24, 2009, the Supreme Court issued its decision in the *Carcieri v. Salazar* case. In that decision the Supreme Court held that the Secretary of the Interior exceeded his authority in taking land into trust for a tribe that was not under Federal jurisdiction, or recognized, at the time the Indian Reorganization Act was enacted in 1934.

The legislation I am introducing today is necessary to reaffirm the Secretary's authority to take lands into trust for Indian tribes, regardless of when they were recognized by the Federal government. The amendment ratifies the prior trust acquisitions of the Secretary, who for the past 75 years has been exercising his authority to take lands into trust, as intended by the Indian Reorganization Act.

On May 21, 2009, the Senate Committee on Indian Affairs held a hearing to examine the executive branch's authority to take land into trust for Indian tribes. At that hearing, it became clear that Congress needs to act to resolve the uncertainty created by the Supreme Court's decision. Therefore, this legislation was developed in consultation with interested parties to clarify the Secretary's authority.

Inaction by Congress could significantly impact planned development projects on Indian trust lands, including the building of homes and community centers; result in a loss of jobs in an already challenging economic environment; and create costly and unnecessary litigation.

Further, if the decision stands, it would have the effect of creating two



classes of Indian tribes—those who were recognized as of 1934, for whom land may be taken into trust, and those recognized after 1934 that would be unable to have land taken into trust status. Creating two classes of tribes is unacceptable and is contrary to prior Acts of this Congress. In 1994, Congress passed the Federally Recognized Indian Tribe List Act to ensure that all tribes are treated equally, regardless of their date of recognition.

I want to thank Senators TESTER, INOUE, AKAKA, BAUCUS, UDALL, BINGAMAN, and FRANKEN for their support on this legislation. My cosponsors are well aware of the resulting impact this decision could have on our Native American communities. Affected tribes deserve our timely consideration of this bill. I urge my colleagues to join me in supporting the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1703

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MODIFICATION OF DEFINITION.

(a) IN GENERAL.—Section 19 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 479), is amended—

(1) in the first sentence—

(A) by striking “The term” and inserting “Effective beginning on June 18, 1934, the term”; and

(B) by striking “any recognized Indian tribe now under Federal jurisdiction” and inserting “any federally recognized Indian tribe”; and

(2) by striking the third sentence and inserting the following: “In this section, the term ‘Indian tribe’ means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 479), on the date of enactment of that Act.

By Mr. NELSON, of Florida (for himself, Ms. SNOWE, and Mr. CARDIN):

S. 1704. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the World War II War Crimes Accountability Act of 2009. The bill seeks to hold the surviving Nazi war criminals accountable for their crimes by encour-

aging foreign governments to prosecute and extradite wanted criminals. I would like to thank my colleagues, Senators SNOWE and CARDIN, for supporting this important legislation.

The atrocities committed by the Nazis and their allies during the Second World War were vast and have helped shape the modern concept of crimes against humanity. After the war, some of the perpetrators of these heinous crimes escaped justice and have been living out their days as free men.

In an effort to bring these fugitives to justice, the Simon Wiesenthal Center and the Targum Shlishi Foundation of Miami, Florida launched “Operation: Last Chance” to help identify and facilitate the prosecution of the remaining unprosecuted Nazi war criminals and to assist governments in bringing Nazi war criminals to justice.

Among the Center’s many open cases there is Alois Brunner, a key operative of Adolf Eichmann, who was responsible for the deportation of 47,000 Jews from Austria, 44,000 Jews from Greece, 23,500 Jews from France, and 14,000 Jews from Slovakia to Nazi death camps. He lived in Syria for decades and the Syrian government refused to cooperate with international prosecution efforts. He was convicted in absentia for his crimes by France. He was born in 1912 and last seen in 2001. While it is doubtful that he is still alive, there is no conclusive evidence of his death.

Another case is that of Milivoj Asner, who served as the police chief of the city of Slavonska Pozega. During 1941 and 1942, Mr. Asner orchestrated the robbery, persecution and destruction of the local Serb, Jewish, and Gypsy communities, which culminated in the deportation of hundreds of civilians to Ustasha concentration camps, where most of the deportees were murdered. After his exposure in Operation: Last Chance, the former police chief later escaped once again to Klagenfurt, Austria where he currently resides.

Within our own government, the Office of Special Investigations at the Justice Department is tasked with identifying, investigating and denying refuge in the United States to the Nazi persecutors. As a result, the U.S. is the only country in the world to have won an “A” rating from the Simon Wiesenthal Center for effectiveness in pursuing justice for Holocaust crimes.

Yet despite the best efforts of the U.S. Government and tireless work of organizations like the Wiesenthal Center, some countries continue to harbor wanted Nazis and refuse to accept the extradition of Nazi criminals from other countries, including the U.S. This inaction is shameful.

It is incumbent upon us as Americans to honor the memory of those killed in the Holocaust and to pay tribute to the sacrifices of the men and women who

fought and died in World War II. The last surviving Nazi war criminals are dying off. We must do everything in our power, including equipping our own government with important tools, to bring these war criminals to justice before it is too late.

The World War II War Crimes Accountability Act seeks to strengthen U.S. efforts by directing the Attorney General to assess a country’s cooperation in prosecuting and extraditing war criminals when considering prospective countries for admission into the Visa Waiver Program. It also requires the President to issue an annual report describing such cooperation for countries seeking entry into or renewal of the Visa Waiver Program.

I believe that giving the administration this added review process will help encourage foreign governments to prosecute and extradite wanted criminals. I hope that others will join me in cosponsoring this legislation and voting it into law.

Time is of the essence. Surviving Nazi war criminals are becoming increasingly rare. We must do all that we can before it is too late.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1711. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I rise today to introduce three pieces of legislation: the Water Efficiency and Conservation Investment Act, S. 1711, the Water Efficiency, Conservation and Adaptation Act, S. 1712, and the Water Efficiency via Carbon Harvesting and Restoration Act, S. 1713.

Water is our world’s most precious and important limited natural resource—access to water is vital for every person and life form on this planet. Albert Szent-Gyorgyi, a Hungarian Nobel Prize winning doctor, once said that “water is life’s mater and matrix, mother and medium. There is no life without water.”

While Nevada is blessed with beautiful desert landscapes and tremendous clean energy resources, we are not blessed with abundant water supplies. That is why I am introducing legislation together with my friend Senator ENSIGN and others that will: encourage Americans to use water more efficiently; ensure that future generations have access to adequate supplies of clean water; and convert water stealing invasive weeds to sequestered carbon and clean-burning fuels.

A lengthy drought is taking its toll on the Colorado River Basin states, especially Nevada, Arizona, and California. More than 30 million people rely on water from the Colorado River,



which supplies Southern Nevada with 90 percent of its water. Water levels at Lake Mead, where water used by 1.9 million Nevadans is stored, have dropped by roughly 100 feet. If the drought in the Southwest continues the lake could dry up in the next 12 years, according to a study by the Scripps Institution of Oceanography.

Growing population, rising water demand, climate change induced disruptions to the water cycle, aging infrastructure, and water disputes all necessitate early action so the water resources we rely on today can be enjoyed by the next generation.

Even without considering the effects of climate change, the U.S. Global Change Research Program has identified many serious water supply conflicts in the Colorado River Basin states by 2025. Factoring in the USGCRP's projection that precipitation runoff will decrease in the Southwest by up to 40 percent in some areas over the next half century as a result of a changing climate, it is clear that immediate and constant attention is and will be necessary to address these water supply problems.

Legislation is urgently needed to promote greater water efficiency and create better financing options for improving our infrastructure to save, recycle and reuse water. Strong tax incentives to make our homes and yards more water efficient and to increase investments in extending the life of our existing water supplies will help secure water scarce regions against the economic and health catastrophes that would occur if their water supplies were to run dry.

We need to invest meaningfully in planning for, adapting to and mitigating the effects of climate change on water supplies and water infrastructure with which Nevadans are becoming all too familiar. It is important that we start planning right away for a more secure water supply future.

Investing in water efficiency and adapting our water systems to a changing climate not only prepares us for the future, it also can save consumers hundreds of dollars on their water bills. Additionally, adequate funding for the legislation I am introducing today could create tens of thousands of jobs. A \$1 million direct investment in water efficiency is estimated to create between 15 and 22 jobs—more than double the jobs created by coal or oil investments.

Together, the Water Efficiency and Conservation Investment Act and the Water Efficiency, Conservation and Adaptation Act provide the right balance of tax incentives, financing and grant programs to begin formulating a national strategy to address these pressing needs and ensure that current and future Nevadans will have greater and more sustainable economic growth opportunities.

The Water Efficiency via Carbon Harvesting and Restoration Act also helps protect our water resources, and does much more. Invasive weeds and dangerous fuels buildup in Western landscapes have become recipes for disaster on a seemingly annual basis. The Bureau of Land Management has estimated that a single acre of salt cedar robs our watersheds of nearly a million gallons of water each year. The National Park Service has found that the infestation at Lake Mead National Recreation Area alone covers almost 7,000 acres. Removing the salt cedar from this one area would restore enough water to satisfy the needs of 72,000 Las Vegas residents.

At the same time, expansion of pinyon and juniper now covers up to 9 million acres of the public lands in the Great Basin, forming dense thickets impenetrable to most wildlife, and creating enormous wildland fire hazards.

Using biochar production technology, we can restore these impacted landscapes, while producing valuable products that can help address climate change through long term carbon sequestration, benefit agriculture and the environment by reducing the need for chemical fertilizers, and produce cleaner-burning fuels to help meet our Nation's energy needs. All of this can be achieved while saving billions of gallons of water, reducing the risks of hotter and more difficult to extinguish wildfires, and creating rural economic development opportunities.

Let me offer a brief description of how biochar technology works: The woody material in invasive plants is heated in the absence of oxygen to produce biochar, as well as bio-oil and syngas which can then be used to power the production process. Biochar is nearly pure carbon, and when applied to landscapes and agricultural fields it has long-lasting benefits. It significantly improves soil quality, decreases fertilizer runoff, and increases plant health and crop yields. Studies have found that biochar is stable for hundreds if not thousands of years, keeping this carbon from being released into the atmosphere where it would contribute to climate change.

These bills will do much to extend the life of our water resources in the face of growing water demand and climate disruptions, while improving the health of ecosystems. Under these bills, Nevadans would have new options to save money on their water bills and new ways to make money by eliminating water-hungry invasive species. And, the low-cost financing options that will help communities adapt to drought and water scarcity due to global climate change will ensure sustainable economic growth and stimulate more green job creation.

As these bills move through the legislative process, I look forward to working with my colleagues to ensure

that adequate attention is paid to the tremendous work our Nation must do so that future generations may enjoy a more secure and predictable clean water future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1711

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Efficiency and Conservation Investment Act of 2009".

#### SEC. 2. RESIDENTIAL WATER EFFICIENCY CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code is amended by inserting after section 30D the following new section:

##### "SEC. 30E. RESIDENTIAL WATER EFFICIENCY CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified water efficiency property expenditures paid or incurred during such taxable year.

"(b) LIMITATION.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed \$750.

"(c) QUALIFIED WATER EFFICIENCY PROPERTY EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified water efficiency property expenditures' means expenditures for qualified water efficiency property which is—

"(A) installed on or in connection with a dwelling unit located in the United States that is owned by the taxpayer (without regard to whether any other person occupies such dwelling unit as a residence), and

"(B) originally placed in service by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of such property.

"(2) QUALIFIED WATER EFFICIENCY PROPERTY.—The term 'qualified water efficiency property' means—

"(A) property which meets the national efficiency standards and specifications for residential water-using fixtures, appliances, and devices under the WaterSense program of the Environmental Protection Agency that are in effect on the date of purchase of such property, but only if such property improves water efficiency by no less than 20 percent over standard models of similar water-using fixtures and appliances as determined by the Administrator of such Agency, and

"(B) water efficient landscaping which is installed by a landscape irrigation professional certified by such WaterSense program and which reduces water use by no less than 50 percent, as certified by such professional.

"(3) STATE WATER EFFICIENCY STANDARDS.—In the case of a State that has mandatory water efficiency standards for any property that are more stringent than the standards and specifications described in paragraph (2), property installed on or in connection with a dwelling unit that is located in such State must meet such water efficiency standards of

such State in order to be treated as qualified water efficiency property for purposes of this section.

“(d) SPECIAL RULES.—For purposes of this section—

“(1) JOINT OWNERSHIP OF WATER EFFICIENCY ITEMS.—

“(A) IN GENERAL.—An expenditure shall not fail to be treated as a qualified water efficiency property expenditure merely because such expenditure was made with respect to 2 or more dwelling units.

“(B) ALLOCATION OF EXPENDITURES.—In the case of an expenditure made with respect to 2 or more dwelling units, for purposes of determining the credit allowable under this section, such expenditure shall be allocated among such dwelling units in proportion to the amount of the expenditure made for each dwelling unit.

“(2) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of this section shall not be taken into account as income and shall not be taken into account as resources, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(3) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under subsection (a) for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(4) DENIAL OF DOUBLE BENEFIT.—

“(A) IN GENERAL.—No deduction or credit under any other provision of this chapter shall be allowed with respect to the amount of any qualified water efficiency property expenditure taken into account under this section.

“(B) REBATE PROGRAMS.—The amount of any qualified water efficiency property expenditure for which an individual is reimbursed under any Federal government program shall not be taken into account for purposes of determining the credit under subsection (a) with respect such individual.

“(e) APPLICATION WITH OTHER CREDITS.—

“(1) BUSINESS CREDIT.—

“(A) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

“(B) DISALLOWANCE OF DEPRECIATION.—In the case of an expenditure for property described in subparagraph (A) with respect to which a credit is allowed under section 38(b) by reason of such subparagraph, the depreciation allowance for such property in all taxable years shall be zero and no deduction shall be available under section 167 with respect to such property.

“(2) PERSONAL CREDIT.—

“(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

“(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which

section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

“(i) the sum of the regular tax liability (as defined in section 26(b)), plus

“(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, 30, 30B, and 30D) and section 27 for the taxable year.

“(f) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2014.”

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking “and 30D” and inserting “, 30D, and 30E”.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting “30E,” after “30D,”

(3) Section 25B(g)(2) of such Code is amended by striking “and 30D” and inserting “30D, and 30E”.

(4) Section 904(i) of such Code is amended by striking “and 30D” and inserting “30D, and 30E”.

(5) Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30E(d)(3).”

(6) Section 1400C(d)(2) of such Code is amended by striking “and 30D” and inserting “30D, and 30E”.

(c) CREDIT TO BE PART OF BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting “, plus”, and by adding at the end the following new paragraph:

“(36) the portion of the residential water efficiency credit to which section 30E(e)(1) applies.”

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 30D the following new item:

“Sec. 30E. Residential water efficiency credit.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

### SEC. 3. NEW WATER EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

#### “SEC. 45R. NEW WATER EFFICIENT HOME CREDIT.”

“(a) ALLOWANCE OF CREDIT.—For purposes of section 38, in the case of an eligible contractor, the new water efficient home credit for the taxable year is an amount equal to \$1,500 for each qualified new water efficient home which is—

“(1) constructed by such eligible contractor, and

“(2) acquired by a person from such eligible contractor during the taxable year.

“(b) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE CONTRACTOR.—The term ‘eligible contractor’ means a person who is certified as a builder partner under the WaterSense program of the Environmental Protection Agency and who is—

“(A) the person who constructed the qualified new water efficient home, or

“(B) in the case of a qualified new energy efficient home which is a manufactured

home, the manufactured home producer of such home.

“(2) QUALIFIED NEW WATER EFFICIENT HOME.—The term ‘qualified new water efficient home’ means a dwelling unit—

“(A) located in the United States,

“(B) the construction of which is substantially completed after the date of the enactment of this section, and

“(C) which is certified by the Environmental Protection Agency as complying with the Final Water-Efficient Single-Family New Home Specification issued by such Agency.

“(3) CONSTRUCTION.—The term ‘construction’ includes substantial reconstruction and rehabilitation.

“(4) ACQUIRE.—The term ‘acquire’ includes purchase.

“(c) CERTIFICATION.—

“(1) METHOD OF CERTIFICATION.—A certification described in subsection (b)(2)(C) shall be made in accordance with guidance prescribed by the Secretary, after consultation with the Administrator of the Environmental Protection Agency. Such guidance shall specify procedures and methods for calculating water and cost savings.

“(2) FORM.—Any certification described in subsection (b)(2)(C) shall be made in writing in a manner which specifies in readily verifiable fashion the water efficient components (including toilets, faucets, other plumbing fixtures and appliances, hot water delivery, landscape design, and irrigation systems) installed and their respective rated water efficiency performance.

“(d) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section in connection with any expenditure for any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

“(e) COORDINATION WITH OTHER CREDITS.—Expenditures taken into account under section 45L, 47, or 48(a) shall not be taken into account under this section.

“(f) REBATE PROGRAMS.—The amount of the credit allowed under subsection (a) to an eligible contractor with respect to any qualified new water efficient home shall be reduced, but not below zero, by the amount of any reimbursement which such contractor receives under any Federal government program for the construction of such home or for expenditures relating to such construction.

“(g) TERMINATION.—This section shall not apply to any qualified new water efficient home acquired after December 31, 2014.”

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following new paragraph:

“(37) the new water efficient home credit determined under section 45R.”

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 45R. New water efficient home credit.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2009.

### SEC. 4. WATER CONSERVATION BONDS.

(a) IN GENERAL.—Section 54D of the Internal Revenue Code of 1986 is amended—

(1) by striking “energy conservation bond” each place it appears in subsections (a), (b), and (d), and inserting “energy and water conservation bond”;

(2) by inserting “**AND WATER**” after “**QUALIFIED ENERGY**” in the heading,

(3) by striking “State or local government” in subsection (a)(2) and inserting “State, local government, or water district”;

(4) by striking “\$3,200,000,000” in subsection (d) and inserting “\$4,000,000,000, of which not less than 20 percent shall be used for qualified conservation purposes described in subsection (f)(1)(F)”, and

(5) by adding at the end of subsection (f)(1) the following new subparagraph:

“(F) Expenditures incurred for purposes of—

“(i) reducing water consumption by a public building or facility by not less than 30 percent,

“(ii) advanced water metering infrastructure, including the purchase, installation, and commissioning of advanced water meters and related software and infrastructure,

“(iii) investigation, design, or construction of a qualified groundwater remediation, desalination, or recycled water facility or system,

“(iv) increasing energy efficiency or the generation and use of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater,

“(v) reducing water loss in a water distribution system, including training water system personnel, annual testing and calibration of meters, detecting and repairing leaks, and purchase and installation of related equipment, or

“(vi) establishing or improving a system for volumetric billing to enable utilities to base retail residential customer bills in whole or in part on the volume of metered water deliveries.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### **SEC. 5. ARBITRAGE RULES NOT TO APPLY TO PREPAYMENTS FOR ELECTRICITY.**

(a) **IN GENERAL.**—Subsection (b) of section 148 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) **SAFE HARBOR FOR PREPAID ELECTRICITY SUPPLY CONTRACTS.**—

“(A) **IN GENERAL.**—The term ‘investment-type property’ does not include a prepayment under a qualified electricity supply contract.

“(B) **QUALIFIED ELECTRICITY SUPPLY CONTRACT.**—

“(i) **IN GENERAL.**—For purposes of this paragraph, the term ‘qualified electricity supply contract’ means—

“(I) any contract entered into by a water or sewer utility to acquire electricity for the use of such utility in providing water or sewer services to its customers, if such contract provides that the provider of such electricity under the contract will use not less than 75 percent of the prepayment described in subparagraph (A) to acquire, construct, or improve a qualified renewable energy facility, and

“(II) any contract to acquire electricity which is not described in subclause (I) which the Secretary determines does not constitute property of the type intended to be described in paragraph (2)(D).

“(ii) **WATER OR SEWER UTILITY.**—The term ‘water or sewer utility’ means a utility which is a governmental unit or is owned by a governmental unit and which provides—

“(I) water for residential, commercial, irrigation, or industrial use, or

“(II) sewer services for residential, commercial, or industrial use, to retail or wholesale customers in the service territory of such utility.

“(iii) **QUALIFIED RENEWABLE ENERGY FACILITY.**—The term ‘qualified renewable energy facility’ means a qualified facility within the meaning of section 45(d) (without regard to paragraphs (8) and (10) thereof, to the placed in service date of such facility, and to the person who owns such facility) which is located in the United States.

“(iv) **USE OF WATER OR SEWER UTILITY.**—For purposes of clause (i)(I), a contract shall be treated as providing electricity for the use of a water or sewer utility if the sum of—

“(I) the total number of kilowatt hours of electricity purchased under such contract and any other contracts for the purchase of electricity by such utility in effect on the date of the execution of such contract, plus

“(II) the amount of electricity expected to be generated by any generating facilities owned and used by such utility,

does not exceed by more than 10 percent the total kilowatt hours of electricity expected to be used by such utility during the term of such contract for the purpose of providing water or sewer services to its customers or for resale to other water or sewer utilities for their use (and not for resale to any entity that is not a water or sewer utility).

“(C) **OTHER RULES.**—Rules similar to the rules of subparagraphs (D)(ii), (G), and (I) of paragraph (4) shall apply for purposes of this paragraph.”.

(b) **PRIVATE LOAN FINANCING TEST NOT TO APPLY TO PREPAYMENTS FOR ELECTRICITY.**—Paragraph (2) of section 141(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking “or” at the end of subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting “, or”, and

(3) by adding at the end the following new subparagraph:

“(D) is a qualified electricity supply contract (as defined in section 148(b)(5)).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. REID (for himself, Mrs. BOXER, and Mr. CARDIN):

S. 1712. A bill to promote water efficiency, conservation, and adaptation, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1712

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Water Efficiency, Conservation, and Adaptation Act of 2009”.

#### **SEC. 2. FINDINGS.**

Congress finds that—

(1)(A) human-induced climate change is affecting the natural water cycle, decreasing precipitation levels in the West, especially the Southwest, and making droughts and floods more frequent and more intense;

(B) declining precipitation levels will severely impact water supplies in Southwestern States; and

(C) a sharp increase in the number of days with very heavy precipitation throughout the Northeast and the Midwest will stress aging water infrastructure;

(2) changes in the water cycle caused by climate disruptions will adversely affect water infrastructure, energy production and use, human health, transportation, agriculture, and ecosystems, while also aggravating water disputes across the United States;

(3)(A) the Colorado River, which supplies water for over 30,000,000 people, is experiencing the worst drought in over 100 years of recordkeeping; and

(B) the primary reservoirs of the Colorado River Basin and Lakes Mead and Powell have lost nearly half of the storage waters of the reservoirs and Lakes, and clean hydropower generated from Hoover Dam risks reduction if the extended drought persists;

(4) States and local governments and water utilities can begin to address the challenges described in this section by providing incentives for water efficiency and conservation, while also planning and investing in infrastructure to adapt to the impacts of climate change, particularly those impacts already affecting the United States;

(5) residential water demand can be reduced by 25 to 40 percent using existing, cost-effective technologies that also can reduce the water bills of consumers by hundreds of dollars per year; and

(6) water and energy use are inseparable activities, and supplying and treating water consumes around 4 percent of the electricity of the United States, and electricity makes up 75 percent of the cost of processing and delivering municipal water.

#### **SEC. 3. DEFINITION OF ADMINISTRATOR.**

In this Act, the term “Administrator” means the Administrator of the Environmental Protection Agency.

#### **SEC. 4. WATERSENSE.**

(a) **IN GENERAL.**—There is established within the Environmental Protection Agency a WaterSense program to identify and promote water efficient products, buildings, landscapes, facilities, processes, and services so as—

(1) to reduce water use;

(2) to reduce the strain on water, wastewater, and stormwater infrastructure;

(3) to conserve energy used to pump, heat, transport, and treat water; and

(4) to preserve water resources for future generations, through voluntary labeling of, or other forms of communications about, products, buildings, landscapes, facilities, processes, and services that meet the highest water efficiency and performance criteria.

(b) **DUTIES.**—The Administrator shall—

(1) establish—

(A) a WaterSense label to be used for certain items; and

(B) the procedure by which an item may be certified to display the WaterSense label;

(2) promote WaterSense-labeled products, buildings, landscapes, facilities, processes, and services in the market place as the preferred technologies and services for—

(A) reducing water use; and

(B) ensuring product and service performance;

(3) work to enhance public awareness of the WaterSense label through public outreach, education, and other means;

(4) preserve the integrity of the WaterSense label by—

(A) establishing and maintaining performance criteria so that products, buildings,

landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

(B) overseeing WaterSense certifications made by third parties;

(C) conducting reviews of the use of the WaterSense label in the marketplace and taking corrective action in any case in which misuse of the label is identified; and

(D) carrying out such other measures as the Administrator determines to be appropriate;

(5) regularly review and, if appropriate, update WaterSense criteria for categories of products, buildings, landscapes, facilities, processes, and services, at least once every 4 years;

(6) to the maximum extent practicable, regularly estimate and make available to the public the production and relative market shares of, and the savings of water, energy, and capital costs of water, wastewater, and stormwater infrastructure attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services, at least annually;

(7) solicit comments from interested parties and the public prior to establishing or revising a WaterSense category, specification, installation criterion, or other criterion (or prior to effective dates for any such category, specification, installation criterion, or other criterion);

(8) provide reasonable notice to interested parties and the public of any changes (including effective dates), on the adoption of a new or revised category, specification, installation criterion, or other criterion, along with—

(A) an explanation of the changes; and

(B) as appropriate, responses to comments submitted by interested parties and the public;

(9) provide appropriate lead time (as determined by the Administrator) prior to the applicable effective date for a new or significant revision to a category, specification, installation criterion, or other criterion, taking into account the timing requirements of the manufacturing, marketing, training, and distribution process for the specific product, building and landscape, or service category addressed;

(10) identify and, if appropriate, implement other voluntary approaches in commercial, institutional, residential, industrial, and municipal sectors to encourage recycling and reuse technologies to improve water efficiency or lower water use; and

(11) if appropriate, apply the WaterSense label to water-using products that are labeled by the Energy Star program implemented by the Administrator and the Secretary of Energy.

(C) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(1) \$7,500,000 for fiscal year 2010;

(2) \$10,000,000 for fiscal year 2011;

(3) \$20,000,000 for fiscal year 2012;

(4) \$50,000,000 for fiscal year 2013; and

(5) for each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

#### **SEC. 5. STATE RESIDENTIAL WATER EFFICIENCY AND CONSERVATION INCENTIVES PROGRAM.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means a State government, local or county government, tribal government, wastewater or sewerage utility, municipal water authority, energy utility, water utility, or nonprofit organization that meets the requirements of subsection (b).

(2) **INCENTIVE PROGRAM.**—The term “incentive program” means a program for administering financial incentives for consumer purchase and installation of water-efficient products, buildings (including new water-efficient homes), landscapes, processes, or services described in subsection (b)(1).

(3) **RESIDENTIAL WATER-EFFICIENT PRODUCT, BUILDING, LANDSCAPE, PROCESS, OR SERVICE.**—

(A) **IN GENERAL.**—The term “residential water-efficient product, building, landscape, process, or service” means a product, building, landscape, process, or service for a residence or its landscape that is rated for water efficiency and performance—

(i) by the WaterSense program; or

(ii) if a WaterSense specification does not exist, by the Energy Star program or an incentive program approved by the Administrator.

(B) **INCLUSIONS.**—The term “residential water-efficient product, building, landscape, process, or service” includes—

(i) faucets;

(ii) irrigation technologies and services;

(iii) point-of-use water treatment devices;

(iv) reuse and recycling technologies;

(v) toilets;

(vi) clothes washers;

(vii) dishwashers;

(viii) showerheads;

(ix) xeriscaping and other landscape conversions that replace irrigated turf; and

(x) new water efficient homes certified under the WaterSense program.

(4) **WATERSENSE PROGRAM.**—The term “WaterSense program” means the program established by section 4.

(b) **ELIGIBLE ENTITIES.**—An entity shall be eligible to receive an allocation under subsection (c) if the entity—

(1) establishes (or has established) an incentive program to provide financial incentives to residential consumers for the purchase of residential water-efficient products, buildings, landscapes, processes, or services;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Administrator may require; and

(3) provides assurances satisfactory to the Administrator that the entity will use the allocation to supplement, but not supplant, funds made available to carry out the incentive program.

(c) **AMOUNT OF ALLOCATIONS.**—For each fiscal year, the Administrator shall determine the amount to allocate to each eligible entity to carry out subsection (d), taking into consideration—

(1) the population served by the eligible entity during the most recent calendar year for which data are available;

(2) the targeted population of the incentive program of the eligible entity, such as general households, low-income households, or first-time homeowners, and the probable effectiveness of the incentive program for that population;

(3) for existing programs, the effectiveness of the program in encouraging the adoption of water-efficient products, buildings, landscapes, facilities, processes, and services;

(4) any allocation to the eligible entity for a preceding fiscal year that remains unused and

(5) the per capita water demand of the population served by the eligible entity during

the most recent calendar year for which data are available and the accessibility of water supplies to the eligible entity.

(d) **USE OF ALLOCATED FUNDS.**—Funds allocated to an eligible entity under subsection (c) may be used to pay up to 50 percent of the cost of establishing and carrying out an incentive program.

(e) **FIXTURE RECYCLING.**—Eligible entities are encouraged to promote or implement fixture recycling programs to manage the disposal of older fixtures replaced due to the incentive program under this section.

(f) **ISSUANCE OF INCENTIVES.**—

(1) **IN GENERAL.**—Financial incentives may be provided to residential consumers that meet the requirements of the applicable incentive program.

(2) **MANNER OF ISSUANCE.**—An eligible entity may—

(A) issue all financial incentives directly to residential consumers; or

(B) with approval of the Administrator, delegate all or part of financial incentive administration to other organizations, including local governments, municipal water authorities, water utilities, and nonprofit organizations.

(3) **AMOUNT.**—The amount of a financial incentive shall be determined by the eligible entity, taking into consideration—

(A) the amount of any Federal or State tax incentive available for the purchase of the residential water-efficient product or service;

(B) the amount necessary to change consumer behavior to purchase water-efficient products and services; and

(C) the consumer expenditures for onsite preparation, assembly, and original installation of the product.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$100,000,000 for fiscal year 2010;

(2) \$150,000,000 for fiscal year 2011;

(3) \$200,000,000 for fiscal year 2012;

(4) \$150,000,000 for fiscal year 2013;

(5) \$100,000,000 for fiscal year 2014; and

(6) for each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

#### **SEC. 6. BLUE BANK FOR WATER SYSTEM MITIGATION AND ADAPTATION.**

(a) **DEFINITIONS.**—In this section:

(1) **ABRUPT CLIMATE CHANGE.**—The term “abrupt climate change” means a large-scale change in the climate system that—

(A) takes place over a few decades or less;

(B) persists (or is anticipated to persist) for at least a few decades; and

(C) causes substantial disruptions in human and natural systems.

(2) **OWNER OR OPERATOR.**—

(A) **IN GENERAL.**—The term “owner or operator” means a person (including a regional, State, local, municipal, or private entity) that owns or operates a water system.

(B) **INCLUSION.**—The term “owner or operator” includes a non-Federal entity that has operational responsibilities for a federally owned water system.

(3) **WATER SYSTEM.**—The term “water system” means—

(A) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));

(B) a publicly owned treatment works (as defined in section 212 of the Federal Water

Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system;

(C) a decentralized wastewater treatment system for domestic sewage;

(D) a groundwater storage and replenishment system; or

(E) a system for transport and delivery of water for irrigation or conservation.

(b) GRANTS.—Beginning in fiscal year 2010, the Administrator shall make grants to owners or operators of water systems to address any ongoing or forecasted (based on the best available research and data) climate-related impact on the water quality or quantity of a region of the United States, for the purposes of mitigating or adapting to the impacts of climate change.

(c) ELIGIBLE USES.—In carrying out this section, the Administrator shall make grants to assist in the planning, design, construction, implementation, or maintenance of any program or project to increase the resilience of a water system to climate change by—

(1) conserving water or enhancing water use efficiency, including through the use of water metering to measure the effectiveness of a water efficiency program;

(2) modifying or relocating existing water system infrastructure made or projected to be made inoperable by climate change impacts;

(3) preserving or improving water quality, including through measures to manage, reduce, treat, or reuse municipal stormwater, wastewater, or drinking water;

(4) investigating, designing, or constructing groundwater remediation, recycled water, or desalination facilities or systems;

(5) enhancing water management by increasing watershed preservation and protection, such as through the use of natural or engineered green infrastructure in the management, conveyance, or treatment of water, wastewater, or stormwater;

(6) enhancing energy efficiency or the use and generation of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater;

(7) supporting the adoption and use of advanced water treatment, water supply management (such as reservoir reoperation), or water demand management technologies, projects, or processes (such as water reuse and recycling or adaptive conservation pricing) that maintain or increase water supply or improve water quality;

(8) modifying or replacing existing systems or constructing new systems for existing communities or land currently in agricultural production to improve water availability, storage, or conveyance in a manner that—

(A) promotes more efficient use of available water supplies; and

(B) does not further exacerbate stresses on ecosystems;

(9) supporting practices and projects, such as improved irrigation systems, water banking and other forms of water transactions, groundwater recharge, stormwater capture, and reuse or recycling of drainage water, to improve water quality or promote more efficient water use, including on land currently in agricultural production;

(10) conducting and completing studies or assessments to project how climate change may impact the future operations and sustainability of water systems; or

(11) developing and implementing mitigation measures to rapidly address impacts on water systems most susceptible to abrupt climate change, including those in the Colo-

rado River Basin and coastal regions at risk from rising sea levels.

(d) APPLICATION.—To be eligible to receive a grant from the Administrator under subsection (b), the owner or operator of a water system shall submit to the Administrator an application that—

(1) includes a proposal of the program, strategy, or infrastructure improvement to be planned, designed, constructed, implemented, or maintained by the water system;

(2) cites the best available research or data that demonstrates—

(A) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system brought about by factors arising from climate change, including rising sea levels and changes in precipitation levels; and

(B) how the proposed program, strategy, or infrastructure improvement would perform under the anticipated climate conditions;

(3) explains how the proposed program, strategy, or infrastructure improvement is expected to enhance the resiliency of the water system, including source water protection for community water systems, to these risks or reduce the direct or indirect greenhouse gas emissions of the water system; and

(4) demonstrates that the program, strategy, or infrastructure improvement is—

(A) consistent with any approved State and tribal climate adaptation plan; and

(B) not inconsistent with any approved natural resources plan.

(e) COMPETITIVE PROCESS.—

(1) IN GENERAL.—Each calendar year, the Administrator shall conduct a competitive process to select and fund applications under this section.

(2) PRIORITY REQUIREMENTS AND WEIGHTING.—In carrying out the process, the Administrator shall—

(A) prioritize funding of applications that are submitted by the owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant climate-related negative impacts on water quality or quantity;

(B) in selecting among the priority applications determined under subparagraph (A), ensure that the final list of applications funded for each year includes a substantial number that, to the maximum extent practicable, includes each eligible use described in subsection (c);

(C) solicit applications from water systems that are—

(i) located in all regions of the United States; and

(ii) facing varying risks as a result of climate change; and

(D) provide for solicitation and consideration of public input in the development of criteria used in evaluating applications.

(f) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to a water system under subsection (b) shall not exceed 50 percent of the cost of the program, strategy, and infrastructure improvement.

(2) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of a program, strategy, or infrastructure improvement proposed by a water system through an application submitted by the water system under subsection (d), the Administrator shall—

(A) include the value of any in-kind services that are integral to the completion of

the program, strategy, or infrastructure improvement, as determined by the Administrator; and

(B) not include any other amount that the water system receives from a Federal agency.

(g) LABOR STANDARDS.—

(1) IN GENERAL.—All laborers and mechanics employed on infrastructure improvements funded directly by or assisted in whole or in part by this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code.

(2) AUTHORITY AND FUNCTIONS.—With respect to the labor standards in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(h) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate final regulations to carry out this section.

(2) SPECIAL RULE FOR THE CONSTRUCTION OF TREATMENT WORKS.—In carrying out this subsection, the Administrator shall incorporate all relevant and appropriate requirements of title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) applicable to the construction of treatment works that are carried out under this section.

(i) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall submit to the Congress a report on progress in implementing this section, including information on project applications received and funded annually.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

By Mr. REID (for himself, Mr. BAUCUS, Mr. HATCH, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 1713. A bill to establish loan guarantee programs to develop biochar technology using excess plant biomass, to establish biochar demonstration projects on public land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1713

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Efficiency via Carbon Harvesting and Restoration (WECHAR) Act of 2009”.

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) numerous expert reports have brought attention to the negative impacts caused by invasive weed species, including the consumption of water in areas with diminishing supplies;

(2) salt cedar, or *Tamarix* species, a noxious and invasive plant commonly found on public land can consume 200 gallons of water per plant each day;

(3) salt cedar now covers as much as 1,000,000 acres of floodplains, riparian acres, wetland, and lake margins in the Western United States;

(4) minimizing the impact of and eradicating invasive species that wrest water from delicate watersheds is in the best interest of the United States;

(5) as drought conditions worsen and legal requirements relating to water supply accelerate water shortages, innovative approaches are needed to address the increasing demand for water;

(6) pine bark beetle has killed thousands of acres of standing forests in the Western United States, creating a hazardous buildup of dead tree biomass that is a serious fire threat to those and surrounding areas;

(7) biochar technology would result in a more cost-effective, environmentally beneficial, and successful approach to combating invasive weeds and removing excess biomass and plant waste from public land;

(8) invasive weeds and excess biomass on public land can serve as feedstock for biochar and alternative fuel production;

(9) it is in the best interest of the United States to conduct a comprehensive and thorough research, development, and demonstration program on biochar and related bioenergy so as to better understand how to use excess biomass available on public land; and

(10) biochar production and use systems have been shown to have many ancillary beneficial environmental impacts.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to restore the natural hydrology of Western landscapes by removing water-intensive invasive plant species;

(2) to reduce dangerous forest and rangeland fuel loads;

(3) to develop technologies to convert undesirable invasive plant species to useful materials;

(4) to develop markets for those materials; and

(5) to provide technologies to land managers to continue those processes into the future.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **BIOCHAR.**—The term “biochar” means charcoal or black carbon derived from organic matter through pyrolysis.

(2) **BIOENERGY.**—The term “bioenergy” means hydrocarbons derived from organic matter through pyrolysis, including bio-oil, syngas, or thermal energy.

(3) **EXCESS BIOMASS.**—

(A) **IN GENERAL.**—The term “excess biomass” means any plant matter targeted for removal from public land to promote ecosystem health.

(B) **INCLUSIONS.**—The term “excess biomass” includes—

(i) trees or tree waste on public land;

(ii) wood and wood wastes and residues; and

(iii) weedy plants and grasses (including aquatic, noxious, or invasive plants).

(4) **FEEDSTOCK.**—The term “feedstock” means excess biomass in the form of plant matter or materials that serves as the raw material for the production of biochar and bioenergy.

(5) **INVASIVE PLANT SPECIES.**—The term “invasive plant species” means a species—

(A) that is nonnative to a specified ecosystem; and

(B) the introduction to an ecosystem of which causes, or may cause, harm to—

(i) the economy;

(ii) the environment;

(iii) water resources; or

(iv) human, animal, or plant health.

(6) **SECRETARY CONCERNED.**—The term “Secretary concerned” means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

### SEC. 4. RESOURCE ASSESSMENT.

(a) **IN GENERAL.**—The Director of the United States Geological Survey shall conduct resources assessments that collect and synthesize interagency and State data to quantify—

(1) invasive plant species and excess biomass in the form of dangerous fuel loads on public land that can be used for feedstock;

(2) estimated carbon content in that feedstock;

(3) estimated potential biochar and bioenergy producible from that feedstock; and

(4) potential water savings resulting from removal of invasive plant species and excess biomass on public land, by watershed.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act and biennially thereafter, the Director of United States Geological Survey shall submit to Congress a report that describes the results of each resource assessment conducted under subsection (a).

### SEC. 5. TECHNOLOGY RESEARCH.

(a) **DEVELOPMENT OF MOBILE BIOCHAR PRODUCTION UNITS.**—Not later than 1 year after the date of enactment of this Act and in accordance with subsection (c), the Secretary of the Interior shall establish a program to provide guarantees of loans by private institutions—

(1) to develop and optimize commercially and technologically viable biochar production units that—

(A) are designed to use woody invasive plant species and excess biomass feedstock such as tamarisk, pinyon pine, and juniper;

(B) produce net negative carbon emissions relative to natural decomposition;

(C) are self-contained on a portable platform suitable for deployment to remote locations and on unpaved roads; and

(D) can capture biochar and bioenergy produced for immediate energy needs or transport to market; and

(2) to produce, not later than 2 years after the date of securing a guaranteed loan under this section for the purposes described in section 7(a)(2), 4 biochar production units for deployment to remote landscapes, of which—

(A) 2 shall be dedicated primarily to contract work with the Bureau of Land Management; and

(B) 2 shall be dedicated primarily to contract work with the National Park Service.

(b) **DEVELOPMENT OF FIXED BIOCHAR PRODUCTION UNITS.**—Not later than 1 year after the date of enactment of this Act and in accordance with subsection (c), the Secretary of Agriculture shall establish a program to provide guarantees of loans by private institutions—

(1) to develop and optimize commercially and technologically viable biochar production units that—

(A) while not necessarily self contained, can be disassembled, moved, and reassembled to be operational on a new site within 30 days, so as to support fuels reduction work;

(B) are designed to use excess biomass feedstock, such as trees killed by bark beetle infestations;

(C) produce net negative carbon emissions relative to natural decomposition;

(D) can capture biochar and bioenergy produced for immediate energy needs or transport to market; and

(2) to produce, not later than 2 years after the date of securing a guaranteed loan under this section for the purposes described in section 7(a)(3), 2 biochar production units for deployment to remote landscapes.

(c) **GUARANTEED LOAN PROGRAM.**—

(1) **IN GENERAL.**—The Secretary concerned may provide loan guarantees under this section to an applicant if the biochar production units produced by the applicant will be dedicated primarily to contract restoration work with the Bureau of Land Management, National Park Service, or Forest Service, using—

(A) pinyon pine and juniper feedstock in the Great Basin;

(B) tamarisk feedstock in the Mojave Desert; or

(C) excess biomass feedstock, such as trees killed by bark beetle infestations in the Intermountain West.

(2) **CRITERIA.**—In selecting recipients of loan guarantees from among applicants, the Secretary concerned shall give preference to proposals that, as determined by the Secretary concerned—

(A) meet all applicable Federal and State permitting requirements;

(B) are most likely to be successful; and

(C) are located in local markets that have the greatest need for the biochar production units due to—

(i) identified high-priority landscape restoration needs;

(ii) availability of sufficient quantities of feedstocks described in subsection (b); or

(iii) a high level of demand for biochar or other commercial byproducts of the biochar production units.

(3) **MATURITY.**—A loan guaranteed under this section shall have a maturity of not more than 20 years.

(4) **TERMS AND CONDITIONS.**—The loan agreement for a loan guaranteed under this section shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(5) **GUARANTEE FEE.**—The recipient of a loan guarantee under this section shall pay to the Secretary concerned a guarantee fee in an amount determined by the Secretary concerned to be sufficient to cover the administrative costs of the Secretary concerned relating to the loan guarantee.

(6) **FULL FAITH AND CREDIT.**—

(A) **IN GENERAL.**—The full faith and credit of the United States is pledged to the payment of all guarantees made by the Secretary concerned under this section.

(B) **EVIDENCE.**—Any guarantee made by the Secretary concerned under this section shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

(C) **VALIDITY.**—The validity of any guarantee made by the Secretary concerned under this section shall be incontestable in the hands of a holder of the guaranteed loan.

(7) **ANNUAL REPORTS.**—Until the date on which each guaranteed loan under this section has been repaid in full, each year the Secretary concerned shall submit to Congress a report on the activities of the Secretary concerned under this section during the preceding year.

### SEC. 6. EXISTING TECHNOLOGY.

(a) **IN GENERAL.**—The Secretary of the Interior and the Secretary of Agriculture shall each establish a program to provide guarantees of loans by private institutions for the construction or acquisition of facilities for the production of biochar.



(b) **REQUIREMENT.**—The Secretary concerned may provide a loan guarantee under this section to an applicant if facilities constructed or acquired by the applicant will be dedicated primarily to contract restoration work with the Bureau of Land Management, National Park Service, or Forest Service, using—

(1) pinyon pine and juniper feedstock in the Great Basin;

(2) tamarisk feedstock in the Mojave Desert; or

(3) excess biomass feedstock, such as trees killed by bark beetle infestations in the Intermountain West.

(c) **CRITERIA.**—In selecting recipients of loan guarantees from among applicants, the Secretary concerned shall give preference to proposals that, as determined by the Secretary concerned—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility due to—

(A) identified high-priority landscape restoration needs;

(B) availability of sufficient quantities of feedstocks described in subsection (b); or

(C) a high level of demand for biochar or other commercial byproducts of the facility.

(d) **MATURITY.**—A loan guaranteed under this section shall have a maturity of not more than 20 years.

(e) **TERMS AND CONDITIONS.**—The loan agreement for a loan guaranteed under this section shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary concerned.

(f) **GUARANTEE FEE.**—The recipient of a loan guarantee under this section shall pay the Secretary concerned a guarantee fee in an amount determined by the Secretary concerned to be sufficient to cover the administrative costs of the Secretary concerned relating to the loan guarantee.

(g) **FULL FAITH AND CREDIT.**—

(1) **IN GENERAL.**—The full faith and credit of the United States is pledged to the payment of all guarantees made by the Secretary concerned under this section.

(2) **EVIDENCE.**—Any guarantee made by the Secretary concerned under this section shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

(3) **VALIDITY.**—The validity of any guarantee made by the Secretary concerned under this section shall be incontestable in the hands of a holder of the guaranteed loan.

(h) **ANNUAL REPORTS.**—Until the date on which each guaranteed loan under this section has been repaid in full, each year the Secretary concerned shall submit to Congress a report on the activities of the Secretary concerned under this section during the preceding year.

## SEC. 7. DEPLOYMENT.

(a) **NEW TECHNOLOGY.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall initiate 3-year programs to employ the biochar production units provided under section 5 in pilot applications in various climates and ecosystems of the United States.

(2) **MOBILE UNITS.**—In the case of biochar production units developed or optimized under section 5(a)—

(A) the Director of the National Park Service shall carry out initial programs using invasive tamarisk in the Mojave Desert as feedstock; and

(B) the Director of the Bureau of Land Management shall carry out initial programs using excess pinyon pine and juniper biomass in the Great Basin as feedstock.

(3) **FIXED UNITS.**—In the case of biochar production units developed or optimized under section 5(b), the Chief of the Forest Service shall carry out the initial program using bark beetle-killed trees in the Intermountain West.

(b) **EXISTING TECHNOLOGY.**—

(1) **IN GENERAL.**—Not later than 180 days after enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall prepare plans for carrying out 3-year landscape restoration programs in various climates and ecosystems of the United States to employ facilities constructed or acquired under section 6.

(2) **REQUIREMENTS.**—In carrying out the landscape restoration programs described in paragraph (1), the Secretary of the Interior and the Secretary of Agriculture shall carry out programs using invasive tamarisk in the Mojave Desert, excess pinyon pine and juniper biomass in the Great Basin, and bark beetle-killed trees in the Intermountain West.

## SEC. 8. APPLICATION AND MARKET RESEARCH.

(a) **ATTRIBUTES.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall provide competitive grants to conduct research and analysis that identifies—

(1) attributes and composition profiles of biochar produced from different feedstocks for use as soil amendments; and

(2) attributes and composition profiles of bioenergy produced from different feedstocks for use as fuel for transportation, heating, or other uses identified in subsection (b)(1).

(b) **MARKET DEVELOPMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, acting through the Director of the National Institute of Food and Agriculture, the Administrator of the Agricultural Research Service, and the Administrator of the Agricultural Marketing Service shall provide competitive grants to conduct research and analysis that—

(1) identifies potential uses and markets for biochar and bioenergy; and

(2) in the case of economic and life-cycle issues, analyzes—

(A) the full production costs versus the economic benefits of biochar production systems;

(B) the impact of the production and use of biochar, including the performance of biochar in carbon sequestration programs; and

(C) the availability of feedstocks and the efficiency of using those feedstock for biochar production as compared to other biofuel-production systems.

(c) **ENVIRONMENTAL REVIEW.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall provide competitive grants to conduct research and analysis relating to—

(1) the environmental benefits of biochar production and use, including—

(A) the water savings resulting from reducing populations of invasive or noxious plant species;

(B) the potential of biochar production systems—

(i) to reduce fertilizer use, nutrient leaching, and run-off; and

(ii) to reduce water pollution from feedlot runoff by capturing ammonia; and

(C) the reduction in greenhouse gas emissions resulting from the production and use of related bioenergy;

(2) the potential environmental impacts of biochar and bioenergy use, including—

(A) the potential toxicity and other adverse ecosystem effects resulting from biochar production or use of different biochars, as identified under subsection (a)(1);

(B) the characterization of combustion products of bioenergy, as identified under subsection (a)(2), and the effects of those combustion products on air and water quality; and

(C) impacts on human health and safety.

(d) **DEVELOPMENT OF BIOCHAR IN LANDSCAPE RESTORATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, acting through the Director of the National Institute of Food and Agriculture and the Administrator of the Agricultural Research Service, shall provide competitive grants to research and analyze—

(1) the potential uses of biochar in landscape restoration in different ecosystems and soil types;

(2) the relative benefits and potential adverse effects of use of different biochars, as identified under subsection (a)(1) in different western ecosystems and soil types; and

(3) the safety and efficacy of different methods of application.

## SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out sections 4 through 8, including for the cost of grants and loan guarantees under those sections, such sums as are necessary for each of fiscal years 2010 through 2016.

By Mr. DURBIN:

S. 1714. A bill to authorize grants for the creation, update, or adaption of open textbooks, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, technology has transformed the way we work, the way we entertain ourselves, and the way we understand the world around us. But one area of our lives that has been more resistant to technological change has been the way we educate our children. And yet I see tremendous potential in technology to improve access to education and decrease its often high costs. One example of this is open educational resources. Today, I am introducing a bill that will provide a short-term federal investment in the development of one type of open educational resource—college textbooks. I believe this investment will improve learning in our college classrooms and help bring down the cost of college for students.

The growth of the Internet has enabled the creation and sharing of open content. A teacher or professor in Illinois can create a lecture, a lesson, a book, or an entire curriculum and share it online. A teacher across the country or even across the world can access that educational material, adapt it, and use it in his or her classroom. More and more often educators are utilizing technology in this way to improve student learning.

The President recognizes the potential of this new technology. He has proposed a significant new Federal investment in the creation of online open-



source courses for community colleges. These courses will be made freely available online and widely distributed so that all colleges can make use of them. I believe this initiative will help make higher education more accessible for students, especially non-traditional students or students living in rural areas far away from brick-and-mortar institutions. Because the courses will be available for free, the initiative will also help bring down the high cost of a college education for students struggling to pay.

I think we can go even further. The high cost of textbooks continues to be a barrier for many students struggling to pay for college. The College Board reported that for the 2007 to 2008 school year, students spent an estimated \$805 to \$1,229 on books and supplies. A little over a year ago, the Higher Education Opportunity Act was signed into law. That law includes provisions that I authored to increase transparency in college textbook pricing for professors and students. I hope that new law will help decrease the high cost of textbooks when these provisions are enacted next year, but there is more that the Federal Government can do to provide cheap alternatives to professors and students.

The bill I am introducing today, the Open College Textbook Act, will create a grant program for the creation of freely-available, online open college textbooks. Making high-quality open textbooks freely available to the general public would significantly lower college textbook costs. Under my bill, the Secretary of Education would award grants to colleges, professors, nonprofit organizations or for-profit companies to create introductory-level college textbooks. Once produced, these books would be posted on an easily-accessible website and made available to students, professors, and the public for free. The result would be a set of high-quality college textbooks that could be adopted in any introductory course at any college in the country. This would be a limited investment of Federal grant funding over just a few years, not a permanent federal funding stream. The choice would ultimately still be the professor's. Each professor could choose whether to assign the open textbook to his class, but I hope that he would seriously consider this high-quality, free online option that would save his students \$150 or \$200 each at the college bookstore.

Along with the clear cost benefits, open textbooks can also improve teaching and learning. The content of an open textbook can be adapted, supplemented, and personalized by professors for their course. Instead of framing a course around a textbook, a professor can modify an open textbook to fit the needs of a particular course or group of students. When professors take advantage of the flexibility and adaptability

of open textbooks, student learning improves.

The use of Federal funding for textbooks and curricula is not new. For years, the National Science Foundation has been awarding grants to professors for research into the improvement of learning in the classroom. Sometimes these grants have resulted in the creation of textbooks, which the author can then license for profit to a commercial publisher. I believe textbooks created with Federal funding should be made available for free so that all students and professors can benefit from our investment. This bill would also require that all future Federal grants that lead to the creation of a textbook or curriculum for use in the classroom be licensed openly and made freely available to all educators for their use.

Over the past decade, I have watched textbook publishers use technology to drive up the cost of textbooks through unnecessary online supplements and CD-ROMs. It is time that we use the potential of technology to improve college access, learning, and affordability for all students. I believe the Open College Textbook Act that I am introducing today will accomplish that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1714

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Open College Textbook Act of 2009".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The growth of the Internet has enabled the creation and sharing of open content, including open educational resources.

(2) The President has proposed a new, significant Federal investment in the creation of online open-source courses for community colleges that will make learning more accessible, adaptable, and affordable for students.

(3) The President has challenged the United States with a goal of having the highest college graduation rate in the world by 2020.

(4) More than 80 percent of the 23,000,000 jobs that will be created in the next 10 years will require postsecondary education, but only 36 percent of all 18- to 24-year-olds are currently enrolled in postsecondary education.

(5) The high cost of college textbooks continues to be a barrier for many students in achieving higher education, and according to the Advisory Committee on Student Financial Assistance, 200,000 qualified students fail to enroll in college each year due to cost.

(6) The College Board reported that for the 2007–2008 academic year an average student spent an estimated \$805 to \$1,229 on college books and supplies.

(7) Making high quality open textbooks freely available to the general public could significantly lower college textbook costs and increase accessibility to such education materials.

(8) Open textbooks can improve learning and teaching by creating course materials that are more flexible, adaptable, and accessible through the use of technology.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **DIRECTOR.**—The term "Director" means the Director of the National Science Foundation.

(2) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) **OPEN LICENSE.**—The term "open license" means an irrevocable intellectual property license that grants the public the right to access, customize, and distribute a copyrighted material.

(4) **OPEN TEXTBOOK.**—The term "open textbook" means a textbook or set of course materials in electronic format designed for use in a college course at an institution of higher education that is licensed under an open license.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

#### SEC. 4. GRANT PROGRAM.

(a) **GRANTS AUTHORIZED.**—From the amounts appropriated under subsection (i), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to carry out the activities described in this section, including creating, updating, or adapting open textbooks. The Secretary shall award grants in a manner that will result in the creation of a comprehensive slate of high quality course materials for introductory courses in a variety of subject areas.

(b) **ELIGIBLE ENTITY.**—In this section, the term "eligible entity" means—

(1) an institution of higher education;

(2) a professor or group of professors at an institution of higher education; or

(3) a nonprofit or for-profit organization that produces open textbooks.

(c) **DURATION.**—Grants awarded under this section shall be 1 year in duration.

(d) **APPLICATIONS.**—

(1) **IN GENERAL.**—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) **CONTENTS.**—Each application submitted under paragraph (1) shall include a description of the project to be completed with grant funds and—

(A) a plan for quality review and review of accuracy of content;

(B) a plan for access to ensure the widest possible availability of the digital version of the open textbook;

(C) a plan for distribution and adoption of the open textbook to ensure the widest possible adoption of the open textbook in postsecondary courses, including, where applicable, a marketing plan or a plan to partner with for-profit or nonprofit organizations to assist in marketing and distribution; and

(D) a plan for tracking and reporting formal adoptions of the open textbook within postsecondary institutions, including an estimate of the number of students impacted by the adoptions.

(e) **SPECIAL CONSIDERATION.**—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the greatest potential to produce—

(1) the highest quality and most marketable open textbooks;

(2) open textbooks that correspond to the highest enrollment courses at institutions of higher education;

(3) open textbooks that are easily utilized by faculty members at institutions of higher education; and

(4) open textbooks created in partnership with for-profit or nonprofit organizations to assist in marketing and distribution.

(f) USES OF GRANTS.—

(1) OPEN TEXTBOOKS.—An eligible entity that receives a grant under this section shall—

(A) create a new open textbook for use in postsecondary coursework;

(B) update an open textbook for use in postsecondary coursework; or

(C) adapt a textbook into an open format for use in postsecondary coursework.

(2) LICENSE.—An open textbook created, updated, or adapted under paragraph (1) shall be licensed through an open license.

(3) ACCESSIBILITY.—The full and complete digital content of each open textbook created, updated, or adapted under paragraph (1) shall be—

(A) posted on an easily accessible and interoperable website, which site shall be identified to the Secretary by the eligible entity; and

(B) made available free of charge to, and may be downloaded, redistributed, changed, revised, or otherwise altered by, any member of the general public.

(g) REVIEW PROCESS.—The Secretary shall develop a peer review and evaluation process in consultation with the Director to ensure that open textbooks created, updated, or adapted under this section are of the highest quality, accurate in content, and meet or exceed market quality and accessibility standards.

(h) REPORT.—Upon an eligible entity's completion of a project supported under this section, the eligible entity shall prepare and submit a report to the Secretary regarding all project costs, including the value of any volunteer labor and institutional capital used for the project.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$15,000,000 to carry out this section for fiscal year 2010 and such sums as are necessary for each of the 5 succeeding fiscal years.

**SEC. 5. LICENSING MATERIALS WITH A FEDERAL CONNECTION.**

(a) IN GENERAL.—Notwithstanding any other provision of law, educational materials such as curricula and textbooks created through grants distributed by Federal agencies, including the National Science Foundation, for use in elementary, secondary, or postsecondary courses shall be licensed under an open license.

(b) ACCESSIBILITY.—The full and complete digital content of each of the materials created as described in subsection (a) shall be—

(1) posted on an easily accessible and interoperable website, which site shall be identified to the Secretary by the grant recipient; and

(2) made available free of charge to, and may be downloaded, redistributed, changed, revised, or otherwise altered by, any member of the general public.

**SEC. 6. SENSE OF CONGRESS.**

It is the sense of Congress that institutions of higher education should encourage the consideration of open textbooks by professors within the generally accepted principles of academic freedom that established the right and responsibility of faculty members, individually and collectively, to select course materials that are pedagogically most appropriate for their classes.

**SEC. 7. REPORT TO CONGRESS.**

Not later than September 30, 2015, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives detailing—

(1) the open textbooks created, updated, or adapted under this Act;

(2) the adoption of such open textbooks; and

(3) the savings generated for students, States, and the Federal Government through the use of open textbooks.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 285—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBERSECURITY AWARENESS MONTH AND RAISING AWARENESS AND ENHANCING THE STATE OF CYBERSECURITY IN THE UNITED STATES**

Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mrs. GILLIBRAND, Mr. CARPER, Ms. MIKULSKI, Mr. LIEBERMAN, Ms. COLLINS, Mr. REID, Mr. LEVIN, Mr. BENNETT, Ms. SNOWE, Ms. LANDRIEU, Mr. HATCH, Mr. BAYH, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

**S. RES. 285**

Whereas the use of the Internet in the United States, to communicate, conduct business, or generate commerce that benefits the overall United States economy, is ubiquitous;

Whereas many people use the Internet in the United States to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas United States small businesses, which employ a significant fraction of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance the management of their supply chain;

Whereas nearly all public schools in the United States have Internet access to enhance children's education, with a significant percentage of instructional rooms connected to the Internet to enhance children's education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas the number of children who connect to the Internet continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and practices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of teenagers, providing access to a range of valuable services, making it all the more important to teach young users how to avoid potential threats like cyber bullies, predators, and identity thieves they may come across while using such services;

Whereas cybersecurity is a critical part of the United States national security and economic security;

Whereas the United States critical infrastructure and economy rely on the secure and reliable operation of information networks to support the United States military, civilian government, energy, telecommunications, financial services, transportation, health care, and emergency response systems;

Whereas Internet users and information infrastructure owners and operators face an increasing threat of malicious crime and fraud attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and may disable entire systems;

Whereas millions of records containing personally identifiable information have been lost, stolen, or breached, threatening the security and financial well-being of United States citizens;

Whereas consumers face significant financial and personal privacy losses due to personally identifiable information being more exposed to theft and fraud than ever before;

Whereas national organizations, policy-makers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of cybersecurity and the need for enhanced cybersecurity in the United States;

Whereas coordination between the numerous Federal agencies involved in cybersecurity efforts is essential to securing the cyber infrastructure of the United States;

Whereas the National Strategy to Secure Cyberspace, published in February 2003, recommends a comprehensive national awareness program to empower all people in the United States, including businesses, the general workforce, and the general population, to secure their own parts of cyberspace;

Whereas the White House's Cyberspace Policy Review, published in May 2009, recommends that the government initiate a national public awareness and education campaign to promote cybersecurity; and

Whereas the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States have designated October 2009 as the sixth annual National Cybersecurity Awareness Month which serves to educate the people of the United States about the importance of cybersecurity: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Cybersecurity Awareness Month, as designated by the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States;

(2) continues to work with Federal agencies, businesses, educational institutions, and other organizations to enhance the state of cybersecurity in the United States; and

(3) congratulates the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States on the sixth anniversary of the National Cybersecurity Month during October 2009.

Mrs. FEINSTEIN. Mr. President, today I rise to submit, along with Senators ROCKEFELLER, GILLIBRAND, CARPER, MIKULSKI, LIEBERMAN, COLLINS, REID, LEVIN, BENNETT, SNOWE, LANDRIEU, HATCH, BAYH, and VOINOVICH, a resolution supporting National Cyber Security Awareness Month, which will be held next month.

We in the Congress are trying to make cybersecurity a priority issue, but much work remains to be done. A critical first step is to raise awareness and public understanding of the cyber threat and steps that can be taken to improve cybersecurity. This is true across Government and private industry, but the Government should play a leadership role.

Each year for the last 5 years, the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the U.S. have designated October as National Cyber Security Awareness Month.

Today, I am submitting a resolution to officially designate National Cyber Security Awareness Month again this October.

The goal is to educate and empower Internet users to take simple steps to safeguard themselves from the latest online threats and respond to cyber crime and to bring Federal agencies, businesses, educational institutions, and other organizations together to encourage development and implementation of cybersecurity best practices.

Cybersecurity is a serious national security and economic security challenge of great complexity, deserving of increased attention from the Congress. As the Senate prepares to consider important cybersecurity legislation to provide new authorities and clarify privacy and legal issues, a few cyber-related observations and concerns can be mentioned now.

First, I am troubled by the lack of situational awareness on the opportunities, activities, and identities of cyber thieves or potential attackers on U.S. information networks. This is a serious weakness and a source of frustration for those responsible for oversight and strategic decision-making. Unfortunately, it will not be easy to remedy this because there are disincentives to report cyber intrusions and vulnerabilities in the U.S. Government and private sector. This must change. It must change quickly so that cybersecurity leaders can make well-informed decisions and respond to problems in real time.

Next, it is clear that cybersecurity activities must be conducted with strong congressional oversight that will demand thorough Executive branch planning before billions of dollars are authorized and appropriated. In addition, there must be a rigorous

analysis of the government's use of legal authorities for national cybersecurity missions that preserve the reasonable privacy expectations of Americans. The government's role must be well-defined as its activities involving the Internet evolve. I appreciate the White House's effort to be transparent and open with Congress on this issue this year, and have high expectations for continued healthy cooperation.

We need to have those entities with cybersecurity responsibilities collaborating across the Government. That means homeland security, intelligence, military, foreign policy, law enforcement, and other components involved in cybersecurity must be working together. The President has begun, through his cybersecurity review earlier this year, to provide a clear vision, strategic direction, and effective integration of the wide range of cybersecurity activities. However, more progress in this area is needed.

I was pleased when President Obama made a major address on cybersecurity at the end of May, but that strong first step has been followed by a four-month delay in appointing a White House cybersecurity coordinator. Until this position is filled, it will be difficult to have effective leadership and coordination on governmental cybersecurity efforts.

The Federal Government's communication strategy concerning cybersecurity must be improved as well. There should be a new plan on the best way to communicate the national cybersecurity policy to the public. Though some elements must be classified, it is important that the American people understand the Government's basic role in helping to secure information networks. The general rules and expectations for Government involvement, and how these may affect privacy, must be clearly explained.

In addition, the Government must consider that effective cybersecurity inside the U.S. will require stronger diplomatic efforts and an international agreement on what will and will not be tolerated in cyberspace. An international framework on cyber warfare, much like international conventions on traditional warfare, is needed to govern this rapidly growing field.

I also believe there should be a significant emphasis on long-term issues such as cyber research and development, recruiting cyber experts into government, and cyber education and training. In particular, recent studies sponsored by the Senate Select Committee on Intelligence have concluded that the Intelligence Community must dramatically increase funding for research and development in order for our cyber defenses to be effective in the future.

The online world is moving quickly, with cutting-edge technology expertise spread across the globe, and the U.S.

cannot presume a clear-cut technology advantage as it has in other areas of national security. I recommend a balanced portfolio approach that includes a nationally coordinated program of long-term, high-risk research aimed at revolutionary breakthroughs, sustained even when faced with near-term budget pressures. I strongly support a rebalancing of the Federal Government's Comprehensive National Cybersecurity Initiative budget to address these concerns.

Finally, as a step beyond the Comprehensive National Cybersecurity Initiative's focus on securing Federal Government information networks, I am highly concerned about protecting the U.S. critical infrastructure. For example, the country's electric power grid, communications systems, and financial infrastructure are all critical to our way of life yet unacceptably vulnerable to cyber attack. The Government and the private sector must work together to share more effectively cyber threat and vulnerability information, and the administration and the Congress must work together to determine the best mix of mandates, incentives, and other tools to improve critical infrastructure security.

Fortunately, there is an increasing level of interest and debate on cybersecurity issues in Congress and around the country. The Senate Intelligence Committee, which I have the privilege of chairing, has invested significant time assessing the cyber threat to our country and potential Government responses through the following initiatives: scores of personal meetings and staff briefings with Government, private sector, academic, and nonprofit thought-leaders; six cyber hearings in the last 2 years; four 6-month studies by the Committee's Technical Advisory Group; a new, balanced oversight system for Federal Government cybersecurity programs, as proposed in the fiscal year 2010 intelligence authorization bill; and regular outreach to other congressional committees.

I want to thank my distinguished colleagues, Senators ROCKEFELLER, GILLIBRAND, CARPER, MIKULSKI, LIEBERMAN, COLLINS, REID, LEVIN, BENNETT, SNOWE, LANDRIEU, HATCH, VOINOVICH, and BAYH, for cosponsoring this resolution and for their leadership on this issue. I look forward to working with them and other members of Congress to improve our cybersecurity in the future.

**SENATE RESOLUTION 286—EXPRESSING CONDOLENCES TO THE FAMILIES OF THE INDIVIDUALS KILLED DURING UNUSUAL STORMS AND FLOODS IN THE STATE OF GEORGIA BETWEEN SEPTEMBER 18 AND SEPTEMBER 21, 2009, AND EXPRESSING GRATITUDE TO ALL OF THE EMERGENCY PERSONNEL WHO CONTINUE TO WORK WITH UNYIELDING DETERMINATION TO MEET THE NEEDS OF GEORGIA'S RESIDENTS**

Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

**S. RES. 286**

Whereas beginning on September 18, 2009, the State of Georgia was hit by days of unusually strong storms that resulted in downpours and flooding;

Whereas numerous Georgia rivers and creeks, including the Chattooga and Chattahoochee Rivers and the Chickamauga Creek, swollen by days of rain, overtopped their banks, creating a dangerous and deadly situation for nearby residents;

Whereas the storms and floods took human lives;

Whereas the floodwater destroyed homes, flooded roadways, including major highways, compromised drinking water, severely damaged plumbing systems, and caused significant damage to homes and businesses;

Whereas on September 21, 2009, Georgia Governor Sonny Perdue declared a state of emergency in 17 counties, including Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Crawford, DeKalb, Douglas, Forsyth, Fulton, Gwinnett, Newton, Paulding, Rockdale, Stephens, and Walker Counties;

Whereas the National Weather Service estimated that between 15 and 22 inches of rain fell in the metropolitan Atlanta counties of Gwinnett, Douglas, and Paulding between September 18 and September 21, 2009;

Whereas the rains broke a 130-year-old record at Hartsfield-Jackson International Airport;

Whereas hundreds of Georgians were evacuated from their homes, and more than 300 people sought refuge in shelters;

Whereas Governor Perdue estimated that more than 1,000 residences were seriously flooded;

Whereas the weather closed schools in several counties;

Whereas as many as tens of thousands of people were without power in metropolitan Atlanta;

Whereas search and rescue operations functioned in several counties where the water continued to rise;

Whereas the Georgia Emergency Management Agency coordinated with local emergency personnel and worked tirelessly to protect human lives and rescue those threatened by the floods;

Whereas the Georgia Emergency Management Agency facilitated requests for assistance from people and first responders all across the State of Georgia;

Whereas the Georgia Emergency Management Agency and other first responders acted valiantly in life-safety response operations, including delivering sandbags and rescuing people trapped in their cars and homes from the floodwater;

Whereas the Federal Emergency Management Agency activated its national and re-

gional response coordination centers and worked closely with the State of Georgia to monitor the response efforts and identify and respond to any immediate emergency needs for the people and communities of the State that were impacted by the devastating floods; and

Whereas volunteers gave their time to help ensure that evacuees were sheltered, clothed, fed, and comforted through this traumatic event: Now, therefore, be it

*Resolved*, That the Senate—

(1) offers its deepest sympathy and condolences to the families of those who lost their lives in the flooding in the State of Georgia;

(2) expresses its condolences to the families who lost their homes and other property in the floods;

(3) expresses gratitude and appreciation to the people of the State of Georgia and the surrounding States, who worked to protect people from the rising floodwaters;

(4) expresses its support as the Federal Emergency Management Agency responds to the needs of the people and communities affected by the flooding; and

(5) honors the emergency responders, within and beyond metropolitan Atlanta and the State of Georgia, for their bravery and sacrifice during this tragedy.

**SENATE RESOLUTION 287—HONORING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984 (THE HATCH-WAXMAN ACT)**

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

**S. RES. 287**

Whereas on September 24, 1984, the Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98-417; 98 Stat. 1585), commonly known as the Hatch-Waxman Act, was signed into law by President Ronald Reagan, at which time President Reagan indicated that generic drugs might save American consumers \$1,000,000,000 over the next 10 years;

Whereas this landmark law created the regulatory mechanism under which the Food and Drug Administration approves safe and affordable generic drugs;

Whereas each year for the past quarter century, the generic pharmaceutical industry has delivered billions of dollars in savings on the purchase of prescription drugs, far exceeding the original estimate;

Whereas a May 2009 report showed that during the preceding 10-year period, the use of generic drugs has saved the American health care system more than \$734,000,000,000, with the most recent annual average exceeding \$121,000,000,000;

Whereas generic drugs accounted for more than 72 percent of all prescription drugs dispensed, yet accounted for only 17 percent of the spending on all prescription drugs, a differential that reflects the dramatically lower prices paid for generic drugs, which not only reduces consumer and taxpayer spending but also increases patient access to needed medicines; and

Whereas while the Hatch-Waxman Act does not have an explicit pathway for approval by the Food and Drug Administration of lower-priced versions of cutting-edge biologic medicines, which account for a rapidly growing portion of prescription medicine spend-

ing, the Act does provide a solid framework for such a pathway: Now, therefore, be it

*Resolved*, That it is the sense of Senate that—

(1) enactment of the Hatch-Waxman Act (Public Law 98-417; 98 Stat. 1585) in 1984 served to create the modern generic pharmaceutical industry, which has provided consumers with access to affordable drugs, yielding significant health and economic benefits for the Nation's health care system;

(2) Senator Orrin Hatch and Representative Henry Waxman deserve the Nation's gratitude for authoring and championing this landmark bipartisan legislation; and

(3) Congress should build on the work of these dedicated policymakers and enact legislation to create a pathway for approval by the Food and Drug Administration of safe and affordable generic versions of biologic medicines.

Mr. BROWN. Mr. President, I rise today to submit a resolution commemorating the 25th Anniversary of the Drug Price Competition and Patent Term Restoration Act, more commonly known as the Hatch-Waxman Act.

This historic legislation—which was signed into law exactly 25 years ago today, on September 24, 1984—marked the culmination of months of lengthy and often contentious debate over how to foster pharmaceutical innovation while at the same time encouraging competition from affordable generic prescription drugs.

Guided by my good friends and colleagues Representative HENRY WAXMAN of California and Senator ORRIN HATCH of Utah, Congress delivered a bill that struck the right balance between innovation and access, and put in place a new regulatory pathway to bring safe and effective generic medicines to market.

I doubt that anyone involved in the passage of Hatch-Waxman could have envisioned a quarter century ago the magnitude of savings and the significant boost to new drug innovation that this bill has delivered.

According to a May 2009 report of IMS data, the use of FDA-approved generic medicines has saved the U.S. healthcare system approximately \$734 billion over the past 10 years.

Moreover, patients around the world can get needed medication that they would not be able to afford except for access to lower-cost generics.

At the same time, price competition from generics has acted to spur a dramatic increase in new drug research and development.

In short, the Hatch-Waxman Act has delivered above and beyond the intended result.

I urge my colleagues to view the success of this landmark legislation as an indicator of what we can accomplish in the field of biologic medicines.

Biologics are the most promising treatments available for diseases such as cancer, multiple sclerosis, and Alzheimer's, but they are expensive, often costing between \$20,000 and \$100,000 a year.

There is no explicit pathway for Food and Drug Administration approval of generic versions of these medicines under the Hatch-Waxman law; however, there is bipartisan agreement that we need to create one. To do that, we need to focus on our goals and bridge our differences.

The time to do that is now.

Biologic drugs are the fast growing component of prescription drug spending.

These drugs are expected to make up 50 percent of the pharmaceutical marketplace by 2020, but their high prices keep them out of reach for far too many patients and place an increasingly heavy financial burden on consumers, on businesses, and on taxpayers.

In 2007, the top six biologics accounted for more than \$7 billion of the nearly \$17 billion in direct prescription drug spending by Medicare.

That figure will continue to grow, and the amount taxpayers pay depends on whether Medicare can access lower-priced biogenerics or is forced to pay brand-name prices year after year after year.

Biogenerics hold the promise of making life-saving medicines available to all patients at an affordable cost.

With the explosion in biologics, we have a new generation of lifesaving medicines—and a new opportunity to reprise the historic victory Senator ORRIN HATCH and Representative HENRY WAXMAN achieved 25 years ago today.

With biologic use and prices spiraling upward, we have no: time to lose.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2548. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2440 submitted by Mr. VITTER and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2549. Mr. VITTER (for himself, Mr. GRASSLEY, Mr. BUNNING, Mr. ROBERTS, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra.

SA 2550. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2551. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2530 submitted by Ms. MURKOWSKI (for herself and Mr. THUNE) and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2552. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2553. Mr. SCHUMER submitted an amendment intended to be proposed to

amendment SA 2513 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2554. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2511 proposed by Mr. COBURN to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2555. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2548. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2440 submitted by Mr. VITTER and intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

##### FUNDING LIMITATION

SEC. 4. None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and lead by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the "White House Climate Change Czar").

SA 2549. Mr. VITTER (for himself, Mr. GRASSLEY, Mr. BUNNING, Mr. ROBERTS and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

##### FUNDING LIMITATION

SEC. . None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and lead by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the "White House Climate Change Czar").

SA 2550. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, line 8, strike "greenhouse gases" and all that follows through page 2, line 7, and insert "carbon dioxide."

SA 2551. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2530 submitted to Ms. MURKOWSKI (for herself and Mr. THUNE) and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 6 and all that follows through the end of the amendment and insert the following:

SEC. 201. None of the funds made available under this Act may be used to apply the permit program under part C of title I, or under title V, of the Clean Air Act (42 U.S.C. 7440 et seq., 7661 et seq.) to any stationary source, on the basis of its emissions of greenhouse gases, that—

(1) is a farm, as the term is defined in section 6420(c)(2) of the Internal Revenue Code of 1986; or

(2) is not subject to the requirement to report greenhouse gas emissions under the final Environmental Protection Agency rule entitled "Mandatory Reporting of Greenhouse Gases" and numbered 2060-A079.

SA 2552. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

##### SEC. 423. PROHIBITION ON USE OF FUNDS.

None of the funds made available under this Act may be used to apply the permit program under part C of title I, or under title V, of the Clean Air Act (42 U.S.C. 7440 et seq., 7661 et seq.) to any stationary source, on the basis of its emissions of greenhouse gases, if—

(1) the stationary source—

(A) is a farm, as the term is defined in section 6420(c)(2) of the Internal Revenue Code of 1986; or

(B) is not subject to the requirement to report greenhouse gas emissions under the final Environmental Protection Agency rule entitled "Mandatory Reporting of Greenhouse Gases" and numbered 2060-A079; or

(2) the applicability of the program would result in an increase in electricity or gasoline prices.

SA 2553. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2513 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 6 of the amendment, strike "shall use" and insert "may use up to".

SA 2554. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2511 proposed by Mr.

COBURN to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON USE OF FUNDS FOR NO-BID CONTRACTS AND GRANTS.**

(a) IN GENERAL.—Notwithstanding any other provision of this Act and subject to subsection (b), none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by a grant not subject to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient.

(b) LIMITATIONS.—The prohibition under subsection (a), shall not apply to the awarding of contracts or grants with respect to which—

(1) not more than 1 applicant submits a bid for a contract or grant;

(2) Federal law specifically otherwise authorizes a grant or contract to be entered into without regard for the laws, regulations, or requirements described in subsection (a)(1), including formula grants for States; or

(3) Federal laws otherwise authorize grants, contracts, or compacts to federally recognized Indian tribes or tribally owned businesses.

**SA 2555.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . (a) HIGH PRIORITY NATIONAL GUARD COUNTERDRUG PROGRAMS.**—Of the amount appropriated or otherwise made available by title VI under the heading “DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE”, up to \$30,000,000 may be available for the purpose of High Priority National Guard Counterdrug Programs.

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the purpose specified in that subsection is in addition to any other amounts made available by this Act for that purpose.

**NOTICE OF HEARING**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests.

The hearing will be held on Thursday, October 8, 2009, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 522, to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act;

S. 865 and H.R. 1442, to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909;

S. 881, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes;

S. 940, to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes;

S. 1272, to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and for other purposes; and

S. 1689, to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [allison\\_seyferth@energy.senate.gov](mailto:allison_seyferth@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Committee on Armed Services be authorized to meet during the session of the Senate on September 24, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 24, 2009, at 9:30 a.m., to conduct a hearing entitled “Emergency Economic Stabilization Act: One year later.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Com-

mittee on Finance be authorized to meet during the session of the Senate on September 24, 2009, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 24, 2009, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SELECT COMMITTEE ON INTELLIGENCE**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 24, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on September 24, 2009, at 10:30 a.m. to conduct a hearing entitled, “Getting to Better Government: Focusing on Performance”.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA**

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs's Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on September 24, 2009, at 2:30 p.m. to conduct a hearing entitled “A Review of U.S. Diplomatic Readiness: Addressing the Staffing and Foreign Language Challenges Facing the Foreign Service.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**FISCAL YEAR 2010 FEDERAL AVIATION ADMINISTRATION EXTENSION ACT**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3607; that the bill be read the third time and passed; that the motion to reconsider be laid upon the table, and that any



statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3607) was ordered to be read a third time, was read the third time, and passed.

#### RESERVE OFFICERS ASSOCIATION MODERNIZATION ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 158, S. 1599.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1599) to amend title 36, United States Code, to include in the federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that today the Senate will pass the Reserve Officers Association Modernization Act of 2009. I thank Senator CHAMBLISS and Senator PRYOR, cosponsors of this legislation and chairs of the U.S. Reserve Caucus, for their hard work and support of this legislation.

This legislation makes several updates to the charter of the Reserve Officers Association, ROA, to more accurately reflect the organization's current operation. First, it adds the position of "president elect" to its constitution and bylaws. Additionally, under the legislation, the national executive committee is expanded to include three representatives from each of the seven branches of the uniformed services. This bill makes the first changes to the ROA charter since 1998 and will enable ROA to continue its good work.

Since its founding in 1922, the ROA has worked on behalf of the National Guard and Reserves and their families. For over 85 years, ROA has remained committed to its original mission, to "support and promote the development and execution of a military policy for the United States that will provide adequate National security." The Reserve Officers Association represents the Reserve components officers for the Army, Air Force, Navy, Marine Corps, Coast Guard, the Air and Army National Guard, Public Health Service, and the officers of the National Oceanic and Atmospheric Administration.

As chair of the Senate National Guard Caucus, I have worked closely with groups like the Reserve Officers Association, ROA, to ensure that the National Guard and Reserves have access to more affordable health care, a greater influence in the military, adequate training facilities and supplies, and shorter troop deployments in Iraq and Afghanistan. The National Guard and Reserves provide an invaluable

contribution to our Nation's military, our national security, and disaster relief efforts, and it is vital that we continue to support their needs.

The Reserve Officers Association has provided a voice to the men and women that serve our country in the National Guard and Reserves. I am proud that today the Senate has demonstrated its support for the brave members of the National Guard and Reserves by passing this legislation.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1599) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1599

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Reserve Officers Association Modernization Act of 2009".

#### SEC. 2. INCLUSION OF NEW LEADERSHIP POSITIONS IN THE FEDERAL CHARTER OF THE RESERVE OFFICERS ASSOCIATION.

(a) NATIONAL EXECUTIVE COMMITTEE.—Section 190104(b)(2) of title 36, United States Code, is amended—

(1) by inserting "the president elect," after "the president,";

(2) by inserting "a minimum of" before "3 national executive committee members,"; and

(3) by striking "except the executive director," and inserting "except the president elect and the executive director,".

(b) OFFICERS.—Section 190104(c) of such title is amended—

(1) in paragraph (1)—

(A) by inserting "a president elect," after "a president,";

(B) by inserting "a minimum of" before "3 national executive committee members,";

(C) by striking "a surgeon, a chaplain, a historian, a public relations officer,"; and

(D) by striking "as decided at the national convention" and inserting "specified in the constitution of the corporation"; and

(2) in paragraph (2)—

(A) by inserting "and take office" after "be elected"; and

(B) by striking "and the national public relations officer," and inserting "the judge advocate, and any other national officers specified in the constitution of the corporation,".

(c) VACANCIES.—Section 190104(d)(1) of such title is amended by striking "president and last past president," and inserting "president, president elect, and last past president,".

(d) RECORDS AND INSPECTION.—Section 190109(a)(2) of such title is amended by striking "national council;" and inserting "other national entities of the corporation;".

Mrs. BOXER. Mr. President, tonight the Senate has approved a 3-month extension of the FAA Reauthorization Act.

While I understand the importance of passing a short-term extension of this

law, I am disappointed that the full Senate has yet to act on the FAA reauthorization bill that was ordered reported by the Senate Commerce Committee in July. That bill, the FAA Air Transportation Modernization and Safety Improvement Act, includes long overdue legislation known as the Airline Passenger Bill of Rights.

Too often, airline passengers are trapped on airplanes without basic needs such as food, water, medicine, working restrooms or proper cabin ventilation.

Just last month, passengers on a flight from Houston to Minneapolis-St. Paul were diverted to Rochester, MN, and forced to spend the night trapped in a small commuter airplane.

Two weeks later, a flight carrying more than 100 passengers bound for Minneapolis was forced to sit on the tarmac at JFK airport in New York for 6 hours before finally departing. The passengers, including parents traveling with infants, were forced to endure overflowing bathrooms and had no real food or water to speak of.

These are not isolated examples of a few airlines with ineffective policies. USA Today recently reported that since January 2007, 200,000 domestic passengers on 3,000 flights have been stranded in airplanes on the tarmac for 3 hours or more.

This is unacceptable. We must pass the Airline Passenger Bill of Rights this year—before the 3-month extension of the FAA reauthorization bill expires. The Passenger Bill of Rights, which I have introduced with Senator OLYMPIA SNOWE, would require airlines to offer passengers the option of safely leaving a plane they have boarded once that plane has sat on the ground for 3 hours.

Americans deserve a safe and efficient aviation system. We cannot afford to wait another year to pass long overdue legislation that will make our skies safer and protect passengers from excessive tarmac delays. No American should ever be forced to spend the night in a plane on an airport tarmac. We can prevent this and we must.

I know the Senate is working to address many important challenges at this time. But, we cannot lose sight of the aviation challenges facing our country. It is time for Congress to meet its responsibility to the flying public.

#### GRANTING A FEDERAL CHARTER TO THE MILITARY OFFICERS ASSOCIATION OF AMERICA

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 832, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.



The clerk will report.

The legislative clerk read as follows:

A bill (S. 832) to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

There being no objection, the Senate proceed to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and if there are statements, I ask that they be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 832) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 832

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.**

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

**“CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA**

“Sec.

“140401. Organization.

“140402. Purposes.

“140403. Membership.

“140404. Governing body.

“140405. Powers.

“140406. Restrictions.

“140407. Tax-exempt status required as condition of charter.

“140408. Records and inspection.

“140409. Service of process.

“140410. Liability for acts of officers and agents.

“140411. Annual report.

“140412. Definition.

**“§ 140401. Organization**

“(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the ‘corporation’), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

**“§ 140402. Purposes**

“(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

“(1) to inculcate and stimulate love of the United States and the flag;

“(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

“(3) to advocate military forces adequate to the defense of the United States;

“(4) to foster the integrity and prestige of the Armed Forces;

“(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

“(6) to further the education of children of members of the Armed Forces;

“(7) to aid members of the Armed Forces and their family members and survivors in every proper and legitimate manner;

“(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

“(9) to encourage recruitment and appointment in the Armed Forces.

**“§ 140403. Membership**

“Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

**“§ 140404. Governing body**

“(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

“(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

**“§ 140405. Powers**

“The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

**“§ 140406. Restrictions**

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

“(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

“(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

**“§ 140407. Tax-exempt status required as condition of charter**

“If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

**“§ 140408. Records and inspection**

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete records of account;

“(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

“(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

“(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

**“§ 140409. Service of process**

“The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

**“§ 140410. Liability for acts of officers and agents**

“The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

**“§ 140411. Annual report**

“The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

**“§ 140412. Definition**

“In this chapter, the term ‘State’ includes the District of Columbia and the territories and possessions of the United States.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1403 the following new item:

“1404. Military Officers Association of America ..... 140401”.

**MEASURES DISCHARGED**

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of the following bills, all en bloc: H.R. 2913, H.R. 1687, H.R. 2053, H.R. 2498, and H.R. 2121; that the bills be read a third time and passed, en bloc, with the motions to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SIDNEY M. ARONOVITZ UNITED STATES COURTHOUSE**

The bill (H.R. 2913) was ordered to a third reading, was read the third time, and passed.

**RALPH REGULA FEDERAL BUILDING AND UNITED STATES COURTHOUSE**

The bill (H.R. 1687) was ordered to a third reading, was read the third time, and passed.

**ALBERT ARMENDARIZ, SR., UNITED STATES COURTHOUSE**

The bill (H.R. 2053) was ordered to a third reading, was read the third time, and passed.

**WILLIAM O. LIPINSKI FEDERAL BUILDING**

The bill (H.R. 2498) was ordered to a third reading, was read the third time, and passed.

# CONVEYANCE OF REAL PROPERTY IN GALVESTON, TEXAS

The bill (H.R. 2121) was ordered to a third reading, was read the third time, and passed.

## CONDOLENCES TO THE FAMILIES OF THE INDIVIDUALS KILLED DURING UNUSUAL STORMS AND FLOODS IN GEORGIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 286.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 286) expressing condolences to the families of the individuals killed during unusual storms and floods in the State of Georgia between September 18 and September 21, 2009, and expressing gratitude to all of the emergency personnel who continue to work with unyielding determination to meet the needs of Georgia's residents.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAMBLISS. Mr. President, I come to the floor with a heavy heart to express condolences to those in my home State of Georgia as well as others across the southern part of our country who have been affected by the recent devastating floods.

It is hard to imagine that 1 year ago we in Georgia were in the fourth year of extensive drought. Yet today across the metro Atlanta area and throughout north Georgia, we have gone from a water crisis in the last couple of years to rising waters that have transformed neighborhoods into rivers, ballfields into lakes, and basements into dank pools. Rafts and kayaks have taken the place of cars in streets. In many areas, the only dry places are rooftops and treetops.

For 4 days and 4 nights, beginning September 18, water poured from the sky in torrents, and rose from rivers, creeks, and the saturated ground to claim lives and livelihoods, worldly possessions, and treasured memories in flooded basements, attics, driveways, and fields.

The Chattooga and Chattahoochee Rivers and Chickamauga Creek, swollen by days of rain, topped their banks, with deadly results. The Chattahoochee crested at 30 feet, some 15 feet above flood stage.

Nearly 1,000 families have lost their homes to flooding they never expected to see in their lifetimes. Others found their businesses submerged. Because most are not in floodplains, they do not have flood insurance. Many have lost everything they own during already tough economic times.

In addition to homes and businesses, the rising waters destroyed roadways, swept away bridges, tainted drinking water, and damaged sewer systems. It will take months, if not years, to repair the damage.

Even more heart-wrenching is the fact that nine Georgians and one resident of Alabama, just across the State line, have perished in the rushing waters.

When all was said and done, more than 20 inches of rain fell on Georgia, breaking a 130-year-old record at Atlanta's Hartsfield-Jackson International Airport. More than 30,000 people were without power in the metro Atlanta area. The Red Cross sheltered hundreds rendered homeless by the floods.

However, the worst situations often bring out the best in people. Local first responders and emergency personnel worked tirelessly to protect lives and property and to rescue those trapped by the waters. Their bravery and sacrifice is exemplary.

Also, the Georgia Emergency Management Agency worked around the clock to facilitate requests for assistance. The Federal Emergency Management Agency worked closely with the State to anticipate and respond to emergency needs, and countless volunteers gave time and energy to ensure that evacuees were sheltered, clothed, fed, and comforted. They all have Georgians' and my personal deepest, most heartfelt gratitude.

I would like to express my sympathy to the families of those who have lost loved ones, homes, and livelihoods. To that end, Senator ISAKSON and I have submitted this resolution, S. Res. 286, expressing condolences to those affected and appreciation to emergency responders and others who helped them. I urge my colleagues to support the resolution tonight.

On September 21, Gov. Sonny Perdue declared a state of emergency in 17 counties. I understand President Obama called Governor Perdue Tuesday night to discuss the needs of Georgians and assured the Governor that his request for Federal aid would receive prompt attention. To that end, today we received notification that 4 of the 17 affected counties have been declared disaster areas by President Obama, and I am certain the others, when the processing is completed, will likewise be declared disaster areas.

Tomorrow, Vice President BIDEN will accompany Senator ISAKSON and myself to Georgia to take a firsthand look at what is going on.

Mr. President, we are literally underwater. Georgia and other parts of the Southeast need the assistance of the Federal Government in this case, as well as the State government. To that end, we are seeing the response in a very appropriate way.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 286) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 286

Whereas beginning on September 18, 2009, the State of Georgia was hit by days of unusually strong storms that resulted in downpours and flooding;

Whereas numerous Georgia rivers and creeks, including the Chattooga and Chattahoochee Rivers and the Chickamauga Creek, swollen by days of rain, overtopped their banks, creating a dangerous and deadly situation for nearby residents;

Whereas the storms and floods took human lives;

Whereas the floodwater destroyed homes, flooded roadways, including major highways, compromised drinking water, severely damaged plumbing systems, and caused significant damage to homes and businesses;

Whereas on September 21, 2009, Georgia Governor Sonny Perdue declared a state of emergency in 17 counties, including Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Crawford, DeKalb, Douglas, Forsyth, Fulton, Gwinnett, Newton, Paulding, Rockdale, Stephens, and Walker Counties;

Whereas the National Weather Service estimated that between 15 and 22 inches of rain fell in the metropolitan Atlanta counties of Gwinnett, Douglas, and Paulding between September 18 and September 21, 2009;

Whereas the rains broke a 130-year-old record at Hartsfield-Jackson International Airport;

Whereas hundreds of Georgians were evacuated from their homes, and more than 300 people sought refuge in shelters;

Whereas Governor Perdue estimated that more than 1,000 residences were seriously flooded;

Whereas the weather closed schools in several counties;

Whereas as many as tens of thousands of people were without power in metropolitan Atlanta;

Whereas search and rescue operations functioned in several counties where the water continued to rise;

Whereas the Georgia Emergency Management Agency coordinated with local emergency personnel and worked tirelessly to protect human lives and rescue those threatened by the floods;

Whereas the Georgia Emergency Management Agency facilitated requests for assistance from people and first responders all across the State of Georgia;

Whereas the Georgia Emergency Management Agency and other first responders acted valiantly in life-safety response operations, including delivering sandbags and rescuing people trapped in their cars and homes from the floodwater;

Whereas the Federal Emergency Management Agency activated its national and regional response coordination centers and worked closely with the State of Georgia to monitor the response efforts and identify and respond to any immediate emergency needs for the people and communities of the State that were impacted by the devastating floods; and

Whereas volunteers gave their time to help ensure that evacuees were sheltered, clothed, fed, and comforted through this traumatic event: Now, therefore, be it

*Resolved*, That the Senate—

(1) offers its deepest sympathy and condolences to the families of those who lost their lives in the flooding in the State of Georgia;

(2) expresses its condolences to the families who lost their homes and other property in the floods;

(3) expresses gratitude and appreciation to the people of the State of Georgia and the surrounding States, who worked to protect people from the rising floodwaters;

(4) expresses its support as the Federal Emergency Management Agency responds to the needs of the people and communities affected by the flooding; and

(5) honors the emergency responders, within and beyond metropolitan Atlanta and the State of Georgia, for their bravery and sacrifice during this tragedy.

## EXECUTIVE SESSION

### NOMINATION OF JONATHAN B. JARVIS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 406, the nomination of Jonathan B. Jarvis to be Director of the National Park Service; that immediately after reporting the nomination, the Senate proceed to vote on confirmation of the nomination.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Jonathan B. Jarvis, of California, to be Director of the National Park Service.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jonathan B. Jarvis, of California, to be Director of the National Park Service?

The nomination was confirmed.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action, and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

### NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged of PN704 and that the Senate then proceed to the nomination; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action and the Senate return to legislative session, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

### SMALL BUSINESS ADMINISTRATION

Peggy E. Gustafson, of Illinois, to be Inspector General, Small Business Administration.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

### GOLDEN GAVEL AWARD

Mr. REID. Mr. President, earlier today—actually, at 1:43 p.m. today—Senator TOM UDALL, the Senator from New Mexico, joined the 100-hour presiding club of the 111th Congress. He is the third member of the freshman class to achieve this goal. These are individuals who preside over the Senate for 100 hours.

We have a tradition that those Senators who devote so much time to presiding in the Senate are given what we call a golden gavel. It is a very nice presentation, very nice keepsake, and we will make that presentation at our next caucus. I appreciate very much the work of TOM UDALL, devoting his time to making sure the proceedings on the floor are in keeping with the rules of the Senate, and we welcome him to this most prestigious club—a member of the golden gavel society.

I believe the Presiding Officer is a member of the golden gavel society.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask the Presiding Officer, were you the first to get it? In your capacity as a Senator from the State of Alaska, what is the answer?

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, the answer is yes.

Mr. REID. It was a close battle, but you won.

### ORDERS FOR FRIDAY, SEPTEMBER 25, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 9:30 a.m., Friday, September 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 3326, the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. As I announced earlier tonight, Mr. President, there will be no rollcall votes during Friday's session of the Senate. On Monday, which is Yom

Kippur, the most significant and highest Holy Day of those of the Jewish faith, we will not be in session. Therefore, the next vote will occur around 5:30 p.m., Tuesday, September 29.

As a reminder to all Senators, Paul Kirk will be sworn in as the new Senator from the State of Massachusetts, replacing Senator Kennedy. That will be at 3:30 tomorrow afternoon.

### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Friday, September 25, 2009, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF STATE

FREDERICK D. BARTON, OF MAINE, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

BILL DELAHUNT, OF MASSACHUSETTS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ELAINE SCHUSTER, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CHRISTOPHER H. SMITH, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

MARY BURCE WARLICK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR, EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

WELLINGTON E. WEBB, OF COLORADO, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JUDE J. ZEITLIN, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

JUDE J. ZEITLIN, OF NEW YORK, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

### EXECUTIVE OFFICE OF THE PRESIDENT

ISLAM A. SIDDIQUI, OF VIRGINIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RICHARD T. CROWDER.

### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY  
STEPHEN DONALD MULL, OF VIRGINIA  
DAVID DUANE PEARCE, OF VIRGINIA  
MICHAEL E. RANNEBERGER, OF VIRGINIA  
MARCIE BERMAN RIES, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

GINA ABERCROMBIE-WINSTANLEY, OF OHIO  
LUIS E. ARREAGA-RODAS, OF VIRGINIA  
ERGIBE A. BOYD, OF FLORIDA  
SAMUEL VINCENT BROCK, OF FLORIDA  
DOLORES MARIE BROWN, OF VIRGINIA

SUE KATHERINE BROWN, OF VIRGINIA  
 LEE A. BRUDVIG, OF CALIFORNIA  
 DAVID RAYMON BURNETT, OF WASHINGTON  
 PHILLIP CARTER III, OF VIRGINIA  
 LINDA CAROL CHEATHAM, OF TEXAS  
 MAURA CONNELLY, OF NEW JERSEY  
 J. THOMAS DOUGHERTY, OF WYOMING  
 GORDON K. DUGUID, OF ILLINOIS  
 PHILIP HUGHES EGGER, OF TENNESSEE  
 JAMES F. ENTWISTLE, OF VIRGINIA  
 KAARA NICOLE ETTESVOLD, OF NEW YORK  
 KENNETH J. FAIRFAX, OF CALIFORNIA  
 MICHAEL GFOELLER, OF VIRGINIA  
 ROBERT GOLDBERG, OF MARYLAND  
 ALAN ERIC GREENFIELD, OF MAINE  
 DEAN J. HAAS, OF CALIFORNIA  
 JOHN ASHWOOD HEFFERN, OF VIRGINIA  
 MARY E. HICKEY, OF CALIFORNIA  
 MICHAEL J. HURLEY, OF WASHINGTON  
 AMY JANE HYATT, OF CALIFORNIA  
 JASON P. HYLAND, OF VIRGINIA  
 JAMES J. KENNEY, JR., OF FLORIDA  
 THOMAS M. LEARY, OF FLORIDA  
 CHRISTOPHER W. MURRAY, OF THE DISTRICT OF COLUMBIA  
 JEFFRY R. OLESEN, OF FLORIDA  
 RICHARD GUSTAVE OLSON, JR., OF NEW MEXICO  
 ANDREW CHARLES PARKER, OF VIRGINIA  
 MICHAEL P. PELLETIER, OF MAINE  
 TERRI LOUISE ROBL, OF MARYLAND  
 DONNA J. ROGINSKI, OF TEXAS  
 CHARLES H. ROSENFARB, OF WASHINGTON  
 WAYNE STEVEN SALISBURY, OF WASHINGTON  
 DAVID BRUCE SHEAR, OF NEW YORK  
 MARC J. SIEVERS, OF VIRGINIA  
 DOUGLAS A. SILLIMAN, OF TEXAS  
 GENTRY O. SMITH, OF VIRGINIA  
 JULIA REEVES STANLEY, OF NEW YORK  
 JAMES C. SWAN, OF CALIFORNIA  
 W. STUART SYMINGTON IV, OF MISSOURI  
 SAMUEL B. THELMAN, OF VIRGINIA  
 MATTHEW HEYWOOD TUELLER, OF UTAH  
 KRISHNA R. URS, OF TEXAS  
 VIVIAN S. WALKER, OF CALIFORNIA  
 ROBERT SHIAO WANG, OF CALIFORNIA  
 JAMES L. WILLIAMS, OF FLORIDA  
 KARL E. WYCOFF, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KARL PHILIP ALBRECHT, OF VIRGINIA  
 CAROLYN PATRICIA ALSUP, OF FLORIDA  
 MARJORIE ANN AMES, OF FLORIDA  
 THEODORE HOWARD ANDREWS, OF CALIFORNIA  
 KRISTEN F. BAUER, OF MASSACHUSETTS  
 LORA BERG, OF THE DISTRICT OF COLUMBIA  
 JENNIFER L. BRUSH, OF VERMONT  
 MICHAEL BARRY CHANG, OF CALIFORNIA  
 TODD CRAWFORD CHAPMAN, OF TEXAS  
 SANDRA ELIANE CLARK, OF PENNSYLVANIA  
 SUSAN R. CRYSTAL, OF PENNSYLVANIA  
 SYLVIA REED CURRAN, OF ALASKA  
 BRYAN W. DALTON, OF CALIFORNIA

KATHERINE SIMONDS DHANANI, OF THE DISTRICT OF COLUMBIA  
 KATHLEEN A. DOHERTY, OF NEW YORK  
 THOMAS J. DOWLING, OF VIRGINIA  
 JOANNE EDWARDS, OF CALIFORNIA  
 JAMES R. ELLICKSON-BROWN, OF OREGON  
 CHRISTOPHER FITZGERALD, OF FLORIDA  
 MARK A. GOODFRIEND, OF CALIFORNIA  
 WILLIAM KEVIN GRANT, OF VIRGINIA  
 PETER DAVID HAAS, OF FLORIDA  
 ANNE HALL, OF MAINE  
 MICHAEL A. HAMMER, OF MARYLAND  
 DENNIS B. HANKINS, OF VIRGINIA  
 MATTHEW TRACY HARRINGTON, OF CALIFORNIA  
 JENNIFER CONN HASKELL, OF FLORIDA  
 DONALD L. HEFLIN, OF VIRGINIA  
 CHRISTOPHER PAUL HENZEL, OF NEW YORK  
 LEO J. HESSION, JR., OF CALIFORNIA  
 CATHERINE M. HILL-HERNDON, OF PENNSYLVANIA  
 THOMAS MARK HODGES, OF TENNESSEE  
 JACQUELINE KAY HOLLAND-CRAIG, OF IDAHO  
 PERRY L. HOLLOWAY, OF SOUTH CAROLINA  
 JOHN F. HOOVER, OF VIRGINIA  
 ELIZABETH ANN HOPKINS, OF THE DISTRICT OF COLUMBIA  
 THOMAS J. HUSHEK, OF THE DISTRICT OF COLUMBIA  
 DONALD EMIL JACOBSON, OF VIRGINIA  
 MAKILA JAMES, OF NEW YORK  
 KATHY A. JOHNSON CASARES, OF TEXAS  
 KELLY ANN KEIDERLING FRANZ, OF CALIFORNIA  
 GLEN C. KEISER, OF CALIFORNIA  
 DONALD WILLIAM KORAN, OF CALIFORNIA  
 PATRICIA A. LACINA, OF CALIFORNIA  
 SAMUEL CLARK LAEUCHLI, OF ARIZONA  
 SUZANNE I. LAWRENCE, OF ARIZONA  
 THOMAS H. LLOYD, OF VIRGINIA  
 EDWARD LOO, OF CALIFORNIA  
 DONALD LU, OF CALIFORNIA  
 BARBARA J. MARTIN, OF MARYLAND  
 MICHAEL MCCARTHY, OF VIRGINIA  
 JENNIFER ALLYN MCINTYRE, OF THE DISTRICT OF COLUMBIA  
 JUDITH A. MOON, OF VIRGINIA  
 DONALD LEROY MOORE, OF FLORIDA  
 JOHN G. MORAN, OF VIRGINIA  
 SEAN MURPHY, OF VIRGINIA  
 JEROME JOHN OETGEN, OF PENNSYLVANIA  
 HILARY S. OLSIN-WINDECKER, OF VIRGINIA  
 PAUL B. PATIN, OF VIRGINIA  
 JOSEPH S. PENNINGTON, OF VIRGINIA  
 CHARISSE MELANIE PHILLIPS, OF FLORIDA  
 NECIA LEANNE QUAST, OF WASHINGTON  
 HELEN PATRICIA REED-ROWE, OF MARYLAND  
 GARACE A. REYNARD, OF TEXAS  
 SANDRALEE M. ROBINSON, OF IOWA  
 THOMAS G. ROGAN, OF NEW HAMPSHIRE  
 DAVID SIEFKIN, OF CALIFORNIA  
 DARNALL C. STEUART, OF VIRGINIA  
 ERIC W. STROMAYER, OF VIRGINIA  
 MARY JANE TEIRLYNCK, OF CALIFORNIA  
 DAPHNE M. TITUS, OF CALIFORNIA  
 MICHAEL STEPHEN TULLEY, OF CALIFORNIA  
 DAVID A. TYLER, OF NEW HAMPSHIRE  
 RICHARD CHARLES WESTON, OF VIRGINIA  
 SHARON NANCY WHITE, OF CONNECTICUT  
 KAREN L. WILLIAMS, OF MISSOURI  
 PAUL DASHNER WOHLERS, OF WASHINGTON

TIMOTHY P. ZUNIGA-BROWN, OF NEVADA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STANLEY H. BENNETT, OF MINNESOTA  
 JEFFREY C. BREED, OF NEW HAMPSHIRE  
 MARK J. COHEN, OF TEXAS  
 PETER W. DREW, OF MASSACHUSETTS  
 JOHN MARTIN EUSTACE, JR., OF VIRGINIA  
 MARILYN CLAIRE FERDINAND, OF VIRGINIA  
 CHRISTOPHER F. FLYNN, OF TEXAS  
 CAROL E. GALLO, OF FLORIDA  
 MARY A. GRAY, OF FLORIDA  
 KELII J. GURFIELD, OF WASHINGTON  
 CHRISTINE L. HUGHES, OF FLORIDA  
 PAUL C. ISAAC, OF TEXAS  
 ARDESHIR F. KANGA, OF MARYLAND  
 FREDRICK J. KETCHUM, OF FLORIDA  
 JAMES D. LEMARIE, OF VIRGINIA  
 JEFFREY SCOTT MYERS, OF VIRGINIA  
 ALMA REBECCA PABST, OF CALIFORNIA  
 CHARLES RALPH SHUSTER, OF PENNSYLVANIA  
 MARK J. STEAKLEY, OF FLORIDA

## DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

PEGGY E. GUSTAFSON, OF ILLINOIS, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

## CONFIRMATIONS

Executive nominations confirmed by the Senate; Thursday, September 24, 2009:

### DEPARTMENT OF THE INTERIOR

JONATHAN B. JARVIS, OF CALIFORNIA, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### SMALL BUSINESS ADMINISTRATION

PEGGY E. GUSTAFSON, OF ILLINOIS, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

## EXTENSIONS OF REMARKS

HONORING THE 50TH ANNIVERSARY OF HOFFMAN ESTATES, ILLINOIS

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 50th Anniversary of the incorporation of Hoffman Estates, Illinois, in the heart of my Congressional District.

The Village was founded by Sam and Jack Hoffman who purchased the land from a local farmer to establish a housing subdivision. The homeowners of the subdivision voted to incorporate the Village in 1959. From its early origins, Hoffman Estates has become a model for other cities and towns to follow through its continued dedication to building a strong and vibrant community to live, work in, and raise a family.

On the occasion of this 50th Anniversary, we join together to celebrate Hoffman Estate's legacy of growth and prosperity and to look ahead to the opportunities facing our state and our nation. Today both marks 50 years of working together to build a brighter future, and reminds us that our work continues.

Madam Speaker and Distinguished Colleagues, please join me in recognizing Hoffman Estates Mayor Bill McLeod, the Hoffman Estates Village Board of Trustees and the citizens of Hoffman Estates and in wishing them every happiness on this special occasion.

HONORING IRVING KRISTOL

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. PENCE. Madam Speaker, I rise today to commemorate the life of Irving Kristol, an extraordinary modern intellectual leader who sadly passed away recently.

Irving Kristol will be remembered as "perhaps the most consequential public intellectual of the latter half of the 20th century" as The Daily Telegraph recently memorialized him.

Born to Jewish immigrants in New York City in 1920, Irving grew up during the Great Depression, and his experience during those dark times undoubtedly shaped his worldview.

Kristol was a Trotskyist in his youth who embraced socialism long before he ever advocated for free markets and tax cuts; however, he broke from liberalism and will be remembered most for his conservative thoughts and writings that had a profound impact on generations of Americans.

He worked as the managing editor of Commentary magazine, executive vice president of Basic Books, and in the Mid-1960's, Kristol co-

founded The Public Interest, a domestic policy journal that cast wide influence among policymakers.

Kristol also served as a fellow of the American Academy of Arts and Sciences, senior fellow emeritus of the American Enterprise Institute, and a member of the board of contributors for the Wall Street Journal in addition to the many books he authored. To honor this distinguished career, President George W. Bush awarded him with the Presidential Medal of Freedom in 2002.

Irving Kristol was a thought leader and his forward-thinking ideas shaped policies and helped cement the Republican Party's position as the "party of ideas."

A soldier during World War II, Kristol once wrote that "my army experience permitted me to make an important political discovery . . . The idea of building socialism with the common man who actually existed—as distinct from his idealized version—was sheer fantasy, and therefore the prospects for 'democratic socialism' were nil."

These beliefs helped shape the policies of President Ronald Reagan's administration in defeating communism.

Our former colleague, Speaker Newt Gingrich recently said that it was Irving Kristol's insights that helped create the solutions-oriented Republicanism that led to the Contract with America.

Irving Kristol was a cheerful conservative, rejuvenating and shaping American politics, often with a smile.

The list of those who will mourn his loss is long and distinguished as he touched many lives, but I take comfort in knowing that both the Kristol name and legacy will live on.

I offer my most sincere condolences to his wife Gertrude, and children, Elizabeth and Bill.

SUPPORTING H.R. 2749, THE FOOD SAFETY ENHANCEMENT ACT

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Ms. WOOLSEY. Madam Speaker, I rise today to express my support for reforming our food safety system. As a tireless advocate for consumers' rights, I have continually supported protecting our Nation's food supply. Over the last several years, our country has experienced food-borne illnesses stemming from E. coli in bagged spinach and a salmonella outbreak in peanut products. As the number of outbreaks rise, it's essential that we dramatically improve our food safety laws.

H.R. 2749, the Food Safety Enhancement Act, will take important and necessary steps to remove tainted food products from our food supply and improve accountability for large processing facilities. I strongly support provi-

sions in this bill that grant the Food and Drug Administration, FDA, new authority to hold more frequent inspections of food processing facilities and the requirement that all food facilities register with the FDA annually. To better combat food-borne illnesses, H.R. 2749 will also enable the FDA to establish a food trace-back system that will help public health officials identify the origin and path of food products when an outbreak occurs. Additionally, ensuring that imported foods are safe and that there are strong, flexible enforcement tools will restore Americans' confidence in the foods they purchase.

However, despite these bold and necessary improvements, I continue to believe that we need to do more to respect the unique needs of small and organic farmers in this legislation. This is why I ultimately voted against H.R. 2749.

Currently, organic farmers are required to adhere to strict traceability standards through the USDA's National Organic Program. The absence of specific guidance requiring FDA to harmonize new traceability standards with the National Organic Program will create potentially duplicative regulations and standards for organic farmers. The FDA's authority grew this year after Congress passed H.R. 1256, legislation I voted for, which enables the FDA to regulate tobacco products. After passing H.R. 2749, the FDA will also have expanded food safety authority. Without specific requirements included in this legislation, the FDA will not have the incentive or manpower to go above and beyond what is mandated in the law. We cannot overlook the requirements our organic farmers already follow as the FDA issues its traceability standards.

Additionally, I worry that the growth of the organics market could be constrained by fee provisions in this bill. An increasing number of organic farmers sell to wholesalers as well as directly to consumers. This bill exempts farmers who sell their products directly to consumers from the annual fee, but not farmers who sell the majority of their products to wholesalers. By incentivizing organic producers to sell fewer than 51 percent of their products to wholesalers, we could be deterring organic farmers from branching out to new markets. This is not the time to be hindering the growth of organic farming by discouraging organic farmers from diversifying the markets where their products are sold.

This legislation also must take into account the relationship between the co-management of conservation and food safety. The use of animals for pest control is a crucial component of organic farming, and this bill would restrict farmers from maintaining their organic practices. Instead of regulating all animals, this legislation could investigate other alternatives, including focusing on animals that are at a high risk for passing on diseases, to take into account the needs of organic farmers. More should be done to encourage biodiversity and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

natural farming techniques that farmers have used to reduce their dependence on pesticides and herbicides.

Madam Speaker, food safety legislation must protect the health of consumers and respect the needs of family farms and sustainable producers. It is my hope that we can strengthen the provisions in H.R. 2749 affecting the unique needs of small and organic farmers when this bill is taken up in conference. I am encouraged by the work done to enhance the safety of our Nation's food supply, and look forward to continuing to improve this important legislation and our food delivery system.

**A PROCLAMATION HONORING  
KASEY GERBER FOR WINNING  
THE GIRLS' DIVISION IV STATE  
SOFTBALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SPACE. Madam Speaker,

Whereas, Kasey Gerber showed hard work and dedication to the sport of softball; and

Whereas, Kasey Gerber was a supportive team player; and

Whereas, Kasey Gerber always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Kasey Gerber on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

**HONORING THE LIFE AND ACCOMPLISHMENTS OF JUDGE ALDEN  
EDWARD DANNER UPON HIS RETIREMENT**

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the life and accomplishments of a distinguished member of my community, the Honorable Alden Edward Danner, upon his retirement after more than 20 years of public service to the State of California and the people of Santa Clara County.

Throughout his career, Judge Danner has demonstrated public service values, adhering to the highest ethical standards, respecting the dignity and integrity of all people, and sought solutions while fostering open communication and mutual support for court clients, staff, members of the judicial branch, and justice system partners.

Judge Danner applied his expertise in the law and his commitment to the administration of justice and the independent, consistent, and impartial interpretation of the law through his participation as a member of the Judicial

Council of California's Task Force on Probate and Mental Health, 1997–1998; Court Technology Advisory Committee, 1999–2005; Trial Court Presiding Judges Advisory Committee, 2003–2004, and its Executive Committee, 2005–2006; and the Task Force on Judicial Campaign Finance, 2009; and as faculty for the Center for Judicial Education and Research's Probate and Mental Health Institute, 1997–1998; and Computer Training for Judges, 1993–1998.

The California judicial branch is fortunate to have benefited from Judge Danner's distinguished service as a jurist since his appointment to the Superior Court by Governor George Deukmejian in 1989 and his subsequent election by citizens of Santa Clara County.

Prior to his appointment to the bench, Judge Danner served our justice system with distinction, contributing to the resolution of legal issues for the people of Santa Clara County as an associate and partner in private law practice from 1966–1989. Judge Danner earned a Juris Doctorate from Stanford Law School in 1965, after service in the U.S. Army from 1958–1962.

It is with great pleasure that I join in celebrating Judge Danner's life and many accomplishments. I thank him for his contributions to our region in California and to our Nation. On behalf of our community, I congratulate Judge Danner and wish him and his family well in his retirement and his future plans.

**TRIBUTE TO THE FAIRFIELD  
INTERFAITH FOOD PANTRY**

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. MICHAUD. Madam Speaker, I rise today to recognize a vital program to the Greater Fairfield area, the Fairfield Interfaith Food Pantry at the Immaculate Heart of Mary Church. The Food Pantry has assisted innumerable members of this community, and I would like to take the opportunity of their celebration of sixteen years of service to congratulate them on their lasting impact.

At the celebration on October 3, 2009, the Fairfield Community will recognize and honor Nancy Marcoux, the Interfaith Food Pantry Director, and Richard "Dick" Tompkins, the Co-Director since the beginning. The work that Nancy and Richard have done is truly amazing. The volunteer staff and the clients appreciate and respect both of these hardworking individuals. They are known to everyone in the Greater Fairfield area, and when someone is in need of assistance, they do not hesitate to call Nancy or Dick and know that their doors will open.

The Fairfield Interfaith Food Pantry works with the Maine Department of Agriculture, Food and Rural Resources which oversees The Emergency Food Assistance Program, a federal initiative that provides commodities to about 260 voluntary feeding programs in Maine. The Fairfield Interfaith Food pantry also receives assistance from the Kennebec County Sheriff's Department, says community

services officer John Matthews. Under the Sheriff's Department program, incarcerated inmates harvest potatoes and mixed vegetables on 8 acres of fields in Augusta and Benton. The program was started by Sheriff Randy Liberty and yields fresh produce for the Fairfield Interfaith Food Pantry and other food banks in Maine.

Today is an opportunity to thank Nancy Marcoux and Dick Tompkins for their dedication to this program. In Nancy's words, "you got to do what you got to do to exist."

**PERSONAL EXPLANATION**

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Tuesday, September 22, 2009.

Had I been present, I would have voted "Aye" on rollcall vote No. 720, on motion to suspend the rules and agree to H. Res. 441; "Aye" on rollcall vote No. 721, on motion to suspend the rules and agree to H.R. 2971; "No" on rollcall vote No. 722, on motion to suspend the rules and agree to H.R. 3548.

**PERSONAL EXPLANATION**

**HON. NEIL ABERCROMBIE**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote Nos. 710–719 and rollcall vote 730. Had I been present, I would have voted "aye" on rollcall votes 713–716, 718, and 719. I would have voted "nay" on rollcall votes 710–712, 717, and 730.

**REMEMBERING LENETTE  
FREEMAN**

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. PENCE. Madam Speaker, I rise today to mourn the loss of a dear friend to the community of Muncie, Indiana.

Lenette Freeman, known to all as a giving and determined woman, passed away following a five year battle with cancer. Though the pain of her passing is deeply felt, we will continue to be inspired by the life she led.

Lenette Freeman was born on October 29, 1958, in Evanston, Illinois to Leonard and Dolores Hartowicz. A graduate of Taft High School in Chicago, Lenette went on to receive her bachelor's degree and a teaching certificate from Northern Illinois University.

In 1987, Lenette moved to Muncie, where she would become an active leader and vital asset in this eastern Indiana Community. She was a member of the Lutheran Church of the

Cross, the Rotary Club, the Muncie Endurathon, and co-founder of the youth Academy for Community Leadership. For 4 years, Lenette served as the executive director of the Muncie Children's Museum, a children's educational learning facility in the community.

When the City of Muncie authorized the creation of a Mayor's Youth Council in 2002, Lenette volunteered countless hours as a mentor to the young students on the founding Council and remained active in the years to follow. Her impact on the members of the Mayor's Youth Council, as well as the effect the Council had in the community, will be felt far into the future.

In 2004, Lenette was named director of the Cardinal Greenway. The Cardinal Greenway is a series of recreational trails spanning 27 miles throughout my district. Lenette was keenly aware of the benefits of these trails and advocated for its continued development. Her passion and dedication to the preservation and extension of the trails will forever be remembered by a grateful community.

Just one month after becoming Director of the Cardinal Greenway, Lenette was diagnosed with cancer. Rather than succumbing to feelings of self-pity and defeat, Lenette said her diagnosis was a "blessing in disguise" that resulted in a greater appreciation of people and deeper relationships with them. Despite her illness, Lenette was a determined fighter and continued her work with the Greenway, holding meetings in her home and working via teleconference when necessary.

Lenette's determination was evident not only in her work, but in her personal life. She was the proud mother of three boys, and she encouraged each of them to pursue their own individual talents and goals. Fondly referred to as her "cowboys," her boys were undoubtedly a major source of strength and inspiration in Lenette's fight against cancer.

Lenette will be sorely missed by her sons, her mother and three siblings, those fortunate enough to know her, as well as the entire Muncie Community.

We have lost an important figure in the Muncie community, but I know that Lenette's legacy will not soon be forgotten. Let us keep Lenette's three boys, family, and cherished friends in our prayers during this difficult time.

#### TOWN OF INDIAN SHORES, FLORIDA CELEBRATES ITS 60TH ANNIVERSARY

#### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. YOUNG of Florida. Madam Speaker, the Town of Indian Shores, Florida, which I not only have the privilege to represent but also call my home, this week celebrates the 60th anniversary of the signing of its town charter.

Although I was not able to be there today as the House is in session, my friends and neighbors gathered at The Pub Restaurant to celebrate their 60 years of progress, development and success.

Indian Shores, first known as Indian Rocks Beach South Shore, is a small but beautiful is-

land on the Gulf Coast of Florida. Its sandy white beaches and crystal clear water made it a favorite summer retreat dating back to the late 1800s. It was on September 16, 1949 that 42 registered voters and freeholders met at the Beach Park Restaurant, where The Pub is now located, to incorporate the Town of Indian Rocks Beach South Shore.

At that meeting, the residents of the newly established town elected their first town leaders: Edward Fitch Taylor as Mayor, Bernice Pitt as Town Clerk, Emory Boyd as Town Marshall, and as Aldermen: Mrs. E. Boyd, Harry Gooding, Russel West, H. Tinman, James Roesler, Hubert Tipton, Estelle Harper, Pearl Cook, and Arthur Goble.

The town held a special referendum in July 1973 and voted to rename itself the Town of Indian Shores, as it is known today.

From the early leadership that established this beautiful beach haven, new leadership has led Indian Shores into this new century and into a thriving community. Mayor Jim Lawrence, Vice Mayor Joan Herndon, Councilor Steve Sutch, Councilor Bill Smith, and Councilor Carole Irelan are the town's elected leaders. They oversee a staff headed by Town Administrator Chief E. D. Williams, Town Clerk Marcia Grantham, Deputy Clerk Elaine Jackson, Building Official Larry Nayman, Administrative Assistant Joyce Ciccarello, Director of Finance Mary Karayianes, Public Service Supervisor Jim Jeeter, and Assistant to the Town Manager Bonnie Dhonau.

They govern a town of 1,800 permanent residents and 2,600 homes that swells to a town of 6,000 during the peak winter months. Although only 2.6 miles long, this town remains one of Florida's most beautiful beach communities. From its early history when legend has it that an elderly Indian Chief was brought to its shores to be healed by its special water, to its time as an Indian campsite, Indian Shores has grown and prospered yet retained its small town charm.

Madam Speaker, the Town's motto says it all—"Indian Shores—A Great Place to Live." I am proud to call Indian Shores my home and I join in celebrating its rich history and its bright and sunny future along Florida's most beautiful beaches.

#### NATIONAL DAY OF REMEMBRANCE FOR HOMICIDE VICTIMS

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. POE of Texas. Madam Speaker, September 25th is the National Day of Remembrance for Homicide Victims. On this day, it is important for all of us to reflect on the terrible toll that violence takes on our communities, and for us to reflect on ways to reduce this violence. One type of homicide that is particularly disturbing is when the perpetrator is a partner of the victim. According to the Centers for Disease Control, on average, three women a day are murdered by their current or former husbands. That is three women a day who are killed by the very same man who took an oath to honor and protect them.

This number should be disturbing to all of us. We are not doing enough to keep women safe in their own homes, the very place where we should all find safety and comfort. Too many American women are finding danger, violence, and even death in their own homes.

One-third—yes, that's right—one-third, of all murdered females are killed by somebody they were in a relationship with. That is a staggering statistic. These women are not being killed by a stranger in a dark alley, they are being killed by people they trust, often in their own homes.

To bring attention to this issue, Congresswoman Edwards and I have introduced H. Res. 757, to support the goals and ideals of the National Day of Remembrance for Homicide Victims. It is my hope that this resolution can help raise awareness about this epidemic of violence, and encourage all of us to realize just how prevalent this is in our communities. The time has come for us all to work together to end this violence.

#### HONORING THE VOLUNTEER WORK OF EMMA VALENTEEN

#### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. GERLACH. Madam Speaker, I rise today to honor a Phoenixville, Pennsylvania woman who has dedicated her life to making a difference in her community and lending a helping hand to neighbors in need.

Emma Valenteen moved to Phoenixville as a teenager in 1948 and has called the Borough home ever since. Her tremendous work ethic allowed her to juggle the demands of raising five children while working for 44 years at Container Corp. of America. Somehow, Emma still found plenty of energy to work even harder in her community. After losing her youngest daughter, Marianne, to leukemia, Emma joined the Valley Forge Chapter of the support group Compassionate Friends. By 1991, she started a Phoenixville chapter and has spent 18 years as chairwoman of the group.

For more than a quarter century, Emma has been the Recording Secretary of the Social Concerns Committee of the Phoenixville Interfaith Council. Her commitment to the community and dedicated volunteerism earned Emma numerous awards through the years. However, it has been the organizations and the entire community who have been the true winners thanks to Emma's extraordinary efforts.

Friends, family and community members will express their gratitude for Emma's service and recognize all of her accomplishments during a dinner on September 30, 2009 at Robert Ryan's Columbia Station.

Madam Speaker, I ask that my colleagues join me today in honoring Emma Valenteen for her selfless service and tireless work to make Phoenixville a great place to live, work and raise a family.



RECOGNIZING ACCOMPLISHMENTS  
OF MR. PEDRO DEVORA

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. CUELLAR. Madam Speaker, I rise today to recognize the accomplishments of Mr. Pedro Devora, whose barbershop business recently celebrated 50 years of operations in downtown Floresville, Texas.

Pedro Devora was born on May 22, 1926 and raised in Tordio, Texas where he attended school until the third grade. Mr. Devora worked in the area until he joined the U.S. Navy on October 1, 1944 to serve his country. While in the Navy, he served during the invasion of Okinawa that began on April 1, 1945. During that mission, his ship was hit in battle. Mr. Devora would survive a night in the water until he was rescued the following morning. During his time in the Navy, his hard work ethic gained him several promotions from his superiors. In fact, in less than a week he went from working in the laundry section to becoming an assistant supervisor, and later supervisor. In 1946, Mr. Devora returned to the United States and received an honorable discharge.

Following his time in the Navy, he returned home to Tordio and within a year he decided to attend Barber School. While in attendance, Mr. Devora married his sweetheart, Maria Flores on November 3, 1947. In 1948, Mr. Devora received his Barber's License and began work in Floresville, Texas.

Since returning from the Navy, he has been active in several political races, such as those of Lyndon Baines Johnson, Harry Truman, Gus Garcia, Carlos Cadena, Judge Mike Machado, Congressman Chick Kazen, Albert Pena, Judge Esquivel, Pete Tijerina, and almost every Democratic President since 1946.

On August 12th, 1959, he opened a barbershop with his longtime friend Raymond Lucio. Mr. Devora and Mr. Lucio spent over 49 years as coworkers until Mr. Lucio's passing. The business remains in operation to this day and remains a pillar of the Floresville community.

Madam Speaker, I am honored to have had the time to recognize the many accomplishments and service of Mr. Pedro Devora, and I thank you for this time.

2009 SECRETARY OF DEFENSE EMPLOYER SUPPORT FREEDOM  
AWARD

**HON. LORETTA SANCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to congratulate my local police department, the Santa Ana Police Department, on receiving the 2009 Secretary of Defense Employer Support Freedom Award.

Each year, the United States gives this distinguished award to large businesses, small businesses, and public service employers who

provide outstanding support to employees who serve in the National Guard and Reserve.

Last week, Chief Paul Walters of the Santa Ana Police Department had the pleasure of being congratulated by President Obama and Secretary Gates at the White House after a reception and ceremony hosted by Dr. Jill Biden.

The Orange County community is incredibly proud of the Santa Ana Police Department. They have worked hard to create a positive work environment for our National Guard and Reserve members, and we are so grateful that they protect us each and every day.

I want to personally thank the Chief and the police department for their efforts and congratulate them once again for receiving the 2009 Freedom Award.

PERSONAL EXPLANATION

**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Ms. BALDWIN. Madam Speaker, I regret that I missed four votes under suspension of the Rules on September 9, 2009.

Had I been present, I would have voted in support of the following four bills: H. Res. 447, H.R. 2097, H.R. 2498, and H. Res. 722.

IN RECOGNITION OF MELVIN J.  
LARSON'S 54 YEARS OF SERVICE  
TO UNITED CEREBRAL PALSY OF  
WILL COUNTY

**HON. DEBORAH L. HALVORSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mrs. HALVORSON. Madam Speaker, I rise today to recognize Melvin J. Larson for his fifty-four years of service as a board member and founder of United Cerebral Palsy of Will County, now known as United Cerebral Palsy of Illinois Prairieland.

Melvin Larson's life has been one of service to others. He has said, "To make life a little easier for someone, I hope I can make some contribution to that end." That is exactly what he did. He moved to Joliet, Illinois in 1954 where he became the head of Joliet Junior College's (JJC) Department of Physical Science. Upon retirement in 1975 from a successful career at JJC, he began a quest to help others.

Melvin Larson formed the first Will County chapter of the United Cerebral Palsy organization, with a vision to provide an education to children with disabilities. The organization began with just six families, but quickly grew to 35. It was not long before they outgrew their single room in the former Rehn School and began utilizing an entire grade school building. Thousands of children have benefited from the school throughout the years, and today more than 60 children are currently enrolled.

The dedication, service, and commitment exhibited by Melvin Larson throughout his life

merit recognition and should be showcased as an example for selflessness unto others. That is why today we must honor Mel's vision to provide an education to children with disabilities.

HONORING THE NEW HAVEN  
ALUMNAE CHAPTER OF DELTA  
SIGMA THETA SORORITY ON  
THEIR 50TH ANNIVERSARY

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Ms. DELAURO. Madam Speaker, I am pleased to rise today to extend my sincere congratulations to the New Haven Alumnae Chapter of Delta Sigma Theta Sorority as they celebrate their 50th Anniversary. The Delta Sigma Theta Sorority is a non-profit organization dedicated to enriching our community through community service.

In its fifty year history, the New Haven Alumnae Chapter has focused its attention on the changing and diverse needs of our community. Their mission has been to actively engage the community—particularly young people—in public service. Their goals are rooted in the understanding that our communities thrive when every member contribute to its success. Since its inception, this outstanding organization has awarded over \$250,000 in college scholarships; has developed and implemented multiple programs benefiting our youth including Delta Academy and the GEMS mentoring program; Project S.E.E. (Science and Everyday Experiences) workshops; as well as their signature "18 and Registered" voter registration campaign. With each of the programs offered, the New Haven Alumnae Chapter is opening the doors of opportunity to our community's young people.

The membership of the New Haven Alumnae Chapter includes some of our community's most prominent community advocates—many of whom dedicate both their professional and personal lives to public service. These women stand as role models for every member of our community, but particularly for our young people. They inspire us with their deep commitment to community and compassion for others. Our communities would not be the same without organizations such as the New Haven Alumnae Chapter of Delta Sigma Theta Sorority. Their efforts make it a better place to live, learn, and grow.

It is with great pleasure that I stand today to recognize the invaluable contributions the New Haven Alumnae Chapter of Delta Sigma Theta Sorority have made to our community and to extend my heartfelt congratulations on their 50th Anniversary. They have made a real difference in our community and I wish them all the best for many more years of success.

## PERSONAL EXPLANATION

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. ORTIZ. Madam Speaker, on September 23, 2009, I was absent for rollcall vote 730 because of important committee business. If I had been present, I would have voted "nay."

IN RECOGNITION OF CHIEF  
BEARD'S 30 YEARS OF BRAVE  
AND SELFLESS SERVICE TO THE  
COMMUNITIES OF KANKAKEE  
AND BOURBONNAIS

**HON. DEBORAH L. HALVORSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mrs. HALVORSON. Madam Speaker, this month marks Chief Joe Beard's 30 years of brave and selfless service to citizens of Kankakee and Bourbonnais, Illinois. Today, I join these communities in thanking Joe for his dedication and outstanding commitment.

Joe did not grow up dreaming about being a police officer. But in the midst of studying to become a history teacher, Joe felt the calling to enter law enforcement. After receiving a law enforcement administration degree from Western Illinois University, he was hired by the Kankakee County Sheriff's Department, where he served for several years before briefly pursuing a real estate career. But soon Joe was back fighting to protect Illinoisans. And in 1979, at the age of 27, Joe was named Police Chief of Bourbonnais, Illinois.

Whether it was responding to a massive train wreck on a spring night ten years ago that left eleven dead, 122 injured, and a pile-up of twisted steel and train cars in its wake across the Illinois prairie, or responding to a routine traffic stop, Chief Beard has exhibited tremendous courage and selflessness. During Joe's tenure as Chief, the police department has doubled, expanding personnel to answer new challenges and better serve citizens. Chief Beard, along with the Kankakee Area Metropolitan Enforcement Group (KAMEG), has been a leader in fighting drug crime.

Those like Chief Joe Beard keep our communities safe and provide families piece of mind to enjoy their lives. We all owe a profound debt to Joe Beard. On behalf of the entire 11th Congressional District, I thank Joe as he continues to serve the people of Bourbonnais.

IN RECOGNITION OF AMBASSADOR  
IRINA BOKOVA OF BULGARIA

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. WILSON of South Carolina. Madam Speaker, on Tuesday, September 22, 2009, Irina Bokova, Bulgaria's Ambassador to

France, was elected the director general of the United Nations Educational, Scientific and Cultural Organization (UNESCO). As the first female director of UNESCO, Ambassador Bokova brings her diplomatic and cultural knowledge as a former foreign minister of Bulgaria and her work in helping to bring Bulgaria into the European Union and the North American Treaty Organization (NATO).

As co-chair of the Congressional Bulgaria Caucus, I want to congratulate the people of Bulgaria and Ambassador Bokova for her success. Having visited Bulgaria first as an International Republican Institute election observer in June 1990 and since, I have seen firsthand this young democracy emerge from the oppression of Communism to being one of the most dynamic democracies of Europe. On my multiple visits over the years to Bulgaria, I have always been inspired by the extraordinary people who have overcome totalitarianism for liberty and freedom. Bulgaria is a cherished partner of America, and we want the best for this nation of historic treasures.

## HONORING CHESTER HUGHES, JR.

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the Illustrious Potentate of the Oman Temple No. 72, Chester Hughes, Jr. Chester will be feted at the 53rd Annual Potentate Ball to be held in my hometown of Flint, Michigan, on Saturday, October 3rd.

Chester Hughes received his B.S. degree from Jackson State University and his M.S. degree from Eastern Michigan University. He has taught at schools in Mississippi and Michigan, retiring from Beecher Community Schools in 2003 with 37 years of service. He served as the Regional Director of Amicus II during 2006-2007 and works part time at Lawrence E. Moon Funeral Home. He is also the CEO of the Hughes Educational Leadership Institute and a PrePaid Legal Insurance Associate/Distributor.

Chester is affiliated with many community organizations and has received numerous awards from the Kappa Alpha Psi Fraternity, the Central Optimist Club, the Flint Inner City Lions Club, the Flint Pan-Hellenic Club, the Urban League of Flint, and the Beecher School System. He has held several positions with the Oman Temple No. 72 and the Masonic Order. The 33 degree was conferred on him on May 26, 2008. Chester and his wife Myra have 2 children, DeWana Denise Hughes-McCarty and Chelonde Nichelle Hughes.

Madam Speaker, I ask the House of Representatives to applaud the life and work of Chester Hughes, Jr. I congratulate him on his elevation to Illustrious Potentate and may he continue to serve the community for many, many years to come.

IN RECOGNITION OF THE HEROIC  
ACTIONS OF RICK DANIELS FOR  
HIS EFFORTS TO SAVE THE LIFE  
OF SAVANNA ZIRBEL

**HON. DEBORAH L. HALVORSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mrs. HALVORSON. Madam Speaker, Rick Daniels of Kankakee, Illinois would tell you he is not a hero, but on Friday, July 3, 2009, he did something heroic.

Rick Daniels conducts himself not unlike the many great citizens of Illinois' 11th Congressional District. He is a normal guy. On July 3rd, he saw a neighbor in trouble. Although he is not a trained paramedic, he saw that 20-month old Savanna Zirbel was seriously injured from a mowing accident and sprang to action. Rick Daniels administered lifesaving first aid until paramedics arrived.

Some in this situation may have been scared to help, but Rick did not hesitate to assist. He focused on what might have happened if he had chosen to simply be an observer. The consequences were life and death. Savanna Zirbel is alive because of Rick Daniel rose to the occasion.

America's history has been one of ordinary individuals doing extraordinary things. Rick Daniels reminds us that we are capable of doing heroic things. On behalf of the entire 11th Congressional District, we thank Rick Daniels for his amazing efforts.

IN RECOGNITION OF THE 50TH AN-  
NIVERSARY OF THE APARTMENT  
ASSOCIATION OF GREATER DAL-  
LAS

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SESSIONS. Madam Speaker, I rise today to recognize the 50th Anniversary of the Apartment Association of Greater Dallas (AAGD).

Founded in 1959 by a small group of dedicated professionals, the Apartment Owners Association of Dallas sought to establish a communication forum to share information and foster professionalism for the growing multi-family industry. Since then the organization has grown to over 1,000 members, representing members across 11 counties in North Texas and over 35 municipalities. Members of AAGD are wholeheartedly committed to providing quality and affordable housing for all apartment residents. They are also responsible for managing over 1,890 properties representing 435,000 rental units, which consists of more than 90 percent of the apartments and rental homes in the Dallas area.

As the nation's largest member based local apartment association, they are specifically devoted to the advancement of its members within the apartment industry ranging from legislative representation to education and certification programs to community service projects as well as a wide range of communication

tools. Also functioning as a trade association, AAGD is dedicated to upholding and promoting the highest professional standards in the apartment industry.

Madam Speaker, I ask my esteemed colleagues to join me in celebrating AAGD's 50th anniversary. Congratulations to AAGD on fifty years of dedicated service to the multifamily industry! I know their hard work and commitment to quality and affording living has benefited the many residents of apartment homes managed by AAGD members.

**HONORING THE LIFE AND SERVICE  
OF SERGEANT TIMOTHY SMITH  
OF SOUTH LAKE TAHOE, CA**

**HON. TOM MCCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. MCCLINTOCK. Madam Speaker, I rise today to honor Timothy Smith of South Lake Tahoe, CA, who was killed in the line of duty on April 7, 2007. Tim is survived by his wife Shayna Richard-Smith, their son Riley, his parents, Patricia and Michael, his brother Tom, and his sister Jackie.

Tim graduated from South Tahoe High School in 2001 and joined the Army in April 2004. He will always be remembered for his sense of humor, his warmth, and his great courage. Senator HARRY REID, on the floor of the United States Senate, called Tim Smith "a hero—a real-life American hero—who gave his life so that others might be safe."

Timothy Smith gave the ultimate sacrifice, may we never forget.

**A PROCLAMATION HONORING ERIN  
METZGER FOR WINNING THE  
GIRLS' DIVISION IV STATE SOFT-  
BALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SPACE. Madam Speaker, Whereas, Erin Metzger showed hard work and dedication to the sport of softball; and Whereas, Erin Metzger was a supportive team player; and

Whereas, Erin Metzger always displayed sportsmanship on and off the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Erin Metzger on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

**HONORING GENE TUNNEY**

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Ms. WOOLSEY. Madam Speaker, I rise today along with my colleague Representative

MIKE THOMPSON, to honor the life of Gene Tunney, who served as Sonoma County District Attorney for 20 years. Mr. Tunney passed away August 9, 2009, with his family at his side.

Born in New York City in 1931, Mr. Tunney was the son of the famous heavyweight boxing champion James Joseph "Gene" Tunney and brother of California Congressman and Senator John Tunney. After a stint in the Army, he moved to the Bay Area where he enrolled in law school in San Francisco. In 1971, he began his first job in Sonoma County as a Deputy Public Defender. A few years later he ran for District Attorney, narrowly winning the race. He served in that office for five more terms, from 1974 to 1994.

Mr. Tunney is credited with modernizing and professionalizing the District Attorney's office, guiding its transition in an era of increasingly urban types of crime. He placed restrictions on plea bargains and reviewed all felony cases while becoming an advocate for victims of crime. He was highly regarded for his sense of justice and for bringing changes to offices around the state after co-founding the California District Attorney's Association.

Married 49 years ago, Mr. Tunney enjoyed spending time with his wife Ann and their family. After retirement, the couple lived for a decade in Hawaii where they pursued their mutual hobby, flying small planes, as well as traveling, swimming, and reading. They later moved to Tiburon in Marin County, California.

Mr. Tunney is survived by his children Alexandra Kelly, Megan Tunney, Erin MacLeon, and Gene Tunney as well as seven grandchildren and brothers John and Jay.

Madam Speaker, we are proud to honor Gene Tunney's contributions to our community and know that, with many of his Deputy District Attorneys serving on the bench, his legacy of high standards and fairness to victims will continue in Sonoma County.

**HONORING THE LIFE AND SERVICE  
OF LANCE CORPORAL BRAD  
SHUDER OF EL DORADO HILLS,  
CA**

**HON. TOM MCCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. MCCLINTOCK. Madam Speaker, I rise to honor the life and service of Lance Corporal Brad Shuder of El Dorado Hills, CA, who was killed in action on April 12, 2004 while serving his country in Iraq. Lance Corporal Shuder graduated from Oakridge High School in El Dorado Hills. The day he graduated, Brad enlisted in the Marine Corps. He is survived by his parents, Glenn and Rose, and his younger sister, Chelsey.

I cannot begin to comprehend the tragedy of losing such a loving and courageous young man and I cannot soothe that pain with my words. All I can do is say thank you for Brad's sacrifice. Brad's cousin, Reverend Michael Bugarin, officiated the funeral service and delivered the following words: "Brad did something extraordinary. He was willing to sacrifice his life for me and you." May we never forget

the sacrifices that the sons and daughters of our great country have made.

**A PROCLAMATION HONORING  
BROOKE SEAL FOR WINNING THE  
GIRLS' DIVISION IV STATE SOFT-  
BALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SPACE. Madam Speaker, Whereas, Brooke Seal showed hard work and dedication to the sport of softball; and

Whereas, Brooke Seal was a supportive team player; and

Whereas, Brooke Seal always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Brooke Seal on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

**HONORING KCRB'S 25TH  
ANNIVERSARY**

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. THOMPSON of California. Madam Speaker, I rise with my colleague Representative LYNN WOOLSEY, to honor a local public broadcaster, KRCB in Sonoma County, California. KRCB is celebrating 25 years of service to our local communities.

Nancy Dobbs, President and CEO, has been the guiding force behind KRCB from the beginning. She notes that it is a rare opportunity to build such a public institution. "When we started in January, 1981," she says, "we had to argue for the license before the FCC, find land on which to build our offices and studios, raise money for a station that did not yet exist, and convince the community about the importance of our own public broadcasting service."

Fortunately for all of us, the effort was successful. Today, we cannot imagine what Sonoma County would be like without KRCB, which provides PBS television, NPR radio, and local programming. It is the only PBS service available to more than a quarter of a million residents.

Working with nonprofits, businesses, and government agencies, KRCB has led community dialogues on health care, the environment, and disability awareness, to name just a few. The station has been awarded three Emmys for its national environmental series "Natural Heroes", has been honored by the California Teachers' Association for its North Bay Report, and has received honors for local election coverage, provided consistently for the past 17 years. KRCB also provides air time to celebrate local cultural events, such as

the full season of the acclaimed Santa Rosa Symphony, which would otherwise be unavailable.

According to Dobbs, "It was clear from the beginning that KRCB's mission was to utilize the public airwaves of which we are stewards to strengthen the communities we serve. Public broadcasting is a critically important tool with which to stimulate community dialogue and engagement, central elements of a healthy democracy."

Madam Speaker, we congratulate KRCB Television and Radio on its 25 years of service. It is indeed a treasure of Northern California.

CONGRATULATING CARMEN  
AMBROSINO, RECIPIENT OF THE  
2009 LIFETIME ACHIEVEMENT  
AWARD FROM THE ITALIAN  
AMERICAN ASSOCIATION OF  
LUZERNE COUNTY

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. Kanjorski. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Carmen Ambrosino, Chief Executive Officer of the Wyoming Valley Alcohol and Drug Services, Inc., who has been selected by the Italian American Association of Luzerne County to receive its prestigious 2009 "Lifetime Achievement Award."

A 1966 graduate of Exeter High School, Mr. Ambrosino received his bachelor's degree in English from King's College in 1970. He obtained a master's degree in Health Administration from Wilkes University in 1986. He is currently a Certified Addictions Counselor of Diplomate (CAC) and Certified Prevention Specialist (CPS) in the Commonwealth of Pennsylvania. He was a member of the Pennsylvania National Guard from 1970 to 1976. He has been employed by the Wyoming Valley Alcohol and Drug Services, Inc., since June, 1973 and became Chief Executive Officer in 1974.

During Mr. Ambrosino's career, he has had many accomplishments. Through his marketing, publishing and consulting firm, Rainbow Educational Productions, he has authored six nationally circulated publications for young people. He also produced a motivational video entitled, "Unleash Your Human Dynamo."

In education, Mr. Ambrosino developed the "Student Assisting Students," program at King's College in Wilkes-Barre, Pennsylvania, which is designed to establish peer intervention and referral to assist impaired college level students. He also developed a course on chemical dependency for Misericordia University in Dallas, Pennsylvania which was adopted by national colleges and universities as a chemical dependency model program to be used in sociology departments.

Mr. Ambrosino also developed a "Drug free Community Festival" in Wilkes-Barre that attracted 100,000 people annually for a celebration of drug-free living. He has also served as an international consultant for the Dominican

Republic and he visited South Africa as a "People to People" delegate representing the United States on an educational mission regarding drug and alcohol issues. He is a charter member of the National Association of Prevention Professionals and Advocates.

Mr. Ambrosino has also received numerous civic and community awards and recognitions. He was selected as the Outstanding Young Pennsylvanian in 1979 by the statewide Jaycees for his contributions to the community. He was inducted into the Chapel of the Four Chaplains, Philadelphia, for contributions to community. He received the Ronald J. Russo Community Service Award for distinguished service in public service in Luzerne and Wyoming Counties; the Commitment to Youth Award from the Wilkes-Barre Catholic Youth Center; special awards from Wilkes University, Penn State Wilkes-Barre Campus and the Paul Harris Fellowship Award from the Wilkes-Barre Rotary.

A son of Rose Ambrosino and the late Carmen Ambrosino, he is married to the former Bernice Szumski. The couple has one son, Carmen Jr. and two grandsons.

Madam Speaker, please join me in congratulating Mr. Ambrosino on this auspicious occasion. Mr. Ambrosino's work in the field of substance abuse has rescued countless people from the ravages of addiction and has illuminated the path to sobriety for countless others as well. And, for that, he has earned the respect and admiration of a grateful community.

A PROCLAMATION HONORING  
EMMY HENSEL FOR WINNING  
THE GIRLS' DIVISION IV STATE  
SOFTBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SPACE. Madam Speaker,

Whereas, Emmy Hensel showed hard work and dedication to the sport of softball; and

Whereas, Emmy Hensel was a supportive team player; and

Whereas, Emmy Hensel always displayed sportsmanship on and off of the field; now, therefore, be it

*Resolved*, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Emmy Hensel on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

INTRODUCING A RESOLUTION EXPRESSING APPRECIATION TO PORTUGAL FOR ACCEPTING TWO DETAINEES RELEASED FROM GUANTANAMO BAY, CUBA

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce a resolution expressing appreciation to the nation of Portugal for accepting two detainees from Guantanamo Bay, Cuba. These two Syrian men had been cleared by the federal government for release but were unable to be sent to their home country, in compliance with international human rights law.

The United States has been working with other countries to effect a safe and efficient process for resettling detainees cleared of wrongdoing and scheduled for release. This is a complicated and difficult process but has resulted in approximately 15 resettled detainees since President Obama took office. Two of those went to Portugal. Dozens more have been cleared for release but have not yet been transferred to a third-party nation.

In December 2008, Portuguese Foreign Minister Luis Amado announced in a public letter to European officials that Portugal was ready to assist the United States in resettling released detainees. In doing so, Portugal became the first nation to publicly state its willingness to take Guantanamo detainees who were not its own nationals. In August 2009, Portugal accepted the two Syrian released detainees and provided homes for them to live freely.

Madam Speaker, I appreciate Portugal—our friend and ally—assisting us in the effort to resolve the complex problem of resettling detainees cleared for release. The fact of the matter is that the Bush administration's reckless approach to establishing an extrajudicial system at Guantanamo has left us grappling with how to humanely and effectively resettle detainees who pose no threat to our national security. To that end we owe the people of Portugal sincere thanks for taking on the responsibility of ensuring the rights and well-being of these two resettled detainees, who have been cleared of any wrongdoing. Portugal and the United States have set a positive example for the safe, efficient, and humane process of resettling former detainees.

A PROCLAMATION HONORING  
CARLY CLARK FOR WINNING  
THE GIRLS' DIVISION IV STATE  
SOFTBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SPACE. Madam Speaker, Whereas, Carly Clark showed hard work and dedication to the sport of softball; and

Whereas, Carly Clark was a supportive team player; and

Whereas, Carly Clark always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Carly Clark on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

#### PERSONAL EXPLANATION

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. RUPPERSBERGER. Madam Speaker, during the vote on the motion to instruct conferees on H.R. 2918, Fiscal Year 2010 Legislative Branch Appropriations, (Rollcall 734), I mistakenly voted "yea" but I meant to vote "nay."

#### A PROCLAMATION HONORING KRISTEN SMITH FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SPACE. Madam Speaker, Whereas, Kristen Smith showed hard work and dedication to the sport of softball; and

Whereas, Kristen Smith was a supportive team player; and

Whereas, Kristen Smith always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Kristen Smith on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

#### HONORING SFC SHAWN PATRICK MCCLOSKEY

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to a fallen American patriot.

Thousands of my constituents in Georgia's 3rd Congressional District lined the streets of Peachtree City, GA, this week, waving American flags, to honor the late SFC Shawn Patrick McCloskey. The sergeant, returning home to his final resting place, died while serving in the U.S. Army in Afghanistan.

Sergeant McCloskey, 33, suffered fatal injuries after he was hit by a roadside bomb Sept.

15 while on patrol in Ghur Ghuri. SFC Bradley Bohle of Maryland and SSG Joshua Mills of Texas also died in the attack.

Before joining the service, Sergeant McCloskey worked for a construction company in Fayette County. Like many of his fellow soldiers, he was a regular American, going to work every day and providing for his family when he decided to join the military in 2002. At a time of great anguish for our Nation, he heard the call to duty and he answered it.

After Special Forces training, Sergeant McCloskey became a Green Beret and performed intelligence work in Colombia. When he died, he was serving his third tour in the Global War on Terror. His meritorious service won him many medals and awards, including the Bronze Star, Purple Heart and the National Defense Service Medal.

Our Nation mourns the loss of each soldier sacrificed on the battlefield. But there is no tribute we can give that eases the pain of the Gold Star families. Sergeant McCloskey is survived by his wife Jessica and two children, Katie and Collin, and also his parents Patrick and Kathryn McCloskey of Fayetteville.

Today, we remember and grieve this great American hero, SFC Shawn McCloskey. He died so that we, his fellow Americans, could continue to live in freedom.

We thank the McCloskey family for their gift to us. May God bless them during their hour of greatest need.

#### TRIBUTE TO THE MARLBOROUGH REGIONAL CHAMBER OF COMMERCE (MRCC)

### HON. JAMES P MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. MCGOVERN. Madam Speaker, I rise today to pay tribute to the Marlborough Regional Chamber of Commerce, MRCC, for their devotion to their community for 85 years. The MRCC is a not-for-profit organization that provides resources for businesses to help them develop and grow. Their continuing efforts have helped make Marlborough a better place to live, work and raise a family.

The MRCC has continued to reach their goal of creating a better community with their strong leadership and dedication to the town. Throughout the years, the MRCC has presented gifts for the town, awarded scholarships for graduating high school seniors, and participated vigorously in public discussions about improvements to the city. Their successful events, such as the Heritage Festival and The Annual Steak and Lobster Cookout, have brought the community together. They bring great pride and joy to the town and get people involved.

The Marlborough Regional Chamber of Commerce will celebrate its founding at an event being held September 25, 2009. The theme of the event is based on Marlborough's history in the shoe industry. Throughout the night, videos, vintage pictures and newspapers will be on display. Also during the event, several local businesses will be acknowledged for their support since the 1920s.

Madam Speaker, I ask all of my colleagues to join me in congratulating the Marlborough Regional Chamber of Commerce for 85 years of service, and to wish them continued success.

#### A PROCLAMATION HONORING AUBREY BURNWORTH FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SPACE. Madam Speaker,

Whereas, Aubrey Burnworth showed hard work and dedication to the sport of softball; and

Whereas, Aubrey Burnworth was a supportive team player; and

Whereas, Aubrey Burnworth always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Aubrey Burnworth on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

#### PERSONAL EXPLANATION

### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA.

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Wednesday, September 23, 2009.

Had I been present, I would have voted "No" on rollcall vote No. 723, on agreeing to H. Res. 723; "Aye" on rollcall vote No. 724, on motion to suspend the rules and agree to H. Res. 765; "No" on rollcall vote No. 725, on motion to suspend the rules and agree to H.R. 2215; "Aye" on rollcall vote No. 726, on motion to suspend the rules and agree to H.R. 3614; "Aye" on rollcall vote No. 727, on motion to recommit with instructions H.R. 324; "No" on rollcall vote No. 728, on passage of H.R. 324; "Aye" on rollcall vote No. 729, on passage of H. Res. 696; "Aye" on rollcall vote No. 730, on motion to adjourn "No" on rollcall vote No. 731, on motion to suspend the rules and agree to H.R. 3617; "Aye" on rollcall vote No. 732, motion to adjourn; "No" on rollcall vote No. 733, on ordering the previous question; "Yes" on rollcall vote No. 734, on motion to Instruct Conferees for H.R. 2918.

SERVICES FOR ENDING LONG-TERM HOMELESSNESS ACT OF 2009

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Services for Ending Long-Term Homelessness Act of 2009. The reality is that more than a half million Americans do not have a place to call home each night, and half of them are without shelter. This bill will alleviate the wide-spread problem of chronic homelessness across the country.

According to the Department of Children and Families' most recent report, there are 85,907 persons homeless on any given day. At least 2 million people find themselves homeless at some point each year in our country. There isn't nearly enough shelter for these individuals. In 2007, my home state of Florida alone had 48,000 homeless people, with 14,900 of them families and 7,691 of them chronic cases.

Recently, I heard the story of a 25-year-old mother of three in my district, who was running out of options—staying at a hotel in Palm Beach County after fleeing domestic violence in Miami. As she was running out of money, this brave young woman and her young children soon would be homeless. But, they were one of the lucky ones. She was referred to The Lord's Place residence for homeless families, where she now lives with her children. As a leader in my district for chronic homelessness solutions, the Lord's Place is a perfect example of the types of establishments that would benefit immensely from this legislation. In this survivor's words: "I am here. I am working. I am breathing. And I am grateful."

Throughout our country, over 100,000 people have nowhere to call home for years on end. These are the long-term homeless, who all too often also confront mental illness, substance addiction, life-threatening illness or other serious health problems. The good news is: this bill presents us with an opportunity to put an end to this national crisis that hits home for all of us.

In 2003, the President's New Freedom Commission on Mental Health recommended the development and implementation of a comprehensive plan designed to create 150,000 units of permanent supportive housing for consumers and families who are chronically homeless. Affordable housing alone can't meet the needs for many people with severe mental illness. This bill will establish funding for supportive housing, affordable housing linked to accessible mental health, substance addiction, unemployment, and other support services as necessary. Permanent supportive housing is cost-effective, and is the soundest available investment of public and private resources to end long-term homelessness.

Current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development, were not designed to be closely coordinated with housing resources, nor were they designed to meet

the multiple needs of people who are chronically homeless. This bill will establish a comprehensive grant program to provide supportive housing for chronically homeless individuals and families that they so badly need. Support services will include mental health services, substance use disorder treatment, referrals for medical and dental care, health education, and services designed to help individuals make progress toward self-sufficiency and recovery. Permanent supportive housing can help the chronically homeless stay off the streets, out of hospitals and jails, and ultimately help them achieve the stability they need to lead healthy lives as productive members of their communities.

Madam Speaker, it is time we take a stand to put an end to long-term homelessness in America. I urge my colleagues to support this bill and to support a proven and cost-effective solution to ending chronic homelessness.

A PROCLAMATION HONORING ANNE DREHER FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SPACE. Madam Speaker,

Whereas, Anne Dreher showed hard work and dedication to the sport of softball; and

Whereas, Anne Dreher was a supportive team player; and

Whereas, Anne Dreher always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Anne Dreher on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

HONORING WILLIAM MCDANIEL

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William McDaniel. William is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1040, and earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many scout activities. Over the many years William has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, William has earned the Ad Altare Dei emblem, recognizing his development and growth into a fully Christian way of life in the faith community. William has also contributed to his community through his Eagle Scout project. Wil-

liam built a delivery ramp for the Grace United Church soup kitchen, allowing them greater ease in their deliveries and increasing their effectiveness in providing for their community.

Madam Speaker, I proudly ask you to join me in commending William McDaniel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE MEMORY OF JUDGE JAMES E. MIES

**HON. THADDEUS G. McCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. McCOTTER. Madam Speaker, today I rise to honor the extraordinary life of Judge James E. Mies, a retired Wayne Circuit Court judge, who passed away Monday at the age of 81.

For almost 25 years, Judge Mies pursued truth and impartiality behind the bench and was well-regarded both as a lawyer and a judge. Judge Mies was a 1951 graduate of the University of Detroit law school and served in the Livonia law firm of Brashear and Brashear. In 1969, he was elected a district judge in Livonia. In 1981, Governor William Milliken named Judge Mies to the Wayne Circuit Court, where he served until his retirement in 1993.

Judge Mies was perhaps best known for his handling of Wayne County's numerous asbestos lawsuits. Colleagues remembered him as, first and foremost, a decent man whose rulings were meticulously thought out. Outside the courtroom, Judge Mies was active in the Optimists, the Michigan Cancer Foundation and other civic organizations and in 1993, the Livonia City Council named a park in his honor.

On September 21, 2009, Judge Mies passed away after a lengthy illness. A beloved husband and father, he is survived by his wife of 59 years, Mary Patricia, his sons Edward, James, Gerald and Michael, his daughters Jean and Catherine (Diamond), as well as thirteen grandchildren and two great-grandchildren. He is predeceased by his son Thomas. The citizens of Wayne County were privileged to have been served by this erudite judge for a quarter of a century.

Madam Speaker, Judge Mies is remembered as a philanthropist, mentor, and friend. As we bid him farewell, I ask my colleagues to join me in mourning his passing and honoring the contributions he made to society.

A PROCLAMATION HONORING BUD WEISGARBER FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SPACE. Madam Speaker, Whereas, Bud Weisgarber showed hard work and dedication to the sport of softball; and

Whereas, Bud Weisgarber was a supportive coach; and

Whereas, Bud Weisgarber always displayed sportsmanship on and off of the field; now, therefore, be it

*Resolved*, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Bud Weisgarber on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 softball season.

INTRODUCING A RESOLUTION EXPRESSING APPRECIATION TO BERMUDA FOR ACCEPTING FOUR DETAINEES RELEASED FROM GUANTANAMO BAY, CUBA

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce a resolution expressing appreciation to the nation of Bermuda for accepting four detainees from Guantanamo Bay, Cuba. These four men—Chinese Uighurs—had been cleared by the federal government for release but were unable to be sent to their home country of China, for fear for their safety and in compliance with international human rights law.

The United States has been working with other countries to effect a safe and efficient process for resettling detainees cleared of wrongdoing and scheduled for release. This is a complicated and difficult process but has resulted in approximately 15 resettled detainees since President Obama took office. Four of those went to Bermuda. Dozens more have been cleared for release but have not yet been transferred to a third-party nation.

In a May 2009, visit to the White House, Premier Ewart Brown of Bermuda generously offered to assist the United States in relocating released detainees from the detention facility at Guantanamo. One month later the four Uighurs were transported to Bermuda, where they currently receive government assistance to integrate into the surrounding community, including work at a local golf course.

Madam Speaker, I appreciate Bermuda—our friend and ally—assisting us in the effort to resolve the complex problem of resettling detainees cleared for release. The fact of the matter is that the Bush administration's reckless approach to establishing an extrajudicial system at Guantanamo has left us grappling with how to humanely and effectively resettle detainees who pose no threat to our national security. To that end we owe the people of Bermuda sincere thanks for taking on the responsibility of ensuring the rights and well-being of these four released detainees, who have been cleared of any wrongdoing. Bermuda and the United States have set a positive example for the safe, efficient, and humane process of releasing former detainees.

CONGRATULATING WILLIAM ANZALONE, ESQ., RECIPIENT OF THE 2009 PERSON OF THE YEAR AWARD FROM THE ITALIAN AMERICAN ASSOCIATION OF LUZERNE COUNTY

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. William Anzalone, Esq., on the occasion of his selection by the Italian American Association of Luzerne County, Pennsylvania, to receive its prestigious 2009 "Person of the Year" award.

Mr. Anzalone is a 1969 graduate of Wyoming Area High School. He received his undergraduate degree from Temple University where he also distinguished himself as a member of the university football team. He earned his law degree from Dickinson School of Law. In 1998, he was inducted into the Wyoming Area "Ring of Pride" and, in 2005, he was inducted into the Luzerne County Sports Hall of Fame.

Mr. Anzalone owns Anzalone Law Offices in Wilkes-Barre, Scranton and Stroudsburg, Pennsylvania. He is associated in practice with his son, Attorney Jamie Joseph Anzalone; his daughter, Attorney Alana Marie Anzalone and Attorney Eric William Wassel.

Attorney Anzalone is the former president and founder of the Northeastern Pennsylvania Trial Lawyers Association, an association that encompasses 12 counties of northeastern Pennsylvania. He also served a two-year term as the president of the Luzerne County Bar Association. He was also the founder and first president of the Luzerne County Bar Association's charitable foundation. He currently serves on the board of governors for the statewide Pennsylvania Trial Lawyers Association.

Attorney Anzalone is a mediator for the United States District Court for the Middle District of Pennsylvania and is a certified trial master in Luzerne County. He frequently lectures throughout the Commonwealth on trial-related matters.

Attorney Anzalone was recognized as a pre-eminent lawyer by the Martindale Hubble Bar Register and was recognized as a Pennsylvania Super Lawyer since its inception in 2004. He was also recognized in 2007 and 2009 as being among the top 100 Super Lawyers in Pennsylvania.

Attorney Anzalone is a past president of the Wilkes-Barre Chapter of UNICO. He chaired their annual Allstate Football games many times and currently serves on the board of directors of the Luzerne County Catholic Social Services, FM Kirby Center for the Performing Arts, Wilkes-Barre Chapter of UNICO and the Luzerne County Bar Association's Charitable Foundation. He previously served on the board of directors for the St. Vincent DePaul Soup Kitchen, Lackawanna County Junior College, Wilkes-Barre Chamber of Commerce and Wilkes-Barre Leadership. He is a 2006 recipient of the Greater Pittston Friendly Sons of St. Patrick Swingle Award.

Married to the former Tina Medico, the couple has three children: Attorney Jamie Joseph Anzalone, Attorney Alana Marie Anzalone and Dr. William F. Anzalone, director of forensic psychology of Luzerne County.

HONORING GENE TUNNEY

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague, Representative LYNN WOOLSEY, to honor the life of Gene Tunney who served as Sonoma County District Attorney for 20 years. Mr. Tunney passed away August 9, 2009, with his family at his side.

Born in New York City in 1931, Mr. Tunney was the son of the famous heavyweight boxing champion James Joseph "Gene" Tunney and brother of California Congressman and Senator John Tunney. After serving in the Army, he moved to the Bay Area where he enrolled in law school in San Francisco. In 1971, he began his first job in Sonoma County as a Deputy Public Defender. A few years later he ran for District Attorney, narrowly winning the race. He served in that office for five more terms, from 1974 to 1994.

Mr. Tunney is credited with modernizing and professionalizing the District Attorney's office, guiding its transition in an era of increasingly urban types of crime. He placed restrictions on plea bargains and reviewed all felony cases while becoming an advocate for victims of crime. He was highly regarded for his sense of justice and for bringing changes to offices around the state after co-founding the California District Attorney's Association.

Married 49 years ago, Mr. Tunney enjoyed spending time with his wife Ann and their family. After retirement, the couple lived in Hawaii for a decade where they pursued their mutual hobby, flying small planes, as well as traveling, swimming, and reading. They later moved to Tiburon in Marin County, California.

Mr. Tunney is survived by his children Alexandra Kelly, Megan Tunney, Erin MacLeon, and Gene Tunney as well as seven grandchildren and brothers John and Jay.

Madam Speaker, we are proud to honor Gene Tunney's contributions to our community and know that, with many of his Deputy District Attorneys serving on the bench, his legacy of high standards and fairness to victims will continue in Sonoma County.

A PROCLAMATION HONORING MELISSA SIBLEY FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. SPACE. Madam Speaker, Whereas, Melissa Sibley showed hard work and dedication to the sport of softball; and



Whereas, Melissa Sibley was a supportive team player; and

Whereas, Melissa Sibley always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Melissa Sibley on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

**A TRIBUTE TO CLÍNICA MSR.  
OSCAR A. ROMERO ON THE OC-  
CASION OF THE ORGANIZATION'S  
25TH ANNIVERSARY**

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Clínica Msr. Oscar A. Romero, a non-profit organization based in Los Angeles County that provides quality and affordable health care, health education, and advocacy to the uninsured and underserved communities of Greater Los Angeles.

Named after Archbishop Romero of El Salvador, the organization was founded in 1983 by a coalition of Salvadoran civil war refugees and local volunteer health professionals who wanted to address the unmet health care needs of thousands of Central American refugees arriving in Los Angeles in the early 1980s.

During its 25 years of service, Clínica Romero has grown from a very small operation to a \$9.2 million Federal 330 Community Health Center, with two clinics in Pico-Union/Westlake and a third clinic in Boyle Heights.

In the past year alone, Clínica Romero has reached notable milestones.

The organization completed its \$6 million Capital Campaign, which was essential to the purchase and renovation of its main clinic at 123 South Alvarado Street in Pico-Union/Westlake. When the work concludes, Clínica Romero will be based out of its first permanent medical home in its history.

Equally significant, on June 15, Clínica Romero opened a new Children's Clinic located just two blocks from its main site. Renovated with the assistance of a \$1.2 million grant from the St. Vincent Medical Center on behalf of the Daughters of Charity, this "Clínica Infantil" is dedicated to serving the health care needs of children 11 years and younger.

As a way of including the entire community in the celebration of its 25th anniversary, Clínica Romero will hold its 1st Annual Health Walk on October 3—a fun-filled and innovative way to promote the health and well being of the families it serves.

Clínica Romero's 1st Annual Health Walk (Camine, Sonría y Vive con Clínica Romero) is expected to include 2,000 participants who will meet at its 123 South Alvarado Street clinic. They will then walk three kilometers through the local community to the new Vista Hermosa Natural Park, where they will be invited to

enjoy a picnic lunch, live entertainment and a community health fair.

Madam Speaker, during my years in Congress, I have had the privilege of working closely with the community health centers in my district and have seen firsthand the important role that clinics such as Clínica Romero play in improving the health of our communities, especially among Latinos. I especially enjoyed partnering with Clínica Romero in securing federal funds to bolster its successful diabetes care program and I pledge to continue to fight for increased federal funding for all of our community health clinics through comprehensive health care reform.

In recognition of Clínica Romero's ongoing and tireless role as a health provider and educator in the 34th District, I ask my colleagues to join me in recognizing its 25th anniversary. I also commend Clínica Romero's Board Chair, Carlos Vaquerano, its Executive Director, Albert Pacheco, and all of the many dedicated people who make Clínica Romero the health care safety net that it is today, especially for the most hard to reach and at-risk patients. Clínica Romero provides resources that enable our community members to stay healthy and strong, and I wish everyone involved with this fine organization many more years of continued success.

**HONORING KRCB'S 25TH  
ANNIVERSARY**

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Ms. WOOLSEY. Madam Speaker, I rise with my colleague Representative MIKE THOMPSON, to honor a local public broadcaster, KRCB in Sonoma County, California. KRCB is celebrating 25 years of service to our local communities.

Nancy Dobbs, President and CEO, has been the guiding force behind KRCB from the beginning. She notes that it is a rare opportunity to build such a public institution. "When we started in January, 1981," she says, "we had to argue for the license before the FCC, find land on which to build our offices and studios, raise money for a station that did not yet exist, and convince the community about the importance of our own public broadcasting service."

Fortunately for all of us, the effort was successful. Today, we cannot imagine life in Sonoma County without KRCB, which provides PBS television, NPR radio, and local programming. It is the only PBS service available to more than a quarter million residents.

Working with nonprofits, businesses, and government agencies, KRCB has led community dialogs on health care, the environment, and disability awareness, to name just a few. The station has been awarded three Emmys for its national environmental series "Natural Heroes", has been honored by the California Teachers' Association for its North Bay Report, and has received honors for local election coverage, provided consistently for the past 17 years. KRCB also provides air time to celebrate local cultural events, such as the full

season of the acclaimed Santa Rosa Symphony, which are available in no other venue.

According to Dobbs, "It was clear from the beginning that KRCB's mission was to utilize the public airwaves of which we are stewards to strengthen the communities we serve. Public broadcasting is a critically important tool with which to stimulate community dialog and engagement, central elements of a healthy democracy."

Madam Speaker, we congratulate KRCB Television and Radio on its 25 years of service. It is indeed a treasure of Northern California.

**IN MEMORY OF IRVING KRISTOL**

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize the life and work of Irving Kristol who died on September 18, 2009. An icon of the conservative movement, Kristol brought his intellect and enthusiasm to the many debates that spanned the nearly nine decades of his life. The Kristol Family has made a difference for America.

Stephen Miller of the Wall Street Journal penned the following tribute to Mr. Kristol on September 19, 2009.

NEOCONSERVATIVE PIONEER PAVED WAY FOR  
REAGAN

(By Stephen Miller)

Irving Kristol, who died Friday at 89, was an editor, political essayist and provocateur universally known as the "Godfather of Neoconservatism."

In a six-decade career, Mr. Kristol's politics evolved ever-rightward, most markedly in reaction to the Great Society programs of the 1960s. As his opposition to what he saw as excesses of the welfare state crystallized, he helped provide the intellectual underpinnings of the Republican resurgence that began with the 1980 election of President Ronald Reagan.

Neoconservatism became a Washington byword for supply-side economics, defense-budget increases and entitlement cuts. The neoconservative framework came to the fore again under President George W. Bush, who awarded Mr. Kristol the Presidential Medal of Freedom in 2002.

"America has lost one of its finest thinkers and greatest patriots," House Minority Leader John Boehner (R., Ohio) said in a statement Friday. "Irving Kristol added intellectual rigor and heft to the conservative movement by redefining how we apply the values and principles our nation was founded on to the challenges of the modern era."

Mr. Kristol was appointed an editor of Commentary magazine in his 20s. But it was in his own tart essays and as an editor of literary-political journals that he helped found, including Encounter in Britain and the Public Interest in the U.S., that he fostered his reputation as a public intellectual.

Later, he was a professor at New York University, an executive vice president at Basic Books and a longtime contributor to The Wall Street Journal's editorial page.

Mr. Kristol at first resisted the label "neoconservative," but later accepted it. As much an avatar as a progenitor of

neoconservatism, Mr. Kristol once described the credo as that of "a liberal who has been mugged by reality."

Mr. Kristol grew up in Brooklyn, N.Y. His father was in the garment trade and Mr. Kristol, like many of his bright contemporaries, attended City College of New York, then a hotbed of student radicalism.

He was a self-described student "Trotskyist," but soon after graduation rejected that label. Of his youthful leanings Mr. Kristol later wrote, "It was a useful inoculation that rendered me not only immune, but positively indifferent to the ideological chatter around me."

Any remaining faith in the masses was obliterated by his experience serving in the Army during World War II alongside "thugs or near-thugs."

"Again and again, and to my surprise, I found reasons to think better of the Army and less well of my fellow enlisted men," he wrote in 1993. "The Army may have radicalized Norman Mailer; it successfully de-radicalized me. It caused me to cease being a socialist."

Energized by the writings of Lionel Trilling and Reinhold Niebuhr—self-described liberals both, but thinkers critical of the human capacity for perfection—Mr. Kristol became managing editor of *Commentary* in 1947.

In 1952, he left *Commentary* and traveled to England to found *Encounter* with the British poet Stephen Spender, as a counterblast to left-wing intellectual publications.

He returned to the U.S., and in 1965 founded the *Public Interest*, a quarterly journal he edited with Daniel Bell, a sociologist and friend from his City College days. The journal was hardly a bastion of right-wing thought, and Mr. Kristol identified himself more as a moderate than as a conservative.

In his 1972 book "On the Democratic Idea in America," he wrote, "I regard the exaggerated hopes we attach to politics as the curse of our age, just as I regard moderation as one of our vanishing virtues."

Later, though, his positions hardened. By 1993, he wrote, "What is wrong with liberalism is liberalism—a metaphysics and a mythology that is woefully blind to human and political reality."

Paul Wolfowitz, former deputy defense secretary, said Mr. Kristol infused policy de-

bates with a practical, "more fact-based" approach and showed thinkers that "it's not enough just to have a sense of what's right and what's wrong, you also have to have a sense of how the world works."

Nathan Glazer, another of the founders of the *Public Interest*, said Mr. Kristol had "a wonderful way of formulating things" and that his Trotskyist years had helped shape his work. "I think his conservatism is clearly inflected by where he came from and how he came to it," Mr. Glazer said.

Mr. Kristol is survived by his wife, Gertrude Himmelfarb, a noted historian often identified with the neoconservative movement, and his son, William Kristol, a former chief of staff for Vice President Dan Quayle and editor of the journal the *Weekly Standard*.

---

HONORING NANCY CARRINGTON  
ON HER 25TH ANNIVERSARY  
WITH THE CONNECTICUT FOOD  
BANK

---

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Ms. DELAURO. Madam Speaker, it gives me great pleasure to rise today to join the many friends, colleagues and community members who have gathered in congratulating Nancy L. Carrington on her 25th anniversary as Executive Director of the Connecticut Food Bank. This is a remarkable milestone for an outstanding and dedicated woman—one whom I am proud to call my friend.

Nancy came to the Connecticut Food Bank just two years after it was incorporated. She began her work with the organization as a food solicitor—responsible for seeking the donation of excess and unsalable products from local and regional food companies. When Nancy first came to the Food Bank, the organization was already distributing 1.3 million pounds of food a year to 188 community agencies throughout Connecticut. Just five years after she first started with the Food

Bank, Nancy became its Executive Director. Twenty-five years later, Nancy can be credited with seeing the organization through its expansion to the largest centralized source of donated, emergency food in Connecticut—distributing enough food to 650 food assistance programs to feed about 250,000 men, women, and children every year.

Nancy is not only responsible for the day-to-day operations at the Food Bank, but is also one of Connecticut's strongest voices on behalf of the hungry in our state. Nancy has said that "food should not be a privilege . . . it should be a basic human right." The fact is that our nation produces enough food to feed everyone—yet families still go hungry. And today, as the economic challenges our families are facing increase, demand in Connecticut is up twenty percent. Nancy has made it her personal mission to overcome the challenge of feeding the hungry—her work touching the lives of thousands over the years. There is no stronger or more dedicated advocate. While she hopes for the day when organizations like the Food Bank are no longer needed, we are certainly fortunate to have her at the helm and can find comfort in the knowledge that someone with her passion and commitment continues to serve our community.

I would be remiss if I did not take a moment to thank Nancy for her many years of friendship. She has been an invaluable resource to both myself and my staff. I am grateful for her insights and constant commitment to ending hunger in our state and our nation. And so I stand today to express my deepest thanks and appreciation to Nancy L. Carrington, for all of her good work and many years of dedicated service to the Connecticut Food Bank. It has been her leadership that has made this organization such a success and, more importantly, it has been because of her compassion and advocacy that the Food Bank has been able to make such a difference so many lives. Nancy—my heartfelt congratulations to you as you celebrate your 25th anniversary and my very best wishes for continued success.

## HOUSE OF REPRESENTATIVES—Friday, September 25, 2009

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. BALDWIN).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 25, 2009.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Let us rejoice in the Lord.

In His beauty, we trace our creation. In His compassion and mercy, we claim our salvation.

In profound humility, we offer our works of justice and our public service on behalf of others, and so we find fulfillment.

To the Lord, we commend this Nation, its people, its resources and its leadership.

May all give You, Lord God, glory, praise, honor, and thanksgiving, today and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### NORMALIZING THE RELATIONSHIP BETWEEN THE REPUBLICS OF ARMENIA AND TURKEY

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Madam Speaker, I rise today to call attention to recent encouraging developments concerning discussions between the Republic of Turkey and the Republic of Armenia.

On August 31, 2009, Turkey and Armenia, along with Switzerland, which acted as broker for the talks, announced two protocols and a timetable for normalizing relationships between Armenia and Turkey. These protocols have been initiated by both foreign ministries.

While many have seen the longstanding disputes between Turkey and Armenia as intractable, the recent announcement gives hope that these two countries have taken the first tangible steps on the road to rapprochement. The Protocol for the Establishment of Diplomatic Relations between the Republic of Armenia and the Republic of Turkey reinforces the willingness of these two governments to open their shared border and to advance bilateral relations, including trade and economic cooperation.

Although this process still faces a number of hurdles, including ratification by the two countries' respective parliaments, I am encouraged by and applaud the initial important steps Turkey and Armenia have taken to strengthen their relations by beginning an open dialogue on some of the major issues that divide them. I commend Switzerland for its important role.

My four little boys—Penn, Aubrey, Wyatt, and Sullivan—and all of the children of the world, whether Turkish, Armenian or American, benefit when diplomacy succeeds.

### BIG GOVERNMENT IS NOT THE SOLUTION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, American families are concerned that the failed solutions they see coming out of Washington all have the same themes: more government, more taxes, more borrowing, and more spending.

At a time when our government is heavily in debt and when our economy is losing jobs, more spending and more

taxes are not strategies that will produce jobs or that will protect the value of our currency.

With health insurance reform, we need solutions that are built on strengthening individual choice and on protecting the doctor-patient relationship. We need to expand competition in the health insurance market by letting individuals shop for plans across State lines. Rather than a plan that empowers the government, we can empower individuals and small businesses to band together to secure affordable health care.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. God bless Benjamin Netanyahu as a leader of the free world.

### HONORING THE LIFE AND SERVICE OF SERGEANT FIRST CLASS SHAWN PATRICK MCCLOSKEY

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to a fallen American patriot.

Thousands of my constituents lined the streets of Peachtree City, Georgia, this week, waving American flags to honor the late Sergeant First Class Shawn Patrick McCloskey. The sergeant, returning home to his final resting place, died while serving in the U.S. Army in Afghanistan.

Before joining the service, Sergeant McCloskey worked for a construction company in Fayette County. Like many of his fellow soldiers, he was a regular American, going to work every day and providing for his family, when he decided to join the military in 2002. At a great time of anguish for our Nation, he heard the call to duty and answered it.

Sergeant McCloskey became a Green Beret in 2004, and his valor won him many medals and awards, including the Bronze Star, the Purple Heart and the National Defense Service Medal.

Our Nation mourns the loss of each soldier sacrificed on the battlefield. Today, we remember and grieve this great American hero, Sergeant First Class Shawn McCloskey. He died so that we and his fellow Americans could continue to live in freedom.

We thank the McCloskey family for their gift to us. May God bless them during this hour of grief.

### SCRAPPING NATIONAL MISSILE DEFENSE

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, the United States has an operating national missile defense to protect our west coast. Why would we leave our east coast undefended?

In an ABC story today, it reads, "The Obama administration believes Iran has now lied to inspectors three times. In addition to today's news there were revelations in 2002 about a different clandestine plant, and news discovered in 2007 that Iran had been working to design a nuclear warhead."

Our response should be: Don't trust, but defend.

If the Obama administration believes that Iran has lied to the United States on nuclear weapons, why would we drop our defenses on the east coast?

Our national government is constituted to protect our citizens. By scrapping national missile defense for our east coast, we fail in our job.

### PAYING TRIBUTE TO STAFF SERGEANT SHANNON M. SMITH

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Madam Speaker, I rise today to honor the life of a brave young soldier, one of American's fallen heroes, Staff Sergeant Shannon Smith of Ohio.

Shannon was a native of Marion, Ohio, and graduated from Marion Harding High School, where he was an accomplished wrestler, winning his weight class in the Ohio Heartland Conference for 3 straight years.

He joined the service in September 1997, serving stateside as well as in Afghanistan, Iraq and Bosnia, before joining the 545th Military Police Company, Arctic Military Police Battalion, based at Fort Richardson, Alaska.

Shannon died on September 8, 2009, in Iraq while serving his country in support of Operation Iraqi Freedom. Aged 31, he is survived by a loving family, including his wife, Cassie, and his parents, James and Deborah.

In the reading of Shannon's life and in speaking with his family members, it was clear that he had a positive impact on the lives of everyone around him. He had the tenacity of a wrestler and a remarkable sense of humor. He was a leader, a family man and a champion in every sense of the word. He was one of the brave few who stood up and volunteered to serve his country.

He fought to protect us. He gave his life in defense of his family, his community, his State, and his Nation. For this, every American owes him and his family a great debt of gratitude.

Shannon will be missed each and every day, but the strength of his char-

acter and the courage he demonstrated through his service will live on.

### NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, this day, we honor the memory of those whose lives are suddenly violently taken by homicide. Everything a person was or ever will be—stolen by the assassin's hands.

Most of us will never lose a loved one to a violent crime. Most of us never even think about murder. Victims don't wake up in the morning knowing they'll be murdered that day, and for their families, it's the most painful and traumatic thing they can ever imagine. Suddenly, their loved one is gone. What takes their place are images of that violent death and of things left unsaid.

Then comes the police investigation—learning more than any layman wants to know about murder—then the trial if the police capture someone, then crime scene photographs; sitting in the courtroom day by day with the one who stole their loved one's life; the uncertainty, the strain, the verdict. It's not just the one killed who is the victim of murder.

Today, we honor the families who live through the horror of homicide. Families never get over the murder of a loved one. They think about it every day—forever.

And that's just the way it is.

### ECONOMY

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Madam Speaker, I stand today to point to upstate New York's leadership and significant accomplishments in partnering education and 21st-century job creation.

This week, the hard work of the capital region's higher education institutions and businesses were highlighted when President Barack Obama lauded Hudson Valley Community College's great work in preparing young professionals and training leaders for the 21st-century economy.

The President spoke about the vital importance of education and about the role community colleges will play in reviving our economy and in preparing a workforce for the future.

I have spent my entire career working to create jobs and high-tech businesses across upstate New York. One of the keys to preparing our economy for success is having a well-educated workforce.

This week, we heard the President lay out three building blocks for innovation: Education, infrastructure and

research. This is exactly what we have been working on and developing in upstate New York, and it is what has made our region a leader in the innovation economy.

As our economy becomes more knowledge-based, the continued leadership of our colleges and universities will be ever more important. Twenty-first century jobs will require increasingly knowledgeable workers in the innovative programs, and our Nation's fine higher education institutions are a key to them.

### HEALTH CARE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, I was watching the Senate Finance Committee yesterday, and I was pleased to see that they were moving along in adopting health care reform and in moving it out of committee. It couldn't be too soon.

The bottom line is that we've heard more reports about how more and more people have no insurance in this country and that insurance is increasingly becoming unaffordable. I know that the Democrats in both the House and the Senate and, hopefully, some Republicans, are moving forward with health care reform. We are trying to get it done by the end of this year, and it really is important.

People need to have affordable insurance. They need to have choices. I think we need a strong public option as well because that will create competition with private insurance. It will bring down costs, and it will allow more people to find affordable insurance.

The problem is not getting any better. It's getting worse every day, and health insurance reform needs to be done here in the House, in the Senate, and it needs to be sent to the President as quickly as possible so we can deal with this major problem that we face in this country. I would like to see it done in a bipartisan way.

### PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 772 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 772

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes. All points of order against consideration of

the conference report are waived. The conference report shall be considered as read. All points of order against the conference report are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 0915

Mr. McGOVERN. I yield myself such time as I may consume.

Madam Speaker, this rule provides for consideration of the conference report on H.R. 2918, the Legislative Branch Appropriations Act. I rise in strong support of the rule and of the underlying legislation. The bill before us today includes not only the fy 2010 Legislative Branch appropriations bill but, more importantly, a continuing resolution to keep the government operating for the next 6 weeks.

With a few important exceptions, the continuing resolution provides level funding. In other words, the bill maintains funding levels passed at the 2009 appropriations process levels.

One of those exceptions is in the vital area of veterans health care, which receives an increase in this bill. The VA estimates that it will treat more than 6.1 million patients in 2010, including more than 419,000 veterans of the Iraq and Afghanistan wars. That number represents an increase of 56,000 more patients than in 2009.

To ensure that the VA can provide our veterans the care that they need and that they deserve, the bill increases the funding for VA health by \$3.85 billion. I would encourage all Members on both sides of the aisle who wish to provide this needed increase in veterans health care to support the bill.

To address the right-wing talk radio target of the week, no funds in this bill may be provided to ACORN or any of its affiliates, subsidiaries or allied organizations.

In terms of process, Madam Speaker, none of us on either side of the aisle are happy with continuing resolutions. They have been used for years under Democratic and Republican majorities, but they are clearly not ideal.

Here in the House, we have completed our work of passing all of the appropriations bills, and I want to commend Chairman OBEY and his colleagues on the Appropriations Committee for their efforts and all of their hard work.

Unfortunately, it seems that these days that you need 60 votes in the Senate to agree that the sun came up this morning. The Senate has not yet passed all of its bills, and this continuing resolution is necessary to ensure that vital programs continue to receive funding.

I urge my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, the end of the fiscal year, as we all know, is just a few days away.

Despite this looming deadline, Congress has not completed action on a single appropriations bill. Let me repeat that, Madam Speaker: we have got within 5 days of the end of the fiscal year, and yet not one single appropriations bill has been completed by this Congress.

As a result, the Democratic majority is scrambling to accomplish two things, two things with this underlying bill that we have. The first is to buy more time to get our work done with the continuing resolution, which will keep the government operating for an additional 38 days beyond the September 30 expiration of the fiscal year. The second is to finally take the first step towards passing our appropriations conference reports.

Madam Speaker, which spending bill has the honor of being considered first? Which spending bill? Perhaps it's our Homeland Security appropriations bill, which funds our Border Patrol and other Federal agencies charged with protecting our States, cities, and ports from terrorist attacks. Or, perhaps, Madam Speaker it's the very, very important Defense appropriations spending bill, which would provide the funding for our troops.

In fact, the very first spending bill that the House is moving to send to the President is our Congress' own funding bill. The underlying Legislative Branch appropriations bill makes the Democratic majority's funding priorities very, very clear.

Madam Speaker, I describe this as the "putting Congress first" appropriations process. That's really what it is. We remember back in 1992, putting people first was President Clinton's campaign motto. We have now seen this Congress establish a new directive based on what we are doing on this appropriations bill, and that is we are putting Congress first.

As we look at this priority, it is very clear that the continuing resolution will allow for more time to take care of

everything else. Now, some would say that we, as Republicans, are just belly-aching. I mentioned President Clinton and his campaign back in 1992 of putting people first, and this now the putting Congress first appropriations process.

Well, back in 1996 after President Clinton had been President for almost 4 years, he vetoed the Legislative Branch appropriations bill when a Republican Congress sent it as the second appropriations bill of that season. Madam Speaker, President Clinton said the following in his veto message: "I believe that it would be inappropriate to fully fund regular funding for Congress and its offices while funding for most other activities of government remains incomplete, unresolved and uncertain. I don't think Congress should take care of its own business before it takes care of the people's business."

Those are the words of President Clinton in his 1996 veto message when the second appropriations conference report sent to him was the Legislative Branch appropriations bill measure. He was right to veto that bill and President Obama would be right to do it now, Madam Speaker, following President Clinton's lead.

Unfortunately, even if the President wanted to veto this bill, there is a problem. A veto, as we all know, would shut down the government, something that no one wants. The Democratic majority has made sure that our offices don't have to worry about working within temporary funding; but our veterans, Homeland Security personnel, the fighting men and women will just have to make do.

Madam Speaker, this is just another example of what I am calling the "putting Congress first" appropriations process. Those who follow the work of the Congress know that continuing resolutions are not unusual, and we recognize that on this side of the aisle. The Federal budget is a very serious responsibility, and our work often, under either party, has extended throughout the fall.

What's different throughout this year is not the necessity of a continuing resolution. What's different, Madam Speaker, is the fact that the Democratic majority shut down debate on our appropriations bills, ostensibly for the sake of completing our spending bills on time.

They said that there was a schedule to keep. They said that there was no time for debate and deliberation while the clock was ticking. With regrets to the American people, we just cannot allow for scrutiny and accountability on the spending of taxpayer dollars because September 30 is fast approaching.

Now, as the fiscal year draws to a close, it would appear that the rights of Democrats and Republicans have been trampled on for the sake of a goal that has not come close to being

achieved. Throughout June and July, as debate on bill after bill was shut down, we heard the drum beat of the impending deadline.

On June 10 our friend, whom I am happy to see here on the floor, the distinguished chairman of the Appropriations Committee, announced his "ambitious schedule" saying that his time line would be unworkable as long as we had "procedural cooperation." Of course, we very soon learned that procedural cooperation was a euphemism for closing down the debate.

Now, the distinguished chairwoman of the Committee on Rules, on June 17 on the House floor, said that the Democratic majority was prepared to push forward at all costs to complete the appropriations process on time.

Again, we now know that those costs were the abandonment of what has been the 220-year history of the appropriations process, and that is open to debate and the rejection of amendments to be considered by Democrats and Republicans. On June 19, the distinguished majority leader reiterated this stance saying that the only way to get our work done is if we limit debate time.

Throughout the summer, the Democratic majority did just that. Every single appropriations bill was considered under a restrictive rule. Spending bills have been historically considered, as I said, under a full and open process that allows for all Members, not just committee Chairs or members of the leadership, but all Members of both parties to make their constituencies' voices heard in the Federal spending process. Yet the Democratic majority announced at the outset of this year's process that they were abandoning open debate for the sake of expediency.

Now, Madam Speaker, the Democratic majority did deliver on the issue of closing down debate for the appropriations process. What they haven't delivered on is the timely completion of our constitutional responsibility. They dismantled the open appropriations process, and, for what? So we could pass the "putting Congress first" bill and leaving the rest of our work to be completed at a later date.

We could call this just another broken promise in a never-ending string of broken promises by this Democratic majority; but this is bigger, this is bigger, Madam Speaker, than just broken promises. We have more than a trillion-dollar deficit, and the year isn't over yet. Our national debt has skyrocketed, skyrocketed to nearly unfathomable levels.

The American people are incredibly frustrated about our fiscal state and the crippling debt we have saddled on our future generations. Yet the Democratic majority has shut out accountability of their spending practices for the sake of a deadline that they didn't even try to keep. That's one of the rea-

sons why we are here today, to extend the deadline on appropriations bills that were rammed through the House without the benefit of many thoughtful amendments from both Democrats and Republicans proposed by those who are deeply concerned about runaway spending.

Now, of course, our friends on the other side of the aisle will have great excuses, and they are excuses we have heard regularly from both sides. They will say that the House has done its work; they can't control what happens over in the other body; we can't control what those guys do on the other side of the Capitol. But when the Republicans were in the majority, our colleagues on the other side of the aisle would regularly point out that we had control of both bodies of Congress and the White House. They would say that we were in control, and so we had to shoulder the responsibility.

Madam Speaker, when someone stands up and makes the argument we did our job in the House, but we can't, we can't control what those guys do over on the other side of the Capitol, remember what was regularly said, that when you have supermajority control of the Senate, and now with the appointment of PAUL KIRK, the 60th seat is there in the Senate, when you have control of the White House and a large majority in the House of Representatives, one has to take responsibility.

Now, the situation is such that our friends must take the responsibility. With the impending appointment, as I said, we now have, we now have both Houses of Congress and the White House in complete control of the Democrats. Excuses about blaming the other body for having not done their work really are not acceptable.

Madam Speaker, not one of us, not one of us is interested in a government shutdown. But this bill makes two things very clear, first, that the Democratic majority is more concerned with padding its own budget for this institution than meeting the rest of the country's needs. Second, the concerns and input of the American people were stifled, we see now, for no good reason at all.

I urge my colleagues to reject this rule.

I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

First of all, I don't think we need any lectures by Members of the other side about process. If I recall, when they were in charge here, continuing resolutions were a regular part of the process. If I recall correctly, their last year in power they did a short-term CR. That means they got nothing done and dumped all of their appropriations work on the incoming Democratic Congress, which was a daunting task, to

deal with 2 years of appropriations. They had their chance, and I think that they messed it up.

□ 0930

The fact is that the bill before us, the conference report before us, is the Legislative Branch Appropriations bill, which is an important appropriations bill. All appropriations bills are important. I don't think it does anybody any good to diminish the importance of this.

This is important and it needs to be passed. I fully expect that the other appropriations bills will be conferenced, and we will be dealing with more and more conference reports in the coming weeks.

But, look, what we need to do here, Madam Speaker, is not only pass a conference report for the Legislative Branch Appropriations, but we also need to pass a continuing resolution which includes an increase in veterans' health care.

We have thousands and thousands of young men and women who we have sent to Iraq and who we have sent to Afghanistan. They deserve a first-class health care system when they return. All veterans do. They have served our country with great distinction. They not only deserve the best health care, but they have earned it. There is an increase in this CR for veterans' health.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I'm happy to yield.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, let me say that I completely concur with the gentleman. He's actually making our arguments here about the priority of ensuring that our men and women who have sacrificed and fought on behalf of the cause of freedom do have access to quality health care, that we have the funding for those troops there. That is a very important priority. That's why we should be doing those appropriations bills first.

Mr. MCGOVERN. I reclaim my time.

I thank the gentleman for agreeing with me, and hopefully we will have a unanimous vote on this, because there should be no disagreement on that. Again, in this continuing resolution, I will repeat to my colleagues, there is an increase in funding for veterans' health.

I think we should move forward. Get this conference report done. There will be more conference reports down the road. This is not an easy process. I think I've come to learn that the House of Representatives does not control the United States Senate. I wish we did. We would get a lot more done. But that's not the way our system works.

At this time, Madam Speaker, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I thank the gentleman for yielding me time, Madam Speaker.

The Constitution prohibits Congress from passing a bill of attainder, a bill that, no matter what its form, punishes either a named individual or an easily ascertainable group of people.

Last week, to the great shame of this House, we passed a bill of attainder, a bill stating that no Federal funds shall go to a specifically named organization, ACORN.

Now, in this conference report, we are about to do it again. Why? Because of a desire to punish ACORN. And yet, as ACORN's lawyer wrote to us recently, this is, "to my research, unprecedented in congressional history. Never before has one corporation or entity been the subject of such broad reaching punishment by congressional mandate."

"The punishment here did not follow some criminal or administrative process with basic due process protections. It flowed out of a Fox News network-led call for a public lynching. There was no statement of charges and no reference to a judicial or administrative finding of wrongdoing by ACORN. All that occurred was a Member of Congress making a motion supported with a speech full of negative and largely inaccurate observations about ACORN, followed by a vote."

The fact is ACORN has never been convicted of anything. Lots of charges. So far, no proof in any court or any administrative proceeding. But some charges may be true. And they may or may not—I think not, but that's just a personal opinion—indicate substantial misfeasance. But that's why we have courts and administrative agencies and congressional investigating committees.

It may be that ACORN is guilty of various infractions, and, if so, it ought to be vetted or maybe sanctioned by the appropriate administrative agency or by the judiciary. But Congress must not be in the business of punishing individual organizations or people without trial, and that is what the provision in this conference report does. It prohibits any Federal funds from going to ACORN for any purpose, clearly as a punishment for alleged misdeeds. This is a classic bill of attainder, and as such, it is flatly prohibited by the Constitution.

We must not ignore the Constitution. Whatever one may think of the subject matter or the organization, the Constitution and the ban on bills of attainder are there for the protection of all our liberties. And we ignore the constitutional provisions at our peril.

This bill of attainder should not be in this conference report, and I will, therefore, vote against the conference report.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Let me respond to some of the remarks that have been made so far, Madam Speaker. First, I have to say that, in addressing the issue of ACORN, the gentleman from Worcester said that ACORN was the target of right-wing radio this week. The fact of the matter is there is a Justice Department investigation that, at this moment, is being undertaken to address this issue. So to argue that somehow this is just a product of right-wing radio is silly.

Mr. NADLER of New York. Will the gentleman yield?

Mr. DREIER. Of course. I'm happy to yield.

Mr. NADLER of New York. There is an investigation, and let it proceed and let it come to a conclusion, but there is no conclusion yet.

Mr. DREIER. If I can reclaim my time, let me say that I was simply responding to the gentleman from Worcester, who was saying that somehow the ACORN concerns that have been raised are nothing but developed from right-wing radio, as he described it.

It is true that a number of very, very smart investigative journalists have come forward and brought to the forefront some of the most outrageous abuses of taxpayer dollars, and we have seen these reports carried on television. The gentleman mentioned Fox News. We've heard it reported on the radio.

I believe that it is a great service, as we see hardworking Americans, hardworking Americans trying to make ends meet, and that kind of abuse of their tax dollars is outrageous, as has been reported. That kind of abuse is outrageous.

Mr. NADLER of New York. Will the gentleman yield?

Mr. DREIER. Of course, I'm happy to yield to my friend.

Mr. NADLER of New York. The point is, of course, as I said—and, by the way, it was I who talked about right-wing radio, not the gentleman from Worcester.

Mr. DREIER. If I could reclaim my time, Madam Speaker, the gentleman was not on the floor when Mr. MCGOVERN began his opening statement. The gentleman did, in fact.

So now I will say both my friends from Massachusetts and New York are now saying that right-wing talk radio is somehow responsible for this, when, in fact, it has been some very shrewd investigative journalists. And we have seen talk radio and some of the cable television networks bring us to the forefront. Unfortunately, it's taken quite a while for the so-called mainstream media to begin the kind of coverage of ACORN that we are finally seeing.

Mr. NADLER of New York. Will the gentleman yield?

Mr. DREIER. Of course, I'm happy to yield to my friend.

Mr. NADLER of New York. Thank you.

The point is, of course, I'm not going to debate the merits of the charges against ACORN. Charges have been made. As I said, some of them may be valid. They may be not valid. And if they're valid, they may indicate pervasive corruption; they may indicate minor errors. We don't know. We'll find out.

But the point is the Constitution prohibits Congress from acting on that information by punishing an organization. They should be punished, if indeed they should be punished, by an administrative agency, by cutting off funds, by HUD or whatever.

Mr. DREIER. Madam Speaker, if I could reclaim my time, let me say to my friend that the American people get it. They understand that ACORN is responsible for its own actions. They have seen what has taken place. It has been outrageous behavior. And the notion of somehow standing here and defending that when we are dealing with the funding bills themselves, the appropriations process, is just plain wrong.

Let me also say to my friend from Worcester managing this measure that he responded to my remarks by saying that he didn't want to have lectures given and he was tired of excuses being made. You know, the American people get it, too. The notion of pointing the finger of blame back and forth is not what they want.

Children make excuses and get slapped down by their parents. That has happened to me as a kid. It happens to everybody. And the idea of standing here saying, Well, we were lectured here and excuses are being made, so we somehow can continue to do what it is that we want to do. Well, Madam Speaker, I have to tell you that we didn't do things perfectly, but the fact of the matter is we didn't shut down the appropriations process. We did not shut down the appropriations process, denying Democrats and Republicans the opportunity to participate, as has been the case throughout the history of our country, and I think it's just plain wrong to do that. And the American people get that, too.

So we're not providing any lecturing. We're just saying regular order. The rules of the House should be followed, and they have been ignored consistently.

When one looks at the statements that have been made by many of our colleagues on the other side of the aisle who were critical of us when we were in the majority, it's incredible to see that they have taken and ramped up, ramped up the kind of behavior that they criticized on our part.

In fact, on the fiscal year 2000 measure, the fiscal year 2000 measure, as the Legislative Branch Appropriations bill



was moving through, the ranking member of the Committee on Appropriations, the now chairman of the Committee on Appropriations, Mr. OBEY, said, in talking about the Legislative Branch bill, This bill should not be passed until we know how deep the cuts that are being made contemplated for veterans, for education, for health care, and other areas of major responsibility to our people. Because, in the end, if this bill is one of the first out of the gate and signed into law before the other cuts are made, then the American people are really going to have a right to ask whether we are more concerned with taking care of ourselves than we are with taking care of their own problems.

Those are the words of the chairman of the Appropriations Committee today, who is utilizing the "putting Congress first," the Legislative Branch Appropriations bill, as the first measure for tying the continuing resolution to that. And I think that it's a very, very unfortunate thing.

When we had an exchange up in the Rules Committee, I asked the distinguished Chair, As we look at our priorities—homeland security, veterans, our men and women in uniform who are in Iraq and Afghanistan—and we have now chosen that the priority for passage is the funding for the Congress of the United States, the distinguished Chair's response was, Uh-huh. Right. She said, That's it.

And so here we are, putting Congress first, when the American people believe we should be focusing on our border security, the threat of terrorism, funding for our troops. Those should be the priorities that we have. And the notion of standing here, Madam Speaker, having subverted the opportunity for the American people, Democrats and Republicans alike, to be heard in this appropriations so that we could get everything done by September 30, when we failed to meet that, is just plain wrong.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 30 seconds to the gentleman from New York.

Mr. NADLER of New York. The gentleman from California says the American people get it. They know what terrible things ACORN has done. That's not the point.

We do not punish people by referendum or by unpopularity. Congress should not punish people. That's why the Constitution says we cannot pass a bill of attainder. We have courts. We have due process. We have administrative agencies to punish people or organizations for doing wrong things.

Mr. DREIER: Will the gentleman yield?

Mr. NADLER. Not for the moment.

Once Congress passes a bill of attainder and undertakes to punish an orga-

nization for doing whatever it did, we sacrifice our liberties, we sacrifice our due process protections, and that's why it's not up to us to punish. It's up to the court to punish.

Mr. DREIER. Madam Speaker, would the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Madam Speaker, would the gentleman yield? I yielded repeatedly to the gentleman from New York.

Mr. MCGOVERN. I yield 15 seconds to the gentleman from California.

Mr. DREIER. I thank the gentleman for being so generous with the 15 seconds.

Let me just say that article 1 of the United States Constitution very clearly, with section 9, points to us as being responsible for funding. We have the power of the purse here, and the notion of saying that ACORN somehow has a right to U.S. taxpayer dollars is just plain wrong.

I thank my friend for yielding.

Mr. MCGOVERN. Madam Speaker, so nobody is confused here—and I appreciate the opinion of the gentleman from New York, but so nobody is confused here—the bill before us, there are no funds in this bill that may be provided to ACORN or any of its affiliates, subsidiaries, or allied organizations. None.

□ 0945

We can talk about this all we want, but the facts are the facts, and there's no money in this bill for ACORN.

The gentleman earlier talked about shutdowns of the process. What I recall is when the Republicans were in charge, they shut down the government in 1995. We all know the adverse impacts of that.

For the record, I want to make clear to people that the Legislative Branch appropriation bill does not include Members' salaries. So this notion that we're somehow padding our pockets here is a little bit off the mark. The fact of the matter is, included in the Legislative Branch appropriation bill are moneys to help fund CBO so that it will be easier for Members to obtain PAYGO analyses of their proposals. We're all talking about the need to be more conscious of our debt and our deficit. That's one way to do it.

The other thing is that in this bill is money to protect the people who come and visit the United States Capitol. In this conference report, there are moneys that ensure that the Capitol Complex is as secure and as safe as possible, providing a 7 percent increase in funding for the Capitol Police, covering all mandatory spending and maintaining FY09 force levels. The bottom line here is that the men and women who protect us in the Capitol Police deserve more gratitude than they're getting the way this Legislative Branch appropriation bill is being described.

This is an important bill. All appropriations bills are important. We're going to hopefully pass all of our appropriations bills and not do what my friends on the other side did when they were in power, and that is just pass it off to another year. I think that we should move forward on this.

Again, in the continuing resolution there is an increase in funding for veterans health care. I think that is important. We owe our veterans more, quite frankly, than we are giving them. I hope that all my colleagues will support not only the rule but the final passage of this conference report.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

This has been a fascinating debate, and I know that we want to move to consideration of the measure. I hope that we'll be able to defeat the rule. As I listened to my friend from New York talk about ACORN, to follow the logic that the gentleman has put forward basically is saying that ACORN is an entitlement; ACORN is entitled to these taxpayer dollars. We don't believe that, Madam Speaker. We happen to believe that the outrageous reports that have come forward are very clear and the admissions that have been made by ACORN, and the changes that they are attempting to make now that this kind of behavior has come to light is very important.

So my friend from New York is criticizing the fact that this continuing resolution does not provide funding for ACORN, but only for 30 days. The continuing resolution is 30 days. Basically 30 days following September 30, the end of the fiscal year, funding goes right back up. So I guess his entitlement will be able to be continued.

The notion of somehow saying that the United States House of Representatives, which under Article I, Section 9 of the U.S. Constitution, is empowered with spending the taxpayer dollars, cannot cut off funding for ACORN, and for that reason, we're going to see the gentleman from New York voting against the continuing resolution is, to me, absolutely incomprehensible.

Madam Speaker, I've got to say that we've got a process here which is putting Congress first. My friend has just outlined the priorities. I guess I would inquire of him how often he gets calls from his constituents saying, Are you keeping the Capitol Complex safe so that you can move in and out of your office? That is not what the American people are concerned about. I recognize it's important to keep this great Capitol Complex safe, and I'm not saying that we shouldn't pass the Legislative Branch appropriation bill.

I'll tell you what I do believe. I believe that border security and dealing with the threat of terrorism by funding Homeland Security and I believe that passing the Defense appropriation bill

so that our men and women in uniform have the resources that they need through the appropriations process is more important right now, and the American people get that.

With that, if my colleague is prepared to close, Madam Speaker, I will simply say to my colleagues that this measure does, as I said, put Congress first, and we should not put Congress first, ahead of the priority spending for national security, which is priority number one. We continue to have statements made by our friends on the other side of the aisle, including the veto message from President Clinton in 1996. He vetoed a measure because we were passing the Legislative Branch appropriations bill for saying that there are many other priorities that should be ahead of it.

Madam Speaker, I urge my colleagues to vote against this rule so that we can move ahead in a very, very responsible way.

I yield back the balance of my time.

Mr. TEAGUE. Madam Speaker, I am very disappointed that the leadership of this House has put us in the unfortunate position of voting on legislation that combines the Legislative Branch Appropriations bill and the Continuing Resolution.

First, I am against this Legislative Branch Appropriations bill. I am against Congress increasing its own budget while small businesses around the country tighten their belts. Companies in my district are cutting hours and cutting costs. Workers are losing their jobs. But Congress is paying its staff \$74 million more than last year. We have our priorities backward. I voted against the Legislative Branch Appropriations bill when it came up in the House, and I have no interest in supporting the conference report.

Second, I oppose this corruption of the legislative process. My colleagues and I should have the opportunity to say "no" to more money for our own offices without opposing needed increases for our veterans. This isn't the way to do business.

Third, I regret that the first appropriations priority of this Congress is the legislative branch. While spending bills to support veterans, border security, and our men and women in uniform languish, we are sending a bill to increase our allowances to the President. Our veterans should be first in line, not us.

Because of this failure, the U.S. Department of Veterans Affairs will, for the tenth time in 11 years, get its budget late. Late funding threatens the quality of care at the VA and hinders the VA's ability to recruit well-trained medical professionals, maintain facilities, and acquire new equipment.

During testimony before the Senate Veterans' Affairs Committee on July 27, 2007, former VA medical center directors stated that most VA budget cycles began via a continuing resolution. As a result, decisions were made on the basis of cost rather than on the basis of the highest quality. The expression, "a day late, a dollar short," comes to mind.

By passing advanced appropriations for veterans in this year's budget, we will make sure

the VA isn't playing a waiting game with its budget next year. But that doesn't mean we can fall down on the job of supporting our nation's veterans this year. We should be passing legislation to support our veterans, not this.

Mr. MCGOVERN. Madam Speaker, the gentleman described this debate as fascinating. I would describe it as kind of bizarre. The Legislative Branch bill that President Clinton threatened to veto, if I remember correctly, the gentleman from California voted for. And I will stress again that there is no money in this bill for ACORN, none, or its affiliates or its subsidiaries. Huge majorities in both the House and the Senate are on record as opposing funding ACORN. This notion that somehow when the CR runs out that the money for ACORN is going to go up, I don't get that. There will either be another CR or we will have passed relevant appropriation bills that will continue the prohibition. So that is kind of a nutty debate, and it is not relevant to this bill because this bill bans Federal funding for ACORN.

The other thing that I will say is that all appropriations bills are important, and we are going to get to all of them. But I think it is wrong to diminish the Legislative Branch appropriation bill, and I think it's wrong to kind of brush aside the importance of funding for the Capitol Police. We have had members of the Capitol Police lose their lives in the line of duty, protecting not only us but protecting our constituents who come here. They deserve to be supported, and they deserve to be thanked. This bill does that.

Again, I will remind my colleagues that in the CR there is an increase in funding for veterans health. Now if you don't want to fund the Capitol Police and you don't want to increase funding for veterans health, then vote against the rule and vote against the final passage of the bill. But I think the vast majority of our constituents are saying, This is a no-brainer. Move this forward. Continue your business. Continue to work on the other appropriations bills, and get your work done. And we are going to do that.

Let me finally say again in support of Chairman OBEY and the members of the Appropriations Committee, they did all of their work in this House. Every single one of the appropriation bills has been passed. It is now up to the Senate to pass their bills, and then we will conference them and bring them back here for a final vote.

Mr. Speaker, in a moment I will be offering an amendment to this rule, and I want to briefly explain the amendment. The amendment will provide for adoption of an enrollment resolution that corrects a technical error made by the Senate in the continuing resolution. After the Senate struck a section in the continuing resolution, internal cross-references in the con-

ference report became incorrect. This mistake could block contracting authority for any surface transportation programs, a result that I am certain that no Member of this House, Republican or Democrat, would support. The enrollment resolution corrects the cross-references.

I hope all my colleagues will vote "yes" on the amendment, the rule and the previous question.

AMENDMENT OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Madam Speaker, I have an amendment to the rule at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by MCGOVERN:

At the end of the resolution, add the following:

"SEC. 2. Upon the adoption of the conference report the House shall be considered to have adopted the concurrent resolution (H. Con. Res. 191) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2918."

Mr. MCGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### MOTION TO GO TO CONFERENCE ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. PASTOR of Arizona. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

MOTION TO INSTRUCT

Mr. FRELINGHUYSEN. Mr. Speaker, I have a motion to instruct conferees.

The SPEAKER pro tempore (Mr. HASTINGS of Florida). The Clerk will report the motion.

The Clerk read as follows:

Mr. Frelinghuysen moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3183 be instructed as follows:

(1) To not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 48 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Arizona (Mr. PASTOR) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I voted for the House Energy and Water bill. It was a good bipartisan compromise. It was my pleasure to work closely with the chairman, Mr. PASTOR, as we put it together. I and many of my colleagues are increasingly concerned that we don't have the level of information that we need to make wise decisions on the legislation. Our jobs require that we read and fully understand complex pieces of legislation that we vote on, and that takes time.

It is for this reason that I am making this motion to instruct House conferees not to sign the final conference agreement until the text has been available to the conferees in an electronic, searchable and downloadable form at least 48 hours prior to conferees' approval.

Mr. Speaker, I reserve the balance of my time.

Mr. PASTOR of Arizona. Mr. Speaker, I first of all want to congratulate the ranking member for the work he has done on this bill. I want to thank him for the cooperation he has given and thank him again for his cooperation in working on this conference.

Mr. Speaker, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The motion was agreed to.

A motion to reconsider was laid on the table.

#### APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. VISCLOSKEY, EDWARDS of Texas, PASTOR, BERRY, FATTAH, ISRAEL, RYAN of Ohio, OLVER, DAVIS of Tennessee, SALAZAR, OBEY, FRELING-

HUYSEN, WAMP, SIMPSON, REHBERG, CALVERT, ALEXANDER, and LEWIS of California.

There was no objection.

□ 1000

#### PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2918 LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore (Ms. BALDWIN). The unfinished business is the vote on adoption of House Resolution 772, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution, as amended.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 209, nays 189, not voting 34, as follows:

[Roll No. 738]

YEAS—209

Adler (NJ)	Foster	Meeks (NY)
Altmire	Frank (MA)	Melancon
Andrews	Giffords	Michaud
Arouri	Gonzalez	Miller (NC)
Baldwin	Gordon (TN)	Miller, George
Barrow	Grayson	Mollohan
Becerra	Green, Al	Moore (KS)
Berkley	Green, Gene	Moore (WI)
Berman	Grijalva	Moran (VA)
Berry	Gutierrez	Murphy (CT)
Bishop (GA)	Hall (NY)	Murphy, Patrick
Bishop (NY)	Halvorson	Murtha
Blumenauer	Hare	Napolitano
Bocchieri	Harman	Neal (MA)
Boren	Hastings (FL)	Oberstar
Boswell	Heinrich	Obey
Boucher	Hereth Sandlin	Oliver
Boyd	Himes	Ortiz
Brady (PA)	Hinchev	Pallone
Brady (TX)	Hirono	Pascarell
Braley (IA)	Hodes	Pastor (AZ)
Brown, Corrine	Holden	Perlmutter
Butterfield	Honda	Peters
Capps	Hoyer	Peterson
Carnahan	Inslee	Pingree (ME)
Carney	Johnson (IL)	Polis (CO)
Carson (IN)	Johnson (GA)	Pomeroy
Castor (FL)	Kagen	Price (NC)
Chandler	Kanjorski	Quigley
Childers	Kaptur	Rahall
Chu	Kennedy	Rangel
Cleaver	Kildee	Reyes
Clyburn	Kilpatrick (MI)	Richardson
Cohen	Kilroy	Rodriguez
Connolly (VA)	Kind	Ross
Cooper	Kissell	Rothman (NJ)
Costa	Klein (FL)	Roybal-Allard
Costello	Kosmas	Ruppersberger
Courtney	Larsen (WA)	Rush
Crowley	Larson (CT)	Ryan (OH)
Cuellar	Levin	Salazar
Cummings	Lewis (GA)	Sanchez, Linda
Dahlkemper	Lipinski	T.
Davis (AL)	Lofgren, Zoe	Sanchez, Loretta
Davis (CA)	Lowe	Sarbanes
Davis (IL)	Lujan	Schakowsky
Davis (TN)	Lynch	Schauer
DeFazio	Maffei	Schiff
DeGette	Maloney	Schwartz
DeLauro	Markey (CO)	Serrano
Dicks	Markey (MA)	Sestak
Dingell	Marshall	Shea-Porter
Doggett	Massa	Sherman
Donnelly (IN)	Matheson	Sires
Edwards (TX)	Matsui	Skelton
Ellison	McCarthy (NY)	Slaughter
Ellsworth	McCollum	Smith (WA)
Eshoo	McDermott	Snyder
Etheridge	McGovern	Space
Farr	McIntyre	Spratt
Fattah	McMahon	Stark
Filner	McNerney	Stupak

Sutton  
Tanner  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas

Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Watson  
Watt  
Waxman

Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

NAYS—189

Aderholt	Gallegly	Murphy (NY)
Akin	Garrett (NJ)	Murphy, Tim
Alexander	Gerlach	Myrick
Austria	Gingrey (GA)	Nadler (NY)
Bachmann	Gohmert	Neugebauer
Bachus	Goodlatte	Nye
Baird	Granger	Olson
Barrett (SC)	Griffith	Paul
Bartlett	Guthrie	Paulsen
Barton (TX)	Hall (TX)	Payne
Bean	Harper	Pence
Biggert	Hastings (WA)	Perriello
Blibray	Heller	Petri
Bilirakis	Hensarling	Pitts
Bishop (UT)	Herger	Poe (TX)
Blackburn	Hoekstra	Posey
Boehner	Holt	Price (GA)
Bonner	Hunter	Putnam
Bono Mack	Inglis	Radanovich
Boozman	Jackson-Lee	Rehberg
Boustany	(TX)	Reichert
Bright	Jenkins	Roe (TN)
Broun (GA)	Johnson (IL)	Rogers (AL)
Brown (SC)	Johnson, Sam	Rogers (KY)
Brown-Waite,	Jordan (OH)	Rogers (MI)
Ginny	King (IA)	Rohrabacher
Buchanan	King (NY)	Rooney
Burgess	Kingston	Ros-Lehtinen
Burton (IN)	Kirk	Roskam
Buyer	Kirkpatrick (AZ)	Royce
Calvert	Kline (MN)	Ryan (WI)
Camp	Kratovil	Scalise
Campbell	Kucinich	Schock
Cantor	Lamborn	Scott (VA)
Cao	Lance	Sensenbrenner
Capito	Latham	Sessions
Carter	LaTourette	Shadegg
Cassidy	Latta	Shimkus
Castle	Lee (CA)	Shuler
Chaffetz	Lee (NY)	Shuster
Clarke	Lewis (CA)	Simpson
Coble	Linder	Smith (NE)
Coffman (CO)	LoBiondo	Smith (NJ)
Cole	Lucas	Smith (TX)
Conaway	Luetkemeyer	Souder
Crenshaw	Lummis	Stearns
Davis (KY)	Lungren, Daniel	Taylor
Deal (GA)	E.	Teague
Dent	Mack	Terry
Diaz-Balart, L.	Manzullo	Thompson (PA)
Diaz-Balart, M.	Marchant	Thornberry
Dreier	McCarthy (CA)	Tiahrt
Driehaus	McCauley	Tiberi
Duncan	McClintock	Turner
Edwards (MD)	McCotter	Upton
Ehlers	McHenry	Walden
Emerson	McKeon	Wamp
Fallin	McMorris	Westmoreland
Flake	Rodgers	Whitfield
Forbes	Miller (FL)	Wilson (SC)
Fortenberry	Miller (MI)	Wittman
Fox	Miller, Gary	Wolf
Franks (AZ)	Minnick	Young (FL)
Frelinghuysen	Mitchell	
Fudge	Moran (KS)	

NOT VOTING—34

Abercrombie	Fleming	Mica
Ackerman	Graves	Nunes
Baca	Higgins	Platts
Blunt	Hill	Schmidt
Capuano	Hinojosa	Schrader
Cardoza	Israel	Scott (GA)
Clay	Issa	Speier
Conyers	Johnson, E. B.	Sullivan
Culberson	Jones	Waters
Delahunt	Langevin	Young (AK)
Doyle	Loeback	
Engel	Meek (FL)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1027

Messrs. OLSON, TIM MURPHY of Pennsylvania, NADLER of New York, SCOTT of Virginia, PAYNE, HOLT, Ms. EDWARDS of Maryland, Ms. LEE of California, Ms. JACKSON-LEE of Texas changed their vote from “yea” to “nay.”

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote No. 738. Had I been present, I would have voted “yea.”

Stated against:

Mr. BRADY of Texas. Madam Speaker, it was my intention to vote against adoption of H. Res 772, a rule waiving points of order against consideration of the Conference Report to accompany H.R. 2918, Legislative Branch Appropriations and Continuing Resolution. I inadvertently recorded a “yea” vote.

□ 1030

#### CONFERENCE REPORT ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, pursuant to House Resolution 772, I call up the conference report on the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 772, the conference report is considered read.

(For conference report and statement, see proceedings of the House of September 24, 2009, at page 22533.)

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Alabama (Mr. ADERHOLT) each will control 30 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2918.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the conference agreement which we present to the House today for the fiscal year 2010 Legislative Branch Appropriations bill

authorizes a total of \$4.6 billion for the operations of the House and the Senate and for the operating budgets of the legislative branch support agencies. The overall amount is \$254 million above the 2009 enacted level and \$500 million below the request. The net increase over the enacted level is 3.5 percent.

This is the first freestanding conference agreement for the Legislative Branch bill since 2005, and the first since I became Chair of the subcommittee. I am pleased to report that the agreement preserves all of the priorities of the House, and that the Legislative Branch bill is on time and under budget. Madam Speaker, this package was developed in full cooperation with the minority and represents a fully bipartisan agreement.

The principal responsibility of our subcommittee is to serve as stewards of the legislative branch, its institutions, and its employees. In fulfilling these goals, the 2010 Legislative Branch bill provides funding for the routine and recurring costs of paying our hard-working staff, maintaining and repairing the buildings in which we work here in Washington and in our districts, securing the Capitol complex from threats, and for the technologies which we depend on to communicate among ourselves and with our constituents.

Key investments in this category include \$1.369 billion for the operations of the House. This includes basic pay and benefits for employees as well as a number of technology improvements, including funds to replace the aging electronic voting system in the House Chamber. It includes \$328 million for the Capitol Police to protect the Capitol, the Members, and our visitors; \$602 million for the Architect of the Capitol to support ongoing operational costs to the Capitol complex and to fund key initiatives to repair and upgrade these facilities; \$643 million for the Library of Congress, which is an increase of \$36 million over 2009, or 6 percent. This includes \$15 million, as requested, to accelerate improvements in the Library's IT infrastructure, the Librarian's top priority for 2010.

Madam Speaker, this bill is about more than just maintaining the status quo; it includes a number of new investments intended to provide for the long-term health of the Congress, and especially for the House of Representatives. It includes important security funding to protect the employees, visitors, and the institution itself. Let's not forget that one of the planes piloted by terrorists on September 11, 2001, was purported to be headed for the Capitol. A few weeks ago, a brave Capitol Police Officer engaged in a shootout with an individual brandishing a gun. Last year, a bomb was found in a car confiscated by the Capitol Police in the underground garage of the Govern-

ment Printing Office. The legislative branch budget may seem trivial and unimportant, but it funds the greatest democratic institutions in the world.

Madam Speaker, the Legislative Branch bill also funds our most important assets: the dedicated employees who staff our offices, committees, and support teams. We have endeavored to provide adequate funds for their compensation and benefits, but must do more if we are to continue to be able to recruit and retain the high-quality workforce which each Member depends upon. I am pleased that this conference agreement retains a House priority—funding for new childcare and tuition assistance programs which are currently being considered by the Committee on House Administration.

We also must take care of and preserve for future generations the grand buildings of the Capitol complex, many of which are aging and badly in need of repair. I am pleased that the conference agreement retains \$50 million of the \$60 million approved by the House in June to initiate a long-term effort to provide for the revitalization of the iconic buildings of the Capitol complex.

The new House Historic Buildings Revitalization Trust Fund will allow us to spread the cost of very expensive renewal projects, such as the 100-year-old Cannon House Office Building rehabilitation, evenly over the next decade. It allows the Congress to deal with these requirements in a more thoughtful and deliberate way. I am very proud that this bill steps up Congress' effort to deal with its aging infrastructure in a more forward-thinking manner.

Madam Speaker, this conference agreement also includes the fiscal year 2010 continuing resolution. I fully support this action. There are just 5 days until the start of the new fiscal year, and a continuing resolution is necessary to continue basic government services. It is a clean continuing resolution which follows the same pattern used in previous years, in particular, the fiscal year 2007 continuing resolution which was added to the Defense Appropriations bill by our friends on the other side of the aisle when they were in the majority. The only differences that have been added above the current rate are important increased investments in veterans' health care and funding in preparation for the 2010 census.

Before concluding, Madam Speaker, I want to take a minute to thank the minority, particularly my friend and ranking member, Mr. ADERHOLT from Alabama, for their very strong contributions to this conference agreement. I also want to thank my colleagues on the subcommittee, Vice Chairman MIKE HONDA, Representative BETTY MCCOLLUM, Representative TIM

RYAN, Representative DUTCH RUPPERS-BERGER, Representative CIRO RODRIGUEZ, Representative STEVEN LATOURETTE, and Representative TOM COLE. They all made important contributions to this product, and I truly appreciate their friendship and their effort.

I also want to thank our staff for the work that they have done throughout the year. They have put in long hours and have been very helpful to the Members. This includes Mike Stephens, our subcommittee clerk; Liz Dawson, the minority clerk; Shalanda Young, who has just joined the subcommittee staff; Jenny Kisiah, from the minority; Dave Marroni; and Matt Glassman, from the Congressional Research Service. And I want to thank my own associate staff, Ian Rayder, and the associate staff of all the Members on the subcommittee.

Madam Speaker, I am pleased to present this conference agreement to the House and urge the support of all Members.

Madam Speaker, I reserve the balance of my time.

Mr. ADERHOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am privileged to have had an opportunity to work this year with the chairman of this subcommittee, Ms. WASSERMAN SCHULTZ. And let me just echo what she was saying about all the staff that has helped on the majority and minority this year in putting this bill together. It is a good bill. We have worked very well together, all the subcommittee members on the minority and the majority side. So I am very happy to report that she has worked in a very open manner through this entire process, been very responsive to the concerns and input of all the members of the subcommittee.

We have worked very closely, and we have worked in a spirit of what I consider real bipartisanship for the needs of the legislative branch. I think it would be fair to say that Ms. WASSERMAN SCHULTZ has actually gone beyond the call of duty to make sure that this has been a fair process, along with all of her staff on the majority side. So I again want to especially thank the majority and the minority staff for all their work in putting this together, because certainly they do great work in making sure that what we need is put before us.

Division A of this conference report represents the efforts of the conferees to bring back to the House an agreement which was comprised in a bipartisanship manner and continues the priorities of the House of Representatives. The conference provides a total of \$4.656 billion, which is an increase of \$155 million, or 3.4 percent, over fiscal year 2009.

Among the highlights of the agreement are:

\$1.369 billion for the House of Representatives. This provides an appro-

priate level of funding for the Members' representational allowance;

\$328.3 million for the Capitol Police. This amount supports the current level of 1,799 officers and completes the Library of Congress Police merger;

\$602 million for the Architect of the Capitol. This includes a special emphasis on funding life safety and rehabilitation of critical infrastructure. Also, there is \$50 million for a new House Historic Buildings Revitalization Trust Fund to more evenly spread out the cost of repairing and revitalizing the historic icon buildings such as the Cannon House Office Building.

Also included in the bill is \$643 million for the Library of Congress. This amount includes \$15 million to fund the first year of the Library's 5-year information technology initiative.

There is \$147 million for the Government Printing Office. This amount includes \$7.8 million to continue the development of the Federal Digital System.

Funds are also provided for additional workforce to meet the congressional demands for the Congressional Budget Office and the Government Accountability Office.

Our conferees did their work and addressed many of the competing priorities and individual agency challenges that come with this particular piece of legislation. I know that the chairman of the committee, Ms. WASSERMAN SCHULTZ, feels as I do, that it is nice to have this piece of legislation behind us so that we can move forward. We have been working on this legislation since the very first part of the year, and I know it will be a great birthday present for the chairman, as she celebrates her birthday this weekend, to have this bill behind us. But I am very thankful for the work that we have put in together.

That being said, I think it is important that I stress the point that I am disappointed that the process has brought us to where we are on this Legislative Branch Appropriations bill because it has turned out to be the vehicle for the continuing resolution. This is simply not a reasonable or responsible kind of governing that our constituents sent us here to Washington to do.

As the ranking member of the Legislative Branch Subcommittee, I believe, of course, this bill is very important; but moving this bill forward first, even before Homeland Security and the security of the Nation, is not the proper way to prioritize funding or to meet the critical needs that face the American people.

Madam Speaker, we need a clean continuing resolution and a clean Legislative Branch Appropriations bill, which is what this committee was prepared to do. And while I support the underlying bill and the underlying work that is in this bill, I regret that because of the

attachment of the continuing resolution to this conference report I am unable to support this agreement in the House this morning.

Madam Speaker, I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, at this time, I will continue to reserve.

Mr. ADERHOLT. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. LEWIS), the ranking member of the full committee.

Mr. LEWIS of California. Thank you very much, Mr. ADERHOLT.

I want to congratulate both Ms. WASSERMAN SCHULTZ and my colleague for a fabulous job on their bill working together.

I know that the House realizes that I have serious reservations about some of the procedure involving this bill, but because of the fact that we discussed so much of that on the rule, I choose to submit the balance of my statement for the RECORD and revise and extend my remarks.

Madam Speaker, the House finds itself in a peculiar place today. I'm probably not the only Member in this body surprised by the fact that the majority leadership is putting the budget for the Legislative Branch ahead of the budget for our homeland security, our veterans, and our national defense.

Indeed, many Members on both sides of the aisle are scratching their heads over the fact that the Legislative Branch funding bill has been hijacked by adding to it a 4-week continuing resolution. The CR is necessary because of the absence of any approved spending bills for the fiscal year that begins less than a week from now.

Attaching the CR to the Legislative Branch bill makes a mockery of the legislative process. It's not the CR that I object to but rather that it's being attached to legislation funding the internal operations of Congress rather than higher priority legislation that is ready to go.

Members who are concerned about approving their staff's budget before approving budgets for our veterans, our troops, or the homeland are left with a dilemma of the leadership's making. House Members are faced with the Hobson's choice of either approving their own budget or shutting down the government. Nothing could be more cynical.

To say the least, this is a most unusual precedent. The bipartisan staff of the Homeland Security subcommittee has been working day and night and weekends since August preparing its conference report. My understanding is that the Homeland Security conference report is ready to go. Any remaining issues can and should be resolved at an open conference involving Members and Senators. The whole point of convening a conference committee is to reconcile differences between the bodies.

And yet, even as our law enforcement officials investigate a potential terrorist threat in New York City and Denver, the budget for protecting our homeland has been put on a shelf. How can this Congress possibly justify providing funds for its own use and give less priority to protecting our homeland? I don't get it.

In this case, to put congressional staff salaries ahead of medical care for Veterans, ahead of funding for law enforcement and homeland security, ahead of funding for our troops—is a signal to me that this Congress has its priorities out of order.

Lastly, it's astonishing to me that several commonsense amendments were defeated on straight party-line votes during yesterday's conference committee meeting. The distinction between the Republican and Democrat positions on these issues could not be clearer.

House Republicans believe that the scandal-plagued organization known as ACORN should be denied funding through the next fiscal year because of recently disclosed efforts, caught on videotape, proposing the use of taxpayer dollars to support prostitution. Mr. ADERHOLT offered an amendment to deny ACORN funding for 1 year. Chairman OBEY and his colleagues voted against the amendment.

House Republicans believe that terrorists captured in the field should not be afforded the same rights as American citizens and therefore should not receive "Miranda Rights." I joined with my colleagues to offer an amendment to deny terrorists these rights. Again, Chairman OBEY and his colleagues voted against the amendment.

House Republicans believe that TARP funds should not continue to be used to bail out banks and other financial institutions even after existing loans have been paid back to the government. Congressman COLE offered an amendment to stop TARP from becoming a permanent, reusable, \$700 billion slush fund for private corporations. Again, Chairman OBEY and his colleagues voted against the amendment.

The priorities of this House majority leadership are clearly misplaced and out of the mainstream where most Americans work and live. I feel badly for Ms. WASSERMAN-SCHULTZ and Mr. ADERHOLT, and their fine staff, for they have worked very well together this year. I want to commend both of them for their work and extend my sympathy for the shameful manner in which their conference report is being brought to the floor today.

Ms. WASSERMAN-SCHULTZ. Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentlewoman for the time.

Madam Speaker, our principal obligation on this bill is simply to keep the government open. We've got enough problems in the economy right now without adding to people's uncertainty. We had concluded that the least disruptive way to do that and the way with the least delay was to attach this continuing resolution to the one appropriation bill that was ready to be conferenced, the Legislative Branch Appropriation bill.

This is a relatively straightforward and unadorned CR. As far as funding levels are concerned, we are simply allowing agencies to continue fiscal 2009 levels, with three exceptions:

First, we are following the House's lead when it voted 388-32 to allow the postal service to cover a budget short-

fall by postponing a payment intended to prefund its retiree health benefits;

Second, we're funding the census at a somewhat higher rate to allow it to ramp up activities so the 2010 census can proceed. The calendar is not going to change to suit congressional convenience;

Third, we are providing additional funding for the Veterans Health Administration. The VA expects to treat over 6 million patients in 2010, including almost 420,000 veterans of Iraq and Afghanistan.

□ 1045

The CR also extends a number of authorizations that would otherwise expire: transportation programs, child nutrition, stop-loss payments to our troops, E-Verify, and various other programs.

So, as I said, this is a relatively routine CR which keeps the government open for the next 30 days.

Outside of those items, we make no policy judgments. We change no existing policy except that, in accordance with the House vote last week, we also say no more funds for this 30-day period for ACORN. There have been some objections by the minority to this process. They claim it is procedurally outrageous because we are attaching the continuing resolution to a specific appropriations subcommittee bill. This is certainly not out of the ordinary.

In fact, in September of 2006, our friends on the other side of the aisle, when they controlled this House, attached the continuing resolution to the defense bill. I have the roll call on that if anyone cares to take a look at it. If you do, you would find out there were only two Members of the other party who voted against it, and in the Senate, the vote was 100 to nothing in support of it.

So there is no difference in what we are doing today, but there is a difference in how we do it. We are up front with what we are doing. We included this action in the conference notes, and voted on it in the conference. That was certainly not the case in 2006 when the action of adding the CR was not flagged or noticed in any way during the conference or in the conference notes. I have a copy of those conference notes here if anyone wishes to see them. So the action that was taken then was simply taken after the fact in contrast to our doing it up front and in full view. So I believe that, in comparison to that, this action is, certainly, totally transparent.

Now I need to take this opportunity to note one other point: Until last night, we were not in a position to move other appropriations bills because of a dispute between the House and the Senate over how to deal with for-profit earmarks. As I think the membership knows, we have put in place in the last few years significant

reforms to the earmark process. When we took over control of the Congress in 2007, we put in place a moratorium on earmarks for that year until we could reform the process and make it much less susceptible to wasting taxpayers' money. Since then, including this year's bills, we have cut the dollar amount of earmarks by 50 percent. We require every Member to request earmarks publicly, ending the practice of anonymous earmarks in the House, and to certify that they have no financial interest.

This year, we have gone one step further. Recognizing the potential for abuse in sole-source contracting, we have insisted that all House earmarks designated for for-profit entities must undergo a competitive bidding process. We still allow those entities to be named so we can help, for instance, small businesses get a foot in the door so that they can be noticed by Federal agencies, which all too often simply notice people with whom they are familiar in their inside processes, but we nonetheless require that those entities still submit a bid and compete in a fair competition.

The Senate did not do that this year, and up until last night, was objecting to even allowing the House to follow this policy. Last night, we reached an agreement that will allow us to proceed with House earmarks subject to that new policy.

There is still one small area of disagreement that remains. There are a small number of projects, approximately 5 percent, which have been included in both the House and Senate bills. Until last night, the other body was refusing to allow those to be competed. Under the agreement we reached this year and this year only, those projects will be dealt with according to Senate policy. Next year and thereafter, they will be managed by House policy. So they, too, will be subjected to competition next year.

We reached this agreement because the other body insisted that, because they had proceeded all year under their policies, it was too late to change the rules of the game for them. We recognize that changing policies at this point would be a procedural problem for the other body. We do appreciate their agreement that, starting next year, we can all agree on how to handle for-profit projects and that they will be handled in accordance with the House procedures.

This will enable us to now proceed to conference on a number of other appropriations bills which have been passed by the Senate: We have had a motion to go to conference on energy and water. We expect next week, after two small matters are resolved, to also be able to go to conference on the Agriculture bill. We hope that, within a week, we will be able to resolve a few remaining differences on the Homeland



Security bill and to also go to conference on that and other bills as the Senate grinds through them in their processes.

So, having reported that to the House, I would simply urge an "aye" vote for the legislation before us, and would simply note that, given the calendar, a vote against this proposition would be a vote to shut down the government.

With that, I thank the gentlewoman for the time.

Mr. ADERHOLT. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Kentucky (Mr. ROGERS), who is the ranking member of the Homeland Security subcommittee.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding me the time.

Madam Speaker, I have no problem with the bill that is before us, the Legislative Branch appropriations bill. I think the chairman and the ranking member have done an excellent job with that bill.

However, I have to register my objection to considering the funding bill for Congress and for putting off the bill that funds our homeland security and including it in the continuing resolution.

For almost 7 years, we've had a near-perfect track record of getting the Homeland Security appropriations bill done before funding for the rest of the government. It has taken bipartisan wrangling and compromise, but we've always produced a bill that the President could sign almost unanimously before the other bills.

Why? Because Congress considered the security of the Nation as paramount. This year should be no different.

We've preconferenced the Homeland Security bill with our Senate counterparts. We could produce a bill for the President to sign in a matter of days. Yet the leadership says no. Include Homeland Security in a continuing resolution, and put it off. Instead, first pass funding for the Congress. Our pay is more important than defending our country.

Mr. OBEY. Would the gentleman yield for a question?

Mr. ROGERS of Kentucky. Not at the moment. I will later.

On June 24 of this year, the House wrapped up consideration of the Homeland Security bill, and passed it with 389 votes in this body. Three weeks later, the Senate passed their version of the bill with a near unanimous vote. So it has been more than 2 months since both bills were passed. Since August, staff has been diligently reconciling these two bills, reaching bicameral, bipartisan agreements. We could have produced a finished bill for this body to consider a month ago. Yet leadership refused to allow it to happen.

So I stand here today very concerned, Madam Speaker. There is virtually no excuse to punt this vital security spending bill and to fund the Department of Homeland Security under a continuing resolution. Instead of actually doing our work and fulfilling the security needs of our Nation, we are placing a priority on Congress' own budget, putting Homeland Security spending on ice, taking the next few Mondays and Fridays off, and basically waiting around until October until we get further direction from on high.

That is as indefensible, Madam Speaker, as it is dangerous. The security and safety of our citizens should be our number one priority. Look around you. We face complex cybersecurity challenges, emerging threats from overseas, terrorist cells operating on our soil, and increasing violence along the southwest border, which is already claiming U.S. lives.

The fiscal 2010 Homeland Security bill will infuse much needed increases to our efforts to bolster our border security, to track down illegal immigrants, to protect our critical infrastructure, to replace the aging Coast Guard fleet, and to improve the preparedness of our first responders.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADERHOLT. I yield the gentleman an additional 2 minutes.

Mr. ROGERS of Kentucky. Why must our brave Homeland Security professionals wait while we bicker and delay here in the House? Real security demands commitment—commitment from this body and commitment from the Nation's leadership.

I know my subcommittee chairman, DAVID PRICE, and I are ready to finish the work of our bill, and we could do it in a matter of hours, if not days. So I am disgusted, Madam Speaker. I apologize for that, but I think we should reconsider the decision that has been made by leadership to put off funding for the Nation's homeland defense and, instead, to take up funding for this body.

So I will have to vote "no" on the bill, although, I think the Legislative appropriations is okay.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I would simply note, in light of the gentleman from Kentucky's comments, there are at least seven outstanding issues on homeland security that, to my knowledge, have yet to be resolved. One is the border fence. Another is the National Bio and Agricultural Defense Facility. There is an argument about where that's supposed to go. We have the Gitmo issue. We have immigration issues. We have FEMA.

If the gentleman wants to resolve those by agreeing with our position on

each of them, I would be happy to see them go to conference right now.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. WASSERMAN SCHULTZ. I yield the gentleman an additional 2 minutes.

Mr. OBEY. The fact is that no one has suggested that they delay the Homeland Security bill in any manner whatsoever. We are noting that there are significant substantive differences. Under the rules of the body, we can't bring a conference bill back to this House until we've reached agreement on all of those differences.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. OBEY. So I think it's patently preposterous to suggest that this bill is being delayed in any way.

The only thing that is delaying it is honest disagreement and, until last night, the disagreement that we had with the Senate which precluded us from bringing up virtually any other bill. Thankfully, that is now gone.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. OBEY. No, I will not. The gentleman would not yield to me. I don't see any reason to yield to him.

Mr. ADERHOLT. I yield the gentleman from Kentucky an additional 2 minutes.

Mr. ROGERS of Kentucky. Well, in response to the distinguished chairman of the Appropriations Committee, if the gentleman would have allowed the Homeland Security conference to proceed—I mean we passed these bills 2 months ago, the House and Senate. We've had 2 months. Yet the gentleman has not allowed conferees to be appointed to consider the Homeland Security bill. In the meantime, staff and Members have been working with our Senate counterparts. We are in agreement. There are no remaining issues. We're ready to go. Ready to go.

□ 1100

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself 1 minute just to point out that with the greatest respect to the gentleman from Kentucky, the Legislative Branch appropriations bill before us being used as a vehicle for the continuing resolution was the most ready to go. There were no outstanding issues at all.

The gentleman from Wisconsin has just indicated a number of issues remaining on the Homeland Security bill. We are 5 days from the end of the fiscal year with an intervening weekend included in those 5 days. It is simply a matter of making sure that we are not shutting the government down.

I appreciate the good work of my colleague, Mr. ADERHOLT, and the members of the minority on getting this bill, the Legislative Branch appropriations bill, in the best possible position to serve as a vehicle to keep the government open.



I reserve the balance of my time.

Mr. ADERHOLT. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING), who is a senior member of the Budget Committee.

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, we have a continuing resolution well hidden in a Legislative Branch conference report. Why are we voting on a continuing resolution, Madam Speaker? We are voting on a continuing resolution because this Congress and this President have spent too much money, and now they want more.

Already this President and this Congress have passed into law a \$1.1 trillion stimulus plan which, by the way, since it was passed, we have had almost 3 million more join the unemployment ranks, the highest unemployment rate in almost a quarter of a century. But that stimulus plan weighed in at \$9,746 per household.

Next this Congress and this President signed into law, passed into law an omnibus costing \$410 billion, \$3,511 per household.

The bailouts continue. Madam Speaker, another \$30 billion for AIG, almost \$30 billion for Fannie Mae and Freddie Mac, not to mention \$60 billion for GM and Chrysler. The serial bailouts continue.

What has all this spending brought us, Madam Speaker? It has brought us the Nation's first, first trillion-dollar deficit, and a deficit that increased 10 fold, 10 fold, in just 2 years.

On top of this now the President and the Congress want a \$3.6 trillion budget and a trillion-dollar nationalized health care plan that we cannot afford, meaning that the national debt will triple, triple in the next 10 years.

Madam Speaker, under this spending plan, we are borrowing 43 cents on the dollar, mainly from the Chinese, and sending the bill to our children. If the spending, if the borrowing, if the deficits do not stop, this will be a Congress that will ensure that it's just a matter of time before the Chinese initiate foreclosure proceedings on our Nation.

We cannot let that stand.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, what we just heard came from a Member of the then-majority party, which turned \$6 trillion in inherited projected surpluses into a \$2 trillion deficit. We heard that from a Member of the party that provided \$2 trillion in tax cuts primarily aimed at the wealthiest people in the country, all paid for with borrowed money, from the same folks who gave us almost \$1 trillion in spending on the most ill advised war in the country's history, also paid for with borrowed money.

They ran the country's economy into the ditch with record collapse of consumer spending and record collapse of unemployment. Then they are now complaining when Mr. Obama and the majority party are now trying to pull the country out of the ditch.

Someone else can take that seriously if they want, but I won't be one of them.

Mr. ADERHOLT. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. NEUGEBAUER), who is a senior member of the Financial Services Committee.

Mr. NEUGEBAUER. Madam Speaker, I rise today on behalf of the taxpayers of the 19th Congressional District and all across America. They are angry, Madam Speaker, about the spending and the borrowing that's going on in Washington.

At a time when they are cutting back to make ends meet, paying down their credit cards, saving more, working hard to provide for their families, they don't understand why their government isn't doing the same thing. They don't understand why the government is not only spending all of their tax dollars, but also borrowing almost 50 cents for every dollar that they spend.

This bill before us increases spending for the legislative branch by 5.7 percent. I don't know about other Members in the House, but I think it's pretty hard to explain to the taxpayers why we are increasing our budget by 5.7 percent and the American people are cutting their budgets.

The only explanation I can think of is that Congress doesn't get it. Well, the American people get it. Like them, I don't understand why we are increasing the legislative branch budget when the deficit is going to hit \$1.6 trillion this year, projected to be \$1.3 trillion next year.

This bill includes provisions to continue funding for programs as we complete the remaining annual spending bills, but I would advocate that Congress go ahead and finish the job that it started.

The problem is that these annual spending bills are set forth to increase our spending by 8.9 percent this year. This spending increase would come on top of an 8.6 percent increase last year, a nearly \$1 trillion economic stimulus package, and a \$700 billion financial bailout.

Instead of passing bills to increase spending at a time when we have added \$1 trillion to our national debt this year, Congress should, at a minimum, freeze spending at this level.

Had we gone through normal order, I offered an amendment that would have frozen spending for the coming year and saved the American taxpayers \$43 billion. It's a start, Madam Speaker.

I urge members to vote against this bill.

Mr. ADERHOLT. Madam Speaker, I yield back the balance of our time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I want to again thank the gentleman from Alabama and my colleagues on the other side of the aisle, as well as the members of our subcommittee, for the good work that they have done on developing this Legislative Branch appropriations bill.

We have a good solid product to make sure that we can move the legislative branch institutions forward and to preserve the legacy of the Capitol complex and its institutions for future generations. We also are going to make sure that we keep the government running.

I am hopeful that my colleagues, both on the other side of the aisle as well as on my side of the aisle, will vote for this bill. A vote against this bill would jeopardize the security and safety of our citizens. Shutting the government down is not a responsible action.

Mr. LATHAM. Madam Speaker, here we are on the Floor of the House again, with less than a week to go before the end of the fiscal year, and the majority is not prepared to send a single, finalized appropriation bill to the President for signature. Where is the change that was promised?

In addition to the legislative bill before us today, we have four significant funding bills that have passed both the House and Senate, and are ready to go to conference or whatever we call conferences these days: Agriculture, Energy and Water, Homeland Security and Transportation/HUD. These are bills that contain important funding for all of our districts, including monies for new and important initiatives that might help the economy.

Over the course of this FY-2010 funding cycle, the majority has run a process that has prevented spending bills from being perfected through the amendment process, primarily to avoid tough votes.

That stunted process has allowed the funding bills to be rammed through the House. Yet, with closed Rules, an 80-seat majority in the House and a 20-seat majority in the other Body, the congressional leadership still cannot manage to move the appropriation bills. As my children used to say, "what's wrong with this picture?"

Ladies and gentlemen, I suggest that what is wrong with this picture is a continuation of what has been going on for the last several months and it is not about the last administration.

Right now, we are: sitting on a 9.6% unemployment rate; struggling with CBO deficit projection numbers that are off the charts for the next several years; suffering the fiscal effects of a gross misallocation of Stimulus bill funds that mostly went to expanding 73 existing government programs and adding 30 new ones for select constituencies; and procrastinating over a healthcare situation about which all agree something must be done, but which the majority refuses to consult the minority or produce a product.

And today, the majority is determined to perpetuate this craziness with a "cooked" appropriation process to temporarily fund the government because the House and Senate cannot get their respective acts together.

No wonder, we heard noisy demonstrations at town hall meetings and in Washington. Folks, the noise from outside the Washington Beltway is not just a response to the healthcare fiasco though that is certainly a part of it.

The noise is part of a steadily growing response to what people rightly perceive to be those running the government in Washington not paying attention to their concerns and fears about spending and the paths we are taking.

This continuing resolution exercise today is just one more example that the majority intends to keep ignoring those concerns.

Mr. HOLT. Madam Speaker, I rise today in support of the Legislative Branch Appropriations bill for Fiscal Year 2010, which will also allow for continuation of government functions through October 31, 2009.

Through this spring and into the summer, the House has worked diligently to approve all 12 regular appropriation bills. Yet, our colleagues on the other side of the rotunda have not finished their work and so today we must approve continued funding for all government operations which are scheduled to expire on September 30, 2009. I hope that we will be able to reach agreement with our Senate colleagues and complete all regular appropriations bills and need no more continuing resolutions.

I regret that the Legislative Branch Appropriations bill does not include funding for the revival of the Office of Technology Assessment, OTA. When OTA operated it provided Congress with assistance in identifying and assessing the consequences of science and technology in a very useful manner and time-frame.

While I was unsuccessful this year reinstating funding for the OTA, I will continue to fight for the revival of OTA because it would strengthen Congress as an institution, elevate the discourse on matters affected by science and technology, and allow Members to more effectively carry out their duties as the people's representatives.

Another point troubles me greatly. This bill contains in Section 163 a provision to deny funding to ACORN or its allied organizations. I must note that a number of questions have been raised about the constitutionality of this section, and I share these concerns. Article I Section 9 of the Constitution of the United States is explicit that, "No Bill of Attainder or ex post facto Law shall be passed." Thus, it is unconstitutional for Congress to pass legislation declaring an individual or a group guilty and sanctioning them without benefit of a trial. Without doubt, the revelations about ACORN presented on the internet and television recently are cause for concern and indicate possible illegality and misuse of funds. Reports on television, however, are not cause for Congress suddenly to become a part of the judicial branch of government and declare guilt and mete out punishment without any legal proceedings. The Congressional Research Service has been asked to look into this question, and concluded that a court would most likely "find that it violates the prohibition against bills of attainder."

Mr. TOWNS. Madam Speaker, I would like to thank Chairman OBEY for his assistance,

and Representative WASSERMAN SCHULTZ of Florida and the members of the conference committee for their hard work in putting together this conference report. Included is a provision of great importance to the Postal Service, over 600,000 postal employees, and 300 million postal customers, who are also our constituents. This conference report includes language from H.R. 22, the United States Postal Service Financial Relief Act of 2009, a bill reported out of the Oversight and Government Reform Committee on July 10 and passed by the full House on September 15.

This provision will allow the United States Postal Service to lower its 2009 payment into the retiree health benefits fund from \$5.4 billion to \$1.4 billion. It does not provide any taxpayer funds to the Postal Service. The language was originally included in H.R. 22, a bill that has been properly vetted and amended by the House Oversight and Government Reform Committee. In line with calls for a more fiscally responsible government, the provision lowering the Postal Service payment does not score. For these reasons, the House passed H.R. 22 by an overwhelming margin of 388 to 32.

The Postal Service faces an unprecedented crisis. Mail volume is projected to drop to 175 billion pieces in fiscal year 2009, from a high of nearly 213 billion pieces. The Postal Service anticipates a loss of more than \$7 billion by end of fiscal year 2009. The losses were driven by the nationwide economic recession, diversion of mail to electronic alternatives, and also by the aggressive payment schedule for retiree health benefits required by the Postal Accountability and Enhancement Act. Its fiscal year 2008 payment total for current and future retiree health benefits was roughly \$7 billion. The Postal Service has paid \$10 billion into the trust fund over the past 2 years. It suffered a combined loss of \$7.9 billion over those 2 years. Without the onerous payments into the trust fund, the Postal Service would have made a net profit of more than \$4 billion over that period.

Reducing the size of the payment into the trust fund for 2009 will bring the postal payment closer to the \$1.6 billion amount recommended by the Postal Service Inspector General, while permitting the Postal Service to survive the economic crisis. Many large companies in the private sector have also temporarily reduced pension and retiree benefit contributions in order to ride out similar, difficult financial circumstances.

I would like to thank Representatives MCHUGH of New York and DAVIS of Illinois for introducing this bill and for their hard work and patience in navigating the bill through the House. Further, I would like to thank the House Democratic leadership and the Budget Committee for working with us to help advance the bill to the floor. Also, I would also like to recognize Chairman LYNCH of Massachusetts for his leadership on the subcommittee and being a tireless advocate for the Postal Service and its employees. Additionally, I would like to thank the Gentlemen from California and Utah, Representatives ISSA and CHAFFETZ, for their help in securing bipartisan support for H.R. 22.

In the coming months, our committee will continue to provide close oversight of the

Postal Service, including studying the business model of the Postal Service to help determine what longer-term changes may be necessary.

I am confident that upon enactment of H.R. 22 the Postal Service will be able to meet its financial obligations for this year.

Ms. WASSERMAN SCHULTZ. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 772, the previous question is ordered on the conference report.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 190, not voting 25, as follows:

[Roll No. 739]

YEAS—217

Abercrombie	Filner	Michaud
Adler (NJ)	Foster	Miller (NC)
Altmire	Frank (MA)	Miller, George
Andrews	Fudge	Mollohan
Arcuri	Gonzalez	Moore (KS)
Baldwin	Gordon (TN)	Moore (WI)
Barrow	Grayson	Moran (VA)
Bean	Green, Al	Murphy (CT)
Berkley	Green, Gene	Murphy (NY)
Berman	Grijalva	Murphy, Patrick
Bishop (GA)	Gutierrez	Murtha
Bishop (NY)	Hall (NY)	Napolitano
Blumenauer	Halvorson	Neal (MA)
Boccheri	Hare	Oberstar
Boren	Harman	Obey
Boswell	Hastings (FL)	Oliver
Boucher	Heinrich	Ortiz
Boyd	Herseth Sandlin	Pallone
Brady (PA)	Himes	Pascarella
Braley (IA)	Hinchey	Pastor (AZ)
Brown, Corrine	Hirono	Payne
Butterfield	Hodes	Perlmutter
Capps	Holden	Peterson
Cardoza	Holt	Pingree (ME)
Carnahan	Honda	Polis (CO)
Carney	Hoyer	Pomeroy
Carson (IN)	Inslee	Price (NC)
Castor (FL)	Jackson (IL)	Quigley
Chandler	Johnson (GA)	Rahall
Childers	Kagen	Rangel
Chu	Kanjorski	Reichert
Clay	Kaptur	Reyes
Cleaver	Kennedy	Richardson
Clyburn	Kildee	Rodriguez
Cohen	Kilroy	Rogers (AL)
Connolly (VA)	Kind	Ros-Lehtinen
Conyers	Kissell	Ross
Cooper	Klein (FL)	Rothman (NJ)
Costa	Kosmas	Roybal-Allard
Costello	Langevin	Ruppersberger
Courtney	Larsen (WA)	Rush
Crowley	Larson (CT)	Ryan (OH)
Cuellar	Levin	Salazar
Cummings	Lewis (GA)	Sanchez, Linda
Dahlkemper	Lipinski	T.
Davis (AL)	Lofgren, Zoe	Sanchez, Loretta
Davis (CA)	Lowey	Sarbanes
Davis (IL)	Lujan	Schauer
Davis (TN)	Lynch	Schiff
DeFazio	Maffei	Schrader
DeGette	Maloney	Schwartz
DeLauro	Markey (CO)	Scott (VA)
Diaz-Balart, L.	Markey (MA)	Serrano
Diaz-Balart, M.	Marshall	Sestak
Dicks	Matheson	Shea-Porter
Dingell	Matsui	Sherman
Doggett	McCarthy (NY)	Shuler
Donnelly (IN)	McCollum	Sires
Edwards (TX)	McDermott	Skelton
Ellsworth	McGovern	Slaughter
Engel	McIntyre	Smith (WA)
Eshoo	McMahon	Snyder
Etheridge	Meek (FL)	Space
Farr	Meeks (NY)	Spratt
Fattah	Melancon	Stark

Stupak  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus

Tonko  
Tsongas  
Van Hollen  
Viscolsky  
Walz  
Wasserman  
Schultz  
Waters

Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wu  
Yarmuth

□ 1133

Mr. TAYLOR, Mrs. EMERSON, Messrs. GRIFFITH, TOWNS, ELLISON, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, and Ms. WOOLSEY changed their vote from “yea” to “nay.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LOEBSACK. Madam Speaker, during rollcall vote No. 739 on Conference Report to H.R. 2918, I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. HINOJOSA. Madam Speaker, during rollcall vote No. 739 on the Conference Report to H.R. 2918, I mistakenly recorded my vote as “nay” when I should have voted “yea.”

Stated against:

Ms. CLARKE. Madam Speaker, on rollcall No. 739, had I been present, I would have voted “nay.”

Mr. POE of Texas. Madam Speaker, on rollcall No. 739. I was inadvertently detained. Had I been present, I would have voted “nay.”

Mr. WILSON of South Carolina. Madam Speaker, I submit to the RECORD the following remarks regarding my absence from a vote which occurred on September 25. I was in a meeting with constituents and unable to make the vote. Listed below is how I would have voted if I had been present.

H.R. 2918—On Agreeing to the Conference Report for Legislative Branch Appropriations Act, FY 2010 (Roll no. 739)—“nay.”

#### PERSONAL EXPLANATION

Mr. NUNES. Madam Speaker, on the legislative day of Friday, September 25, 2009, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 738—“nay”; rollcall 739—“nay.”

#### PERSONAL EXPLANATION

Mr. MICA. Madam Speaker, I was unavoidably detained and was unable to vote on rollcalls 738 and 739. Had I been present, I would have voted: “nay” on each of these measures.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 772, House Concurrent Resolution 191 is hereby adopted.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 191

*Resolved by the House of Representatives (the Senate concurring).* That, in the enrollment of the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 158(a) of division B, strike “section 158” and insert “section 157”.

(2) In section 158(b) of division B, strike “section 158” and insert “section 157”.

(3) In section 162 of division B, strike “sections 158 through 162” and insert “sections 157 through 161”.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 25, 2009.

Hon. NANCY PELOSI,  
*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 24, 2009, at 5:57 p.m.:

That the Senate passed S. 1707.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1687. An act to designate the federally occupied building located at McKinley Avenue and Third Street, S.W., Canton, Ohio, as the “Ralph Regula Federal Building and United States Courthouse”.

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the “Albert Armendariz, Sr., United States Courthouse”.

H.R. 2121. An act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the “William O. Lipinski Federal Building”.

H.R. 2913. An act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the “Sidney M. Aronovitz United States Courthouse”.

H.R. 3607. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 832. An act to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 1599. An act to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

#### LEGISLATIVE PROGRAM

(Mr. MCCARTHY asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Madam Speaker, I yield to the gentleman from New York for the purpose of announcing next week’s schedule.

#### NAYS—190

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Baird  
Barrett (SC)  
Bartlett  
Barton (TX)  
Becerra  
Biggert  
Billbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Davis (KY)  
Deal (GA)  
Dent  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Ehlers  
Ellison  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly

Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hinojosa  
Hoekstra  
Hunter  
Inglis  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
Kilpatrick (MI)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kline (MN)  
Kratovil  
Kucinich  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Massa  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
McNerney  
Miller (FL)  
Miller (MI)  
Miller, Gary

Minnick  
Mitchell  
Moran (KS)  
Murphy, Tim  
Myrick  
Nadler (NY)  
Neugebauer  
Nye  
Olson  
Paul  
Paulsen  
Pence  
Perriello  
Peters  
Petri  
Pitts  
Platts  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Roe (TN)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schakowsky  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souders  
Stearns  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Towns  
Turner  
Upton  
Velázquez  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wittman  
Wolf  
Woolsey  
Young (AK)  
Young (FL)

#### NOT VOTING—25

Ackerman  
Baca  
Berry  
Blunt  
Capuano  
Clarke  
Culberson  
Delahunt  
Doyle

Graves  
Higgins  
Hill  
Israel  
Issa  
Johnson, E. B.  
Jones  
Loeb sack  
Mica

Nunes  
Poe (TX)  
Scott (GA)  
Speier  
Sullivan  
Wilson (OH)  
Wilson (SC)

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

Mr. CROWLEY. I thank the gentleman from California for yielding.

On Monday, the House will not be in session.

On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business.

On Friday, no votes are expected in the House.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business today.

In addition, we will consider Senate 1707, a bill to authorize appropriations for fiscal year 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people; the conference report on H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010; and additional motions to go to conference on appropriations bills.

Mr. MCCARTHY of California. I thank the gentleman.

Reclaiming my time, according to Politico, the Speaker announced at your caucus meeting on Wednesday that she intends to have the final version of the Democrat health care bill drafted by the end of next week. My question is: Was the Speaker's statement accurate? And do we expect floor action on the health care bill in the House?

Mr. CROWLEY. A bill will be brought to the floor when a bill is ready to be brought to the floor. I would leave it at that. The bill will be brought to the floor when it's ready to be brought to the floor.

Mr. MCCARTHY of California. Was the Speaker correct? Do we think it is going to be brought to the floor or ready by next week?

Mr. CROWLEY. Well, if the bill is ready to be brought to the floor by next week, it could very well be that case. The bill will be brought to the floor when the bill is ready to be brought to the floor.

Mr. MCCARTHY of California. Will the bill be drafted by next week so people on the other side could actually see it?

Mr. CROWLEY. Again, the bill will be brought to the floor when the bill is ready to be brought to the floor.

Mr. MCCARTHY of California. Well, I thank the gentleman for his answer.

Earlier this week on Monday, our Republican whip, ERIC CANTOR, held a bipartisan town hall on health care with Democrat BOBBY SCOTT, both of Richmond, Virginia, showing bipartisan action. Following the town hall, the majority leader on your side told the media that he would like to meet and discuss health care reform with us, and we have expressed our willingness to meet with him. But we have not been asked by the majority leader yet.

Do you believe that we will be at any time soon, so that our leader can continue to carry on that bipartisan conversation?

I yield to the gentleman.

Mr. CROWLEY. I thank the gentleman for his question. I think the gentleman knows, as do I, that the majority leader is a man of his word; and if he gave his word to do that, I anticipate that he will follow through on that. I can't speak for him. But knowing if that's what he said, I'm sure that he will follow through on that request.

Mr. MCCARTHY of California. We look forward to that. Being one of the signatures early on in this health care discussion to a letter that the leadership on this side sent to the President saying that we were willing, able and wanting to sit down to discuss health care, we're still waiting for the President to allow us to have that discussion in a bipartisan manner.

I do believe that the work that our Republican whip, ERIC CANTOR, and Congressman BOBBY SCOTT on your side of the aisle, that the bipartisanship that they showed down there was very positive. We look to your majority leader coming forward and following up and having that discussion with our leader.

Mr. CROWLEY. I think we all welcome bipartisanship on this debate, and we hope in the end that this will be a bipartisan solution to what is a problem not only for Democrats and Republicans but for all Americans. I think if we could have more productive town halls around the country like the one you referred to that took place where the facts and the issues can be exposed, talked about and deciphered, I think we will all be better off for that.

□ 1145

Mr. MCCARTHY of California. I thank the gentleman.

I would like to know from one standpoint early on and within here as we look across America and we look at the jobless and the idea that we want to create jobs here, many on this side of the aisle worked very hard on a stimulus bill that focused on small business, where 79 percent of all jobs are created. We wanted to focus on job creation. We presented that to the President. Unfortunately, that did not get put into the stimulus.

But the President told us that unemployment would not rise above 8.5 percent if we passed the Democrats' stimulus. Since the signing of the stimulus bill, Americans have lost another 2.5 million jobs and unemployment is now at 9.7, much higher than what the President said it would be.

Will this House bring any legislation next week to help create jobs?

I yield.

Mr. CROWLEY. I thank the gentleman for yielding to me.

I don't think there's any question that these have been very, very dif-

ficult months and, quite frankly, years that the American people have been suffering through. We have looked consistently at months—prior to recent months—of 600,000, 700,000 jobs lost per month, quite frankly, going back to the previous administration, under the Bush administration, where the job loss was at its height. I'm happy to note that that job loss has been diminishing steadily over the past few months, and, in fact, we saw an additional 21,000 fewer jobs lost in this month than the prior month.

Having said that, the road to recovery remains a long one, and we understand that. That's why we took the steps that this administration took, following up on the legislation passed in the prior Congress to help stimulate the growth of jobs in this country. And I believe, as many of my colleagues do, that increasingly there are signs that the economy is turning around. I know that Mr. Bernanke, Federal Reserve Chairman said, "The recession is likely over at this point." I think those are very optimistic statements, and I appreciate the chairman's response to a query.

But I do think we still have a long way to go, and we will work to ensure that job loss is not only stemmed but that we have actual job growth. And we anticipate when the Recovery Act is fully appreciated that we will begin to see job growth in this country.

Mr. MCCARTHY of California. Reclaiming my time, I appreciate the gentleman's willingness to work together. And knowing that with the stimulus the President said unemployment would not go above 8.5, and now it's 9.7, and sitting on Financial Services listening to Mr. Bernanke saying that it will continue to rise, would your side of the aisle be willing to work with us so we could reprogram the money in the stimulus to actually be job creation or help pay down this national debt so our country could actually be stronger? Do you see any future ability of making that happen?

I yield to the gentleman.

Mr. CROWLEY. I thank the gentleman.

I'll just restate for the record: The CBO, the CEA, Moody's all estimate there are 1 million more jobs now than there would have been without the Recovery Act that we passed here in the House. The Congressional Budget Office said in the budget economic update that "even though some elements of the CBO's forecast, particularly the unemployment rate, have clearly worsened, such revisions to the forecast reflect a much sharper deterioration in underlying labor market conditions than had been anticipated rather than a smaller impact of the legislation." In addition, the CBO also said that "the fiscal stimulus provided under the American Recovery and Investment Act will significantly boost economic

activity above what it otherwise would have been."

So I think, going back to what I said before, we're seeing a reversal in job loss. We are not at zero yet, but as I said before, 21,000 fewer jobs were lost in the prior month than they were the month before that. I think that's showing that it is stemming, it is slowing down. And we anticipate that if it continues in that way, which we all hope for and anticipate it will, we will begin to see job growth.

Mr. MCCARTHY of California. Reclaiming my time, when the President first got elected, this side of the aisle invited him to our conference and we sat down and had a discussion about which direction the stimulus bill should go. We actually had a very honest debate.

This side of the aisle wanted to focus on job creation. Our focus was about small business. That's where 79 percent of the jobs are created. And the President said, Well, why don't you write out a bill and bring out some ideas?

So a number of us worked together, a lot of hours, a lot of nights, crafting legislation. And we put this together, and we actually sat down and said, You can't just write down legislation; you need to score it. The idea is for the American people to know what this would cost and how many jobs would it create. And as we put that scoring together, do you know it created twice as many jobs with half the amount of money in the stimulus bill? And we handed that to the President. Unfortunately, it did not get into the bill. And the President said that it was more important on the time of when the stimulus bill passed, and not what was in it; he said if the bill was passed now, unemployment would not go above 8.5 percent.

Well, I don't need a CBO study to understand that's not true. It's now at 9.7. And I think the American people want us to work together to create jobs, not to sit here and somehow celebrate the idea that only 21,000 jobs were lost. We need to be able to work together and celebrate a million new jobs created. We have legislation that allows it, that focuses on small business, focuses on job creation. And I look forward that this Congress could come together.

Mr. CROWLEY. Will the gentleman yield once again? I just want to respond, if I could, to the gentleman.

Mr. MCCARTHY of California. I'm glad to yield to the gentleman.

Mr. CROWLEY. Thank you for yielding.

I appreciate your words of desire for more bipartisanship, and I would just suggest that the Recovery and Reinvestment Act that we passed reflected more bipartisanship in the legislation than was reflected by the vote that took place here on the floor. I think there were many attempts to include

some of the ideas and thoughts from your side of the aisle that were included in that bill, and I can talk about a number of them. But it was not reflected in the overall vote that took place. I, too, hope that in the future we can have more of a reflective vote of bipartisanship on issues like that, as we had this week when both Democrats and Republicans voted 331-83 to extend unemployment for those Americans who are still out of work, who are looking and struggling to find employment. And I hope the Senate will act to pass that bill and send the bill on to the President as soon as possible.

I appreciate the gentleman's yielding for this discussion.

Mr. MCCARTHY of California. Reclaiming my time, the gentleman is correct. The bipartisan vote for the stimulus bill was a "no" vote. A number of people on the other side of the aisle also saw that that bill would not hold us to only 8.5 percent unemployment, that there was a better way, a better idea.

The one thing I would always ask the gentleman and those on the other side, bipartisanship means the power of the idea wins at the end of the day. So when a paper is presented that shows it creates twice as many jobs with half the cost, the pride in ownership should not be there. We should allow the American people to actually win, that jobs being created is a much better place for America. And when that is presented again, which we will always gladly do, to sit here and work with you, because we want to put people before politics. We want to create an America that is strong, and we want to leave America not in debt.

So as we move forward, I would always challenge everybody on this floor: The amount of the national debt that is accumulating in this administration is unheard of, and we have to make sure, this generation that's going before us, that we leave an America better off than we were before.

Mr. CROWLEY. Will the gentleman yield?

Mr. MCCARTHY of California. I would be glad to yield.

Mr. CROWLEY. I appreciate again his comments and his desire to work in a bipartisan way to help lift America out of the doldrums that it's in, lift America out of what has been called "the Great Recession."

I think it's also important to note that we didn't get here in the last 9 months. And we can decry the overspending by this administration all we want, but we also have to reflect upon the overspending of the prior 8 years, which I recognize the gentleman was not serving in the House of Representatives at the time, when the other side of the aisle increased the spending and increased the deficit beyond anyone's wildest dreams.

So I appreciate your thoughts. I too want to help stop putting debt on the

backs of my children and my grandchildren. We both share that. And we all need to work together in a bipartisan way to help this President. As he has said, his desire is to slash the national debt in half, and I think we're going to work together to make that happen.

Mr. MCCARTHY of California. Reclaiming my time, if the President only slashes it in half, it's still the highest deficit that we have ever had.

I am one who likes to look forward. I may have only been here 3 years, but the one thing I have seen, if you take the entire history since the creation of this country, there have been 44 administrations. If you just take the first 43, from George Washington to George Bush, and you add up all the amount of debt that was accumulating, and that's from the creation of this country to our battles with Britain, to World War I, to the Depression, to World War II, Katrina, Afghanistan, Iraq, Vietnam, Korea, the creation of a highway system, it is equal to the amount of debt that is going to be doubled. That is something that cannot be maintained. That is something that cannot be happening.

The way to get out of it, you have to control your spending and you have to create jobs. That's why the power of the idea needs to win at the end of the day.

So we will continue to come up with the ideas. We will continue to try to work in a bipartisan manner, and we will continue to hand them to you. But the only thing I ask of you is when you see something that would create twice as many jobs with half the cost, let's put people before politics, let's put America first, and let's move forward to the future.

Mr. CROWLEY. I would ask the gentleman, as a point of clarification, was that from George Washington to the beginning of George Bush's term or the end of George Bush's term?

Mr. MCCARTHY of California. It's to the end of George Bush's term.

---

#### ADJOURNMENT TO TUESDAY, SEPTEMBER 29, 2009

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

---

#### CMS GAG RULE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, we are now on day 5 of the Obama administration's gag order barring Medicare Advantage plans from telling their enrollees about the benefit cuts that will result from the Democrats' health care bill.

The Centers for Medicare and Medicaid Services actually overturned a Clinton-era ruling that said "prohibiting such information would violate basic freedom of speech and other constitutional rights."

Yesterday, Ways and Means Republicans formally requested a hearing to investigate the CMS gag rule.

Mr. Speaker, Congress needs to get to the bottom of this and find out if the administration is politicizing Federal agencies to stop Americans from learning the truth about his policies.

#### TOWN HALL MEETINGS ON PRESIDENT OBAMA'S HEALTH CARE PLAN

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, there has been a lot of attention to the fact that Members of Congress held town hall meetings during the month of August, and there was much discussion about the passion that was expressed there.

Well, it's now September, and we're still holding town hall meetings. I had one last Saturday in my district. And let me tell you the passion is still there.

The average citizen in my district looks to Congress to do the right thing. And they are not satisfied. They are not pleased. They are not happy in any way, shape, or form with respect to the Obama health care plan and its various versions here in the House of Representatives and the United States Senate.

They have asked me to convey to my colleagues the fact that they are concerned about the size of government, the cost of government, the size of taxation, and the amount of debt we're imposing on our children and our grandchildren. They want us to get serious about those things. They don't want us to give up on them.

By the way, they're not mobs. They're not un-American. They are the very essence of America. They come to my meetings in ones, twos and threes. They are everyday Americans wanting a responsive House of Representatives that recognizes simple truths.

□ 1200

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PETERS). Under the Speaker's announced policy of January 6, 2009, and

under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### U.N.: HAVEN FOR INTERNATIONAL TYRANTS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Libya is about to get \$2.5 million in aid from the American taxpayers. And \$200,000 each is marked for foundations run by Omar Qaddafi's two kids.

Omar Qaddafi is an international terrorist. He gave the order for the bombing of the Pan Am jet over Lockerbie, Scotland, in 1988. And then he led the cheers for the killer when he was returned to Libya. Men, women and children boarded that airplane headed for New York's JFK Airport. A Libyan official checked a suitcase with a bomb in it. The airplane exploded, killing 243 passengers and 16 crew members, mostly Americans. Eleven people on the ground in Scotland were killed when large chunks of the plane fell out of the sky and hit their town.

What are we doing giving this man and his family U.S. taxpayer dollars? Has America lost its way?

The United Nations is starting to look like the bar scene in the Star Wars movies. Murderers, thugs, and terrorists freely roam the halls, and they are asked to speak before the General Assembly. There was a time when the United Nations was a threat to tyrants, but now it seems like it is their home.

Omar Qaddafi said at the U.N. that Lee Harvey Oswald, the person who killed President Kennedy, was an Israeli spy. He called for a civil war in Iraq. He condemned the war on terror in Afghanistan, and he said the swine flu is a biological weapon created in laboratories. Can't tell who he blames that on, however.

Omar also said in his 100-minute rambling rant that we should call the United Nations Security Council the terrorist council, made up of the United States and other nations.

Omar's twin terrorist tyrant, Ahmadinejad, also had some choice things to say at the United Nations this week. The little fella from the desert of Iran said that Israel is committing genocide. He said that capitalism has caused all of the misery in the world. The tiny tyrant also praised himself for his glorious election this year. You know, Mr. Speaker, that is the election where he and his government beat and killed unarmed peaceful protesters that opposed him.

He says the Holocaust is a myth. He wants the destruction of Israel and the United States, and he is building nuclear weapons. Who do you think those weapons are for? And what is the

United States' reaction? Well, we canceled our missile defense system in Poland, a defense system that was to protect the United States from intercontinental ballistic missiles from Iran. And our Polish allies think we betrayed our commitment to them and Eastern Europe.

Mr. Speaker, has America lost its way?

And let's not forget Hugo Chavez, the tyrant of Venezuela who railed against the United States. He spoke also at the U.N. He is good buddies with the desert rat of Iran. And a New York district attorney recently said that there is evidence that Venezuela is setting up a Venezuelan missile crisis for the United States. Now isn't that lovely. Why do we send U.S. taxpayer money to the U.N. at all? Twenty percent of U.N. funds come from the United States, and the American public is asking: Why? Why do we finance the U.N. that embraces thugs, dictators, terrorists and everyone who hates America and Israel.

Mr. Speaker, since nobody else over at the U.N. has said it, I will, and I will say this without apology: The United States is the greatest country in the history of the world. We have more freedom and liberty than any people in the history of the planet. We have done more than any other nation to help some of the most ungrateful people around the planet in history.

We should not abandon our missile defense system in Poland. We should reevaluate our financial commitment to the United Nations, and we should never give American money to tyrants of nations in the hope of a blissful illusion of buying peace.

Mr. Speaker, has America lost its way? We shall see.

And that's just the way it is.

#### MEDICARE AND GAG ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, on Tuesday, the Congressional Budget Office headed by Mr. Elmen-dorf, who is the director, told Senator BAUCUS that his plan to cut \$123 billion from Medicare Advantage, the program that gives one-fourth of seniors private health insurance options, will result in lower benefits and some 2.7 million people losing their coverage.

Last week, Mr. BAUCUS ordered the Medicare regulators to investigate and likely punish Humana, Incorporated for trying to educate enrollees in its Advantage plans about precisely this fact.

Jonathan Blum, who is the acting director of a regulator office in the Centers for Medicare and Medicaid Services, who used to work for Senator BAUCUS, said that a mailer Humana



sent to its customers was “misleading and confusing to beneficiaries who may believe it represents official communication about the Medicare Advantage program.”

Mr. Blum has also banned all Advantage contractors from telling their customers what Mr. Elmendorf has told Congress. Mr. Blum, as I said, happens to be a former senior aide to Mr. BAUCUS and a health adviser to the President Obama transition team. So for the record, CBO's Director Elmendorf says that cuts to Medicare Advantage “could lead many plans to limit the benefits they offer, raise their premiums, or withdraw from the program.”

But they want to put a gag on the deliverers of this coverage because they are writing to their patients, to the people they are covering, and telling them that they are going to lose coverage if this bill passes, that Medicare Advantage is going to be gutted. Senator BAUCUS is now saying we want to put a gag in the mouths of people who are providing this coverage so they can't tell the senior citizens of this country that they are going to lose Medicare Advantage coverage.

That is a violation of the First Amendment. And, secondly, I don't know of any rule that would allow Senator BAUCUS to do this. This is absolutely a terrible thing. And Mr. Blum doesn't have the authority to do this. Mr. BAUCUS, Senator BAUCUS, does not have the authority to do this, and yet they are gagging the health care providers, the people who are insuring these people and providing coverage, by saying you can't tell them that they are going to lose Medicare Advantage.

The plan of Mr. BAUCUS and other plans here in the House and the Senate are going to cut \$500 billion out of Medicare, and most of it is coming out of Medicare Advantage and they are trying to keep the seniors in this country from knowing it until they get the job done. That is criminal.

First they violate the First Amendment rights of these companies. And, second, they gag them and threaten them with criminal prosecution or some kind of penalties if they don't adhere to what Senator BAUCUS or Mr. Blum says. And then they don't let the American people, the seniors who vote more than anybody else, know that they are going to lose Medicare Advantage and they are going to take \$500 billion out of Medicare coverage.

Seniors need to know this, and yet they are gagging the people who are trying to get the facts out. This is just dead wrong. It should not happen. This is government control in its worst form, and it is something that we should not tolerate.

In addition, I want to read into the RECORD a letter that I got from Dr. Ned Masbaum, who is a forensic psychiatrist in Indianapolis, and he wrote this

about the American Medical Association:

“Dear Congressman Burton,

“Thank you for your very well-thought out letter. When I heard about the new AMA position supporting socialized medicine, I felt a sickening feeling in the pit of my stomach. I have been a member of the AMA for over 40 years. Unfortunately, it has gradually become a leftist political cheerleader with the usual pro-abortion and anti-Second Amendment drivel. However, this illiterate position for socialized medicine betrays its own members and the American citizenry. It is so blindsided that it also eliminates the need for the very existence of the American Medical Association. If we all become serfs for the government, we no longer need a formerly scientific professional organization.

“With the AMA headquarters in Chicago, the AMA president and his ilk must have been polluted with Chicago-style politics and their brains have turned to mush.

“This morning, I had a lengthy teleconference concerning the issue with the executive vice president of the Indiana State Medical Association, James G. McIntire, J.D. Apparently ISMA has not yet taken any position. I have also written a letter to the president of the AMA, a copy of which is enclosed, advising my opposition and the intent to resign as a member.

“Please keep up the good fight.”

This is the kind of information that needs to get out to Americans. Seniors need to know they are going to lose coverage and \$500 billion is going to be cut out of Medicare.

CARMEL, IN,  
July 22, 2009.

Re your letter of 20 July concerning the AMA.

Hon. DAN BURTON,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN BURTON: Thank you for your very well thought out letter. When I heard about the new AMA position supporting socialized medicine, I felt a sickening feeling in the pit of my stomach. I have been a member of the AMA for over 40 years. Unfortunately, it has gradually become a leftist political cheerleader with the usual pro-abortion & anti-second amendment dribble. However, this illiterate position for socialized medicine betrays its own members and the American Citizenry. It is so blindsided that it also eliminates the need for the very existence of the AMA. If we all become serfs for the government we no longer need a formerly scientific professional organization.

With the AMA headquarters in Chicago, the AMA President and his ilk must have been polluted with Chicago style politics and their brains have turned to mush.

This morning, I had a lengthy teleconference concerning this issue with the Executive Vice President of the Indiana State Medical Association, James G. McIntire, J.D. Apparently ISMA has not taken any position yet. I have also written a letter to the President of the AMA, a copy is enclosed, advising my opposition and intent to resign as a member.

Please keep up the good fight. Best personal regards to you.

Sincerely,

NED P. MASBAUM, M.D.

CARMEL, IN,  
July 22, 2009.

J. JAMES ROHACK, M.D.  
President, American Medical Association,  
Chicago, IL.

DEAR DR. ROHACK: Your announcement of the AMA's backing of nationalizing health care was shocking to say the least. It was my mistaken belief that the AMA always opposed socialized medicine since it does not work anywhere in the world. It was also my belief that the organization backed Health Savings Accounts as a truly free enterprise American way to solve the economic problems of our current system. Why would the AMA sell out it's own members and the American public?

If you and the AMA do not reverse your current position immediately, you can say goodbye to me as a member of over 40 years.

Sincerely,

NED P. MASBAUM, M.D.

On Tuesday, the Congressional Budget Office director told Senator BAUCUS that his plan to cut \$123 billion from Medicare Advantage—the program that gives almost one-fourth of seniors private health-insurance options—will result in lower benefits and some 2.7 million people losing this coverage.

Last week Mr. BAUCUS ordered Medicare regulators to investigate and likely punish Humana Inc. for trying to educate enrollees in its Advantage plans about precisely this fact.

Jonathan Blum, acting director of a regulatory office in the Centers for Medicare and Medicaid Services, CMS, said that a mailer Humana sent its customers was “misleading and confusing to beneficiaries, who may believe that it represents official communication about the Medicare Advantage program.”

Mr. Blum has also banned all Advantage contractors from telling their customers what Mr. Elmendorf has just told Congress. Mr. Blum happens to be a former senior aide to Mr. BAUCUS and a health adviser on the Obama transition team.

So, for the record, CBO's Director Elmendorf says that cuts to Medicare Advantage “could lead many plans to limit the benefits they offer, raise their premiums, or withdraw from the program.”

Providing of accurate information by Medicare Advantage plans to its enrollees is not prohibited by applicable Federal rules and regulations.

#### AFGHAN ASSESSMENT

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, in 2007, the Commander in Chief, President George W. Bush, relied on his military commander on the ground to give him an assessment as to what it would take to turn around what was then a very bad situation in Iraq. General Petraeus made his case before the House and Senate Armed Services Committees, and he was given the resources that he requested. The



surge in Iraq provided the necessary level of security that ultimately allowed the political process there to move forward.

Similarly, General Stanley McChrystal has been charged by the Commander in Chief, President Barack Obama, to give an assessment of what it will take to win in Afghanistan and achieve the objectives that the President had committed to earlier this year.

I believe General McChrystal's report was politically sanitized and General McChrystal needs to appear before the House and Senate Armed Services Committees to give an honest assessment of what is going on in Afghanistan.

#### AMERICAN POSITION AGAINST TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stood on this floor about 3 years ago and called upon the United States to clearly define its position toward what is now the world's largest state sponsor of terrorism, the Islamic Republic of Iran.

I then called upon the IAEA to refer Iran to the Security Council because I believed then that what Western intelligence has long suspected about Iran and what it seems that President Obama is now just beginning to realize, Iran is systematically and relentlessly pursuing the development of nuclear weapons.

Today's revelation that they have a second uranium facility at Qom should remove all doubt in any reasonable person's mind about their inevitable intentions. Yet today's announcement at the G-20 summit by the leaders of Britain, France and the United States reveal that Iran has been covertly operating and developing a new underground uranium enrichment facility at Qom.

It is disgracefully ironic that today's announcement comes only a week after announcing our abandonment of the European missile defense site which could have protected the homeland of the United States against Iranian long-range missiles, and only one day after President Obama chaired a United Nations Security Council specifically addressing the need to halt the spread of nuclear weapons throughout the world. Unbelievably, the resolution passed by the Security Council, under President Obama's leadership, omitted any mention whatsoever of either North Korea or Iran.

But regardless of the Security Council's failure to explicitly address the real and present danger that the peace-loving world faces because of Iran's nuclear ambitions, the fact is that Iran

has already disregarded three previous rounds of Security Council sanctions and has continued to aggressively pursue a nuclear weapons capability, including building this underground facility and testing the long-range ballistic missiles that could be used to deliver a nuclear payload.

□ 1215

We have reached a crossroads with Iran, Mr. Speaker, that will result in one of two outcomes: either Iran transforms the geopolitical landscape by becoming a nuclear power that proliferates nuclear and missile technology to terrorists throughout the world and then threatens the very existence of countries like Israel; or, by the world's inaction, we place the tiny country of Israel in the unavoidable position of having to act unilaterally with military force to protect themselves and humanity from the threat a nuclear Iran would represent to the entire civilized world. We must not place Israel in that position, Mr. Speaker.

President Obama's announcement today also offered no assurance and, in fact, was a weaker statement than the statement given by Prime Minister Brown and President Sarkozy, who rightly said that we live in the real world, not the virtual world, and that the real world requires leaders to make decisions to act.

With its languishing economy and literally centuries' worth of natural gas reserves, Iran's claim that it seeks nuclear capability solely for peaceful purposes is ridiculous beyond my ability to express.

It is now open knowledge that for years North Korea gave false overtures that it would engage in negotiations over its nuclear program while holding every deliberate intention to continue its covert development of its nuclear program. We are lying to ourselves and to the world that similar overtures, if made from Iran, will be any less disingenuous. And the implications for our children and our future generations are profoundly significant, Mr. Speaker.

The world must act. As one former Israeli Ambassador put it, "The game is over." Iran is no longer progressing but has now reached the endgame of diplomatic relations.

Mr. Speaker, I am in favor of every sanction and diplomatic effort possible to prevent Iran from gaining nuclear capabilities. However, ultimately I am convinced the only two things that will stop Iran from becoming a nuclear armed nation and proliferating nuclear terrorism globally in the future will either be a direct military intervention from America or other nations, or the absolute conviction in the minds of the Iranian regime that that will occur if their march toward gaining nuclear weapons continues.

The world must act, Mr. Speaker. For the sake of freedom and for all

that free people love, Iran must not be allowed to progress one step further in its pursuit of nuclear weapons.

#### IRAN: A CLEAR AND PRESENT THREAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, President Obama's decision to scrap a long-range, European-based missile defense shield was not only met with concern among our European allies, but more importantly has sounded alarms here at home where the President's action will leave the Nation vulnerable to Iranian long-range missile attack.

Three years ago, in response to growing threats from Iran, the U.S. developed plans to install a missile defense system in Eastern Europe to protect Europe and the United States from potential long-range missile attack. Under the program, 10 interceptor missiles would be located in Poland and a radar station would be built in the Czech Republic by 2013. The European-based missile defense system would add an additional layer of defense to the continental United States, which already has a small network of interceptors on the west coast.

The European-based missile defense shield was endorsed by our NATO allies, who called it a "substantial contribution to their collective security." Now, the Obama administration has taken the unusual and highly questionable position of canceling the planned European-based missile defense system in favor of a scaled-back program that will not be ready until 2020.

The threat represented by Iran is real and growing. Last February, Iran launched a satellite, demonstrating substantial progress toward achieving a reliable long-range missile program. A month later, the head of the U.S. European Command testified before the House Armed Services Committee that Iran would be able to deploy an intercontinental ballistic missile, an ICBM, capable of reaching all of Europe and parts of the United States by the year 2015.

The President stated his decision was based upon reduced threats from Iran and greater cost efficiency of his alternative defense system—and anyone watching the news knows that there is no diminished threat from Iran. However, a July 2008 classified report produced by the Institute for Defense Analyses concluded that the European-based missile defense system that the administration now wants to cancel would, in fact, be the most cost effective. I have called on the administration to declassify this report so that all of the facts can be known and we can have a robust debate.

Moscow has made no secret of its opposition to the European-based missile defense system and has repeatedly called for its elimination. Furthermore, European leaders have heard from Russian leaders. The Russians have continually shown that they have no intention of pressing Iran to drop its nuclear and missile programs. For its part, Iran also shows no willingness to be deterred by Russia. Yet, the administration, in courting Moscow assistance in halting Iran's nuclear missile ambitions, has effectively chosen to surrender America's bargaining position with its shelving of the proposed missile defense system.

While the Obama administration's decision to reverse course on European missile defense is being met with smiles in Moscow, Americans have real reason to be concerned. By the administration's own admission, its alternative missile defense system will not be able to be fully capable until 2020, with intelligence indicating Iran will have ICBM capability by 2015. This means the United States could be vulnerable to Iranian missile attack 5 years before the administration gets its new missile defense system ready.

Not only is Iran near its goal of launching ICBMs, reportedly, it has already the ability to construct a nuclear bomb. Last Thursday, a group of experts at the International Atomic Energy Agency stated, in a report obtained by the Associated Press, that Iran is already capable of building a nuclear bomb and is on the way to developing a missile system capable of carrying an atomic warhead.

Remarkably, in the face of Iran's blatant actions to develop a nuclear weapons program, the administration continues to pursue a course of unilateral disarmament. Earlier this year, the President cut funding for missile interceptors to be based in Alaska as part of the ongoing construction of a homeland missile defense system, reducing the number of interceptors by one-third. I opposed that move and offered an amendment in the House to restore the funding. Unfortunately, the President's cuts were sustained by a Democrat majority of the House.

The administration's record on missile defense at a time when both North Korea and Iran are seeking nuclear weapons capable of reaching the United States is troubling. This year, the administration has cut missile defense by \$1.2 billion, reducing by one-third our intended west coast shield which would protect us from North Korea's advancements and has stopped a European-based system intended to protect the U.S. from Iranian missile threats. In the face of known threats, this administration needs to rededicate itself to defense of the United States' mainland.

It is now my honor to recognize our ranking member of the House Armed Services Committee, BUCK McKEON,

who represents California's 25th District, was elected in 1991, has been a leader in ensuring the United States has adequate defense, both that our troops have adequate equipment in their conflicts but also in ensuring that the United States has adequate defense systems.

With that, I would like to recognize Representative McKEON.

Mr. McKEON. Thank you, MIKE. And thank you for holding this Special Order.

I think you have done an outstanding job of getting out to the American people the problem with cutting our missile defense system at a time of war. I have been here a little bit longer than you. I came in 1992. In 1992, we had 18 Army divisions. We are down to 12 now. Actually, in 1998, we were down to 10. We've built it back up in the last 10 years. We had 24 fighter wings; we now have 12. We had 546 Navy ships; we now have 283. Do you detect a trend?

Historically, we have cut our defenses after a war. We did that after World War I, so that when World War II came along, we were training with wooden dummy rifles and it took us a while to get built up into that fight. By the end of the war, we were building hundreds of planes a day, but it took a long time to get there.

But the world has changed. We're not in a situation now where we can build up defenses after the fact. We have to be prepared ahead of time. We had a golden opportunity to do that. The President, earlier this year in the Democratic Congress, passed an \$800 billion supplemental that was supposed to help us get out of the financial system that we're in. The President called for shovel-ready projects, things that could be done immediately to help the economy. Well, just a couple of things.

I also serve on the Education Committee, and we had about \$14 billion in that supplemental for education, education programs, the Pell Grants, which are very important. But to put \$12 or \$14 billion into IDEA and the same amount into Pell Grants—those are long-range things that will help in the long run—it showed where his priorities are, which it's good to find out where his priorities are. But at the same time, out of \$800 billion, \$300 million went into defense; \$300 million out of \$800 billion. Now, that \$300 went to MILCON, which are important projects, and we need to build on military bases. Nothing went into weapon systems.

When I came to Congress, we were building the B-2 bomber, and it was supposed to be 132 planes. That was what was needed for defense of our Nation. That was planned out. Everybody bought into it. Everybody agreed on it. They ended up building 21. At the same time, we were planning a new fighter because we needed it to compete worldwide with things that Russia and China

were doing, and we were going to build 750 F-22s. In this last budget that was just passed in the House—hasn't finally become law yet. We're still in conference, but they have made a decision that now we don't need 750; we can get by with 187.

I don't know what's changed in the world to make it all of a sudden much safer to give us 187, that that will now satisfy the need. It's a trend that's very disturbing, cutting \$1.2 billion out of our ballistic missile defense. Historically, as I said, we have cut our defense after a war. I don't know that we have ever in our history cut our defense during not one, but two wars which we have going right now in Iraq and Afghanistan, and as you've mentioned, the problems that we see with Iran.

Today's announcement that Iran has a covert uranium enrichment facility should really come as no surprise. Why develop a covert enrichment facility if Tehran claims its program is solely for civilian purposes? Why don't they tell the world? Why don't they brag about it if that's what they're doing? I think people understand there's a reason why they're doing it covertly. This deception shows a clear intent by Tehran to hide a growing nuclear weapons capability.

In the unclassified judgments from December 2007 National Intelligence Estimate on Iran's nuclear intentions and capabilities, it was assessed that "Iran probably would use covert facilities, rather than its declared nuclear sites, for the production of highly enriched uranium for a weapon." However, the NIE went further to say that "we judge that these efforts were probably halted in response to the fall 2003 halt, and that these efforts had not been restarted through at least mid-2008."

Well, what I heard this morning in the President's speech is that they had been building this plant secretly, covertly, to enrich uranium for years. These efforts have been restarted. Today's announcement means that previous estimates on when Iran could achieve a nuclear weapons breakout are now inaccurate.

This disclosure also highlights just how uncertain our intelligence can be. Just a week ago, the administration explained that its primary reason, as you said, for scrapping the European missile defense system to be located in Poland and the Czech Republic was because the threat was now downgraded. In December 2007, our intelligence community judged that Iran didn't have a covert uranium enrichment facility. Now, less than 2 years later, it does. How, then, could the administration be so confident in its assessment that Iran can't develop a long-range ballistic missile by 2015, or maybe buy one from somebody?

□ 1230

We need to be skeptical of policy decisions based solely on intelligence. Intelligence can be wrong as much as it can be right. We have to take into account that it cannot be, even with the best efforts of our Intelligence Committee, the sole basis for a decision. I mean, you can also look at human nature. You can look at past history. You can look at how they reacted in the past. Based on that, how can we expect them to react in the future?

We've witnessed Iran successfully use a long-range rocket to launch a satellite into space, work closely with the North Koreans, who themselves appear to be pursuing ICBMs and continuing to expand their nuclear capabilities. What other covert facility programs does Iran have under its sleeve?

Apparently, they came up with this information because they found out that we had already known about it, so now they're telling the world. What else do they have going on that we don't know about or that they're not telling us or that we're not finding out about?

It's time for the Obama administration to do something concrete about it beyond pinning their hopes on upcoming talks and relying on Russia to protect our security interests. This starts with: stronger sanctions against Iran right now; robustly funding missile defense so that now we have defenses in place before 2018 or 2020, unlike the administration's plan; and an Iran containment strategy, working with our allies, which will deter Iran and will dissuade allies and friends from proliferating.

I want to commend you, MIKE, for the job you're doing as ranking member on the subcommittee. It's a very important job. I appreciate your holding this Special Order and getting this information out to the people. The American people have to understand this important issue.

Our defense is our main responsibility. We do a lot of other things around here, but the defense of this Nation is our number one responsibility. We do a lot of things that we're not obliged to do by the Constitution, but this is our responsibility.

I commend you for the job you're doing. Thank you for holding this Special Order.

Mr. TURNER. Well, I want to thank you, Representative McKEON, our ranking member on the House Armed Services Committee. I want to thank you for your leadership on the committee, certainly for your leadership of ensuring that we have a quality defense for the United States and also for your highlighting this important issue.

The issues that you've raised concerning Iran are very important. It should not be lost on anybody that, the very day the administration released its decision to drop the European site—

to walk away from the Czech Republic and the Poles—the International Atomic Energy Agency released its statement that Iran was nuclear-capable, that they were capable of making a nuclear weapon.

This was on the very same day, as you were saying, that the President said that there was a downgraded threat when, in fact, there is no evidence that the threat has been downgraded. I keep asking the administration to provide us any evidence that the threat is diminishing from long-range ICBM threats from Iran, and we have no information which would indicate that.

Mr. AKIN. Will the gentleman yield? You're getting me upset.

Mr. TURNER. Representative AKIN, I appreciate your work on this.

Mr. AKIN. This is kind of hard to figure out.

I really am thankful. The ranking Republican member, Congressman McKEON, does a great job on Armed Services, and he is so gentlemanly and scholarly, and he lays the facts out.

I want to just kind of put these things together and ask anybody if this makes any sense at all. What we're going to do is drop missile defense in Europe. Now, this is something for which quite a number of Europeans had to stick their necks out politically. It is the Czechs and the Polish who are agreeing to put this missile defense in. Now, if you draw a line between Iran and New York City, guess what's in line with that? Well, Poland is.

So now we're going to drop this missile defense program to protect our country and Western Europe from rogue states, particularly Iran, which we now know is putting together three things. They're putting together long-range missiles, nuclear warheads and radical Islam. That's not a great combination. So now we're saying the threat assessment has been dropped. How do you figure that? The threat assessment has been dropped when you're putting long-range missiles and nuclear warheads with radical Islam. I don't feel like the threat assessment should have been dropped. I don't know anybody with common sense who would assert that.

Mr. TURNER. Mr. AKIN, you raised a very good point. I'd like you to speak for a moment on this issue:

The European missile defense shield that was intended for interceptors in Poland and for the radar in the Czech Republic was not just intended to protect the United States. Although, it would have provided protection to the United States by 2013, with the President's plan not providing protection to the United States, by their own Web site admission, until 2020.

You make an important point that it wasn't just to protect us; it was also to protect our European allies. In addition to that, the Czechs and the Poles had gone out on a limb.

Mr. AKIN. We cut the limb off.

Mr. TURNER. There had been tremendous pressure on them not to agree to work with the United States.

For a moment, talk about what the unilateralism of the Obama administration does to those allies.

Mr. AKIN. Well, we just basically cut the limb off from underneath them. I mean who else is going to want to partner with us in some sort of a decent effort to defend the Western World from either nuclear destruction or at least blackmail? These guys have gone out on a limb, and we just cut the limb off from underneath them.

What's even worse is the fig leaf of an excuse from a technical point of view—for those of us on the committee, we know this is just a bunch of baloney—of the idea that we're going to use the standard block 3 missile on a ship to stop intercontinental ballistic missiles.

Look, this missile defense stuff is not as rocket science as people think. It's pretty simple. You've got small ones, medium ones and big ones. The big ones are called intercontinental ballistic missiles, and you can't shoot an intercontinental ballistic missile with one of our two-stage missiles off of a ship. You can't do that and make it work very well.

Not only that, think about the logic of what we're saying. The Navy is complaining that they've got a lot of demands in places where they're going to put their ships. Now, if you're going to try and cover this with ships, you're going to have to have probably three ships on station all the time. That's really expensive. It's a lot simpler to put the radar on the Czech Republic and some ground-based interceptors in Poland.

So we're talking about, first of all, a technical solution which is not going to give us the protection we need. It doesn't even make any sense. Then to say the threat assessments have dropped, the President is just not making sense in the kinds of things that he's talking about.

Mr. TURNER. Representative AKIN, to piggyback on what you're saying here, you're making the point that the system that was intended to be in Europe was the system that would provide the greatest capability at the lowest cost.

Mr. AKIN. Right.

Mr. TURNER. You have a great reputation with your leadership in the House and for being the ranking member of the Seapower and Expeditionary Forces for the Armed Services Committee. You were elected in 2001, and you've got a great record of service.

One thing that, I think, is important is that we don't just have to take your word for it. There is the Institute for Defense Analyses' unclassified excerpt

of the executive summary for the independent assessment of the proposed deployment of the ballistic missile defense system in Europe. This was presented to our subcommittee at the beginning of this year. This was asked for by the Democrat leadership to do an assessment of exactly what you just said—to compare the system that's being proposed by the administration and the system that was intended to go into Europe. This report, which is an independent assessment, reads that the most cost-effective way to protect the United States was the system that this President just scrapped.

Mr. AKIN. I'm the ranking member on Seapower, and you know, there's something that just doesn't make sense.

I've been aboard our ships that have these standard block 3-type missiles on them, okay? I've talked to the people who run those systems, and they tell me, if North Korea launches an ICBM, their chance of stopping it is about 1 percent. The reason is that the missile on the ship is a two-stage missile. It doesn't have the velocity and the ability to get on track with a much faster, higher-moving missile.

So that's why I say you've got small ones, medium ones and big ones. You fight the big ones with big ones, and the big ones are ground-based interceptors. It's a three-stage. That's why we have them in Grayling, Alaska, that's why we have some in California, and that's why there should be some in Poland.

This decision, I believe, was made all based on politics and not based on logic. I'll tell you what makes me secure. It's secure when we have American troops defending American homelands instead of vague promises from some Russian or some Iranian leader that everything is going to be okay.

Mr. TURNER. Representative AKIN, reclaiming my time, I appreciate your comments.

I would like to yield to Representative BISHOP, who is from Utah's First District. He was elected in 2003. He is the former speaker of the House of Utah, and is a great champion for national defense on the Armed Services Committee.

I know you have thoughts about this, and I would like to yield to Representative BISHOP.

Mr. BISHOP of Utah. Well, I appreciate the gentleman from Ohio for giving me this opportunity.

I am pleased to be with the gentleman from Ohio and with the gentleman from Arizona, who will be speaking, I believe, in just a moment. They have really turned out to be experts on our missile defense system, as well as the gentleman from Missouri, who clearly understands the technical nature of what we can do both on the sea as well as on the land.

I am deeply concerned about what we have been talking about in this area. It

is very clear that this decision, based on what will happen in Europe, has significant long-term implications to our relationship with those European allies. The gentleman from Ohio and I have been, on several occasions, meeting with German officials as part of the study group on Germany. Is there really an opportunity, once this country has reversed course this way, to expect them to trust us in long-term decisions and in long-term commitments?

I hate to say this, but the idea of our developing a stronger bond with Europe based on this decision, the idea that the current Iranian regime will become nice in its relationships with the rest of the world—I mean I'm sorry. My beloved Cubs, Mr. Speaker, Mr. Parliamentarian, my Cubs have a better chance of making it to the World Series than the Iranians have of becoming nice all of a sudden unilaterally, or the fact that our European ties will be built stronger because of this particular decision.

If I could, I'll expand this slightly and take us a little bit afield because this does deal with the impact to our European defense; it does deal with the impact of the defense of the eastern coast, and it also deals with the impact of the defense of this entire country. We right now have 30 ground-based missiles to defend the entire country, and they're all situated in Alaska—in one spot.

We talked earlier with other administrations about extending that to other areas, which makes sense, about growing that number, which makes sense, about taking not just a ground-based system but also a kinetic energy interceptor system to try to spread out our defense, which, to me, makes sense.

This administration, much of these decisions being made under a unique gag order by the Secretary of Defense, simply took the process of halting our growth so that, once our 30 missiles are gone, there is no replacement. Halting the kinetic intercept system, even though we were ready for the first test-fire and everything had run smoothly up to that time, simply putting a stop-work order and halting it. Halting the increase in production of our ICBM defense system. All at the same time.

I want to put out one other element that has an impact, because I see these people every day. Look, I grew up watching "Bewitched." If there's one thing I noticed from that TV show it's that Samantha wasn't real. Nobody can wiggle his nose and create a new solution.

Once we decide to unilaterally stop the production of these missiles, if at some point in the future we decide maybe we made a mistake, you don't easily and quickly fix that mistake because, once the industrial base is gone on these elements, you don't bring it back. You cannot simply turn the spigot on and off and, all of a sudden, have

the engineers who know the problems and who have worked through them, come back to work for the government.

As one of the generals who was talking to me off the record simply said, Look, first of all, when the work base is gone, it is gone, and we don't bring it back. Most significantly, the first people who leave are the ones we really want. It's not the worst employees who leave first; it's the best employees who leave our industrial base first. Those are the ones we want.

If at some time we decide we were wrong and we have got to fix this problem, that there maybe is a greater threat than we're anticipating. It will cost this government significantly more to restart that work base. It's not just a matter of we're throwing people out of a job. It's not just a matter of boom-and-bust economies. It's the fact that we will have to spend more to recreate what we already have if, indeed, the threat is more significant. Some people in the military currently see that.

Mr. AKIN. Does the gentleman yield?

Mr. BISHOP of Utah. I always yield. Every time I take a breath, I'm ready to yield. I just breathed.

Mr. AKIN. To me, it seems like you've understated how bad things are, because not only is the industrial base closed up, the buildings shuttered, the engineers working on some other project at some other place, but it takes time to get it back on track. If somebody is shooting missiles at you and they're going to arrive in half an hour, that's not very much time to start up a business and to rebuild your missile defense. You just can't do it in that amount of time. This requires planning.

The gentleman's numbers and statistics are right. The only thing is, they do have ground-based not just in Alaska. I think there are a few in California, but it's not spread out. Am I wrong on that? I thought there were a couple of them in California. Anyway, the point is right, which is that they're not spread out. The other point is we're using something to kill something that isn't designed to work from the beginning. It just doesn't make any sense.

As the gentleman has expanded the topic a little bit, let's talk about the different things that have been cut.

□ 1245

Mr. TURNER. Before we move on, I would like to go to Representative TRENT FRANKS who is the Chair of the Missile Defense Caucus of Arizona's Second District, elected in 2003. We were elected at the same time.

Representative FRANKS was talking just today about the covert issue of Iran and what they have announced with their secondary site. You have been a leader on this, both in highlighting the issue, making sure that the technical discussion goes forward

so people know what's at risk and what we have the capability of.

But on the threat side, this administration has stepped forward and said that we have a threat that is not the same as we thought. They say it's lessened. Everybody else that I talked to believes that it's either increasing—but no one will say that it is actually diminishing.

Representative FRANKS, I would love for you to talk about the threat issue to our families.

Mr. FRANKS of Arizona. I appreciate the gentleman very much. I have to say, Mr. Speaker, I think all of the previous speakers have covered critically important points.

Before I give a statement related to the European site primarily, I just want to say I was struck by the chairman or chairman-to-be, we hope, of the Strategic Forces Committee, your comments saying that the statement that was made by the IAEA related to Iran's nuclear capability came on the same day that the President decided to abandon the European site, I thought were profound. Because, in reality, this ostensible alternative that the President suggests that we can put in place of the ground-based system, we were going to build anyway.

That's nothing new. All we have done is to take out the equation of the ground-based system that, as Mr. AKIN says, would have had the actual capability of interdicting ICBMs. That's all we have really done.

Of course, the system we were building in Europe could have protected the American homeland. Any ability to do that in this so-called alternative that we were going to build anyway will be out around 2020.

I just appreciate the gentleman being able to point out that critically important point, because I believe, Mr. Speaker, that the Obama administration's decision last week to abandon the European site will go down in history as a crossroads in European and American relations.

I am afraid that this and future American generations may be greatly affected. When the administration decided to abandon U.S. plans for a ground-based missile defense site in Europe, I believe the President fundamentally disgraced and weakened this Nation by breaking his word to our loyal and courageous allies in the Czech Republic and Poland.

Mr. Speaker, America has become the greatest Nation in history because our word has always meant something. The announcement to abandon the protective missile defense shield in Europe has fundamentally altered that paradigm. After the decision was announced, the newspaper headlines in Poland and the Czech Republic stated the situation in the very starkest of terms.

One Czech newspaper had the quote: "Betrayed, the U.S.A. has sold us to

the Russians and stabbed us in the back." That's an incredible statement. In the Czech Republic, the daily Lidove Noviny commented, that's one of their major newspapers, Obama gave in to the Kremlin. This has weakened America's place in the world.

Mr. Speaker, President Obama's decision to abandon our faithful allies and instead placate Russian belligerence came on the 70th anniversary to the exact day of the Soviet Union's invasion of Poland after two of humanity's notorious monsters named Stalin and Hitler insidiously agreed to divide the nation of Poland between themselves.

Our allies deserve better than that, Mr. Speaker, after they stood bravely in the face of Russian aggression and paid a tremendous price politically and otherwise to stand by us. They had a right to expect America to keep her word and to stand by them. But, ironically, Mr. Speaker, Mr. Obama's terribly flawed reasoning for the abandonment of the European missile defense site really has everything to do with Russia, because Russia has always hated the missile defense plan because they don't want American presence in their quote former "empire." Knowing that this would diminish Russia's influence in the region, even though the Russian military would not be threatened in any way by the European site, it would not be any real defense of any kind against the Russian federation strike.

Russia's leaders know that if an American radar is placed in the Czech Republic and the American missile interceptors are placed in Poland, those two sovereign countries would be stepping further away from the shackles of Russian oppression in the East and joining with the Americans in the West for the cause of democratic independence and human freedom.

Mr. AKIN. I think you just covered something that is absolutely amazing. You know, we don't put enough emphasis, maybe, on history. You are saying to the very day 70 years from the time Russia invaded Poland is when we just drove the knife in the back of Poland and cut the ground out for them as they were trying to defend their own country and the European countries. Is that what I just heard, 70 years exactly to the day we just sold them down the river?

Mr. FRANKS of Arizona. Yes, sir. Of course, as Mr. TURNER said, on the exact day that the IAEA said that Iran was gaining nuclear capability.

Mr. AKIN. On the same day that the IAEA is saying that Iran is gaining nuclear capabilities; and 70 years before when Poland was invaded, we make the brilliant decision to abandon Poland, to abandon the one tool we have to stop intercontinental ballistic missiles and hold this fig leaf of an excuse that we could use a medium-range missile to try to stop things. This is a horrible decision.

Mr. TURNER. The important point, I think, for the IAEA's, International Atomic Energy Agency, statement is that they are saying it's no longer theoretical. I mean, we are not standing on the House floor, the four of us, saying that we are ringing a bell of the threat to the United States. This independent International Atomic Energy Agency says that Iran has the capability now, today. It's not as if someone is saying in projecting the future, this independent agency, which is charged for overseeing this, being the agency that is supposed to know what capability that countries have, has made this announcement saying that they are today capable of making a bomb.

When you couple that with what Iran has accomplished with their missiles, having already put a satellite into orbit, again, we are not talking theoretical again. This is not as if we are projecting that some day Iran is going to have a missile. Iran used a missile to place a satellite in orbit, the same technology that you would be utilizing in order to reach the continental United States.

Those two technologies, the nuclear capability and the missile technology capability, are coming together to be a real threat to the United States. Now, here is the thing that just confuses me most about the administration's statements.

We know that the plan that they just scrapped would have placed interceptors and radar in Europe that would have been available to protect the United States from intercontinental ballistic missiles projected by 2013, could be 2014; 2013 is when it was projected to be completed.

The President comes forward with his plan and says Iran is going slower—no indication that anyone has or that we have that Iran is going slower—but all intelligence says that Iran could have this capability to reach the United States with their nuclear weapon by 2015. The President comes forward with a plan that says we are going to be ready and able to protect the continental United States by 2020?

This is a gap of 5 years there, even if you use the President's numbers. You use their numbers, you go to their Web site and you see 2020. You see Iran's capability from all intelligence agencies is 2015, and they could be sooner. As Ranking Member McKEON said, they could buy it, or they could have advances.

But this President, sitting here in 2009 says, I don't have to be prepared. The next generation isn't going to be prepared for the next 11 years; 2020 is 11 years away; and he says, I am not going to have the capability, I don't need the capability. I don't need the capability to protect ourselves from a country that the International Atomic Energy Agency says has the capability

to produce a nuclear weapon and where our intelligence agencies say will have the capability of a missile.

Representative FRANKS, I know you have some thoughts on that.

Mr. FRANKS of Arizona. You are exactly right. Here is the thing that is most profound to me. Since the timeframe that you mentioned is correct, that means that any alternative system could come far too late to have any influence on Iran's calculus to go forward with its missile program or its nuclear program.

The idea if we had the ability to knock down anything they threw up, anything that they should launch, if they knew that America could interdict those missiles, all of a sudden they might say we are taking a tremendous chance, maybe on a military intervention here. You never know, and if the Americans can knock this down anyway, maybe we should reconsider. That was the hope.

Mr. TURNER. You are right, the deterrence, the deterrence effect it would be.

Speak for a minute, Representative FRANKS, on Russia because this also amazes me. This President has had Russia say to him abandon your missile defense of the country. He has done so without a concession from Russia. At the same time he is on the eve of going into the START negotiations where Russia is going to be asking for additional concessions from the United States. But there are those in the press, because I was on a couple of talks shows, and they said, well, this really isn't about Russia because this missile defense system was no threat to Russia.

Why is it, if it's no threat to Russia, that Russia would be asking or that we should be conceding? Do you really think the administration is going to be able to advance our security by putting our missile defense system down for Russia?

Mr. FRANKS of Arizona. Well, I absolutely do not. You know, we have had a lot of Russian belligerence lately, as you know. They have spoken against this for a long time. But the report surfaced in March of this year that the President was going to offer Russia a promise that the United States would not build the missile defense site if Moscow would commit to helping us to discourage Iran's nuclear program. That was the so-called equation.

But you have to recall that Russia was actually the one who has already delivered nuclear fuel to Iran. They were the one who was paid \$800 million to help build the Bushehr power plant in Iran that could have implications for building fissile material in the future. Of course, they have been complicit in helping them with their missile program.

Moreover, it is just this week—I think this is an important thing to

know—Venezuela's Hugo Chavez announced the purchase of more than \$2 billion in arms from Russia, including rocket technology, and has declared that Venezuela will get started on a nuclear program with Iran's help. This is some sort of unholy alliance here. To somehow suggest that Russia is going to be a help here, I think, is naive beyond degree.

Mr. TURNER. Representative BISHOP, you were talking about the issue of our industrial base. It has a huge impact when we defund programs because then we lose capabilities that we currently have. If we are not making these interceptors anymore, or if we are lessening the number of interceptors, then we are diminishing our capabilities to defend ourselves.

But we pay a really great cost in the issue of innovation. When you defund a program, not only do you lose the intellectual capital that's there, but what we want to do next suffers. I know you have been a big advocate for ensuring that we invest in our industrial base and for ingenuity in the future.

What are your thoughts on what actions that the administration has taken, its impact now?

Mr. BISHOP of Utah. Well, we were talking about cutting back on all of these missile defense programs, not in Europe, but also with our ground-based kinetic energy to save \$1.8 billion. If we look at what we have been throwing around for stimulus money, for other types of programs, even Cash for Clunkers, it kind of is very small in relationship to the impact it is having on research and development. What does it actually cost to try to defend this country?

I appreciate the historical context some of you have been putting into it. The fact that the decision in Europe was announced 70 years to the day, let's face it, if you want to go to some other irony, the time that Secretary Gates was saying that he was going to stop the production of more than 30 ground-based missiles in the KEI was the exact same day the North Koreans were shooting a missile that was threatening Japan going over it.

He was holding a press conference, reassuring the State of Hawaii that we had enough missile defense system to protect everybody on the date of their second shot. I think one of the things we need to do in America is quit holding press conferences about our missile defense and making decisions, because something bad always happens on those particular days.

But it is undisputable, the fact that every program that is started has glitches in them that have to be worked out. That's why you want an experienced work base to try to be there who have gone through that program, who have worked through it, who know what works and know what

doesn't work so you don't have to keep reinventing the wheel. As you said, even if we were going to save \$1.8 billion by not doing this, if at some point we realize along the line that 30 missiles is not enough to defend this entire country, it is going to cost significantly more than that to rebuild it.

We, for example, on the ICBM rocket motor program wanted to keep a warm line in the industrial base so that we could churn out a minimum number of missile motors so that we could refurbish those ICBMs that we are going to keep. Well, we didn't put enough money in the budget to do that.

What it meant was that there were people who were laid off because the private sector could not keep that warm line functioning. Even though the military knew they insisted they were going to have to have a warm line, what it meant in the long term was instead of putting about \$10 million or \$20 million in the line, they are going to have to put four times that much money to start the warm line project again.

What I am trying to say is here—and we are throwing around a lot of numbers, let me try to make this easier—it is cheaper for us in the long run to keep an industrial base of experts so that we can maintain what we have and try to find the research and development to improve what we have.

If we start and stop, it is expensive to restart, to reboot that program. It does not save us money in the long run.

□ 1300

It does not give us better defense in the long run. It does not help with research, and it doesn't help people who lose their jobs, gain their jobs and lose their jobs and uproot their families when we don't benefit from it in the long run.

I appreciate you bringing that particular issue up.

Mr. TURNER. One of the things I find fascinating about this administration's funding requests is that they've cut ground-based missiles in Alaska. They've cut the ground-based missiles that were planned to go into Europe. They have done so by trying to sell that they're committed to Aegis and THAAD as defensive systems. And in their plan that they put out upon canceling the system in Europe, they said we're going to invest more heavily in those systems.

Well, let's look at what they really did. Because, obviously, if they say they're going to do it, we'd all think here that in this body, the legislation that's coming through this body would reflect the administration's commitment to that.

However, although this administration has talked about increasing theater missile defense inventories, Aegis and THAAD, and have added \$900 million in the budget, we're not seeing the

sizable inventory increases reflected in the budget. For example, in FY 2010, the budget acquires less Aegis SM-3 interceptors than the initially projected FY 2009.

So what does that mean? It means that in FY 2009, when the budget came through this House, there was a certain level of purchases that had been indicated for the SM-3 interceptors. And what did the administration do? They came in asking for less. The FY 2009 budget projected that 24 additional SM-3s would be required in FY 2010; yet the FY 2010 budget requests only 18.

Budget documents indicate that the SM-3 inventory will grow from 133 interceptors to 329 within 5 years. Let's do that again. The budget documents indicate that the SM-3 inventory is supposed to grow from 133 interceptors, what we currently have, to 329 within 5 years.

Where will the additional SM-3s come from in the out years? If so, what other programs are going to be squeezed? How are they going to go from 133 to 329 when they're buying less than what was proposed? Where's the big request for the additional ones?

The FY 2009 budget indicates three additional THAAD batteries will be acquired; yet the budget requests no funds for additional THAAD radars. According to the contractor, major suppliers could go cold in FY 2010. So for the administration to say, We're not against missile defense. We're not eliminating missile defense. We're just shifting focus. They're not shifting focus. They're not even buying what was planned.

Representative FRANKS, I know you have been a big advocate for all of these systems.

Mr. FRANKS of Arizona. I agree. I guess I just repeat that we were trying to build out these systems anyway. This was something that was already on the drawing board. We want to have a robust system that is able to interdict short-range, medium-range, and long-range. And THAAD and Aegis, none of us on the Republican side would argue one moment that those aren't important, but the challenge is that we're taking away our ground-based system, which these other things are still on the drawing board, in many cases.

I thought that Mr. BISHOP made a point that was so critical. It might be my last point here, Mr. Chairman, if you would let me make it, because it's really a quote to Mark Helperin in the Wall Street Journal after the President's decision last week to abandon the plans for the European missile defense site. He stated it this way, kind of that historic, 50,000-foot view thing that we're talking about. He said, "Stalin tested Truman with the Berlin Blockade, and Truman held fast. Khrushchev tested Kennedy, and in the

Cuban Missile Crisis Kennedy refused to blink. In 1983, Andropov took the measure of Ronald Reagan, and, defying millions in the street, Reagan did not blink. Last week, the Iranian President and the Russian Prime Minister put Mr. Obama to the test, and he blinked not once, but twice. The price of such infirmity has always proven immensely high," Mr. Speaker, "even if, as is the custom these days, the bill has yet to come."

Mr. TURNER, I would just say this in closing here. If the Obama administration continues down this road of appeasement and denial, the Nation of Iran will gain nuclear weapons capability and pass that technology on to terrorists, as well as perhaps even the weapons, and this generation and so many to come will face the horrifying reality of nuclear jihad.

Those of us who have been blessed to walk in the sunlight of freedom in this generation will relegate our children to walk in the minefield of nuclear terrorism in the next generation.

I just hope that somehow reason can somehow be injected back into this system and we can understand, from a historical point of view, that when we stood up to despotism in the past, it was always a good thing. When we counted on appeasement, it always hurt us. I just pray that we can catch it soon enough here.

I thank you for the opportunity.

Mr. TURNER. Thank you, Representative FRANKS. I appreciate your comments on that. It's very important we look at this through the lens of the administration's policies with respect to Russia.

There is no historical perspective where conceding to Russia early has ever gained anything at the bargaining table. When you concede to Russia prior to entering into negotiations, they say, What else am I going to get when I get to the negotiating table? They never say, Well, that was very great of you, and I appreciate what you have done. I'm now going to do something, too.

In this instance, the President had already signaled in a letter that allegedly went out in the beginning of the year that he was willing to look at conceding on missile defense for Russia's help on Iran without any indication whatsoever that Russia is willing to help. In fact, as you have pointed out, Representative FRANKS, they have done the opposite. They have been active in selling technology and providing technical assistance to Iran.

But also, Iran has shown no indication of their interest in being dissuaded, and, in fact, the International Atomic Energy Agency said, Time for persuasion and time for dissuading is over; that Iran is now declared by the International Atomic Energy Agency to have the capability to create a nuclear weapon. That was announced the

very same day the President decides to abandon the nuclear shield that we should have had with our missile defense shield, with the President moving from what would have been a 2013 deployment for a missile defense shield in Europe to a 2020 protection.

So I appreciate your points with respect to Russia. As we enter the START negotiations, obviously we have a significant amount of concern as to what this administration is going to be doing with respect to our strategic assets, having already compromised on our missile defense.

Representative FRANKS, thank you for being with us and participating in this.

Just to recap for a moment as to where we are timewise, the President has put forth an alternative plan for missile defense that he says is going to be available for protection for the United States for intercontinental ballistic missiles by 2020. He scrapped the plan that was intended to provide protection for the United States from ICBMs by 2013.

All the intelligence that we have to date shows that Iran could have ICBM capability by 2015. The International Atomic Energy Agency says that Iran already has nuclear capability. Let's put that into a calendar.

We would have had a system that would have protected us by 2013. The President has taken that off the table. The intelligence agencies say that Iran could have nuclear capability, coupled with missile technology, that could reach the United States by 2015. The President says, That's all right. We'll wait for another 5 years and have capability to protect the United States by 2020.

That's an unreasonable time period to put the United States at threat with this threat, and it's one that we should all be concerned about.

I have asked the President and the Secretary of Defense to declassify this report from the Institute for Defense Analyses. It's an unclassified excerpt, executive summary, which I'm holding here, of an independent assessment of the proposed deployment of ballistic missile defense systems in Europe that said that, actually, the system that he scrapped would have been the most cost effective. It would have been a system that would have provided 24-hour coverage at the least amount of cost and, by the calendar that we just have discussed, would have been available as early as 7 years earlier than the President's plan for protecting the United States.

While the administration has dismantled our capabilities in Europe, at the same time they have cut missile defense overall by \$1.2 billion, lessening our capabilities in some very important systems, including diminishing, by a third, our capabilities in Alaska.



The administration has indicated that they can use our Alaska ground-based missile systems to protect the United States if Iran should get capability earlier than their system is available in 2020, but to show their commitment to that system, they've cut it by a third. So we're actually going to have less capability there.

Now, in addition to the lessening capability in Alaska, we are losing the opportunity for what would have been an integrated system. With THAAD and Aegis and the European system and Alaska, we would have had opportunities for multiple shots if the United States should have a threat that is posed to us. And, as Representative FRANKS indicated, this system, once in place, would have acted as deterrent to stop the advancement of missile technology and hopefully say to countries that the United States is advancing the type of technology that would provide us the important protection that we need.

The impact of the President's decision on our European allies is one of which many people have grave concern. Both Poland and the Czech Republic are very concerned that this administration unilaterally made the decision to abandon the missile defense shield and to leave them having taken the step of agreeing with the United States, in the face of Russian opposition, without a United States partner there, without a system moving forward; both of those countries having made statements indicating their concern of a continuing strong relationship with the United States.

I know that we all remain concerned about showing to our NATO allies that we remain committed to a strong missile defense for this country, strong deterrence in the area of nuclear proliferation, and this administration, by taking this step backward, weakens, overall, our capabilities and certainly those relationships.

Representative BISHOP, I know one of the areas that you spoke on at the House Armed Services Committee as we were moving forward with the National Defense Authorization Act was this overall cut to missile defense of \$1.2 billion. When we look at what it's doing to Alaska, it is lessening our capability. The missile shield that was there was intended to have 40 interceptors. The administration has cut it to 30.

They've significantly diminished the airborne laser. They have reduced the other programs that they've indicated that they're going to rely on with Aegis and THAAD, actually lessening the amount of investment that was projected in FY 2009.

I know you're concerned about what that cut represents, and so am I. Perhaps you could speak for a moment on that \$1.2 billion cut that this House and Senate and this administration is

advancing at a time that we know that North Korea and Iran are getting increased technology.

Mr. BISHOP of Utah. Well, if sometimes you put a spin on it to try and allow talking not just necessarily about the numbers that we're throwing out there but the human face of what this means, about the individuals who actually are working in these programs to try and make this country more secure, they're the ones who are losing their jobs, which is okay if there's a long-term purpose. But I think you actually put it very well, brilliantly well, in saying so simply that the decision in Europe, instead of being prepared 2 years before the threat is viable, we're now going to change that to be prepared 5 years after the threat is viable. That makes no sense.

In that term, saving a billion dollars is not necessarily in the best interest of this country. Not only do you hurt individuals who are working in that area, but you hurt the entire Nation, who is depending upon their results to provide us with some modicum of protection.

Not only does it not make much sense to say, okay, we already have the holes dug, we're ready to put the missiles in there, and now we stop, even though all the parts are there; not only does it not make sense to say even though the missile is already at Vandenberg Air Base in California, we won't go ahead and finish the test to see if it would have worked or not or how effective it would be; those are not productive approaches. And it illustrates that we, as a country, are now in the position where we seem to be vacillating with not a clear and precise idea of where we want to be in the future and what we will use to defend ourselves in the future.

As the gentleman from Ohio correctly said, even if your assumption is we'll take money and we'll shift it to some other place, to announce shortly after that you're going to flatline military spending and still want to find \$60 billion in some kind of savings within the system doesn't mean we're actually going to move forward in any particular area. It puts us into a world that is very, very dangerous.

In the 1930s, we decided to cut our fighter plane program because we wanted to save some money, and when World War II broke out, we found that our bombing runs were having over a 20 percent casualty rate, which was unconscionable. We stopped our bombing runs until we could build up the fighter program to accompany them.

We no longer have that luxury of time. We live in a world where we no longer have the luxury of time, which Abraham Lincoln understood was part of the strategy you have in warfare. We don't have that anymore.

We must be prepared now, not to find out we made structural and strategic

mistakes sometime down in the future when we don't have the ability to repair that situation.

□ 1315

Mr. TURNER. Thank you, Representative BISHOP. I appreciate your tenacity on this and your advocacy for national defense.

To give a recap of the time frame that we're dealing with, this administration scrapped a plan that would have provided a missile defense capability to the United States mainland from Europe that would have been available as early as 2013. All of our intelligence agencies are indicating that by 2015, Iran could have missile technology to reach the United States. That's why we needed that missile defense technology in 2013. They were going to have ICBM capability by 2015.

The International Atomic Energy Agency said just last week that Iran already has the capability to produce a nuclear weapon. So when we're talking about 2015, and they are going to have the ICBM capability to reach the United States, we are talking about a missile perhaps with a nuclear warhead. This administration scraps that plan and, instead, proposes a plan that will not be available until 2020.

So by all the information we have right now, this administration's action has a 5-year gap that has developed in the time period where the administration is accepting the capability by Iran without having the missile defense technology to protect the United States.

What else are we hearing from Iran? Today there was an announcement that Iran has a covert uranium enrichment facility. This should come as no surprise. This is a country that has continued to seek missile technology, nuclear technology and nuclear capability. We understand that Tehran is not just trying to do this for civilian purposes, that it actually represents a threat to the United States, and that's why people have been such advocates to ensure that this country has the appropriate missile defense technology to protect the country.

So the administration responds and says, It's not just 2020. We have capability in Alaska. That will be our backup plan. We can use our missiles in Alaska to protect the United States from Iran.

The problem with that is that this administration, through this House just this year, cut Alaska's missile defense capabilities by a third. So we would have had our AEGIS and THAAD capability, we would have had our European capability, and we would have had our Alaska capability, perhaps for multiple shots that could have occurred in order to protect this country from Iran's quest for an ICBM with it, as is now said by the IAEA, to have a nuclear capability. Instead, this administration says, We're taking Europe off

the table. We are going to rely on what we have, and we're going to take our Alaska capability and cut it by a third.

It puts our country at risk. It puts our families at risk. The President should reverse this decision and should proceed with supporting our allies in NATO, supporting the Czech Republic and Poland, who have been there for us, and put the system in place, protecting the United States.

The President said that the system that he is doing is more cost effective. There is a classified report—I have an unclassified version of it—an independent assessment of the proposed deployment of ballistic missile defense system in Europe. This report says that the most cost-effective plan was the one that he just scrapped. I will end with reading a letter that I sent to Secretary Gates, requesting that he make this independent assessment and study available. We hope that he releases it so we can have a robust debate on that.

#### MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized for the privilege and the honor to address you here on the floor of the House of Representatives.

As we wrap up this congressional week and I listened to the gentleman from Ohio, the gentleman from Utah and the gentleman from Arizona talk about missile defense and our national security, what I have heard over this last hour is a technical, tactical, strategic explanation of why America has taken the positions that we have, the decisions that have been made in the previous administrations, and I think a clear and stark analysis of what apparently is a huge diplomatic mistake made by the President of the United States.

I would make the point that those who defend him seem to always revert back to a default position of, The President must have gotten something for it. They speculate that there must be a quid pro quo to pull the rug out from underneath the Eastern Europeans—in particular, the Poles and the Czechs—who in their headlines, as I believe Mr. FRANKS said—the headline in one of those papers said “Betrayed!” To betray the Poles and the Czechs, the United States of America, the integrity of our Nation and the confidence in our national security have been diminished in a way that probably can't ever be rebuilt.

But those who defend that decision will argue, Well, the President is a smart negotiator. He is a brilliant man. Therefore, we have to trust his knowledge and his judgment because

he must know something that we don't. Yet I haven't heard one of these imaginative characters that can defend anything and advocate for anything come up with a single thing that would be worth doing what the President did. What could possibly be worth giving up the integrity and the credibility of the United States? What could possibly be something that could come out of any negotiations with Iran or Russia that could emerge as a plus on this side that would offset the loss of international credibility, the word of the United States and our commitment to our allies, let alone giving up the strategic position of being able to take out Iranian missiles shortly after they leave the launching pad, instead of leaving this 5-year window, as Mr. TURNER just said?

If your President is so much smarter than you are that he must have gotten something accomplished behind the scenes that's so valuable that even you can't conceive of what it might have been, I don't know if you call that a rational thought or a religion. But, Mr. Speaker, we're in a situation here where the United States and the world is in a very, very dangerous place. This globe is a giant chessboard; it's a giant Monopoly game, and it's a giant Risk game that's going on. It's a giant poker game that's going on. And there are some poker players, chess players, Risk and Monopoly players out there that are really good and really smart, and they spend their time trying to figure out how to outmaneuver the United States. It has taken place ever since the dawn of the Soviet Union, and the Monopoly game here in the United States broke the Soviet Union, and they imploded.

Now we have Putin over there on the chessboard, at the poker table, and he is making moves on this global chessboard that seek to reconstruct what he can of the former Soviet Union. It's been in his interest to cause Iran to be a thorn in our side and for us to think that we could ask Putin to, well, be open and do us a favor and maybe he could talk real nice to the Iranians and they would stop their nuclear endeavor—after all of these years and these billions of dollars spent and the great diplomatic risks that they take?

These people are not going to just simply tip over their king and walk away from this chessboard. For the President to think that dialogue is diplomacy and that you can accomplish things just because you talk about it is an inherently left-wing, myopic European view, and it's something that I've heard from their mouths in the discussions that we have over in that part of the world.

We have with us Mr. BISHOP from Utah who has significant insight into that part of the world, the politics of Western Europe as well as geography of that part of the world—Iran, the Mid-

dle East, Eastern Europe and also Western Europe. I have asked the gentleman if he would stick around long enough to impart some of that broader view to explain the forces that are at play in this dynamic, the forces of Russia, the forces of Iran, the Islamic effort that's there, the Israeli position that's there, the threat that comes from Iran threatening to annihilate and wipe Israel off the face of the Earth.

And by the way, this move, in my view, brings it closer and closer that Israel likely will have no choice but to at least attempt to take out the nuclear capability of Iran. Their survival might very well be at stake. So this move that might look like its a move designed to pacify the Russians might well end up being something that compels the Israelis to make a military strike. And it may well be a tool that, once removed, the missiles are in the Middle East, and this is a decision that is now made that moves us to the inevitability that there will be military action take place as a result of a pacifist action on the part of the President.

This is what comes when you go to—let me call it the Neville Chamberlain School of Diplomacy or capitulation, for remember when he returned from Munich waving a letter saying that he had achieved “peace in our time.” Well, that peace in our time didn't last long. I was thinking about the situation of how it was that Hitler actually negotiated with the Russians for a while and that ended up with Poland being divided and a global war as a result.

I would be happy to yield as much time as he may consume to the gentleman from Utah. I am interested in your perspective on this global chess, poker, Monopoly, Risk game that's taking place.

Mr. BISHOP of Utah. I appreciate the gentleman from Iowa spending some time talking. We had the opportunity earlier this year of traveling to Germany together to meet with the chancellor, the foreign minister, the economics minister, the interior minister, several of those to talk about it. I recognize that I'm not putting myself here as an expert in this particular area because sometimes it is a matter of perspective.

I know at one time when I was over in Germany meeting with our fellow parliamentarians, who are members of the Bundestag, that I was amazed as we started talking about the impact of the Helsinki Accords on the ultimate destruction of the Soviet Union and the falling of the Communist empire. They seemed to have a greater emphasis on the significance of the Helsinki Accords than I have ever heard any political scientist in the United States putting on it.

So sometimes there is that perspective that is somewhat different. But in

dealing specifically with how we should resolve and go forward, specifically with Russia which is rejuvenated, there are a couple of things to keep in mind. I'm not sure quite how you play with them all, but there are a couple of things to keep in mind. The first one to keep in mind is, the Russians have not played nice with their neighbors who used to be part of the empire. So the Ukrainians, they clearly cut the oil and gas and threatened the economic security and independence of the Ukrainians at a time when it was not the most convenient, and it created more political instability in the Ukraine, as if that was a part of an overall goal.

Shortly after that, there was the invasion of Georgia, another former republic of the USSR that is now an independent nation. Certainly, the consequences of that have yet to be actually played out in the international arena. But what the Russians did cannot be considered as a nice neighborly approach to any type of situation.

I would also put into that milieu of understanding some concepts of what is going on internally in Russia. The Russians have traditionally liked having scapegoats for internal problems. One of the problems that the Russians are facing right now is one of demographics. They are losing population. They have a massive amount of land to control without a population that is growing or an economy that is growing to handle that. And one of the elements that historically has happened within the Russian mind-set is to try to find some scapegoat for that particular approach. I think we have got to keep that in the back of our minds as we are dealing with how we actually move forward in relation to the Russians and everywhere else.

It is, indeed, correct, as the gentleman from Iowa said, that if the Russians had been helping us to pressure the Iranians in a nonviolent embargo approach, that we would be further along in that effort to try to pressure the Iranians to use only a peaceful nuclear program, rather than what we, I think justifiably, suspect for all kinds of concepts that would be going there. We would not have Mr. Morgenthau from New York City, who can never be considered a right-wing radical Republican, talking in newspaper and magazine articles about the interconnect between Iran and Venezuela and how some of the money that was supposed to be stopped in the embargo has been able to be laundered through Venezuela and the connection between this. Eight times Chavez has visited Iran. Iran is now putting money into Chavez' efforts. So I see the future of the problem when we look at the Iranians on the east, Venezuela on the south of our country, the North Koreans on our west coast and realize that we are living in some very perilous times.

I happened to be in Germany when Ronald Reagan was talking about put-

ting the missiles in Germany. It was heavily contested at the time. The Soviet Union was violently opposed to it, and there were a lot of pacifists within Europe who said that putting missiles in there was the worst thing we could possibly do; it will escalate the conflicts; it will escalate the violence. And what we found out in looking at history is it did just the opposite. It worked in actually bringing about a longer term peace as well as, ultimately, the end of a reign of terror of communism and allowed people who had never been free to finally become free.

That is why I am so worried about our decision, after our Polish and Czech allies went out on a limb politically to allow us to have some kind of missile defense system that would protect Europe and the eastern coast of the United States before the Iranians could develop anything offensively, to stop that prior to that, saying that we will now come up with a program that won't work until 5 years after the Iranians would probably be effective. I worry about what the result is, and I worry that we, as a country, have not learned the lessons from history, from the past, because we seem to be making what I consider to be mistakes as we deal with these rogue nations.

□ 1330

And mistakes as we deal with our allies in Europe, insulting them, putting them in difficult positions, and then yanking the rug out from under them, as well as putting ourselves at some kind of military disadvantage as to the defense of this country against other countries that significantly are malevolent in their attitudes towards the United States, it's a very cumbersome and difficult situation as we look at how that chess game is being played.

I think the demographics of what is taking place in Russia should not be overlooked. They have decisions that have to be made, and they don't have a lot of very good choices before them right now. They will be looking for choices which kind of deflect the inability of their interior policy that is not working.

Mr. KING of Iowa. Briefly reclaiming my time, a question forms in my mind, and I'd like to take advantage, Mr. Speaker, of the expertise which I will assign to the gentleman from Utah in his understanding of history. And I'm looking back upon those events in the 1980s and this event that's coming up for the 20th anniversary this November 9, the fall of the Berlin Wall.

When I watched that happen on television, I saw literally the Iron Curtain crashing down. Every time a hammer blow landed, every time they hit it with a chisel, every time they knocked another chink or pulled a section of the wall down, that was the Iron Curtain being deconstructed. Demolition of the

Iron Curtain that took place began on November 9 of 1989.

Now, at that moment the pundits in the news media didn't understand what was taking place. They didn't see that as the Iron Curtain. They saw it as the family reunification plan. And therein lies the large flaw that took place on the part of the liberals. They didn't understand the dynamic that had taken place. But Ronald Reagan understood it at that moment. I'm not convinced that his immediate successor understood it to the depth that Ronald Reagan did.

But this question has always lingered in me. I thought that it proved to the world that free markets and free enterprise and freedom would always prevail over communism, socialism, despotism, totalitarianism of any kind because of the dynamics that come from the creativity and the productivity and the freedom that comes from the human spirit and the checks and balances that exist in the marketplace.

Yet I didn't hear them capitulating in their argument. They just suspended their arguments for a little while. And then front-and-center, full-blown, proud, global Communists disappeared.

But where did they go is the question? Did they go back and lick their wounds and change their ideology and come back as free enterprise capitalists? I don't remember their doing that. But I wonder if the gentleman from Utah has any thoughts on what happened to those front-and-center Communists from 1989. Where are they? Some have passed away but some are still with us. What are they doing today and what do they believe in, and how does this fit into the equation?

I yield to the gentleman from Utah.

Mr. BISHOP of Utah. I appreciate the gentleman from Iowa offering me this opportunity to tell you flat-out that I don't know what they have done or where they are going.

I do know that what we have found is for the United States to be effective, we had to be strong and secure and make sure that our self interests could be protected.

I just finished a book about the Civil War and about Lincoln as the Commander in Chief and his approach to it. He was much more intellectual about his view of the war than we are. He understood that time and resources are weapons just as much as individuals are or soldiers are in using war. And to be honest, the problem he had with the Union generals through most of the war was they didn't catch the concept of time and resources as an integral part in making decisions. He got it. And he was very much vilified at the time because he insisted on an approach which ultimately said the only way we can win is if we are forceful and strong and insist on this.

If Lincoln had simply backed off and said, What we're going to do is we're

going to negotiate a peace with the South, there would have been a lot of people that would have said, Yeah, I am tired of the war; let's negotiate a peace with the South. And a lot of people in the North would have said, Yeah, let them go; we don't want to be part of them anyway.

But what Lincoln clearly understood from the geography of the situation and the future is that the Civil War would have been the first war between the States, not the only war. It would have been the first of many wars in the States as the North and South then battled over economic issues, transportation in the Ohio Valley, use of the Port of New Orleans, frontier land in the West. He clearly got what the future would be.

I think President Reagan, when he decided to stand tough and he was highly criticized for it, got what the future would be. He did not want to see a world where there was nuclear proliferation, but he understood that America had to be tough in order to get to that point.

I worry that we have somehow lost those lessons of history, and we don't realize that for the United States to move forward, we have to ensure that we are perfectly capable of defending ourselves. That's why I'm worried. The decision that we made to take the missiles, not implement the missiles in Poland and the radar system in Czechoslovakia, does not make us more secure. The idea of trying to cut our ground-based missile defense does not make us more secure. And where is this overall vision that we are trying to go? Where is this concept that we have to have security first before we can therefore start to negotiate other items around the world?

I'm concerned with our enemies, especially Venezuela, who are clearly malevolent in their approach to us, spreading that document throughout the rest of Latin South America. At the same time, the Iranians are very bellicose, to say the least. And North Korea, who knows what you want to do with him. Those are the concerns. Those are concerns.

I appreciate the opportunity of speaking with the gentleman from Iowa. I know when we had the chance of going to Germany, he was very forceful in presenting an American approach, and he was willing to ask the tough and difficult questions when the rest of us were trying to be reticent here, not in an obnoxious way, by any means, but in a way of saying somebody's got to play the devil's advocate and say, What does this really mean, and where will we go in the long term?

And I appreciate his efforts in that. And I know, if you'll excuse me at this time, that he will also go through that in this period of time that he has on the floor. And, Mr. Speaker, he will do what he always does. He asks the right

questions in a way that you can't avoid trying to find a good answer to those questions.

Mr. KING of Iowa. Reclaiming my time, I very much appreciate the diplomatic gentleman from Utah for his contribution to the knowledge base and the decisionmaking process that we do here in this Congress. And I would suggest that he's a little overly humble when he says he doesn't know the answer to what happened to those Communists. When I think about the discussion that we've heard about Ukraine, Georgia, Iran, Venezuela, North Korea, South America, Mr. Speaker, all of these areas are discussed in a book written by Colonel Robert Chandler called "Shadow World." It's 500-and-some pages long. And Mr. Chandler takes the situation of the world at the end of the Cold War, and that would be at the implosion of the Soviet Union, and he begins to identify the leading personalities in the world, those leaders and those ideologies within the countries that are, let me say, Communist interests, hardcore Communist interests.

And he takes the person around the globe to every populated continent and talks about the core politics of each of those countries, including these countries that have been mentioned by Mr. BISHOP of Utah and especially Venezuela and North Korea and some of the other countries in South America, also Putin in Russia and how things unfolded and Gorbachev's position as well.

It is a very, very educational compilation of what happened after almost 20 years ago when the Berlin Wall went down, the Iron Curtain came crashing down, and the people who were holding up that part of the world, the left side of the world, those on the east side of the Berlin Wall, who had a managed economy, who had the central planning that set up 5-year plans for the collective farms, those that told everyone else when to go to work, what raw materials to deliver. And if you remember, Ronald Reagan and some of the others made the joke that, well, people in the Soviet Union pretended to work and the Soviet Union pretended to pay them. But eventually that house of economic cards collapsed.

A question was before us as a Nation, and that question was, while the Soviet Union was developing a missile capability to eclipse our own capability here, such a devastating force of ICBMs that there was nothing the United States could do to survive such an attack, that mutually assured destruction was going down the path of a destruction that would be so bad in this country that civilization itself may not survive.

The question that was before us was articulated best by the former Ambassador to the United Nations, Jeane Kirkpatrick, who, as she stepped down

from that position in the early 1980s, said this contest that's going on, this Cold War, is the equivalent of playing chess and Monopoly on the same board, and the only question is will the United States of America bankrupt the Soviet Union economically before the Soviet Union checkmates the United States militarily? That was the most succinct example of what was taking place in that Cold War in the 1980s.

We know how it played out now. We look back on that, and almost 20 years ago the Soviet Union could no longer hold their economics together. They couldn't keep their military out even in places like East Germany. So they opened up the border with Hungary. People flowed around through Austria and Hungary. And at a certain point, there wasn't any merit in guarding the Wall anymore because people were streaming around the end. And so they went over the top and began to sit up on top of the wall with hammers and chisels and saws and anything they could get their hands on. And, yes, some broke bottle of champagne, and there was family reunification.

But it was the Iron Curtain crashing down nearly 20 years ago that should have been a lesson for the whole world that free enterprise always defeats a managed economy, because no matter how many smart people you put in positions of power, they can't micro-manage an economy that is a combination of everybody's individual productive and economic activity every day.

The invisible hand, as Adam Smith famously described, and actually didn't, about how free enterprise works with providing the incentives and managing the supply. So it works like this: If the grocery store runs out of bread, the store owner understands he has to have more bread or otherwise people will go someplace else to shop. And if there's a cheaper, better bread at the neighboring store, that store owner is not going to sell his bread. So that's how bakeries get started, how grocery stores grow and shrink, how chain stores begin, how manufacturing begins.

Our control, our managed economy is this: Free enterprise drives our economy. And the buy, sell, trade, make-gain culture that we have that's part of what made America great, one of the central pillars of American exceptionalism is free enterprise. When we have that working for us in this country, Americans are more productive than anybody else in the world.

Our job here in this Congress, Mr. Speaker, is to get government out of the way and to provide the kind of tax and regulatory structure as minimally as we can so that the result is the individuals in this country will see our average annual productivity go up. And if people are rewarded for their productivity, they will produce more. If you tax them and punish them and regulate

them, they will produce less. So in places like the Soviet Union, the former Soviet Union, they just simply suppressed the productivity by taking away the rewards.

I can give you a simple example that stands out in a very stark way. And that is Communist China, a country of more than a billion people, about the same geographical area of the United States, having trouble in a lot of ways competing in the technological and educational side of this. But some years ago, they decided they were going to let their farmers, who are less controlled now than they were, be able to get engaged in the honey business without having government interference. So, in other words, government doesn't appoint themselves a few thousand beekeepers and have them deliver all that honey for a set price. They let them compete on the open market.

And what has happened? China almost immediately began exporting honey and competing against the honey here in the United States because they had some people that could be beekeepers. That's like a little microcosm of free enterprise that sprung up out of China because they took the regulations away, took their managed economy away and let people produce all they could produce and sell all they could sell and keep a significant share of the profits.

Well, here in this country, we've had that as a tradition across the breadth of this economy, and it's diminished significantly, Mr. Speaker.

So the vitality of free enterprise brings about the best in us, the highest productivity, the most innovativeness in us. It gives us an incentive to extend each of our educations. It gives the inventors an incentive to invent. It gives the people that are producing and doing the experiments on pharmaceuticals an incentive to produce better medicine. And those who invent better surgery techniques get to cash a bigger check.

□ 1345

Well, even though they are humanitarians driven by a desire to do good in their work, when you really need to reach back for that extra adrenaline when it gets late at night when the rest of the world is tired, or maybe you don't feel very good because you are exhausted, that extra incentive of profit makes a difference and a reward for it in a society that appreciates it.

Around the globe, there is a line of scrimmage between freedom and the suppression from freedom. So when the gentleman from Utah (Mr. BISHOP) humbly said he didn't know the answer, I think perhaps he didn't know the answer that I wanted him to give—that will happen—but he understands very thoroughly how the rearrangement that took place after the fall of

the Berlin Wall at the end of the Cold War, some countries and philosophies lined up on the side of the freedom. Those countries are among those countries where we already had the holes dug to place the missile defense shield, Poland, Czechoslovakia.

Mr. Speaker, have you failed to notice that the people who have achieved their freedom most recently love it and adhere to it the most? The Poles love their freedom. The Romanians love their freedom. And the Czechs love their freedom. They remember what it is like to live under the boot heel of the Soviet Union. They remember clearly within their own families the fear of the occupation that took place before, in many cases World War II, and certainly during and after it.

I recall in a trip over to that part of the world with Mr. BISHOP a conversation with a man about my age whose father's first military operation he was engaged in was Auschwitz, not at Auschwitz to liberate Auschwitz, but at Auschwitz fighting for the Russians. Those things don't pop up easily in our history books, but this broad global concept of who is on what side of this line of scrimmage, who is on the side of freedom and who is on the side of suppressing freedom, we need to understand this.

These forces know instinctively what is at play out here on the globe. And so we wonder, what is the chess board that Putin is playing on? The Monopoly board that Putin is playing on? He is not about advancing freedom; he is about diminishing freedom. The freedom in the Soviet Union, I should say Russia, and some of our satellite states, has diminished since Putin stepped into control.

We met with significant leading personalities in Russia, and I am going to avoid saying their names because I don't need to turn more heat up on them; but you would recognize many if not all of them, Mr. Speaker, and they told us that there really no longer exists a free press in Russia, not a newspaper that they can count on that has any influence that is free to print what it wants to print. There is not a free legislature in Russia any longer either. They are the people who are controlled by Putin, and they don't have free markets. We know that the Mob has taken over a lot of that economy, and there is a payoff that goes on inside of all of that.

So a Russia that had an opportunity to take a step up after the implosion of the Soviet Union now is stepping into the darkness of the left again, moving towards a communist state, taking away the freedom of its people and their ability to effectively have freedom of speech and freedom of assembly and freedom of the press and freedom of their economy. Those things have been significantly diminished under Putin, and they understand that and they see that.

The leaders of freedom in Russia today would have believed that the Russian people would have stepped up by now and gone to the streets and taken their country back. It has not happened. I would encourage that they do so, that they take their country back. We thought it was happening during the days of Yeltsin when he climbed up on the tank. Good things happened there, but we should not forget that we are the vanguards of freedom here in the United States of America for the world. We are the inspiration for the world.

And when it looks like the model for our diplomacy is simply capitulation to Russia, under the belief that our community organizer in chief somehow is a master of foreign policy, well, he is the manager of foreign policy and he is the Commander in Chief of our military, and certainly I stand with our military, and I want to help coach him on the foreign policy a little bit.

I don't know why the press has not been more critical of the President's foreign policy. This huge plunder of just announcing that he is going to pull the missiles out of Poland and Czechoslovakia, take that shield away, and almost at the same time you notice that the information was leaked out about the nuclear capabilities of Iran, which we have just heard in the previous hour, Iran developing the capability, that they have the capability to develop a bomb now and they are in the process we know of developing the capability to deliver it.

And it doesn't take very much of a missile to drop one into Israel, and it only takes one weapon dropped into Israel to annihilate the entire country. And they have said that is what they intend to do.

We look at the President of the United States, his foreign policy experience seems to have, before he became the Commander in Chief and the chief architect of our foreign policy, his foreign policy experience comes to this: having been raised in part in Indonesia at a young age which would give him some sense of the culture but probably no sense of the global, military, cultural dynamics, but raised at least in part in Indonesia.

A President who has once traveled to Kenya, and once traveled to Pakistan. I don't know quite how that happened, but it was announced. And beyond that, the foreign policy experience for our Commander in Chief and the chief architect of our foreign policy seems to be a trip to Germany to give a speech during the campaign. That is not anything that has ever happened before that I know of during a Presidential campaign, but it looked at the time like he wanted to be President of Europe, the United States, and the world.

In any case, very, very limited on foreign policy experience. And the lessons of history, the lessons so well

drilled into us by Neville Chamberlain's School of Appeasement when Chamberlain came back from the trip to Munich and waved the letter in his hand, the letter that Hitler had signed, and he said: I have guaranteed peace in our time.

That was the image of Chamberlain getting off the plane from Munich. And what happened? Within weeks the Nazis invaded Poland. They carved it up with the Russians, and we were off and running in a global war that cost tens of millions of lives. They remember that in that part of the world. They are afraid of being brought back into another war. The Poles remember being run over by the Nazis and the Russians, and then occupied by the Russians for all of these years up until 1990 or so.

This is a very sensitive situation that is going on. When the gentleman from Utah (Mr. BISHOP) mentioned the Ukraine and Georgia, the importance of the sovereign state of Georgia should not be diminished.

We should understand that this chess game that I have talked about, the central square on the chess board for Putin is Georgia. That is the nexus through which the energy flows, the energy that is produced in gas and oil wells east of Georgia, east of the Caspian Sea, roughly 1.2 million barrels of oil going through Georgia by pipeline on a daily basis, 1.2 million, a train that has constant tankers of crude oil being hauled through the nation of Georgia on their destinations to the tanker ships and the Black Sea, and the natural gas that flows in pipelines through Georgia to other places in Europe.

Georgia is the nexus. Think, Mr. Speaker, of an hourglass, and on one side of that hourglass is a lot of the production of oil and natural gas that is east of the Caspian Sea, flowing through this nexus of Georgia with pipelines, rail lines, and coming out the other side at the Black Sea and going on to land-based places around Western Europe.

Think of the Russians shutting off the natural gas to Germany a year ago January. Think what that meant when they did that. And to have the Germans take the position that it really didn't affect their foreign policy toward Russia because they only got 30 percent of their natural gas from Russia.

Can you imagine if Hugo Chavez had 30 percent of the natural gas coming into the United States and he turned the valve down and shut off our gas in January? Our furnaces would have gone dark on us, and our houses would have gone cold. If that had happened, what would we do? Would we accept that? If we didn't have the power to do something about it, would we capitulate to the demands of Hugo Chavez?

My answer, I think we would say yes. I think if we didn't have the power or

another alternative, we would have to negotiate.

I am going to suggest that the Germans are negotiating with the Russians because they can't do a confrontation, and Putin knows it. That's why he shut the energy off that was flowing through Georgia for 4 days. He sent a message to Europe that he can do that anytime he pleases. When he shut the gas off that was flowing through into Germany, that said clearly that Putin can do that anytime he pleases.

So if someone controls your energy and they can shut the valve down anytime they please, you end up being a little nicer to those folks unless you produce another alternative. Well, the alternative that is being produced is building a new pipeline around to the North Sea. And where does it come from? Russia. That puts them in more control. My answer would be: I don't want any of that; let's develop our own energy sources and not be dependent upon those energy sources that are coming from Russia. But that has been Putin's strength. When energy prices went up, he found himself sitting on a lot of cash. That is unusual for a country whose energy falters; but because Russia has a lot of energy, they have had a significant advantage.

But, Mr. Speaker, we should remember when the Berlin Wall went down in 1989 and the Soviet Union imploded within the next couple of years that the people that were Communists, Socialists, Marxists, Maoists, they didn't go away. They didn't look at the model of this dynamic vigor of the United States economy that is driven by our people and decide they wanted to be more like us. Some did; not many.

Most of them went underground for a little while and then tried to get back in power. The former Communists are there seated in the legislatures across that part of Europe today. In small numbers, and in some cases they don't get to call themselves Communists because that has been stained by the history of it, but they still believe the same thing. They still want to manage. They still believe that their elitist mind-set can tell the rest of us what to do. They want to take away the freedom of individuals to make their own choices economically and militarily and politically and culturally. And, in fact, persecute the churches while they are at it.

We need to understand Communists haven't changed. They might have taken on different names. They might have declared themselves Social Democrats or to be Progressives. They might just be the Democratic Socialists of America that are supporting Progressives in this Congress, but they are the same people with the same ideology.

And us freedom-loving people, I should say we freedom-loving people, need to understand that there are basic

principles of Americanism, and free enterprise is one of them. And those who undermine free enterprise are undergoing anti-American activities because they are undermining our vitality and our freedom and are taking away our ability to take this Nation up to another level of our destiny.

That is part of this equation that is taking place here as the President of the United States—whom I happen to have this portrait of. I think it is a flattering one actually and well done as far as the artwork is concerned. The President of the United States brings an ideology to the task of community organizer in chief. With a limited foreign policy experience of having traveled, lived shortly in Indonesia and traveled to Pakistan and I understand to Kenya, and beyond that his trip to Germany to give his speech there with the Autobahn Bismarcks—I think that is the victory monument or the triumph monument that's there in Berlin—with that in the backdrop, not the Vandenberg Gate which he tried to do, that is not a lot of foreign policy experience to be playing on this global chessboard with the world's number one economy, the world's number one military, and with the destiny of the world hanging in the balance if you make a mistake.

□ 1400

No one has a crystal ball, but this is a very high-risk endeavor taken on by our Commander in Chief. And those who are experts on the military side of this, it's not quite universal, but there has been a broad criticism that has been made. And I have no idea. My imagination cannot tell me what he could possibly have gotten for capitulating on the missiles in Poland and Czechoslovakia.

And so, Madam Speaker, that brings me to the subject matter that has, I will say, riveted the American people over the last couple of weeks, and that is the issue of ACORN, ACORN being the place where the President got his start in politics, where Barack Obama first engaged in community organizing, and his community organizing being part of—the most high profile that he did was Project Vote, the get-out-the-vote effort. And Project Vote that he worked for is a very close, indistinguishable-from affiliate of ACORN.

So ACORN in Chicago has always had a broad and deep connection. It has always been very active there. From the early days when ACORN originated in Arkansas and emerged across the rest of the country, ACORN has had a very solid presence in Chicago. And the President of the United States might, in his most candid moments, confess that he wouldn't be very likely to be the President of the United States if it hadn't been for ACORN, ACORN's ability to register voters and get out the vote and bring about the kind of leverage within the inner city that allows

ACORN to influence votes at the inner city level.

Now, ACORN is a corporation, and its structure is something that seems to be a little bit mysterious. It has been often reported that they're a 501(c)(3); that's not for profit. That means they can't engage in partisan political activities. And we have seen as a report from the Government Reform Committee that ACORN has up to 361 affiliates; in fact, they list 361 affiliates in their report. Some of those may not be active affiliates, and there may be some affiliates that didn't get picked up in the report done by the Government Reform Committee. But ACORN has turned into a spiderweb of this conglomeration of affiliates.

So when I speak of ACORN, Madam Speaker, I'm speaking of ACORN and all other affiliates, think 361 corporations, a third or more of them being 501(c)(3) not for profits, some 527 organizations, and some 501(c)(4) organizations, and other corporate structures, organizations that share, in many cases, interlocking boards of directors and an interlocking mission that reaches out and has become a vacuum that sucks up taxpayer dollars in many of the States and from the Federal Government.

They have received over 53 million Federal tax dollars since 1994, and I think that's a small piece of it until we examine all of the affiliates. Many of the States have contributed to ACORN in one way or another by reentering into contractual agreements with them; ACORN and ACORN Housing, for example, essentially in the business of brokering low-income housing.

So these are some of the things that ACORN has done. They've contributed to the toxic mortgage situation that brought about the economic meltdown just a year ago, and they've done so by shaking down lenders, by demanding contributions from lenders. What large major investment bank has not written at least one fat check to ACORN?

Madam Speaker, I'm going to suggest that they have shaken down many of the banks that have been bailed out. And we should take a look and see which banks received TARP funds and look there and see which banks also contributed money to ACORN. And we need to bring all of the finances together of the private corporations that are part of this funding for ACORN as well as government. It's not enough just to audit what government sent to ACORN. It's important that we go to the private corporations as well and see what has happened.

But we know that ACORN has gone in and intimidated lenders. Lenders have written checks in order to, let me call it, "influence" ACORN to stop demonstrating in their banks so that they can actually do business. We know that ACORN personnel, including Maude Talbot—her first name actually

escapes me, but Talbot is the last name, the head of ACORN in Chicago who has claimed Obama as her own—have bragged about going in to intimidate lenders in their offices and talked of other circumstances about shoving the lender's desk over against the wall, surrounding the loan officer, screaming and yelling and chanting at him until such time as he would get tired of that behavior and commit to loaning certain amounts of money into these areas in their neighborhoods. That's a shakedown, Madam Speaker. ACORN was involved in that.

And we know while they were shaking down lenders, they also were here in Washington, D.C., convincing this Congress that we should pass legislation to lower the standards of Fannie Mae and Freddie Mac on their secondary lending market. And when that happened, it lowered the standards that undermine the foundation of requiring credit for loans. And when that happened, it laid the foundation, in fact, it eroded the foundation for credibility and credit and it began the downward spiral of the mortgage lending crisis. And at the core of that, as you look through it, you will see ACORN there over and over again shaking down lenders, coming to Congress, undermining the underwriting requirements that Fannie and Freddie required in order for them to purchase these bundles of mortgage-backed securities that were being created by individual bad loans in bad neighborhoods that were promoted by ACORN, who was getting checks from the lending institutions and getting agreements from the lending institutions to provide blocks of money that would be loaned into neighborhoods that ended up being bad loans.

ACORN is at the core of the financial meltdown. And by the way, the President of the United States was at the core of ACORN as a lot of the genesis of this was being generated; headed up Project Vote, later on hired ACORN to work for him to get out the vote during the Presidential campaign. So the President of the United States started out with ACORN. He trained their trainers. He represented them in court to undermine, by the way, the integrity of the ballot box, in my view. And that's a Motor Voter issue, which we would disagree with philosophically. Headed up Project Vote.

The actions of ACORN in Chicago have been tied together integrally with the President of the United States all the way through. And here we are now with ACORN helping to, on film, apparently facilitate child pornography and being willing to work with and advocate for what to do with illegal immigrant children brought into prostitution rings in five cities in the United States at a minimum, that being Baltimore; Washington, D.C.; Brooklyn, New York; San Bernardino, California; and San Diego.

Madam Speaker, that was appalling to this Congress. It finally got us to the point of revulsion where we could finally vote to shut off funding going to ACORN and their affiliates. And that vote was a vote of 345–75 here on the floor of the House of Representatives. Just the day before, I didn't think it was possible, but the American people saw the character and the culture of ACORN in that film, those five films that took place inside those five cities, and we understand there are more that have not been released yet. And what happens? Finally, some of us that have been calling for investigations are starting to get a little bit of movement.

But what needs to happen, Madam Speaker, is an all-out full court press on ACORN and all of their affiliates. We need to have the Department of Defense unleash their investigators to trace down, through all the activities of ACORN and all of their affiliates, and work in cooperation with IRS investigations of ACORN and all their affiliates, track every dollar that comes into the affiliates and every dollar that goes out. The commingling of funds, the transfer of funds, we need to have the Department of Justice go back down into the embezzlement that took place of nearly \$1 million out of ACORN by the brother of the founder of ACORN, covered up by the founder of ACORN.

Brothers do that, I understand. One of them commits a crime and apparently the other one covered up the crime, which is a crime itself. And then they misappropriated funds that were pension funds in order to backfill the hole that was created in their accounting by the embezzlement of Dale Rathke, all of this covered up by his brother, Wade Rathke. And they covered it up and held it away from the functioning board of directors of ACORN at the time.

We have ACORN producing over 400,000 fraudulent voter registrations, complicit in the beginning, and part and parcel of the mortgage lending crisis, embezzlement/coverup by its top officers, and now we have ACORN helping to facilitate child prostitution rings and setting up houses of ill repute and helping to facilitate loans to do that, and advocating that the, let me just say, pimp and the prostitute not claim all of the 13 or 14 presumably illegal children that they were going to bring in from El Salvador into Baltimore, but just to claim three of them so it wouldn't raise the levels of suspicion. And then they could qualify for the earned income tax credit and the child tax credit, child tax credit up to three children, \$1,000 a year per child, and then the earned income tax credit, which would probably add another \$3,000 to that, most likely, given the advice that they gave, to game the taxpayer for a check for a cumulative of



about \$6,000, and just as a matter of fact and a matter of course.

ACORN would help with the income tax filings. They would help with gaming the taxpayer. They would help with a loan for the house of ill repute, and they would turn a blind eye, at a minimum, to illegal immigration. This is Baltimore. But in San Diego, they advocated to help with that. We have friends in Mexico. You have to trust us. We'll get this done for you. Unbelievable. No conscience.

We saw the culture of it. But all the parts that we've been talking about up to the part of the prostitution, people would deny it. We had defenders over here on this side of the aisle, but now they can't deny it because once you transpose the image of facilitating child prostitution as a matter of culture within the corrupt criminal enterprise of ACORN and their affiliates, once you expose that, none of the rest of this is unbelievable. It's entirely plausible, and it is, in fact, entirely real.

ACORN has created now a closed, contained economy within itself where its tentacles reach out and suck in and draw down Federal money, State money, contribution money, shake-down money from banks and other lending institutions and corporations to keep ACORN off their back, do the shakedown endeavor. And once that money gets drawn in, then it becomes something that gets commingled. And as it's commingled, then it goes out to further their political enterprise, corrupting the election process in the United States. And if there is anything that I am aggressive on defending, it is the integrity of the ballot box, and they have assaulted the integrity of the ballot box.

The President of the United States grew up in ACORN. He hired ACORN. He worked for ACORN. He hired ACORN. He is a player and a coach. He wore their jersey and now he is the equivalent of the owner. And he had set them up to do the census, and twice now the Census Bureau has announced that they aren't going to use ACORN to help with the census. Why would anybody think ACORN can count people better than they can get people registered to vote? Four hundred thousand fraudulent registration forms. Can't we imagine that ACORN would pay a commission for everybody that the census workers could count?

And if they paid people on commission, they would just simply fill out forms and expand the numbers, or count people two, three, four, five, six times. Even if they set up expectations and not a quota, the result ends up being the same, even though it's not as stark a violation of the law. You can't have American people counted by people that can't even handle a voter registration form with an expectation that it has an even even chance of

being a legitimate voter registration form.

Madam Speaker, when they take your vote, when they undermine the integrity of the ballot box, that's more important itself than the Constitution, because even though the Constitution guarantees the rights that we have, the only thing that guarantees the Constitution itself is a legitimate election process. If the American people lose their faith in a legitimate election process, the whole thing comes crashing down.

If we don't believe that our vote counts, we can't accept the decisions of government. I mean, think what would happen if we elected a President of the United States, or Members of Congress, United States Senators, Governors of the States, and the American people believed that they were not the elected President, Governor, or Congressman, but they were simply those that happened to be on the side that was gaming the system.

□ 1415

We wouldn't accept their decisions either. If we don't accept the decisions that are made by government, then the progress of civilization comes to a halt and digresses, and we fall into the depths of a totalitarian state eventually as well.

Legitimate elections are the underpinnings of our Constitution, and the guarantees in the Constitution can't be sustained if we lose our faith in the election process. The worst thing that can happen in this country from a policy standpoint would be to see the integrity of our ballot box further eroded by organizations like ACORN. So this is very important. It is very important that the President of the United States stands up and takes a position on ACORN.

Did you notice he was really quiet about some things? He was quiet about Van Jones. Van Jones, the former Green Jobs czar, quit on a Friday night. I guess it was a Saturday morning, at 12:01 a.m. on a Saturday morning. Curiously, the President had nothing to say about Van Jones. Curiously, the press had no questions for the President on Van Jones, and he is a self-alleged Communist. Yet Van Jones drifted from the scene because he became too toxic.

There was a little incident up in Massachusetts of a professor from Harvard who was trying to break into his own house and who had a police officer called to his location. The President saw fit to engage himself in that and to hold a beer summit between Professor Gates and Officer Crowley.

Now we've had the United States Senate vote to un-fund ACORN. We've had the House of Representatives vote to un-fund ACORN. We have the Treasury Department starting an investigation. At least it's implicit in their

press release that's coming out. We have the Justice Department looking to see if they've written any checks to ACORN but not investigating ACORN and their affiliates thoroughly. We have a number of ranking members of full committees on this Hill who are doing what they can with the resources they have.

We don't have a single full committee Chair who has announced investigations and hearings into ACORN at this point. We've got Congress doing a slow walk right now on ACORN. We have the President of the United States, who could get himself injected into a lot of different discussions but who has not yet really made much of a peep regarding ACORN.

Now, if the Senate says un-fund ACORN and if the House says un-fund ACORN, why can't the President say un-fund ACORN? That's what I'd like to know.

If the President of the United States would step forward and say to this Congress, Investigate at my request, and I'll turn over all the resources of the entire executive branch of government to drill down through ACORN and all of their affiliates, and will chase every dollar, every director and every employee who has committed an illegal activity and will prosecute them to the fullest extent of the law and will bring about perp walks and prison time for people who are breaking the law, it would happen—it would happen overnight. But he has not. He sat in his ivory tower, and alluded a little bit to the inappropriate actions that might have taken place and about how we should, maybe, get to the bottom of it. They are not yet serious, Mr. Speaker.

They are not going to be serious until the American people make it the highest priority that they have. It's hard to make it the highest priority when you're watching your health care on the chopping block in the United States Senate, when you've watched our national security be diminished significantly by pulling the missile defense shield plan from Poland and Czechoslovakia, when you're not keeping faith with the people who have most recently achieved their freedom—that's the Eastern Europeans—and when you're putting the United States at risk and are empowering Ahmadinejad and empowering Putin and are setting up a tone of going wobbly at a time when we need to be the strongest.

Madam Speaker, I appreciate your indulgence.

I yield back the balance of my time.

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY, SEPTEMBER 24, 2009 AT PAGE 22556

#### DIVISION B—CONTINUING

#### APPROPRIATIONS RESOLUTION, 2010

Division B provides continuing appropriations for all agencies and activities that

would be covered by the regular fiscal year 2010 appropriations bills, until enactment of the applicable regular appropriations bill, or until October 31, 2009, whichever occurs first.

DAVID R. OBEY,  
DEBBIE WASSERMAN  
SCHULTZ,  
MICHAEL HONDA,  
BETTY MCCOLLUM,  
TIM RYAN,  
C.A. RUPPERSBERGER,  
CIRO RODRIGUEZ,

*Managers on the Part of the House.*

BEN NELSON,  
DANIEL K. INOUE,  
MARK PRYOR,  
JON TESTER,  
LISA MURKOWSKI,  
THAD COCHRAN,

*Managers on the Part of the Senate.*

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of an illness.

Mr. HILL (at the request of Mr. HOYER) for today on account of a death in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KAGEN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. NYE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, September 29.

Mr. INGLIS, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1599. An act to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws; to the Committee on the Judiciary.

#### ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 29, 2009, at 12:30 p.m., for morning-hour debate.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter and second quarter of 2009 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO GERMANY, SWITZERLAND, UKRAINE, KAZAKHSTAN, MONGOLIA, CHINA, AND CANADA, EXPENDED BETWEEN JULY 31 AND AUG. 13, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. John A. Boehner	8/1	8/3	Germany		980.00		(3)				980.00
Hon. Jo Bonner	8/1	8/3	Germany		980.00		(3)				980.00
Hon. Dan Boren	8/1	8/3	Germany		980.00		(3)				980.00
Hon. Dave Camp	8/1	8/3	Germany		980.00		(3)				980.00
Hon. Tom Latham	8/1	8/3	Germany		980.00		(3)				980.00
Hon. Greg Walden	8/1	8/3	Germany		980.00		(3)				980.00
Paula Nowakowski	8/1	8/3	Germany		980.00		(3)				980.00
Amy Lozupone	8/1	8/3	Germany		980.00		(3)				980.00
Danielle Maurer	8/1	8/3	Germany		980.00		(3)				980.00
Jennifer Stewart	8/1	8/3	Germany		980.00		(3)				980.00
Hon. John A. Boehner	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. Jo Bonner	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. Dan Boren	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. Dave Camp	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. Tom Latham	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. Greg Walden	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Paula Nowakowski	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Amy Lozupone	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Danielle Maurer	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Jennifer Stewart	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. John A. Boehner	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Hon. Jo Bonner	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Hon. Dan Boren	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Hon. Dave Camp	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Hon. Tom Latham	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Hon. Greg Walden	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Paula Nowakowski	8/6	8/8	Ukraine		988.00		(3)				988.00
Amy Lozupone	8/6	8/8	Ukraine		988.00		(3)				988.00
Danielle Maurer	8/6	8/8	Ukraine		918.00		(3)				918.00
Jennifer Stewart	8/6	8/8	Ukraine		918.00		(3)				918.00
Hon. John A. Boehner	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Hon. Jo Bonner	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Hon. Dan Boren	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Hon. Dave Camp	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Hon. Tom Latham	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Hon. Greg Walden	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Paula Nowakowski	8/8	8/9	Kazakhstan		366.00		(3)				366.00
Amy Lozupone	8/8	8/9	Kazakhstan		366.00		(3)				366.00
Danielle Maurer	8/8	8/9	Kazakhstan		366.00		(3)				366.00
Jennifer Stewart	8/8	8/9	Kazakhstan		366.00		(3)				366.00
Hon. John A. Boehner	8/9	8/10	Mongolia		235.00		(3)				235.00
Hon. Jo Bonner	8/9	8/10	Mongolia		235.00		(3)				235.00
Hon. Dan Boren	8/9	8/10	Mongolia		235.00		(3)				235.00
Hon. Dave Camp	8/9	8/10	Mongolia		235.00		(3)				235.00
Hon. Tom Latham	8/9	8/10	Mongolia		235.00		(3)				235.00
Hon. Greg Walden	8/9	8/10	Mongolia		235.00		(3)				235.00
Paula Nowakowski	8/9	8/10	Mongolia		216.00		(3)				216.00
Amy Lozupone	8/9	8/10	Mongolia		205.00		(3)				205.00
Danielle Maurer	8/9	8/10	Mongolia		205.00		(3)				205.00

## REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO GERMANY, SWITZERLAND, UKRAINE, KAZAKHSTAN, MONGOLIA, CHINA, AND CANADA, EXPENDED BETWEEN JULY 31 AND AUG. 13, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Jennifer Stewart .....	8/9	8/10	Mongolia .....		205.00		(?)				205.00
Hon. John A. Boehner .....	8/10	8/11	China .....		401.00		(?)				401.00
Hon. Jo Bonner .....	8/10	8/11	China .....		401.00		(?)				401.00
Hon. Dan Boren .....	8/10	8/11	China .....		401.00		(?)				401.00
Hon. Dave Camp .....	8/10	8/11	China .....		401.00		(?)				401.00
Hon. Tom Latham .....	8/10	8/11	China .....		401.00		(?)				401.00
Hon. Greg Walden .....	8/10	8/11	China .....		401.00		(?)				401.00
Paula Nowakowski .....	8/10	8/11	China .....		401.00		(?)				401.00
Amy Lozupone .....	8/10	8/11	China .....		401.00		(?)				401.00
Danielle Maurer .....	8/10	8/11	China .....		401.00		(?)				401.00
Jennifer Stewart .....	8/10	8/11	China .....		401.00		(?)				401.00
Hon. John A. Boehner .....	8/11	8/13	Canada .....		684.00		(?)				684.00
Hon. Jo Bonner .....	8/11	8/13	Canada .....		684.00		(?)				684.00
Hon. Dan Boren .....	8/11	8/13	Canada .....		684.00		(?)				684.00
Hon. Dave Camp .....	8/11	8/13	Canada .....		684.00		(?)				684.00
Hon. Tom Latham .....	8/11	8/13	Canada .....		684.00		(?)				684.00
Hon. Greg Walden .....	8/11	8/13	Canada .....		684.00		(?)				684.00
Paula Nowakowski .....	8/11	8/13	Canada .....		684.00		(?)				684.00
Amy Lozupone .....	8/11	8/13	Canada .....		684.00		(?)				684.00
Danielle Maurer .....	8/11	8/13	Canada .....		684.00		(?)				684.00
Jennifer Stewart .....	8/11	8/13	Canada .....		684.00		(?)				684.00
Committee total .....											51,093.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. JOHN A. BOEHNER, Chairman, Sept. 14, 2009.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3803. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Meptyldinocap; Pesticide Tolerances [EPA-HQ-OPP-2008-0854; FRL-8429-7] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3804. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spinosad; Pesticide Tolerances [EPA-HQ-OPP-2008-0810; FRL-8434-2] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3805. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tembotrione; Pesticide Tolerances [EPA-HQ-OPP-2008-0813; FRL-8431-5] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3806. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiram; Pesticide Tolerance [EPA-HQ-OPP-2007-0020; FRL-8431-9] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3807. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Farm Credit Administration Board Meetings; Sunshine Act (RIN: 3052-AC58) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3808. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Annual Independent Audits and Reporting Requirements

(RIN: 3064-AD21) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3809. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Annual Independent Audits and Reporting Requirements (RIN: 3064-AD21) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3810. A letter from the Dep. Dir., Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Defining "Small Number of Animals" for Minor Use Designation [Docket No.: FDA-2008-N-0176; Formerly Docket No. 2008N-0011] (RIN: 0910-AG03) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3811. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances; Table of Excluded Non-narcotic Products; Nasal Decongestant Inhalers Manufactured by Classic Pharmaceuticals LLC [Docket No.: DEA-3291] (RIN: 1117-AD23) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3812. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Controls, Telltales and Indicators [Docket No.: NHTSA-2009-0145] (RIN: 2127-AK04) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3813. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Colorado; Revisions to Denver Emergency Episode Plan [EPA-R08-OAR-2005-046 ; FRL-8957-3] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3814. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Notice 24 for Significant New Alternatives Policy Program [EPA-HQ-OAR-2003-0118; FRL-8959-2] (RIN: 2060-AG12) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3815. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego Air Pollution Control District [EPA-R09-OAR-2009-0620; FRL-8956-9] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3816. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0473; FRL-8956-8] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3817. A letter from the Acting Legal Advisor, Federal Communications Commission, transmitting the Commission's final rule — Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands [WT Docket Nos.: 03-66, FCC 09-70] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3818. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Department's final rule — Final DTV Table of Allotments, Television Broadcast Stations (Biloxi, Mississippi) [MB Docket No. 09-125] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3819. A letter from the Chief, Policy Division, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 25 of the Commission's Rules to Allocate Spectrum and Adopt Service Rules

and Procedures to Govern the Use of Vehicle-Mounted Earth Stations in Certain Frequency Bands Allocated to the Fixed-Satellite Service [IB Docket No. 07-101] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3820. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority for the Export Administration Regulations [Docket No.: 0908141238-91252-01] (RIN: 0694-AE72) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3821. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs; Delay of Effective Date [Docket No.: FR-4998-F-05] (RIN: 2501-AD16) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3822. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Grand Prairie, TX [Docket No.: FAA-2009-0363; Airspace Docket No. 09-ASW-11] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3823. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-Route); Rockford, IL [Docket No.: FAA-2008-1114; Airspace Docket No. 08-AGL-17] (RIN: 2120-AA66) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3824. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Standards; Aircraft Engine Standards Over-torque Limits [Docket No.: 2007-28502; Amendment No. 1-65, 33-30] (RIN No.: 2120-AJ06) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3825. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lake Havasu, AZ [Docket No.: FAA-2008-1099; Airspace Docket No. 08-AWP-10] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3826. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace and Amendment of Class E Airspace; North Bend, OR [Docket No.: FAA-2008-0006; Airspace Docket No. 08-ANM-1] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3827. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ooguruk, AK [Docket No.: FAA-2009-0196; Airspace Docket No. 09-AAL-3] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3828. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment

of Class E Airspace; Quinhagak, AK [Docket No.: FAA-2008-0763; Airspace Docket No. 08-AAL-22] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3829. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Arlington, TX [Docket No. FAA-2009-0362; Airspace; Docket No. 09-ASW-10] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3830. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Neligh, NE [Docket No.: FAA-2009-0191; Airspace Docket No. 09-ACE-4] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3831. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedure, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30682; Amdt. No. 3335] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3832. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30681; Amdt. No. 3334] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3833. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Excess Risk Estimate for Highway-Rail Grade Crossings Along the Florida East Coast Railway Line [Docket No.: FRA-1999-6439, Notice No. 21] (RIN: 2130-AB88) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3834. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Investment Companies-Leverage Eligibility and Portfolio Diversification Requirements (RIN: 3245-AF92) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3835. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Services Under Section 482 Allocation of Income and Deductions from Intangible Property Apportionment of Stewardship Expense [TD 9456] (RIN: 1545-BI78, 1545-BI79, 1545-BI80) received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3836. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Declaratory Judgements — Gift Tax Determinations [TD 9460] (RIN: 1545-BD67) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3837. A letter from the Industry Director, Retailers, Food, Pharmaceuticals, and Healthcare, Internal Revenue Service, transmitting the Service's final rule — Tier II Industry Director's Directive on the Planning and Examination of Contractual Allowance

Issues in the Healthcare Industry #2 received September 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BAIRD (for himself, Mr. EHLERS, Mr. MACK, Ms. CASTOR of Florida, Mr. DELAHUNT, and Mr. KRATOVL):

H.R. 3650. A bill to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN:

H.R. 3651. A bill to reauthorize the Impact Aid Program under the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. BARROW:

H.R. 3652. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself and Ms. MOORE of Wisconsin):

H.R. 3653. A bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards; to the Committee on Ways and Means.

By Mr. KLEIN of Florida (for himself and Mr. MELANCON):

H.R. 3654. A bill to authorize the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration to procure, launch, and operate the next generation of weather forecasting satellites; to the Committee on Science and Technology.

By Mr. RUSH:

H.R. 3655. A bill to direct the Federal Trade Commission to establish rules to prohibit unfair or deceptive acts or practices related to the provision of funeral services; to the Committee on Energy and Commerce.

By Mrs. McMORRIS RODGERS (for herself, Mr. KENNEDY, and Mr. SESSIONS):

H.R. 3656. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to translational research and related activities concerning Down syndrome, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RODRIGUEZ:

H.R. 3657. A bill to amend title 38, United States Code, to provide for members of the

United States Public Health Service and National Oceanographic and Atmospheric Administration Corps to transfer unused benefits under Post-9/11 Educational Assistance Program to family members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SABLAN:

H.R. 3658. A bill to make technical corrections to subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY:

H. Con. Res. 191. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918; considered and agreed to.

By Mrs. BIGGERT (for herself, Mr. STUPAK, Ms. ZOE LOFGREN of California, Mr. WOLF, and Mr. ISRAEL):

H. Res. 779. A resolution recognizing and supporting the goals and ideals of National Runaway Prevention Month; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H. Res. 780. A resolution recognizing the celebration of Filipino American History Month in October; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself, Mrs. McMORRIS RODGERS, Mr. SMITH of New Jersey, Ms. BORDALLO, Mr. SESSIONS, Mr. KENNEDY, Mr. KIRK, and Mr. COBLE):

H. Res. 781. A resolution supporting the goals and ideals of Down Syndrome Awareness Month; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. YOUNG of Florida, Mr. WHITFIELD, Mr. FORBES, Mr. SMITH of New Jersey, Mr. ENGEL, Mr. COURTNEY, Mr. JORDAN of Ohio, Mr. BISHOP of Georgia, Mr. PASTOR of Arizona, Mr. BROWN of Georgia, Mr. DANIEL E. LUNGREN of California, and Mr. HERGER.

H.R. 204: Mr. NEAL of Massachusetts.

H.R. 213: Mr. SKELTON.

H.R. 275: Mr. SNYDER and Mr. SMITH of Texas.

H.R. 333: Ms. DEGETTE and Mr. KLEIN of Florida.

H.R. 391: Mr. GOODLATTE.

H.R. 422: Mr. LIPINSKI, Mrs. BIGGERT, Mrs. MYRICK, and Mr. LEE of New York.

H.R. 442: Mr. MCCLINTOCK.

H.R. 482: Mr. MANZULLO.

H.R. 510: Mr. MCMAHON.

H.R. 557: Mr. KING of Iowa and Mr. GOHMERT.

H.R. 560: Mrs. NAPOLITANO.

H.R. 571: Ms. DELAULO and Mr. BOUSTANY.

H.R. 574: Mr. DAVIS of Alabama, Mr. MORAN of Virginia, and Mr. PERLMUTTER.

H.R. 668: Mr. LARSEN of Washington.

H.R. 690: Ms. BERKLEY.

H.R. 725: Mr. LUJAN.

H.R. 734: Mr. BARTLETT.

H.R. 795: Ms. EDWARDS of Maryland.

H.R. 977: Mr. HODES.

H.R. 981: Mr. COHEN.

H.R. 1054: Mr. PETRI.

H.R. 1079: Ms. DEGETTE.

H.R. 1084: Mr. HALL of New York.

H.R. 1086: Mr. MARCHANT.

H.R. 1173: Mr. HOLDEN.

H.R. 1193: Mrs. MALONEY and Mr. ELLISON.

H.R. 1206: Mr. DANIEL E. LUNGREN of California and Mr. WOLF.

H.R. 1208: Mr. SHULER.

H.R. 1233: Mr. BARTON of Texas.

H.R. 1242: Mr. HALL of New York.

H.R. 1245: Mr. RAHALL and Mr. MACK.

H.R. 1265: Ms. MARKEY of Colorado.

H.R. 1313: Mr. BOUCHER and Mr. SMITH of Nebraska.

H.R. 1362: Mr. MCNERNEY, Mr. OLVER, and Mr. PRICE of North Carolina.

H.R. 1378: Ms. LEE of California, Ms. BEAN, and Mr. WHITFIELD.

H.R. 1408: Ms. MOORE of Wisconsin and Mr. OBERSTAR.

H.R. 1456: Mr. DELAHUNT, Mr. SERRANO, Mr. HONDA, and Mr. KANJORSKI.

H.R. 1458: Mr. DAVIS of Alabama.

H.R. 1505: Mrs. McMORRIS RODGERS and Mr. WAMP.

H.R. 1570: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1578: Mr. SESTAK, Mr. BLUMENAUER, and Mr. BERMAN.

H.R. 1587: Mr. WALZ.

H.R. 1600: Mr. KLINE of Minnesota.

H.R. 1616: Mr. CUMMINGS and Mr. PASTOR of Arizona.

H.R. 1625: Mr. FILNER and Mrs. BIGGERT.

H.R. 1670: Mr. QUIGLEY and Mr. TONKO.

H.R. 1695: Mr. NYE and Mr. KLEIN of Florida.

H.R. 1723: Mr. PASTOR of Arizona.

H.R. 1740: Mr. CAO and Mr. RODRIGUEZ.

H.R. 1806: Mr. LOBIONDO.

H.R. 1826: Mr. MILLER of North Carolina and Mr. OLVER.

H.R. 1831: Mr. LATHAM.

H.R. 1903: Mr. WITTMAN.

H.R. 1970: Mr. DAVIS of Alabama.

H.R. 1977: Mr. CARSON of Indiana.

H.R. 1987: Mr. THORNBERRY.

H.R. 1993: Mr. CARDOZA.

H.R. 1995: Ms. MCCOLLUM.

H.R. 2035: Mr. FORTENBERRY.

H.R. 2058: Mr. CARSON of Indiana.

H.R. 2084: Mr. MARSHALL.

H.R. 2190: Mr. WEXLER.

H.R. 2194: Mr. SCHRADER, Ms. CASTOR of Florida, Mr. CASTLE, Mr. PAYNE, and Mr. KISSLE.

H.R. 2246: Mr. KILDEE.

H.R. 2254: Mr. MILLER of Florida.

H.R. 2275: Ms. SLAUGHTER, Mr. SERRANO, Mr. HINCHEY, Mr. ALTMIRE, Mr. WEINER and Ms. ROYBAL-ALLARD.

H.R. 2296: Mr. BRADY of Texas.

H.R. 2329: Ms. SHEA-PORTER, Mr. GERLACH, Mr. PETRI, Mr. FORBES, and Ms. BERKLEY.

H.R. 2349: Ms. SHEA-PORTER.

H.R. 2366: Mr. BAIRD.

H.R. 2377: Ms. LORETTA SANCHEZ of California, Mr. STARK, Mrs. CAPPS, and Ms. LINDA T. SANCHEZ of California.

H.R. 2408: Mrs. LOWEY.

H.R. 2421: Mr. BOCCIERI.

H.R. 2425: Mr. SCOTT of Georgia.

H.R. 2443: Ms. DELAULO and Mr. TIBERI.

H.R. 2452: Mrs. BIGGERT, Mr. MCKEON, Mr. CONAWAY, Mr. CAPUANO, Mr. MACK, Mr. THOMPSON of Pennsylvania, and Mr. CRENSHAW.

H.R. 2476: Mr. COFFMAN of Colorado.

H.R. 2499: Mr. ISSA.

H.R. 2528: Mr. CASSIDY.

H.R. 2555: Mr. WEINER.

H.R. 2567: Mr. FILNER and Mr. HILL.

H.R. 2579: Mr. CLAY.

H.R. 2590: Mr. PITTS.

H.R. 2600: Mr. KIRK, Mr. GRIJALVA, Mrs. McMORRIS RODGERS, and Mr. MOORE of Kansas.

H.R. 2625: Mrs. BIGGERT.

H.R. 2626: Mr. CASSIDY and Mr. THOMPSON of California.

H.R. 2655: Mrs. McMORRIS RODGERS.

H.R. 2688: Mr. CAPUANO.

H.R. 2745: Mr. TERRY.

H.R. 2766: Mr. CARNAHAN.

H.R. 2906: Ms. DEGETTE.

H.R. 2935: Mr. ROE of Tennessee, Mr. RYAN of Ohio, Mr. SNYDER, Mr. WU, and Mr. LANDEVIN.

H.R. 2936: Mr. GRAYSON and Mr. MICHAUD.

H.R. 2976: Mr. KIRK and Ms. DEGETTE.

H.R. 3003: Mr. COSTELLO.

H.R. 3024: Mr. RYAN of Ohio, Ms. BALDWIN, Mr. MEEK of Florida, and Mr. HEINRICH.

H.R. 3046: Mr. STUPAK.

H.R. 3078: Mr. MARSHALL.

H.R. 3116: Mrs. MYRICK, Mr. MASSA, and Mr. MCHENRY.

H.R. 3164: Mr. GRAYSON.

H.R. 3245: Mr. MILLER of North Carolina, Ms. DEGETTE, and Mr. CAPUANO.

H.R. 3264: Ms. NORTON.

H.R. 3265: Mr. WITTMAN.

H.R. 3276: Mr. MCGOVERN.

H.R. 3286: Mr. MASSA and Mr. MURPHY of New York.

H.R. 3400: Mr. CALVERT.

H.R. 3464: Mr. MARSHALL.

H.R. 3468: Mr. LEE of New York and Mr. DENT.

H.R. 3486: Mr. BISHOP of New York.

H.R. 3488: Ms. DEGETTE.

H.R. 3502: Mr. TIBERI.

H.R. 3503: Ms. BALDWIN and Mr. MCNERNEY.

H.R. 3524: Mr. KRATOVIL.

H.R. 3571: Mr. PAULSEN.

H.R. 3585: Mr. GORDON of Tennessee, Mr. TONKO, Mr. LUJAN, Mr. HONDA, and Mr. CHANDLER.

H.R. 3610: Mr. HOEKSTRA.

H.R. 3611: Mr. PETERSON, Mr. MCCAUL, Mr. MCCLINTOCK, and Mr. WALZ.

H.R. 3613: Mr. KINGSTON and Mr. SAM JOHNSTON of Texas.

H.R. 3630: Mr. BURTON of Indiana.

H.R. 3639: Mr. GEORGE MILLER of California, Mrs. LOWEY, and Mr. KANJORSKI.

H.J. Res. 42: Mr. LUETKEMEYER and Mr. FORBES.

H. Con. Res. 49: Mr. SESTAK.

H. Con. Res. 110: Mr. ARCURI and Mr. ROTHMAN of New Jersey.

H. Con. Res. 170: Mr. FORBES, Ms. GINNY BROWN-WAITE of Florida, and Mr. JONES.

H. Con. Res. 177: Mr. COURTNEY, Mr. ROGERS of Alabama, Mr. CHANDLER, and Mr. SMITH of New Jersey.

H. Con. Res. 185: Mr. GRAVES, Mr. BARRETT of South Carolina, Mr. BILIRAKIS, Mr. CASTLE, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FORTENBERRY, Mr. GARRETT of New Jersey, Mr. HALL of Texas, Mr. HERGER, Mrs. McMORRIS RODGERS, Mr. TIM MURPHY of Pennsylvania, Mr. ROGERS of Kentucky, Mr. ROYCE, Mr. THOMPSON of Pennsylvania, Mr. MACK, Mr. BOEHNER, Mr. CALVERT, Mr. CRENSHAW, Mr. EHLERS, Mr. GERLACH, Mr. GOODLATTE, Mr. KIRK, Mr. LANCE, Mr. POSEY, Mr. HARPER, and Mr. RADANOVICH.

H. Res. 16: Mr. SOUDER.

H. Res. 20: Mr. INGLIS.

H. Res. 159: Ms. BEAN, Mr. PETERSON, Mr. COURTNEY, and Mr. LANDEVIN.

H. Res. 175: Mr. HODES and Mr. WALZ.

H. Res. 291: Mr. GONZALEZ.

H. Res. 398: Mr. ADERHOLT, Mr. EHLERS, Mr. WEXLER, Mr. KIRK, Mr. BERMAN, Mr. LINCOLN

DIAZ-BALART of Florida, Mr. FLAKE, Mr. KING of Iowa, Mr. BARRETT of South Carolina, Ms. FALLIN, Mr. BOUSTANY, Mr. SCALISE, Mr. ALEXANDER, Mr. FLEMING, Mr. REHBERG, Mr. SKELTON, Mr. ABERCROMBIE, Mr. LATTI, Mr. MACK, Mr. COSTA, and Mr. SIRE.

H. Res. 511: Mr. CARSON of Indiana.

H. Res. 554: Mr. SOUDER, Mr. LOBIONDO, Mr. BROWN of South Carolina, Mr. THOMPSON of California, Mr. MATHESON, Mr. WESTMORELAND, Mr. MORAN of Kansas, Mr. SHIMKUS, Mr. GRAVES, Mrs. BLACKBURN, Mr. WALZ, Mr. LEE of New York, Mr. HOEKSTRA, and Mr. HALL of Texas.

H. Res. 561: Mr. McMAHON.

H. Res. 562: Mr. McMAHON.

H. Res. 563: Mr. McMAHON.

H. Res. 569: Ms. JACKSON-LEE of Texas and Ms. LEE of California.

H. Res. 603: Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. HONDA, and Mr. RANGEL.

H. Res. 615: Mr. MANZULLO.

H. Res. 630: Mr. MICHAUD and Mr. FRANK of Massachusetts.

H. Res. 704: Mr. LINDER.

H. Res. 707: Mr. HODES.

H. Res. 711: Mr. CULBERSON.

H. Res. 721: Mr. BOEHNER and Mr. LATTI.

H. Res. 727: Mr. PAULSEN, Ms. DEGETTE, Mr. LEWIS of Georgia, Mr. BILBRAY, Mr. GRIFFITH, and Mr. DAVIS of Illinois.

H. Res. 729: Mr. FORBES.

H. Res. 730: Mr. KLINE of Minnesota, Mr. PETERSON, Mr. CROWLEY, Mr. COOPER, Mr. RYAN of Ohio, Mr. TANNER, Mr. DAVIS of Alabama, and Mr. MATHESON.

H. Res. 741: Mr. GRAYSON and Mr. MAFFEI.

H. Res. 743: Mr. HIGGINS, Mr. MILLER of North Carolina, and Mr. COHEN.

H. Res. 748: Mr. GRIFFITH, Mr. ROONEY, Mr. WAMP, Mr. CHAFFETZ, and Mr. MCINTYRE.

H. Res. 749: Mr. BLUNT.

H. Res. 750: Mr. THOMPSON of California, Mr. LEVIN, Mr. PASCRELL, Mr. YARMUTH, Ms. BERKLEY, Mr. NEAL of Massachusetts, Mr. STARK, Mr. CROWLEY, Mr. KIND, Mr. KAGEN, Mr. HINCHEY, Ms. SCHWARTZ, Ms. CASTOR of Florida, Ms. MATSUI, Ms. Chu, Mr. MELANCON, Ms. WOOLSEY, Ms. DELAURO, Mr. CARNAHAN, Ms. BALDWIN, Mr. MILLER of North Carolina, Mrs. HALVORSON, Ms. FUDGE, Mr. CLEAVER, Ms. PINGREE of Maine, Ms. TITUS, Mr. PALLONE, Mr. HARE, Mr. COURTNEY, Mr. TONKO, Mr. MCGOVERN, Mrs. MALONEY, Mr.

SCHAUER, Mr. BLUMENAUER, Mr. CUMMINGS, Mr. TIERNEY, Mr. DINGELL, Mr. BERRY, Mrs. MCCARTHY of New York, Mr. TANNER, Mrs. CAPPS, Mr. MURPHY of Connecticut, Mr. MAFFEI, and Mr. BACA.

H. Res. 752: Mr. BACHUS, Mr. PAYNE, and Mr. GRIJALVA.

H. Res. 754: Mr. BOREN.

H. Res. 757: Ms. DEGETTE and Mr. BURTON of Indiana.

H. Res. 763: Mr. WAMP.

H. Res. 771: Mr. OBEY.

### DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 6, September 23, 2009, by Mr. GREG WALDEN on House Resolution 554, was signed by the following members: Greg Walden, Vernon J. Ehlers, Michael N. Castle, Roy Blunt, Jerry Moran, Rob Bishop, F. James Sensenbrenner, Jr., Dan Burton, Charles W. Boustany, Jr., Jo Bonner, Charles W. Dent, Brian Baird, Jean Schmidt, Judy Biggert, Henry E. Brown, Jr., Walter B. Jones, Michael T. McCaul, Bill Shuster, Candice S. Miller, Fred Upton, Walt Minnick, Thadeus G. McCotter, Dave Camp, Michele Bachmann, Jeff Fortenberry, Ed Whitfield, Aaron Schock, Pete Sessions, Randy Neugebauer, Frank R. Wolf, Mike Pence, Michael C. Burgess, Lynn Jenkins, John R. Carter, Sam Johnson, Ileana Ros-Lehtinen, Kay Granger, Thomas J. Rooney, David P. Roe, Gregg Harper, Virginia Foxx, Jim Jordan, Cliff Stearns, Bob Inglis, Harold Rogers, Lee Terry, Bill Cassidy, Todd Tiahrt, Joe Barton, Timothy V. Johnson, John Sullivan, John Kline, Marsha Blackburn, Kevin McCarthy, Doug Lamborn, Donald A. Manzullo, Edward R. Royce, John Boozman, Paul Ryan, Paul C. Broun, Parker Griffith, Rodney Alexander, John Fleming, Jeff Flake, Sue Myrick, Daniel E. Lungren, Steve King, John B. Shadegg, Mac Thornberry, Bill Posey, Glenn Thompson, Christopher John Lee, Steve Scalise, Wally Herger, Duncan Hunter, Todd Russell Platt, Gus M. Bilirakis, Kevin Brady, Trent Franks, Thomas E. Petri, Cathy McMorris Rodgers, Tom Cole, Pete Olson, K. Michael Conaway, Lynn A. Westmoreland, John Abney Culberson,

Roscoe G. Bartlett, Ginny Brown-Waite, Bob Goodlatte, J. Randy Forbes, Mike Rogers (AL), Jeb Hensarling, Louie Gohmert, Jo Ann Emerson, Frank D. Lucas, Joe Wilson, David G. Reichert, Jason Chaffetz, Cynthia M. Lummis, Rodney P. Frelinghuysen, Brian P. Bilbray, Michael K. Simpson, Mario Diaz-Balart, Lincoln Diaz-Balart, Peter J. Roskam, Robert J. Wittman, Dean Heller, Joseph R. Pitts, Ted Poe, Jim Gerlach, Ander Crenshaw, Tom Price, Robert E. Latta, Ron Paul, Howard P. "Buck" McKeon, Dana Rohrabacher, Tom Latham, Michael R. Turner, Mark E. Souder, Don Young, Gene Taylor, Mary Bono Mack, Connie Mack, Robert B. Aderholt, Leonard Lance, Mike Rogers (MI), Ken Calvert, Tom McClintock, John Campbell, Ralph M. Hall, Frank A. LoBiondo, Darrell E. Issa, W. Todd Akin, George Radanovich, Dennis R. Rehberg, John J. Duncan, Jr., Spencer Bachus, Anh "Joseph" Cao, John Shimkus, John Linder, Zach Wamp, Adam H. Putnam, Nathan Deal, Blaine Luetkemeyer, Mike Coffman, Howard Coble, Brett Guthrie, Tim Murphy, Jerry Lewis, Mark Steven Kirk, Patrick T. McHenry, Vern Buchanan, Gary G. Miller, Elton Gallegly, Peter T. King, Erik Paulsen, Geoff Davis, Patrick J. Tiberi, Devin Nunes, Christopher H. Smith, Jack Kingston, Steve Austria, John L. Mica, Eric Cantor, Dan Boren, Steve Buyer, Lamar Smith, Peter Hoekstra, Jeff Miller, Adrian Smith, Scott Garrett, Mary Fallin, John A. Boehner, C.W. Bill Young, Phil Gingrey, J. Gresham Barrett, Kenny Marchant, and Steven C. LaTourette.

### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 5 by Mrs. BLACKBURN on H.R. 391: Gregg Harper, Geoff Davis, Kay Granger, Eric Cantor, Fred Upton, Gresham J. Barrett, Joe Wilson, Jeff Miller, Kenny Marchant, Frank D. Lucas, Daniel E. Lungren, Kevin Brady, Jim Jordan, and Jason Chaffetz.

**SENATE—Friday, September 25, 2009**

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, whose spirit searches all things, send us Your truth and mercy today. Guide our lawmakers along a path that leads to the hearts and needs of those on life's stormy seas. Give our Senators a grace that will take away fear and provide them with courage and faith. Increase their understanding of the scope of their tasks as servants of Your kingdom, as You inspire them to stay within the circle of Your loving providence. Lord, imbue them with understanding and sympathy, as well as with a sense of justice that they may be champions of liberty and instruments of Your peace. May this be a day in which the Senate exemplifies to America unity, courage, and civility. Today, as we welcome a new lawmaker, we ask Your blessings for the Honorable PAUL KIRK, Jr.

We pray in the Redeemer's Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the appropriations bill for the Department of Defense. There will be no rollcall votes during today's session, but at 3:30 p.m. today, PAUL KIRK will be sworn in as the new Senator from Massachusetts, filling in for the late Senator Kennedy.

As I speak, we have an international war on terrorism, we have American troops stationed in Iraq and Afghanistan, and we have a Defense appropriations bill which is now before the Senate. The appointment of the Chairman of the Joint Chiefs of Staff, ADM Michael Mullen, expires on September 30. It would be absolutely unacceptable to allow his position to be vacant at a time when our Nation is so engaged internationally. I hope we can count on the cooperation of all my colleagues in allowing this nomination to proceed without delay—immediately.

Mr. President, would you announce the business of today.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS**

I certify that the information required by rule XLIV of the Standing Rules of the Sen-

ate related to congressionally directed spending items has been identified in the committee report which accompanies H.R. 3326 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**HEALTH CARE**

Mr. MCCAIN. Mr. President, for at least several months, Congress, as we know, has been considering comprehensive health reform legislation written and moved through committees without bipartisan support. The Senate Finance Committee, now the last committee, is apparently considering a proposal that was originally believed to possibly garner bipartisan support. However, it has not. At the end of the day, the bill has ended up being divided along partisan lines.

I agree that bipartisanship alone does not propose good legislation, but I can guarantee that partisan legislation pushed through Congress on artificial deadlines will not engender confidence or the support of the American people. Not one of the bills in the House or Senate committees has received a Republican legislator's vote—now they are counting on perhaps one—nor did any of the bills deserve the vote of any Member of Congress. I hope reason will prevail this week.

Unfortunately, as written, the administration's and Senator BAUCUS's proposal does not warrant the support of the American people or Members of Congress. During the August recess we saw millions of Americans come to townhall meetings across this country and express their concerns. While some have dismissed these peaceful revolutionaries and impugned their motives, I believe these citizens should be listened to. This peaceful resolution is like nothing I have ever seen in my nearly 30 years of elected office. Americans have made it abundantly clear they do not want government taking over their health care decisions. But, unfortunately, that is the reality of the proposals before the Senate Finance Committee and those that have already been passed. Senator BAUCUS's proposal is not any different. It increases or creates new government control in all aspects of our health care



system, increases health care taxes, and makes cuts to Medicare that reduce benefits and weaken its fiscal health.

The administration's bill being considered this week in the Finance Committee puts Washington in control of health insurance regulations by defining what is "acceptable health insurance coverage" and what Americans must pay for this coverage. Washington also seeks to tell Americans that they have no more than four insurance plan coverage levels available to them, the least costly of which would be more expensive than many individual and small group policies today.

In addition, the proposal decides which health care industry should be taxed and then imposes billions in new taxes on them. There are new taxes on prescription drugs, there are new taxes on medical devices, there are new taxes on laboratory tests, and there are new taxes on insurance companies.

The Congressional Budget Office has confirmed what we know: that these taxes will be passed on to the consumers and will drive up health insurance premiums, directly contradicting the goal all of us shared together. This week CBO Director Douglas Elmendorf in the Senate Finance Committee said:

Our judgment is that that piece of legislation would raise insurance premiums by roughly the amount of the money collected.

If there are some out there who are not concerned by this massive government expansion, here is the kicker. The tax increases start right away even though many coverage provisions do not begin for 4 years, making the real 10-year implementation cost between \$1.5 and \$2 trillion. While it may seem to most Americans that reform is all about regulating health insurers and getting people covered, America's seniors who depend on Medicare would be wrong to assume their benefits will not be affected under the proposal that is being considered in the Senate Finance Committee.

The administration's proposal under consideration in the Finance Committee cuts \$500 billion from Medicare and allocates it to creating a new entitlement that we know taxes and costs too much. Instead of improving Medicare's financial stability, the proposal cuts nearly \$120 billion from hospitals serving Medicare patients, more than \$40 billion from Medicare home health providers, and approximately \$130 billion of the cuts come from Medicare Advantage.

CBO confirmed the obvious—that taking \$130 billion from Medicare Advantage is a cut in the extra benefits provided to seniors despite protestations that this is not a cut from the other side and from President Obama.

From the Associated Press:

Congress' Chief Budget Officer is contradicting President Barack Obama's oft-stated

claim that seniors would not see their Medicare benefits cut under a health care overhaul.

Candidate Obama campaigned to make this cut, but now we hear the other side twist themselves in circles trying to obscure the facts. Americans should understand what is in these proposals and make up their own minds. But the other side must not agree. Why else would Democrats vote down an amendment in the Senate Finance Committee that would have simply required the legislative language to be posted online for 72 hours before voting on the proposals? This is what happens when you do not have online or prior information concerning amendments.

The Finance Committee passed a Democratic amendment earlier Wednesday by voice vote that they thought would have no impact on the bill's bottom line. Hours later, the committee staff learned from CBO that Senator DEBBIE STABENOW's amendment on foster care would actually cost \$600 million. This is why we need to have cost estimates and online scrutiny not only by Members of Congress and their staffs but by the American people before we adopt amendments.

Let me read from the press release issued by Senator BAUCUS this week:

At the urging of Senate Finance Committee Chairman Max Baucus, the Centers for Medicare and Medicaid Services [known as CMS] has cracked down on insurance compan[ies] . . . The CMS investigation into the beneficiary letter was prompted by a Baucus request.

This is a press release issued by the office of the Senator from Montana himself. And what did Senator BAUCUS's urging result in? A gag order from the acting head of the CMS Center for Drug and Health Plan Choices. Shockingly, the CMS subgroup ordered health plans offering Medicare Advantage benefits to stop communicating with their members what the CBO tells us is true, that taking \$130 billion from Medicare Advantage is a cut.

Let's be clear. This is government-imposed restrictions on free speech. How is it that we have an agency of government telling a private corporation they are not free to express their opinions or views on anything the Congress does?

So where does this leave us? The proposal expands failing Medicaid, increases government control in the health care of every American, and drives up premiums by raising taxes on health care and health insurance. Then the proposal forces you or your employer to purchase their more expensive insurance. But to hide the impact, we are going to subsidize some Americans for this more expensive coverage, and if they do not purchase this more expensive coverage, the proposal tells the IRS to come after them with new tax penalties.

The recent poll this morning, published in various newspapers, shows

there continues to be waning support and a lack of understanding of the President's proposal. I think that is perfectly logical because the President says: If you like your present health insurance, you can keep it. Then CBO determines, and others, if your employer provides you with health care benefits and chooses the government option, then you as the employee do not have the ability to keep your health insurance policy if you like it.

So I think it is pretty clear the strategy of the administration is to try to ram something through the Senate and the House, rewrite it in conference, and certainly without Republican participation. I hope that is not the case.

I look forward to continued discussion of this very vital issue for the American people on the floor of the Senate and in the various forums around the country. I intend to continue to have health care townhall meetings in my State as they have been very helpful both in informing my constituents and my constituents informing me.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore.

The Republican leader is recognized.

#### HEALTH CARE WEEK X, DAY III

Mr. MCCONNELL. Mr. President, Senators are still hashing out the details of the Democrat health care proposal that they plan to bring to the floor, and it isn't getting any better.

Americans wanted us to work together on reforms that improve the system we have. What they are getting instead is a bill that creates an entirely different system in which government plays a bigger and bigger role in people's health care decisions. They are slapping this plan together as quickly as possible, and then they are going to force it on the American people whether they like it or not. That is what is going on this week in the hearing room of the Finance Committee.

Supporters of this bill are watching the clock. They know the longer it sits out there, the more Americans will oppose this trillion-dollar experiment that cuts Medicare, raises taxes, and threatens the health care choices that millions of Americans now enjoy. That is why they struck down a commonsense amendment this week that would

have given the American people 72-hours to look at the details of this legislation.

They are rushing it through, hoping no one gets to see the fine print. Why else would they deny this 72-hour amendment that gives people the time they need to read a 1,000-page bill? Why else would they be dismissing anyone who raises a peep of opposition? Why else would they be asking people to forward fishy e-mails to the White House? And why else would the administration order an investigation into a private company for telling its clients the truth about what this legislation would mean for them?

More and more, it seem like supporters of this legislation just don't believe that the American people know what is best for themselves, so they want to keep them in the dark about the details. But that is not the way democracy works. And that is why Republicans sent a letter to the Department of Health and Human Services yesterday calling on the HHS Secretary to rescind the gag order that it placed on companies that want to tell seniors how health care legislation will affect them. Seniors deserve to know what is in this bill, and insurers should be free to tell them.

But until that gag rule is lifted, we will tell seniors ourselves, because it hits them hard. It cuts services that millions of seniors currently enjoy. It could force seniors off the plans they have with nearly \$140 billion in cuts to one popular Medicare plan; it calls for nearly \$120 billion in Medicare cuts for hospitals that care for seniors; more than \$40 billion in cuts to home health agencies; and nearly \$8 billion in cuts to hospice care.

Everyone agrees Medicare needs reform. This isn't reform. Lawmakers want to use Medicare as a piggy bank to pay for their experiment, and seniors are going to suffer for it. The response we keep getting from the administration is that hundreds of billions of dollars in cuts to Medicare won't affect services. Who can blame seniors for scratching their heads over that one? How do you cut half a trillion dollars from something without anybody noticing the difference? Seniors, rightly, just aren't buying it.

Americans want reform. They want lower costs. They want greater access for people without insurance. And they want Congress to deliver commonsense solutions to all these problems. What they are getting instead is a trillion-dollar experiment that cuts Medicare, raises taxes, and threatens the health care options that millions of Americans now enjoy. And they are being told it all has to be done as fast as possible to meet some artificial deadline that no one can explain.

Americans want us to slow down, and Congress is putting its foot on the accelerator. Americans want to know

what this bill would mean for them, and Congress won't let them read it before a vote, won't even allow them 72-hours to look over the details of a 1,000 page piece of legislation that will affect one of the most significant aspects of their lives. Americans have concerns about what they're hearing, and they are being told to shut up, sit down, and take the health care we give you.

This is precisely the kind of condescending attitude from lawmakers in Washington that ordinary Americans are tired of. This is the kind of thing they are protesting and speaking out against across the country. And over the last few months, Congress hasn't given them any reason to believe that their concerns aren't exactly right.

I yield the floor.

Mr. COCHRAN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FAA REAUTHORIZATION ACT

Mr. DORGAN. Mr. President, last evening the Senate passed a 3-month extension—until December 31—of the Federal Aviation Administration reauthorization bill, and I wanted to mention a word about that.

The 3-month extension is necessary because the authorization ends at the end of this month, September 30. This is such an important issue, so I hope we are able to find time on the floor of the Senate—I have talked to the majority leader, Senator REID, about finding time on the floor to consider the FAA reauthorization bill, which includes important provisions to modernize our air traffic control system.

Let me talk about the process for getting a bill considered on the floor just for a moment. It has been difficult here to get things done on the floor of the Senate. Sometimes we have had cooperation, sometimes not. Sometimes on very noncontroversial things we have had to file cloture just on the motion to proceed. It takes 2 days to get cloture, have a vote on cloture, and then the minority has insisted on 30 hours postcloture. So you have to take the better part of a week just to get to a piece of legislation, even the noncontroversial ones. So my hope would be that perhaps we could get more cooperation particularly when it comes to passing the FAA Reauthorization Act.

The FAA Reauthorization Act is critically important because we need to modernize the air traffic control system. I chair the Aviation Subcommittee, and that is why I wish to bring this bill to the floor, along with my colleague, Senator ROCKEFELLER, and move rather rapidly on the issue of modernization of the air traffic control system.

We are still flying using ground-based radar systems that have been around for a long time. Previously, I described on the floor of the Senate that when flying began in this country and we started to haul mail by airplanes, planes could only fly during the day when the pilot could see. Then eventually they began flying at night by building big bonfires 50 or 100 miles out so the pilot could see the direction they were supposed to head. Then, with more sophistication, we developed ground-based radar and we put transponders in an airplane which send signals to a radar on the ground, and that radar then puts a little signal on a screen that says: Here is where the airplane is. Well, that is all fine, except in most cases it's actually: This is where the airplane was. Because for the next 7 seconds that jet is elsewhere. It is moving. So you have a single dot on a ground-based radar system, and the transponder says, here is where that jet airplane is, but it is really not there anymore. It is there for just a nanosecond, and during the rest of the sweep of the radar that airplane is somewhere else.

We need to go to an entirely new system. Europe and the United States are both moving to a system that uses GPS so that we know exactly where that airplane is. It is a much more effective system and a safer system. It will save energy. It will allow airlines to fly more direct routes, so it will save time for passengers. It will be better for the environment because planes will be using less energy. All of that is true. But we can't get there until we pass the provisions that move the FAA forward with modernization that are part of the FAA reauthorization bill.

I and others have worked on this for a long time. We extended the existing

reauthorization last evening until the end of the year, but between now and then we need to pass the reauthorization bill through the Senate so that we can conference it with the House and get a bill to the President.

It also includes provisions dealing with safety. For example, I have chaired two hearings on the tragic accident in Buffalo, NY, with the Colgan Air flight in which many lives were lost. We have included in this legislation issues dealing with the FAA and the issues of pilot fatigue, crew rest, pilot training, and other issues dealing with safety that are very important.

We also include the Passengers' Bill of Rights, which some of my colleagues have worked on for a long while. I included that in the mark that has now passed the Commerce Committee. It includes, for example, one little piece in the Passengers' Bill of Rights says that if you are on an airplane and you are stranded someplace on a tarmac, they can't keep you more than 3 hours without being required to take you back to the terminal. We have had examples—tragic examples, I should say—of people being stuck on an airplane for way too many hours and not allowed to come back to the terminal. Well, we put a provision in here dealing with that which relates to the Passengers' Bill of Rights.

My point is this: This is important to passengers, it is important to the airlines, and it is important to our country to get this done and get it done right. My fervent hope is that we will get time on the schedule and get it through the Senate so that we can get it to conference with the House of Representatives and see if we can get done what should have been done 2 years ago. It is called the Air Traffic Control Modernization Program. It is part of the FAA Reauthorization Act, and it is very important for this country.

#### ENERGY

Mr. President, I want to talk just for a moment about energy. I know we have been spending a lot of time dealing with health care. I believe the Finance Committee is meeting and working on a health care bill, as we speak, and that is important to continue that work. Another important issue for the Senate to address is energy. I want to talk just for a moment about the need for an expanded energy program in this country and a new set of energy policies. Just as we have reported an FAA reauthorization bill, we have also reported a bill out of the Senate Energy Committee. I worked with Senator BINGAMAN and others on a bipartisan bill, and we have reported a very important bill out of the Energy Committee which is now on the Senate calendar. If we can pass it in the Senate and House, resolve the differences, and have the President sign it, this legislation can move us in the direction toward addressing the climate change.

But it also makes us less dependent upon foreign energy, thus improving our energy and our national security situation.

Here are the issues. We produce millions of barrels of oil every single day by sucking it out of our planet. We stick little straws in the dirt, and we suck oil out at a rate of about 85 million barrels a day. Think about a globe in your office or someplace at school and look at where we are relative to the size of the planet. Even though we produce 85 million barrels a day for the world, one-fourth of it comes to this patch called the United States of America. We use one-fourth of all the oil that is sucked out of our planet every single day, so we have a prodigious appetite for energy.

That is not surprising. Everything we do uses energy, and we are an advanced industrial country. We get up in the morning and turn on a switch and the light goes on. We plug in an electric razor and shave. We use it for the coffee maker or for the toaster by using electricity. We open the refrigerator which keeps the food cool all the time. We get in our cars, put a key in the ignition and ignite an engine with probably 250 horses to take us to work or to get a doughnut and coffee. We are unbelievable users of energy, and we do not even think much about it. But if tomorrow morning we awoke and none of that energy were available, our lives would change in a dramatic way.

Now think of this: Although we need one-fourth of 85 million barrels of oil today, brought to this country, almost 70 percent of the oil we use is produced elsewhere. Some of it is produced in countries that do not like us very much. Then in addition to nearly 70 percent being produced elsewhere, about 70 percent of the oil in this country is used in the transportation sector. So those are the elements of things that ought to concern us. How do we deal with all of this?

What we need to do is produce more energy at home. We also need to produce different kinds of energy. I happen to believe we ought to produce virtually every kind of energy to the extent that we can do so, and do it with an eye and understanding on how that impacts climate change issues. We should be attending to and producing more renewable energy—including wind, solar, biomass and other renewable resources. Developing renewables will move us in the direction of addressing climate change.

So here is what we have done in the Energy Committee. We have produced a piece of legislation that maximizes the use of renewable energy.

Here is a picture of wind turbines. They are plentiful in my State and in many other States as well. We are taking energy from the wind and producing electricity. When we put up a turbine, it can blow for 10 years, 20

years or 50 years so that we are getting energy from the wind. It is renewable, increasingly reliable, carbon free, and very protective of the environment.

By producing electricity from the wind, solar or biomass resources, we are capable of extending and expanding our energy supply and in many ways, making us less dependent on foreign oil or energy that comes from foreign sources. This is especially true as we work to electrify our transportation system.

One of the things we did with respect to wind energy is, for the first time in the Senate Energy bill, establish a national renewable electricity standard. We said we believe there ought to be a requirement of how much of our nation's electricity should come from renewable energy. So we have a 15-percent requirement. When we get a bill to the Senate floor, we ought to increase it to a 20-percent requirement where 5 percent is for energy efficiency and 15 percent is for renewable energy. I would like to see if we can strengthen that standard which came out of the Energy Committee. But at least the first renewable electricity standard of 15 percent is in the committee passed bill. It is very important that we a starting point for where we want to be.

There is this old saying: If you don't care where you are, you are never lost. That is very true for public policy in this country. If you don't care where you are, then you don't set goals. But we should set goals because we are unbelievably and dangerously dependent on energy from other countries. That doesn't make any sense to me, so we must maximize the production of renewable energy.

The problem is where the Sun shines or where the wind blows and where we can produce electricity from the wind and the Sun may not necessarily be where we most need the energy. What we need to do is produce energy where we can and move it to the load centers where they need the electricity. So we have a transmission piece in this energy legislation which is very important because it essentially will create an interstate highway of transmission capability to maximize the production of renewable energy and move it to where it is needed, the load centers.

We cannot seem to produce or build transmission capabilities at this point to the scale we need it. We have—we built 11,000 miles of natural gas pipelines in the last 9 years in this country to move natural gas, but we have only been able to build 668 miles of interstate, high voltage transmission lines. We just can't get it done. There are 100 different ways for people to say no. We put a transmission piece in this legislation which will move us down the road to maximize the production and the movement of renewable energy. This is a positive step for this country.

Here is a chart that describes what has happened with domestic production

and use of petroleum in our country from 1981 to today. It is pretty clear from this graph what has happened, and this ever growing gap is what makes us dangerously dependent on foreign oil. We use a lot of oil, and we are unbelievably dependent on foreign oil. As I indicated, some of it is from countries that don't like us very much, and that is not smart at all.

The Energy bill passed in the Energy Committee awaiting floor action is legislation that contains an amendment I successfully offered that would open access to the eastern gulf of Mexico which is closed for oil and gas production. It would open it for oil and gas production. That is very important because there are substantial amounts of production available to us in this region.

Down in the Cuban waters we have this misguided embargo against Cuba for the last 50 years that has not worked. It continues, and at the same time, the Cubans are opening their waters for oil and gas production to companies based in other countries. We understand there is about a half million barrels a day for production available in these waters. The Spanish are there, the Indians are there, Canada is there—they are all seeking to develop the resources, but American oil companies can't because of that embargo. That makes no sense to me, and we ought to remove that embargo, in my judgment. But the point is, the bill I have just described actually opens a substantial area for additional oil and gas production that came from an amendment passed with bipartisan support.

Here is another chart describing where we get our energy. It includes coal, petroleum, natural gas, hydroelectric, renewables, and nuclear. I happen to think to the extent that we can, even as we take action to protect our environment, we ought to consider all types of energy to make us less dependent on foreign energy.

Coal—I recognize, by using coal to produce energy, we release carbon into the atmosphere. That is difficult when we are dealing with a need to address climate change. In the appropriations committee I chair on energy and water, what we are doing is making sure we are investing in finding ways to remove the carbon from fossil energy. I believe it can be done. I believe one day we will have a near-zero emission, coal-fired, electric-generating plant.

I think we ought to do a lot of everything and do it well. I believe there are so many exciting things going on that will alter our future, if we just keep investing in them and make them happen.

I want to show a chart that is kind of a Byzantine chart, actually. This might not mean much to anybody at first glance, but this is algae. It is single-cell pond scum. We have all seen in

very common places, especially those of us who grew up in rural areas. In a pond when the Sun shines we will see this film develop, this green slimy stuff in a pond. It is pond scum, right? Algae.

When I became chairman of the Energy and Water Appropriations Subcommittee, I restarted the algae research work that had been discontinued for 15 years. Why would we research algae? Here is why: Because if CO<sub>2</sub> is a problem in coal-burning or fossil-fired plants, what we can do with it is take the CO<sub>2</sub> from the facility and feed it into a big old greenhouse. We can grow algae because algae grows with sunlight, water, and CO<sub>2</sub>. We get rid of the CO<sub>2</sub> by feeding it into and growing the algae, then harvesting the algae and producing a diesel fuel. We take the CO<sub>2</sub>, which is a problem because we want to protect the atmosphere.

There is research going on right now in which I believe Exxon and Dr. Craig Venter are working on for new algae research. They are taking the algae and excreting the lipids which, with little manipulation, would then become petroleum projects. Dr. Venter was also one of several leading scientists involved in the research to map the human genome which gave us the first owners manual for the human body. Dr. Venter and Dr. Francis Collins are remarkable Americans. He is now doing research in which people are trying to determine how to create synthetic microbes that would consume coal and, in the process of consuming coal, leave methane gas behind.

Isn't that interesting? Isn't it something, if we could have synthetic microbes turn coal into gas by consuming the coal? I don't know what the future holds for all of this. I do know this. The Energy bill we have passed in our Energy Committee builds on a lot of these interesting and important ideas, and I believe does it well. While I haven't mentioned nuclear, there are loan guarantee funds and other incentives that Congress has already passed to try to build some of the first few nuclear projects, which obviously don't produce carbon.

I think it is important that we recognize we should do a lot of things, do them well, make us less dependent on foreign oil, protect the environment, and provide greater national security and energy security as a result. That is the point of it all.

The reason I have described all this—I come from a State that produces a lot of energy and I am on the Energy Committee. I am the second ranking Democrat on the committee. I am also chairman of the appropriations subcommittee that funds all energy and water projects, and that is a great opportunity for me because I come from a State that produces a lot of energy. We have virtually every form of energy. In

the western half of that State, we produce a lot of oil and natural gas. We produce a lot of coal. We also have a great deal of wind and biomass. In fact we have more wind than any State in America. According to the Department of Energy, we are the Saudi Arabia of wind.

Also, we have a plant that uses lignite coal and produces from lignite coal synthetic natural gas. It is the only plant of its kind in the United States. We take CO<sub>2</sub> from that facility, put it in a pipeline to inject into the oil fields in Canada. We are taking CO<sub>2</sub>, sequestering it, selling it, using it in enhanced oil recovery because a very small amount of oil a new oil field is actually brought up until we use additional means to move it. We can do that by injecting it with CO<sub>2</sub> which stays in the ground. Then we can bring up a lot more oil. We are doing all these things.

The reason I wanted to talk about this today is we need to get that Energy bill to the floor of the Senate, get it passed, get it to the President for signature. It is a significant first step in the direction of addressing climate change but is also a significant step in making us less dependent on foreign oil.

Senator BINGAMAN and Senator MURKOWSKI, the chairman and ranking member of the Energy Committee, worked with me and other Members for many months to produce this legislation. Some say let's merge it with climate change.

We should put this energy bill and climate change together and bring it to the floor for a debate. Well, you know what. I have said I think it would be far more beneficial, as a matter of practical policy, to bring the Energy bill to the Senate floor, pass it, put that progress in the bank because it is a significant stride toward addressing climate change, then follow that up with a climate change bill behind that.

I know some have interpreted my remarks as saying I do not support climate change legislation. Well, I have already spoken on the floor to clarify that point. I do not support a cap-and-trade bill as it relates to the market trade portion of cap and trade.

I do not intend and do not have any interest in consigning the price of energy tomorrow to the decisions in a \$1 trillion carbon securities market that will be populated by investment banks and speculators today that are going to tell us what they believe the price of carbon should be tomorrow.

I have had way too much acquaintance with markets that are broken and markets that do not work in recent years to believe that is what we ought to do. I do believe there is something significant happening with respect to our climate changing. I believe this country should take, at a minimum, a series of important "no regret" steps in addressing those issues.

But I have great difficulty with those who believe we should do the cap-and-trade bill when you talk about carbon marking trading, given the experience we have had in recent years in other markets. We have discovered that time on the Senate floor is evaporating quickly because health care is taking longer than one would have expected.

We must also do financial reform. I would hope that financial reforms come after health care. My own view is we do financial reform first this year because that would have established the foundation by which people could have confidence in the system that steered this country's economy into the ditch. I have expressed this to the President.

But I understand health care is a very serious problem as well. So we need to consider health care and financial reform. I also hope we can consider the issue of FAA reauthorization; all these things and others are needed to be done before the end of the year. The majority leader understands all of that, is working very hard to try to fit the pieces of that puzzle into the time available.

My only point for expressing the point on the floor is that I would very much hate to lose some important work on energy that affects virtually every form of energy, including energy efficiency, the first ever national RES, more transmission, additional access to oil, and more that will make us less dependent on foreign oil and start to address climate change.

All of that is part of a plan that I think is a plan that will advance the interests of this country. So my hope is that in the coming weeks, as we think through and talk through what should be our agenda in the near future, my hope is we can find a way to move these important parts of an energy bill.

This, I think, should represent a significant opportunity for bipartisanship at a time when there has been precious little. Too little bipartisanship exists right now. But if there is any area in which most of us would believe our country's best interests reside, it has to be producing more energy and doing it the right way, protecting our environment at the same time. That is very much what this Energy bill strives to do.

It will advance our country's interests, and so my hope is that when the calendar turns for the new year, we will have sent to the President's desk an energy policy that has a lot to commend in it for this country's future. I visited personally with the President, the Majority Leader and others about this idea and commit to working with them on it.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL MESOTHELIOMA AWARENESS DAY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 288 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 288) Designating September 26, 2009, as "National Mesothelioma Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no interviewing action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 288) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 288

Whereas mesothelioma is a terminal cancer related to exposure to asbestos that affects the lining of the lungs, abdomen, heart, or testicles;

Whereas workers who are exposed to asbestos on a daily basis over a long period of time are most at risk, but even short-term exposures to asbestos can cause the disease;

Whereas exposure to asbestos for as little as 1 month can cause mesothelioma 20 to 50 years later;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975, and more than 3,000 products sold in the United States contain asbestos;

Whereas there is no known safe level of exposure to asbestos;

Whereas millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

Whereas the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

Whereas the National Cancer Institute recognizes a clear need for new treatments to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

Whereas the need to develop treatments for mesothelioma was overlooked for decades;

Whereas even the best available treatments for mesothelioma typically have only a very limited effect, and a person diagnosed with mesothelioma is expected to survive between 8 and 14 months;

Whereas mesothelioma has claimed the lives of such heroes and public servants as Admiral Elmo Zumwalt, Jr., and Congressman Bruce F. Vento;

Whereas many mesothelioma victims were exposed to asbestos while serving in the Navy;

Whereas it is believed that many of the firefighters, police officers, and rescue workers who served at Ground Zero on September 11, 2001, may be at increased risk of contracting mesothelioma in the future; and

Whereas cities and localities throughout the United States will recognize September 26, 2009, as "Mesothelioma Awareness Day":

Now, therefore, be it

Resolved, That the Senate—

(1) designates September 26, 2009, as "National Mesothelioma Awareness Day"; and

(2) calls on the people of the United States, Federal departments and agencies, States, localities, organizations, and media to observe National Mesothelioma Awareness Day with appropriate ceremonies and activities.

#### RECESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate stand in recess until 3:15.

There being no objection, the Senate, at 12:10 p.m., recessed until 3:15 p.m. and reassembled when called to order by the Presiding Officer.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY SECURITY THROUGH TRANSPARENCY ACT

Mr. CARDIN. Mr. President, I rise today to discuss a bill that will increase energy security and combat poverty through greater transparency in the oil, gas and mining industries.

This week, Senator LUGAR and I, along with Senators SCHUMER, WICKER and FEINGOLD, introduced the Energy Security Through Transparency Act. This legislation will require all companies listed on U.S. exchanges to disclose their payments to foreign governments for the extraction of oil, gas and minerals on a country-by-country basis. This disclosure would apply to all companies that file with the Securities and Exchange Commission, SEC, regardless of where they are based, and would be added to existing SEC requirements.

This legislation will set a new international standard for corporate and State behavior.

With this bill, we are changing the paradigm within the world's oil, gas and mining companies operate, and, importantly, changing the nature of their relationship with the governments in the countries in which they operate.

This is critical to our energy security, our national security and for the welfare of the citizens of these countries.

When we look at countries situated on oil and natural gas reserves, we think these countries have won the global version of the economic lottery. But what economists have found by studying these resource-rich countries is that they often fare worse than their resource-poor neighbors, both economically and politically.

In these countries rich in natural resources, governments do not provide the most basic of information concerning natural resource revenues. This lack of transparency facilitates and even encourages corruption. This often leads to grinding poverty in countries that are paradoxically rich in natural resources.

This legislation will provide much-needed regulatory and legal support to existing initiatives such as the Extractive Industries Transparency Initiative, EITI, and Publish What You Pay.

It is critical that the United States lead by example on transparency. That is why this legislation also encourages the United States to become an implementing country under EITI.

U.S. implementation of EITI would have practical and symbolic value on a number of fronts.

While this legislation puts human rights front and center in the global energy discussion, it also empowers people to fight corruption and hold their governments accountable. Greater transparency will lead to greater stability in countries that benefit from their natural resources and will lessen volatility in the global energy market, making them more conducive for long-term investments.

Just as importantly, U.S. implementation would bolster the momentum for the EITI, helping to make it a truly global standard for transparency in extractive industries. Leading by example is one of the most powerful ways the U.S. can encourage other countries to sign on to the initiative.

I look forward to working with our colleagues to ensure passage of this important and timely legislation.

#### THE SITUATION IN HONDURAS

Mr. LEAHY. Mr. President, on Monday, September 21, President Manuel Zelaya returned to Tegucigalpa, Honduras, for the first time since he was deposed and exiled in a June 28th coup d'etat, taking refuge in the Brazilian Embassy. His return has led to the installation of a curfew, violence between Zelaya's supporters and Honduran security forces, and troubling reports of the detention and physical abuse of his supporters.

I am encouraged by reports that representatives of Roberto Micheletti, who currently occupies the Presidency,

have met with President Zelaya. As divided as these two factions are, these talks need to continue in order to resolve this situation peacefully before the country descends into further bloody confrontations between civilians and police, or it leads to violent fractures within the military.

I continue to believe that the proposal for the restoration of President Zelaya and early elections, put forward by Costa Rican President Oscar Arias, has the best chance of resolving this conflict. Brute force, like that reported from Honduras this week, will achieve nothing but further polarization.

If President Zelaya is guilty of violating the law, as some have maintained, there are constitutional procedures for dealing with that. But by abusing the law themselves and simply throwing him out of the country, those who claim to have acted in the interests of the Honduran people only compounded the country's problems. Honduras, an impoverished country that needs the support of the United States and its neighbors, can ill afford this crisis to continue.

#### REMEMBERING FRANK FERTITTA

Mr. ENSIGN. Mr. President. I wish to honor the memory of a remarkable human being who inspired those around him with kindness, generosity, and devotion. He was a man who loved his family and understood the value of education.

Lately, it seems that heads of corporations and big businesses have become about as popular as lawyers and politicians. Well, you don't have to look further than the legacy of Frank Fertitta, Jr., to understand that compassion and respect can very much be part of a successful mission statement.

The name Fertitta may be best known in Las Vegas, NV, but the lessons of how this gaming patriarch lived his life should be emulated around the world.

Frank Fertitta, Jr., moved to Las Vegas in 1960 with his lovely wife Victoria. He started as a bellman and slowly worked his way through the ranks—dealer, pit boss, general manager. But what he will be remembered for professionally is his vision and understanding of business and human nature.

In 1976, Frank opened a 5,000-square-foot building called The Casino. Those around him had their doubts about whether this venture would succeed. Instead, Frank became a pioneer of a gaming niche that catered to locals. His little experiment eventually became the Palace Station. Thirty-three years after that first venture, Station Casinos today has 18 casinos and reports and employs more than 13,000 people. And today, another generation of Fertittas is working to keep the vision of Frank Fertitta, Jr., alive and well.

His success, however, is not what made Frank Fertitta, Jr., so extraordinary. It was his character and integrity that truly made him an example to all. With the utmost respect, he was called Mr. Fertitta by longtime employees and patrons of Station Casinos. That is because he showed respect to all he came into contact with, and they knew it.

I was fortunate to know Mr. Fertitta and call him a friend. He was genuine and unwavering in his support. The kind of person you were blessed to have in your life.

Described as quiet and polite, family and faith were the foundations of his life. Mr. Fertitta showed how a successful, hard-working businessman can also be a dedicated family man. Each week his whole family gathered at his and Victoria's home for Sunday dinner. This was a tradition that all of the Fertittas have cherished over the years. Anyone who knew him knew his family came first.

He was also a consistent and valued friend to many philanthropic organizations in Las Vegas. He and Victoria were involved with the University of Nevada Las Vegas, Bishop Gorman High School, Catholic Charities of Southern Nevada, the Nevada Cancer Institute, Opportunity Village, St. Jude's Ranch, and the Cleveland Clinic Lou Ruvo Center for Brain Health.

It is one thing to be generous with your resources. It is another thing to raise your children to also be generous with theirs. That was part of Mr. Fertitta's success. He was proud that his children had become such generous contributors to the community. They did so because he set such a strong example.

Las Vegas lost a visionary with the recent passing of Mr. Fertitta. He taught us all how to respect others—regardless of one's status, how to dream big, and how to give back to our communities. There aren't many people like Mr. Fertitta in the world. We should all take a page from his mission statement to ensure that his brand of success lives on.

#### ADDITIONAL STATEMENTS

##### 2009 SERVICE TO AMERICA MEDAL RECIPIENTS

• Ms. MIKULSKI. Mr. President, today I honor and congratulate three outstanding Federal employees from Maryland—Thomas Alexander Waldmann, Patricia Guerry and Deborah Jin—who have recently been awarded Service to America medals in recognition for their great work.

Our Federal employees are on the front lines every day, working hard for America. Their commitment to public service makes life better for us all. I am proud to honor these three terrific

Federal employees from Maryland today.

For the past five decades, Dr. Thomas Alexander Waldmann has devoted himself to performing cutting-edge science at the National Institutes of Health. His work has resulted in great advances in treatment for patients with multiple sclerosis, various types of cancer and AIDS. Dr. Waldmann's commitment to transforming scientific research to save and improve lives has earned him the nickname "renaissance scientist" by his peers. His seminal research extends from the study of the immune system to clinical trials of immunotherapeutic agents, which help your immune system perform better. His innovative use of clinical trials has helped transform the way trials are used to treat patients, and has led to the development of treatments for fatal forms of leukemia and lymphoma and for multiple sclerosis.

Dr. Patricia Guerry of the U.S. Naval Medical Research Center is an innovator in combating food-borne illnesses throughout the world. After the discovery of the most common cause of food-borne illnesses, the *Campylobacter* microbe, in the late 1970s, researchers struggled to understand it and develop vaccines to combat it. But Dr. Guerry was unwavering in her quest to study the *Campylobacter* microbe, overcoming many barriers and working with limited resources to develop a promising new vaccine that may be only a couple years away from human trials. Over the past 3 years, Dr. Guerry and her group have had impressive success in advancing a vaccine, working at a breakneck pace. Dr. Guerry's success is especially promising for American troops abroad, who are particularly vulnerable to food poisoning.

Dr. Deborah Jin is another pioneering researcher. A research team leader at the JILA-National Institute of Standards and Technology joint institute in Boulder, CO, Deborah and her team have made great advances in the field of physics, including the creation of a new form of matter, a major discovery in the race toward superconductivity. Superconductivity—using extremely low temperatures to move electrons through a magnetic field—can potentially lead to breakthroughs in energy efficiency and computing. Deborah's team raced against six other teams worldwide to be the first to make this discovery.

These three Marylanders exemplify the very best that our Federal employees have to offer. But don't think that there aren't thousands of stories like this across the country, from Atlanta to Silver Spring. They work hard so that the American people have a government they can count on. I will continue to stand sentry so that Federal employees get the pay and benefits they have earned and the job security they deserve.●

#### TRIBUTE TO CAROL BROADNAX

● Mr. PRYOR. Mr. President, today I wish to congratulate and thank a true dedicated public servant upon her retirement. Ms. Carol Broadnax, a longtime resident of Alexandria, VA, is retiring on October 2, 2009, after 42 years of service in our Federal Government. I want to recognize Carol's outstanding service to the public, and especially, her 30 years of Federal service at the U.S. Consumer Product Safety Commission. Carol started out at the CPSC as a clerk typist and then as a secretary in the Directorate for Communications under Kenneth Rashid and Bessie Draper at the 18th Street location, and then she moved to the agency's Bethesda, MD, location. There, she worked in the Office of the General Counsel as the secretary for Richard Allen, general law division. Over the course of her long and distinguished Federal career she served as the secretary for the following general counsels: Martin Katz, Daniel Levinson, Acting General Counsel John Mackey, James Lacy, Acting General Counsel Susan Birenbaum, Clement Erhardt, Jerry Thorn, Eric Rubel, Jeffrey Bromme, Michael Solender, William DuRoss and John "Gib" Mullan. Since 2005, she has been the administrative officer in the Office of General Counsel at the CPSC to former General Counsel Page Faulk and Acting General Counsel Lowell Martin. Carol currently works for CPSC General Counsel Cheryl Falvey. We congratulate and thank Carol for her enormous contributions to product safety and for her outstanding Federal service.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagreed to the amendment of the Senate to the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; it agrees to the conference

asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. VISCLOSKEY, Mr. EDWARDS of Texas, Mr. PASTOR, Mr. BERRY, Mr. FATTAH, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. OLVER, Mr. DAVIS of Tennessee, Mr. SALAZAR, Mr. OBEY, Mr. FRELINGHUYSEN, Mr. WAMP, Mr. SIMPSON, Mr. REHBERG, Mr. CALVERT, Mr. ALEXANDER, and Mr. LEWIS of California as managers of the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3631. An act to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 163. Concurrent resolution expressing support for designation of September 23, 2009, as "National Job Corps Day".

H. Con. Res. 191. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3631. An act to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 163. Concurrent resolution expressing support for designation of September 23, 2009, as "National Job Corps Day"; to the Committee on Health, Education, Labor, and Pensions.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 801. A bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes (Rept. No. 111-80).



By Mr. AKAKA, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative and Oversight Activities During the 110th Congress by the Senate Committee on Veterans' Affairs" (Rept. No. 111-81).

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1715. A bill to amend the United States International Broadcasting Act of 1994 to extend the authority of the Broadcasting Board of Governors to make grants for the purpose of operating Radio Free Asia; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1716. A bill to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself and Mr. BURR):

S. 1717. A bill to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes; considered and passed.

By Mr. BENNETT:

S. 1718. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 1719. A bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself and Mr. LEAHY):

S. 1720. A bill to amend title VII of the Public Health Service Act to provide improved training and primary care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 1721. A bill to require the Secretary of Transportation to develop a national transportation low emissions energy plan; to the Committee on Energy and Natural Resources.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. CARDIN, Mr. CASEY, Ms. KLOBUCHAR, Mrs. BOXER, and Mr. ISAKSON):

S. Res. 288. A resolution designating September 26, 2009, as "National Mesothelioma Awareness Day"; considered and agreed to.

By Mr. SPECTER:

S. Res. 289. A resolution encouraging the people of the United States to reflect on and remember the integrity and courage of the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen from extermination by Nazi Germany; to the Committee on Foreign Relations.

### ADDITIONAL COSPONSORS

S. 451

At the request of Ms. COLLINS, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. BURRIS) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 583

At the request of Mr. PRYOR, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1647

At the request of Mr. REED, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1647, a bill to provide for additional emergency unemployment compensation, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1674, a bill to provide for an exclusion under the Supplemental

Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1692

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1692, a bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes.

S. 1694

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1694, a bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1699

At the request of Mr. REED, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1699, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

S. 1702

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1702, a bill to amend the Pittman—Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain states.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

AMENDMENT NO. 2484

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 2484 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2555

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 2555 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. LEAHY):

S. 1720. A bill to amend title VII of the Public Health Service Act to provide improved training and primary care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I, along with Senator LEAHY, introduce the Health Professions and Primary Care Reinvestment Act, which seeks to enhance the training and education of primary care providers and establish a new system for evaluating and analyzing primary care workforce programs funded by Title VII Health Professions Education and Training grants.

In 1963, in response to an impending physician shortage, Congress passed and President Johnson signed the Health Professions Educational Assistance Act into law. Qualified educational and medical institutions became eligible for grants to support primary care curriculum and faculty development, and scholarships and loans to train individuals in certain primary care health professions.

The country is, once again, facing a physician shortage. However, this time, the shortage is one component of a larger system-wide crisis.

The Health Professions and Primary Care Reinvestment Act takes an important step toward providing our primary care providers with the necessary resources for better coordinating care, integrating treatment options, and communicating with patients. It also would enhance the evaluation and analysis of programs funded by Title VII grants in an effort to ensure that funding is appropriately allocated.

The Title VII program deserves a robust evaluation and restructuring and I believe that the provisions set forth in the Health Professions and Primary Care Reinvestment Act will accomplish that goal. My colleagues on the Health, Education, Labor, and Pensions Committee agreed and voted to include similar provisions in the Affordable Health Choices Act, which was reported out of the Committee on July 15, 2009.

We must continue our efforts to reform our health care system. In doing so, we must not forget about the important need to ensure an adequate workforce to care for patients. I look forward to the full Senate considering these vitally important reforms.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1720

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Professions and Primary Care Reinvestment Act".

#### SEC. 2. EDUCATION AND TRAINING FOR DELIVERY SYSTEM REFORM.

(a) MEDICAL HOME TRAINING.—Section 747(a) of the Public Health Service Act (42 U.S.C. 293k(a)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) to plan, develop, and operate a demonstration program that provides training in new competencies, as recommended by the Advisory Committee on Training in Primary Care Medicine and Dentistry, which may include—

"(A) providing training to primary care providers relevant to providing care through patient-centered medical homes (as defined by the Secretary for purposes of this paragraph, taking into account the criteria of the National Committee for Quality Assurance and other certifying entities);

"(B) developing tools and curricula relevant to patient-centered medical homes; and

"(C) providing continuing education relevant to patient-centered medical homes.".

(b) PRIORITIES OF DELIVERY SYSTEM REFORM.—Section 747 of the Public Health Service Act (42 U.S.C. 293k) is amended by striking subsection (c) and inserting the following:

"(c) PRIORITIES IN MAKING AWARDS.—In awarding grants or contracts under this section, the Secretary shall give priority to qualified applicants that—

"(1) have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers trained, who enter and remain in primary care practice;

"(2) have a record of training individuals who are from underrepresented minority groups or from a rural or disadvantaged background;

"(3) provide training in the care of vulnerable populations such as children, older adults, homeless individuals, victims of abuse or trauma, individuals with mental health or substance-related disorders, individuals with HIV/AIDS, and individuals with disabilities;

"(4) establish formal relationships and submit joint applications with federally qualified health centers, rural health clinics, area health education centers, or clinics located in underserved areas or that serve underserved populations;

"(5) provide training in interdisciplinary, integrated care through collaboration among health professionals, including physician assistants, nurse practitioners, pharmacists, dentists, geriatricians, and mental and behavioral health professionals;

"(6) provide training in enhanced communication with patients, evidence-based practice, chronic disease management, preven-

tive care, health information technology, or other competencies as recommended by the Advisory Committee on Training in Primary Care Medicine and Dentistry; or

"(7) provide training in cultural competency and health literacy.".

(c) OTHER AMENDMENTS.—Section 747 of the Public Health Service Act (42 U.S.C. 293k) is amended—

(1) in subsection (d)—

(A) by striking "subsection (a) may not exceed" and inserting "this section shall be"; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated \$125,000,000 for each of fiscal years 2010 through 2014. Fifteen percent of the amount appropriated in each such fiscal year shall be allocated to the physician assistant training programs described in subsection (a)(5), which prepare students for practice in primary care.".

#### SEC. 3. HEALTH WORKFORCE INFORMATION AND ANALYSIS.

(a) IN GENERAL.—Section 761 of the Public Health Service Act (42 U.S.C. 294m) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) by striking subsection (b) and inserting the following:

"(b) NATIONAL CENTER FOR HEALTH WORKFORCE ANALYSIS.—

"(1) ESTABLISHMENT.—The Secretary shall establish the National Center for Health Workforce Analysis (referred to in this section as the "National Center") within the Department of Health and Human Services.

"(2) PURPOSES.—The purposes of the National Center are to—

"(A) carry out the activities under section 792(a); and

"(B) collect, analyze, and report data related to health workforce issues in coordination with the State and Regional Centers for Health Workforce Analysis described in subsection (c) (referred to in this section as the "State and Regional Centers").

"(3) FUNCTIONS.—The National Center shall—

"(A) annually evaluate the effectiveness of programs under this title, based on data reported by recipients of contracts or grants under this title, data collected from the State and Regional Centers described in subsection (c), and analyses conducted under paragraph (4);

"(B) develop and publish benchmarks for performance for programs under this title;

"(C) regularly produce and report to the relevant committees of Congress estimates of the supply, demand, and distribution of health professionals, such as physicians, dentists, nurses, physician assistants, pharmacists, mental and behavioral health professionals, public health workers, and long-term care workers, as appropriate;

"(D) establish, maintain, and make publicly available through the Internet a national health workforce database to collect data from—

"(i) longitudinal tracking systems (as defined in section 761(d)(2)) on performance measures (as developed under sections 748(d)(3), 756(d)(3), and 762(a)(3)); and

"(ii) the State and Regional Centers described in subsection (c);

"(E) establish and maintain a registry of each grant awarded under this title, including data on the project director, the institution, the type and year of the award, and the

residency, fellowship, or internship program, as appropriate; and

“(F) biennially submit to the relevant committees of Congress a report on the activities of the National Center during the previous 2-year period.

“(4) COLLABORATION AND DATA SHARING.—

“(A) IN GENERAL.—The National Center shall collaborate with Federal agencies, health professions education organizations, health professions organizations, and professional medical societies for the purpose of linking data regarding grants awarded under this title with 1 or more of the following:

“(i) Data maintained by the Centers for Medicare & Medicaid Services.

“(ii) Data on participation in the National Health Service Corps.

“(iii) Data sets maintained by health professions education organizations, health professions organizations, or professional medical societies.

“(iv) Other data sets, as the Secretary determines appropriate.

“(B) CONTRACTS FOR HEALTH WORKFORCE ANALYSIS.—For the purpose of carrying out the activities described in subparagraph (A), the National Center may enter into contracts with health professions education organizations, health professions organizations, or professional medical societies.

“(C) STATE AND REGIONAL CENTERS FOR HEALTH WORKFORCE ANALYSIS.—

“(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, eligible entities for purposes of—

“(A) collecting, analyzing, and reporting to the National Center data regarding programs under this title and data related to health workforce issues;

“(B) conducting, broadly disseminating, and making publicly available through the Internet research and reports on State, regional, and national health workforce issues, including research on the supply, demand, and distribution of health professionals;

“(C) evaluating the effectiveness of programs under this title and other policies related to health workforce issues; and

“(D) providing technical assistance to local and regional entities on the collection, analysis, and reporting of data related to health workforce issues.

“(2) ELIGIBLE ENTITIES.—To be eligible for a grant or contract under this subsection, an entity shall—

“(A) be a State, a State workforce commission, a public health or health professions school, an academic health center, or an appropriate public or private nonprofit entity or a partnership of such entities; and

“(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(d) INCREASE IN GRANTS FOR LONGITUDINAL TRACKING SYSTEMS.—

“(1) IN GENERAL.—The Secretary shall increase the amount of a grant or contract awarded to an eligible entity under this title for the establishment and maintenance of a longitudinal tracking system.”.

“(2) DEFINITION.—

“(A) IN GENERAL.—For purposes of paragraph (1), the term ‘longitudinal tracking system’ means a system that tracks students, residents, fellows, interns, or faculty who have received education, training, or financial assistance from programs under this title over a period of not less than 5 years, as specified by the Secretary.

“(B) CAPABILITY.—A longitudinal tracking system shall be capable of—

“(i) tracking participation in the National Health Service Corps, practice in federally

qualified health centers, practice in health professional shortage areas and medically underserved areas, and practice in primary care; and

“(ii) collecting and reporting data on performance measures developed under sections 748(d)(3), 756(d)(3), and 762(a)(3).

“(C) GUIDELINES.—A longitudinal tracking system shall comply with guidelines issued under sections 748(d)(4), 756(d)(4), and 762(a)(4).

“(3) ELIGIBLE ENTITIES.—To be eligible to obtain an increase under this section, an entity shall be a recipient of a grant or contract under this title and have not previously received an increase under this section.”; and

(3) in subsection (e), as so redesignated—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) NATIONAL CENTER FOR HEALTH WORKFORCE ANALYSIS.—To carry out subsection (b), there are authorized to be appropriated \$1,000,000 for each of fiscal years 2010 through 2014, and such sums as may be necessary for each subsequent fiscal year.

“(B) STATE AND REGIONAL CENTERS.—To carry out subsection (c), there are authorized to be appropriated \$4,500,000 for each of fiscal years 2010 through 2014, and such sums as may be necessary for each subsequent fiscal year.

“(C) GRANTS FOR LONGITUDINAL TRACKING SYSTEMS.—To carry out subsection (d), there are authorized to be appropriated such sums as may be necessary for fiscal years 2010 through 2014.

“(D) CARRYOVER FUNDS.—An entity that receives an award under this section may carry over funds from 1 fiscal year to another without obtaining approval from the Secretary. In no case may any funds be carried over pursuant to the preceding sentence for more than 3 years.”; and

(B) in paragraph (2), by striking “subsection (a)” and inserting “paragraph (1)”.

(b) TRANSFER OF FUNCTIONS.—Not later than 180 days after the date of enactment of this Act, all of the functions, authorities, and resources of the National Center for Health Workforce Analysis of the Health Resources and Services Administration, as in effect on the date before the date of enactment of this Act, shall be transferred to the National Center for Health Workforce Analysis established under section 761 of the Public Health Service Act, as amended by subsection (a).

(c) PREFERENCE FOR USE OF LONGITUDINAL TRACKING SYSTEMS.—Section 791(a)(1) of the Public Health Service Act (42 U.S.C. 295j(a)(1)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(C) utilizes a longitudinal tracking system (as defined in section 761(d)(2)) and reports data from such system to the national workforce database (as established under section 761(b)(3)(D)).”.

(d) PERFORMANCE MEASURES; GUIDELINES FOR LONGITUDINAL TRACKING SYSTEMS.—

(1) ADVISORY COMMITTEE ON TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.—Section 748(d) of the Public Health Service Act (42 U.S.C. 2931(d)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(3) not later than 3 years after the date of enactment of the Health Professions and Primary Care Reinvestment Act, develop, publish, and implement performance measures, which shall be quantitative to the extent possible, for programs under this part;

“(4) develop and publish guidelines for longitudinal tracking systems (as defined in section 761(d)(2)) for programs under this part; and

“(5) recommend appropriation levels for programs under this part.”.

(2) ADVISORY COMMITTEE ON INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.—Section 756(d) of the Public Health Service Act (42 U.S.C. 294f(d)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(3) not later than 3 years after the date of enactment of the Health Professions and Primary Care Reinvestment Act, develop, publish, and implement performance measures, which shall be quantitative to the extent possible, for programs under this part;

“(4) develop and publish guidelines for longitudinal tracking systems (as defined in section 761(d)(2)) for programs under this part; and

“(5) recommend appropriation levels for programs under this part.”.

(3) ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 762(a) of the Public Health Service Act (42 U.S.C. 294o(a)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(3) not later than 3 years after the date of enactment of the Health Professions and Primary Care Reinvestment Act, develop, publish, and implement performance measures, which shall be quantitative to the extent possible, for programs under this title, except for programs under part C or D;

“(4) develop and publish guidelines for longitudinal tracking systems (as defined in section 761(d)(2)) for programs under this title, except for programs under part C or D; and

“(5) recommend appropriation levels for programs under this title, except for programs under part C or D.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 288—DESIGNATING SEPTEMBER 26, 2009, AS “NATIONAL MESOTHELIOMA AWARENESS DAY”

Mrs. MURRAY (for herself, Mr. CARDIN, Mr. CASEY, Ms. KLOBUCHAR, Mrs. BOXER, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 288

Whereas mesothelioma is a terminal cancer related to exposure to asbestos that affects the lining of the lungs, abdomen, heart, or testicles;

Whereas workers who are exposed to asbestos on a daily basis over a long period of time are most at risk, but even short-term exposures to asbestos can cause the disease;

Whereas exposure to asbestos for as little as 1 month can cause mesothelioma 20 to 50 years later;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975, and more than 3,000 products sold in the United States contain asbestos;

Whereas there is no known safe level of exposure to asbestos;

Whereas millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

Whereas the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

Whereas the National Cancer Institute recognizes a clear need for new treatments to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

Whereas the need to develop treatments for mesothelioma was overlooked for decades;

Whereas even the best available treatments for mesothelioma typically have only a very limited effect, and a person diagnosed with mesothelioma is expected to survive between 8 and 14 months;

Whereas mesothelioma has claimed the lives of such heroes and public servants as Admiral Elmo Zumwalt, Jr., and Congressman Bruce F. Vento;

Whereas many mesothelioma victims were exposed to asbestos while serving in the Navy;

Whereas it is believed that many of the firefighters, police officers, and rescue workers who served at Ground Zero on September 11, 2001, may be at increased risk of contracting mesothelioma in the future; and

Whereas cities and localities throughout the United States will recognize September 26, 2009, as "Mesothelioma Awareness Day":

Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 26, 2009, as "National Mesothelioma Awareness Day"; and

(2) calls on the people of the United States, Federal departments and agencies, States, localities, organizations, and media to observe National Mesothelioma Awareness day with appropriate ceremonies and activities.

# SENATE RESOLUTION 289—ENCOURAGING THE PEOPLE OF THE UNITED STATES TO REFLECT ON AND REMEMBER THE INTEGRITY AND COURAGE OF THE 6,135 CHRISTIAN MEN AND WOMEN OF POLAND WHO ACTED TO SAVE THEIR JEWISH COUNTRYMEN AND COUNTRYWOMEN FROM EXTERMINATION BY NAZI GERMANY

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 289

Whereas the year 2009 marks the 70th anniversary of the start of World War II, a war that should be remembered for introducing the world to the repulsive and unprecedented barbarism and cruelty of Nazi Germany;

Whereas Poland was the first country attacked and enslaved by the government and armed forces of Nazi Germany as part of the methodical extermination of European Jewry by Nazi Germany;

Whereas 6,135 Christian men and women of Poland acted with great integrity and courage, risking their lives and the lives of their families, to save their Jewish countrymen

and countrywomen from the barbarism and extermination of the Nazis;

Whereas the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen did so in spite of the threat of their immediate execution and the execution of their families, a threat that people in no other country in Nazi-occupied Europe had to endure; and

Whereas the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen represent approximately 27 percent of the "Righteous Among the Nations" honored by Yad Vashem in the Republic of Israel: Now, therefore, be it

*Resolved*, That the Senate encourages the people of the United States to reflect on and remember the integrity and courage of the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen from extermination by Nazi Germany.

Mr. SPECTER. Mr. President, I have sought recognition today to submit a resolution encouraging the people of the U.S. to reflect on and remember the integrity and courage of the 6,135 Polish Christians who took action to save their Jewish countrymen and countrywomen from extermination by Nazi Germany. Earlier this year I cosponsored S. Res. 9, a resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to us be an exceptionally strong partner to the U.S. in advancing freedom around the world. Today I want to recognize a time in history when such a freedom was challenged in Poland and around the world by a despot regime, and more importantly pay tribute to those few who fought this tyranny and helped save innocent lives.

This year marks the 70th anniversary of the start of World War II, a war remembered for the cruelty of Nazi Germany, as well as for the forces that eventually overcame this cruelty. Following World War II, Yad Vashem and a Remembrance Authority was established to embark on a worldwide project to identify those individuals who helped Jews during the Holocaust. All rescuers of European Jews during World War II are honored today as the "Righteous Among the Nations" by Yad Vashem in the State of Israel. Poland's 6,135 "Righteous" rescuers constitute some 27 percent of the 22,765 "Righteous" throughout the world. Furthermore, while unknown in number, it is important to remember those Polish Christians who were caught and summarily executed along with their families while attempting to carry out such rescues. While their stories may never be told, it is important to mention their heroic efforts.

The 6,135 "Righteous" Polish Christians whose acts of courage and integrity have been documented by witnesses should be appropriately honored. These Polish Christians who were willing to risk their own lives and those of their families to save Polish

Jews should not be forgotten. These 6,135 Polish Christians will always stand as universal exemplars and role models of human compassion who acted above and beyond the normal expectations of courage and integrity. Thus, I urge my colleagues to join me in supporting this resolution which reflects on and remembers the Polish Righteous Among the Nations.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2556. Mr. REID (for Ms. LANDRIEU (for herself and Ms. SNOWE)) proposed an amendment to the bill H.R. 3614, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

SA 2557. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2556.** Mr. REID (for Ms. LANDRIEU (for herself and Ms. SNOWE)) proposed an amendment to the bill H.R. 3614, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

Strike sections 2 and 3.

**SA 2557.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" and available for Program Element #0708045A, up to \$1,000,000 may be available for Advanced Ultrasonic Inspection of Helicopter Rotor Blades and Other Composite Components.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Friday, September 25, 2009, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. INOUE. Mr. President, I ask unanimous consent that Mr. Robert

Berschinski, a fellow with the Appropriations Defense Subcommittee, and Rachel Meyer, staff assistant for the Defense Subcommittee, be granted the privilege of the floor during consideration of H.R. 3326.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Jason Lindsey, a military fellow in my office, and Tom Osterhoudt, a detailee to the Appropriations Committee, be granted the privileges of the floor during consideration of H.R. 3326, the fiscal year 2010 Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that for the duration of H.R. 3326, the 2010 Department of Defense Appropriations Act, Senator McCain's Navy fellow, Mark Holzrichter, be granted floor privileges of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that Bill Curlin be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that LTC Joseph J. Martin, a U.S. Army Special Forces officer, who is currently serving as my military legislative fellow this year, be granted floor privileges for the duration of the consideration of H.R. 3326, the Department of Defense Appropriations Act for fiscal year 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Thursday, September 24, 2009, the Senate passed H.R. 2996, as amended, as follows:

##### H.R. 2996

*Resolved*, That the bill from the House of Representatives (H.R. 2996) entitled "An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:*

##### TITLE I

##### DEPARTMENT OF THE INTERIOR

##### BUREAU OF LAND MANAGEMENT

##### MANAGEMENT OF LANDS AND RESOURCES

*For necessary expenses for protection, use, improvement, development, disposal, cadastral sur-*

*veying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$965,721,000, to remain available until expended, of which not to exceed \$69,336,000 is available for oil and gas management; and of which \$1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which \$3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.*

*In addition, \$45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from \$6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, \$36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$965,721,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.*

##### CONSTRUCTION

*For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$8,626,000, to remain available until expended.*

##### LAND ACQUISITION

*For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$28,650,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$2,000,000 made available for the Henry's Lake ACEC in the State of Idaho (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho.*

##### OREGON AND CALIFORNIA GRANT LANDS

*For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$111,557,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the*

*General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).*

##### FOREST ECOSYSTEM HEALTH AND RECOVERY FUND (REVOLVING FUND, SPECIAL ACCOUNT)

*In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public Law 106-393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.*

##### RANGE IMPROVEMENTS

*For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: Provided, That not to exceed \$600,000 shall be available for administrative expenses.*

##### SERVICE CHARGES, DEPOSITS, AND FORFEITURES

*For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.*

##### MISCELLANEOUS TRUST FUNDS

*In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.*

## ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Projects funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the bureau upon receipt of the written commitment. Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE  
RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,244,386,000, to remain available until September 30, 2011 except as otherwise provided herein: Provided, That \$2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed \$22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: Provided further, That of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

## CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$39,741,000, to remain available until expended.

## LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$82,790,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601–9, not more than \$1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES  
CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, \$85,001,000, to remain available until expended, of which \$30,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which \$5,146,000 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which \$54,694,000 is to be derived from the Land and Water Conservation Fund.

## NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$14,500,000.

## NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401–4414), \$45,147,000, to remain available until expended.

## NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), \$5,000,000, to remain available until expended.

## MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4214, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), \$11,500,000, to remain available until expended.

## STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$80,000,000, to remain available until expended: Provided, That of the amount provided herein, \$7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That \$5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved

plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, after deducting \$12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall, for fiscal year 2010 and each fiscal year thereafter, be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

## ADMINISTRATIVE PROVISIONS

The Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

## NATIONAL PARK SERVICE

## OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the



United States Park Police), and for the general administration of the National Park Service, \$2,261,309,000, of which \$9,982,000 for planning and interagency coordination in support of Everglades restoration and \$99,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

#### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$67,438,000, of which \$3,175,000 shall be for Preserve America grants as authorized by section 7302 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

#### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$74,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which \$20,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11) of which \$200,000 may be made available by the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue, preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct scholarly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including a portion of the expense for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$219,731,000, to remain available until expended.

#### LAND AND WATER CONSERVATION FUND (RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 4601-10a is rescinded.

#### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$118,586,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$35,000,000 is for the State assistance program and of which \$4,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used

for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

#### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,104,340,000, to remain available until September 30, 2011, of which \$65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which \$40,150,000 shall remain available until expended for satellite operations; and of which \$7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

#### ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made

may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

#### MINERALS MANAGEMENT SERVICE

##### ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, \$175,217,000, to remain available until September 30, 2011, of which \$89,374,000 shall be available for royalty management activities; and an amount not to exceed \$156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent \$156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That the term "qualified Outer Continental Shelf revenues", as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109-432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: Provided further, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), MMS in fiscal year 2010 may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

For an additional amount, \$10,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2010, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach \$10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.



## OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

## ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

## REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, \$127,180,000, to remain available until September 30, 2011: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

## ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, \$39,588,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

## ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

## BUREAU OF INDIAN AFFAIRS

## OPERATION OF INDIAN PROGRAMS

## (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$2,309,322,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$74,915,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed

such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$154,794,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed \$566,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which \$25,000,000 shall be for public safety and justice programs as authorized by the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110-293 (25 U.S.C. 443c); and of which not to exceed \$60,958,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2012: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

## CONSTRUCTION

## (INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$225,000,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2010, in implementing new construction or facilities improvement and repair

project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

## INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 108-447, 109-379, 109-479, 110-297, and 111-11, and for implementation of other land and water rights settlements, \$47,380,000, to remain available until expended.

## INDIAN LAND CONSOLIDATION, BIA

For consolidation of fractional interests in Indian lands and expenses associated with retermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$3,000,000, to remain available until expended.

## INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$8,215,000, of which \$1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$93,807,956.

## ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

#### DEPARTMENTAL OFFICES

##### OFFICE OF THE SECRETARY

##### SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$118,836,000; of

which not to exceed \$25,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That, for fiscal year 2010 up to \$400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than \$100: Provided further, That for fiscal years 2008 through 2012 the Secretary may reduce the payment authorized by 31 U.S.C. 6901-6907, as amended, for an individual county by the amount necessary to correct prior year overpayments to that county: Provided further, That for fiscal years 2008 through 2012 the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties using current fiscal year funds.

#### INSULAR AFFAIRS

##### ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$81,095,000, of which: (1) \$71,815,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c): Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under Public

Law 104-134, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

#### COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188: Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under section 104(e) of Public Law 108-188, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

#### OFFICE OF THE SOLICITOR

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$65,076,000.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$48,590,000.

#### OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

##### FEDERAL TRUST PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$185,984,000, to remain available until expended, of which not to exceed \$56,536,000 from this or any other Act, shall be available for historical accounting, and of which \$1,500,000 shall be available for

the estate planning assistance program under section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)): Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$15.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS  
WILDLAND FIRE MANAGEMENT  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$904,637,000, to remain available until expended, of which not to exceed \$6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the

affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109-154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,175,000, to remain available until expended: Provided, That Public Law 110-161 (121 Stat. 2116) under this heading is amended by striking "in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act" and inserting in lieu thereof "including any fines or penalties".

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 191j et seq.), \$6,462,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, \$85,823,000, to remain

available until expended: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93-638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in

the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

#### AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

#### AUTHORIZED USE OF FUNDS

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

#### REDISTRIBUTION OF FUNDS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No federally recognized tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

#### TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 4602z.

#### PAYMENT OF FEES

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Salazar* to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell v. Salazar*.

#### ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

#### PROHIBITION ON USE OF FUNDS

SEC. 109. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

#### USE OF COOPERATIVE AGREEMENTS

SEC. 110. For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

#### CONFORMING AMENDMENT

SEC. 111. Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall, for fiscal year 2010 and each fiscal year thereafter, apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term "royalty payment" shall include any payment required by

such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

#### PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 112. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

#### OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 113. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a non-refundable inspection fee, which shall be deposited in the "Royalty and Offshore Minerals Management" account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

(1) \$2,000 for facilities with no wells, but with processing equipment or gathering lines;

(2) \$3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) \$6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing.

#### YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS, AMENDMENT

SEC. 114. Section 101(a)(1) of Public Law 109-131 is amended by striking "2009" and inserting "2013".

#### NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 115. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (j)"; and

(3) by inserting after subsection (f) the following:

"(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

"(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

"(2) PROPERTY REMOVAL.—

"(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

"(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area."

#### PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING

SEC. 116. (a) DEFINITIONS.—In this section:

(1) HISTORIC ATTRACTION.—The term "historic attraction" mean a historic attraction within the Pearl Harbor Naval Complex, including—

(A) the USS Bowfin Submarine Museum and Park;

(B) the Battleship Missouri Memorial;

(C) the Pacific Aviation Museum-Pearl Harbor; and

(D) any other historic attraction within the Pearl Harbor Naval Complex that—

(i) the Secretary identifies as a Pearl Harbor historic attraction; and

(ii) is not administered or managed by the Secretary.

(2) **MONUMENT.**—The term “Monument” means the World War II Valor in the Pacific National Monument in the State of Hawaii.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **VISITOR CENTER.**—The term “Visitor Center” means the visitor center located within the Pearl Harbor Naval Complex on land that is—

(A) within the Monument; and

(B) managed by the Secretary, acting through the Director of the National Park Service.

(b) **FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.**—

(1) **IN GENERAL.**—In managing the Monument, the Secretary may enter into an agreement with any organization that is authorized to administer or manage a historic attraction—

(A) to allow visitors to the historic attraction to gain access to the historic attraction by passing through security screening at the Visitor Center; and

(B) to allow the sale of tickets to a historic attraction within the Visitor Center by—

(i) employees of the National Park Service; or

(ii) the organization that administers or manages the historic attraction.

(2) **TERMS AND CONDITIONS.**—In any agreement entered into under paragraph (1), the Secretary—

(A) shall require the organization administering or managing the historic attraction to pay to the Secretary a reasonable fee to recover administrative costs of the Secretary associated with the use of the Visitor Center for public access and ticket sales;

(B) shall ensure that the liability of the United States is limited with respect to any liability arising from—

(i) the admission of the public through the Visitor Center to a historic attraction; and

(ii) the sale or issuance of any tickets to the historic attraction; and

(C) may include any other terms and conditions that the Secretary determines to be appropriate.

(3) **USE OF FEES.**—The proceeds of any amounts collected as fees under paragraph (2)(A) shall remain available, without further appropriation, for use by the Secretary for the Monument.

(4) **LIMITATION OF AUTHORITY.**—Nothing in this section authorizes the Secretary—

(A) to regulate or approve the rates for admission to a historic attraction;

(B) to regulate or manage any visitor services within the Pearl Harbor Naval Complex (other than the services managed by the National Park Service as part of the Monument); or

(C) to charge an entrance fee for admission to the Monument.

(5) **PROTECTION OF RESOURCES.**—Nothing in this section authorizes the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

#### ASSISTANCE FOR THE REPUBLIC OF PALAU

**SEC. 117. (a) IN GENERAL.**—Subject to subsection (c), the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2010 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the “Compact”).

(b) **PROGRAMMATIC ASSISTANCE.**—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2010 in amounts equal to

the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) **LIMITATIONS ON ASSISTANCE.**—

(1) **IN GENERAL.**—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) **TRUST FUND.**—If the Government of Palau withdraws more than \$5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

#### GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER AMENDMENT

**SEC. 118.** Section 120 of title I of H.R. 3423 (Appendix C) as enacted into law by section 1000(a)(3) of division B of Public Law 106–113 is amended by striking the last sentence.

#### THEODORE ROOSEVELT NATIONAL PARK, ELK REDUCTION

**SEC. 119.** None of the funds made available in this Act shall be used to establish or implement a plan to reduce the number of elk in Theodore Roosevelt National Park unless such plan, notwithstanding any other provision of law, allows North Dakota residents possessing a State hunting license to be deputized by the Secretary as rangers in such numbers as the Secretary deems sufficient for purposes of culling the elk herd at the Park, and allows each such volunteer to cull one elk and remove its carcass from the Park.

#### POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

**SEC. 120.** Prior to the expiration on November 30, 2012 of the Drake’s Bay Oyster Company’s Reservation of Use and Occupancy and associated special use permit (“existing authorization”) within Drake’s Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012. Provided, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization.

#### CONTRIBUTION AUTHORITY

**SEC. 121.** Title 43 U.S.C. 1473, as amended by Public Law 110–161 and Public Law 111–8, is further amended by deleting “in fiscal years 2008 and 2009 only” and inserting “in fiscal years 2008, 2009 and 2010 only”.

#### NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY

**SEC. 122. (a) IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within the State of Hawaii in the National Park System.

(b) **GUIDELINES.**—In conducting the study, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System described in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(c) **CONSULTATION.**—In conducting the study, the Secretary shall consult with—

(1) the State of Hawaii;

(2) appropriate Federal agencies;

(3) Native Hawaiian and local government entities;

(4) private and nonprofit organizations;

(5) private land owners; and

(6) other interested parties.

(d) **THEMES.**—The study shall evaluate the Honouliuli Gulch, associated sites located on Oahu, and other islands located in the State of Hawaii with respect to—

(1) the significance of the site as a component of World War II;

(2) the significance of the site as the site related to the forcible internment of Japanese Americans, European Americans, and other individuals; and

(3) historic resources at the site.

(e) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study required under this section.

#### PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL CONTROL

**SEC. 123.** None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367) over the international land and maritime borders of the United States.

**SEC. 124.** Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

#### TITLE II

#### ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$842,799,000, to remain available until September 30, 2011.

#### ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$9,000 for official reception and representation expenses, \$2,878,780,000, to remain available until September 30, 2011: Provided, That of the funds included under this heading, not less than \$478,696,000 shall be for the Geographic Programs specified in the committee report accompanying this Act.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,791,000, to remain available until September 30, 2011.

## BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$35,001,000, to remain available until expended: Provided, That, at the discretion of the Administrator of the Environmental Protection Agency, from the funds included under this heading, \$500,000 may be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada.

HAZARDOUS SUBSTANCE SUPERFUND  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,308,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,308,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$9,975,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2011, and \$26,834,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST  
FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, \$114,171,000, to remain available until expended, of which \$78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; \$35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

## OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

## STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$4,954,274,000, to remain available until expended, of which \$2,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which \$1,387,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That, for fiscal year 2010, to the extent that there are sufficient applications, not

less than 20 percent of the funds made available for the Clean Water State Revolving Fund or Drinking Water State Revolving Fund capitalization grants shall be for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; \$10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$15,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; \$150,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the committee report accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; \$101,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, inter-agency agreements, and associated program support costs; \$60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; \$20,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the committee report accompanying this Act; and \$1,111,274,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which \$49,495,000 shall be for carrying out section 128 of CERCLA, as amended, \$10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, \$18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, \$2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution

control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That, for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to Tribes: Provided further, That, for fiscal year 2010, notwithstanding any other provision of law, up to a total of 1.5 percent of the funds provided for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to territories of the United States: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8, the \$300,000 made available to the Village of Crestwood for water storage improvements (as described in the table entitled "Congressionally Designated Spending" in section 430 of that joint explanatory statement) shall be made available to the City of Quincy, Illinois, for drinking water system improvements: Provided further, That, notwithstanding House Report 107-272, the amount of \$1,000,000 made available to the Southeast Alabama Regional Water Authority for a water facility project and the amount of \$2,500,000 made available to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System may, at the discretion of the Administrator, be made available to the city of Thomasville for those projects: Provided further, That, notwithstanding House Report 108-10, the amount of \$450,000 made available to the Southwest Alabama Regional Water Authority for water infrastructure improvements may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: Provided further, That, notwithstanding House Report 108-401, the amount of \$450,000 made available to the Southwest Alabama Regional Water supply District for regional water supply distribution in Thomasville, Alabama, may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: Provided further, That, notwithstanding House Report 108-401, the amount of \$2,000,000 made available to the Tom Bevill Reservoir Management Area Authority for construction of a drinking water reservoir in



Fayette County, Alabama, may, at the discretion of the Administrator, be made available to Fayette County, Alabama, for water system upgrades: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to the San Bernardino Municipal Water District for the Inland Empire alternative water supply project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of San Bernardino municipal water department for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, \$170,800 may, at the discretion of the Administrator, be made available to the city of Prescott for a wastewater treatment plant construction project and \$129,200 may, at the discretion of the Administrator, be made available to the city of Wichita for a storm water technology pilot project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for a water mainline extension project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for the Konza Water Main Extension project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,300,000 made available to the City of Warrensburg, Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the Gravois Arm Sewer District for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the

amount of \$500,000 made available to McDonald County, Missouri for a wastewater infrastructure expansion project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to PWS #1 of McDonald County, Missouri for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110-161 (121 Stat. 1844), the amount of \$150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District 1 for a Water Storage Tank (as described in the section entitled "STAG Infrastructure Grants/Congressional Priorities" on page 1264 of the joint explanatory statement) may, at the discretion of the Administrator, be made available to Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$400,000 made available to the City of Lake Norden, South Dakota, for wastewater infrastructure improvements (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the City of Lake Norden, South Dakota, for drinking water infrastructure improvements.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL  
PROTECTION AGENCY  
(INCLUDING RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110-94, the Pesticide Registration Improvement Renewal Act.

The Administrator is authorized to transfer up to 50 percent of the funds appropriated for the Great Lakes Initiative under the heading "Environmental Programs and Management" to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances to carry out projects and activities funded through the State and Tribal Assistance Grants Account, \$40,000,000 are permanently rescinded: Provided, That no amounts may be rescinded from

amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, ENVIRONMENTAL  
PROTECTION AGENCY  
BLACK CARBON

SEC. 201. (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, may carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading "ENVIRONMENTAL PROGRAMS AND MANAGEMENT" for operations and administration, up to \$2,000,000 shall be—

(1) transferred to the account used to fund the Office of Air Quality Planning and Standards of the Environmental Protection Agency; and

(2) used by the Administrator to carry out this section.

TITLE III  
RELATED AGENCIES  
DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$307,012,000, to remain available until expended: Provided, That of the funds provided, \$66,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$276,946,000, to remain available until expended, as authorized by law; and of which \$55,145,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,552,429,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the



Act (16 U.S.C. 4601-6a(i)) and of which \$2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b)): Provided, That, through fiscal year 2014, the Secretary of Agriculture may authorize the expenditure or transfer of such sums as are necessary to the Secretary of the Interior for removal, preparation and adoption of excess wild horses and burros from National Forest System lands and for the performance of cadastral surveys to designate the boundaries of such lands: Provided further, That \$282,617,000 shall be made available for recreation, heritage, and wilderness.

#### CAPITAL IMPROVEMENT AND MAINTENANCE (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$513,418,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That \$50,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: Provided further, That up to \$40,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$67,784,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,050,000, to be derived from forest receipts.

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for au-

thorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601-516-617a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and 78-310).

#### RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

#### GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

#### MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$2,582,000, to remain available until expended.

#### WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,817,637,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, \$340,285,000 is for hazardous fuels reduction activities, \$11,500,000 is for rehabilitation and restoration, \$23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$56,250,000 is for State fire assistance, \$9,000,000 is for volunteer fire assistance, \$17,252,000 is for forest health activities on Federal lands and

\$9,928,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That up to \$15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed \$10,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: Provided further, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

#### COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND

For expenses authorized by section 4003(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)), \$10,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS, FOREST SERVICE (INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land,

waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for wildland firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the Committees on Appropriations for the House of Representatives and Senate if the Secretary of Agriculture determines that all emergency fire suppression funds appropriated under the heading “Wildland Fire Management” will be fully obligated within 30 days.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in title IV of this Act.

Not more than \$88,785,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$19,400,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture’s National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to \$5,000,000 for priority projects within the scope of the approved budget, of which \$2,500,000 shall be carried out by the Youth Conservation Corps and \$2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to \$2,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That, of the Federal funds made available to the Foundation, no more than \$200,000 shall be available for administrative expenses: Provided

further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, \$2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed \$55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Funds provided to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for the 2009–2010 school year of dependents of agency personnel stationed in Puerto Rico, at a cost not in excess of those authorized by the Department of Defense for that same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,639,868,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That \$779,347,000 for contract medical care, including \$48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That \$18,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to \$32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That \$16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and \$7,500,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within two fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$389,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau

of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93-638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

#### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$394,757,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed \$2,700,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal

Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121, the Indian Sanitation Facilities Act and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

#### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$79,212,000.

#### AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

##### TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,792,000, of which up to \$1,000 to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

#### OTHER RELATED AGENCIES

##### EXECUTIVE OFFICE OF THE PRESIDENT

##### COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,159,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$11,195,000.

##### OFFICE OF NAVAJO AND HOPÍ INDIAN RELOCATION

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none

of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA  
NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$8,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$634,161,000, of which not to exceed \$19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; of which \$1,553,000 for fellowships and scholarly awards shall remain available until September 30, 2011; of which \$250,000 may be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$125,000,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

(INCLUDING RESCISSION OF FUNDS)

For the purpose of developing a public-private partnership to facilitate the reopening of the Arts and Industries Building of the Smithsonian Institution, \$30,000,000, to remain available until expended, for repair, renovation and revitalization of the building: Provided, That such funds shall be matched on a 1:1 basis by private donations: Provided further, That major in-kind donations that contribute significantly to the redesign and purpose of the reopened building be considered to qualify toward the total private match: Provided further, That privately contrib-

uted endowments, which are designated for the care and renewal of permanent exhibitions installed in the Arts and Industries Building, be considered as qualifying toward the total private match: Provided further, That this appropriation may be made available to the Smithsonian Institution incrementally as private funding becomes available: Provided further, That any other provision of law that adjusts the overall amount of the Federal appropriation for this account shall also apply to the privately contributed requirement: Provided further, That the unobligated balances provided under this heading in Public Law 110-161 and Public Law 111-8 are hereby rescinded.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$110,746,000, of which not to exceed \$3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF  
BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$54,499,000, to remain available until expended: Provided, That of this amount, up to \$40,000,000 shall be available for repair of the National Gallery's East Building facade: Provided further, That notwithstanding any other provision of law, a single procurement for the foregoing Major Critical Project may be issued which includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: Provided further, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING  
ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$22,500,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$17,447,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR  
SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$10,225,000.

NATIONAL FOUNDATION ON THE ARTS AND THE  
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$161,315,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108-447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$161,315,000, to remain available until expended, of which \$147,015,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including \$9,500,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

The Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$2,294,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That

the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956a), as amended, \$9,500,000: Provided, That no organization shall receive a grant in excess of \$650,000 in a single year.

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$5,908,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

#### NATIONAL CAPITAL PLANNING COMMISSION SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$8,507,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

#### UNITED STATES HOLOCAUST MEMORIAL MUSEUM HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$49,122,000, of which \$515,000 for the Museum's equipment replacement program, \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibition design and production program shall remain available until expended.

#### PRESIDIO TRUST

##### PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$17,230,000 shall be available to the Presidio Trust, to remain available until expended.

#### DWIGHT D. EISENHOWER MEMORIAL COMMISSION SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$3,000,000, to remain available until expended.

#### CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106-79, \$16,000,000, to remain available until expended.

### TITLE IV GENERAL PROVISIONS

#### LIMITATION ON CONSULTING SERVICES (INCLUDING TRANSFERS OF FUNDS)

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

#### RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any ac-

tivity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

#### PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 403. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

#### DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 404. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

#### GIANT SEQUOIA

SEC. 405. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2009.

#### MINING APPLICATIONS

SEC. 406. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

#### CONTRACT SUPPORT COSTS

SEC. 407. Notwithstanding any other provision of law, amounts appropriated to or otherwise

designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Laws 110-5 and 110-28), and Public Laws 110-92, 110-116, 110-137, 110-149, 110-161, 110-329, 111-6, and 111-8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

#### FOREST MANAGEMENT PLANS

SEC. 408. Prior to October 1, 2010, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

#### PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 409. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

#### INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

SEC. 410. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior should not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor

any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

#### CONTRACTING AUTHORITIES

SEC. 411. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

#### PROHIBITION ON USE OF FUNDS

SEC. 412. None of the funds made available by this or any other Act may be used in fiscal year 2010 for competitive sourcing studies and any related activities involving Forest Service personnel.

#### LIMITATION ON TAKINGS

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

#### HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 414. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, \$8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for cleanup activities at the Treasure Island Naval Station—Hunters Point Annex.

#### EXTENSION OF GRAZING PERMITS

SEC. 415. Section 325 of Public Law 108-108 is amended by striking "fiscal years 2004-2008" and inserting "fiscal year 2010."

#### ALASKA NATIVE HEALTH CARE SERVICES

SEC. 416. (a) Notwithstanding any other provision of law and until October 1, 2011, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village

corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabaskan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

#### TIMBER SALE REQUIREMENTS

SEC. 417. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

#### COLORADO COOPERATIVE CONSERVATION AUTHORITY

SEC. 418. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001, as amended, is amended in subsection (e) by striking "September 30, 2009," and inserting "September 30, 2014."

#### NATIONAL COUNCIL ON THE ARTS MEMBERSHIP

SEC. 419. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89-209, 20 U.S.C. 955), as amended, is further amended as follows:

(1) In the first sentence of subsection (b)(1)(C), by striking "14" and inserting in lieu thereof "18"; and

(2) In the second sentence of subsection (d)(1), by striking "Eight" and inserting in lieu thereof "Ten".

#### PROHIBITION ON USE OF FUNDS

SEC. 420. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

#### GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 421. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems emitting less than 25,000 tons of carbon dioxide equivalent per year.

#### CONGRESSIONALLY DIRECTED SPENDING

SEC. 422. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled "Congressionally Directed Spending" included in the committee report accompanying this Act.

#### PROHIBITION ON USE OF FUNDS

SEC. 423. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

#### PROHIBITION ON USE OF WILDLAND FIRE MANAGEMENT STIMULUS FUNDS IN THE DISTRICT OF COLUMBIA

SEC. 424. Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) for wildland fire management shall be used in the District of Columbia.

#### JUNGO DISPOSAL SITE EVALUATION

SEC. 425. Using funds made available under this Act, the Director of the United States Geological Survey may conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the "site"), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

#### BUYOUT AND RELOCATION

SEC. 426. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") is encouraged to consider all appropriate criteria, including cost-effectiveness, relating to the buyout and relocation of residents of properties in Treece, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).



(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Treece, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

SEC. 427. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking “Agricultural Research Service” and inserting “Department of Agriculture”; and

(2) by adding at the end the following:

“(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.”

SEC. 428. It is the sense of the Senate that the Senate—

(1) supports the National Vehicle Mercury Switch Recovery Program as an effective way to reduce mercury pollution from electric arc furnaces used by the steel industry to melt scrap metal from old vehicles; and

(2) urges the founders of the Program to secure private sector financial support so that the successful efforts of the Program to reduce mercury pollution may continue.

#### NATIONAL FOREST FOUNDATION

SEC. 429. Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j–1(a)) is amended, in the first sentence, by striking “fifteen Directors” and inserting “not more than 30 Directors”.

#### CABIN USER FEES

SEC. 430. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount beyond the amount levied on December 31, 2009.

#### FLAME FUND FOR EMERGENCY WILDFIRE SUPPRESSION ACTIVITIES

SEC. 431. (a) DEFINITIONS.—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) **FLAME FUND.**—The term “Flame Fund” means the Federal Land Assistance, Management, and Enhancement Fund established by subsection (b).

(3) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(4) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(b) **ESTABLISHMENT OF FLAME FUND.**—There is established in the Treasury of the United States a fund to be known as the “Federal Land Assistance, Management, and Enhancement Fund”, consisting of—

(1) such amounts as are appropriated to the Flame Fund; and

(2) such amounts as are transferred to the Flame Fund under subsection (d).

(c) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—There are authorized to be appropriated to the Flame Fund such amounts as are necessary to carry out this section.

(B) **CONGRESSIONAL INTENT.**—It is the intent of Congress that the amounts appropriated to the Flame Fund for each fiscal year should be not less than the combined average amount expended by each Secretary concerned for emergency wildfire suppression activities over the 5 fiscal years preceding the fiscal year for which amounts are appropriated.

(C) **AVAILABILITY.**—Amounts appropriated to the Flame Fund shall remain available until expended.

(2) **APPROPRIATION.**—There is appropriated to the Flame Fund, out of funds of the Treasury not otherwise appropriated, \$834,000,000.

(3) **SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS AS EMERGENCY REQUIREMENT.**—It is the sense of Congress that further amounts appropriated to the Flame Fund should be designated as amounts necessary to meet emergency needs.

(4) **NOTICE OF INSUFFICIENT FUNDS.**—The Secretaries shall notify the congressional committees described in subsection (h)(2) if the Secretaries estimate that only 60 days worth of funding remains in the Flame Fund.

(d) **TRANSFER OF EXCESS WILDFIRE SUPPRESSION AMOUNTS INTO FLAME FUND.**—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts that—

(1) are appropriated to the Secretary concerned for wildfire suppression activities for the fiscal year; but

(2) are not obligated for wildfire suppression activities before the end of the fiscal year.

(e) **USE OF FLAME FUND.**—

(1) **IN GENERAL.**—Subject to paragraphs (2), (3), and (4), amounts in the Flame Fund shall be available to the Secretary concerned to pay the costs of emergency wildfire suppression activities that are separate from amounts annually appropriated to the Secretary concerned for routine wildfire suppression activities.

(2) **DECLARATION REQUIRED.**—

(A) **IN GENERAL.**—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildfire suppression activity is eligible for funding from the Flame Fund.

(B) **DECLARATION CRITERIA.**—A declaration by the Secretaries under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; and

(II) the Secretaries determine that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression activities for the Secretary concerned have exceeded the amounts appropriated to the Sec-

retary concerned for those activities (not including funds deposited in the Flame Fund).

(3) **TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.**—After issuance of a declaration under paragraph (2) and on request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildfire suppression activities associated with the declaration.

(4) **STATE, PRIVATE, AND TRIBAL LAND.**—Use of the Flame Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) **TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.**—

(1) **IN GENERAL.**—Subject to subsection (e)(2)(B)(ii), the Secretary concerned shall continue to fund routine wildfire suppression activities within the appropriate agency budget for each fiscal year.

(2) **CONGRESSIONAL INTENT.**—It is the intent of Congress that funding made available through the Flame Fund be used—

(A) to supplement the funding otherwise appropriated to the Secretary concerned; and

(B) only for purposes in, and instances consistent with, this section.

(g) **PROHIBITION ON OTHER TRANSFERS.**—Any amounts in the Flame Fund and any amounts appropriated for the purpose of wildfire suppression on Federal land shall be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildfire suppression.

(h) **ACCOUNTING AND REPORTS.**—

(1) **ACCOUNTING AND REPORTING SYSTEM.**—The Secretaries shall establish an accounting and reporting system for the Flame Fund that is compatible with existing National Fire Plan reporting procedures.

(2) **ANNUAL REPORT.**—Annually, the Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate and make available to the public a report that—

(A) describes the use of amounts from the Flame Fund; and

(B) includes any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

(3) **ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.**—

(A) **IN GENERAL.**—Consistent with the schedule provided in subparagraph (C), the Secretaries shall submit to the committees described in paragraph (2) an estimate of anticipated wildfire suppression costs for the applicable fiscal year and the subsequent fiscal year.

(B) **PEER REVIEW.**—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic peer review to ensure compliance with subparagraph (D).

(C) **SCHEDULE.**—The Secretaries shall submit an estimate under subparagraph (A) during—

(i) the first week of February of each year;

(ii) the first week of April of each year;

(iii) the first week of July of each year; and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) **REQUIREMENTS.**—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and



(ii) models and other analytic tools.

(i) **TERMINATION OF AUTHORITY.**—The authority under this section shall terminate at the end of the third fiscal year in which no appropriations to or withdrawals from the Flame Fund have been made for a period of 3 consecutive fiscal years.

#### COHESIVE WILDFIRE MANAGEMENT STRATEGY

SEC. 432. (a) **STRATEGY REQUIRED.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) **ELEMENTS OF STRATEGY.**—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;

(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;

(3) employing the appropriate management response to wildfires;

(4) assessing the level of risk to communities;

(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;

(6) assessing the impacts of climate change on the frequency and severity of wildfire; and

(7) studying the effects of invasive species on wildfire risk.

(c) **REVISION.**—At least once during each 5-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretaries shall revise the strategy submitted under that subsection to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

#### PROHIBITION ON NO-BID CONTRACTS AND GRANTS

SEC. 433. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, or other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States, or Federally recognized Indian tribes; or

(3) such contracts or grants are authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a grant or contract with an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b (e)).

SEC. 434. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

SEC. 435. Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111-11) is amended by striking “December 18, 2008” and inserting “September 20, 2009”.

#### TAR CREEK SUPERFUND SITE

SEC. 436. (a) **IN GENERAL.**—To expedite the cleanup of the Federal land and Indian land at the Tar Creek Superfund Site (referred to in this section as the “site”), any purchase of chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (or a successor regulation)), from the site shall be—

(1) counted at twice the purchase price of the chat; and

(2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

(b) **RESTRICTED INDIAN OWNERS.**—Subsection (a) shall only apply if the purchase of chat is made from 1 or more restricted Indian owners or an Indian tribe.

(c) **APPLICABLE LAW.**—The use of chat acquired under subsection (a) shall conform with applicable laws (including the regulations for the use of chat promulgated by the Administrator of the Environmental Protection Agency).

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010”.

#### AUTHORIZING MAJOR MEDICAL FACILITY LEASES FOR THE DEPARTMENT OF VETERANS AFFAIRS FOR FISCAL YEAR 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1717.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1717) to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. AKAKA. Mr. President, today, with Ranking Member Richard Burr, I have introduced legislation that would authorize the Department of Veterans Affairs to proceed with certain medical facility leases for fiscal year 2010. These leases include facilities in nine different States, including South Carolina, Georgia, California, Alabama, Pennsylvania, North Carolina, Kansas, Texas, and Florida.

We are moving this bill at this time because I have been advised that VA can proceed with preliminary steps relating to these leases in advance of an appropriation, if authorization is in place. While I hope that the Senate will pass an appropriations bill for VA as soon as possible, this is something we can do today. I will soon introduce another bill to fully authorize VA's construction projects. In the meantime, I urge my colleagues to support this bill, which will enable VA to secure the space it needs to care for veterans from all conflicts.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1717) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. AUTHORIZATION OF FISCAL YEAR 2010 MAJOR MEDICAL FACILITY LEASES.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs may carry out the following fiscal year 2010 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for that location:

(1) Anderson, South Carolina, Outpatient Clinic, in an amount not to exceed \$4,774,000.

(2) Atlanta, Georgia, Specialty Care Clinic, in an amount not to exceed \$5,172,000.

(3) Bakersfield, California, Community Based Outpatient Clinic, in an amount not to exceed \$3,464,000.

(4) Birmingham, Alabama, Annex Clinic and Parking Garage, in an amount not to exceed \$6,279,000.

(5) Butler, Pennsylvania, Health Care Center, in an amount not to exceed \$16,482,000.

(6) Charlotte, North Carolina, Health Care Center, in an amount not to exceed \$30,457,000.

(7) Fayetteville, North Carolina, Health Care Center, in an amount not to exceed \$23,487,000.

(8) Huntsville, Alabama, Outpatient Clinic Expansion, in an amount not to exceed \$4,374,000.

(9) Kansas City, Kansas, Community Based Outpatient Clinic, in an amount not to exceed \$4,418,000.

(10) Loma Linda, California, Health Care Center, in an amount not to exceed \$31,154,000.

(11) McAllen, Texas, Outpatient Clinic, in an amount not to exceed \$4,444,000.

(12) Monterey, California, Health Care Center, in an amount not to exceed \$11,628,000.

(13) Montgomery, Alabama, Health Care Center, in an amount not to exceed \$9,943,000.

(14) Tallahassee, Florida, Outpatient Clinic, in an amount not to exceed \$13,165,000.

(15) Winston-Salem, North Carolina, Health Care Center, in an amount not to exceed \$26,986,000.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2010 or the year in which funds are appropriated for the Medical Facilities account \$196,227,000 for the leases authorized in subsection (a).

#### EXTENDING PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3614.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3614) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that a Landrieu amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table; that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2556) was agreed to, as follows:

Strike sections 2 and 3.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 3614), as amended, was read the third time and passed, as follows:

H.R. 3614

*Resolved*, That the bill from the House of Representatives (H.R. 3614) entitled "An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.", do pass with the following amendment:

Strike sections 2 and 3.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 422

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that at 4:30 p.m., Tuesday, September 29, the Senate proceed to executive session to consider Calendar No. 422, the nomination of Jeffrey Viken, to be U.S. district judge; that there be 60 minutes of debate with respect to the nomination, with the time equally divided and controlled between the chairman and ranking member of the Judiciary Committee or their designees; that at 5:30 p.m., the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 435 to and including 457, and all nominations on the Secretary's

desk in the Air Force, Army and Navy; that the nominations be confirmed en bloc; the motions to reconsider be laid on the table en bloc; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc, are as follows:

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Maj. Gen. Ralph J. Jodice, II

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Maj. Gen. William J. Rew

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Maj. Gen. Christopher D. Miller

#### IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12211:

#### *To be major general*

Brig. Gen. Joseph B. DiBartolomeo

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Lt. Gen. Benjamin C. Freakley

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Lt. Gen. John D. Gardner

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Lt. Gen. Frank G. Helmick

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Maj. Gen. Mark P. Hertling

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

#### *To be brigadier general*

Colonel Robin B. Akin

Colonel Robert P. Ashley, Jr.  
Colonel Jeffrey L. Bannister  
Colonel Joseph L. Bass  
Colonel Lewis M. Boone  
Colonel Clarence K.K. Chinn  
Colonel Kenneth R. Dahl  
Colonel Gordon B. Davis, Jr.  
Colonel Scott F. Donahue  
Colonel Edward F. Dorman, III  
Colonel Randal A. Dragon  
Colonel Billy D. Farris, II  
Colonel Terry R. Ferrell  
Colonel Paul E. Funk, II  
Colonel Ricky D. Gibbs  
Colonel Harold J. Greene  
Colonel Christopher K. Haas  
Colonel William C. Hix  
Colonel Stephen B. Leisenring  
Colonel Stephen R. Lyons  
Colonel Jonathan A. Maddux  
Colonel Mark A. McAlister  
Colonel John J. McGuinness  
Colonel Michael K. Nagata  
Colonel Bryan R. Owens  
Colonel James F. Pasquarette  
Colonel Victor Petrenko  
Colonel Aundre F. Piggee  
Colonel John S. Regan  
Colonel Bryan T. Roberts  
Colonel John G. Rossi  
Colonel William J. Scott  
Colonel Thomas C. Seamands  
Colonel Charles L. Taylor  
Colonel Stephen M. Twitty  
Colonel Jeffery L. Underhill  
Colonel Darrell K. Williams  
Colonel Peter B. Zwack

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### *To be brigadier general*

Col. David J. Conboy

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### *To be brigadier general*

Col. James V. Young, Jr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### *To be brigadier general*

Col. Ivan N. Black

#### IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

#### *To be rear admiral*

Rear Adm. (lh) Michael H. Mittelman  
Rear Adm. (lh) Matthew L. Nathan

The following named officer for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 152 and 601:

#### *To be admiral*

Adm. Michael G. Mullen

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

#### *To be rear admiral (lower half)*

Capt. Charles A. Rainey

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Jonathan W. White

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) David W. Titley

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Gregory J. Smith

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Bruce W. Clingan

#### IN THE MARINE CORPS

The following named officer for appointment to the grade of general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Gen. James N. Mattis

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Frank A. Panter, Jr.

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Thomas D. Waldhauser

The following named officer for appointment as Commander, Marine Forces Reserve, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5144:

*To be lieutenant general*

Maj. Gen. John F. Kelly

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### IN THE AIR FORCE

PN771 AIR FORCE nominations (40) beginning LANCE L. ANNICELLI, and ending DAVID A. WELGE, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN943 AIR FORCE nomination of Thomas M. Anderson, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN944 AIR FORCE nomination of Ricky B. Reaves, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN945 AIR FORCE nomination of Jose R. Pereztorres, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN946 AIR FORCE nominations (7) beginning LOYD A. GRAHAM, and ending CHRISTINE E. STAHL, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

##### IN THE ARMY

PN825 ARMY nomination of Robert J. Schultz, which was received by the Senate

and appeared in the Congressional Record of July 28, 2009.

PN826 ARMY nomination of Andrea J. Fuller, which was received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN827 ARMY nominations (2) beginning PETER H. GUEVARA, and ending JEAN R. ELYSEE, which nominations were received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN828 ARMY nominations (8) beginning JAMES BANE, and ending BENOIT D. TANO, which nominations were received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN853 ARMY nominations (46) beginning JOHN A. BLANKENBAKER, and ending VIRGINIA R. ZOLLER, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN854 ARMY nominations (307) beginning WILLIAM L. ABERNATHY JR., and ending FRANCISCO ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN855 ARMY nominations (237) beginning GREGORY T. ADAMS, and ending SCOTT L. ZONIS, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN893 ARMY nomination of Cameron D. Wright, which was received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN894 ARMY nomination of Andre L. Brown, which was received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN895 ARMY nominations (6) beginning KATHLEEN E. COFFEY, and ending BRIAN R. TRENDIA, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN947 ARMY nomination of Sonnie D. Deyampert, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN948 ARMY nomination of Douglas Lougee, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN949 ARMY nomination of James Peak, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN950 ARMY nominations (12) beginning JOYVETTA LEWIS, and ending WILLIAM A. WYMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN966 ARMY nomination of Derek D. Brown, which was received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN967 ARMY nominations (2) beginning STEPHANIE LATIMER, and ending OANH K. TRAN, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN968 ARMY nominations (2) beginning MICHELLE H. MARTIN, and ending MARGARET A. MOSLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN969 ARMY nominations (9) beginning ROBERT E. POWERS, and ending MYSORE S. SHILPA, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

##### IN THE NAVY

PN856 NAVY nomination of Erik J. Modlo, which was received by the Senate and ap-

peared in the Congressional Record of August 3, 2009.

PN857 NAVY nomination (2) beginning JOSH A. CASSADA, and ending LARRY R. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN858 NAVY nominations (72) beginning MATTHEW J. ACANFORA, and ending DAVID W. YORK, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN859 NAVY nominations (49) beginning RON J. ARELLANO, and ending JOEL A. YATES, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN860 NAVY nominations (41) beginning BENJAMIN I. ABNEY, and ending MCKINNYA J. WILLIAMSROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN861 NAVY nominations (38) beginning CHRISTOPHER D. ADDINGTON, and ending KURT A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN862 NAVY nominations (22) beginning KELLY W. BOWMAN JR., and ending MICHAEL WINDOM, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN863 NAVY nominations (32) beginning HASAN ABDULMUTAKALLIM, and ending KENYA D. WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN864 NAVY nominations (12) beginning DENISE G. BARHAM, and ending HERLINDA K. SWEENEY, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN865 NAVY nominations (17) beginning GUILLERMO R. AMEZAGA, and ending MIKE E. SVATEK, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN866 NAVY nominations (157) beginning CHRISTOPHER W. ANDERSON, and ending COLIN D. XANDER, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN867 NAVY nominations (907) beginning MATTHEW L. ABBOT, and ending STUART R. ZURN, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN896 NAVY nominations (6) beginning PAUL C. KERR, and ending BRUCE A. WATTERMANN, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN897 NAVY nominations (4) beginning SCOTT A. ANDERSON, and ending GWENDOLYN WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN898 NAVY nominations (38) beginning KEITH R. BARKEY, and ending JASON D. ZEDA, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN899 NAVY nominations (30) beginning PAUL S. ANDERSON, and ending MICHAEL D. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN900 NAVY nominations (51) beginning ROBIN M. ALLEN, and ending SCOTT Y. YAMAMOTO, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN901 NAVY nominations (50) beginning JAMES D. ABBOTT, and ending ROBERT W. ZURSCHMITT, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN902 NAVY nominations (28) beginning JASON T. BALTIMORE, and ending IAN S. WEXLER, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN903 NAVY nominations (61) beginning JOEL R. BEALER, and ending RICHARD G. ZEBER, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN904 NAVY nominations (21) beginning MARTIN J. ANERINO, and ending WALTER H. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN905 NAVY nominations (144) beginning ROGER S. AKINS, and ending TINGWEI YANG, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN951 NAVY nominations (4) beginning BRIAN J. ELLIS, and ending MATTHEW L. TUCKER, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN952 NAVY nominations (12) beginning ANTHONY T. COWDEN, and ending JARED E. SCOTT, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN970 NAVY nominations (2) beginning NERI B. BARNEA, and ending WILLIAM O. VOELKER, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN971 NAVY nominations (2) beginning ANITA AMINOSHARIAE, and ending DENNY MARTIN, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN972 NAVY nominations (6) beginning TRACY D. EMERSON, and ending DAVID K. SHELLINGTON, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

#### CERTIFICATE OF APPOINTMENT

The PRESIDENT PRO TEMPORE. The Chair lays before the Senate a certificate of appointment to fill the vacancy created by the death of Senator Edward M. Kennedy of Massachusetts. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there is no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE COMMONWEALTH OF MASSACHUSETTS CERTIFICATE OF APPOINTMENT

*To the President of the Senate of the United States:*

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the Commonwealth of Massachusetts, I, Deval L. Patrick, the Governor of said Commonwealth, do hereby appoint Paul Grattan Kirk, Jr. a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Edward M. Kennedy, is filled by election as provided by law.

Witness: His excellency our governor Deval L. Patrick, and our seal hereto affixed at Boston, Massachusetts this Twenty-Fourth day of September, in the year of our Lord 2009.

By the governor:

DEVAL L. PATRICK,  
*Governor.*  
WILLIAM FRANCIS GALVIN,  
*Secretary of Commonwealth.*

[State Seal Affixed]

The VICE PRESIDENT. If the Senator-designate will now present himself to the desk, the Chair will administer the oath of office.

Mr. KIRK, escorted by Mr. KERRY, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

#### ORDERS FOR TUESDAY, SEPTEMBER 29, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11:30 a.m., Tuesday, September 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of morning business until 1:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of H.R. 3326, the Defense appropriations bill.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, under a previous order, the Senate will debate the nomination of Jeffrey Viken to be U.S. district judge for the District of South Dakota from 4:30 until 5:30 Tuesday. At 5:30 p.m., the Senate will proceed to vote on confirmation of the

nomination. That will be the first vote of the day.

#### ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 29, 2009, AT 11:30 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4 p.m., adjourned until Tuesday, September 29, 2009, at 11:30 a.m.

#### NOMINATIONS

Executive Nominations Received by the Senate:

##### DEPARTMENT OF THE TREASURY

MARISA LAGO, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE NEEL T. KASHKARI, RESIGNED.

##### DEPARTMENT OF JUSTICE

STEPHANIE M. ROSE, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE CHARLES W. LARSON, SR., RESIGNED.

RICHARD G. CALLAHAN, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE CATHERINE LUCILLE HANAWAY.

MICHAEL W. COTTER, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE WILLIAM WALTER MERCER.

NICHOLAS A. KLINEFELDT, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE MATTHEW G. WHITAKER.

##### DEPARTMENT OF STATE

ROBERT R. KING, OF VIRGINIA, TO BE SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES, WITH THE RANK OF AMBASSADOR.

LAURA GORE ROSS, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:  
CARLENE H. DEL, OF FLORIDA  
PAMELA A. WHITE, OF VIRGINIA  
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

TODD H. AMANI, OF NORTH CAROLINA  
ALONZO L. FULGHAM, OF VIRGINIA  
EARL W. GAST, OF CALIFORNIA  
RICHARD S. GREENE, OF VIRGINIA  
ROBERT G. HELLYER, OF CALIFORNIA  
EDWARD T. LANDAU, OF PENNSYLVANIA  
ROBERT JAMES WILSON, OF CONNECTICUT  
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

R. DOUGLASS ARBUCKLE, OF FLORIDA  
PETER S. ARGO, OF FLORIDA  
KEVIN L. ARMSTRONG, OF CALIFORNIA  
WILLIAM R. BRANDS, OF VIRGINIA  
ALFREDA M. BREWER, OF THE DISTRICT OF COLUMBIA  
ROBERT M. CLAY, OF VIRGINIA  
TIMOTHY E. COX, OF VIRGINIA  
BARBARA A. ELLINGTON-BANKS, OF NORTH CAROLINA  
KAY JACKSON FREEMAN, OF MARYLAND  
SUSAN KOSINSKI FRITZ, OF WASHINGTON  
KAREN LOUISE RUFFING HILLIARD, OF FLORIDA  
SARAH-ANN LYNCH, OF MARYLAND  
DANA R. MANSURI, OF WASHINGTON  
PETER R. NATIELLO, OF FLORIDA  
PATRICIA L. RADER, OF MARYLAND  
JAMES B. SANFORD, OF TEXAS  
CARRIE ANN THOMPSON, OF VIRGINIA  
BRADLEY P. WALLACH, OF VIRGINIA  
MARK ANTHONY WHITE, OF FLORIDA  
ROBERT E. WUERTZ, OF FLORIDA

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, September 25, 2009:

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. RALPH J. JODICE II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. WILLIAM J. REW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. CHRISTOPHER D. MILLER

## IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12211:

*To be major general*

BRIG. GEN. JOSEPH B. DIBARTOLOMEO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. BENJAMIN C. FREAKLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. JOHN D. GARDNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. FRANK G. HELMICK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MARK P. HERTLING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL ROBIN B. AKIN  
COLONEL ROBERT P. ASHLEY, JR.  
COLONEL JEFFREY L. BANNISTER  
COLONEL JOSEPH L. BASS  
COLONEL LEWIS M. BOONE  
COLONEL CLARENCE K. K. CHINN  
COLONEL KENNETH R. DAHL  
COLONEL GORDON B. DAVIS, JR.  
COLONEL SCOTT F. DONAHUE  
COLONEL EDWARD F. DORMAN III  
COLONEL RANDAL A. DRAGON  
COLONEL BILLY D. FARRIS II  
COLONEL TERRY R. FERRELL  
COLONEL PAUL E. FUNK II  
COLONEL RICKY D. GIBBS  
COLONEL HAROLD J. GREENE  
COLONEL CHRISTOPHER K. HAAS  
COLONEL WILLIAM C. HIX  
COLONEL STEPHEN B. LEISENRING  
COLONEL STEPHEN R. LYONS  
COLONEL JONATHAN A. MADDUX  
COLONEL MARK A. MCALISTER  
COLONEL JOHN J. MCGUINNESS  
COLONEL MICHAEL K. NAGATA  
COLONEL BRYAN R. OWENS  
COLONEL JAMES F. PASQUARETTE  
COLONEL VICTOR PETRENKO  
COLONEL AUNDRE F. PIGGEE  
COLONEL JOHN S. REGAN  
COLONEL BRYAN T. ROBERTS  
COLONEL JOHN G. ROSSI  
COLONEL WILLIAM J. SCOTT  
COLONEL THOMAS C. SEAMANDS  
COLONEL CHARLES L. TAYLOR  
COLONEL STEPHEN M. TWITTY  
COLONEL JEFFERY L. UNDERHILL  
COLONEL DARRELL K. WILLIAMS

## COLONEL PETER B. ZWACK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. DAVID J. CONBOY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JAMES V. YOUNG, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. IVAN N. BLACK

## IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) MICHAEL H. MITTELMAN  
REAR ADM. (LH) MATTHEW L. NATHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 152 AND 601:

*To be admiral*

ADM. MICHAEL G. MULLEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. CHARLES A. RAINEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. JONATHAN W. WHITE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) DAVID W. TITLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) GREGORY J. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. BRUCE W. CLINGAN

## IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

GEN. JAMES N. MATTIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. FRANK A. PANTER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. THOMAS D. WALDHAUSER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 514:

*To be lieutenant general*

MAJ. GEN. JOHN F. KELLY

## IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH LANCE L. ANNICELLI AND ENDING WITH DAVID A. WELGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2009.

AIR FORCE NOMINATION OF THOMAS M. ANDERSON, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF RICKY B. REAVES, TO BE MAJOR.

AIR FORCE NOMINATION OF JOSE R. PEREZTORRES, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH LOYD A. GRAHAM AND ENDING WITH CHRISTINE E. STAHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2009.

## IN THE ARMY

ARMY NOMINATION OF ROBERT J. SCHULTZ, TO BE MAJOR.

ARMY NOMINATION OF ANDREA J. FULLER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH PETER H. GUEVARA AND ENDING WITH JEAN R. ELYSEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 28, 2009.

ARMY NOMINATIONS BEGINNING WITH JAMES BANE AND ENDING WITH BENOIT D. TANO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 28, 2009.

ARMY NOMINATIONS BEGINNING WITH JOHN A. BLANKENBAKER AND ENDING WITH VIRGINIA R. ZOLLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

ARMY NOMINATIONS BEGINNING WITH WILLIAM L. ABERNATHY, JR. AND ENDING WITH FRANCISCO ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

ARMY NOMINATIONS BEGINNING WITH GREGORY T. ADAMS AND ENDING WITH SCOTT L. ZONIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

ARMY NOMINATION OF CAMERON D. WRIGHT, TO BE COLONEL.

ARMY NOMINATION OF ANDRE L. BROWN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH KATHLEEN E. COFFEY AND ENDING WITH BRIAN R. TRENDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

ARMY NOMINATION OF SONNIE D. DEYAMPERT, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF DOUGLAS LOUGEE, TO BE COLONEL.

ARMY NOMINATION OF JAMES PEAK, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOYVETTA LEWIS AND ENDING WITH WILLIAM A. WYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2009.

ARMY NOMINATION OF DEREK D. BROWN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH STEPHANIE LATIMER AND ENDING WITH OANH K. TRAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHELLE H. MARTIN AND ENDING WITH MARGARET A. MOSLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

ARMY NOMINATIONS BEGINNING WITH ROBERT E. POWERS AND ENDING WITH MYSORE S. SHILPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

## IN THE NAVY

NAVY NOMINATION OF ERIK J. MODLO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JOSH A. CASSADA AND ENDING WITH LARRY R. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH MATTHEW J. ACANFORA AND ENDING WITH DAVID W. YORK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH RON J. ARELLANO AND ENDING WITH JOEL A. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH BENJAMIN I. ABNEY AND ENDING WITH MCKINNYA J. WILLIAMSROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER D. ADDINGTON AND ENDING WITH KURT A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH KELLY W. BOWMAN, JR. AND ENDING WITH MICHAEL WINDOM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH HASAN ABDULMUTAKALLIM AND ENDING WITH KENYA D. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH DENISE G. BARHAM AND ENDING WITH HERLINDA K. SWEENEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH GUILLERMO R. AMEZAGA AND ENDING WITH MIKE E. SVATEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER W. ANDERSON AND ENDING WITH COLIN D. XANDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH MATTHEW L. ABBOT AND ENDING WITH STUART R. ZURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH PAUL C. KERR AND ENDING WITH BRUCE A. WATERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH SCOTT A. ANDERSON AND ENDING WITH GWENDOLYN WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH KEITH R. BARKEY AND ENDING WITH JASON D. ZEDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH PAUL S. ANDERSON AND ENDING WITH MICHAEL D. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH ROBIN M. ALLEN AND ENDING WITH SCOTT Y. YAMAMOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH JAMES D. ABBOTT AND ENDING WITH ROBERT W. ZURSCHMITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH JASON T. BALTIMORE AND ENDING WITH IAN S. WEXLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH JOEL R. BEALER AND ENDING WITH RICHARD G. ZEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH MARTIN J. ANERINO AND ENDING WITH WALTER H. WILLIAMS,

WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH ROGER S. AKINS AND ENDING WITH TINGWEI YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH BRIAN J. ELLIS AND ENDING WITH MATTHEW L. TUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2009.

NAVY NOMINATIONS BEGINNING WITH ANTHONY T. COWDEN AND ENDING WITH JARED E. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2009.

NAVY NOMINATIONS BEGINNING WITH NERI B. BARNEA AND ENDING WITH WILLIAM O. VOELKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

NAVY NOMINATIONS BEGINNING WITH ANITA AMINOSHARIAE AND ENDING WITH DENNY MARTIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

NAVY NOMINATIONS BEGINNING WITH TRACY D. EMERSON AND ENDING WITH DAVID K. SHELLINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

## EXTENSIONS OF REMARKS

### CONGRATULATING COMMUNITY CHRISTIAN CHURCH IN THEIR CELEBRATION OF THEIR 100TH ANNIVERSARY

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Community Christian Church on their 100th anniversary. The church, located in Fort Worth, Texas, will be hosting centennial services on October 11, 2009.

Community Christian Church was founded in 1909 by the Reverend William M. Alphin, who held services before a 40-person congregation on the rented second floor of the local Masonic Hall. The Christian Church denomination today maintains a membership of nearly 700,000 across North America.

Through a commitment to service and fellowship, Community Christian Church continues to enrich the community of Fort Worth as well as the surrounding areas. The church has expanded and grown over time, acquiring their proud home on East Vickery St. in 1971. Under the leadership of current Pastor Rueben Thompson, the church remains committed to serving as a "bridge" between Christians of a diverse denominational background.

Madam Speaker, today it is my honor to recognize the Community Christian Church. They have demonstrated a level of commitment to community that is well appreciated, and it serves as an example for us all. It is a privilege to represent the congregation of Community Christian Church in the 26th District of Texas. I look forward to observing the positive impact they will continue to have on our communities at home and abroad.

### RECOGNIZING MICHAEL LAKIN

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. REICHERT. Madam Speaker, I rise today in recognition of a true hero, Michael Lakin. Michael, a former student at Cascade Christian high school in Puyallup, Washington, and an Eagle Scout, saved his classmate Allen, a quadriplegic, from choking to death last November.

Madam Speaker, because of Allen's condition he was unable to draw attention to himself when he was choking while eating lunch with his mother, Cathy, and his friends at Cascade Christian. Thankfully, Michael noticed something wasn't right and sprang into action. He picked Allen out of his wheelchair and performed the Heimlich maneuver on him suc-

cessfully, no doubt saving a precious young life.

Michael graduated from Cascade Christian this past summer and is now attending classes at a local community college. I thank him for his courageous actions, I thank him for his service and determination as an Eagle Scout and I wish him the best in the future.

### PERSONAL EXPLANATION

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. CLARKE. Madam Speaker, on rollcall No. 735, had I been present, I would have voted "yes."

### IN HONOR OF CAROL WALTON, PRESIDENT OF THE LADIES AUXILIARY OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Carol Walton, the outgoing President of the Ladies Auxiliary of the Delaware Volunteer Firemen's Association (LADVFA).

Before her role as President of LADVFA, President Walton previously served as the President of the Ladies Auxiliary of the Elsmere Fire Company and the New Castle County Firefighters Association.

The LADVFA has grown significantly since its inception in 1937. Today, as a result of the leadership and hard work of President Walton and others before her, there are 56 auxiliaries in the State Association—19 from New Castle County, 17 from Kent County, and 20 from Sussex County. Nevertheless, the State Auxiliaries have contributed to the community with the same dedication since the very beginning. The LADVFA provides resources and assistance to burn centers, so-called "burned out families," and scholarship funds for firefighters. They also assist each of their communities with many other worthy causes.

When called to action during alarms, LADVFA assist the firemen by serving meals or snacks while the companies are fighting fires or assisting with another emergency. The services they provide both the fireman and the community are invaluable.

The LADVFA serve such an important function in our community, and to be as effective as possible, they must have dedicated and organized leaders. President Walton has been

exactly that over the past year and the State of Delaware and our nation are greatly indebted to her for all of her past and future hard work.

### A TRIBUTE TO CARMICHAEL, CALIFORNIA ON ITS 100TH ANNIVERSARY

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to pay tribute to Carmichael, California, in honor of its 100th anniversary on September 26, 2009.

In 1909, Daniel Webster Carmichael bought 6½ square miles of land in a part of unpopulated Sacramento County—land that would grow to over 10 square miles and be known as Carmichael. It is said that he initially bought this remote mass of territory for \$30 per acre, with the intent to populate the area by selling 10-acre lots to American families moving west. Drawn by the lure of building citrus orchard fortunes, these divisions quickly sold. Three hundred families lived in Carmichael by 1927, and the population hit 2,000 by the time of the Great Depression.

In the ensuing decades, wheat, barley, alfalfa, peaches, and almonds were being grown interspersed with horse and poultry farms. Farmers have found success in good times and have battled through the tough ones, and have increasingly been sharing the community with an expanding suburban area. Once a collection of open properties, Carmichael now quarters businesses and families in addition to the traditional farm and occasional horse property.

Carmichael continues to be attractive to people from all walks of life because of its peaceful, family oriented community lifestyle—setting Carmichael in stark contrast to the more populous areas of Sacramento County. Although very close to a major metropolitan area, Carmichael boasts roaming wildlife such as deer, coyote, and wild turkey. The American River flowing through Carmichael accentuates the serenity and beauty of the region. Although many of the original 10-acre lots have been subdivided over the years, some still remain as a reminder of its rural and agricultural past.

Over the past 100 years, Carmichael has also been home to other advancements. Governor Ronald Reagan built a State mansion on California Avenue. Mark Spitz and Debbie Meyer based their successful Olympic training in the local country club. Also, Carmichael is proud to have the world's largest geranium club, and the "Fourth of July Elks Parade" is the longest enduring Independence Day procession in Northern California.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Let me also say that one of the most admirable traits I find in Carmichael is the humble yet rich tradition and history it embraces.

Now, as Carmichael has grown to a population of 72,000, Carmichael continues its legacy as a home to traditional American life.

IN HONOR OF CITY MANAGER  
LARRY CUNNINGHAM

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today to honor the former City Manager Larry Cunningham for his years of service to the City of North Richland Hills and the North Texas region.

After a public service career that spans more than four decades, Larry Cunningham retired this year from his position as City Manager of North Richland Hills, which he has held since 1997. Prior to being appointed City Manager, he served as the North Richland Hills Finance Director, as well as City Manager in Lubbock, Texas.

During his tenure, City Manager Cunningham was known for his integrity, dedication, and enthusiasm. Under his leadership, North Richland Hills has remained financially stable and continued to grow, even during changes in the economy. The City's bond rating ranks it among the top 2 percent in the state and top 10 percent nationwide.

Larry Cunningham's service to the City includes a number of initiatives that improved the quality of life for the residents of North Richland Hills. Under his leadership, over 30 Parks and Recreation Facilities were constructed in the city. Mr. Cunningham also worked to improve public safety, enacting drainage improvements and flood control, upgrading Fire Department facilities, and supporting increased police patrol and crime prevention programs. He was also instrumental in the creation of the North Richland Hills' Art in Public Spaces Program, helping to create a distinctive community identity. Many of his projects will continue to develop long after Mr. Cunningham's retirement.

It is with great honor that I recognize City Manager Larry Cunningham for his years of hard work and dedication given to the citizens of North Richland Hills and North Texas. I am proud to represent him in Washington. His service sets a standard of devotion and true leadership, one that will endure.

FEDERAL SPENDING

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. JORDAN of Ohio. Madam Speaker, if federal spending is not reigned in—we will find it more and more difficult to avoid the looming financial crisis that lies ahead. Getting a handle on the out-of-control spending in Washington D.C. is my top priority. Families and

businesses across the country are tightening their belts in these tough economic times, but Congress continues to spend like there is no tomorrow. For the sake of future generations, we have to restore a sense of fiscal responsibility to this town.

Over the August recess, the Congressional Budget Office, CBO, released an updated budget projection showing the federal government running deficits equal to \$8.7 trillion over the FY 2009–FY 2019 period.

The continued spending by this Congress is unacceptable and must be stopped. This is a path we should not have gone down; first it was the \$700 billion financial bailout, then the so-called \$787 billion stimulus. America's hardworking taxpayers deserve better—a Congress that is accountable and one that shows restraint.

During the debate on the FY 2010 Budget Resolution, I proposed a balanced budget. It was a first step in setting our nation's fiscal priorities and getting spending under control.

After the Congress adopted the budget resolution, I offered a modest next step by offering a series of "fiscal discipline amendments" to hold the line on runaway federal spending during the FY 2010 appropriations process. These amendments would force the government to live on last year's income.

Yesterday, I offered an amendment in the Rules Committee to the Continuing Resolution for FY 2010, in order to once again attempt to hold the line on spending by saving taxpayers \$84 billion. This amendment reflects our values. The American people are tired of this blank check and this bailout mentality that has got a hold of Washington. The people are sick of bailouts and rising deficits. And furthermore, they are tired of the piling debt that is crushing the future of our children and grandchildren.

AMENDMENT OFFERED BY MR. JORDAN OF OHIO

In section 101 (relating to rate for operations under CR)—

(1) insert "(a)" after the section designation; and

(2) insert at the end the following new subsections:

(b) Except as provided in subsection (c), whenever the amount that would be made available under subsection (a) for a project or activity is greater than the amount that was made available for such project or activity in appropriations Acts for fiscal year 2008, the project or activity shall be continued at a rate for operations as provided in such Acts and under the authority and conditions provided in such Acts.

(c) Whenever the amount that would be made available under subsection (a) for a project or activity covered by the Department of Defense Appropriations Act, 2010, the Department of Homeland Security Appropriations Act, 2010, or the Military Construction and Veterans Affairs Appropriations Act, 2010 is less than the amount that would be made available for such project or activity by such appropriations Acts as passed by the House of Representatives, the project or activity shall be continued at a rate for operations as provided in such appropriations Acts, as passed by the House.

In section 106(3) (relating to period covered by CR), strike the specified date and insert "September 30, 2010".

HONORING SENIOR SPECIAL  
AGENT AND RETIRED LIEUTENANT COLONEL KRAIG E. HANKINS

**HON. GEOFF DAVIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor Senior Special Agent and retired Lieutenant Colonel Kraig E. Hankins, a resident of Ashland, Kentucky.

After more than thirty years of Federal service, Senior Special Agent Hankins is retiring from the Bureau of Alcohol, Tobacco, Firearms and Explosives to accept the position of Operations Officer and Training Manager with the Tri-State Airport Authority in Huntington, West Virginia.

Senior Special Agent Hankins began his federal investigative career in Columbia, South Carolina, and has since held a number of positions both domestically and abroad.

He has served as a senior instructor and Chief of the Academy Operations Branch at the ATF National Academy in Glynco, Georgia. Senior Special Agent Hankins has also held positions in ATF Field Offices in New Hampshire, Guam, and most recently, in Ashland, Kentucky, where he worked with bomb squads and investigators throughout the Commonwealth as a Certified Explosives Specialist.

In 2008, Senior Special Agent Hankins retired from the USAF Reserve as a Lieutenant Colonel after thirty-four years of service. He served in Operation Enduring Freedom as the Senior Designated Military Officer, Office for the Administrative Review of Detention of Enemy Combatants at Guantanamo Bay, Cuba.

Madam Speaker, I ask my colleagues to join me in applauding Senior Special Agent Hankins for his distinguished career and offer our thanks for his service and sacrifice. I wish him and his family all the best as they enter this new chapter of their lives.

IN MEMORY OF JEFFERY R.  
"PUFF" ADAMS

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. SKELTON. Madam Speaker, it is with sadness that I inform the House of the death of Jeffery R. "Puff" Adams, Ray County's presiding commissioner.

Mr. Adams was born in Richmond, Missouri, in 1957. After graduating from Richmond High School, he became involved with many Richmond community activities. For example, he was a lifetime member of the Richmond All Sports Club. He also served on the Spartan Football Chain Gang for several years. Since 1990, he was responsible for painting the Spartan football field before every football game. Additionally, he was past president of the Richmond Little League Baseball program. He also coached several of Richmond's Parks

and Recreation girls' softball teams. In 2008, Jeff was named the grand marshal of the Richmond Spartan Homecoming Parade. He was a loyal alumni and lifetime supporter of the Richmond sports community.

In addition to his involvement with Richmond athletics, Mr. Adams served in a variety of community roles. He served on the Mid-America Regional Council for Presiding Commissioners Board, Ray County's 911 Board, Ray County's Rural Fire Department Board, and Ray County's Planning and Zoning Board. He was past president and served on the Shirkey Golf Club Board, and was very active on the Club House Building Association. Jeff was co-owner of Adams and Howell Floor Covering in Richmond.

Madam Speaker, Jeffery Adams was a respected leader in the Richmond community. I am certain that the members of the House will join me in extending their heartfelt condolences to his family and friends. He will be greatly missed.

---

#### REMEMBERING JIM BRADSHAW

---

#### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today to remember former Forth Worth City Councilman Jim Bradshaw, who helped to positively shape his community by serving its citizens.

Mr. Bradshaw graduated from Baylor University and soon after began his career in North Texas. He was elected Mayor Pro Tem by the city council, serving beside Hugh Parmer in 1977. Mr. Bradshaw resigned from the city council to challenge House Majority Leader Jim Wright, who remembered Bradshaw as being tough competition. Bradshaw also ran against Tom Vandergriff for the 26th District seat in the House of Representatives. He was not successful in the bid, but it did not deter him from continuing in public service.

Mr. Bradshaw's service to his community went far beyond his time spent on the city council. He sat on advisory boards for the Recovery Resource Council and the Betty Ford Center. Bradshaw's own experiences led him to help others battle addiction, and in 2005 President George W. Bush awarded him The President's Call to Service Award. Mr. Bradshaw also served on the board of the United Way, March of Dimes, and was the recipient of Bank of America's Local Hero Award for Neighborhood Excellence in 2006.

It is with great honor that I remember Mr. Jim Bradshaw for his tenacity in public service as well as his strong commitment to his community. We will always remember the example he set, and he will be greatly missed.

#### RECOGNIZING SOUTH TEXAS ACADEMIC RISING SCHOLARS

#### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CUELLAR. Madam Speaker, I rise today to recognize the leadership of the South Texas Academic Rising Scholars (STARS) organization. This nonprofit organization has been critical in helping local students obtain higher education at schools of their choosing.

The South Texas Academic Rising Scholars was established in October 2002, with the goal of making higher education accessible to the students of south Texas.

Higher education is the gateway to advancing one's future. As one of eight children born to migrant parents in the border town of Laredo, Texas, I value the significance education has in our lives. There's no doubt that my education has charted the course of my public service career. As a Hispanic-American, education helped me defy odds which still exist for millions of minorities today.

As we celebrate Hispanic Heritage Month we should recognize the role higher education plays in progressing minority communities and dissolving the disparities. With education comes opportunity; it's an undeniable equation that makes a difference in people's lives.

The STARS Student Scholarship Fund awards scholarships to qualified students of south Texas annually and partners with area colleges and universities to better serve the students of south Texas. To this day, STARS has been able to award thousands of scholarships to south Texas students. I join the organization in the belief that education is essential to the growth and enhancement of our community.

The success of STARS is not only due to those managing the program, but also in large part due to generous individuals, businesses, and organizations that support the organization. I am proud to say that 100 percent of every dollar contributed by sponsors goes toward student scholarships. The board of directors is comprised of a diverse group of community leaders dedicated to helping south Texas students achieve higher education.

This truly is a grassroots effort that has given thousands students in south Texas opportunities that wouldn't have existed otherwise.

Madam Speaker, I am honored to have had the time to recognize the goals and endeavors of the South Texas Academic Rising Scholars.

---

#### IN HONOR OF VERNON J. BRYANT ON THE OCCASION OF HIS RETIREMENT

#### HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BUTTERFIELD. Madam Speaker, I rise today to honor my friend and constituent, Mr. Vernon J. Bryant, for nearly 30 years of public service to the people of the State of North Carolina in the Department of Correction.

Since joining the North Carolina Division of Community Corrections in 1981, Mr. Bryant has steadily advanced in his responsibilities. He currently serves in the Probation/Parole division of the Department of Correction as District Manager of District 6A where he manages about 30 corrections staff. Vernon Bryant began his career as a Court Intake Officer and performed admirably over the next 19 years as Probation and Patrol Officer, Intensive Officer and as Chief Probation and Parole Officer. It was in these capacities that I became most acquainted with Mr. Bryant while I served as a Superior Court Judge presiding over the Courts of District 6A. Mr. Bryant interacted with me on a daily basis and I came to believe that he is one of the finest corrections officials in North Carolina. He is a true professional.

Madam Speaker, the Speaker of the North Carolina House of Representatives appointed Vernon Bryant to the North Carolina Criminal Justice Education and Training Standards Commission, which is responsible for the issuance, suspension, and revocation of law enforcement and criminal justice officers' certification. He has also served as a member of the North Carolina Probation and Parole Association and Criminal Justice Partnership Advisory Board for Halifax County.

In addition to his work at the North Carolina Division of Community Corrections, Mr. Bryant provides community service through Church, boards, commissions and other activities. He is a member and Chairman of the Roanoke Rapids Board of Education. He was first appointed to the Board of Education 1997 and has served as Chairman of the board since 1999. Mr. Bryant also serves as a volunteer youth coach for basketball and soccer, serves on the Halifax Regional Medical Center Board of Directors as Vice Chairman, and is Board Chairman for the State Employee's Credit Union Advisory Board.

Vernon Bryant is a devout Christian and demonstrates his values and beliefs in every aspect of his life. He serves as a member of the Roanoke Rapids Recreation Department Advisory Board and is president and co-founder of Exodus of Youth, Inc., a volunteer nonprofit organization that mentors 75 at-risk youth in four northeastern North Carolina counties. Mr. Bryant continues to give countless hours to bettering his community and there is no doubt that he will continue his community service following his well deserved retirement.

Vernon Bryant is married to Sandra W. Bryant and is the father of two adult children, Kendel and Kevin, who are also distinguishing themselves with their educational pursuits.

Madam Speaker, on Monday, September 28, 2009, friends and colleagues will join together to celebrate Vernon Bryant's three decades of exemplary service to the people of Halifax County and the State of North Carolina.

I ask my colleagues to join me in wishing Mr. Vernon Bryant much success in his retirement and thank him for all his years of outstanding public service.

RECOGNIZING RICK SCHEWE,  
LABOR MAN OF THE YEAR FOR  
THE SOUTHWESTERN ILLINOIS  
CENTRAL LABOR COUNCIL

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing Rick Schewe and congratulating him on being named the "George R. Badgley Labor Man of the Year" for the Southwestern Illinois Central Labor Council.

Rick Schewe comes from a union family. In fact, his father was honored with this same award in 1978. Upon joining the Laborers Union in 1973, Rick quickly assumed a leadership role within his local. He served as Secretary-Treasurer for 29 years, assistant business manager for nine years and business manager for 13 years. Rick has represented his local at seven International Conventions and currently is president of the Twelve Counties Southwestern Illinois Laborers District Council.

In addition to his many activities and responsibilities in representing the working men and women of our area, Rick has found time to volunteer within his community, including organizing blood drives and volunteering for the Salvation Army fund-raising campaign.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation and congratulations to Mr. Rick Schewe, a true champion of organized labor.

CONGRATULATING NORTH CENTRAL TEXAS COLLEGE ON THEIR 85TH ANNIVERSARY

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today to congratulate North Central Texas College on their 85th year of providing quality education. NCTC will be hosting an anniversary celebration on September 25, 2009.

North Central Texas College, originally Gainesville Junior College, was created when Randolph Lee Clark received authorization from the Gainesville City Council to create the college as part of the Gainesville school system on May 20, 1924.

By the 1950s the college had outgrown its original location in the old Newsome-Daugherty mansion and moved to a new location thanks to the support of citizens like W.T. Bonner, who not only voiced support for funding of the new campus but also donated land. The college eventually changed its name to Cooke County College and then, on June 1, 1994, the Board of Regents voted for the current name, North Central Texas College.

NCTC has seen steady enrollment increases over the years. Since 1980, the student population has nearly quadrupled to a current total of more than 6,000 students. With the addition of campuses in Corinth, Bowie

and Graham, the institution has positioned itself as a key provider of quality workforce education and training in areas such as nursing, law enforcement, agriculture, and computer sciences. The college also provides a foundation of academics to propel students to higher degrees.

The college is home to the Small Business Development Center which offers assistance and training to owners, managers and employees of area businesses. The Bowie campus houses the Oil and Gas Technology Center to help meet the technological demands of the energy industry. And with the new addition of the Career and Technology Center, students will be trained to rapidly adapt to ever changing industry needs.

This all gives North Central Texas College a significant role in the economic development of Cooke County and the North Texas region.

I am honored to represent North Central Texas College as part of the 26th District and I congratulate Dr. Eddie Hadlock, the faculty and students as they celebrate their 85th anniversary.

### PERSONAL EXPLANATION

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. GRANGER. Madam Speaker, on rollcall Nos. 728, 730, 731, 732, and 733, I was absent from the House. Had I been present, I would have voted "nay" on all.

### HONORING COLE PELLETER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cole Pelleter, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 66, and in earning the most prestigious award of Eagle Scout.

Cole Pelleter has been very active with his troop participating in many scout activities. Over the many years Cole Pelleter has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Cole Pelleter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

### HONORING A SALUTE TO VETERANS AT ST. RICHARD PARISH

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. LIPINSKI. Madam Speaker, I rise today to honor St. Richard Parish in Chicago, Illinois.

Saint Richard Parish is hosting its tenth annual Salute to Veterans on Sunday, September 27, 2009.

This celebration, which honors all veterans living and deceased, was started ten years ago by a group of veterans led by Joseph Pierce, William Izquierdo, George Vescovi, and Daniel Costa. All members of the community have been invited to join in honoring the men and women who served our country in the past and those who continue to serve today.

Veterans groups and organizations from throughout the community will come together for this special celebration, which will include a Mass to be followed by a program honoring veterans. I look forward to the honor and privilege of participating in this event for our brave veterans.

Prior to the service, a special ceremony will be held in remembrance of all who have lost their lives in the Iraq and Afghanistan conflicts, including Pfc. Omar Torres, a member of the parish who was killed in Iraq in 2007.

I ask you to join me in honoring the members of St. Richard for their civic dedication and the veterans who will be celebrated for their incredible and selfless service to our nation.

IN HONOR OF WARREN JONES,  
PRESIDENT OF THE DELAWARE  
VOLUNTEER FIREMEN'S ASSOCIATION

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Warren Jones, the outgoing President of the Delaware Volunteer Firemen's Association (DVFA).

President Jones' career began at the Elsmere Fire Company, where he rose to the rank of Chief and President while serving the town. President Jones' distinguished career did not stop there, however; he then went on to become President of the New Castle County Firefighters Association, as well. After moving from New Castle County to Rehoboth Beach, he became an active member of the Rehoboth Beach Volunteer Fire Company. His continued dedication to serving his community is an inspiration to all Delawareans.

This past January, President Jones had the honor of leading the DVFA contingent in the Inaugural Parade in Washington D.C. I commend President Jones on his exceptional career of service and dedication and I am glad that he had this once-in-a-lifetime opportunity.

Firefighters fulfill a vital need in our society, and to be as effective as possible, they must have dedicated and organized leaders. President Jones has been exactly that over the past year, and the State of Delaware and our nation are greatly indebted to him for all of his hard work.

RECOGNIZING BELLEVUE, WASHINGTON COCA-COLA FACILITY

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. REICHERT. Madam Speaker, today I want to applaud the Coca-Cola facility, located in Bellevue, Washington, for their remarkable efforts and leadership in sustainability and conservation.

In August, I toured this Coca-Cola facility in my district in order to see for myself the extraordinary environmental efforts going on there. In May, the facility was the recipient of the Business Generator Recycler of the Year Award, presented by the Washington State Recycling Association, after finishing 2008 with a recycling rate of 99.7 percent! The tour was impressive, to say the least, and I am so proud to represent such a great example of corporate responsibility and stewardship.

I also understand Coca-Cola is celebrating Corporate Responsibility and Sustainability in Action week in Bellevue soon and I hope CEO John Brock and his employees will enjoy their visit to the Eighth District of Washington. I know the Coca-Cola Corporation and their facility in Bellevue will continue to provide sound environmental leadership and I thank them for their earnest investment in sustainability, stewardship and conservation.

RECOGNIZING LAWRENCE J. JENNINGS, HERNANDO COUNTY, FLORIDA

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize Lawrence J. Jennings of Hernando County, Florida. After 36 years of dedicated service to Hernando County, Larry will retire this fall.

Throughout his tenure, Larry has been a dedicated steward of Hernando County. He has involved himself in the creation of numerous growth management regulations and comprehensive planning strategies to accommodate the rapid growth in the county. His resume alone makes him worthy of this proclamation: He has held the positions of Planning and Zoning Administrator; Deputy Director of the Development Department; Planning Director; Assistant County Administrator for Growth and Development Services; and the Director of Growth and Development for Hernando County. He will retire as the Deputy County Administrator for Hernando County.

However, it is his genuine ability to work with both the public and business communities, and numerous Federal, State, and local officials, including myself, which has brought me to the floor today.

I worked with Larry from 1988 to 1990 when he was the Planning and Zoning Administrator and again from 1990 to 1992 when I was the County Commissioner. I always found him to be thorough, incredibly accurate and, despite

his serious demeanor, he was quick to laugh at a good joke.

I wish him the very best of health and happiness in his retirement. However, I must take this opportunity to remind him that he is far too young to sit in a rocking chair.

COMMEMORATIVE CLASSIC FOOTBALL GAME BETWEEN JOHNSON C. SMITH UNIVERSITY AND LIVINGSTONE COLLEGE

**HON. MELVIN L. WATT**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. WATT. Madam Speaker, on December 27, 1892 the first college football game between two historically black institutions of higher education was played in Salisbury, North Carolina. On October 3, 2009 the Livingstone College and Johnson C. Smith University football teams will extend this 117-year rivalry in the 2009 Commemorative Classic Football Game.

I rise to recognize and pay tribute to Livingstone College and Johnson C. Smith University as they prepare to participate in this historic game which is being held in my Congressional District.

Collegiate sports provide a backdrop for a multitude of life's lessons and a crucible in which many of society's leaders are shaped. To quote former Livingstone College president S.E. Duncan, "The claim that football engenders school spirit has seldom been challenged. For the stimulation of academic improvement, for its impact on the citizenship of our students and the outcomes of physical fitness, football comes increasingly to the attention for consideration . . . May we remember those who learned how to win and lose."

I wish continued success to Livingstone College and Johnson C. Smith University, and best of success in this year's game to Dr. Jimmy Jenkins, President of Livingstone College, and to Dr. Ronald Carter, President of Johnson C. Smith University. I am honored and privileged to represent these institutions and their outstanding scholars-athletes in Congress.

25TH ANNIVERSARY OF THE WAXMAN-HATCH ACT

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. WAXMAN. Madam Speaker, twenty-five years ago, President Ronald Reagan signed the landmark Waxman-Hatch law, delivering generic drug competition to the American marketplace. Since that time, generic drugs have provided millions of American consumers with access to low-cost, yet safe and effective drugs. In the last decade alone, generics have saved consumers, businesses, and state and federal governments \$734 billion. American consumers fill more than six of every ten prescriptions with safe and effective generic

medicines. During these difficult economic times, generic pharmaceuticals are critical to assuring that patients continue to have access to lifesaving medicines. Making sure that Americans have access to, and can afford, life-saving medicines has been one of my chief goals as a Member of Congress, and I am proud of the success of generic competition in helping achieve that goal.

Since passage of the Hatch-Waxman law, we have seen a shift in the pharmaceutical marketplace to permit greater competition and innovation—a win-win for purchasers and manufacturers alike. As a result, millions of Americans have access to safe and affordable generic medicines and our health care bill is much lower than it otherwise would have been. There is still much more we can do to increase savings from generic drugs. We should not only celebrate the 25th anniversary of Hatch-Waxman, but we should use it as motivation to ensure there is real generic competition for biotech medications. Let us show Americans that we understand that they deserve access to affordable medicine and give them a pathway that provides reasonable incentives for innovation, but does not pose unnecessary barriers to competition.

PERSONAL EXPLANATION

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. CLARKE. Madam Speaker, on rollcall No. 718, had I been present, I would have voted "no."

IN HONOR OF REBY CARY

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today in recognition Reby Cary, a man who has contributed extensively to the Fort Worth community. His life achievements are being celebrated this month by family and friends at New Rising Star Baptist Church.

Mr. Cary's life has been one of patriotism, service and achievement. After graduating from I. M. Terrell High School, he earned a B.A. in History and Political Science at Prairie View A&M University. He started the path to a higher degree, but would first answer the call to duty. While forced to endure the numerous social inequalities of the time, Mr. Cary served ably and honorably as one of the first African American Radiomen First Class in the Coast Guard, supporting combat operations in the Pacific Ocean aboard the U.S.S. *Cambria* during World War II.

Mr. Cary returned to complete his Master of Science degree at Prairie View A&M University in 1948. He later participated in graduate studies at Texas Christian University and North Texas State University. He would then go on to educate future generations as an instructor at Dunbar High School and as a professor at numerous institutions. He served as

Dean of Personnel at McDonald College of Industrial Arts, and Associate Dean of Student Life and Director of Minority Affairs at the University of Texas in Arlington.

He also broke barriers in public service as the first African American on the Fort Worth ISD School Board, as well as serving as the Texas State Representative from District 95. Mr. Cary has also given back to his community through his service with many area organizations, including volunteering with the Boy Scouts, United Way, Rotary Club of Arlington, and President of the Fort Worth Metropolitan Black Chamber of Commerce. And through all of this, he also found time to be an accomplished author.

He continues to have an impact on the community through his insight and advice. Mr. Cary has always been available to take my phone calls and he has been a rich source of information and history regarding Tarrant County and the City of Fort Worth. He has a unique ability to bring the correct historical context to some of the more contentious debates today. His commitment to the community has continued through his daughter, Faith Ellis' active political and community advocacy in issues such as infant mortality and support for medical research.

It is with great honor that I recognize Reby Cary as a man who has served the Fort Worth community for over a half century as someone dedicated to the education and advancement of all. His is a legacy of service to the City of Fort Worth, the State of Texas and this great Nation, and one that will endure. I am proud to represent him the U.S. House of Representatives.

#### OBSERVATION OF NATIONAL HISPANIC HERITAGE MONTH

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CALVERT. Madam Speaker, I rise today in recognition of National Hispanic Heritage Month. The observation of September as National Hispanic Heritage Month began in 1968 with the designation of Hispanic Heritage Week. It was expanded by President Ronald Reagan in 1988 to cover a 30-day period. Now, every year from September 15 to October 15, we proudly celebrate the histories, cultures and contributions of Americans whose ancestry includes Spain, Mexico, the Caribbean, and Central and South America.

The founding of the United States of America was predicated on the idea that all men are created equal and that America would be a place where anyone could achieve and succeed. That success should know no boundaries.

This year's theme for National Hispanic Heritage Month recognizes the role Hispanic Americans have played in making that dream a reality. Their strength and hard work, anchored by a deep love for family and country, has helped shape our society for the better.

I commend the proud history of all Hispanic Americans and ask that all Americans honor National Hispanic Heritage Month. The rich-

ness of Hispanic culture and the contributions of Hispanic Americans have made our country a better nation.

#### IN HONOR OF KEVIN WILSON, IN- COMING PRESIDENT OF THE DELAWARE VOLUNTEER FIRE- MEN'S ASSOCIATION

#### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Kevin Wilson, the incoming President of the Delaware Volunteer Firemen's Association (DVFA). President Wilson began his career at the Clayton Volunteer Fire Company No. 1, beginning as a junior member, and moving up to Chief before taking on leadership roles in Kent County and the State of Delaware.

President Wilson's life has been dedicated to protecting others. Along with his distinguished career in the Fire Service, President Wilson served with the Delaware State Police as a Trooper Medic. He is currently an investigator for the Delaware State Police's Sex Offender Division.

During the four decades that President Wilson has served his community, he has been recognized by his peers for heroic work. These honors include being named Clayton Fire Company Fireman of the Year in 2006 and co-winner of the State Fireman of the year in 1997.

I commend President Wilson on his exceptional career of tireless dedication and selflessness. DVFA is fortunate to have such a man filling this important role. I am confident that President Wilson's experience and leadership will help DVFA continue on the path of exceptional service for which they are known across our State.

#### CELEBRATING 125 YEARS OF MAUMEE VALLEY COUNTRY DAY SCHOOL

#### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. KAPTUR. Madam Speaker, I rise to recognize the 125th birthday celebration of Maumee Valley Country Day School in Toledo, Ohio. As noted in the school's history, "While the world has changed dramatically since the founding of our School in 1884, essential characteristics of our school have remained constant."

Since its founding in 1884, Maumee Valley has seen itself as "a warm, family-centered, comfortable environment that encourages passion and creativity in our exceptional student body." The school is built on the foundation of a visionary board, supportive parents, and the dedication and commitment of our talented faculty and staff, and has never lost focus on its core purpose, to provide the best educational opportunities for its students.

Maumee Valley Country Day School's original school was on North Summit Street in downtown Toledo and known as the Smead School for Girls. The school soon moved to the Judge John Fitch Homestead in Toledo's Old West End. The current school's Smead building was completed in 1934. Beginning in the 1950s, the school saw increasing construction and expansion to its present day. Now in the 21st Century, Maumee Valley embarks on new transformations to further develop education in the new century.

Maumee Valley Country Day School's mission is "to enable students to become enlightened, compassionate and contributing citizens of our global community, while preparing graduates for their best opportunities in higher education." Over three centuries, the school and its leadership, parents and students, have carried forth this mission. As they pause to mark this milestone 125th year celebration, I join the school families past and present in looking toward a bright future.

#### TRIBUTE TO ANNE WHITEMAN

#### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today in recognition of a brave American, Anne Whiteman. Anne was born September 5, 1956 to parents who met and married in Tübingen, Germany. Her father was born and raised in Germany and fought as a soldier in the German Army during WWII and was later held captive by the American Forces. During Anne's childhood, he recounted many fascinating stories that led to his love for America and his becoming a U.S. citizen.

Though Anne was born in Virginia she completed high school in Germany and worked at the American Consulate in Frankfurt. After college and various jobs she applied with the FAA in 1981 and was the first woman certified Air Traffic Controller to work at El Paso. In those days, pilots were not used to speaking with a female controller but she quickly earned their respect. She was selected for a position at DFW in 1984 where she started in the Tower but later moved downstairs to work in the Terminal Radar Approach Control, TRACON, radar room. Anne believes that her move to the TRACON gave her the best gift as it was there that she met her husband. No one thought they could survive working together every day but not only did they survive but they thrived. Anne was certified on all positions in February of 1986 and became the first female controller to certify at DFW TRACON.

Anne has worked many aircraft in distress and has assisted pilots as she grew in her knowledge of aircraft and skills. As a result, she was encouraged to bid on a supervisor's position and after much encouragement bid on a temporary supervisor detail and was selected for the 120 days in August 1985 and became hers permanently and the rest is history.

While Anne Whiteman received numerous awards throughout her career and became

recognized as a valued FAA team member, this all changed when the safety concerns she reported were compromised and covered up which led to her blowing the whistle. As a result, she was ostracized at the job she loved. During Anne's career, she has supervised or trained at least 30 air traffic controllers at the DFW Tower or in TRACON and was recognized by the Department of Transportation Inspector General who found her egregious reports were well-documented. Twice during a three-year period, these reports were submitted to the President. This reporting activity also led to her being awarded the Office of Special Counsel's 2005 Public Service Award and later sharing the Public Servant of the Year in 2008 for her contribution to air safety. She was also nominated for the 2006 Service to America medal while the reprisals continued along with her safety concerns. After some 30 years of service with the FAA, Anne Whiteman is no ordinary hero for she put her job and well-being on the line for what she believed was needed in order to protect the flying public.

As a Member of Congress it has been my honor to serve this valiant American who not only helped pave the way for women controllers but also serves as a courageous example in the protection of air travel and she did not flinch at such a great personal loss. This record serves to honor this service as she retires from the job she loves on September 3, 2009.

**A PROCLAMATION HONORING  
ABBY FROMAN FOR WINNING  
THE GIRLS DIVISION IV STATE  
SOFTBALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. SPACE. Madam Speaker,

Whereas, Abby Froman showed hard work and dedication to the sport of softball; and

Whereas, Abby Froman was a supportive team player; and

Whereas, Abby Froman always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Abby Froman on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

**IN MEMORY OF MR. JAMES H.  
DONNEWALD OF BREESE, ILLINOIS**

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to honor the life of a distinguished public servant, devoted husband and loving father.

James Donnewald, a man who spent his career serving the people of Illinois as a legislator and state treasurer, passed away September 18th, at the age of 84.

From an early age, Mr. Donnewald had a desire to serve his country. Before beginning his career as a lawmaker, he volunteered for military service in both World War II and the Korean War, but was honorably discharged due to a heart murmur.

After returning from the service, Mr. Donnewald attended St. Louis University and later Lincoln College of Law. In 1960, he was elected to the Illinois state House of Representatives, where he served two terms. After serving as a Representative, James Donnewald was elected to the state Senate in 1964. Throughout his distinguished tenure, he garnered the respect of his colleagues rising to the office of assistant Democratic leader and chairman of the Reapportionment Committee.

In 1982, Mr. Donnewald was elected to one term as Illinois State Treasurer. After his time in public office, he continued to serve our community through his law practice in Breese, IL.

I extend my heartfelt condolences to Mr. Donnewald's daughter Jill, his sons Craig and Eric, his sisters Irene and Juanita and his five grandchildren. He was a respected member of his community and will be deeply missed.

**COMMENDING THE CLASS OF '59**

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. FARR. Madam Speaker, Members of the House, I rise to commend an era that many Members of this body fondly remember.

It was the 1950s. This year, the last class of that era, students of the class of '59, celebrate their 50th high school reunions. I am one of those students, and I would like to submit for the RECORD the thoughts of a classmate—Lucinda Lloyd—on those formative years. It was a historic and poignant time for all of us.

Carmel High School Class of '59. That was our identity.

After leaving Sunset School, we entered the hallowed halls of Carmel High School as timid Freshmen. Progressing through the awkward Sophomore stage, we survived being Juniors until we ruled the school as mighty Seniors.

Ours was an age of innocence and happy days, unbeaten athletic teams, and scholastic success. We rocked around the clock, danced cheek-to-cheek to Unchained Melody, hung out at Konrad's, wore Bass Weejuns or Spaulding oxfords, congregated at the Youth Center, cheered our teams to victory, occupied the Senior Steps and looked forward to years of accomplishment. After all, we were told that the world was ours, all we had to do was go for it.

Leaving Carmel behind to forge our paths in the Big World, we attended colleges and universities, went to MPC, joined the military or began another career. Or we got married and had children. Some of us got divorced, while other marriages survived. Some of us distinguished ourselves in careers

and chosen fields of work. And some of us died.

Our common bonds of shared childhood experiences glued us together, more as cousins than classmates. Today we anticipate our 50th reunion with mature interest, warmed by the knowledge that we've softened the sharp edges that may have separated us, that we are more alike than different, that we can laugh at ourselves and with each other.

We've made it! We're adults with grown children who have children. We no longer care if our hair styles droop or frizz in the fog, that our loose clothing covers softened curves, or if we have a date for Saturday night. Accepting ourselves as we are has allowed us to accept everyone else, no matter what.

With warmth in our hearts, smiles on our faces and arms ready to hug, the Class of '59 reunites to remember old times, renew bonds of friendship and forge closer relationships for the coming years. The longer we live, the more we need one another.

Ours was a magic time in a magic place. It is with the perspective of age that we finally realize how lucky we were, how lucky we are. Let us give thanks and enjoy our time together. God bless America.

Go Padres! Forever friends, Class of '59.

**PERSONAL EXPLANATION**

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. MOORE of Kansas. Madam Speaker, on July 17, 2009, I inadvertently voted "nay" on final passage of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act of 2010. I should have voted "aye" as I strongly support the projects and programs funded through this important piece of legislation.

**A TRIBUTE TO SAFETY CENTER  
INCORPORATED, ON THEIR 75TH  
ANNIVERSARY**

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today in celebration of Safety Center Incorporated's 75th anniversary occurring on October 19, 2009, and in praise of their many contributions to the State of California. Safety Center Incorporated, originally established as the Sacramento Safety Council in 1934, was initially recognized by civic leaders "to combat (the) unprecedented wave of motor vehicle fatalities and injuries" in the Sacramento region. This was in reaction to the front page headline of the Sacramento Bee on October 8, 1934, which read, "Local auto deaths soar to 6."

Over the past 75 years, Safety Center Incorporated has expanded well beyond traffic safety programs and is now among the most respected providers of safety leadership and training throughout California and Nevada.

In just the past 5 years alone, SCI has trained 88,925 people amongst a diverse collection of programs. Children and developmentally disabled adults have been given

tours of 'Safetyville'—which is celebrating its 25th anniversary this year. Teens have been taught defensive driving and have been given an education in alcohol and drugs. Enthusiasts of all ages have completed basic and experienced rider motorcycle courses. Professionals have been certified for first aid, CPR, forklift operations, work zone safety, commercial construction, and other courses designed to provide "training solutions that fit" for a diverse array of occupations.

Throughout their history, SCI has been a dependable partner to the public by providing the assistance needed with the changing times. When the Federal Government passed the "Occupational Safety & Health Act of 1970" creating OSHA and authorizing the creation of the first mandatory safety standards for the nation—SCI was there to help lead the community in accountability and preparedness. When the State of California first mandated that drunken drivers attend remedial classes—SCI offered the first classes in the State to educate Californians.

Today, Safety Center Incorporated has locations throughout California. Along with the main campus in Sacramento, there are now campuses in Modesto, Citrus Heights, and Claremont.

I thank Safety Center Incorporated on behalf of my fellow Californians for the untold impact that they have had on the well-being of our home.

**TRIBAL LEADER OF THE TACHI  
YOKUT TRIBE, CHIEF CLARENCE  
ATWELL, JR.**

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. COSTA. Madam Speaker, I rise today to acknowledge the esteemed and cherished Tribal Leader of the Tachi Yokut Tribe, Chief Clarence Atwell, Jr., as he embarks upon his journey of retirement.

The Tachi Yokut Tribe, now 300 members strong, enjoys a rich California history, inhabiting the San Joaquin Valley for centuries. Chief Atwell has provided leadership, advice and spiritual guidance for his tribe and sister tribes across our great Nation for over 40 years.

Born in the early morning hours under a lone tree on the Rice Ranch, Clarence Atwell would grow to lead an extraordinary life. Raised by his grandmother on the reservation, Clarence spoke only his native language of Tachi. It was only when he began to attend school that he taught himself to learn and speak the English language. During his adolescent years, Clarence developed a strong passion for caring for the tribal elders. He would spend days hunting for food; sometimes walking several miles in order to bring the nourishment of rabbit, deer and fish to the elders. As he grew into a young man, his love of the land allowed him to work in the fields where he drove a tractor and worked from sunup to well beyond sundown each day.

Always strongly connected to his tribe, it was in his early 20s that he was first elected

Tribal Chairman, a position he would hold for over 40 years. Under the powerful and wise Tribal Leadership of Chief Atwell, the Tachi Yokut Tribe has prospered. The members have grown into self-sufficiency and they have worked hard for many years to grow their Tachi Palace in Lemoore from a small gaming facility into one of the San Joaquin Valley's top destinations. Tribal members now have access to housing, a particularly significant accomplishment, the elders receive lunch each day and the members have dental and medical care.

Renowned for his spiritual as well as his political leadership, the Kings County of California acknowledges Chief Atwell as an official Spiritual Leader. He has been blessed to perform countless life-changing ceremonies including weddings, baptisms and funerals. Chief Atwell is a Bear Clan Leader for California, one of the highest native spiritual honors afforded to any individuals. The Bears were part of the official inauguration ceremony of then California Lt. Governor Cruz Bustamante where they performed in full regalia at the State's Capitol. Chief Atwell has met many political leaders, including having had the honor to talk with Vice President Al Gore and President Bill Clinton at the White House. Certainly known for his candor and forthrightness, though always in a quiet manner, Chief Atwell had the occasion to meet Governor Schwarzenegger where he shared some very pointed comments, causing a national news story; a moment he remains proud of, on behalf of his tribe. Tribes across the country have come to count on Chief Atwell for his political savvy, keen knowledge and intense wisdom.

Wed to his sweetheart, Jeanette, Clarence and Jeanette's blended family includes sons, Rufus, Aub and Curtis and daughters Cheryl and Kimberly.

Chief Clarence Atwell, Jr., has endured much in his lifetime, and it is at this crossroads that I ask my colleagues to join me in acknowledging the fine deeds of Chief Clarence Atwell, Jr. and wish him and his family well as he embarks upon his retirement.

**HONORING EARLVILLE  
ELEMENTARY SCHOOL**

**HON. BRUCE L. BRALEY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by Earlville Elementary School in Earlville, Iowa by being named a 2009 No Child Left Behind-Blue Ribbon School.

The program honors elementary, middle and high schools that are superior academically or that demonstrate dramatic gains in student achievement to high levels. Students at Earlville Elementary School ranked in the top 10 percent on state tests.

Earlville Elementary School is one of six Iowa Schools receiving the honor this year. This is a true credit to the staff and teachers who continually challenge students to want more and be better.

Madam Speaker, I am extremely proud of the accomplishments of Earlville Elementary School and its Principal, JoAnn Swinton. Earning this award shows strength and persistence and I am proud to serve these fine students in Congress.

**RECOGNIZING THE ONE HUNDRED  
FIFTH BIRTHDAY OF ROWENA  
ELLISON**

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the one hundred fifth birthday of Rowena Ellison on September 25, 2009.

Rowena Ellison was born in Minnieville, Virginia at the Windsor Farm on September 25, 1904. Rowena was the fourth of eight children born to Luther Windsor and Minnie Alexander. She married Roy Ellison from Texas and moved to Alexandria, Virginia in 1936. Together they raised five children, each of whom graduated from George Washington High School. Rowena Windsor has 13 grandchildren and 16 great-grandchildren. Rowena was widowed in 1969. She continues to live in Alexandria with the help of her children.

**100TH ANNIVERSARY OF SALINAS  
PUBLIC LIBRARY, SUNDAY, SEP-  
TEMBER 27, 2009**

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. FARR. Madam Speaker, I rise today to celebrate the 100th anniversary of the Salinas Public Libraries in Salinas, California. In 1907, the Salinas Civic Club received \$10,000 from Andrew Carnegie to create a public library. Over the next 2 years they raised another \$4,000, purchased a site and collected books from the Odd Fellows, the Women's Christian Temperance Union, and Daughters of the American West libraries. On September 5, 1909, the doors opened for the first time to the Carnegie Public Library.

A city-wide financial crisis in 2005 threatened closure of the library. This very real danger was nationally publicized and was featured in the movie *The Hollywood Librarian*. The residents of Salinas passed a measure to fund all library operations for 10 years. Today the Library Commission and Friends of the Salinas Public Library raise thousands of dollars for children's programs, and partner with other community organizations and foundations to ensure that the libraries remain open, giving needed services to the community.

All through this year the library celebrated the rich history of the people of Salinas, gathering and displaying over 5,000 historic photographs, paintings of old Salinas adobes, oral histories of prominent residents, historical papers, and other documents. The anniversary was the catalyst for public programs and exhibits of the memories of the people and



places of Salinas. The Centennial voices of children, youth and adults became part of the new collection of voices in the Library.

Madam Speaker, the three branches of the Salinas Library—John Steinbeck, Cesar Chavez and El Gabilan—encourage reading, and provide materials and services to help members of the community meet their personal, informational, educational, and cultural needs. This is the mission statement of the library, and the 42 dedicated employees more than live up to this goal. I know I speak for the whole House in saluting the community of Salinas on this joyous occasion.

#### PERSONAL EXPLANATION

### HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 733 had I been present, I would have voted "no."

CONGRATULATING SAINT MARK  
MISSIONARY BAPTIST CHURCH  
AS THEY CELEBRATE THEIR 130-  
YEAR ANNIVERSARY

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Saint Mark Missionary Baptist Church on their 130-year anniversary. The church, located in McKinney, Texas, will be hosting anniversary services on October 9, 2009.

Saint Mark Missionary Baptist Church was founded in 1879 by Reverend Jones and Reverend Dick White, who conducted prayer services in the homes of their members, many of whom were freed American slaves.

Through a commitment to ministry and mission work, the church serves to enrich the community within its own congregation as well as the surrounding Dallas-Forth Worth areas. The church has undergone numerous expansions, helping them grow to provide more resources for their community. Recently they acquired over 2 acres in north Texas to accommodate a growing membership.

Madam Speaker, today it is my honor to recognize the Saint Mark Missionary Baptist Church. They have demonstrated a level of commitment to community that is well appreciated, and serves as an example for us all.

IN HONOR OF LORRAINE MADDEN,  
INCOMING PRESIDENT OF THE  
LADIES AUXILIARY OF THE  
DELAWARE VOLUNTEER FIRE-  
MEN'S ASSOCIATION

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Lorraine Madden, the incoming President of the Ladies Auxiliary of the Delaware Volunteer Firemen's Association (LADVFA).

President Madden has been a life-long member of the Bowers Fire Company Auxiliary. Like many other members of the Auxiliary and Fire Departments, President Madden's father was the Fire Chief, and her mother was President of the Auxiliary. It has been said that being part of these organizations is like being part of a family—in Lorraine Madden's case, this rings particularly true.

Prior to being elected to this new post, President Madden served as President of the Auxiliary at Bowers and was also the President of the Auxiliary to the Kent County Volunteer Firemen's Association. Her record of service and leadership is commendable, and I believe her worthy of the honor of holding the presidential office.

The LADVFA serves such an important function in our community, and to be as effective as possible, they must have dedicated and organized leaders. I have every confidence that President Madden will provide the LADVFA the leadership it requires and is known for. I wish her the very best in her new role.

#### PERSONAL EXPLANATION

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. GRANGER. Madam Speaker, on rollcall Nos. 727, 729, & 734, I was absent from the House.

Had I been present, I would have voted "yea" on all.

HONORING RONALD BOEHM ON HIS  
INSTALLATION AS COMMANDER  
OF AMERICAN LEGION WILLIAM  
MCKINLEY POST 231

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. LIPINSKI. Madam Speaker, I rise today to honor Commander Ronald Boehm on the occasion of his installation as Commander of American Legion William McKinley Post 231.

Ronald Boehm has served as Commander of Post 231 eight times and his exemplary service is a model of leadership and devotion. In the summer of 2007, Commander Boehm aided in the construction of a beautiful and moving monument to all war veterans, especially those from Post 231 who gave the ultimate sacrifice for our nation. This monument sits outside the McKinley Post and is visible to all who pass by on 35th Street.

In 2001, as Commander, Ronald Boehm led a fundraising effort for the widows and orphans of policemen and firefighters. The fundraiser was a great success and amassed over \$10,000 for the cause.

Even outside of his work with the American Legion, Ronald Boehm has dedicated his life to the service of others, and recently retired after 40 years as a Chicago firefighter. His outstanding civic service was recognized this year by the McKinley Park Civic Association, which named Ronald Boehm "Man of the Year."

Today, I ask my colleagues to join me in recognizing the years of exceptional service and dedication of Commander Ronald Boehm. We acknowledge his service to our nation and to his community, and we express our gratitude.

**SENATE—Tuesday, September 29, 2009**

The Senate met at 11:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who reads our hearts and knows our motives, You are the source of our being and the goal of our striving, hallowed be Your Name. Inspire our Senators to keep within the grasp of Your firm hands the threads of this day's words and deeds. May they seek Your will throughout this day and permit You to transfigure and redeem even their disappointments and setbacks. As they face perplexing issues of state, may the strength of each be as the strength of 10 because of pure motives. May all that our lawmakers do and are today be so obviously an expression of Your truth that they can be confident of receiving the smile of Your approval.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 29, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, the Senate will be in morning business until 1:30 today. Senators are permitted to speak during that period of time for up to 10 minutes each. Following that morning business, the Senate will resume consideration of the Defense appropriations bill.

At 4:30 today, the Senate will turn to executive session to debate the nomination of Jeffrey Viken to be U.S. district judge for the District of South Dakota. At 5:30 today, we will vote on the confirmation of that nomination.

**DEFENSE APPROPRIATIONS**

Mr. REID. Madam President, this afternoon we will begin work on the Defense appropriations bill, as I announced. The bill provides \$636 billion in new discretionary authority for the Department of Defense, including more than \$128 billion in funding for overseas contingency operations.

This is a good bill. It provides funding to grow the Army by 22,000 soldiers, provides \$108 billion for procurement of new equipment that our men and women in the military badly need as a result of the equipment having been damaged, destroyed, and worn out in Iraq and other places. It also provides for a modification of tactical vehicles to better protect our forces in battle.

In Nevada, there are significant contributions being made, as we speak, to the wars in Iraq and Afghanistan, with more than 700 Nevada Guard men and women in combat today. Because the desert terrain in Nevada is similar to that in Iraq and Afghanistan, many of our Nation's warriors prepare for their deployment in Nevada. The Naval Air Station in Fallon, in northern Nevada, is the home to the Navy's preeminent strike and air warfare center, which includes the Navy Fighter Weapons School, better known as Top Gun. Naval Air Station Fallon also houses the Strike Warfare Center and the Carrier Airborne Early Warning Weapons School.

If you are a Navy fighter pilot, the only training that allows you to have, in effect, a Ph.D. in flying the Navy's top fighter planes is going to Fallon. Hawthorne Ammunition Depot has been in existence since the late 1920s as a result of a huge explosion of an ammunition facility in New Jersey. Since the late 1920s, this base—in very arid, dry, north-central Nevada—serves as the staging area for conventional bombs, rockets, and ammunition, a role it has filled since World War II.

Creech Air Force Base, located about 35 miles north of Las Vegas, employs

the combat-ready Unmanned Aircraft System or what we call the drones. It is known as the Joint Unmanned Aircraft System Center of Excellence. It is from that facility that the strikes take place in Iraq and Afghanistan; that is where the people on the ground actually do the work that allows these vehicles to do their damage, wherever they are designated to go.

Finally, Nellis Air Force Base, outside Las Vegas, home of the first dedicated air warfare and later air-ground training facility, continues to provide advanced air combat training for U.S. and allied forces. This is the home of the Thunderbirds.

The fiscal year ends tomorrow. We need to pass this Defense bill to ensure these men and women in uniform—our soldiers, marines, sailors, air men and women—have every resource they need to successfully carry out their mission. Whether stationed in Nevada or on one of our many bases around the world, all America's troops are depending on us to do something and do it quickly.

The managers of this bill, Senators INOUE and COCHRAN, were here last Thursday and Friday. They are back this afternoon, ready to complete action on this legislation. This is an extremely important piece of legislation. The Senate needs to act on it very quickly so we can get to conference and minimize the time the Department of Defense has to operate on a stop-gap continuing resolution.

I hope people who have amendments to offer will offer them. We have already had 2 days to offer amendments. We have two of the most experienced managers in the Senate with Senators INOUE and COCHRAN. I hope people would offer their amendments because we are not going to be on this bill all week. We are going to get off this as soon as we can.

**RECOGNITION OF THE REPUBLICAN LEADER.**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**DEFENSE APPROPRIATIONS**

Mr. McCONNELL. Madam President, this afternoon we resume consideration of the Defense appropriations bill, and among our most immediate concerns are the protection of our troops and allies in Afghanistan and the success of our mission there.

The President's pick to lead our efforts in Afghanistan, GEN Stanley McChrystal, has made clear that more

forces are necessary to accomplish the mission. And while the administration has not yet reacted to General McChrystal's report, in my view, the President must soon explain to the American people his reasons either for accepting The McChrystal Plan or for taking a different course.

Timing is important. A failure to act decisively in response to General McChrystal's strategy, and his anticipated request for additional forces, could serve to undermine some of the good decisions the President has made on national security.

That said, no President decides to commit troops lightly; all such decisions have far-reaching consequences. And that is why General McChrystal and General Petraeus should also come to Washington to explain to Congress and to the American people how their strategy will work. A counter-insurgency strategy will require a significant investment in time, troops, and resources. We need an explanation from our generals why that investment is needed.

The recent disruption of an alleged al-Qaida plot against America was a reminder to all of us of the seriousness and urgency of our efforts in Afghanistan. There should be no doubt that al-Qaida remains a serious threat. We cannot allow al-Qaida to establish a safe haven in the very place where it plotted and planned the 9/11 attacks.

The Taliban is gaining ground in Afghanistan. And our commanders in the field are in the best position to tell us what is required to complete their mission. General McChrystal says that without adequate resources, we will likely fail. In my view, we should listen to his advice. And hopefully, we will be able to get that advice in person in a timely manner.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 1:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. AKAKA. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### TROPICAL STORM KETSANA

Mr. AKAKA. Madam President, I rise today to stand in unity with our friends in the Philippines, China, and Vietnam, who are recovering from a terrible natural disaster.

Tropical Storm Ketsana struck the Philippines Saturday near Manila, causing massive flooding across the island nation. According to news reports, more than 80 percent of the capital city was submerged by the floods. Footage shows people being swept away by raging torrents, stranded on rooftops without supplies, or wading through waist-high flood water. According to the Associated Press, at least 284 people in the Philippines are confirmed dead, and nearly half a million people have lost their homes. As I speak, rescuers are searching for any remaining survivors. Family members are mourning lost loved ones. Millions of Filipinos across the country are struggling to find clean water, food, medicine, and shelter.

I commend the U.S. Embassy in Manila for pledging financial aid to help the Philippine government get life-saving necessities to people living in emergency shelters.

I am proud and honored by the work of members of the United States Armed Services, based in the Philippines. Their important mission is to provide counterterrorism training, but in the face of disaster, our troops have heroically conducted a number of life-saving rescues. Now they are helping to distribute supplies.

I also thank UNICEF for its large pledge of financial support.

In Hawaii, a number of organizations have stepped up to help. The Filipino Community Center, the United Filipino Council of Hawaii, and the Philippine Consulate General of Honolulu are among the organizations raising funds. I am encouraged by all those offering assistance in Hawaii and across the Nation.

Unfortunately, Ketsana's path of destruction was not finished at the Philippines. The storm picked up strength over the South China Sea, brushed against the coast of China's Hainan Island, and at full typhoon strength today slammed directly into Vietnam, where at least 23 people have been confirmed dead.

Laos, Cambodia, and Thailand are now bracing for heavy rains as the storm moves inland.

In the United States, we are no strangers to the horrors of tropical cyclones. We all remember the tragedy of Hurricane Katrina. It hit the gulf coast more than 4 years ago, but many areas are still recovering. In Hawaii, we will never forget Hurricane Iniki, which

struck the island of Kauai in 1992, killing six people, destroying homes, hotels, and businesses, and leaving residents in some areas without electricity for months. It took parts of Kauai more than a decade to recover, and some historic buildings have never been rebuilt.

The United States stands with our friends in the Philippines, China, and Vietnam as they work to help the survivors. I want to thank everyone who has pitched in to help our friends recover from this terrible disaster.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ENERGY SECURITY THROUGH TRANSPARENCY ACT OF 2009

Mr. CARDIN. Madam President, I take this time to bring to the attention of my colleagues legislation that has been introduced by Senator LUGAR, the Energy Security Through Transparency Act of 2009. I have joined Senator LUGAR as a cosponsor, as have Senator SCHUMER, Senator WICKER, and Senator FEINGOLD.

Let me first tell you the problem this legislation is attempting to deal with; that is, there are these mineral-rich countries, countries that have oil, countries that have gas, countries that have valuable resources and minerals, and sometimes it is called a curse because in many of these countries there is horrible poverty, there are conflicts, open war, and very poor governance. The reason, in most cases, is corruption.

Quite frankly, there are individuals and groups and sometimes leaders within these poor nations that have wealthy resources who make their own individual deals with companies that extract these minerals and use them for their own purpose rather than sharing it, as they should, or using it, as they should, for the people of the nation in which these resources are located.

This is happening in so many countries in the world. It is in the interest of the United States to change the way these nations deal with their resources, their wealth. It is in our interest for many reasons. There are American businesses that would like to do business in these countries. They would like to help the economy of America by having business relationships with countries that have oil and gas and countries that have other mineral wealth. The problem is, they cannot do

that because they cannot participate in corruption. It is against our laws for American companies to be coconspirators in corruption in another country, as it should be against our laws. It is also not very stable for them to do business in a country that is corrupt, that does not have the rule of law, that does not have the protections necessary to make sure their business relationships will be honored.

So for all those reasons, it is important for us to clean up the way these nations deal with their mineral wealth. It is also in our interests as far as energy security. I hope we will get into this debate in this Congress on the floor of this body: how we can become energy secure in America. But part of that is having a much more open relationship with those countries that have mineral wealth so we know the arrangements, so we know how the gas and oil and other minerals are entering into the international marketplace, so we can have an open policy in America to deal with our energy. It is important for this country, as I pointed out, for our economics, it is important for our national security to get this done. I might add, it is also going to be important for our environment, and we are going to have that debate, I hope, later this year in this body.

The international community has understood this. As a result of recognizing this problem, the international community came together with the Extractive Industries Transparency Initiative, known as EITI. I mention this because this international effort is to try to bring transparency in what a company pays for mineral rights in a country. So if you are a company, and you are paying a royalty to a nation for extracting its minerals, you need to disclose that so the citizens of that country have the basic critical information necessary to effectively monitor government stewardship of their natural resources.

That is basically what the EITI initiative is. It is all about transparency so companies and governance can be held accountable. I would think we all agree on that. I am proud of the role the United States Helsinki Commission has played on this issue. I have had the honor of chairing that Commission, and we have made the EITI initiative a major priority of our Commission's work because we know if we can get the mineral wealth to the people of that nation, so many of the issues we are charged to deal with on human rights, on the environment, on the economy, and on security can be dealt with, if we could just get that mineral wealth to the people of that nation. That is the reason why the Commission has had a very high priority in getting more participation by countries around the world in the Extractive Industries Transparency Initiative.

That brings me to the Energy Security Through Transparency Act of 2009

that Senator LUGAR has introduced and on which I have joined him as a cosponsor. It would suggest that the United States should be an implementing country of the EITI, that we should subject ourselves to those provisions, that we should lead by example by showing the United States of America believes there should be transparency in all the contracts we enter into resulting in extraction of mineral wealth from America. That would require the proper disclosure of payments from companies that use public lands for mineral extractions. That is the right thing to do. We should have been doing this all along. The public should know what is being paid by companies to take their wealth. This is Americans' wealth. It does not belong to any one of us. There should be transparency in it. It is the right thing to do.

Another part of this legislation would require companies that are listed on the U.S. Stock Exchange that are regulated by the Securities and Exchange Commission to disclose their payments to other countries for extraction of mineral wealth. In other words, we use the leverage of participating in the U.S. Stock Exchange—to be a listed security that Americans invest in—they have the right to know what that company is paying to other countries to extract mineral wealth. That at least gives us part of the disclosure necessary to find out what a country, which is so poor in the way it treats its people, is doing with the moneys that are being paid for the extraction of their national wealth. That would go a long way to helping us get transparency.

This legislation would urge the President to work with our partners in the G8 and G20 to promote similar efforts by the industrial nations of the world so we can get more credibility on the EITI, where passage of the EITI, joining the EITI becomes a matter of respectability for a nation internationally to make sure the contracts that are entered into with that government are shown to the people of that nation.

The bottom line is, the Energy Security Through Transparency Act of 2009 is asking the United States to take a leadership position in fighting corruption. Unfortunately, in too many of the developing countries of the world there is corruption. You have to deal with that corruption if you are going to be able to develop the type of relationships where that nation can deal with the poverty of its own people and work with us on our international priorities.

It helps developing countries. We give significant resources to date for humanitarian efforts in these nations. These nations should use their own wealth. This is a humanitarian issue. This is a human rights issue. It also provides economic opportunities for the people of that nation as well as the international community so they can

participate in an open way to help that nation solve its economic problems.

It helps us with energy security globally. We cannot afford to waste the world's resources, as we look internationally at problems of energy security and global climate change. And it certainly helps in removing conflicts in many parts of the world. It is in our national security interests to make the world safer because it is usually the United States that is called upon first to deal with these conflicts.

For all these reasons, I urge my colleagues to take a look at the Energy Security Through Transparency Act of 2009, and to join us in moving this legislation forward because I believe it does present great hope for America to lead the world in helping these nations take advantage of their wealth in furthering U.S. international goals.

With that, Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MAJOR REFORMS FOR AMERICA

### PRESCRIPTION DRUG PRICES

Mr. DORGAN. Madam President, today a news story had the title "Leading Dem Plans to Blow Up Deal with Big PhRMA":

A Senate Democratic leader is hoping to blow up the deal reached between the White House, drug makers and Senate Finance Committee Chairman Max Baucus by introducing an amendment on the floor to allow prescription drugs to be imported from Canada . . . et cetera.

There is a picture of me. I woke up this morning not thinking I was going to try to blow up anything. So I want to respond to this.

The question is, are those of us in this Chamber—a bipartisan group of 30 ranging from myself and Senator SNOWE as the lead sponsor, Senator STABENOW, Senator MCCAIN, and so many others who want to deal with this issue of fair pricing of prescription drugs—are we trying to blow something up? The answer is no. We have been trying for a long time in this Chamber to say we ought to have fair prescription drug pricing for the American people, and presently it is not fair.

This is a pill bottle that would contain Lipitor made by Pfizer. It is made

in Ireland and then sent around the world. These two bottles are identical. One is red, one is blue, but had the same pill made by the same company put in the same bottle, this one shipped to Canada, this one shipped to the United States. This was \$1.83 per tablet. That is what the Canadian consumers paid. Our consumers got to pay \$4.48 per tablet. The same pill, same company, same bottle, different price—American consumers get to pay the higher price: \$4.48 per pill compared to \$1.83. It is not just Lipitor. That is the most popular cholesterol-lowering drug, widely taken. It is not just consumers of Lipitor, it is consumers—this happens to be Canada, but in here I could put France, Germany, Spain, Italy, and so on—it is that we are charged the highest prices in the world for brand-name drugs. Plavix is 73 percent higher than Canada. Boniva is 90 percent higher than Canada. Zocor is 103 percent higher than Canada. The list goes on—157 percent higher than they pay in Canada; 194 percent. It is just not fair.

One day, I sat on a hay bale at a little farm reception with a guy in his eighties. We sat there just talking. He said: My wife has been fighting breast cancer for 3 years. He said: For 3 years, we have driven to Canada to buy Tamoxifen, where she could buy it for 80 percent less than it cost her in North Dakota. That is the only way we could afford to pay for her drug to fight her breast cancer.

I am just saying that is not fair. So a group of us have been trying for a long time to pass legislation that allows the consumer freedom, the freedom to say: If this identical drug is being sold in Winnipeg, Canada, at a fraction of the price why can't our consumers in this country access that drug? Why don't they have the freedom to access that drug?

We have put out a piece of legislation that establishes much greater security for the safety of our drug supply with batch lots and pedigrees and everything that attaches to the security side, and then we say the American people can access the FDA-approved drugs in the countries that have the same chain of custody we have and that have the same kind of safety we have. Give the American people freedom. When they have that freedom to access those identical drugs at a lower price, sold at a fraction of the price in other parts of the world, then the pharmaceutical industry will be required to reprice those drugs in this country and give the American people fair pricing. That is just a fact.

I understand the White House negotiated with the pharmaceutical industry and came up with a plan by which the pharmaceutical industry over 10 years would fill part of what is called the doughnut hole. It is complicated to explain—the doughnut hole is a portion

of the drug benefit in which the seniors have to pay their own drug costs. So I understand there was an agreement between the White House and the pharmaceutical industry to provide a discount to seniors in the donut hole, but nobody here was a part of that agreement.

The 30 or so of us who have been very strongly working to address this issue feel that when the health reform bill comes to the floor of the Senate, we intend to offer this amendment. If you don't deal with the increasing cost of prescription drugs when you try to put downward pressure on the cost of health care, in my judgment, you have failed. One of the fastest areas of cost increases has been prescription drugs. You are just going to leave that aside and say: Don't pay any attention to that; it doesn't matter. You can't do that. So we are trying to find a way to put some downward pressure on health care prices, and that must include putting some downward pressure on prescription drugs.

Let me be quick to point out that the pharmaceutical industry does important things. I don't wish them ill at all. I have done things that support them, including research and development tax credits and so on. But I am not interested in just waiting to allow them to continue to price their brand-name pharmaceutical drugs much higher to our consumers than they do to virtually every other consumer in the world. It is not fair.

When the health care reform bill comes to the floor of the Senate, I and my colleagues—Senator STABENOW, Senator MCCAIN, many others; a bipartisan group—intend to offer this bill as an amendment. It is not intended to blow up anything. We weren't a part of constructing anything; we are not going to blow up something. All we are going to do is demand that some common sense and basic fairness be established in the pricing of prescription drugs in this country. The way to do that is to give the American people the freedom to access this identical prescription drug in other areas where it is sold at a fraction of the price.

So, again, I wanted to disabuse anybody of the notion that we are going to blow up something. It is not true. I understand the pharmaceutical industry does not like what we are trying to do. They would like to have absolute pricing capability to price our drugs, in the case of Lipitor, at \$4.50 a tablet when they sell it to others for less than half of that. I understand they would like that opportunity. On behalf of the American citizen, I say it is not fair. It is wrong, and it ought to change. If we pass the legislation we have introduced—a broad bipartisan group here in the Senate—it will give the American people freedom and force, in my judgment, a repricing toward fair prices for prescription drugs in our country.

Again, I wanted to make the point that we are not trying to blow up anything; we are trying to fix something that is wrong, and we are going to try to do that when the health care reform bill comes to the floor of the Senate.

We have been guaranteed an opportunity. Senator MCCAIN and Senator SNOWE and I intended to offer this earlier in the year, and as a result of that, the majority leader said: Don't offer it here, but I will make certain you have the opportunity on the floor of the Senate. That is why we will be in line right toward the front end of the health care reform bill to offer the amendment and have a debate.

#### FINANCIAL INDUSTRY REFORM

If I might, for a couple of minutes on another subject, say that I have spoken often about an issue on the floor of the Senate that goes back some decade or so on the matter of financial reform. I am not going to revisit all of that, which happened 10 years ago, but I do want to say this: I happen to think one of the first items of business this year should have been financial reform. I know others disagreed. I know the President wanted to do health care and some other items first. But I know the President and his team are working very hard now on financial reform. It is very important to get this right.

I wish to make a point. I have been reading recently about what is happening, and I would like to demonstrate what is happening.

Last fall, a whole series of things steered this economy into the ditch, the deepest economic downturn since the Great Depression.

So now, September 12, 2009, The New York Times, "A Year Later, Little Change on Wall Street":

One year after the collapse of Lehman Brothers, the surprise is not how much has changed in the financial industry, but how little. Not much change on Wall Street.

September 15, the Washington Post, "The Wall Street Casino, Back in Business." Think of that. A year after the almost unbelievable, deepest recession since the Great Depression, 1 year later, "The Wall Street Casino, Back in Business."

What are they talking about? Credit default swaps, derivatives, synthetic derivatives, you name it, all kinds of exotic products where they securitized everything. Everybody made a bunch of money, and on the way back from depositing money in their bank accounts one day, they discovered the economy collapsed because a lot of bad decisions had been made by people who were gambling.

September 8, the Washington Post, "A Year After Lehman, Wall Street's Acting Like Wall Street Again." Not much change.

Wall Street Journal, August, last month, "Bankers Play Dress Up With Old Deals":

Irresponsible securitization helped bring the financial system to its knees. Yet, as

banks start to heal, little seems to have changed. Wall Street has quickly fallen back on old habits.

By the way, some of these FDIC-insured banks are still trading in derivatives out of their own proprietary account. They may just as well put a casino in their lobby or be playing Keno in their boardroom.

This is Steve Pearlstein, September 11: "Wall Street's Mania for Short-Term Results Hurts Economy."

Look, the reason I wanted to go through this is I agree not much has changed, and certainly not enough has changed. The question, it seems to me, as we deal with this issue of financial reform is, Will we address a central issue for me, and that is the too-big-to-fail issue? When we have decided as a matter of economic doctrine in this country that there are big companies that are too big to fail—too big to fail—to me, that is no-fault capitalism. We saw that last fall.

We had the Treasury Secretary come to the Congress, and he said, on a Friday: If you don't pass a three-page bill giving me \$700 billion and do it in 3 days, there is eminent collapse of the American economy. The fact is, I didn't vote for the \$700 billion because I didn't think he had the foggiest idea what he was going to do with that money.

The plain fact is as well that the very firms that did the kind of damage that steered this economy into the ditch—by the way, one of which the then-Treasury Secretary had previously worked for—dramatically expanding leverage; engaging in unbelievable, sophisticated exotic products they couldn't even understand. But you didn't have to understand them as long as you were making a lot of money on them; securitizing almost everything; the scandal in subprime loans; paying massive bonuses to brokers who put mortgages out there called liar's loans, meaning people didn't have to describe their income in order to get a mortgage; and then securitizing the good with the bad and slicing and dicing as if you were cutting sausage and selling it to investment funds. So everybody was fat and happy, making all this money despite the fact they were creating this house of cards. And then the house of cards collapsed, and we had all of these firms with dramatic leverage and exposure. Then we were told: You know what, you have to bail them out. They are too big to fail. The American taxpayer has to come out and open their pocketbook and provide the funds because these companies are too big to fail.

The fact is, when we discuss financial reform, there is too little discussion about this right now. All the discussion we see are these stories: "Wall Street is Back in Business Again"; "Banks Still Trading in Derivatives on Proprietary Accounts." They might as well

just put up a blackjack table in their lobby. Nothing is changing.

So the question is, when we get to this point—and it is very soon, I hope—will we seriously address the doctrine of too big to fail. If we don't, we will go down exactly the same road and, mark my words, we will find the same ditch once again for this economy. We must address this issue of too big to fail. Some of the too-big-to-fail institutions got a lot of TARP funds from the American taxpayer. And by the way, they have gotten bigger now—too big to fail, and now they are too bigger to fail, I guess. It doesn't sound like good English to me. But too big to fail is a problem, so you make them bigger. It makes no sense.

This has to be a centerpiece in our discussion going forward. Are we going to continue to have no-fault capitalism where some of the biggest financial institutions in this country are engaged in gambling, trading in derivatives on their own financial accounts in a bank, while the bank is FDIC insured? Are we going to continue to allow that, or are we finally going to decide that this doctrine of too big to fail has to be addressed along with the other issues? Are we going to securitize everything? Are we going to continue to allow this unbelievable expansion of leverage? All of these are important questions.

At the end of the day, to me, the question of the doctrine of too big to fail is overriding. We must end that proposition. It is not just me, there are a lot of good economists who believe this must be a part of our financial reform.

My hope is that in the coming month or so following the discussion on health care reform, we turn to financial reform. I am going to be on the floor talking again about the doctrine of too big to fail and about the Federal Reserve Board's notion of what that doctrine means and what their responsibilities are.

I yield the floor, and I make a point of order that a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. How much time remains on the Republican side?

The ACTING PRESIDENT pro tempore. The time is not divided.

Mr. ALEXANDER. Madam President, I ask unanimous consent that we be permitted to engage in a colloquy for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, all of us were home in August. It was a pretty good thing we were, because the people of the United States had a lot to say to us about the health care bill. I think President Obama was very correct when he said the health care reform bill is a proxy for the role of Federal Government in our everyday lives.

I think that is what we are debating here. On the one side, we have an effort by the majority and the President to do this massive, comprehensive health care reform with thousand-page bills and White House czars and trillions in spending and debt. That is on the one side. On the other side we have Republicans saying we want health care reform, but let's focus on reducing costs to each American who has a health care policy—that is 250 million of us—that is why people are showing up at town meetings; it is not some abstract thing—and reducing costs to our government, because we know that \$9 trillion more in debt is coming.

Mr. McCAIN. Will the Senator yield for a question?

Mr. ALEXANDER. Yes, I will.

Mr. McCAIN. First, concerning the costs, how do we know what the cost is if we don't have legislative text? I think all of us have been around here long enough—we have talked a lot about the 72 hours that I absolutely think we need. The text should be online so that every American—not just the 100 of us who are fortunate enough to be here—can read it. Everybody should have the right to know what a fundamental reform of health care in America is all about, and they should be able to read the legislation if they want to.

Just as importantly, I ask my friend, has he seen any legislative text anywhere? Is it true that the Finance Committee is moving forward with legislation regarding which there is no legislative text? And by the way, we find out now, according to the Wall Street Journal, Mr. Barthold noted in a followup letter that the willful failure to file; that is, to take the government option, would be punishable by a \$25,000 fine or jail time under a section of the bill.

I wonder how many Americans are aware of that. In fact, I have to tell my friend from Tennessee, I was unaware of it. So if we are unaware of it, should we not have legislative text so that Americans know what is being legislated in the Senate Finance Committee; and second, shouldn't it be on line at least 72 years so everybody would know about it?

Mr. ALEXANDER. The Senator is right. He and I and the Senator from Georgia are on the HELP Committee. We worked and we spent many hours in June and July marking up that version of the health care bill. We finished our work about July 15. That bill was 839

pages. It wasn't even presented to us until early in September, and we still don't know what it costs. I wonder if the Senator from Georgia heard much about reading the bill and how much it costs.

Mr. ISAKSON. The Senator from Arizona and the Senator from Georgia and I all sat through 67½ hours of markup in the HELP Committee on an 839-page bill, which was not scored and had 3 titles blank and they are still blank. We didn't have text during that debate on three titles within that bill, and what they are developing in the Finance Committee today, as I understand it, is concepts. The language is somewhere that we have not yet seen. This is too important for us to guess on and to take a chance on. It is most important that Congress know precisely what it is doing.

Mr. ALEXANDER. Maybe the Senator from Georgia and the Senator from Arizona know more about this than I do, and they are debating concepts but they are getting down to specifics. I saw in a morning newspaper that Nevada was somehow miraculously taken care of in the provisions for Medicaid expenses. We have had Governors, both Democrats and Republicans, here saying if you are going to expand on Medicaid in our State, pay for it. What happened in Nevada?

Mr. MCCAIN. I say to my friend from Tennessee, first, it is clear that the Medicaid cost increases to the States will be incredibly large. In the original version of the bill, according to media reports, the State of Nevada would have, along with every other State, a significant Medicaid expense. So somehow now the legislation has been changed, again, according to media because—excuse me, the concept has been changed because we don't have legislative language—that 4 States would then have 100 percent of their Medicaid costs assumed by the Federal Government for as long as 4 or 5 years. That is what goes on with the laws and sausages business here. I ask the Senator again, do you—first, I ask unanimous consent that the editorial entitled “Rhetorical Tax Evasion” in the Wall Street Journal this morning be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 29, 2009]

#### RHETORICAL TAX EVASION

President Obama's effort to deny that his mandate to buy insurance is a tax has taken another thumping, this time from fellow Democrats in the Senate Finance Committee.

Chairman Max Baucus's bill includes the so-called individual mandate, along with what he calls a \$1,900 “excise tax” if you don't buy health insurance. (It had been as much as \$3,800 but Democrats reduced the amount last week to minimize the political sticker shock.) And, lo, it turns out that if

you don't pay that tax, the IRS could punish you with a \$25,000 fine or up to a year in jail, or both.

Under questioning last week, Tom Barthold, the chief of staff of the Joint Committee on Taxation, admitted that the individual mandate would become a part of the Internal Revenue Code and that failing to comply “could be criminal, yes, if it were considered an attempt to defraud.” Mr. Barthold noted in a follow-up letter that the willful failure to file would be a simple misdemeanor, punishable by the \$25,000 fine or jail time under Section 7203.

So failure to pay the mandate would be enforced like tax evasion, but Mr. Obama still claims it isn't a tax. “You can't just make up that language and decide that that's called a tax increase,” Mr. Obama insisted last week to ABC interviewer George Stephanopoulos. Accusing critics of dishonesty is becoming this President's default argument, but is Mr. Barthold also part of the plot?

In the 1994 health-care debate, the Congressional Budget Office called the individual mandate “an unprecedented form of federal action.” This is because “The government has never required people to buy any good or service as a condition of lawful residence in the United States.”

This coercion will be even more onerous today because everyone will be forced to buy insurance that the new taxes and regulations of ObamaCare will make far more expensive. Too bad Mr. Obama's rhetorical tax evasion can't be punished by the IRS.

Mr. MCCAIN. This says:

Chairman Max Baucus's bill includes the so-called individual mandate, along with what he calls a \$1,900 “excise tax” if you don't buy health insurance. (It had been as much as \$3,800. . . )

So American small businesses, which are hurting more than any other group of Americans today, the creators of jobs—are now facing a \$1,900 excise tax. By the way, the President, in response to George Stephanopoulos, said there was no tax engaged here. I wonder how many Americans are aware of that and how many Americans have had the opportunity to know exactly not only what the costs to the Federal Government and the respective States are, but the costs to the individuals who are struggling to make it in America at a time of almost unprecedented unemployment?

Mr. ALEXANDER. That is a very good point. The Senator from Georgia was in small business for many years before he came to the senate.

Mr. ISAKSON. Yes, I ran a small real estate company for 22 years. We tried—myself and other distinguished Senators—on the floor to pass small business health reform 3 years ago which would have made more affordable and accessible health care to those independent contractors, the small business people. It was rejected and we could not get a cloture vote.

Mr. ALEXANDER. May I interrupt for a moment? I often hear it said that you Republicans are not for health care too much. The difference is we have a little more humility than to try to take on the whole health care system

at once and fix the whole world. We are ready to go step by step, and that is one of the most important steps—to allow small businesses to pool their resources and offer health care to their employees. I think the estimate is it would add maybe a million new people who could be insured that way.

Mr. ISAKSON. Under outside estimates—not mine—of the 47 million alleged uninsured, up to 16 million would have access to insurance because of associated health plans and small business reform. That is a third of the uninsured.

Mr. MCCAIN. My friend from Tennessee brings up a good and an important point about some saying that Republicans have no plan. The fact is that the Republicans have no plan for the government to take over the health care system in America. That is what it is. What are we for? We are for going across State lines so that these small businesses and individuals—and the Senator from Georgia used to be one of them—can get the health insurance policy of their choice. Why should they be restricted to the State they are in when perhaps there are minimum requirements for those health insurers residing in that State for coverage, which they neither want or need, and it may be in another State. Why don't we allow small business people to pool their assets together and negotiate with health insurers across America for the best policy they can get? And we are for medical malpractice reform and medical liability reform. We know doctors prescribe time after time, to protect themselves, unneeded and unnecessary procedures and tests. We all know that. That is in tens if not hundreds of billions of dollars. We are for medical malpractice reform. Where is it in any bill that has been proposed by the other side?

We want outcome-based treatment. We want an individual who has a certain chronic disease to be treated on the basis of long term. We want Americans who have preexisting conditions to have a risk pool they can go to or where risk pools would be established so they can get health insurance, and insurers will bid on those people with so-called preexisting conditions, so that every American can have affordable and available health insurance. We are for that. We are for medical malpractice reform. We are for going across State lines to get a policy of your choice. We are for outcome-based care. We are for taking on the drug companies that have cut an unholy deal with the administration, which will give them the obscene profits, and the lobbyists, who make over a million dollars. We want to be able to import drugs from Canada that are cheaper for the American people. We want competition, as there is in Medicare Part D, for these patients who need it, who don't have health insurance.



So we are for a number of things, but we are not for a government takeover of the health care system. So the next time we read that the Republican party does not have anything they are for, then they are not paying attention. There is more that we are for, but it has to do with competition and with availability and with affordability of health care in America, not a government takeover. We have seen that movie before in other countries.

Mr. ALEXANDER. As I listen to the Senator, I wonder if the Senator from Georgia is having the same impact. Every single step he said Republicans are for, whether it is getting rid of runaway junk lawsuits, going across State lines to buy insurance, whether it is allowing small businesses to pool resources, or incentivizing prevention and wellness, they are all focused on reducing costs.

I ask the Senator from Georgia, I thought this was supposed to be about reducing costs for health care premiums and costs to our government; but it seems to me we are talking about more billions and more debt and more spending and taxes.

Mr. ISAKSON. Those are the two things Republicans don't want, which is more debt to bankrupt our children and grandchildren and more taxes. Robert from Loganville was on my telenovela hall meeting a week ago in Georgia. We were talking about the pay-fors. He said, "Senator, I want to ask you a question. The administration keeps talking about there being a half billion dollars of waste, fraud, and abuse in Medicare. If that's true, why haven't you saved it instead of using it to save against a national health care?"

That is precisely right. The pay-fors they are talking about to keep us from going into debt are moneys that may or may not be there. They involve taxation and raising taxes on small businesses. Those are the things we don't want to do as Republicans.

Mr. MCCAIN. I ask the Senator from Georgia, do you believe, one, that small business people in America today are ready for an additional cost laid on them to provide health insurance for themselves and their employees? Should we not make it easier and less costly, rather than imposing a government mandate, which may have types of health care that they neither want nor need, or paying an "excise tax," as is in Chairman BAUCUS's bill?

The second point I want to ask the Senator about, of course, is this whole issue of what should be the government's role in health care in America today. We freely admit—not only admit but appreciate the fact that Medicare is a government program. But we also appreciate that the costs of Medicare have skyrocketed to the point where we now have, by estimates, a \$31 trillion unfunded liability. In

other words, our kids and grandkids will not have Medicare 7 or 8 years from now unless we fix the issue of costs.

Mr. ISAKSON. The Senator is precisely right, because as of right now, Medicare goes broke in 2017. That is only 8 years from now. In this bill, part of the pay-fors is to raise the cost of Medicaid on the States to a level that would take Georgia's Medicaid payments in 2014 by State tax dollars to be from 12 percent to 20 percent of our State budget. That is not the way to run a railroad.

Mr. ALEXANDER. Going back to the point of the Senator from Arizona, I hear our friends on the other side say you have used scare tactics, saying there will be Medicare cuts. I ask the Senator, did I not hear the President say he was going to take a half trillion dollars out of Medicare for seniors? There are about 45 million seniors on Medicare and who depend on Medicare, and they will spend it on new programs. Is that not what I heard him say?

Mr. MCCAIN. That is why there is a rising sentiment, particularly among seniors, against this plan, the one passed through the House and passed through our HELP Committee and is now being formulated. Our seniors and our citizens are a lot smarter than many times we give them credit for. They know you are not going to get \$½ trillion in "savings" from Medicare without there being reductions in Medicare.

There are hundreds of billions of dollars of savings that can be enacted in Medicare, but why don't we start tomorrow or why didn't we start yesterday or why didn't we start at least at the beginning of this debate imposing those savings so we could have a delay in the year when Medicare goes broke?

Mr. ALEXANDER. May I ask the Senator, if there are savings in Medicare, shouldn't it be spent on Medicare?

Mr. ISAKSON. Absolutely.

Mr. MCCAIN. That is an excellent point. But also the fact is to root out this waste, fraud, and abuse is going to take time and effort and it is going to require some pretty hard work on our part. But we need to change some of the fundamentals of the Medicare system in providing more competition in the form of prescription drugs, in the form of medical malpractice liability reform, in the form of more competition between drug companies for Medicare and Medicaid patients. These reforms we are advocating have to be enacted in order to bring down the costs of Medicare, Medicaid, and overall health care costs in America.

Look, it is obvious. The cost escalations that are bringing Medicare to a crisis are the same cost escalations everybody else in America is experiencing.

Mr. ISAKSON. A lot of them are based in defensive medicine, which is practiced because of runaway lawsuits and verdicts. The administration's most recent comment about tort reform, to which the Senator from Arizona referred, was they want to do a study. A study is not what we need. What we need is action. That is one of the biggest contributors to the rising cost of health care we have.

Mr. MCCAIN. Or a demonstration project conducted by the Secretary of Health and Human Services who knows a lot about this, I admit, because I understand she was head of the Trial Lawyers Association for a number of years. I am sure that gives significant qualifications to the person who is tasked with this project.

Life is full of anecdotes and experiences we have. I was down in Miami at the Palmetto Hospital. I spoke to a surgeon there. By the way, they treat a very large number of people who have come to this country illegally. I asked the surgeon: How are you doing on making your insurance payments, your malpractice or medical liability insurance payments?

He said: I don't have a problem. I don't have it. I don't have it because I couldn't afford it and probably I am not going to get sued because if they sue me, they are only going to get everything I have, not what the insurance company has.

We are giving physicians and caregivers the untenable option of either paying skyrocketing malpractice insurance premiums—in some cases \$200,000 a year for a neurosurgeon—or as this surgeon did and others have done: I am not going to have insurance. That is not an acceptable thing to do to physicians in America or anybody in America.

Mr. ISAKSON. The other consequence of that is the threat of it, and the cost of becoming a physician is driving young people to go into other professions. We are going to have a shortage of providers, not just in physicians but nurses and caregivers, if we have an overly regulatory system and an indefensible tort system.

Mr. ALEXANDER. The Senators from Arizona and Georgia have raised a number of questions that need to be answered. How much is the expansion of Medicaid going to cost States in State taxes? How much of the Medicare costs are going to cost people on Medicare? Are individual premiums actually going up instead of down, which is what the Congressional Budget Office said. Why is there not something for getting rid of junk lawsuits in the bill? Why don't we have a small business health insurance pool?

The point we made when we first started is if we are taking on 17 or 18 percent of the whole economy in another one of these 1,000-page-plus bills, why then do the Democratic Senators

vote down the amendment to say that the bill needs to be online for 72 hours so we and the American people can read it? Shouldn't we read the bill we are voting on, and shouldn't we know how much it costs before we start voting on it?

Mr. MCCAIN. The Senator is exactly right. Again, wouldn't it be nice for our constituents—by the way, many of them come to the townhall meetings with a sign that says "Have you read the bill?"—to let them read the bill too. Wouldn't it be nice if every American citizen who wanted to could go online and read the legislation and give us their ideas and thoughts as to how we could make it better?

May I mention—I hate to keep coming back to this issue of medical liability—a PricewaterhouseCoopers study says defensive medicine could cost us as much as \$200 billion annually. If we are interested in savings, why don't we go right at that? Do we need a demonstration project someplace around America? I don't.

May I mention one other point, and I would be interested in my colleagues' views on it. This proposal also levies new taxes on medical devices. Why in the world would we want to do that? Medical devices and the best technology in the world are developed in America, but they are very expensive as they are. Why would we want to levy new taxes on medical devices when we know very well that if the insurance company is paying for them, the insurance company passes on those increased costs to the insured, thereby increasing the cost of health insurance in America. Why would we want to do that?

Mr. ISAKSON. It is raising the cost to the consumer because a lot of those types of things that are being taxed are purchased discretionarily and are not covered. They are paid for out of the pocket of the consumer. When you tax the medical device, you are just raising the cost of the medical device to the consumer.

Mr. MCCAIN. What the other side is trying to do is expand government, expand coverage, and yet, at the same time, reduce costs. You cannot square the circle. That is why they keep bumping into—every time there is a new proposal and to make things more expansive and more available, they run into escalations in costs and how we are going to pay for it.

I believe our constituents, again, have figured it out—a reestimate of a \$7 trillion to \$9 trillion deficit over 10 years, a some \$700 billion stimulus package that may have stimulated Wall Street but, frankly, in my view from being home a lot, has not stimulated Main Street and is not having an effect on unemployment in America, to say the least. The neighboring State of California now has 12.2 percent unemployment. They cannot get to where

they want to go without increasing that deficit and debt burden that we are laying on future generations of Americans.

I wish they would sit down with us. I wish we could sit down together, start from the beginning, knowing what we know—we have all been well educated by this process—knowing what we know now, knowing what we can do to reduce health care costs in America and make it affordable and available. Unfortunately, as we watch the machinations going on in the Finance Committee, that has not happened yet.

Mr. ISAKSON. I completely concur with the Senator from Arizona and the Senator from Tennessee. There is common ground, but you have to be willing to find it. So far that has not been the case. When we get to that point, we can solve a lot of the American peoples' problems. Just ramming through something we cannot read, we cannot quantify, we cannot score is not the way to go about it.

Mr. ALEXANDER. If there is one point we would want to make, it is this. It is such an ambitious program. The stakes are so high. This is no abstract debate. The reason people are turning up at town meetings is because this is about their health care insurance and also whether your government is going to go broke in the next few years, dumping a lot of burdens on our children and grandchildren.

What we are saying is we need to read the bill and know how much it costs before we start voting on it. We need to read the bill. It needs to be online 72 hours. That is a modest request, it seems to me. That is a short period of time. Then we need to know how much it costs. Does it raise our premiums or lower them? Does it cut your Medicare, or does it not cut your Medicare? Does it increase the national debt, or does it not increase the national debt? We need to know the answers to those questions. It would be the height of irresponsibility for us to begin debating a bill that affects 17 percent of the economy at a time when our debt is going up so rapidly without having, one, read the bill and, two, knowing exactly what the nonpartisan Congressional Budget Office tells us every provision costs.

Mr. MCCAIN. Can I tell my friend, if the American people are able to know the details of this legislation, I think they would be surprised to know that the new taxes—the medical devices, the prescription drugs and other tax increases—they begin in the year 2010, 3 years before the provisions in the bill for "reform" are implemented. So for the next 3 years, the cost of health care and health insurance goes up due to the new taxes and fees, but the so-called reforms are not implemented—why did they do that?—so that the actual costs, as we cost it out over a 10-year period, are disguised by beginning

the taxes and not implementing the reforms, which then the Congressional Budget Office can give a cost estimate which is less than, frankly, what it actually is if you put the reforms in at the same time as the tax increases.

That is a little complicated, but I think Americans need to know that.

Mr. ISAKSON. My only comment in closing is simply this: The Senator is exactly right. Once this horse is out of the barn, you can never put him back in. We have to get it right to begin with. We need to go back to the drawing board, have a bill we can read, and a bill we can afford.

Mr. ALEXANDER. I thank the Senator from Arizona and the Senator from Georgia. They said what we believe. We need to stop, start over, and get it right. Above all, we—it seems such a basic thing to say it is almost embarrassing to say it on the Senate floor—we need to make sure we read the bill before we vote on it, and we need to make sure we know what it costs before we vote on it. Those two things are minimum requirements.

From the Republican side, we want to reduce health care costs, and rather than try a comprehensive health care reform of the whole system, we would like to work step by step in the direction of reducing costs in order to re-earn the trust of the American people. Senator MCCAIN and Senator ISAKSON have outlined a series of steps ranging from eliminating junk lawsuits against doctors to allowing small businesses to pool their resources, all of which would help reduce costs. I thank the Senators.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

#### DEFENSE APPROPRIATIONS

Mr. MCCAIN. I rise to address the issue of the Department of Defense Appropriations Act for fiscal year 2010, which is the pending business before the Senate.

The funding provided in this legislation is very crucial. We need to support our commanders as they lead operations in Afghanistan, Iraq, and elsewhere, and care for the men and women who are in the military, including making sure they are provided for, as well as our wounded warriors. But I also note with great concern and alarm, dismay, and even disgust that billions of dollars in wasteful earmarks, unrequested, unauthorized, have again found their way into this

legislation. As I have said before, these are serious times, and we as a Congress are required to make serious decisions, tough decisions, that may go against the special interests.

I need not remind my colleagues that we are at war or that the national debt is growing ever larger. Recently, there was a reestimate of the deficit for the next 10 years from \$7 trillion to \$9 trillion. We are facing deficits of unprecedented proportions. Yet the spending goes on here like, as some people have said, a drunken sailor. I do not use that phrase anymore because I never knew a sailor, either drunk or sober, with the imagination Members of Congress have, which is best epitomized in this bill, as I will point out in several provisions. We cannot afford the waste. We cannot afford it. It is our duty to fully support the funding for our national defense and ensure that each dollar we spend is spent wisely in delivery of the stated need and not on special interests.

The Appropriations Committee has provided \$626 billion in total funding for the Department of Defense—\$498 billion for the base budget and \$128 billion for ongoing military operations in Iraq and Afghanistan. Interestingly, it is \$3.9 billion less than the President's budget request, and the bill further reduces the Defense programs requested by the Pentagon to make room for \$2.5 billion in C-17 cargo aircraft slated for termination by the administration and about \$2.7 billion—I repeat, \$2.7 billion—in earmarks and special interest items.

I have long talked about the broken appropriations process and the corruption it breeds. I remain deeply concerned over the damage done to our country and the institutions we are so proud to serve in by their continued abuse.

While we have made some progress on the issue in the last couple of years, we certainly have not gone nearly far enough. Legislation we passed in 2007 provided for greater disclosure of earmarks, and that was a good step forward. But the bottom line is, we simply do not need more disclosure of earmarks, we need to eliminate them. We need to eliminate them. We should adopt the practice that was the practice here for a long time, up until recent years, that we didn't appropriate unless it was authorized.

In the years that I have been here, I have seen a tremendous shift in the authority and responsibility from the authorizing committees to the appropriating committees and a commensurate rise in earmarks and corruption. I know my colleagues do not like to hear me use the word "corruption," but we have former Members of Congress residing in Federal prison. We had a Congressman from California who used to list the appropriations he was able to get in one column and in the other col-

umn the amount of money he received for earmarking those appropriations. That is corruption.

It is not responsible for us to continue to load up appropriations bills with wasteful and unnecessary spending. Americans all over this country are hurting. People are losing their jobs, their savings, their homes. So what are we doing? We continue the disgraceful earmarking process, elevating parochialism and patronage politics over the true needs and welfare of this Nation. I will be pointing out during the course of this debate a number of examples of that corruption, which I think is really unacceptable to the American people. By the way, that is one of the reasons the American people have risen up in an unprecedented manner in demonstrations against the way we do business here in Washington.

So I want to be clear, disclosure is good. But it was not inadequate disclosure requirements which led Duke Cunningham to violate his oath of office and take \$2.5 million in bribes in exchange for doling out \$70 to \$80 million of taxpayers' funds to a defense contractor. It was his ability to freely earmark taxpayer funds without question.

A lot is said during campaigns. A lot of promises are made. Unfortunately, some are not kept. The President of the United States pledged during his campaign that he would work to eliminate earmarks. The Speaker of the House promised to "drain the swamp."

Just last month, the President of the United States spoke in Phoenix, AZ, to the Veterans of Foreign Wars. In that speech, the President's words were quite compelling about waste and porkbarrel spending in defense bills. In that speech, the President promised an end to "special interests and their exotic projects," and he reaffirmed that he was leading the charge to kill off programs like the F-22, the second engine for the Joint Strike Fighter, and the outrageously expensive Presidential helicopter.

The President went on to say:

If a project does not support our troops, we will not fund it. If a system does not perform well, we will terminate it. And if Congress sends me a bill loaded with that kind of waste, I will veto it.

If the President means those words, this legislation should be vetoed in its present form by the President of the United States.

He went on to say:

We will do right by our troops and taxpayers.

He is right. We should do right by our troops and taxpayers.

The bill has at least \$5.2 billion in programs the Pentagon does not need and did not ask for—\$5.2 billion.

The President last month put on an all court press to terminate the F-22 program in the face of congressional

determination to continue funding the production of the aircraft. So why was the President so adamant about terminating the F-22 while at the same time possibly giving a free ride to 10 unrequested C-17s in this bill at a cost of \$2.5 billion? How can one differentiate between a fighter aircraft that the Pentagon says further production is unnecessary from a cargo aircraft that the Pentagon says the current fleet, coupled with those on order, is sufficient to meet the Pentagon's needs, even under the most stressing situations? Why has the administration, including the Secretary of Defense, been silent on \$2.7 billion in Member-requested earmarks? These are questions for which I do not have a good answer.

What I do know is that the appropriators did not add \$5.2 billion to the bill to pay for the unrequested additions but, rather, secured this additional funding by offsetting programs in other parts of the bill.

So what did the appropriators decide to cut to make room for most of these unrequested earmark and porkbarrel projects?

They reduced \$900 million from the President's request for the Afghanistan Security Forces Fund at a time when the one thing we are in agreement on is that we need to increase the size of the capability of the Afghan Army and security forces. It is a key component of the U.S. strategy in Afghanistan. So they cut it by \$900 million. Reducing funding in the account runs counter to our ground commanders' plan for the Afghan forces to assume a greater share of responsibility for security as quickly as possible.

Equally as incredible, the bill reduces over \$3 billion in operations and maintenance accounts through direct cuts and cuts mandated in other provisions in the bill based on economic assumptions and excess cash balances.

The administration strongly opposes these cuts and in their Statement on Administration Policy said, "These reductions would hurt force readiness and increase stress on the military people and equipment."

This account is the lifeblood for our military. The operations and maintenance of our men and women in the military and the equipment they use is absolutely vital. So what did we do? We took \$3 billion out of operations and maintenance and put it in those porkbarrel projects, including the C-17. The account provides for services with funds to carry out day-to-day activities such as recruitment and fielding of a trained and ready force, all military training and exercises, food, weapons, spare parts, equipment repairs, depot maintenance, ship overhauls, transportation services including aviation fuel, Navy and Marine Corps steaming days, civilian personnel management and pay, and childcare and family centers.

One thing in this debate about Afghanistan that almost everyone is in agreement on is that our equipment is wearing out and that we are way behind in the repair and replacement of spare parts, equipment—all that is necessary for our Active-Duty Forces and our Guard and Reserve, who are practically, for all practical purposes, Active Duty. And we are looking at—and I have guarded confidence that the President will agree to General McChrystal's and Petraeus' and Admiral Mullen's recommendation. We will need more money for operations and maintenance because we will be sending more men and women and equipment to Afghanistan. So what did they do? What is in this bill? A \$3 billion reduction. Well, what is in its place? I will be going over some of the projects that are in its place.

One of the more egregious items in the legislation we are considering today is the addition of \$2.5 billion for 10 C-17 Globemaster cargo aircraft.

First, let's have a little background.

Recognizing that the Department's total requirement for 180 C-17 aircraft has been well exceeded for 3 consecutive years, the Bush administration had actively tried to close down the production line for the C-17s. Nonetheless, earlier this year, the House Appropriations Committee Defense Subcommittee, added eight more C-17s for \$2.25 billion to the 2009 supplemental spending bill, a bill that is supposed to be used to fund the wars in Iraq and Afghanistan. The final version of that bill included all eight of these aircraft. When the subcommittee met later to consider the 2010 Defense appropriations bill, it went ahead and added three more.

This is a little hard to see, this chart, but it is an interesting one. These are the C-17s that were originally in the Air Force budget. These are the C-17s, in red, that have been added by Congress. Each year—each year—the Department of Defense and the administration have said: Enough. We have enough C-17s. Obviously, that has not been the case.

It brings us to where we are now—well in excess of requirements, continuing to spend billions of dollars for aircraft we do not need. Including the 8 C-17s in the 2009 supplemental, the Department has bought now a total of 213 C-17s. The original requirement was 180.

According to the most recent Statement of Administration Position, the administration “strongly objects” to the addition of \$2.5 billion in funding for 10—count them: 10—unrequested C-17 airlift aircraft. The Department's own analyses show that the 205 C-17s in the force and on order, together with the existing fleet of C-5 aircraft, are more than sufficient to meet the Department's future airlift needs even under the most stressing conditions.

In no uncertain terms, Secretary Gates has stated that the military has no need to buy more C-17s. So here we are, my friends, with a \$3 billion cut in operations and maintenance, which any observer, much less the administration, the Secretary of Defense, and the Joint Chiefs, says, is vital to continuing our operations and the well-being and protection of the men and women in the military, and we are adding \$2.5 billion for more C-17s. What kind of a tradeoff is that?

Secretary Gates has stated the military has no need to buy more C-17s. While Secretary Gates called the C-17 “a terrific aircraft”—and I agree—he stressed earlier this year that the Air Force and the U.S. Transportation Command “have more than necessary [strategic airlift] capacity” for airlift over the next 10 years. Nonetheless, continuing C-17 production would cost about \$3 billion per year from 2010 onward.

In connection with the fiscal year 2010 budget request, the President not only requested no funding for additional C-17s but also recommended this program for termination. Particularly in light of today's financial constraints, continuing to spend billions of dollars for more C-17s we do not need is becoming increasingly unsustainable. For these reasons, I will be offering an amendment to strike the additional 10 aircraft.

Given how much our airlift capacity currently exceeds operational requirements, I see no reason why we should buy more of these aircraft—at a minimum, before key analyses on the subject, such as the Institute for Defense Analyses' review and the Department of Defense Mobility Capabilities and Requirements Study are completed.

I will be proposing an amendment shortly that I hope will correct this egregious action on the part of the Appropriations Committee. The men and women in the military, who are fighting and putting their lives on the line, deserve a lot better than that.

I want to talk for a few minutes about earmarks. The practice of earmarking is detrimental to the Department and, with increasing frequency, to Members themselves. The guilty pleas of former Members of Congress, congressional staffers, and lobbyists illustrate how earmarks have been used to corrupt the legislative process. Check the polls. The trust and confidence on the part of the American people in the Congress of the United States is at an all-time low, and deservedly so.

By my preliminary count, there are almost 700 unrequested earmarks in this bill, over 400 of which are not authorized in the fiscal year 2010 National Defense Authorization Act. That represents more than \$1.3 billion in funding for unrequested, unauthorized, Member-interest items. It is unacceptable.

It is the constitutional duty of Congress to provide the Department of Defense the resources it needs while providing the oversight our constituents demand. We have a fiduciary obligation to the American taxpayer, and every time we tuck pork into an appropriations measure, we shun that responsibility.

One of the great untold stories of earmarking is that the money, which is diverted to special-interest projects, would have otherwise been used to address the stated needs of our military services. The money does not come from anywhere but the taxpayers' wallets and purses. But the service chiefs, who are in the best position to advise Congress of their priorities, are routinely shortchanged so that Senators and Congressmen can fund their pet projects.

A sampling: \$9.5 million is in this bill to fund research in Montana on hypersonic wind tunnels, called MARIAH—M-A-R-I-A-H. This self-licking ice cream cone has been with us, earmarked and unrequested, since 1998. The Air Force, leader in hypersonic testing and technology, lost interest in 2004, so appropriators moved the program to the Army. The Army has no official requirement for this capability and published a report in 2005 stating their disinterest in the program.

To date, the Army has no plans to fund the MARIAH wind tunnel effort, as they have stated in their budget documents. That has not kept the Congress from pouring more than \$70 million into it—more than \$70 million—with no discernible return. One group has done very well in the deal, however. Of course, I am referring to lobbyists, including Gage LLC, whose CEO, coincidentally, had been a senior staffer to an appropriator from Montana. I intend to offer an amendment to strike this earmark in the bill, and I can assure you, you will hear more from me on this.

We have spent more than \$70 million on a project that has had no return, that the military has said they have no interest in pursuing.

Another earmark is \$5 million to the battleship USS Missouri Memorial Association. This is a private organization which owns and operates this battleship as a museum in Pearl Harbor. I am aware that the association plans to put the Missouri in drydock and refurbish it, and also aware it was not part of the donation agreement that the Defense Department would pay for required maintenance.

I am all for Navy ships being placed in places where Americans can see and appreciate the great service and sacrifice of the men and women in the military, the Navy and Marine Corps in particular. The deal was that the Defense Department would not, that they would take care of the maintenance of

it, that they would take care of whatever the needed expenses are. So here is \$5 million.

Another earmark is \$25 million for the National World War II Museum in New Orleans, to help pay for the construction of new facilities as part of a \$300 million expansion. This privately funded museum opened in 2000 and, through the help of the Louisiana delegation, has already received \$13 million in Department of Defense funds tucked into previous appropriations bills.

Again, if the members of the Appropriations Committee wish to go through the authorization process and have this project authorized, I would be more than willing to consider it.

Another appropriation is \$13.8 million for five different earmarks pertaining to nano-tuber research. Of the almost 800 earmarks I mentioned earlier, hundreds are for high-tech research or devices. I ask my colleagues whether they are capable of weighing the merits of specific technologies they fund in this bill.

Another earmark is \$20 million for a center at the University of Massachusetts "dedicated to educating the general public, students, teachers, new Senators, and Senate staff about the role and importance of the Senate." This center was neither requested in the President's budget nor authorized by Congress. Certainly a legitimate question should be whether \$20 million should be appropriated for a project that has nothing to do with the defense of this Nation. It may be a worthwhile project. Why couldn't we get it authorized?

Another earmark is \$10 million, as usual, to the University of Hawaii for a program called the Panoramic Survey Telescope and Raid Response System, Pan-STARRS. On the surface, this program seems like a reasonable need for the Air Force as a part of its Space Situational Awareness efforts. Unfortunately, the Air Force will not be getting much return on this investment since it will only be allowed to use the telescope 5 percent of the time.

Let's get that straight. The Air Force is paying \$10 million so the telescope could be developed and maintained, and they are going to get to use it 5 percent of the time. In dollar figures, the Air Force pays \$10 million to the university and receives \$500,000 in return. What is more, the Air Force has not, in the 9-year life of this earmark, requested a single dollar for this program. So since 2001, the Air Force has been forced to spend more than \$75 million of its budget allocation on a program it does not want—but might be able to use—only to be denied use 95 percent of the time.

I do not dispute that some of the earmarks listed in the bill have value. I am sure they do. But I protest the process by which Congress ignores priorities of the armed services so that

Members can deliver tax dollars to their constituents for programs which may have nothing to do with the defense of our Nation, and at a time when we can least afford to misuse resources. We all know the economy has taken a beating over the last year. Unemployment is just under 10 percent, and the national debt is \$11.8 trillion. So we are going to provide \$20 million to a center with a purpose to extol the virtues of the Senate?

The issues we face as a nation require all of us to make sacrifices—all of us. It is about time we started setting an example.

In today's Washington Post is an article written by Jeffrey Smith, entitled "Defense Bill, Lauded by White House, Contains Billions in Earmarks." Mr. President, I ask unanimous consent that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 29, 2009]

DEFENSE BILL, LAUDED BY WHITE HOUSE,  
CONTAINS BILLIONS IN EARMARKS

(By R. Jeffrey Smith)

Sen. Thad Cochran's most recent reelection campaign collected more than \$10,000 from University of Southern Mississippi professors and staff members, including three who work at the school's center for research on polymers. To a defense spending bill slated to be on the Senate floor Tuesday, the Mississippi Republican has added \$10.8 million in military grants earmarked for the school's polymer research.

Cochran, the ranking Republican on the Appropriations subcommittee on defense, also added \$12 million in earmarked spending for Raytheon Corp., whose officials have contributed \$10,000 to his campaign since 2007. He earmarked nearly \$6 million in military funding for Circadence Corp., whose officers—including a former Cochran campaign aide—contributed \$10,000 in the same period.

In total, the spending bill for 2010 includes \$132 million for Cochran's campaign donors, helping to make him the sponsor of more earmarked military spending than any other senator this year, according to an analysis by the nonprofit group Taxpayers for Common Sense.

Cochran says his proposals are based only on "national security interests," not campaign cash. But in providing money for projects that the Defense Department says it did not request and does not want, he has joined a host of other senators on both sides of the aisle. The proposed \$636 billion Senate bill includes \$2.65 billion in earmarks.

President Obama has repeatedly promised to fight "the special interests, contractors and entrenched lobbyists" that he says have distorted military priorities and bloated appropriations in the past. In August, he told a convention of the Veterans of Foreign Wars that "if Congress sends me a defense bill loaded with a bunch of pork, I will veto it."

But the White House instead sent a generally supportive message to the Senate about the pending defense bill on Friday, virtually ensuring that the earmarks will win final congressional approval. For the most part, the White House lauded the bill's proposed funding for the wars in Afghanistan and Iraq, as well as its cancellation of three programs that Defense Secretary Robert M.

Gates has been particularly eager to kill this year: the F-22 fighter plane, a second engine for the F-35 fighter and a new presidential helicopter program.

The bill, however, would add \$1.7 billion for an extra destroyer the Defense Department did not request and \$2.5 billion for 10 C-17 cargo planes it did not want, at the behest of lawmakers representing the states where those items would be built. Although the White House said the administration "strongly objects" to the extra C-17s and to the Senate's proposed shift of more than \$3 billion from operations and maintenance accounts to projects the Pentagon did not request, no veto was threatened over those provisions.

The absence of such a threat provoked Winslow Wheeler, director of a military reform project at the Center for Defense Information, to describe Obama's stance as "too wimpy to impact behavior." Wheeler, who earlier criticized the House for approving a version of the bill that includes extra C-17 planes, \$2.7 billion worth of earmarks and other projects that Gates dislikes, said that "as a long-time Senate staffer who has read these documents for years, my interpretation of it is that the House-Senate conference will listen politely . . . and then do as it pleases."

Senior Obama aides responded that the White House never sought to fix the problem of earmarks in one year. "The president has been clear from Day One: He wants to change the way business gets done in Washington," Thomas Gavin, a spokesman for the Office of Management and Budget, said Monday. "The results speak for themselves. Earmarks in the defense appropriations bills are down 27 percent in the House and 19 percent in the Senate. This is an important step forward in the president's drive to shape a government that is more efficient and more effective."

Those figures are the most flattering the White House could have used: They refer to the number of earmarks in the bills, not total spending. Total spending on military earmarks in the Senate declined by only 11 percent from the \$3 billion approved by Congress last year.

"Despite the fact that earmarks are down, there's still nearly 800 . . . for projects that rose to the top by dint of political power rather than project merit," said Ryan Alexander, president of Taxpayers for Common Sense. "The president needs to take a harder line against waste and political gamesmanship, particularly in the defense bill, which is paying for two wars."

There is, however, wide bipartisan support in Congress for diverting funds to political donors or home-state causes.

Sen. Daniel K. Inouye (D-Hawaii), chairman of the Senate Appropriations Committee, ran a close second to Cochran's \$212 million in earmarks this year, having added 37 earmarks of his own worth \$208 million, according to the tally by Taxpayers for Common Sense.

Almost all of Inouye's earmarks are for programs in his home state, and 18 of the provisions—totaling \$68 million—are for entities that have donated \$340,000 to his campaign since 2007. His earmarks included \$24 million for a Hawaiian health-care network, \$20 million for Boeing's operation of the Maui Space Surveillance System and \$20 million for a civic education center named after the late senator Edward M. Kennedy.

"Many of my earmarks are intended to support investment in small businesses working to hone new and innovative technologies that will better protect and support

our soldiers during a time when our nation is at war," Inouye said in a statement Monday.

In Cochran's case, the proposed earmarks would benefit at least two entities that hired his former aides. The manager of Mississippi operations for Colorado-based Circadence is R. Bradley Prewitt, whose biography on the company's Web site states that he was counsel and campaign manager to Cochran from 1997 to 2002. The University of Southern Mississippi, which would receive \$10.8 million in Cochran earmarks, paid \$40,000 to a firm that employs Cochran's former legislative director, James Lofton, to help lobby on defense appropriations, according to the firm's Senate registration.

"Senator Cochran takes his responsibilities on the Appropriations Committee very seriously," spokesman Chris Gallegos responded Monday. "Senator Cochran does not, and never will, base his decisions on campaign contributions."

Mr. MCCAIN. Quoting from the article:

President Obama has repeatedly promised to fight "the special interests, contractors and entrenched lobbyists" that he says have distorted military priorities and bloated appropriations in the past. In August—

As I mentioned—

he told a convention of the Veterans of Foreign Wars that "if Congress sends me a defense bill loaded with a bunch of pork, I will veto it."

Mr. President, this bill fits that description.

It goes on:

The bill, however, would add \$1.7 billion for an extra destroyer the Defense Department did not request. . . .

It talks about the C-17s and "the Senate's proposed shift of more than \$3 billion from operations and maintenance accounts to projects the Pentagon did not request, no veto was threatened over those provisions."

I want to say again, I am sure the managers of this bill will somehow try to justify this transfer out of operations and maintenance into the C-17. It is not a credible argument. It is not a credible argument.

The absence of such a threat provoked Winslow Wheeler, director of a military reform project at the Center for Defense Information, to describe. . . .

Senior Obama aides responded that the White House never sought to fix the problem of earmarks in one year. "The president has been clear from Day One: He wants to change the way business gets done in Washington". . . .

One thing I know about egregious practices, if you do not stop them early in an administration, you never will. It will be alleged that earmarks are down less than they were before, it is an important step forward, and the sponsors of the bill will say earmarks are down 27 percent in the House and 19 percent in the Senate.

Those figures are the most flattering the White House could have used: They refer to the number of earmarks in the bills, not total spending. Total spending on military earmarks in the Senate declined by only 11 percent from the \$3 billion approved by Congress last year.

"Despite the fact that earmarks are down, there's still nearly 800 . . . for projects that

rose to the top by dint of political power rather than project merit," said Ryan Alexander, president of Taxpayers for Common Sense. "The president needs to take a harder line against waste and political gamesmanship, particularly in the defense bill, which is paying for two years."

Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The bill is not yet pending.

Mr. MCCAIN. I thank the Chair.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### AMENDMENT NO. 2558

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2558.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike amounts available for procurement of C-17 aircraft in excess of the amount requested by the President in the budget for fiscal year 2010 and to make such amounts available instead for operation and maintenance in accordance with amounts requested by the President in that budget and for Operation and Maintenance, Army, for overseas contingency operations)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) REDUCTION OF AIRCRAFT PROCUREMENT, AIR FORCE, FOR EXCESS AMOUNTS FOR C-17 AIRCRAFT.—The amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby reduced by \$2,500,000,000, the amount equal to the amount by which the amount available under that heading for the procurement of C-17 aircraft exceeds the amount requested by the President in the budget for the Department of Defense for fiscal year 2010 for the procurement of such aircraft, with the amount of the reduction to be allocated to amounts otherwise available for the procurement of such aircraft.

(b) AVAILABILITY FOR OPERATION AND MAINTENANCE.—The amount appropriated by title

II for Operation and Maintenance is hereby increased by \$2,438,403,000, in accordance with amounts requested by the President in the budget for the Department of Defense for fiscal year 2010.

(c) AVAILABILITY FOR OPERATION AND MAINTENANCE, ARMY, FOR OVERSEAS CONTINGENCY OPERATIONS.—The amount appropriated by title IX under the heading "OPERATION AND MAINTENANCE, ARMY", is hereby increased by \$61,597,000.

Mr. MCCAIN. Mr. President, the amendment strikes funding in the Defense appropriations bill for 10 C-17 Globemaster aircraft that we neither need nor can afford. My amendment also redirects those funds to critically important operations and maintenance accounts which the appropriators have seen fit to cut.

At about \$250 million per aircraft, the total cost to the taxpayer of the C-17 earmark in this bill is \$2.5 billion. But how are we paying for these aircraft? With the cuts made in the bill, it appears much of the offset for paying for the 10 aircraft falls on the O&M accounts. So why are we buying C-17s we don't need and can't afford while at the same time reducing overall O&M accounts by \$3 billion?

I am sure the managers of the bill will justify this cut in operations and maintenance. I would rely on the judgment of the Secretary of Defense and the Chairman and members of the Joint Chiefs of Staff who will tell us they need this money for operations and maintenance.

I hope my colleagues understand what this really means. If this bill passes with these cuts, the Air Force in particular will be forced to decrease funding for training, equipment, depot maintenance, and the restoration and modernization of air bases across the United States, and they would not be alone. The Army, Navy, Marine Corps, and National Guard would also come out on the wrong end of these cuts and would be forced to reduce funding for facilities sustainment, training, and recruiting.

After 8 years of war, the Army's equipment readiness has fallen to truly worrisome levels. In testimony before the Armed Services Committee this year, Secretary of the Army Pete Geren said:

Predictable and timely funding is key for us to be able to operate an organization the size of the United States Army. . . . When funding is unpredictable, it makes it very hard to plan long term.

I have seen a hollow Army, deeply degraded in the decade after Vietnam and again during the drawdown of the 1990s. Today's forces are not in such dire straits as those, but 8 years of war has taken its toll on the Army, Marines, Guard, and Reserve component ground forces. As GEN George Casey said: "The current demand for our forces exceeds the sustainable supply."

Particularly in a time of war, I urge my colleagues to invest in the recapitalization of our ground forces—not



funding aircraft we neither need nor can afford with those investments.

Finally, I wish to mention the Army Reserve and National Guard, which are, as General Casey described, "performing an operational role for which they were neither originally designed nor resourced." In my view, any cut to their operations and maintenance accounts will retard the ability of these components to fit and deploy for missions at home or abroad. And I am sure the Secretary of Defense would say he would like a lot more because of the wear and tear and degradation that already exists to much of our equipment and capabilities.

We can and must do better. Left uncorrected what we would do in this bill is effectively fund the purchase of new aircraft that we neither need nor can afford with critical sustainment money. That would have a significant impact on our ability to provide the day-to-day operational funding that our service men and women and their families deserve.

Let me turn briefly to the merits of the C-17 earmark itself. If some of these remarks sound familiar, that is because I was on the floor of the Senate less than 3 months ago speaking about C-17s when the Senate Appropriations Committee earmarked eight of these cargo aircraft in the 2009 supplemental appropriations bill at a cost of \$2.25 billion. That is right. In just 3 months, the Appropriations Committee has set aside nearly \$5 billion for 18 C-17 aircraft that we don't need, the Pentagon doesn't want, and we can't afford.

Against that backdrop, over the last 3 years the White House has actively been trying to close down the C-17 production line, asking for as much as \$500 million per year to shut down the line. But over that same period, the appropriators have been working in the exact opposite direction to ensure continued funding for the program in supplemental war funding bills—bills that are supposed to be used to fund the wars in Iraq and Afghanistan.

So despite that the Democrat Department of Defense's overall requirements for C-17s continue to sit at 180, the appropriators have required the Department to buy through fiscal year 2009 a total of 213 C-17s, and they have done so before two key studies have been completed.

This chart illustrates what is going on. Marked in red we see the C-17s the appropriators have added. Why? Because our service men and women need them? No. In 2007, 2008, 2009, and 2010 the Air Force budgeted money to close the line each and every year.

Is the reason some sort of new stimulus package which will create new jobs? No. That is because, as I mentioned, they have had three dozen more C-17s than the Air Force has needed. In fact, right now, the backlog of C-17s is

such that Boeing will not begin building these aircraft earmarked by the appropriators for another 2 years.

In the bill we are debating today, the 10 C-17s the appropriators want to fund will bring the total number of C-17s the Senate Appropriations Committee has added above any validated military requirement to 44. Enough is enough.

According to the most recent Statement of Administration Policy, the administration "strongly objects" to the addition of \$2.5 billion in funding for 10 unrequested C-17 aircraft. The Department of Defense's own analyses show that the 205 C-17s in the force and on order, together with the existing fleet of aircraft, are sufficient to meet the Department's future airlift needs even under the most stressing conditions.

Secretary Gates has likewise very clearly said that the military has no need to buy more C-17s. While Secretary Gates called the C-17—and I agree—a "terrific aircraft," he stressed earlier this year that the Air Force and U.S. Transportation Command "have more than necessary" strategic airlift "capacity" for airlift over the next 10 years. Nonetheless, continuing C-17 production would cost about \$3 billion per year from 2010 onward.

There is little reason why, in connection with the fiscal year 2010 budget request, the President not only requested no funding for additional C-17s but also recommended this program for termination. In light of today's financial exigencies, continuing to spend billions of dollars for C-17s the Pentagon doesn't need and can't afford is becoming increasingly unsustainable. More so than almost any other earmark I have discussed on the Senate floor, this earmark shows our priorities are just about the opposite of where they should be.

For that reason, I am persuaded by the strength of Secretary Gates's opposition, and I find unacceptable the apparent source of funding for this earmark and urge the Members of this body to support my amendment. As I mentioned before, the amendment would redirect money from buying the C-17s we don't need and can't afford to critically important operations and maintenance accounts that are the lifeblood of our troops and their families.

So we have a choice with this amendment. We can either continue to fund an airplane that the military neither wants nor needs, or we can restore the cuts in funding in operations and maintenance which, according to the testimony of every military leader, is badly needed and wanted. The body will be presented with that choice.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER (Mr. KAUFMAN). Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INVESTING IN EDUCATION

Mr. BROWN. Mr. President, as Congress awaits health reform and climate change, we must also remember that education is another one of the great moral issues of our time.

Last week, my Washington office was honored to have DeAnthony Cummings serve as an intern for the day. He was 1 of only 60 students selected nationwide who traveled to Washington to participate in Job Corps Day, 45 Years of Building Lives and Launching Careers. For more than four decades, Job Corps centers around the Nation have provided vocational academic training for nearly 3 million economically disadvantaged young Americans.

DeAnthony is enrolled at the Cincinnati Job Corps Center where he is serving his second term as class president. Several months ago I visited with him and his friends at Job Corps. As the eldest sibling, DeAnthony wants to set a good example for his family. He says Job Corps is preparing him for college, where he wants to study psychology and political science. He told me he wants to run for elective office someday to serve his country. He deserves an educational system that helps him get there.

In the coming weeks, the Senate will take up a major bill to expand student aid and education funding at no additional cost to taxpayers. For aspiring college students such as DeAnthony, the bill would move all Federal student loans to the more efficient and less costly public direct loan program. The \$87 billion in savings over 10 years can be invested in educational opportunities for our students—for future teachers and doctors and engineers and scientists and computer technicians and farmers.

The bill will protect a student's purchasing power of a Pell grant by ensuring that the maximum grant grows faster than inflation. Senator CASEY from Pennsylvania, who is with us today, worked with me last year to raise those Pell grants that hadn't been raised in 5 or 6 years to get them to the place where students had more opportunity to go to school. For students attending college today, the maximum Pell grant is now \$5,350, a historic high.

By eliminating wasteful subsidies to lenders, we can make college more affordable and focus our attention on retention and students' success. That is where one of the Nation's most valuable resources plays a critical role. The community college system is essential to training our most talented workers and students for new jobs in new industries. Last month, the New York Times



reported how Sinclair Community College in Dayton focuses on jobs not just degrees.

President Obama's American Graduation Initiative has proposed investing \$12 million in community colleges and increasing the number of community college graduates by 5 million over the next decade. Dr. Jill Biden, one of the Nation's most eloquent voices on community colleges, has said:

Community colleges change lives and serve as a gateway to opportunity for students at all stages of their lives and careers.

A few months ago, at a constituent coffee in Washington, I met an Ohioan who inspired me. Denee, from Columbus, grew up with 13 different foster care families and spent time with the Department of Youth Services. But she believed that better things were ahead for her. She worked hard, earned her GED, enrolled in Columbus State University, and is now finishing nursing school and will start a new job in the fall. Legislation such as the Building Student Success Act, which I recently introduced, will help community college generate a better outcome for their students. It is that type of Federal investment that will help presidents of Ohio's colleges and universities provide the resources for student success on campuses all over my State.

For the last 2 years, I have held the Ohio College Presidents Conference which brings together presidents of Ohio's 2- and 4-year colleges and universities to craft education policy in Washington that meets the needs of Ohio's students. Some 55 college presidents each of the last 2 years have attended and shared their experiences and ideas and views and best practices with one another. Much of what we discussed is what President Obama has explained before: that it is not enough for our economy just to recover, we must rebuild it, and that starts in our classrooms.

Reforming Federal student loan programs frees up resources to modernize schools and strengthen early childhood education. The impact of these investments will, of course, span generations. Student loan reform gives us an opportunity to address another problem that has become more acute because of the economic crisis. Too many of our Nation's students are signing away their economic future when they sign up for college.

In 2007, 63 percent of Ohio graduates of public colleges finished school with an average debt of \$21,000; 75 percent of Ohio graduates of private colleges finished school with an average debt of \$22,700.

Private loans typically, though, have higher interest rates that can top 18 percent and have fewer repayment options than loans administered directly by the U.S. Department of Education.

According to an analysis by the Project on Student Debt, nearly two-

thirds of private student loan borrowers didn't exhaust their Federal loan eligibility. That is why I introduced the Private Student Loan Debt Swap Act.

Under my debt swap bill, if you have an expensive and unaffordable private student loan, you can use your remaining Federal student loan eligibility to pay off or at least pay down some of that loan. By swapping expensive private loan debt, sometimes with local banks or national banks at 18 percent interest, with low-cost Federal student loans capped at under 7 percent, borrowers could much more readily repay their loans.

This legislation wouldn't increase government spending; in fact, it will likely reduce it. Expanded Pell grants and a strong debt swap bill would help Ohioans such as Kimberly, a schoolteacher from Toledo. During college, she took out private student loans, expecting that she would consolidate them after graduating. After accepting a teaching position, her lenders would not consolidate the loans because of the economy. Kimberly is a teacher at a low-income Head Start school, so she doesn't make as much money as a teacher in a public high school. She has four loans, with four different interest rates, which are all significantly higher than Federal student loan rates.

Kimberly should not have to spend the rest of her career paying off her loans or as she writes:

I knew that I would be paying out my loan long after graduating, but at this point, someone else will have to pay out the loan after I'm gone.

Imagine that. She thinks she will never be able to fully pay this loan back because of the exorbitantly high interest rate charged by the banks.

Private student loans with enormous interest rates are driving young Americans into never-ending debt. There is no American dream within reach in that scenario for the Kimberlys of the world, just a sense of helplessness and hopelessness.

That is why this student reform bill is so important. John F. Kennedy said once: "Our progress as a nation can be no swifter than our progress in education."

In Portsmouth, Lima, Mansfield, Marietta, Toledo, Akron, Gallipolis, and Mason, we have leaders in our community, such as Kimberly, teaching in our classrooms, or, such as Denee, healing people in our hospitals.

Years from now? DeAnthony Cummings should be able to stand in this Chamber representing Ohio because there was an education system that believed in him.

The student aid reform bill is part of the progress we seek—that will allow a child, a working mother or an older worker to believe that in this Nation, if you work hard and play by the rules, you, too, can have part of the American dream.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, there is no doubt that there may be things in the Defense budget that you could characterize expensive, overbudget, and behind schedule programs. But the C-17 aircraft is not one of them, which is why it is so bewildering—and disappointing—that some of this Chamber's well-known budget hawks are opposed to a model procurement program and a boon for the taxpayers.

While the most important concern, of course, is for our warfighter and national security—which I will go into in more detail in a moment—let me address what seems like the primary concern for some of my colleagues: the budget.

Investing in the C-17 is actually a better use of taxpayer dollars than the obsolete and unreliable C-5A. C-17s are planes we need and can afford. The Government Accountability Office has found it would take seven rehabbed and remanufactured C-5As, at a cost of \$924 million to the taxpayer, to equal the capability of just one new C-17. They have to have that airlift. Right now, the C-5A is part of it. But it cannot continue as it is. You can get a C-17 for a lot less than you can remanufacture and rehab one of the old C-5As, and that doesn't even work so good.

My biggest concern, of course, is national security. Some of my colleagues have attacked the C-17 as a special interest item. I agree. Investing in the C-17 is in the special interest of our warfighters and it is critical to our national security interests and it gives us the heavy lift air mobility we require these days.

The C-17 is a proven, combat-tested airlift capability that is essential to the fight we are in right now, and it has been a workhorse in Iraq and Afghanistan.

As some of my colleagues have mentioned, we are at war. I couldn't agree more that this is our primary concern, which is, again, why the C-17 is so important. With the war in Afghanistan heating up and the war in Iraq continuing, our airlift needs are only growing.

The Congressional Research Service has indicated that the C-17 was designed to fly 1,000 hours per year over 30 years. But as our overseas commitments have grown, some aircraft have even reached 2,400 flying hours in a single year. My colleague from Arizona pointed out that equipment is being worn out quickly in Iraq and Afghanistan. That is no doubt true. But one key piece of our equipment there is our heavy airlift capability. The heavy usage, in addition to the growth of the Army and Marine Corps, the logistics difficulty of getting supplies into Afghanistan, and the need for increased humanitarian/smart power missions in

Afghanistan, Iraq, and elsewhere in the world are all reasons why I urge my Senate colleagues to support the provision in the bill that would add the long lead time purchase we need right now to make sure we can continue to purchase the C-17s as the needs develop.

Some opponents may argue that the Department of Defense and the President don't want more, that they have enough C-17s and C-5s to do the job. However, with a 50-percent readiness level, a per hour operating cost of \$29,000, and 40 maintenance man-hours per 1 hour of flight, the C-5A represents ineffective and costly iron.

By replacing these obsolete, ineffective, and costly C-5As with new C-17s, which this Congress has allowed the Department of Defense to do by lifting a truly special legislative interest prohibition, saying in the past they could not retire them, we could save money, provide a more reliable capability for our warfighter, and preserve industrial capability for the future.

I have talked about the importance of investing in our airlift capability for our warfighter and our efforts in Afghanistan and Iraq. But as America's only large airlift production line, the C-17 production line, if ended, would put at risk our Nation's long-term security. Eliminating the only large airlift production line in the United States would demonstrate a lack of understanding and appreciation for the skill sets and efforts needed to build these aircraft.

Without a follow-on program, and because we have already shrunk our aerospace defense industrial base to such a low level, once these skilled workers, the engineers, designers, and their expertise are gone, we do not get them back.

If we lose the skilled engineers, designers, and dedicated workers, we could be forced to turn to Europe or Russia for our future large airlift needs. More and more, this national talent and industrial workforce, which manufactures the critical and unique equipment that helps us fight and win our wars, is being eviscerated.

Without additional funding, our aerospace engineering, design, and manufacturing base will atrophy.

This will put at risk our competitiveness on the global market, our ability to address future airlift requirements, and put at risk 30,000 American jobs stretched across 43 States.

This isn't about preserving jobs in tough economic times, although I believe the administration certainly missed a big opportunity in the stimulus bill to recommend stimulating the economy in defense production. They didn't put a single dollar in defense production needs, which is where we have tremendous needs.

The C-17 addresses a shortsighted decision on the part of the administration. That decision took for granted

the capacity and innovation of our defense industrial base, but we cannot afford to let that wither because their proposal put out of work the people who have designed these aircraft. We have found, in the past, when we have shut down acquisition lines, the skilled engineers leave. One example is they went to work at Disney. That is great. That is good work, but it is not protecting our national defense.

After the draconian defense cuts during the Clinton administration, the arsenal of democracy consolidated and shrank to a point where any further consolidation will result in an irreversible loss in competition, innovation, and industrial capacity.

C-17 production will shut down in 2010 without these 10 aircraft, and restarting production would be incredibly difficult and expensive—according to the GAO, up to \$1 billion.

The GAO study further noted that “careful planning is needed to ensure the C-17 production line is not ended prematurely and later restarted at substantial cost.”

Additionally, the GAO found that “both the manufacturer and Air Force agree that shutting down and restarting production would not be feasible or cost-effective.”

Keeping the C-17 line open is critical not only for our national defense but for thousands of American workers who rely on this aircraft for their livelihood.

With the waning demand for commercial aircraft and a lull in military fighter jet production, it is more critical than ever to maintain the aerospace industrial base that runs the only remaining wide-body assembly line in the United States.

I urge my colleagues to exercise their constitutional authority and not go along with what I believe will be shown very shortly, if we make the decision, to have been very shortsighted. This is a decision that we, in our constitutional responsibility, can and must make.

We cannot afford disastrous defense cuts coming out of the OMB, which is why we fought and won the effort in committee earlier. It is critical—and that colleagues join with me in supporting the managers on the floor to fight a shortsighted attempt to eviscerate our warfighter's airlift capability and our Nation's industrial base. Both are critical elements for the long-term security and future of our country.

I urge my colleagues to join me in opposing the McCain amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHANNIS. Mr. President, I ask unanimous consent to speak as in morning business for about 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Mr. JOHANNIS. Mr. President, many have come to this Chamber and have talked about their constituents and the concerns that have been expressed to us about health care and how their families would be directly impacted. The frustration driving many of those individuals who have written to us, picked up the phone, attended a town-hall meeting continues. They worry we are not listening.

The biggest misconception is that those who are raising concerns about the President's health care proposals believe that somehow they are defending the status quo. That could not be further from the truth.

We can all agree that health care costs are rising at rates that create hardships across our country. They impact families and businesses, and ultimately they are not sustainable for Federal and State budgets.

There are many things I believe upon which there would be very universal agreement. For example, I support insurance market reforms that increase access to insurance for people who have preexisting conditions. Many of us do in the Senate. I support allowing small businesses to band together to bring down health insurance premiums. Many here do. I support subsidies for those who truly cannot afford insurance to help them buy down their premiums, their deductibles or copays. Again, many here could. I support real malpractice reform that would curb costs by reducing defensive medicine. Again, many here do.

These commonsense reforms and others we could mention could be the cornerstone of what I believe would be a truly bipartisan solution to our health care crisis. But I believe the current proposals have veered in a very different direction. I cannot support so-called reform that lowers the quality of our health care, compromises the doctor-patient relationship, and drastically increases costs for Americans. Yet I worry that the provisions working their way through the Senate Finance Committee appear to do precisely that—increase costs and jeopardize quality. I do not believe it is the kind of health care reform Americans have sent us to Washington to enact.

In our current economic crisis, the last thing American families need is to see more of their paychecks going to pay taxes. This legislation presents a “darned if you do, darned if you don't” scenario. It taxes you if you have insurance and it taxes you if you don't.

People who depend on medical devices will see prices rise. So will individuals who take prescription drugs.

States will have to raise money to pay for what I regard as an unfair unfunded Medicare mandate. Having been a Governor, I can tell you there are limited choices in State budgets, and State budgets are in crisis today. They are either going to have to raise taxes to somehow find the revenue to deal with that mandate, or they are going to have to do something equally unpleasant; that is, cut programs. Which State programs do you think Americans will want to sacrifice so Washington can have its way with the States in the Medicaid unfunded mandate?

I can tell you from experience, cutting programs is an impossible decision. So is raising taxes. States should not be put in a difficult position again and again by an overreaching Federal Government. Employers will be taxed in order to pay for required health care insurance for their employees. These taxes will create financial heartburn that no doctor's prescription can ease.

This legislation will require every American to have health insurance, with limited exceptions, and not just any health insurance. It requires health insurance that meets specific qualifications the bureaucracy in Washington will dictate.

The Finance Committee bill would require you to spend a certain share of your income before becoming eligible for health insurance subsidies. Under the original Finance Committee proposal, the Congressional Budget Office estimated that an individual who makes \$32,400 a year—not a lot of money—would be required to pay \$4,100 in health care insurance premiums before becoming eligible for a subsidy. That individual would also be required to pay, on average, \$1,600 in copayments and deductibles. These individuals would be required, through the government mandate, again, to spend 18 percent of their income on health insurance. Surprisingly, the cheaper catastrophic coverage some would prefer would not be considered a so-called qualified plan; therefore, not an option.

Furthermore, if you choose not to have health insurance that meets these qualifications, you could be forced to pay out as much as \$1,900 in additional taxes per family.

The Internal Revenue Service will be knocking on your door to make sure you literally buy into federally dictated health care reform efforts.

I have heard from many Nebraskans who feel as if this individual mandate is a direct assault on their freedom. Most people do not like the notion that Washington tells them how to live their lives. Imposing an individual mandate tax rubs Americans the wrong way. Not only are we telling them they must buy insurance, but we are telling them what kind of insurance they must buy.

I know some, including our President, argue this is not a tax; rather, it

is simply a shared responsibility. The very language in the Finance Committee plan clearly states this is a tax, and it brings in about \$20 billion. Where is the President's promise that he would not raise taxes on individuals who make under \$250,000 a year? Well, it is nonexistent. Last week, this was made clear during the Finance Committee markup. When asked about the effect of this individual mandate tax on the middle class, the chief of staff for the Joint Committee on Taxation responded:

We would expect that some people paying would make less than \$250,000.

For hard-working families, the individual mandates will load them up with a fancy benefit plan covering services they may not want or need. They will be required to buy it or their government will penalize them.

This is a complex and a fundamental shift in how we approach health care in our great country, indeed, in how much the government dictates the health care decisions of each and every American.

Furthermore, this legislation raises money by taxing insurance companies, medical device manufacturers, and prescription drug manufacturers. Does anybody doubt for a minute that will be passed on to the average guy? There is little doubt that these increased taxes will lead to higher premiums, more expensive medical equipment, and higher drug prices for Americans. These industries will compensate for the added tax by raising prices, ultimately raising the cost of health care in this country.

Additionally, this plan is likely to decrease research and development in the health care sector, which has been a major driver of innovation and improvement in health care quality. Creating policy that decreases the quality of our health care makes no sense. It is counterproductive. Requiring employers to provide health insurance to their employees or be fined or taxed does not make sense. The Finance Committee proposal is expected to collect \$27 billion worth of those fines or taxes. In tough economic times, with unemployment almost in double digits and forecasts to go into double digits, putting more requirements and mandates on job creators and job sustainers is counterproductive. Employers will think twice about hiring more workers.

There is little doubt that these increased taxes will lead to higher insurance premiums, more expensive medical equipment, and higher drug prices for Americans. These industries will compensate by raising their prices. They simply will.

I fear low-income Americans will suffer the most. They need those jobs. We must carefully evaluate the details of this legislation and ensure that our attempts to make things better, which I believe we can do in a bipartisan way,

do not ultimately make things worse. I suggest that in tough economic times, creating legislation that increases the cost of health care, that raises taxes is not true health care reform.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### MAJORITY PARTY MEMBERSHIP ON CERTAIN COMMITTEES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 290.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 290) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, with the filling of Senator Kennedy's seat by the State of Massachusetts, we are now rearranging the committees. Some have been vacant since his death.

I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 290) was agreed to, as follows:

#### S. RES. 290

*Resolved*, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burris, and Mr. Kirk.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, and Mr. Bennet.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, and Mr. Kirk.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Vice Chairman), Mr. Bingaman, Ms. Klobuchar, Mr. Casey, Mr. Webb, and Mr. Warner.

#### DEPARTMENT OF DEFENSE AP- PROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as the Senate realizes the business today is the administration's fiscal year 2010 Defense budget proposal, our Committee on Appropriations, as everyone

knows, in the regular order, had hearings and took advantage of advice from testimony and suggestions received by other Senators on and off the committee about the provisions of this important legislation. It sets out, as the Senate appreciates, the funding that will be permitted by the Department of Defense for the next fiscal year. So the subject we have today before us is specifically an issue involving a funding provision in the administration's fiscal year 2010 Defense budget proposal.

The administration proposed several funding cuts for weapons programs they deemed unneeded. The Senate Appropriations Committee, in its hearings and in its deliberations, reviewed each of the proposals and generally agreed with the recommendations set forth in the administration's budget submittal.

This bill does not include additional funding for F-22 aircraft, the Presidential helicopter, the Joint Strike Fighter alternate engine, the combat search and rescue helicopter, the Kinetic Energy Interceptor, and several other programs which were proposed for funding cuts by this administration.

The C-17 aircraft is an area where we did not agree. The committee proposed \$2.5 billion be included in the bill for 10 additional aircraft. As we all know, the Defense Department is not infallible. It was wrong and overruled by Congress when it recommended program terminations of the F-117 stealth fighter and the V-22 Osprey.

The C-17 is the current backbone of our strategic airlift capability, and it will be for decades to come. C-17s are being utilized all over the world at a much faster pace than previously anticipated. While they comprise only 60 percent of the Air Force's strategic airlift fleet, they are flying 80 percent of all worldwide strategic airlift missions.

This demand for C-17 lift capability is only going to grow as new airlift missions emerge. Other missions we know about already are rapid deployment of theater missile defenses, counterinsurgency operations, as well as growing airlift demands for an expanding Army and Marine Corps.

Failure to fund the C-17 will result in the United States shutting down its airlift manufacturing base at a time when the demand for airlift is likely to grow. Allowing the C-17 supply base and production line to shut down and then trying to reconstitute it would cost billions of dollars and take years to accomplish.

The Quadrennial Defense Review and the upcoming Mobility Capability and Requirements Study are reassessing our strategic airlift requirements. Until those requirements are reevaluated, the C-17s should be included in this bill. The Air Force Chief of Staff has stated that he believes 205 C-17s and 111 C-5s are needed to meet strategic

airlift requirements and that procuring more than the 205 C-17s already purchased should involve a light reduction and retirement of C-5A aircraft.

Prior to enactment of the fiscal year 2009 Supplemental Appropriations Act in June of this year, the Air Force was prohibited from retiring the older and less capable C-5As. Now that the Department has authority to retire these aircraft, we should replace a number of them with a highly capable aircraft in production today. The Government Accountability Office has concluded:

It will take seven fully modernized C-5s at a cost of \$132 million each to attain the equivalent capability achieved from buying one additional C-17 at a cost of \$276 million.

In other words, it would cost \$924 million to modernize seven C-5s to get the same capability of one C-17 costing \$276 million.

Based on the growing airlift needs and the new authority to retire the aging and hard-to-maintain C-5 aircraft, we added the \$2.5 billion to sustain production of the C-17 program for 1 additional year. This additional year will give the Department of Defense time to complete its airlift reviews and preserve the option of adding to our strategic airlift fleet.

If funding for C-17s is eliminated in this bill and the ongoing studies determine additional airlift is needed, at best there will be significant cost increases and delays in getting the aircraft to the fleet; at worst, it will be cost prohibitive to restart the line and our service men and women will be denied equipment needed to perform their missions. That would be totally unacceptable, and I urge a "no" vote on the McCain amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the statement I am about to present may appear a bit redundant after listening to the great statement of the senior Senator from Mississippi, vice chairman of this committee. But as chairman of this committee, I want to, by this redundancy, emphasize that Senator COCHRAN and I work as a team, and we agree with the provisions in this measure. For the interest of this body, it should be noted that this measure was passed and presented to the Senate by a vote of 30 to zero—unanimous. A \$636 billion bill coming out of the committee, after due consideration, unanimously is historic.

The amendment of the Senator from Arizona seeks to eliminate funds provided in this bill to sustain the C-17 program. As I indicated, Vice Chairman COCHRAN and I proposed, and the committee accepted, our recommendation to relocate \$2.5 billion to procure an additional 10 C-17 aircraft. If approved, this will bring the total C-17 inventory to 223 aircraft. We believe this is a critical investment which will support our national security strategy

and add much to the needed airlift capability.

There are three main reasons the committee supported adding funding for the C-17:

First, as everyone in the military, from senior leadership to the soldiers being transported, will agree, it is, simply put, a superb aircraft. The C-17 represents the finest in military technology. It is efficient, cost-effective, and highly capable. In short, it has no detractors.

Second, we believe the facts now show that additional aircraft are needed to meet military requirements despite that it is being recommended by the Pentagon for cancellation.

Third, the C-17 embodies the only strategic airlift production program in our Nation. As the Senator from Missouri pointed out, there is nothing on the planning ledger to replace it. If we cut off the production at this moment, it will be unaffordable to restart this program.

The C-17 provides the U.S. military with the essential flexibility to respond on short notice—and I emphasize short notice—anywhere in the world. Our air fleet assets are a major enabler of strategy and operational plans. There is not a military scenario in existence today which can be put into effect without a strong airlift fleet. The C-17 was designed specifically to meet virtually all of the needs of our warfighters. It is the only airlift aircraft that has the ability to fly both great distances and to land on austere airfields anywhere in the world. That is very important because we don't have long runways prepared for us in far-off countries. When teamed with the tactical C-130 and the C-5, the C-17 fleet provides the Nation with the capability to deliver outsized cargo to our forces wherever they may be located.

We believe the C-17 is today the finest airlift aircraft in the U.S. arsenal. With its new avionics and structures, it can maintain a very high mission capability rate. This is a term used by the Air Force to denote the aircraft's ability to perform. Comparative data filed by the Government Accountability Office in November 2008 showed that the C-17 was able to successfully perform its mission in excess of 85 percent of the time. And I think we should note that—85 percent of the time, they are able to perform their mission. On the other hand, the aging C-5 was only able to meet its performance demands 58 percent of the time. For our men and women in uniform, what this means is that if they are depending on a C-5, their needs will be only addressed a little more than half the time, while a C-17 will meet their needs more than 8 times out of 10.

In addition, the C-17 is much cheaper to operate than the C-5. It is true that a C-5 has the capacity to carry more cargo, but in the actual usage by the

Air Force, the cost per flying hour of the C-17 is only 40 percent of the cost of the C-5. The Air Force has informed us that today its current statistics show that it costs \$6.42 to fly 1 pound of cargo from South Carolina to Baghdad on a C-17—that is \$6.42 from South Carolina to Baghdad—but \$13.76 to fly the same item on a C-5. Why? Because the C-5 is unreliable, because we rarely need to fill either plane to its maximum capacity on an average mission, and because the C-17 is newer and modernized in comparison to the C-5. We simply cannot rely on the older, outdated C-5.

Opponents might argue that when we modernize the C-5 it will be able to overcome many of these problems. I would concur that a modernized C-5 will be a far better aircraft. However, I would point out that the C-5 Modernization Program has been plagued with delays and cost overruns. Because of the high cost of the C-5 Modernization Program, the Defense Department decided that it could no longer afford to modernize all 111 C-5s and it cut the program to 52. That means our military will be dependent on 59 of the old and often broken C-5s that cost twice as much to operate as the C-17 for the foreseeable future. That is 47 percent of the C-5 fleet that won't be updated and will be unable to operate efficiently to meet our military needs.

The Government Accountability Office noted that additional investments in the C-17 may be attractive. It calculated that the Defense Department would need to modernize, as Senator COCHRAN pointed out, seven C-5s—to modernize seven C-5s—to get the equivalent capability gained from acquiring one C-17. It is going to take seven C-5s to do the work of one C-17, but it would cost three times as much to modernize the seven C-5s as it would to purchase one C-17.

I would like to point out that the C-17 is a fully matured program with stable costs and little uncertainty, while the C-5 Modernization Program is still in its infancy. If there is one thing we know about Defense programs, it is that new program costs generally increase during their early years.

Some may address the Senate and say we don't need any more C-17s. They note that today the Air Force now says we only need the 213 we already have purchased. I would like to point out that in 2002 the commander of the U.S. Transportation Command testified that his C-17 requirement was for 222 C-17s. Moreover, the 2005 Mobility Capabilities Study also raises questions about how many aircraft are required. This study, which is supposed to be the basis of our strategic airlift capability requirements, identified the need for between 292 and 383 strategic airlift aircraft, a combination of C-17s and modernized C-5s. In the force today, we have 111 C-5s and 205 C-17s—a total of

315 aircraft—near the bottom of the requirement level. But that doesn't tell the whole story.

In the last Quadrennial Defense Review in 2006, the Defense Department opted to keep its total inventory near the bottom of this requirement range with 180 C-17s and 112 C-5s.

Although we have added C-17s since that time and lost one C-5, the more important fact is that the QDR based this recommendation on a plan to modernize all 112 C-5s. With the plan to only modernize 52 C-5s, the airlift capability of the fleet is drastically diminished.

In 2008, the commander of the Air Force Air Mobility Command expressed his concern with this plan. He testified that the plan with 52 modernized C-5s and 205 C-17s will not provide the strategic airlift that he required.

I would also note that these earlier studies did not take into account today's force structure. That is a very important point. Since the mobility study and the QDR were completed we have transformed our Army creating additional combat capability that requires lift. We have increased the end strength of our Marine Corps, and we have created the U.S. Africa command. All of these have increased our airlift needs.

At the same time, operations in Iraq and Afghanistan are aging our airlift fleet beyond anticipated rates. We are flying the wings off our C-17 fleet. In November, 2007, the Air Force Chief of Staff recommended buying an additional 44 C-17s to meet the required force level. On the 2009 Unfunded Requirements List the Air Force asked for an additional 15 C-17 aircraft with a stated inventory objective of 248 C-17s. Our military leaders have called for additional aircraft, our forces have grown since our last studies were written and our plans have been altered to cut back on our modernization program.

It seems to me that notwithstanding the plan offered by the Defense Department, the country has a choice—we can either agree to modernize all the C-5s or we can continue to procure additional C-17s. As noted earlier, as the GAO discovered a new C-17 offers greater capability at a lower price. To me and to many of my colleagues this just makes sense.

Unless we act this year and approve the recommendation from the Appropriations Committee, we won't have a choice. Without the funds in this bill the C-17 program will begin to shut down. I say to my colleagues this is a critical decision and we have to be certain on our course. As the GAO noted, "careful planning is needed to ensure C-17 production is not ended prematurely . . . Restarting production would not be feasible or cost effective." That is the GAO.

Earlier this decade, on several occasions the Defense Department urged

the Congress to allow it to begin to retire the oldest and least capable C-5s. It too believed that purchasing additional C-17s was a far superior choice to meet our airlift needs. However, each year the Congress refused to allow DoD to retire any C-5s. Eventually, the Pentagon gave up trying and decided it would be stuck with the old unreliable C-5s. While it originally sought to upgrade all the old C-5s to at least make the best of a bad situation, the cost overruns and delays in the C-5 modernization program made that decision unaffordable. I would point out that the Congress rectified this problem this year in the supplemental and allowed the Air Force to begin to retire these aged aircraft. We know that it makes economical sense to retire these poorly performing aircraft and to replace them with new C-17s. We are looking forward to the Air Force revisiting this issue in the fiscal year 2011 budget with a renewed plan to retire the older C-5s and hopefully a desire to replace them with new C-17s.

In this year's budget the Secretary of Defense has made some tough decisions." He has opted to kill the F-22, the JSF second engine, the VH-71 Presidential helicopter, the combat search and rescue helicopter and the kinetic energy interceptor. In the bill before the Senate we have supported each of these recommendations. I will be candid that I am not confident that each of these recommendations is in our Nation's interest, but in general I support the Secretary's plans.

There is only one program that the vice chairman and I felt strongly enough about to reverse the recommendation of the Secretary, the C-17.

I have explained at some length why, it is cost effective, it is capable, and it is needed. I urge all my colleagues to reject the amendment of the Senator from Arizona and to vote to support the continuation of the C-17 program.

It is in our Nation's interest.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### AMENDMENT NO. 2484

Mr. JOHANNIS. Mr. President, I ask the current amendment be set aside and we call up amendment No. 2484.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNIS] proposes an amendment numbered 2484.

Mr. JOHANNIS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Prohibiting use of funds to fund the Association of Community Organizations for Reform Now (ACORN))

On page 263, between lines 10 and 11, insert the following:

SEC. 9 \_\_\_\_\_. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Mr. JOHANNIS. Mr. President, I rise to present amendment No. 2484. Actually, this is an amendment we have acted on in previous appropriations bills. In fact, this is the amendment that deals with no funding for the organization ACORN.

In the previous Interior bill this passed in a very bipartisan way with a 85-to-11 vote; in the Housing and Transportation bill, again a very bipartisan vote, 83 to 7.

This is an amendment that has overwhelming support of this body. My comments relative to this organization are a matter of the record. I do not feel a need to lay those out again, but I want to present this amendment on this appropriations bill and we have reached an understanding that this can be accepted by voice vote. I want to indicate that will be acceptable to me.

Mr. INOUE. The Senator is correct.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2484) was agreed to.

Mr. JOHANNIS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, the pending business before the Senate is the DOD appropriations bill for fiscal year 2010. This measure contains approximately \$636 billion, including nearly \$130 billion to continue the fight against terrorism in Afghanistan and all around Southwest Asia.

It contains funds to pay our men and women in uniform, as well as funds to operate our forces and to take care of our wounded. It provides the money required to equip the warfighters and to develop new weapons systems so that they may be protected in the future.

Today is September 29. The fiscal year ends tomorrow. I believe all of us should know that. On Thursday, the Department of Defense will begin to

operate on a continuing resolution, a stopgap measure required because the Congress has not completed action on its 12 appropriations measures.

I want to point out that the Appropriations Committee reported its first fiscal year 2010 bill in the Senate on June 18, more than 3 months ago, and this last bill on September 10, nearly 3 weeks ago. All of the other bills were reported before the August recess.

However, because of the scheduling problems we have had, this Senate has passed just six bills. We have spent the better part of 7 weeks on the floor to pass these bills. I wish to note that in years past, most appropriations measures were taken up and passed by this body in 1 or 2 days. Now it is nearly 1 week on each bill. The Senate is known for being a deliberative body, but this is the third day the Senate has been on this important bill, and up until a few minutes ago, not a single amendment had yet to be offered.

Moreover, at this point, only eight amendments have been filed, and we have seen this pattern week after week. Our colleagues are waiting days before getting serious about these bills. The impact of these delays is that the end of the fiscal year is upon us, and we are nearly only halfway done completing Senate action on our bills, and only one of the 12 bills has reported out of conference committee.

At this juncture, I wish to note that we have had 12 measures. Of the 12 subcommittees, 3 reported the bill to the Senate on a vote of 29 to 1—not quite unanimous, 29 to 1. The remaining nine subcommittee bills, after due deliberation, debate, and discussion, were passed on to the Senate. The Senate committee reported to this Senate with a recommendation that it be passed by a vote of 30 to 0.

This measure before us was adopted by the Appropriations Committee, made up of liberal members, conservative members, middle of the road and whatever you want, men, women, by a vote of 30 to 0.

In January, when I became chairman of this committee, it was apparent to me that the Senate and the legislative branch were losing control over the budget process. We had not passed all of our spending bills as freestanding measures since 2005. We only accomplished that feat once during the past decade.

In many cases, we have resorted to large omnibus bills to complete our work. The Senate has not been allowed to debate or amend many of the measures that were passed. This is no way to run the government.

Vice-Chairman COCHRAN and I agreed to put a stop to this practice. We vowed to pass 12 bills and to send them to the President individually. We have passed those 12 bills in a timely fashion and presented them to the Senate. Our leaders fully supported us in this plan.

I remind my colleagues that the entire Republican caucus sent a letter to the majority leader urging him to follow this approach. But when it came to putting this in practice, instead of working to get this accomplished, we have been hamstrung by slow progress on each and every bill.

We are well aware that Members have amendments they wish to have considered on this and other appropriations bills. We understand that and have been waiting to debate them. Senator COCHRAN and I came to the floor Thursday night but were told there was nothing to do. We came here on Friday morning with the same results. We are back this afternoon, and we have one amendment.

The go-slow approach that has been taken by a few of our colleagues has put us in a position in which the government must now begin to operate on a continuing resolution. What does that mean to our agencies? It means they must throw out their plans for operations and streamline activities so that only the most essential operations are funded. Continuing resolutions will continue programs that have expired and are no longer needed, and the new programs that will replace them will not be in place. It means they must delay purchases until they are sure the resources they are seeking will be approved.

In the case of the Defense Department, it means they have to delay starting new weapons development and procurement programs. Some of my fiscally conservative colleagues might applaud this, thinking it means they are cutting spending. But, unfortunately, they are wrong. In fact, we are only running up expenses, as we follow penny-wise, pound-foolish practices which cost more in the long run than they save.

Senate rules are written to protect the rights of the minority and to ensure that legislation is carefully reviewed. But it is also true that when time is of the essence, the deliberative process is frequently turned on its head and complex matters rushed through with no time to debate or opportunity to offer amendments. Rather than delay these bills, which have minimal controversy, leaving the body no choice but to adopt expedited procedures to complete action, let's proceed apace and get this and the other five bills through the Senate as quickly as possible because it is the responsibility of the Congress to ensure that taxpayer funds can be expended efficiently by passing each of these appropriations measures without depending on continuing resolutions or omnibus measures.

I urge all of my colleagues to work with us so we can complete our work, the work of this Nation.

Mr. President, I yield the floor and suggest the absence of a quorum.



The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I am going to take a few minutes to address the pending amendment, if I may. Then, at the conclusion of those remarks, I wish to speak as if in morning business for a few minutes to address another matter that will not be the subject of the pending legislation, if that is permissible.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, I rise in strong opposition to the amendment offered by my friend and colleague from Arizona that could wipe out a highly skilled American workforce. It would irreparably damage our combat readiness, deprive our troops in the field of critical resources and threaten our national security. Those are strong words, but that is what is involved if the amendment being offered by the Senator from Arizona is adopted.

I wish to introduce my colleagues to three workers at Pratt & Whitney in Middletown, CT. We see three individuals working on this engine. They are removing test equipment after completing testing on a powerful, cutting-edge engine, preparing it for delivery to the U.S. Air Force. The man on the left is Doug. He has been working for Pratt & Whitney for 24 years. He is married with three children, 8-year-old twins and a 4-year-old.

The man in the middle is Steve. He spent 4 years in the Air Force before coming to Pratt & Whitney and boasts a quarter of a century in aviation experience. On the right is his coworker Michael, with 15 years of experience on the floor and 8 as a supervisor at this facility. If we effectively lay off these workers and the 30,000 Americans like them in 43 States who build the C-17, we will be causing tremendous pain and financial hardship at a time when our communities can least afford it.

In my home State of Connecticut—29th in total population, but 6th in total aerospace employment—we just received word that Pratt & Whitney is going to close maintenance facilities in Cheshire, CT, and East Hartford, CT, costing 1,000 jobs. If this amendment prevails, my State's largest private employer tells me that they will stand to lose another 3,000 jobs. That means the loss of decades of experience and expertise that has allowed us to maintain not parity with the world, but superiority, in the aerospace industry.

Perhaps my colleagues aren't persuaded by the imminent loss of thousands of jobs in my state or even their

own. Perhaps some might be tempted to threaten the livelihoods of 30,000 people at a time when we can ill afford it. To them I say, think about these three individuals are doing for our troops.

According to the Air Force, over the last 3 years in the military's Central Command alone, the C-17 has flown more than 100,000 airlift sorties, moved more than 2 million personnel, delivered nearly 300,000 tons of cargo, and executed nearly 2,000 air drops. According to the Government Accountability Office, C-17s have delivered more than 2.4 million tons of cargo to Iraq and Afghanistan alone. That is 2.4 million tons of supplies—everything from critical gear to large vehicles—sustaining our troops on the battlefield.

The Government Accountability Office also notes that this aircraft has “drawn praise during combat operations”—listen to this—with an 86-percent readiness rate, compared to the 53-percent readiness rate of the 40-year-old C-5 fleet that shares the cargo lift mission with the C-17s. The C-17 is the most reliable airlift plane in our arsenal, and it is also the most versatile. Unlike any other aircraft we have, the C-17 can complete combat, humanitarian, and other transport missions all over the world, thanks to its unique ability to take off and land in difficult environments, in remote airfields, or in situations where runways are shortened or degraded.

The Air Force reports that the C-17 is able to take off and land on 65 percent of the world's soils, whereas older airlift planes can only land on 6 percent. This incredible versatility makes the C-17 vital to the success of counterinsurgency, humanitarian, and research missions the world over. It can operate not only in Iraq and Afghanistan, but in places such as Bosnia, Rwanda, Sudan, and even Antarctica.

But today I feel this versatility is taken for granted. Our commitments overseas, especially since 2001, have imposed far greater burdens on these aircraft than we had originally planned for.

The Congressional Research Service reports that the C-17 was designed to fly 1,000 hours per year, with an expected lifespan of 30 years. But as our overseas commitments have grown since 2001, the fleet has averaged 1,250 hours per aircraft and some have even reached 2,400 flying hours in a single year.

GEN Arthur Lichte, the Air Force's air mobility commander, has said that at this rate, the C-17s may have a lifespan as short as 22 years. When a mission-critical aircraft is due to retire 8 years earlier than intended, as this one may be, we who are charged with equipping our troops in the field must address our procurement plans and we must do it now. Some of our newest C-17s are already 15 years old.

I wish to remind my colleagues that last July the Senate voted 93 to 1 to authorize the expansion of the Army by 30,000 soldiers. I, along with nearly all of my colleagues, supported that increase to meet our growing security demands and relieve the combat burden on our already overstretched forces. When we took that vote, we incurred an obligation as well to provide those troops with the support they will need in order to do their jobs.

Chairman INOUE and the members of the Senate Appropriations Committee have demonstrated incredible foresight by acting quickly to prevent these future shortfalls in this very important fleet. If this amendment to undo their good work prevails, we are doing a disservice to our troops. We are also doing a great disservice to our taxpayers.

The author of this amendment has said we should kill the C-17 now and wait for a government study down the road to see whether we need more of these aircraft. Well, if we kill the C-17, we will lose our only wide-body assembly line in the United States. According to the Government Accountability Office, it will cost up to \$1 billion to restart the line when it inevitably dawns on us that we need additional military cargo planes to support our troops in the field. If we hand these three individuals and the 30,000 of their fellow workers around the country pink slips in the next few days, who do we think is going to build those planes down the road?

By the way, if we choose to try to make up the capability by extending the lives of the C-5As, we would need to overhaul and repair seven of them at a cost of nearly \$1 billion to equal the capability we would get from buying just one additional C-17 at a cost of \$276 million.

This amendment would hurt our workers, our troops, and our national security. It is a massive expenditure disguised as a short-term savings. It is the very definition of cutting off our nose to spite our face when it comes to the critical needs of our troops in the field. Whatever views one may have on Afghanistan or Iraq, we want to make sure that our troops, wherever they are, receive the support they need.

Today, when the vote occurs, I urge my colleagues to support the committee and reject the amendment to cut out these critical aircraft.

With that, I ask unanimous consent to be allowed to move to a matter other than the one I just discussed as in morning business.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Is there objection?

Without objection, it is so ordered.

IRAN

Mr. DODD. Mr. President, it has been a tumultuous year in Iran.

The Iranian regime has continued to pursue its nuclear ambitions, fund terrorist activities throughout the Middle



East, and repress its own people. The world watched this repression play out in the wake of this summer's illegitimate elections, when brave and peaceful protestors were violently attacked.

If Iran were to acquire nuclear weapons capability, it would pose a significant threat to peace and security in the Middle East, especially to our close ally Israel and others in the region.

For years, the Iranian regime has refused reasonable requests by the international community. And it has failed to meet its obligations under international nonproliferation rules.

That is a threat to both national security and global stability, and it cannot be allowed to stand unchallenged.

President Obama has undertaken an aggressive dual-track approach. He has offered high-level engagement with Tehran, but has matched that carrot with the stick of sustained pressure through economic sanctions. As the President has warned, Iran won't be allowed to run out the clock.

As chairman of the Senate Banking Committee, I intend to introduce legislation that will arm the administration with the ability to impose tough, targeted sanctions if Iran does not respond to our final diplomatic efforts in the coming weeks.

We must confront Iran's government with its long record of duplicity and deception on the issue of its nuclear facilities.

Last week, President Obama revealed that Iran is building a secret uranium enrichment facility in violation of international rules.

The President and our allies have rightly insisted that IAEA inspectors be allowed to access this facility promptly. And over the weekend, Iran moved forward on provocative missile tests.

In two days, the United States and our allies will begin key talks with Iran's leaders. Unfortunately, Iran's President has already suggested that appropriate limits to his country's nuclear enrichment program are off the table.

Clearly, in light of this growing threat, there is cause for great concern and prompt action on our part.

But there is also cause for hope that Iran might be forced to change course. We have received renewed support from our allies. We have been encouraged by the strong international rejection of election abuses. And we have seen tensions within the Iranian regime begin to break into the open.

It is not too late for a proper resolution. But the road ahead is difficult. It will require sustained diplomatic effort to ensure all of our strategic partners—the Europeans, the Russians, the Chinese, the Indians and moderate Arab states throughout the Middle East join this effort.

We will only succeed if Iran is confronted by the prospect of sustained,

progressively intensifying multilateral economic and diplomatic pressure on its government including tougher sanctions.

This week's negotiations should confront Iran's leaders with a clear choice: end its illegitimate efforts to enrich uranium, halt its proliferation efforts, and stop supporting terrorists around the world—or continue to deepen this regime's isolation, and ruin the Iranian economy.

The administration is right to attempt engagement with Iran even as we make clear that biting sanctions will follow if international demands for greater transparency continue to meet with stubborn refusal.

Administration officials have outlined to me a menu of additional tough multilateral sanctions that they are considering imposing. Congress must equip President Obama with a full range of tools to deal with the threats posed by Iran.

In the last Congress, the Banking Committee approved comprehensive legislation to impose tough new sanctions on the Iranian regime; authorize investors to divest from companies active in Iran's energy sector; and combat black-market networks spreading weapons around the world. Unfortunately, floor consideration was repeatedly blocked by a small minority.

Given the rising stakes, I intend to work with my committee colleagues, including Ranking Member Senator SHELBY, to press forward similar sanctions legislation in the next few weeks.

I want to congratulate Senators LIEBERMAN and BAYH for their leadership on this issue, including their legislation to impose further sanctions on entities involved in importing gasoline to Iran or in assisting Iran's efforts to expand its domestic refining capacity.

Iran's energy sector is a key source of revenue to the government—and Iran is especially susceptible because of its dependence on imported gasoline. I will integrate these critical provisions into the legislation.

Our legislation will be targeted and strategic, maximizing the economic leverage of the U.S., our partners and allies, and investors while avoiding the risks of a more indiscriminate approach.

The bill would also expand coverage under the Iran Sanctions Act to include financial institutions, underwriters, guarantors, and other business entities, and extend the applicability of sanctions to oil and gas pipelines and tankers.

It would impose a broad ban on direct imports from Iran to the U.S. and exports from the U.S. to Iran of those few items still able to be so shipped, exempting food and medicines.

It will strengthen existing authority to freeze the assets of Iranians active in weapons proliferation or terrorist activity, and make it clear that U.S.

entities who establish a subsidiary to get around sanctions laws will be held liable for the activities of their subsidiaries.

Finally, it would impose new requirements that the President actually make a determination, and report every 6 months to Congress, regarding the sanctionability of eligible investments in Iran's energy sector.

In addition to expanding U.S. sanctions, the bill would also establish a simple formula authorizing divestment from firms which invest significant amounts in Iran's energy sector, with provisions patterned after the Sudan Accountability and Divestment Act enacted 2 years ago.

Many of us believe that Americans should be able to divest from energy firms doing business with the Iranian regime whose policies they abhor, and which indirectly help to prop up the regime.

They should be given the tools they need to make socially responsible decisions. And investors who choose to divest—States, large pension and mutual funds, and others should be held harmless for these decisions. Investing in Iran is risky business, and investors should be fully informed of those risks going in. The bill does not require divestment; it simply permits it.

Finally, this bill will provide incentives for countries to strengthen their export control systems to stop the illegal diversion of sensitive dual-use technology to countries like Iran, and impose tough new licensing requirements on those who refuse to cooperate.

As we confront the realities of a global marketplace, with manufacturers assembling parts of complex machinery such as aircraft and computers from a supply chain spanning the globe, and as regimes like Iran, North Korea, and Syria trawl various trans-shipment hubs for such parts to assemble high-tech weapons, it makes sense to address this problem head-on.

We have developed a way to do this, with an array of carrots and sticks to prod unwilling countries to get serious about developing and implementing tough, comprehensive export control rules and systems.

Our allies continue to work closely with the US to increase economic and diplomatic pressure on Iran.

I believe our legislation will complement and reinforce those ongoing diplomatic efforts, and send a clear signal to Iran's government of what's in store if they continue to flaunt the will of the international community.

Congress will be moving forward on the same timetable that the President and our allies have set for this fall, to underscore to Iran's leaders the huge price they will pay economically, politically, diplomatically, and otherwise if they do not change course.

The government of Iran must come clean on its nuclear program, which as

President Obama observed last week represents a direct challenge to the basic foundation of the international nonproliferation regime. I hope my colleagues will join me in supporting efforts in the coming weeks to make clear to the Iranians that we in Congress stand with President Obama in our determination to confront this problem forcefully, and urgently, before it is too late.

Mr. President, we will have our hearing on October 6 in the Senate Banking Committee. My intention is to, shortly thereafter, a week or so, combine the proposals offered into one strong, comprehensive sanctions bill. I, as well as others, believe we should take no options off the table and that we understand the implications of the statement.

Most of us agree every effort ought to be made to resolve this matter short of the use of military force. Obviously, that option remains. I believe we are proposing a sanctions regime, along with the needed cooperation of other nations around the world, that will send an unequivocal message—and nothing would be more important at this hour than to send that clear united message from this body and the other body—of our determination to use all the tools available to us to bring about the desired change we seek.

By adopting this strong legislation, my hope is they will understand how serious we are in our determination to achieve the common goal sought by the administration and us in this body.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise with respect to Iran's nuclear program. I commend the Senator from Connecticut, chairman of the Banking Committee, for his presentation a few moments ago. Similar to so many Americans, we have learned a lot in the last couple days that is troubling.

The Iranian regime, discredited this summer by the deplorable repression of peaceful prodemocracy demonstrators across the country, has reached a new low on the international stage. Again, I speak of the Iranian regime—the Government—and not the people of Iran. The disclosure of the uranium enrichment facility near the city of Qum should serve as a wakeup call for those who believed Iran's nuclear program was only for peaceful purposes. The regime continues to deceive the international community about its nuclear intentions and program development. It continues to threaten our ally Israel; it continues to disregard its international commitments; and, yes, the

regime continues to directly threaten the national security interests of the United States.

As the administration begins talks on Thursday, we in the Senate should be prepared to do our part and pass tougher sanctions on the Iranian regime to compel its compliance with international standards. We have a responsibility to provide the administration with the tools it needs to maximize pressure on this increasingly intransigent Iranian regime.

I applaud the administration's approach to recalibrating U.S. engagement around the world. At a minimum, this international effort will restore America's long-held reputation of being an honest broker, of a country that values diplomacy and relationships with allies and welcomes new ones. Internationally, the United States is on a better footing than it has been in years. Ties with allies have been strengthened. Those on the fence, such as Russia and China, in this particular question, are showing signs of cooperation on issues that are critical to our national interests. Our adversaries, not sure how to demonize the United States such as they used to do, are on their heels. The administration's diplomatic offensive has put us into a position where we have a strong coalition going into these important discussions on Thursday.

The events of the last week are unfortunate evidence of the Iranian regime's deceit, defiance, and disregard for international standards for peace and security.

First, on Monday, the Iranian regime sent a letter to the IAEA disclosing the existence of the second enrichment and refining facility, a site that the United States and Israeli intelligence reportedly have tracked for years. This mis-sive denies that the site was intended for nuclear purposes, though the 3,000 centrifuges were clearly meant for weapons-grade refinement. Moreover, the site was buried deep underground and under protection by the elite Revolutionary Guard—not the typical protocol for a peaceful energy site.

On Wednesday, the Iranian President, Mr. Ahmadinejad, used his time on the rostrum at the United Nations not to welcome a new day of engagement with the international community but in typical fashion to rail against Israel. This desperate attempt to divert attention from his own internal political problems, as well as his government's deceitful nuclear program, once again showed this regime is not a responsible actor on the world's stage. Iran's people recognized this last June by voting against Mr. Ahmadinejad and his brand of politics. The world witnessed on live television how Mr. Ahmadinejad viewed the democratic process as his people paid dearly for the audacity of their vote.

Finally, over the weekend, Iran's news service reported three rounds of

missile tests, including those capable of hitting Israel. GEN Hossein Salami, head of the Revolutionary Guard Air Force, said the drills were meant to show that Tehran is prepared to crush any military threat from another country. This erratic display will actually weaken, not strengthen, Iran's hand in Geneva and will hopefully serve to convince our Russian and Chinese friends that the Iranian regime is not a credible actor nor a reliable trading partner.

After this disturbing but strangely predictable week of Iranian regime behavior, American negotiators will head to Geneva. This is the first official and direct meeting with Iranian negotiators in 30 years. Leading the American delegation is Ambassador Bill Burns, one of America's most respected diplomats. Having served in Russia, Ambassador Burns is well placed to address the complex international dimensions to this diplomatic problem. We will be well represented in Geneva, and I wish Ambassador Burns and his team all the best in what will surely be a challenging assignment.

Iran is not going into these negotiations on sure footing, while the international community has never been more united. Led by the United States, Britain, Germany, and France, opposition to Iran's nuclear program is based in fact, rooted in a willingness to engage, and backed up with a clear and firm message: An Iran with nuclear weapons is unacceptable under any circumstances. Let me repeat. An Iran with nuclear weapons is unacceptable under any circumstances.

This message is gaining stronger resonance with Russia and China. The Russian President's comments at the University of Pittsburgh last week indicated a willingness to consider sanctions. This is a potentially remarkable breakthrough because if the Russians are willing to support international sanctions, the Chinese could be left alone among the P5+1 group in that determination. While China relies on Iran for substantial fuel imports, I trust they are carefully weighing their need for energy against Iran's increasingly erratic and irresponsible behavior. The opportunity cost of doing business with this regime has increased considerably and may now be too high a price to pay. I hope the Chinese will support international efforts to pressure this Iranian regime at this critical time with the understanding that these efforts could ultimately result in a more reliable and stable partner in Tehran.

It is next to impossible that the Iranian regime will be able to prove that its nuclear sites are for peaceful purposes by this Thursday. The Obama administration needs to be ready to move quickly and build on international momentum created over the past week to pressure this regime. That is why we in the Senate need to be ready to play our

part, support the administration, and move on sanctions.

We currently have two proposals on Iran pending before us. First, the Iran Sanctions Enabling Act is a measure introduced by Senator BROWNBACK and myself. We introduced this bill last May. This would allow State and local government pension funds to divest from companies that do more than \$20 million in business with the Iranian energy sector. The second bill, the Iran Refined Petroleum Sanctions Act, introduced by Senators BAYH and KYL, explicitly empowers the President to impose new economic sanctions on foreign firms involved in the export of gasoline and other refined petroleum products to the Islamic Republic of Iran. I am cosponsor of this bill, along with more than 75 of my Senate colleagues.

The Iran Sanctions Enabling Act is modeled on similar legislation passed in response to the genocide in Sudan. Eighteen State legislatures have passed individual Iran sanction measures, and our legislation would bring these State efforts into line with Federal law. When President Obama was in the Senate, he introduced an earlier version of this legislation. It was right in 2007, and it is right in 2009.

Analysts have estimated that Iran requires \$20 billion annually in investments for its oil and natural gas sector. This sector directly provides funding for Iran's nuclear program, as well as its support for international terrorism. Iran will only cease its illicit nuclear program, end its support for terrorists in Hamas and Hezbollah, and stop arming militant groups in Iraq when it is compelled to pay an economic price.

We are entering a critical phase in President Obama's strategy of engagement with Iran where Tehran will face a true test. I hope the October 1 negotiation will lead to a freeze in Iran's nuclear enrichment efforts and ultimately a nuclear weapons-free Iran. Will the regime accept the President's genuine offer of dialog and comply with international nuclear standards or will it continue a losing strategy that serves to deepen its own isolation? These are questions for the Iranian regime, and they must answer these questions.

If last week is any indication, Congress should be prepared to hand the President the leverage he needs to send a message to the regime that America cannot and will not accept an Iran with nuclear weapons. The administration needs all the tools at its disposal to increase pressure on the regime diplomatically, politically, and through more stringent economic sanctions.

I call on my colleagues to listen to legislatures in so many States across the country that have passed divestment measures already. The American people do not want anything to do with

investing in this regime. Let's pass divestment and petroleum sanctions and send a message to this regime and to the international community that a nuclear-armed Iran is unacceptable.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2558

Mr. INOUE. Mr. President, earlier, the Senator from Arizona raised concerns that the Committee on Appropriations had reduced funding in the operation and maintenance accounts. As I noted in my opening statement, this committee of ours reviews the entire budget and adjusts funds based on that review. That review came out with various results, and I would like to discuss some of them with you.

Before I do the analysis, I would just point out to my colleagues the budget that we are considering at this moment was formulated about a year ago—a year ago. That is when the process began. I am certain all of us will agree that since that time much has changed. Therefore, the committee believed we owe it to the Senate to apply the funds we recommended where they are most needed at this moment, not where they were needed a year ago.

For example, the reductions to operations and maintenance programs we recommended are based on a lack of justification or of changed requirements. The funds are not reduced because of a need to transfer funding to other appropriations.

The Senator from Arizona suggested we are taking out certain funding to pay for earmarks. The O&M accounts—operation and maintenance accounts—were reduced in this fiscal year 2010 base budget for many reasons, and just let me explain a few.

Five hundred million dollars, or half a billion dollars, was not a cut as suggested by the Senator from Arizona, but it was, rather, a transfer from the base budget request to the overseas contingency operations budget because the resources for certain programs were more appropriately funded for the Iraq and Afghanistan war. This is what they suggested.

One hundred million dollars was reduced based on administrative savings proposals. In April of this year the Office of Management and Budget was directed by the President to work with agencies to identify cuts to their administrative budgets separate and apart from those identified by the fiscal year 2010 budget—beyond that.

The DOD savings identified by the administration was \$100 million in fis-

cal year 2010, and we allocated these funds to other worthy projects.

Finally, \$100 million was cut from the Security and Stabilization Program because that was not authorized by the Senate Armed Services Committee.

Mr. President, we do this type of review every year. Every year someone complains their programs are cut, but we stand by our recommendations. We do more to enhance the readiness of the forces in this bill than was requested. Keep in mind since this budget was drafted, we have requested and added 30,000 more troops. We do so by providing equipment to our National Guard and Reserves. Everyone supports the National Guard, but we give them secondhand tools. It is about time they got some good ones. We do so by applying resources to buy MRAPs to protect our troops. And, yes, we do so to buy more C-17s to carry our forces wherever our leaders send them.

I thank the Chair.

Mr. LEVIN. Mr. President, I support the McCain amendment that would strike the \$2.5 billion in additional funding for C-17 aircraft in the committee-reported bill and restore serious cuts that were made in the readiness accounts, in part to shift funds to support continued C-17 production.

Terminating production, like closing a base, can involve some economic loss for the communities involved. It involves pain—we understand that—up close and personal. But we must do so from time to time and make these difficult decisions. We have to do that for what is best for the Nation and for the men and women in the Armed Forces because, as Secretary Gates said in a letter to me today expressing support for ending C-17 production: The Department does not need additional C-17s to meet strategic needs.

First, I want to agree with Chairman INOUE that the C-17 is a fine aircraft. I have been a strong supporter of the C-17 program, even when it was having growing pains early in the program. If we did not already have a C-17 aircraft fleet, we would have to create one. But this is not a question of whether we should buy the C-17. We have bought them, for a total of 213 aircraft. It is a question of "How many C-17s do we need?"

On that very point, I wrote a letter to the current Chief of Staff of the Air Force, General Schwartz, who was then commander of the U.S. Transportation Command, on November 6, 2007.

I had asked for his professional opinion as to whether we needed C-17 aircraft beyond the 190 C-17 aircraft the Air Force had already bought, and he gave us his personal and professional opinion. He said:

Since you asked for my personal and professional opinion, I believe that 205 C-17s and 111 C-5s is the correct fleet mix for the future.

He explained how he reached that opinion.

Mr. President, I ask unanimous consent that my letter to General Schwartz and his letter to me be printed in the RECORD, and also a letter I received from Secretary Gates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, November 6, 2007.

General NORTON A. SCHWARTZ, USAF,  
Commander, U.S. Transportation Command,  
Scott AFB, IL.

DEAR GENERAL SCHWARTZ: The conferees on the National Defense Authorization Act for Fiscal Year 2008 are meeting now to reach agreement on the contents of this bill. One of the issues before the conferees is the question of buying more C-17 aircraft as recommended in the House-passed bill.

Before we come to a conclusion on the best way to proceed, we need to hear your personal and professional opinion on two issues: (1) what is your requirement, if any, for C-17 aircraft beyond the 190 C-17 aircraft that the Air Force has already bought; and (2) what is the basis of your requirement, if any, for aircraft beyond the 190 C-17 aircraft that the Air Force has already bought.

Due to the urgency of completing our conference, we appreciate receiving your response to these questions no later than 5 p.m., Tuesday, November 6, 2007.

Sincerely,

CARL LEVIN,  
Chairman.

U.S. TRANSPORTATION COMMAND,  
Scott Air Force Base, IL, November 6, 2007.  
Hon. CARL LEVIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEVIN: Sir, thank you for the opportunity to respond to your questions concerning the strategic airlift fleet. I support the programmed strategic airlift fleet of 180 C-17s, extended by the Fiscal Year 2007 Bridge Supplemental to 190 aircraft, combined with 111 modernized and reliability improved C-5s. This fleet mix, augmented with the capability of the Civil Reserve Airlift Fleet (CRAF), provides sufficient airlift capacity to meet strategic and operational objectives during large-scale deployments, while supporting other high priority operations and forward deployed forces.

However, the outcome of the C-5 modernization program will have a direct impact on the capacity the C-17 will shoulder. Therefore, given the uncertainty surrounding the C-5 modernization program, I cannot recommend terminating C-17 production at this time.

Since you asked for my personal and professional opinion, I believe 205 C-17s and 111 C-5s is the correct fleet mix for the future. I reach this opinion by combining the analysis of available million-ton-miles per day (MTM/D) capability, fleet mission capable rates, the annual flying hour program, average cost per flying hour, total number of organic aircraft tails, available pallet capacity, and average age of the fleet. Taking these factors together, I personally conclude 205/111 is the sweet spot.

My top airlift priority, however, remains the recapitalization of our aging tanker fleet. The KC-X will not only fulfill its primary refueling role, but will multiply our

transportation options. The strategic airlift fleet mix should be calibrated as necessary to account for this strategic necessity and to ensure we don't over-build overall organic capacity to the detriment of our commercial partners.

Thank you for considering my input on these very important issues. And as always, thank you for the outstanding leadership you provide our country and for the excellent support you provide the Armed Forces of the United States.

Sincerely,

NORTON A. SCHWARTZ,  
General, USAF, Commander.

THE SECRETARY OF DEFENSE,  
Washington, DC., Sept. 29, 2009.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing as a follow up to our discussion last week regarding the retirement of strategic airlift aircraft.

The Department fully supports the language in Section 311 of the Supplemental Appropriations Act of 2009 (Public Law 111-32) which requires a minimum of 292 strategic airlift aircraft as reflected in the Department's 2005 Mobility Capability Study.

Since the release of MCS-05, Congress has funded an additional 33 C-17s the Department did not request. The addition of these C-17 aircraft influenced our decision to upgrade only 52 of 111 C-5s with the Reliability Enhancement and Re-engining Program (RERP). Congress is now considering adding another 10 C-17s in the FY2010 budget.

The Department's current fleet of 324 aircraft (213 C-17/111 C-5) is in excess of strategic airlift needs, driving increased operating costs at the expense of other priorities. Each C-5A costs over \$13 million in annual operating expenses. Since we are over our current requirement by eight aircraft, as determined by the analysis conducted during the C-5 RERP Nunn-McCurdy recertification, it costs the Department over \$100 million a year in excess expenditures. These costs will only grow if we receive additional C-17s and/or delay the ability for the Department to retire excess aircraft.

Initial indications from Mobility Capability Requirements Study 2016 show the strategic balance will not fundamentally change. This leads me to believe: (1) the Department does not need additional C-17s to meet strategic needs; and (2) the Department needs to begin shedding excess strategic airlift inventory by retiring a portion of the C-5A fleet now. The Department requests your support and authority to allow the proper management of the strategic airlift fleet to meet the Nation's requirements.

Thank you for your strong interest and continued support of the Department.

Sincerely,

ROBERT M. GATES.

Mr. LEVIN. Mr. President, for those members of the Senate not familiar with the phrase "personal and professional opinion," let me explain. In the Armed Services Committee, we require that military officers, appointed to senior positions such as the Transportation Command position, affirm that, when asked for their personal and professional opinion on any matter, they are obliged to give their own opinion, whether that opinion agrees with that of the Secretary of Defense, the President, or anyone else in the executive branch.

General Schwartz replied to my letter on November 6, 2007:

Since you asked for my personal and professional opinion, I believe that 205 C-17s and 111 C-5s is the correct fleet mix for the future. I reach that opinion by combining the analysis of available million-ton-miles per day (MTM/D) capability, fleet mission capable rates, the annual flying hour program, average cost per flying hour, total number of organic aircraft tails, available pallet capacity. And average age of the fleet. Taking these factors together, I personally conclude 201/111 is the sweet spot.

It is clear from his letter that General Schwartz and the members of TRANSCOM had given serious thought to the question of how many C-17s we should have.

More recently, in the fiscal year 2008 Defense Authorization Act, we required that the Department conduct a Study on Size and Mix of Airlift Force. That study was conducted by the Institute for Defense Analyses, IDA, and was completed in February, 2009. Among the questions that the study answered were the following:

What are the cost and other implications for stopping production of the C-17 line and then restarting it later, if needed?

Our assessment of the C-17 line shutdown and restart is that continued production, even at low rates, is expensive relative to restart costs. Moreover, under the scenarios and other assumptions considered in this study, additional C-17s were not needed to meet the MCS (Mobility Capability Study) moderate-acceptable-risk delivery rates used as a benchmark by the analyses conducted here. We also found that retiring C-5As to release funds to buy and operate more C-17s is not cost-effective.

Mr. President, the time has come to stop C-17 production at 213 C-17 aircraft. That is all we need to buy, that is all we can afford to buy, and that is all we should buy.

The money that would be freed up by the McCain amendment would be transferred to the operation and maintenance, O&M, accounts. The bill cut roughly \$2.4 billion from the budget request. I fear that this overall reduction could force the Department to make serious reductions in O&M activities, if not, in fact, forcing the Department to ask for another supplemental funding request. We should do all we can to avoid that possibility.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of H.R. 3326, the Departments of Defense Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$636.3 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$401.7 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$646 billion.

The Senate-reported bill is \$1 million below its section 302(b) allocation for

budget authority and is \$28 million below its allocation for outlays.

The bill includes \$128.2 billion in budget authority designated as being for overseas deployments and other activities. Pursuant to section 401(c)(4) for the 2010 Budget Resolution, adjustments to the Appropriations Committee's section 302(a) allocation and to the 2010 discretionary spending limits were made for that amount and for the outlays flowing therefrom.

No budget points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 3326, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	Total
Senate-Reported Bill:	
Budget Authority .....	636,270
Outlays .....	646,043
Senate 302(b) Allocation:	
Budget Authority .....	636,271
Outlays .....	646,071
House-Passed Bill:	
Budget Authority .....	636,293
Outlays .....	647,932
President's Request:	
Budget Authority .....	640,137
Outlays .....	650,641
SENATE-REPORTED BILL COMPARED TO:	
Senate 302(b) allocation:	
Budget Authority .....	-1
Outlays .....	-28
House-Passed Bill:	
Budget Authority .....	-23
Outlays .....	-1,889
President's Request:	
Budget Authority .....	-3,867
Outlays .....	-4,598

NOTE: The table does not include 2010 outlays stemming from emergency budget authority (BA) provided in the 2009 Supplemental Appropriations Act (P.L. 111-32) but does include outlays from regular BA designated as being for overseas deployments and other activities. The 2010 BA total includes \$5 million in non-defense BA resulting from that Act. The remaining BA is classified as defense.

## EXECUTIVE SESSION

### NOMINATION OF JEFFREY L. VIKEN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider the following nomination, which the clerk will report.

The assistant bill clerk read the nomination of Jeffrey L. Viken, of South Dakota, to be United States District Judge for the District of South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, as you know, one of the duties granted to the Senate in the Constitution is the advice and consent of judges appointed by the President to the bench. The lifetime appointment of a judge is a very serious decision, one that has a lasting impact on our democracy.

Today the Senate takes up the nomination of Jeff Viken to be Federal district judge for South Dakota. It is this nomination that I wish to speak of today.

So far this Congress, under the new President, has confirmed two judges. One of those judges is Supreme Court Justice Sonia Sotomayor and the other is a Second Circuit judge. I am proud to have a South Dakotan as the third judge to be confirmed by the Senate. However, we are 9 months into this new administration, and we have only confirmed two judges.

I must say I think the process of nominating and confirming judges has become increasingly overpoliticized. While I believe a President should have some latitude in selecting judges, they should not be ideologues.

Jeff attended law school at my alma mater, the University of South Dakota, where our attendance overlapped. I received my law degree in 1975, and Jeff received his law degree in 1977. Jeff has served as an assistant U.S. attorney and acting U.S. attorney for South Dakota before going into private practice. His extraordinary reputation of skill and integrity during his years of public and private law practice will translate well and benefit this court. The same can be said of his tenure as the Federal Public Defender for North and South Dakota, a job he has held since 2003.

Regarding his nomination, Jeff received a "well qualified" rating from the American Bar Association. It is clear he has an accomplished résumé and many years of public service. It is a great honor that President Obama has placed on Jeff. We are very fortunate to have a great member of the South Dakota legal community nominated to this post. Jeff has many years of public service, and we look forward to his future work for the people of South Dakota. Most importantly, his nomination to the bench is a victory for justice and the rule of law, not only for South Dakota but for our Nation.

I have known Jeff for a long time. I find him to be a nominee of good moral character and standing in the community. It is with great satisfaction that I will cast my vote today for the confirmation of Jeff Viken to be the next U.S. Federal district judge for South Dakota. I urge my colleagues to support this very qualified nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator JOHNSON for his comments and value his opinion on this nomination. I look forward to seeing this nominee confirmed.

The confirmation process we have in this country is a very important matter. Our Democratic colleagues are, understandably, inclined to be supportive of whomever the President puts up. It has been a recognized responsibility for

the minority party, the party that is not of the President's party, to ask questions and dig into the backgrounds of these nominees and move the good ones and raise the proper questions if there are problems.

Mr. Jeffrey L. Viken has an impressive background. Early in his career, he was an Assistant and Acting U.S. attorney. He is a member of the trial lawyers plaintiff bar association in South Dakota. He has been in private practice for 22 years, and for the last 6 years he has been a Federal Public Defender where he defends criminal cases. So he has been a prosecutor and a public defender. I guess that is a pretty good match, and I am happy we were able to work out this agreement with the majority and process this nomination very quickly. Actually, he was voted out after his first appearance before the Committee and is already on the floor.

But I would note for some people who say there has been a dragging of feet on the nominations that the President did not send this nomination forward, his first district court nominee to the Senate, until June 25, a few months ago, when the Senate and the Judiciary Committee were consumed with the Supreme Court nomination of now-Justice Sotomayor. Understandably, Chairman LEAHY could not and did not report his nomination until after that confirmation process was over, until after Labor Day. We were then able to come to a time agreement and also to vote on the nomination of Judge Gerard Lynch, who is a highly able nominee but an activist judge with a philosophy too close, by my way of thinking, to Justice Brennan on the Supreme Court for whom he clerked. So I think it is healthy for us to ask questions. I voted for Judge Lynch for the Second Circuit, and he was confirmed by a very large vote.

We will continue to work with the majority party and the President and move the nominees at an appropriate pace.

I wanted to note a little bit more about the pace of nominations. You know, it is not possible for the Senate to confirm a nomination until the President has nominated someone. I have heard my colleague, the Chairman, Senator LEAHY, say that we haven't had enough confirmations, but I would note that there is an 11-percent vacancy rate in the Federal courts. That is not an extraordinarily high vacancy rate. It takes some time to do background checks and for the President to consider the people he might want to nominate and to consult with Members of the Senate as he does so. I would note that at this moment there are 74 Federal District Court vacancies—Judge Viken is nominated for one—but there are only 9 nominees before the Senate. There are 28 circuit and district court seats that are

deemed to be judicial emergencies, but only 6 nominees have been submitted to the Senate for those judicial emergency seats. We can't confirm people until they are nominated. We can't do a background check on nominees until they have been nominated. We can't have the information and their records and their FBI backgrounds and the bar association evaluations take place until they have been nominated.

I would just make my commitment that we will continue to move nominees like Mr. Viken in a timely fashion. I reviewed his record. I have also carefully reviewed his responses to questions from the Senate Judiciary Committee. One of his answers, I have to note, was troubling to me. He stated that he believes he fits President Obama's standard for the types of judges he will nominate to the Federal courts; that is, he meets the President's "empathy standard."

President Obama described that standard as follows:

We need somebody who's got the heart, the empathy, to recognize what it's like to be a teenage mom, the empathy to understand what it's like to be poor, or African-American, or gay, or disabled, or old. And that's the criteria by which I am going to be selecting my judges.

In 2005, when then-Senator Obama was in the Senate and he explained on the floor his vote against Chief Justice John Roberts, who I think is one of the finest nominees we have seen in decades and whose testimony before the Judiciary Committee was stunning in its impressiveness and his grasp of the legal issues, his comprehensive knowledge of how the Court worked, and cases—there was not a case brought up that he didn't seem to fully know about. Virtually every case the Supreme Court had ever written he seemed to be knowledgeable about. It was just a tour de force. Senator Obama voted against Judge Roberts and stated that 5 percent of cases are determined by "one's deepest values and core concerns . . . and the depth and breadth of one's empathy." We can only take this to mean that the President believes that in 5 percent of all cases, judges should not set aside their personal beliefs, biases, or experiences. I think this is a radical and a dangerous departure from the most important pillar, the fundamental pillar of the judicial system—judicial impartiality.

Whatever the empathy standard is, it is not law, and we have courts of law in this country. Whenever a judge employs his personal beliefs, biases, or experiences to make a decision that favors one party, is it not true that he necessarily has, therefore, disfavored the other party as a result of his personal beliefs and biases? For every litigant who benefits from the judge's so-called empathy, there is a litigant who loses not on the basis of law but be-

cause the judge did not identify with them.

When people are nominated to our Federal bench, we ask them to take a judicial oath before they take office. The oath embodies the time-honored American tradition of blind justice. The oath says this:

I . . . do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me . . . under the Constitution and laws of the United States, so help me God.

I am pleased to say the Supreme Court has not yet struck down "so help me God" in the oath, and hopefully they never will. I think the President's standard for judicial nominees plainly conflicts with that oath.

We have had a big discussion about that, and it is not a little bitty matter. It is not a small matter. Judges take the oath to be impartial. I practiced law in Federal court for many years, and I have always believed and expected that a judge who heard my case would rule on the law fairly and objectively. If I lost and did not have sufficient law or evidence and logic to support my position, I did not expect to prevail. That is the kind of concept that underlies American justice.

Aside from nominee David Hamilton, almost every one of President Obama's nominees, including Justice Sotomayor, has rejected outright the empathy standard. So at first blush, I found Mr. Viken's answer that he believes he fits that standard to be concerning. However, his answers to questions we submitted to him for the record provide maybe a more complete view. This is what he said in his answer in writing:

A judge's consideration of a case must always be governed by impartiality, evenhandedness, attention to the facts presented by the parties, and respect for established law. Empathy is a personal characteristic which may assist a judge in analyzing the human circumstances which bring people before the court. But the law and not the personal experiences of jurists is the path to justice in considering each case.

I think that is OK. I am not sure how you can have any empathy—empathy is a personal characteristic, maybe? I would hate to disagree with the President who nominated me, but that is a pretty good statement overall.

He also stated he believes that, "The role of a Federal district judge encompasses diligent legal scholarship"—that is true—"a strong work ethic"—true—"impartial and dispassionate consideration of proven facts and reasoned legal arguments, fidelity to binding and persuasive precedent, and respect for all who appear before the court."

I think that is good statement. I think if he will conduct himself on the bench according to those standards he will do well. And I believe he will.

I am glad to see he is an honors graduate, but he didn't go to some of these

schools, Senator JOHNSON, he went to school in South Dakota; he has practiced law before judges over the years, a lot of practice; and in the course of that, you learn that judges really do—the good judges—consistently try to reach the right dispassionate result.

I think he may have made some statements about empathy that are not perfect, but my judgment is that he has been in the courtroom and he has been before good judges. I am hopeful he is going to be a very good judge.

We will see. I think the issues become even more problematic when someone is nominated for the Supreme Court or for a circuit court because those higher courts seem to be the ones who feel less compunction in allowing their personal views to influence cases. Because this nominee is nominated to a seat on the district court and is confined not only by the U.S. Supreme Court but also by his circuit, the circuit precedent, and because he stated he believes the role of a judge entails the impartial and dispassionate consideration of proven facts and reasoned legal arguments, fidelity to binding and persuasive precedent, I would certainly give him the benefit of doubt and vote in favor of his nomination. I am hopeful he will follow through on those statements and will interpret the law as written, refraining from imposing personal views in his decision and will basically follow the oath to uphold the Constitution, first and foremost. Even if he didn't like it, he should uphold it.

In closing, I would like to quote from an essay by the former chairman of the Judiciary Committee, Senator HATCH, which was published on Constitution Day. He said this:

The Constitution—its words and their meaning—was established by the people, can only be changed by the people, and is sacredly obligatory upon all government, including judges. That is why in the debate on judicial selection is really a debate over judicial power. It is a debate over whether the Constitution controls judges or judges control the Constitution; over what the Constitution really is, with nothing less than liberty itself at stake.

I think that is an eloquent statement of the role of a judge, and why at its most base level, policy in a democracy must be set by the elected branches who are accountable to the people.

Judges are supposed to be neutral arbiters of the law, deciding a case based on the law and facts, without allowing their personal, political, or ideological views or biases to enter into the decision-making process. That is why they put on a robe, to suggest their impartiality. That is why they take the oath I quoted from. And that is the key ingredient of our legal system, the greatest legal system the world has ever known.

I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG.) Who yields time? If no one



yields time, time will be divided equally.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Viken nomination is the pending question.

Mr. LEAHY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The chairman has 17½ minutes remaining, and 5½ remains with the vice chairman.

Mr. LEAHY. Mr. President, we are considering the nomination of Jeffrey Viken for a lifetime appointment to the U.S. District Court for the District of South Dakota.

President Obama nominated Mr. Viken with the bipartisan support of both Senators from South Dakota, Senator JOHNSON and Senator THUNE. Mr. JOHNSON, the distinguished senior Senator from South Dakota spoke just a moment ago about his strong support for this nominee.

Even though we are almost at the last day of September, this is only the first Senate confirmation for a Federal district court judge, and the first to fill 1 of 74 current Federal trial court vacancies.

There are more than 90 current vacancies throughout the Federal judiciary, and we are soon going to be at near record levels. I accommodated the Ranking Member and other Republicans on the Judiciary Committee by postponing a hearing on Mr. Viken's nomination while we considered the recent Supreme Court nomination, or his nomination would have come to the full Senate earlier. But I am pleased that the committee unanimously reported the nomination at the beginning of this month by a voice vote. I think that the vote tonight, I can virtually guarantee you, will be an overwhelmingly positive vote. I hope it is a sign that we might finally, finally start making some progress on judicial nominations, and do it expeditiously.

The Senate has to do a better job of restoring our tradition of regularly considering qualified, noncontroversial nominees to fill vacancies on the Federal bench without needless and harmful delays.

As I look around this Chamber, I believe I have been here longer than anybody else who is presently on the floor. I saw my distinguished colleague Senator INOUYE step off the floor, who has served here longer than I have. But I have been here 35 years. I have been here with both Republican and Democratic Presidents. I have never seen a situation where there is this kind of slow walking of nominations. We have got to go back to the way we have traditionally done it for the good of the country.

I was briefly chairman of the Judiciary Committee during President Bush's first term. And even though we had the

unfortunate experience of 61 of President Clinton's nominations being pocket filibustered by a then-Republican majority, when I came in during that less than a year and a half, we confirmed 100 of President Bush's judicial nominees. I think it is an all-time record in speed in getting nominees through. That was by a Democratic majority with a Republican President.

I do want to thank the Committee's ranking member, Senator SESSIONS. I see Senator SESSIONS on the floor. I do want to thank him. I had, as I said, agreed to hold back this nominee, the Viken nomination, because of the nomination for Sotomayor, to give time to prepare. But I do want to thank him. After we confirmed Judge Sotomayor to be a Justice on the U.S. Supreme Court, we moved quickly Mr. Viken's nomination through the committee at our business meeting on September 10 without an unnecessary holdover period. Unfortunately, now that it has been on the Senate Executive Calendar, it still has taken 2½ weeks to schedule Senate approval of a noncontroversial nominee who is probably going to be unanimously confirmed, and should be.

Mr. Viken has a wide range of experience. He has been both prosecutor and defender. He is currently the Federal Defender for the combined districts of North Dakota and South Dakota. It is not just the population, but for those of us who come from New England, the area covered in these districts is enormous.

He served as an Assistant U.S. Attorney and as Acting U.S. Attorney for South Dakota. He spent more than two decades in private practice. His nomination received a rating of "well qualified," from the American Bar Association's Standing Committee on the Federal Judiciary. I urge Senators to give him a strong bipartisan vote, and then do a better job of filling the rising number of judicial vacancies to ensure that justice is not delayed or denied to any American because of overburdened courts.

I hope instead of withholding consent and threatening filibusters of President Obama's judicial nominees, the other side would work together to treat his nominees fairly, as I did with President Bush's nominees. I point out, by this time in President Bush's first term, we had already confirmed six of his nominations to the Federal circuit and district courts. Now, nine months into President Obama's first term, we have confirmed only one of his lower court nominees, despite the fact that President Obama made his first nomination two months earlier than President Bush did.

We can do better. It is not just that the Senate can do better, the American people deserve better.

After months of delay on September 17, the Senate finally confirmed Judge Gerard Lynch to serve on the Second

Circuit. I know that circuit well. It covers the States of Vermont, New York, and Connecticut. Despite the fact that Judge Lynch's nomination was noncontroversial, despite the fact that it was reported out of the committee unanimously with the strong support of both Republican and Democratic members, it still took more than three months after his nomination was reported by the committee for the Senate to confirm it. Delayed. Delayed. Delayed. You would think there might be some controversy. But when we finally voted, the vote was 94 to 3. It was being held up for months because three Members out of 100 Senators wanted to hold it up? That is not being responsible. That is not showing the deference to the judiciary that we should show.

Thirteen nominations reported by the Judiciary Committee remain pending on the Senate's Executive Calendar, seven of them from back before the last recess. Five of these nominations are for appointments to be Assistant Attorneys General at the Department of Justice. Five out of a total of 11 divisions at the Department remain without Senate-confirmed Presidential nominees—the Office of Legal Counsel, the Civil Rights Division, the Tax Division, the Office of Legal Policy, and the Environment and Natural Resources Division.

Just think of that: nominees to head five out of a total of 11 divisions at the Justice Department are being held by Republicans even though the President has made the nominations and even though they have passed out of the Senate Judiciary Committee. If any Senator does not like a nominee, vote against them. But let's have a vote up or down.

President Obama made his first judicial nomination back in March. I remember it was snowing like mad. He nominated David Hamilton to the Seventh Circuit. That nomination has been on the Executive Calendar since early June, even though it has the support of the senior most Republican in the Senate and one of the most distinguished Senators of either party who has ever served, Senator LUGAR.

The nomination of Judge Andre Davis to the Fourth Circuit was reported by the committee on June 4 by a vote of 16 to 3. We cannot get it considered by the Senate. The nomination of Judge Beverly Baldwin Martin to the Eleventh Circuit was reported unanimously from the committee by voice vote on September 10 and is strongly supported by the two Republican Senators from her State, but still we cannot get it scheduled or considered.

Federal judicial vacancies will soon number 120 unless we start moving forward. I mention that just because we should have a history before us.



At least the one bright spot is moving Mr. Viken's nomination. At a quarter past 5, it is Mr. Viken. By a quarter past 6, it will be Judge Viken. I congratulate him and his family. I remember him coming before our committee—a wonderful person, a wonderful family. I can see why the two Senators—the senior Senator, a Democratic Senator; the junior Senator, a Republican Senator—support him. He should be a judge. But then let's start moving these nominations a little more expeditiously.

Mr. President, what is the time remaining?

The PRESIDING OFFICER. The Senator has 6 minutes 45 seconds remaining, and the minority has 5 1/2 minutes remaining.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be run equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jeffrey L. Viken, of South Dakota, to be U.S. district judge for the District of South Dakota?

The clerk will call the roll.

The assistant bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 299 Ex.]

YEAS—99

Akaka	Cochran	Hutchison
Alexander	Collins	Inhofe
Barrasso	Conrad	Inouye
Baucus	Corker	Isakson
Bayh	Cornyn	Johanns
Begich	Crapo	Johnson
Bennet	DeMint	Kaufman
Bennett	Dodd	Kerry
Bingaman	Dorgan	Kirk
Bond	Durbin	Klobuchar
Boxer	Ensign	Kohl
Brown	Enzi	Kyl
Brownback	Feingold	Landrieu
Bunning	Feinstein	Lautenberg
Burr	Franken	LeMieux
Burr	Gillibrand	Leahy
Cantwell	Graham	Levin
Cardin	Grassley	Lieberman
Carper	Gregg	Lincoln
Casey	Hagan	Lugar
Chambliss	Harkin	McCain
Coburn	Hatch	McCaskill

McConnell	Risch	Tester
Menendez	Roberts	Thune
Merkley	Rockefeller	Udall (CO)
Mikulski	Sanders	Udall (NM)
Murkowski	Schumer	Vitter
Murray	Sessions	Voinovich
Nelson (NE)	Shaheen	Warner
Nelson (FL)	Shelby	Webb
Pryor	Snowe	Whitehouse
Reed	Specter	Wicker
Reid	Stabenow	Wyden

NOT VOTING—1

Byrd

The nomination was confirmed.

The PRESIDING OFFICER. A motion to reconsider is considered made and laid upon the table. The President shall be notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from North Dakota is recognized.

#### MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

The Senator from Iowa is recognized.

#### AMERICA'S FOOD CRISIS

Mr. GRASSLEY. Mr. President, I rise today to respond to Bryan Walsh's recent article, published August 31, 2009, in Time Magazine, entitled "The Real Cost of Cheap Food."

I ask people to read the article and, as you read it, take into consideration my view of it, which is not very positive. Unfortunately, I see this article as one of the most skewed and one-sided articles I have ever had the opportunity to read, particularly in the mainstream media.

This report was far from objective journalism. It seems to me that when people are talking about America's food crisis and how to fix it, it ought to be very intellectually accurate.

Before outlining the numerous factual errors the author presents in his article, I will mention that I support organic and sustainable agriculture. In fact, Norman Borlaug, father of the green revolution, from Iowa, is credited with creating a sustainable agricultural system decades ago. And as you may know, the Nobel Peace Prize winner of 1970, Norman Borlaug—the person I just referred to—recently passed away at the age of 95.

This article refers to the Niman Ranch. What Niman Ranch and other organic farmers across Iowa and our Nation are doing is to be commended. These producers are providing addi-

tional choices to consumers and creating highly profitable small farms which can help sustain rural communities. In fact, the National Agriculture Statistics Service reports that in 2007, 566 organic farms were located in my State of Iowa.

That being said, I am disappointed that an information source, such as I referred to by Time magazine, by the author, Mr. Walsh—previously Time magazine was known as a news magazine—has resorted to an inaccurate, incomplete, and unfair reflection of family farmers—I emphasize the word "family" in connection with farmers—from across the United States. So I will take a few minutes on the Senate floor to refute a few main points this author has made.

First, I wish to discuss how our Nation's farmers are stewards of our land, protecting and caring for their livestock and our environment.

Second, I wish to address population growth and the growing demands to produce safe and affordable food.

Finally, I will address how both organic agriculture and conventional agriculture serve complementary needs and can coexist in harmony.

As everybody in this body knows, I have been a family farmer all my life. Of course, I have to give credit to my son Robin for doing most of the work on the farm and a grandson in that farming operation. One thing you find out as a grandfather, when you have a grandson in a farming operation, is that grandfathers are not quite as important as they used to be.

My son Robin and I crop share our land, and we have taken great pride over the years in both caring for our livestock and conserving our natural resources, while producing bountiful corn and soybean harvests. We are not unlike tens of thousands of other farmers across Iowa and this country whose livelihoods depend on taking care of our soil, water, and animals.

I give credit to the new occupant of the Presiding Officer's chair, Senator TESTER from Montana, for being another family farmer, as well, and being a good caretaker of the environment.

With final passage of the Food Conservation and Energy Act of 2008, also known as the farm bill, Congress made one of the largest commitments to conservation this Nation has ever seen. An additional \$6 billion in new money was added for working lands programs, such as the Conservation Stewardship Program, the Wetlands Reserve Program, and the Farmland Protection Program.

Even on my own farm, we use no till for our beans, minimal tillage for our corn, and we put in wetlands, a waterway and a grass strip, even though we have mostly flat farmland. Robin and I are required to do this. We do it because we know, as stewards of our environment, our farm will benefit in the

long run. In other words, it is economically good to be good stewards of the land. It puts money in your pocket. We will be able to then, in the final analysis, pass the operation down to our grandchildren and great-grandchildren.

That is one of the main points the author of the Time article, Mr. Walsh, totally misses. He basically demonizes production agriculture. Mr. Walsh implies that the only family farmers in our country are those who live on 30 acres of farmland. But nothing could be further from the truth. Family farmers can operate small farms, but they can also operate large farms. If given the opportunity, they want to be able to pass that farm on to future generations of the family.

It makes absolutely no sense to imply that these producers would purposely deplete our resources for a quick buck. There has never been a quick buck in farming, but it can provide, over a lifetime, a rewarding and sustainable lifestyle.

I am going to use three charts during my presentation. The first one is going to be used to refute some of the accusations that have been made.

Producers around the United States continue to become more and more efficient in their production practices. This chart shows that in the last 25 years, we have been able to produce more bushels of corn with less fertilizer. Now get this. Everybody thinks the commercial and family farmers are pouring on the fertilizer without any care whatsoever about the environment to produce, produce, produce. But that does not make you money, and particularly in recent years with the high increase in the price of phosphorous, potassium, and especially nitrogen, this is absolutely the wrong course to go if you are a farmer who thinks pouring more fertilizer on is going to make you more money.

What we show here is, in the last 25 years, we have been able to produce more corn with even less fertilizer. We can see it in the downward trends of nitrogen, phosphate, and potash. We use U.S. Department of Agriculture data compiled by the Fertilizer Institute that nitrogen, phosphate, and potash efficiency is growing in corn production.

To put it another way, we are growing more bushels of corn per pound of nutrient applied. This is in direct contradiction to the impression that Time magazine author Mr. Walsh makes with his statements.

We know the hypoxia is partly a natural phenomenon, but scientists generally agree that nitrates from agriculture and other manmade factors contribute to it. When the hypoxia zone forms—and most of the time we talk about this in the Gulf of Mexico—it does, in fact, displace fish. But it is particularly unfair to try to quantify impacts on the fishing industry be-

cause there is not sufficient data to back up that claim. Technology has allowed farmers to apply the exact amount of fertilizer in the right way so there is not excess.

However, even in organic farming, which the author seems to hold in the highest esteem, it uses manure from animals for fertilizer which also contains nitrogen. Soil naturally contains nitrogen that under certain circumstances of too much rain or too much moisture in the ground can eventually get into our streams. That is true whether it is from natural fertilizer or whether it is from commercial fertilizer.

Farmers for years have been employing conservation practices such as no till, buffer strips, and wetlands, just like I have on my farm, to prevent soil erosion and to keep runoff from going directly into the waterway. I anticipate, especially under this new farm bill, that these practices will grow.

In addition, research is starting to shift on hypoxia issues in regard to the Gulf of Mexico. There is increasing recognition that causes of hypoxia relate strongly to manmade alteration of the entire system, including channelization of the Mississippi, reversal of the Atchafalaya River in Alabama, and extreme loss of wetlands and barrier islands that filter nutrients and protect against storm surges, not solely nutrient issues, as this author would imply.

The U.S. Environmental Protection Agency, the EPA, Science Advisory Board has a hypoxia report out indicating that 22 percent of the nitrogen and 34 percent of the phosphorous loads can be attributed to point source rather than agriculture, as far as the hypoxia problem in the Gulf of Mexico is concerned.

In addition, the Environmental Protection Agency estimates that over 2 trillion gallons of untreated combined sewer overflow run into our Nation's waterways each year, and the Army Corps of Engineers' projects dump millions of yards of nutrient-rich soil into the Missouri and other rivers for habitat restoration purposes that also contribute.

These types of dredging projects in the Missouri River floodplain alone may represent as much as 8 percent of the spring's total phosphorous discharge, leading to problems in the Gulf of Mexico.

Technology in corn production in the United States over the last 100 years has been remarkable. From about 1860 to 1930, corn averaged just about 25 bushels per acre. Not until the 1950s through 1980s, when corn breeders began using double-cross and single-cross technology, did we see these great advances in yields of corn.

Just in the last 10 years, we have seen increased use of biotechnology which has provided yields over 150 bushels per acre. This author, Mr.

Walsh, clearly views biotechnology as a bad thing when, in fact, traits such as drought resistance and nutrient-use efficiency are actually improving corn's performance with less inputs, as demonstrated by this chart.

Many of our technology companies are expecting their yield trends to exceed 300 bushels per acre in coming years. For someone such as me who has been farming for 50 years, it is almost unimaginable, but exciting at the same time, to have these projected yields we are hearing.

I wish to turn to another chart now. It deals with another issue that is very important for us to understand when we are talking about efficiency of agriculture and reducing pollution. In fact, in 1915, we used 90 million acres—in comparison to about 90 million acres, I think it is more like 87 million acres this year of corn being produced, or 2 years ago, 93 million acres of corn being produced. I am referring to 90 million acres in this picture. In 1915, 90 million acres of cropland in America were simply used to fuel our agricultural production.

So let's get it straight. It took 90 million acres of crops just to feed all the horses and all the mules that provided the work and the energy on our agricultural land before tractors were invented.

If you add up all the land in the United States being used to produce corn, wheat, and soybeans, it is about 224 million acres today. So less than 100 years ago, we would have been using nearly half the acres in the United States just to feed the draft animals that produced the power to till the soil and to produce those 25 bushels of corn per acre compared to the 150-some bushels per acre now that we will have in the United States this year of corn production.

By 2050, it is estimated that the world's population will exceed 9.3 billion people, compared to 6 billion people now. As the world demand for nutrient-rich food and protein continues to grow as both income levels and populations grow in developing nations, America's farmers are ready to answer that call to help feed the increasing number of people around the world, and, most people would tell you today, not by putting more land into production but by getting more from each acre of land as that productivity and yield increase very dramatically, as it has in the past and will continue to into the future.

Mr. Walsh of Time magazine attacks animal agriculture throughout this article. His theme is that if an animal doesn't roam free on the western prairie and eat grass, it simply couldn't be healthy or safe to eat. Mr. Walsh cites the Pew Commission on Industrial Farm Animal Production in his analysis of why animals treated with antibiotics produce meat unsafe to eat.

However, the American Veterinary Medical Association responded to the Pew report with a lengthy report of its own, which Mr. Walsh conveniently fails to mention, perhaps because the American Veterinary Medicine Association study said:

A scientific human/animal nexus, connecting antimicrobial treatments in animals with food-borne or environmentally contracted human disease, has not been proven.

Livestock producers take very seriously their responsibility to provide safe and abundant food to the general public. Dairy, poultry, and livestock farmers have made a voluntary commitment to using antibiotics responsibly. By developing responsible-use guidelines, these industries have proactively taken steps to safeguard both human and animal health, and Mr. Walsh makes no mention of that.

On issue after issue, I have worked on my main priority: that the policy decisions we make must be based on sound science and not on political ideology. We have seen studies that indicate that the risk of foodborne bacteria on meat increases when antibiotics that help suppress animal disease are removed, actually making our food less safe to eat. Does Mr. Walsh take that into consideration?

We only have to turn to our neighbor across the Atlantic to see how a ban on antibiotics has played out. The European Union made a decision to phase out the use of antibiotics as growth promoters over 15 years ago, and in 1998 Denmark instituted a full voluntary ban, which in 2000 became mandatory. After the ban was implemented in 1999, pork producers saw an immediate increase in piglet mortality and post-weaning diarrhea.

Dr. Scott Hurd, a former U.S. Department of Agriculture Deputy Under Secretary for Food and Safety and professor at Iowa State University College of Veterinary Medicine, released a study which shows that when pigs have been sick during growth, they have a greater presence of food-safety pathogens on their carcasses when slaughtered.

I want to refer to what went on in Denmark with my third and last chart—the effects of banning antibiotics—and we have a Danish model here. It doesn't project very good healthy animal agriculture or safety for the consuming public. If this ban had resulted in improvements to public health—in other words, the ban the European Union put on antibiotics, and particularly in Denmark—suffering consequences such as piglet mortality would make sense. But the science does not back up that positive improvement in public health has occurred as a result of the Denmark ban. In fact, in 2002 the World Health Organization released a study on antimicrobial resistance and could find no public health benefit from the Denmark ban. It is

true that overall use of antibiotics in Denmark has declined, but there has been a significant increase in the use of therapeutic antibiotics which are used to treat and control diseases. I think an interesting statistic is that in 2009 the use of therapeutic antibiotics in Danish pigs is greater than what was used to prevent the disease and to promote growth prior to the ban in 1999. So I think it is very easy to see that if you look at the science—and Mr. Walsh conveniently ignores it—the practice in the United States is superior to the practice of the ban in Denmark.

We had a 2009 Iowa State University study estimating that production costs would rise by \$6 per pig in the first year of a prohibition if a similar ban were imposed in the United States as it is in Denmark. Over 10 years, the cumulative cost to the U.S. pork industry would exceed \$1 billion. This would all be on top of the estimated \$4.6 billion U.S. pork producers have lost since September 2007 due to a perfect storm of events within that industry.

The author, Mr. Walsh, also points to recent recalls in nuts, fruits, and vegetables as evidence that conventional agriculture is harmful and unsafe. What Mr. Walsh chooses to ignore is that salmonella and *e. coli* are naturally occurring organisms that, with proper handling, processing, and cooking, can be minimized or even eliminated. Organic agriculture is not somehow exempt from being affected by these bacteria, as Mr. Walsh might want us to believe.

In fact, one of the main challenges within our food safety system has been the perpetual underfunding of the Food and Drug Administration. I hope the Senate will be able to undertake comprehensive food safety reform yet this year and give very serious consideration and attention to the funding deficiencies of that agency.

American consumers demand not only a safe and abundant food supply but also an affordable selection to feed their families nutritious and healthy food. The author fails to recognize that personal choice is part of that equation. Ask any American consumer. While less than 1 percent of agriculture is farmed organically, as he points out, a simple economics lesson would tell us that supply and demand are in direct relationship to one another.

In 2008, Americans spent 9.6 percent of their disposable personal income on food expenditures. This has steadily decreased since the late 1920s, when nearly 24 percent of our income was spent for food intake. Our consumers have demanded an affordable food supply, and our agricultural industry has answered that call. Other nations with less developed agricultural industries than the United States spend anywhere from 12 percent to 45 percent of their income on food.

At the same time producers have become more efficient and are providing

U.S. consumers with lower food costs, the farm share being retained by the producer—in other words, the family farmer—has been decreasing. For example, in the years 2000 to 2006, the farm value share ranged from 5 to 6 percent for cereals and bakery products compared to what is being paid at the retail level. Costs in packaging, processing, and transportation account for most of the cost at the grocery level. Conventional agricultural producers are not getting rich. Instead, they are producing the safest, most abundant, most reasonably priced food in the world for our consumers at a time when their share of the food value is not increasing.

Perhaps Mr. Walsh, the Time author, believes we should be spending a higher percentage of our income on food. However, because of the financial situation our Nation is facing, including families out of work and with lower disposable income, citizens would be outraged if suddenly their food expenditure skyrocketed. The Economic Research Service at the U.S. Department of Agriculture reported that total food expenditures for all food consumed in the United States was \$1.165 trillion in 2008, a 3.3-percent increase from the \$1.128 trillion in 2007. Prices are naturally rising because of the higher cost to do business, including transportation costs. But do we really think it is feasible to see these prices go even higher so that the author, Mr. Walsh, can further promote what I consider a political agenda? Growing all of our food organically will take more land, cost more money to produce, drive prices up, and ultimately make food even less affordable to those in need.

I appreciate the opportunities organic agriculture has made possible for farmers in my State of Iowa, and I am sure other Senators would say the same for their own States. It has truly allowed our smallest farmers to flourish and receive a premium for their crops and livestock. It has also promoted gardens and has helped us teach our children where their food comes from.

I agree with the author that the gardens of First Lady Michelle Obama and the U.S. Department of Agriculture are bringing more visibility to educating our consumers about where their food comes from. I commend them for highlighting the important issues relating to our health by eating fresh fruits and vegetables.

Organic agriculture and conventional agriculture can coexist. Both will be driven by demand, and both provide important choices for the U.S. consumer. Some consumers will shop for locally grown foods, others will shop for the cost effectiveness due to their tight household budgets.

It is time—it is time—for Time magazine and Mr. Walsh to start being honest with their readers. The next time

the magazine wants to run a story that clearly reflects the author's personal views, it should identify that article as such. I expect the next article Time publishes on agriculture to be better researched and to present a more balanced view.

Mr. President, I yield the floor.

#### TRIBUTE TO DAVID C. PARRISH, JR.

Mr. McCONNELL. Mr. President. I would like to recognize a courageous Kentuckian, David C. Parrish, Jr., for his induction into the Kentucky Aviation Hall of Fame on October 17, 2009. Sixty-five years ago this past August, Mr. Parrish undertook brave actions during his service as a fighter pilot during World War II. A native of Paris, KY, Mr. Parrish represented the very best in courage, gallantry, and self-sacrifice in defense of this Nation in the skies west of Paris, France. Like many of America's "greatest generation," Mr. Parrish was willing to disregard his own safety for the safety of his fellow airmen and the protection of his country.

Valor and sacrifice are words that describe the nature of Mr. Parrish, and patience would also describe his character. Although he was recommended for the Silver Star in August 1944, lost records and bureaucratic delays meant it would take 60 years for Mr. Parrish's heroism to be officially recognized. It was my deep privilege to work with Mr. Parrish in this effort and to personally present him with his Silver Star in his hometown in 2004. I believe Mr. Parrish's story is a timely reminder of the sacrifices that so many American men and women have made in the name of freedom.

Mr. President, I would like to share with you a retelling of Mr. Parrish's actions in defense of this Nation that earned him the Silver Star and his induction into the Kentucky Aviation Hall of Fame. On August 8, 1944, 1LT David C. Parrish, Jr., was flying in the area of Mortain, France. His flight was part of an eight-plane squadron that became separated from the lead flight while on patrol. Lieutenant Parrish and three others were on their way home when the controller reported 100 enemy fighters flying above him and toward American bombers. His wingman had to fly home because he was low on fuel. Lieutenant Parrish and the remaining two fighters climbed toward the enemy planes.

Lieutenant Parrish was also low on gas and would have normally returned to base, being so outnumbered by enemy fighters. However, recognizing the danger to the friendly bombers, Lieutenant Parrish dove his three fighters into the heart of the enemy formation. The enemy fighters dispersed and Lieutenant Parrish and his fellow airmen gave chase. Lieutenant

Parrish pursued one enemy fighter at 4,000 feet and destroyed it. He then turned toward another enemy fighter flying at tree top level and eventually was able to force the enemy pilot to bail out. These pursuits were extremely hazardous, and even more so because Lieutenant Parrish was perilously low on fuel.

It is my great pleasure to recognize Mr. Parrish for the sacrifices and risks he has made for this country, and I would like to congratulate him on his well-deserved induction in the Kentucky Aviation Hall of Fame. He has made Kentucky very proud.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. BUNNING. Mr. President, today I am saddened by the death of my colleague from Massachusetts, Senator Edward Kennedy.

Born and raised in Massachusetts, Senator Kennedy dedicated his life to serving his country and the Commonwealth. He enlisted in the U.S. Army in 1951, beginning his long career of public service. Elected in 1962, Senator Kennedy is the third longest serving Senator in the history of the Senate. He served the people of Massachusetts well for 46 years, and I know his family and the people of Massachusetts are proud to call him one of their own.

Senator Kennedy had a long list of accomplishments to show for the people of Massachusetts and the Nation. He was a political icon who served with great distinction and passion for nearly a half century in the U.S. Senate, and whether I agreed with him or not, I always admired the way he fought for the issues he believed in. His leadership in the Senate will be missed and it has truly been an honor serving with him.

Mr. President, Senator Kennedy will be greatly missed. Mary and I give our heartfelt condolences to his wife, Vicki, and the entire Kennedy family.

#### COMMENDING SENATOR MELQUIADES RAFAEL "MEL" MARTINEZ

Mr. BUNNING. Mr. President, today I pay tribute to my distinguished colleague from Florida, Mel Martinez, who retired from the Senate earlier this month.

I have worked with Senator Martinez since he was elected to serve the people of Florida in 2004. He has served his country proudly in several different roles. Senator Martinez also had the distinct honor to serve as the Secretary of Housing and Urban Development in President George W. Bush's Cabinet and as the chairman of the Republican National Committee. In both roles, it was not personal ambition that drove Mel. Rather, it was his passion to make his country a better place to live for his family and for all Americans.

I have also had the privilege of serving on the Senate Banking Committee with Senator Martinez. As a member of this committee, Mel brought a greater understanding and perspective on housing issues facing the Nation than many Senators that have served on this committee. Floridians and all Americans have benefited from his vast experience in this area as well as his dedication to serve for the greater good. A person of this caliber will truly be missed in the United States.

I am honored to know him and to have worked with him. I would like to thank Senator Martinez for his contributions to the Senate and to the country we both love. I wish him and his family the best in all of their future endeavors.

#### ADDITIONAL STATEMENTS

##### REMEMBERING JOSEPHINE PEREZ

• Mr. BENNET. Mr. President, on August 28, 2009, Colorado and the Nation lost a champion for justice and equality, Josephine Marie Varela-Perez. Josie, as she was known by all, surmounted the daunting challenges life brought her to become an exemplary voice for minority students in Denver. Her courage and conviction created a better future not only for Denver students but for countless kids across the country.

Josie's humble beginnings never held her back from achieving her dreams. When faced with adversity, she overcame.

School year after school year, Josie would show up on the first day to be counted among her classmates and then return to working in the beet fields, never attending class past the fourth grade. But Josie—a strong believer that education was the key to success and should be available to all children no matter their race or creed—taught herself English and Spanish and earned her GED.

Josie's commitment to education and minority rights thrust her into the center of the civil rights movement as a party to the landmark desegregation case, *Keyes, et al. v. School District No. 1, Denver, Colorado*. She also marched with Cesar Chavez and the United Farm Workers and was a voice for the less fortunate. Her strength and courage in standing up for the rights of minority students and the less fortunate is an inspiration to all.

Josie's strong spirit extended far beyond her activism. Josie worked tirelessly to support her six kids—Ricardo, Patricia, Lou, Carlos, Terry, and Sheila so that they could have the future they deserved.

I join Coloradans and Americans across the country in grieving the loss of this civil rights champion. Josie's legacy will continue to inspire Americans for generations to come.

My thoughts and prayers are with her family.●

#### RECOGNIZING FIFTY YEARS OF ICBMS

● Mr. CONRAD. Mr. President, I wish today as cochair of the Senate ICBM coalition along with my friend from Wyoming to recognize and pay tribute to 20th Air Force as the Air Force celebrates the 50th anniversary of the first nuclear-tipped ICBM on alert, and to honor the heritage and accomplishments of the ICBM mission and people—past and present—who acquire, develop, operate, maintain, and secure this combat capability for our Nation.

In July 1954, the Air Force established the Western Development Division in response to the growing Soviet missile threat. It developed the first-generation ICBMs—the Titan that is housed in underground silos as well as the above-ground Atlas.

In October 1959, the first alert of a nuclear warhead-equipped Atlas D occurred at Vandenberg Air Force Base, CA. Immediately thereafter, the Air Force started working on a solid-fueled, second-generation ICBM called the Minuteman. Ten Minuteman I ICBMs were already on alert at Malmstrom Air Force Base, MT, by the Cuban Missile Crisis in October 1962. Just three years later, the first-generation ICBMs were replaced with the larger and more accurate Minuteman II.

By January 1970, the Air Force had deployed the Minuteman III. Throughout the 1970s, in response to the Soviet Union's buildup of multiwarhead ICBMs, the Air Force started work on the Peacekeeper. In 1987, 50 Peacekeepers were deployed in existing Minuteman III silos at F.E. Warren Air Force Base, WY. At the height of the Cold War, the Air Force maintained an ICBM fleet of more than 1,200 missiles on alert as a counterforce to the approximately 1,400 Soviet ICBMs poised against the United States.

Currently, the Air Force maintains a fleet of 450 on-alert Minuteman III ICBMs, spanning the missile fields in Colorado, Montana, Nebraska, North Dakota, and Wyoming. In August 2009, the Air Force activated a new major command—Air Force Global Strike Command—committed solely to the nuclear deterrence mission. This December, 20th Air Force and the ICBM mission will transfer from Air Force Space Command to Air Force Global Strike Command. The pride shared today in the heritage and rich history of the ICBM mission will always be a part of Air Force Space Command's contribution to our national security.

Mr. President, the American people are fortunate to have the dedicated Airmen of 20th Air Force operate, maintain, and secure America's only land-based strategic deterrent 24 hours

a day, 7 days a week, 365 days a year. I know my colleagues will join me in congratulating the Air Force on 50 years of the highest commitment in carrying out the ICBM mission.●

#### ABERDEEN MONUMENT TO FIREFIGHTERS

● Mr. JOHNSON. Mr. President, I rise today to honor a special unveiling of the Aberdeen Monument to Firefighters on October 15, 2009. The handsome bronze, carefully crafted by Aberdeen sculptor Benjamin Victor, is a tribute to the firefighters who put their lives on the line and heroically serve with courage, pride and honor. Fully aware that firefighting is inherently dangerous work, these men and women work day and night to save lives, save property and protect the environment.

Benjamin Victor has crafted a spectacular sculpture to commemorate these heroes. It portrays his passion for expression and detail and his natural ability to create unique and inspiring works of art. Ben, at 26 years old, is the youngest artist ever to have a sculpture in the National Statuary Hall in the U.S. Capitol. Art critics and organizations throughout the country recognize the aesthetic and conceptual integrity of Ben's work. Early on, Aberdeen saw his talent and its citizens are very grateful that he continues to share his talents with their community.

I also want to commend the Aberdeen community for their efforts to make this unveiling possible. Using no tax dollars, the entire funding for this project came from businesses, service clubs, schools, fraternal organizations and individuals in the community who saw the significance of this monument. This contribution by the Aberdeen community and Benjamin Victor will commemorate the important role of our firefighters for generations to come.●

#### TRIBUTE TO FATHER ROBERTO BALDUCELLI

● Mr. KAUFMAN. Mr. President, today I recognize the extraordinary contributions of a patriarch of the Italian-American community in my home State of Delaware, Father Roberto Balducci. On Columbus Day, Father Balducci will be honored by the Columbus Communion Breakfast Committee with its Outstanding Achievement Award.

Father Balducci's 96 years on this Earth, while a true gift to all he has served, reads like a novel. As a 9-year-old boy in the small town of Castelluccio, Italy, he decided that he wanted to pursue an ecclesiastical education in Rome. In 1929, at the age of 16, he joined the Oblates of St. Francis de Sales. After studying in France and

Switzerland, he returned to Italy from September 1939 to March 1946.

During World War II, Father Balducci helped save Italian Jews from persecution. The young priest recovered the bodies of civilians killed in bombing raids, was injured in one of these attacks, and sheltered refugees from Nazi persecution.

After receiving a passport to come to the United States, Father Balducci crossed the Atlantic Ocean over the course of 29 days and arrived in New York on April 10, 1946. The young oblate arrived at St. Anthony's of Padua Church in Wilmington soon after and became the church's first Italian priest. In 1959, he became pastor of St. Anthony's.

As a first-rate mason and a licensed contractor in the State of Delaware, Father Balducci oversaw and helped undertake the renovation of an old public school to meet young Catholic students' educational needs, and he helped establish a new school, called Padua Academy, for girls, as well.

His love of welding helped to build St. Anthony in the Hills in the 1960s, a popular summer retreat and sanctuary for children and their families near Hockessin, DE. On his watch, the parish opened a senior and day care center and expanded the regionally prominent Italian Festival in Delaware. He retired as the church's pastor in 1988.

I am privileged to have known Father Balducci for many years. I look forward to breaking bread with him at the Columbus Communion Breakfast in Wilmington's Little Italy on the day of his special recognition.

I hope my colleagues will join me in celebrating Father Balducci's significant accomplishments, which he achieved over the course of a lifetime dedicated to our community. Wilmington and our Italian-American community could not have woven such a fabric of family and strength if it were not for the commitment and foresight of Father Roberto Balducci.●

#### NATIONAL HUNTING AND FISHING DAY

● Ms. STABENOW. Mr. President, I am here today in recognition of National Hunting and Fishing Day, which was recognized on September 26. Hunters and anglers contribute significantly to our Nation's economy. More than 1 million hunters and anglers add over \$3 billion each year into Michigan's economy alone.

From the very beginning, hunting and fishing have been at the center of Michigan's history and culture. Our two great peninsulas, surrounded by the magnificent Great Lakes, are home to over 8 million acres of public hunting land, tens of thousands of rivers and streams, and some of the best hunting and fishing in the United States. Whether meandering along

Hemingway's Fox or Two Hearted Rivers for brook trout and ruffed grouse, or making the annual trip to deer camp with friends and family, Michigan's proud heritage comes with a sense of profound responsibility to protect that legacy for future generations.

We have made some important progress. I have been pleased to spearhead a number of efforts including Federal funding to stop the invasive cormorant from destroying our fisheries. This project has already shown conclusive results in bringing back once-decimated fishing areas. Through my work on the Senate Agriculture Committee, we have invested over \$4 billion in new conservation efforts that will protect wildlife habitats and increase access for hunters and anglers across the country. Most recently, the Senate passed \$400 million in funding for the Great Lakes Restoration Initiative to clean up the Great Lakes.

While we have made progress, there is more work to be done. I will continue to work for passage of the National Fish Habitat Conservation Act and the Clean Water Restoration Act, which will help preserve Michigan's 36,000 miles of rivers and streams, including over 1,000 miles of blue-ribbon trout streams. I will also continue to work to ensure access to public lands and waterways.

Working together, we can preserve our natural resources so others can enjoy our rich hunting and fishing heritage for generations to come.●

#### TRIBUTE TO DR. CAROLYN PORCO

● Mr. UDALL of Colorado. Mr. President, today I praise Dr. Carolyn Porco, a professor at the University of Colorado, senior researcher at the Space Science Institute in Boulder, CO, and leader of the imaging team for the Cassini mission. In this last role, she has a front row seat on some of the most exciting scientific discoveries of today coming from the Cassini spacecraft, which for 5 years has been orbiting and studying Saturn and its Moons. I have submitted for the RECORD an article about Dr. Porco from the September 21, 2009, edition of the New York Times.

In Colorado, we are extremely proud of our science and technology enterprise. We have 16 Federal laboratories, top-flight research universities and a vibrant private sector pushing the limits on everything from biomedical research to space exploration. But even in this crowded field, Dr. Porco stands out as an exemplary Colorado scientist. She has repeatedly been recognized as one of the top scientific leaders to watch this century both for her scientific accomplishments and her leadership within the scientific community. As the Times article shows, she has come a long way from her humble Bronx upbringing.

Thinking about Dr. Porco, I am reminded that great scientists are not born. They are made. They are made through the hard work and determination of the young boy who rejects the stigma that somehow being smart is not cool and the young girl who refuses to take a back seat to any boy. They are made through the guidance and support of countless teachers and mentors who receive far too little credit for the service they give to this country. And perhaps most importantly for this body, they are made through the investments we make in research, development and education. If we want the Carolyn Porcos of the future to be here in the United States—and believe me, we do—we must invest now in our research agencies, and we must have well-paid, high-quality teachers in the classroom.

Dr. Porco is a stellar example of what we can accomplish as individuals and as a nation with focus and a little bit of tenacity. I congratulate her on her accomplishments and well-deserved recognition. I, for one, will be following her progress and expecting many more great things from her in the future.

I ask that the New York Times article to which I referred be printed in the RECORD.

The information follows.

AN ODYSSEY FROM THE BRONX TO SATURN'S RINGS

(By Dennis Overbye)

It is twilight time on Saturn.

Shadows lengthened to stretch thousands of miles across the planet's famous rings this summer as they slowly tilted edge-on to the Sun, which they do every 15 years, casting into sharp relief every bump and wiggle and warp in the buttery and wafer-thin bands that are the solar system's most popular scenic attraction.

From her metaphorical perch on the bridge of the Cassini spacecraft, which has been orbiting Saturn for five years, Carolyn Porco, who heads the camera team, is ecstatic about the view. "It's another one of those things that make you pinch yourself and say, 'Boy am I lucky to be around now,'" Dr. Porco said. "For the first time in 400 years, we're seeing Saturn's rings in three dimensions."

On Monday, Dr. Porco and the Cassini team released a grand view of the rings in all their shadowed glory, including clumps, spikes, undulations and waves two and a half miles high on the edge of one ring.

"We always knew it would be good; instead, it's been extraordinary," Dr. Porco said of the cascade of results that have placed her in a spotlight to which she has become increasingly accustomed. "I feel I'm on a great human adventure," she said.

The work may be carried out by robots, Dr. Porco said, "but we are all explorers."

"It's thrilling," she added, "and I want everyone to know how thrilling it is."

Dr. Porco, 56, a senior researcher at the Space Science Institute in Boulder, Colo., may be the leader of the camera team on the \$3.4 billion Cassini mission, an adjunct professor at the University of Colorado and one of Wired magazine's 15 people who should be advising the president. But she is also a

proud child of the 1960's who has never let go of the exuberance of that era when President John F. Kennedy "said that the sky isn't even the limit," as she puts it, and "things were unleashed."

Her entries on the Cassini imaging Web site echo the spirit of the character Capt. James T. Kirk on "Star Trek":

CAPTAIN'S LOG—MARCH 23, 2009

We are almost there. Saturn and we, its companions, have journeyed together now for nearly five years, in a circumnavigation of the outer solar system.

Stanley Kubrick's film "2001: A Space Odyssey" is still her favorite movie, and she still loves the Beatles. On a visit to England in 2001, she and her imaging colleagues recreated the album cover picture of the Beatles crossing Abbey Road, with Dr. Porco leading, dressed in white like John Lennon.

Dr. Porco was born and raised in a Bronx family with four brothers she partly credits for her subsequent success in astronomy. "I'm used to fighting and arguing with males," she said.

Her father, an Italian immigrant, drove a bread truck, and her mother kept house. Dr. Porco attended Cardinal Spellman High School, the same school that Justice Sonia Sotomayor of the Supreme Court attended.

She was a studious child and a spiritual seeker—"13 going on 80"—who lived a lot in her head. Later, as a student at the State University of New York at Stony Brook, she said she spent two years as a chanting Buddhist and even went on a two-week pilgrimage to Japan, where she was the majorette in a Buddhist marching band, wearing hot pants. "Now, THOSE were the days," she wrote in an e-mail message.

By then, Dr. Porco was pursuing the future she had glimpsed at age 13 when she saw Saturn through a neighbor's rooftop telescope. As a graduate student at the California Institute of Technology, she floundered at first but then got a job helping to analyze data from the two Voyager spacecrafts, which toured the outer planets from Jupiter to Neptune from 1978 to 1989.

It was there, said Peter Goldreich, her thesis advisor, that she demonstrated a knack for picking out important things. Among them was a discovery that mysterious dark spokes in Saturn's ring system were connected to the planet's magnetic field. She did her thesis on aspects of the rings and how they were shaped by the gravity of tiny moonlets.

Dr. Porco also did a lot of dancing, and played a guitar and sang in the Titan Equatorial Band, a pickup group of scientists and science writers named after a feature on Saturn's largest moon, and later for a group in Tucson called the Estrogens. "Three women and one very brave guy," she said.

By the time Voyager passed Neptune in 1989, Dr. Porco was a research associate at the University of Arizona and leading a small team trying to make sense of the thin rings around Neptune.

"She was one of the young rock stars of Voyager," said David Grinspoon, of the Southwest Research Institute in Boulder, who was a graduate student at Arizona at the time.

But it had not been an easy climb in the overwhelmingly male and competitive environment of space science. Dr. Porco once described scientists as "schoolyard toughs." She recalled pumping herself up to be an "alpha male" before meetings of her ring team.

Even as a graduate student, Dr. Goldreich recalled, Dr. Porco "was making a deliberate effort to become tough, and she succeeded."



Dr. Porco found an ally and friend in Carl Sagan, the Cornell astronomer, author and a charter member of the Voyager team, who defended her once when her Voyager colleagues teased her about not being married.

Dr. Porco was subsequently hired as a consultant for the movie "Contact," based on Sagan's novel about a feisty astronomer, Ellie Arroway, who discovers a signal from extraterrestrials.

Although plans fell through for Dr. Porco to meet Jodie Foster, the actress who played Arroway, she did attend a workshop on the script, where she took strong exception to an idea that the character would sleep with her adviser. "She's a let-it-ripper, isn't she?" recalled the movie's producer, Lynda Obst. "She let it rip."

Voyager, Dr. Porco said, was the time of her life. "It had all the elements of Homeric legend," she said. "It was a long 12-year odyssey, punctuated by brief episodes of great discovery and conquest. And then it was back in the boat, oars in the water, until years later we reached our next port of call. It was a defining experience for many of us, and certainly for me."

The chance to channel Dr. Porco's inner Captain Kirk continued with the \$3.4 billion Cassini mission, which was launched on a roundabout course toward Saturn in 1997 and arrived in 2004. Being on the imaging team is like standing on the bridge of the spaceship, she said. "We have the windows," she said. "That's what we're responsible for."

Dr. Porco was chosen over more senior astronomers to head the Cassini camera team in 1990, one of 12 team leaders for the spacecraft. The job swallowed her life, she said, and required her hard-won toughness. "Our experiment has been spectacularly successful," she said, "and that would never have happened if I let people roll over me."

But Dr. Porco said it had all been worthwhile. "Between my participation in Voyager and my role in Cassini," she said, "when comes the time, I will die a happy and gratified woman."

One of the most thrilling Cassini moments was in 2004 when the Huygens probe detached from Cassini and landed on Saturn's largest moon, Titan, a strange, frigid world where rocks are made of ice, and rivers and oceans are formed of what Dr. Porco has described as "paint thinner."

Last month, astronomers announced that they had detected methane storms on Titan, a cloudy moon that has an atmosphere denser than that of Earth.

They also discovered plumes erupting from the south pole of another Saturn moon, Enceladus, suggesting the presence of underground water and prompting talk about a future mission to cruise through the plumes. "Should we ever discover that life has arisen twice," Dr. Porco said, "that would be a game-changer."

The Titan landing, Dr. Porco said in a talk in 2007, should have been celebrated with parades in every major city.

That talk led to another movie adventure. J. J. Abrams, the producer of the television series "Lost," was listening and asked Dr. Porco to consult on his "Star Trek" movie. On a visit to the set, she suggested that a scene in which the Starship Enterprise materialized inside clouds be set on Titan. The scene made it onto the cover of Cinefex, a magazine about special effects in films.

In an interview, Mr. Abrams said: "She helped us feel connected to what Gene Roddenberry had been trying to do. This is our future," referring to the creator of "Star Trek."

Cassini endures, and Dr. Porco is a member of the team for the New Horizons spacecraft, which is scheduled to arrive at Pluto in 2015. But she said she hoped to spend more of her time popularizing science and hopes to write a book about Cassini.

"To my mind," Dr. Porco said, "most people go through life recoiling from its best parts. They miss the enrichment that just a basic knowledge of the physical world can bring to the most ordinary experiences. It's like there's a pulsating, hidden world, governed by ancient laws and principles, underlying everything around us—from the movements of electrical charges to the motions of the planets—and most people are completely unaware of it."

"To me, that's a shame." ●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

### ENROLLED BILL SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3607. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

At 4:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 3614) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

### ENROLLED BILL SIGNED

At 6:11 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3614. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3153. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Munitions and Explosives of Concern (MEC); Seal Island, Maine" ((RIN1625-AA00) (Docket No. USG-2009-0595)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3154. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Paddle for Clean Water; San Diego; California" ((RIN1625-AA00) (Docket No. USG-2009-0383)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3155. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; F/V Patriot, Massachusetts Bay, Massachusetts" ((RIN1625-AA00) (Docket No. USG-2009-0707)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3156. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Festivus, Lower Colorado River, Bullhead City, Arizona" ((RIN1625-AA00) (Docket No. USG-2009-0454)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3157. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Hornblower Cruises Fleet Week Fireworks Display, San Francisco Bay, California" ((RIN1625-AA00) (Docket No. USG-2009-0631)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3158. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Neptune Deep Water Port, Atlantic Ocean, Boston, Massachusetts" ((RIN1625-AA00) (Docket No. USG-2009-0644)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3159. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Missouri River, Mile 366.3 to 369.8" ((RIN1625-AA00) (Docket No. USG-2009-0594)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3160. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Upper Mississippi River, Mile 427.2 to



427.6, Keithsburg, Illinois" ((RIN1625-AA00) (Docket No. USG-2009-0646)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3161. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sea World Labor Day Fireworks, Mission Bay, California" ((RIN1625-AA00) (Docket No. USG-2009-0269)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3162. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; BWR 300' Enduro, Lake Moolvalya, Parker, Arizona" ((RIN1625-AA00) (Docket No. USG-2008-1180)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3163. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation for Marine Events; Choptank River, Cambridge, Maryland" ((RIN1625-AA08) (Docket No. USG-2009-0749)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3164. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, Maryland" ((RIN1625-AA08) (Docket No. USG-2009-0251)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3165. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Sabine River, Echo, Texas" ((RIN1625-AA09) (Docket No. USG-2009-0101)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3166. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Definition of Marine Debris for Purposes of the Marine Debris Research, Prevention, and Reduction Act" ((RIN0648-AV68; RIN1625-AB24) (Docket No. USG-2007-0164)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3167. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations; Port of New York and Vicinity" ((RIN1625-AA01) (Docket No. USG-2008-0047)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3168. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Shipping; Transportation; Technical, Organizational, and Conforming Amendments"

((RIN1625-ZA24) (Docket No. USG-2009-0702)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3169. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McCauley Propeller Systems Propeller Models B5JFR36C1101/114GCA-0, C5JFR36C1102/L114GCA-0, B5JFR36C1103/114HCA-0, and C5JFR36C1104/L114HCA-0" ((RIN2120-AA64) (9-179-22/25173/NM-24)) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3170. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Fort Worth, Texas" (MB Docket No. 09-132) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3171. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Chicago, Illinois" (MB Docket No. 09-146) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3172. A communication from the Chief of the Planning and Regulatory Affairs Branch, Supplemental Foods Programs Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "WIC Farmers' Market Nutrition Program (FMNP): Nondiscretionary Provisions of Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004" (RIN0584-AD74) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3173. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico" (Docket No. APHIS-2008-0124) received in the Office of the President of the Senate on September 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3174. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals relative to revisions to policy on development and procurement of unmanned systems as received during adjournment of the Senate in the Office of the President of the Senate on August 16, 2009; to the Committee on Armed Services.

EC-3175. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to special purpose entities for utilities systems in support of the realignment of military installations and relocation of military personnel in Guam received in the Office of the President of the Senate on September 16, 2009; to the Committee on Armed Services.

EC-3176. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket ID

FEMA-2008-0020; Internal Agency Docket No. FEMA-8091)) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3177. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Operating Fees" (RIN3133-AD60) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3178. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Taxonomic Change of *Sclerocactus glaucus* (Uinta Basin Hookless Cactus), a Threatened Species, to Three Separate Species, *Sclerocactus brevispinus* (Pariette Cactus), *Sclerocactus glaucus* (Colorado Hookless Cactus), and *Sclerocactus wetlandicus* (Uinta Basin Hookless Cactus)" (RIN1018-AV51) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3179. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" ((RIN1018-AV31) (50 CFR Part 20)) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3180. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009-10 Early Season" ((RIN1018-AW31) (50 CFR Part 20)) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3181. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" ((RIN1018-AW31) (50 CFR Part 20)) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3182. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Early-Season Migratory Bird Hunting Regulations" ((RIN1018-AW31) (50 CFR Part 20)) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3183. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the

2009–10 Late Season” ((RIN1018-AW31) (50 CFR Part 20)) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3184. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Hunting: Final Frameworks for Late-Season Migratory Bird Hunting Regulations” ((RIN1018-AW31) (50 CFR Part 20)) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3185. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Indiana; Interim Final Determination that Lake and Porter Counties are Exempt from NOx RACT Requirements for Purposes of Staying Sanctions” (FRL No. 8961–9) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3186. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Mohegan Tribe of Indians of Connecticut” (FRL No. 8949–8) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3187. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Determination of Clean Data for the 1997 Fine Particulate Matter Standard” (FRL No. 8962–4) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3188. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Ohio; Clean Air Interstate Rule” (FRL No. 8950–9) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3189. A communication from the Deputy Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Eagle Permits Take; Necessary to Protect Interests in Particular Localities” (RIN1018-AV81) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Environment and Public Works.

EC-3190. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Tier II Issue—Industry Directive on Planning and Examination of Contractual Allowances in the Healthcare Industry No. 2” (LMSB-4-0909–

036) (Uniform List No. 451.19–02)) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Finance.

EC-3191. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Entry of Certain Cement Products From Mexico Requiring a Commerce Department Import License” (RIN1505-AC14) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Finance.

EC-3192. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Increase in Certain Personal Duty Exemptions Extended to Returning U.S. Residents” (RIN1505-AC16) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Finance.

EC-3193. A communication from the Commissioner of Social Security, transmitting the report of proposed legislation relative to naming a building at Social Security headquarters after the late Robert M. Ball; to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1451. A bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes (Rept. No. 111–82).

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled “Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, FY 2010” (Rept. No. 111–83).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 1722. A bill to extend the temporary suspension of duty on certain rayon staple fibers; to the Committee on Finance.

By Mr. CORKER (for himself, Mr. WARNER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 1723. A bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. KYL, Mr. WHITEHOUSE, and Mr. REED):

S. 1724. A bill to establish a competitive grant program in the Department of Justice

to be administered by the Bureau of Justice Assistance which shall assist local criminal prosecutors’ offices in investigating and prosecuting crimes of real estate fraud.

By Mr. DODD (for himself, Mr. FEINGOLD, Mr. LEAHY, and Mr. MERKLEY):

S. 1725. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to remove retroactive immunity protection for electronic communications service providers that participated in the Terrorist Surveillance Program and for other purposes; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mr. CORNYN):

S. 1726. A bill to reauthorize the expiring intelligence tools of the USA PATRIOT Improvement and Reauthorization Act of 2005 and defend against terrorism through improved classified procedures and criminal law reforms, and for other purposes; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 290. A resolution to constitute the majority party’s membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

By Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. LEVIN, Mr. BURR, Mr. KERRY, Mr. DEMINT, Mr. ROBERTS, Mr. THUNE, Mr. ALEXANDER, Mr. MENENDEZ, Mr. BROWNBACK, Mr. BAUCUS, Mr. REID, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. VITTER, Mr. CARDIN, Mr. DURBIN, Mr. JOHNSON, Ms. KLOBUCHAR, Mr. INHOFE, Mr. BEGICH, Mrs. HUTCHISON, Mrs. GILLIBRAND, Mr. CONRAD, Mr. FRANKEN, Mr. JOHANNES, Mr. HATCH, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. BROWN, Mr. GREGG, Mr. SPECTER, Mr. CASEY, Mr. MERKLEY, Mr. DODD, and Mr. RISCH):

S. Res. 291. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 292. A resolution congratulating the Park View All-Star Little League team for winning the 2009 Little League World Series championship; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. INHOFE, Mr. COBURN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY,

Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEMIEUX, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 293. A resolution relative to the death of Henry Louis Bellmon, former United States Senator for the State of Oklahoma; considered and agreed to.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

\*Richard Serino, of Massachusetts, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

\*Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### ADDITIONAL COSPONSORS

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Rhode Island (Mr. REED), the Senator from Texas (Mr. CORNYN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr.

BURRIS) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse—midwife services.

S. 669

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 669, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 688

At the request of Ms. SNOWE, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 688, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 883

At the request of Mr. KERRY, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 1008

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1008, a bill to amend title 10, United States Code, to limit requirements of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1085

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1085, a bill to amend the Immigration and Nationality Act to promote family unity, and for other purposes.

S. 1147

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 1222

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1222, a bill to amend the Internal

Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1239

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1239, a bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1329

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1329, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1409

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1409, a bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability.

S. 1524

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1542

At the request of Mr. SCHUMER, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1542, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1547

At the request of Mr. REED, the name of the Senator from Vermont (Mr.

LEAHY) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1550

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1550, a bill to ensure that individuals detained by the Department of Homeland Security are treated humanely, provided adequate medical care, and granted certain specified rights.

S. 1569

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1569, a bill to expand our Nation's Advanced Practice Registered Nurse workforce.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1594

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1594, a bill to provide safeguards against faulty asylum procedures, to improve conditions of detention for detainees, and for other purposes.

S. 1612

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1612, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1668

At the request of Mr. BENNETT, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1672

At the request of Mr. REED, the name of the Senator from Massachusetts

(Mr. KERRY) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1683

At the request of Mr. BENNETT, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1694

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1694, a bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1711

At the request of Mr. REID, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1711, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes.

S.J. RES. 14

At the request of Mr. BROWNBACK, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S.J. Res. 14, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S.J. RES. 16

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 285

At the request of Mr. BENNETT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 285, a resolution supporting the goals and ideals of national cybersecurity awareness month and raising awareness and enhancing the state of cybersecurity in the United States.

AMENDMENT NO. 2555

At the request of Mr. JOHANNIS, the names of the Senator from Iowa (Mr.

GRASSLEY), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2555 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORKER (for himself, Mr. WARNER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 1723. A bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORKER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1723

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “TARP Recipient Ownership Trust Act of 2009”.

#### SEC. 2. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.

Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: “, and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act”.

#### SEC. 3. CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.

(a) **FEDERAL ASSISTANCE LIMITED.**—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary transfers all voting, non-voting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(b) **APPOINTMENT OF TRUSTEES.**—

(1) **IN GENERAL.**—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) **CRITERIA.**—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall each be paid at a rate equal to the rate payable for positions at level III of the Executive Schedule under section 5311 of title 5, United States Code.

(c) **DUTIES OF TRUST.**—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated TARP recipient; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(d) **LIQUIDATION.**—

(1) **IN GENERAL.**—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless—

(A) the trustees submit a report to the Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer; and

(B) within 15 calendar days after the date on which the Congress receives such report, there is enacted into law a joint resolution disapproving the liquidation plan of the Secretary, as described in paragraph (2).

(2) **CONTENTS OF JOINT RESOLUTION.**—For purposes of this subsection, the term “joint resolution” means only a joint resolution—

(A) that is introduced not later than 3 calendar days after the date on which the report referred to in paragraph (1)(A) is received by the Congress;

(B) which does not have a preamble;

(C) the title of which is as follows: “Joint resolution relating to the disapproval of the liquidation of the TARP management trust”; and

(D) the matter after the resolving clause of which is as follows: “That Congress disapproves the liquidation of the TARP management trust established under the TARP Recipient Ownership Trust Act of 2009.”.

(3) **FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.**—

(A) **RECONVENING.**—Upon receipt of a report under paragraph (1)(A), the Speaker, if the House would otherwise be adjourned, shall notify the Members of the House that, pursuant to this subsection, the House shall convene not later than the second calendar day after receipt of such report.

(B) **REPORTING AND DISCHARGE.**—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 5 calendar days after the date of receipt of the report described in paragraph (1)(A). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

(C) **PROCEEDING TO CONSIDERATION.**—After each committee authorized to consider a joint resolution reports it to the House or has been discharged from its consideration, it shall be in order, not later than the sixth day after Congress receives the report described in paragraph (1)(A), to move to pro-

ceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(D) **CONSIDERATION.**—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except two hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(4) **FAST TRACK CONSIDERATION IN SENATE.**—

(A) **RECONVENING.**—Upon receipt of a report under paragraph (1)(A), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this subsection, the Senate shall convene not later than the second calendar day after receipt of such message.

(B) **PLACEMENT ON CALENDAR.**—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(C) **FLOOR CONSIDERATION.**—

(i) **IN GENERAL.**—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a report of the plan of the Secretary described in paragraph (1)(A) and ending on the 6th day after the date on which Congress receives a report of the plan of the Secretary described in paragraph (1)(A) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(ii) **DEBATE.**—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(iii) **VOTE ON PASSAGE.**—The vote on passage shall occur immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(iv) **RULINGS OF THE CHAIR ON PROCEDURE.**—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(i) The joint resolution of the other House shall not be referred to a committee.

(ii) With respect to a joint resolution of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(II) the vote on passage shall be on the joint resolution of the other House.

(B) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this subsection, the joint resolution of the other House shall be entitled to expedited floor procedures under this subsection.

(C) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(D) CONSIDERATION AFTER PASSAGE.—

(i) IN GENERAL.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President takes action with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in paragraph (1)(A).

(ii) VETOES.—If the President vetoes the joint resolution—

(I) the period beginning on the date the President vetoes the joint resolution and ending on the date the Congress receives the veto message with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in paragraph (1)(A); and

(II) debate on a veto message in the Senate under this subsection shall be 1 hour equally divided between the majority and minority leaders or their designees.

(E) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph, and paragraphs (2), (3), and (4) are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

#### SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term “designated TARP recipient” means any entity that has received, or will receive, financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), such that the Federal Government holds or controls, or will hold or control at a future date, not less than a 10 percent ownership stake in the company as a result of such assistance;

(2) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

By Mr. KYL. (for himself and Mr. CORNYN):

S. 1726. A bill to reauthorize the expiring intelligence tools of the USA PATRIOT Improvement and Reauthorization Act of 2005 and defend against terrorism through improved classified procedures and criminal law reforms, and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, earlier this month, we paid homage to those who lost their lives in the terrorist attacks on September 11, 2001. Those attacks changed our nation forever, including how we combat the very real and continuing threat of terrorism. One of the most important changes that we made in the wake of September 11 was the enactment of the PATRIOT Act. That legislation, which had strong bipartisan support in the Congress, provided for a number of common sense changes designed to give our national security intelligence community the same tools our police and FBI agents can use against drug dealers and organized crime. Although many of the PATRIOT Act's provisions are now permanent, three critical national security tools—the “wiretap” authority contained in Section 206 of the PATRIOT Act; the “business records” authority contained in Section 215 of the PATRIOT Act; and the “lone wolf” authority contained in Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004—will expire on December 31 of this year.

The tools in the PATRIOT Act are as necessary today as they were when first enacted. Just this month, the government confirmed that the Foreign Intelligence Surveillance Act of 1978, FISA, which includes PATRIOT Act provisions, was used to build a case against Najibullah Zazi. Although many details remain classified, it appears as if Najibullah Zazi was an al Qaeda associate who was planning to detonate bombs within the U.S.

Similarly, it has been reported that the FBI likely used its roving wiretap and business records authorities—two of the PATRIOT Act's expiring provisions—to thwart a terrorist plot uncovered earlier this year in New York, in which four former convicts who converted to radical Islam plotted to use explosives to blow up synagogues and shoot down airplanes with surface-to-air missiles.

Those are two high-profile examples from just this year. There are no doubt countless of other instances, not known to the public, where PATRIOT Act authorities have been used by our national security professionals to keep

Americans safe. Recognizing the importance of these tools, the Department of Justice has written the Chairman of the Judiciary Committee to urge renewal of the expiring provisions of the PATRIOT Act. In addition, FBI Director Mueller and David Kris, the Assistant Attorney General for the National Security Division, both expressed their strong support for these authorities in testimony before the Judiciary Committee this month.

The reality is that the war on terrorism is not going to sunset. Neither should the tools that our investigators and analysts rely upon to prevent attack. That is why Mr. CORNYN and I are introducing today the USA PATRIOT Reauthorization and Additional Weapons Against Terrorism Act of 2009. This legislation permanently renews the three expiring PATRIOT Act provisions and addresses other critical national security needs.

#### I. RENEWING THE ROVING WIRETAP AUTHORITY

The roving wiretap authority allows the Government, in certain circumstances, to focus surveillance efforts on monitoring a particular target rather than a particular telephone number. Gone are the days when you used only one phone at home or in the office. Cell phones are ubiquitous. The point is to intercept the calls of a particular person, not a particular phone. Even so, the Government may have such authority only in limited circumstances. It must provide the FISA Court with “specific facts” indicating that the “actions of the target of the application may have the effect of thwarting the identification” of third parties necessary to accomplish the ordered surveillance. This tool helps ensure that investigators and analysts may overcome a target's efforts to avoid surveillance, for example, rapidly switching cell phone numbers.

As the Department of Justice noted in its September 14, 2009, letter to Chairman LEAHY, the roving wiretap authority has “proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders.” The Department's letter explains that the authority has been used judiciously—on average, only 22 applications for roving wiretaps have been made per year—and that “the basic justification offered to Congress in 2001 for the roving authority remains valid today. . . . Any effective surveillance mechanism must incorporate the ability to rapidly address an unanticipated change in the target's communications behavior.”

#### II. RENEWING THE BUSINESS RECORDS AUTHORITY

The business records authority allows the FISA Court, under appropriate circumstances, to compel the production of needed business records. In its September 14 letter, the Department of Justice expressed its strong support for the business records provision, stating that it “addresses a gap in



intelligence collection authorities and has proven valuable in a number of contexts." The Department stated that some of the acquired "orders were used to support important and highly sensitive intelligence collection operations, of which both Members of the Intelligence Committee and their staffs are aware." Although some have questioned the scope and use of this authority, it is important to acknowledge that no one has challenged a business records order in court, even though an explicit right to file such a challenge took effect in 2006. Such authority also exists in at least 300 federal government investigative contexts.

### III. RENEWING THE LONE WOLF AUTHORITY

The "lone wolf" provision fills a critical intelligence gap in situations where the government can establish that a non-United States person is engaged in international terrorism but cannot yet identify the foreign power or terrorist group to which he belongs. Although this authority has not yet been used, the Department of Justice made clear in its September 14 letter that there are foreseeable situations in which such an authority "would be the only avenue to effective surveillance." The Department stated that "it is essential to have the tool available for the rare situation in which it is necessary rather than to delay surveillance of a terrorist in the hopes that the necessary links are established." Had we had this authority at the time, we could have examined the computer of Zacarias Moussaoui, perhaps gaining enough information to provide some warning of 9/11. Terrorists do not carry membership cards in organizations, but it does not make them any less dangerous.

### IV. ADDRESSING OTHER NATIONAL SECURITY NEEDS

In addition to reauthorizing these important national security tools, this legislation responds to several other national security needs. For example, it clarifies what kind of information and disclosures trigger the procedures of the Classified Information Procedures Act, CIPA. This clarification is designed to resolve the difficulties created by the Fourth Circuit's approach in *United States v. Moussaoui*. The legislation also prohibits individuals from providing material support—for example, providing money to support a suicide bomber's family—to international terrorism efforts. It makes it illegal to conspire to violate the current prohibition on receiving military-type training from a foreign terrorist organization. It prohibits the use, transfer, mass transfer, production, and trafficking of false travel documents. Finally, it ensures that convicted terrorists and sex offenders will not be released pending sentencing or appeal.

These are good, common sense provisions that all members should be able to support. I look forward to working

with my colleagues on both sides to ensure that our national security professionals have the tools they need to continue finding and apprehending terrorists before they attack.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1726

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "USA PATRIOT Reauthorization and Additional Weapons Against Terrorism Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—USA PATRIOT REAUTHORIZATION ACT OF 2009

Sec. 101. Short title.

Sec. 102. USA Patriot Improvement and Reauthorization Act repeal of sunset provisions.

Sec. 103. Repeal of sunset relating to individual terrorists as agents of foreign powers.

#### TITLE II—CLASSIFIED INFORMATION PROCEDURES REFORM ACT

Sec. 201. Short title.

Sec. 202. Definitions.

Sec. 203. Ex parte authorizations under the Classified Information Procedures Act.

Sec. 204. Application of Classified Information Procedures Act to non-documentary information.

Sec. 205. Interlocutory appeals under the Classified Information Procedures Act.

#### TITLE III—ADDITIONAL GOVERNMENT WEAPONS AGAINST TERRORISM ACT

Sec. 301. Short title.

Sec. 302. Prevention and deterrence of material support for terrorist suicide bombings.

Sec. 303. Prohibiting attempts and conspiracies to obtain military-type training from a foreign terrorist organization.

Sec. 304. Prohibiting use of false travel documents.

Sec. 305. Preventing unwarranted release of convicted terrorists and sex offenders pending sentencing or appeal.

#### TITLE I—USA PATRIOT REAUTHORIZATION ACT OF 2009

### SEC. 101. SHORT TITLE.

This title may be cited as the "USA PATRIOT Reauthorization Act of 2009".

### SEC. 102. USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT REPEAL OF SUNSET PROVISIONS.

Section 102(b) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is repealed.

### SEC. 103. REPEAL OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is repealed.

## TITLE II—CLASSIFIED INFORMATION PROCEDURES REFORM ACT

### SEC. 201. SHORT TITLE.

This title may be cited as the "Classified Information Procedures Reform Act of 2009".

### SEC. 202. DEFINITIONS.

(a) IN GENERAL.—Section 1 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) 'Disclosure', as used in this Act—

"(1) means the release, transmittal, or making available of, or providing access to, classified information to any person (including a defendant or counsel for a defendant) during discovery, or to a participant or member of the public at any proceeding; and

"(2) does not include the release, transmittal, or making available of, or providing access to, classified information by the defendant to an attorney representing the defendant in a matter who has received—

"(A) the necessary security clearance to receive the classified information; and

"(B) if the classified information has been designated as sensitive compartmented information or special access program information, any additional required authorization to receive the classified information,."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 501(3) of the Immigration and Nationality Act (8 U.S.C. 1531(3)) is amended by striking "section 1(b)" and inserting "section 1".

### SEC. 203. EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.

Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking "may" and inserting "shall"; and

(B) by striking "authorization in the form of a written statement to be inspected" and inserting "authorization, together with any argument in support of that request, in the form of a statement made ex parte and to be considered"; and

(2) in the third sentence—

(A) by striking "If the court enters an order granting relief following such an ex parte showing, the" and inserting "The"; and

(B) inserting ", and the transcript of any argument and any summary of the classified information the defendant seeks to obtain," after "text of the statement of the United States".

### SEC. 204. APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NON-DOCUMENTARY INFORMATION.

Section 4 of the Classified Information Procedures Act (18 U.S.C. App.), as amended by section 203 of this Act, is amended—

(1) in the section heading, by inserting "AND ACCESS TO" after "OF";

(2) by inserting "(a) IN GENERAL.—" before "The court, upon"; and

(3) by adding the following at the end of the following:

"(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which the defendant knows or reasonably believes is classified, the defendant shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought



by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose such access to the classified information.

“(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in a notice made under paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

“(3) The court shall permit the United States to make an objection to access to classified information under paragraph (1) or a request for a substitution under paragraph (2) in the form of a statement made ex parte and to be considered by the court alone. The entire text of the statement of the United States, and any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

“(4) A court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove under paragraph (2) if the court finds that the summary or statement will provide the defendant with substantially the same ability to make a defense as would disclosure of the specific classified information.

“(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to classified information subject to this subsection not previously authorized by a court for disclosure under this subsection shall be discontinued or may proceed only as to lines of inquiry not involving the classified information.”

#### **SEC. 205. INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.**

Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding the following at the end: “The right of the United States to appeal under this subsection applies without regard to whether the order appealed from was entered under this Act.”

### **TITLE III—ADDITIONAL GOVERNMENT WEAPONS AGAINST TERRORISM ACT**

#### **SEC. 301. SHORT TITLE.**

This title may be cited as the “Additional Government Weapons Against Terrorism Act of 2009”.

#### **SEC. 302. PREVENTION AND DETERRENCE OF MATERIAL SUPPORT FOR TERRORIST SUICIDE BOMBINGS.**

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

##### **“§ 2339E. Providing material support to international terrorism**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘facility of interstate or foreign commerce’ has the meaning given that term in section 1958;

“(2) the term ‘material support or resources’ has the meaning given that term in section 2339A;

“(3) the term ‘perpetrator of an act’ includes any person who—

“(A) commits the act;

“(B) aids, abets, counsels, commands, induces, or procures the commission of the act; or

“(C) attempts, plots, or conspires to commit the act; and

“(4) the term ‘serious bodily injury’ has the meaning given that term in section 1365.

“(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, to a family member of the perpetrator of an act of international terrorism, or to any other person, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 15 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

“(c) JURISDICTIONAL BASES.—A circumstance referred to in this subsection is that—

“(1) the offense occurs in or affects interstate or foreign commerce;

“(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

“(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had the act been consummated;

“(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

“(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

“(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

“(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any State, district, commonwealth, territory, or possession of the United States) while that property is outside of the United States;

“(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

“(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any State, district, commonwealth, territory, or possession of the United States).”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.

“2339E. Providing material support to international terrorism.”

(2) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting “2339E (relating to providing material support to international terrorism),” before “or 2340A (relating to torture)”.

#### **SEC. 303. PROHIBITING ATTEMPTS AND CONSPIRACIES TO OBTAIN MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.**

Section 2339D(a) of title 18, United States Code, is amended by inserting “, or attempts or conspires to do so,” after “foreign terrorist organization”.

#### **SEC. 304. PROHIBITING USE OF FALSE TRAVEL DOCUMENTS.**

(a) IN GENERAL.—Section 1028 of title 18, United States Code, is amended—

(1) in the section heading, by inserting “false travel documents,” after “identification documents,”;

(2) in subsection (a)—

(A) in paragraph (1), by striking “or a false identification document” and inserting “false identification document, or false travel document”;

(B) in paragraph (2), by striking “or a false identification document” and inserting “false identification document, or false travel document”;

(C) in paragraph (3), by striking “or false identification documents” and inserting “false identification documents, or false travel documents”;

(D) in paragraph (5), by inserting “, false travel document,” after “false identification document”; and

(E) in paragraph (8), by inserting “false travel documents,” after “false identification documents,”;

(3) in subsection (b)—

(A) in paragraph (1)(B), by striking “or false identification documents” and inserting “false identification documents, or false travel documents”; and

(B) in paragraph (2)(A)—

(i) by striking “document,” and inserting “document,”; and

(ii) by striking “or a false identification document” and inserting “a false identification document, or a false travel document”;

(4) in subsection (c)(3)(B), by inserting “false travel document,” after “false identification document,”;

(5) in subsection (d)—

(A) in paragraph (11), by striking “and” at the end;

(B) in paragraph (12), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(13) the term ‘false travel document’ means a document issued for the use of a particular, identified individual and of a type intended or commonly accepted for the purposes of passage on a commercial aircraft or mass transportation vehicle, including a ticket or boarding pass, that—

“(A) was not issued by or under the authority of a commercial airline or mass transportation provider, but appears to be issued by or under the authority of a commercial airline or mass transportation provider; or

“(B) was issued by or under the authority of a commercial airline or mass transportation provider, and was subsequently altered for purposes of deceit.”; and

(6) in subsection (h), by inserting “false travel documents,” after “identification documents,”.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item

related to section 1028 and inserting the following:

“1028. Fraud and related activity in connection with identification documents, false travel documents, authentication features, and information.”.

**SEC. 305. PREVENTING UNWARRANTED RELEASE OF CONVICTED TERRORISTS AND SEX OFFENDERS PENDING SENTENCING OR APPEAL.**

(a) IN GENERAL.—Section 3145 of title 18, United States Code, is amended by adding at the end the following:

“(d) APPLICATION.—No person shall be eligible for release under subsection (c) based on exceptional reasons if the person is being detained pending sentencing or appeal in a case involving—

“(1) an offense under section 2332b of this title;

“(2) an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed; or

“(3) an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 290—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 290

*Resolved*, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burris, and Mr. Kirk.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, and Mr. Bennet.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, and Mr. Kirk.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Vice Chairman), Mr. Bingaman, Ms. Klobuchar, Mr. Casey, Mr. Webb, and Mr. Warner.

### SENATE RESOLUTION 291—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. LEVIN, Mr. BURR, Mr. KERRY, Mr. DEMINT, Mr. ROBERTS, Mr. THUNE, Mr. ALEXANDER, Mr. MENENDEZ, Mr. BROWNBACK, Mr. BAUCUS, Mr. REID, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. VITTER, Mr. CARDIN, Mr. DURBIN, Mr. JOHNSON, Ms. KLOBUCHAR, Mr. INHOFE, Mr. BEGICH, Mrs. HUTCHISON, Mrs. GILLIBRAND, Mr. CONRAD, Mr. FRANKEN, Mr. JOHANNES, Mr. HATCH, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. BROWN, Mr. GREGG, Mr. SPECTER, Mr. CASEY, Mr. MERKLEY, Mr. DODD, and Mr. RISCH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 291

Whereas there are approximately 510,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting for families to adopt them;

Whereas 61 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 3 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who “age out” of foster care by reaching adulthood without being placed in a permanent home has continued to increase since 1998, and more than 26,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though “Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years”;

Whereas, while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, more than 25,000 children have joined forever families during National Adoption Day;

Whereas, in 2008, adoptions were finalized for over 4,500 children through more than 325 National Adoption Day events in all 50 States, the District of Columbia, Puerto Rico, and Guam; and

Whereas the President traditionally issues an annual proclamation to declare November as National Adoption Month, and National Adoption Day is on November 21, 2009: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

### SENATE RESOLUTION 292—CONGRATULATING THE PARK VIEW ALL-STAR LITTLE LEAGUE TEAM FOR WINNING THE 2009 LITTLE LEAGUE WORLD SERIES CHAMPIONSHIP

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas on August 30, 2009, the Park View All-Star Little League team, affectionately known as the “Blue Bombers”, of Chula Vista, California defeated the Kuei-Shan Little League team of Chinese Taipei, by a score of 6-3 to win the 2009 Little League World Series at Williamsport, Pennsylvania, becoming the 2009 Little League World Series champions;

Whereas in their previous game, the Blue Bombers defeated a versatile and dynamic team from San Antonio, Texas, winning 12-2 in 4 innings to become the United States Little League champions;

Whereas the Park View All-Star Little League team is the first San Diego County team to win a Little League World Series championship since 1961 and the first team from California to win the championship since 1993;

Whereas 2009 is the fifth time a Little League World Series champion has been crowned from California and the 31st time a United States team has won the Little League World Series championship;

Whereas the Blue Bombers set the record for most home runs in the Little League World Series, with 19 home runs overall in the tournament, besting the previous record by an incredible 6 home runs;

Whereas the Park View All-Star Little League team is comprised of: Bradley Roberto, Andy Rios, Markus Melin, Nick

Conlin, Seth Godfrey, Bulla Graft, Daniel Porras, Jr., Jensen Peterson, Kiko Garcia, Luke Ramirez, Isaiah Armenta, and Oscar Castro;

Whereas the Park View All-Star Little League championship team is coached by Ric Ramirez and managed by Oscar Castro;

Whereas true to the Little League pledge, the Blue Bombers played with heart, dignity, and class and, in a gesture of extraordinary sportsmanship, the Blue Bombers invited the Chinese Taipei team to join them on their victory lap around the field at Williamsport;

Whereas while the Park View All-Star Little League team is made up of 12 all-stars that won the championship, the entire league is made up of more than 400 players and thousands of family members of players, who are all part of this success; and

Whereas the victory by the Park View All-Star Little League team has brought tremendous excitement and pride to the city of Chula Vista, the county of San Diego, the State of California, and the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Park View All-Star Little League team from Chula Vista, California for winning the 2009 Little League World Series championship; and

(2) commends the families, coaches, volunteers, and community of the team, whose untold dedication and countless hours of volunteerism contributed to the team's success on and off the field.

#### SENATE RESOLUTION 293—RELATIVE TO THE DEATH OF HENRY LOUIS BELLMON, FORMER UNITED STATES SENATOR FOR THE STATE OF OKLAHOMA

Mr. REID (for himself, Mr. MCCONNELL, Mr. INHOFE, Mr. COBURN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEMIEUX, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr.

WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 293

Whereas Henry Bellmon served as a United States Marine from 1942–1946, where he served as a platoon tank commander in the Pacific theater, and was awarded the Legion of Merit for his service in Saipan and the Silver Star for bravery in action on Iwo Jima;

Whereas Henry Bellmon served as a Major in the Marine Corps Reserve until 1954;

Whereas Henry Bellmon served two non-consecutive terms as governor of the State of Oklahoma from 1963–1967, when he was elected as the state's first Republican governor, and from 1987–1991; and

Whereas Henry Bellmon served the people of Oklahoma with distinction for 12 years in the United States Senate from 1969–1981;

*Resolved*, that the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Henry Bellmon, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Henry Bellmon.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2558. Mr. MCCAIN proposed an amendment to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

SA 2559. Mr. SANDERS (for himself, Mr. BYRD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2560. Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2561. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2562. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2563. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2564. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2565. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2566. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2567. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2568. Mr. KYL submitted an amendment intended to be proposed by him to the

bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2569. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2570. Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2571. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2572. Mr. DODD (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2573. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2574. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2575. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2558.** Mr. MCCAIN proposed an amendment to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) REDUCTION OF AIRCRAFT PROCUREMENT, AIR FORCE, FOR EXCESS AMOUNTS FOR C-17 AIRCRAFT.—The amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby reduced by \$2,500,000,000, the amount equal to the amount by which the amount available under that heading for the procurement of C-17 aircraft exceeds the amount requested by the President in the budget for the Department of Defense for fiscal year 2010 for the procurement of such aircraft, with the amount of the reduction to be allocated to amounts otherwise available for the procurement of such aircraft.

(b) AVAILABILITY FOR OPERATION AND MAINTENANCE.—The amount appropriated by title II for Operation and Maintenance is hereby increased by \$2,438,403,000, in accordance with amounts requested by the President in the budget for the Department of Defense for fiscal year 2010.

(c) AVAILABILITY FOR OPERATION AND MAINTENANCE, ARMY, FOR OVERSEAS CONTINGENCY OPERATIONS.—The amount appropriated by title IX under the heading "OPERATION AND MAINTENANCE, ARMY", is hereby increased by \$61,597,000.

**SA 2559.** Mr. SANDERS (for himself, Mr. BYRD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", \$12,000,000 shall be available for the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research Programs.

**SA 2560.** Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Any specific project contained in the Joint Explanatory statement accompanying this Act that is considered a congressional earmark for purposes of clause 9 of rule XXI of the Rules of the House of Representatives or a congressionally directed spending item as defined in rule XLIV of the Standing Rules of the Senate, when intended to be awarded to a for-profit entity, shall be awarded under full and open competition.

**SA 2561.** Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP) unless the Secretary of the Army determines that the contract explicitly requires the contractor to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with the United States National Electric Code in work under the contract.

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the waiver is necessary for the provision of essential services to troops in the field; or

(2) the work under such contract does not present an imminent threat of death or serious bodily injury.

**SA 2562.** Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) It is the sense of Congress that—

(1) the Nevada Test Site of the National Nuclear Security Administration can play an

effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation's nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

(b) Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for improving the infrastructure of the Nevada Test Site of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

**SA 2563.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

**SA 2564.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, beginning on line 21, strike "the total amount" and all that follows through "\$236,000,000" and insert "the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$530,000".

**SA 2565.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of De-

fense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 177, line 23, strike "the modernization" and all that follows through line 25 and insert the following: "and the Secretary of Defense, who upon completion of a thorough review, shall provide to each standing committee of Congress a modernization priority assessment for their respective Reserve or National Guard component.".

**SA 2566.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. No amounts appropriated or otherwise made available by this Act may be obligated or expended to fund any congressionally directed spending item included in the report of the Committee on Appropriations of the Senate (Senate Report 111-74) with respect to any account as follows:

- (1) Operation and Maintenance, Army.
- (2) Operation and Maintenance, Navy.
- (3) Operation and Maintenance, Marine Corps.
- (4) Operation and Maintenance, Air Force.
- (5) Operation and Maintenance, Defense-Wide.
- (6) Operation and Maintenance, Army Reserve.
- (7) Operation and Maintenance, Navy Reserve.
- (8) Operation and Maintenance, Marine Corps Reserve.
- (9) Operation and Maintenance, Air Force Reserve.
- (10) Operation and Maintenance, Army National Guard
- (11) Operation and Maintenance, Air National Guard.

**SA 2567.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. No amounts appropriated or otherwise made available by this Act may be available for the Center on Climate Change and National Security of the Central Intelligence Agency.

**SA 2568.** Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amounts appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for the Office

of the Secretary of Defense, up to \$250,000 may be available to the Under Secretary of Defense for Policy for the declassification of the nuclear posture review conducted under section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-262) upon the release of the nuclear posture review to succeed such nuclear posture review.

**SA 2569.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, beginning on line 21, strike “the total amount” and all that follows through “\$236,000,000” and insert “the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$530,000,000”.

**SA 2570.** Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) No funds appropriated or otherwise available by this Act may be obligated or expended to use any cluster munitions unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the policy applicable to the use of such cluster munitions specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

(b) The President may waive the requirement under subsection (a)(1) if, prior to the use of cluster munitions, the President—

(1) certifies that it is vital to protect the security of the United States; and

(2) not later than 30 days after making such certification, submits to the appropriate congressional committees a report, in classified form if necessary, describing in detail—

(A) the steps that will be taken to protect civilians; and

(B) the failure rate of the cluster munitions that will be used and whether such munitions are fitted with self-destruct or self-deactivation devices.

(c) In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

**SA 2571.** Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making ap-

propriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) REPORT ON USE OF LIVE PRIMATES IN TRAINING RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a detailed description of the requirements for the use by the Department of Defense of live primates at the United States Army Medical Research Institute of Chemical Defense, and elsewhere, to demonstrate the effects of chemical or biological agents or chemical (such as physostigmine) or biological agent simulants in training programs.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The number of live primates used in the training described in subsection (a).

(2) The average lifespan of primates from the point of introduction into such training programs.

(3) An explanation why the use of primates in such training is more advantageous and realistic than the use of human simulators or other alternatives.

(4) An estimate of the cost of converting from the use of primates to human simulators in such training.

**SA 2572.** Mr. DODD (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL PAY FOR MEMBERS OF THE ARMED FORCES SUBJECT TO CONTINUING ACTIVE DUTY OR SERVICE UNDER STOP-LOSS AUTHORITIES.

(a) SPECIAL PAY AUTHORIZED.—The Secretary of the military department concerned may pay monthly special pay to any member of the Armed Forces described in subsection (b) for any month or portion of a month in which the member serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in that subsection.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) who, at any time during the period beginning on September 11, 2001, and ending on June 30, 2011, serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, while the member's en-

listment or period of obligated service is extended, or has the member's eligibility for retirement suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a “stop-loss authority”) authorizing the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(c) AMOUNT.—The amount of monthly special pay payable to a member under this section for a month may not exceed \$500.

(d) CONSTRUCTION WITH OTHER PAYS.—Monthly special pay payable to a member under this section is in addition to any other amounts payable to the member by law.

(e) FUNDING.—

(1) IN GENERAL.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$29,000,000 is hereby appropriated to the Secretary of Defense to carry out this section. Such amount shall be made available to the Secretaries of the military departments only to provide special pay during fiscal year 2010 to members of the Armed Forces described in subsection (b) as provided in this section.

(2) OFFSET.—The amount appropriated or otherwise made available by title II under the heading “OPERATION AND MAINTENANCE, ARMY” is hereby reduced by \$29,000,000.

**SA 2573.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR RDTE, DEFENSE-WIDE, FOR INTEGRATED CHEMICAL AND BIOLOGICAL DETECTION SYSTEM.—The amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE” is hereby increased by \$3,600,000, with the amount of the increase to be available for the Integrated Chemical and Biological Detection System.

(b) OFFSET.—The amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, ARMY” is hereby decreased by \$3,600,000, with the amount of the decrease to be allocated to amounts available for Installation Processing Node-Phase IIa.

**SA 2574.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title III under the heading “AIRCRAFT PROCUREMENT, AIR FORCE” is hereby reduced by \$2,500,000,000, the amount equal to the amount by which the amount available under that heading for the procurement of C-17 aircraft exceeds the amount requested by the President in the budget for the Department of Defense for fiscal year 2010 for the procurement of such aircraft, with the

amount of the reduction to be allocated to amounts otherwise available for the procurement of such aircraft.

**SA 2575.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) **TESTIMONY BEFORE CONGRESS ON MEETING UNITED STATES OBJECTIVES ON AFGHANISTAN AND PAKISTAN.**—The officials specified subsection (b) shall each be made available, by not later than November 15, 2009, to testify in open and closed sessions before the relevant committees of Congress regarding recommendations for additional forces and resources required to achieve the objectives of United States policy with respect to Afghanistan and Pakistan stated pursuant to section 1117(a) of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1907).

(b) **OFFICIALS.**—The officials specified in this subsection are the following:

(1) The Commander of the United States Central Command.

(2) The Commander of the United States European Command and Supreme Allied Command, Europe.

(3) The Commander of United States Forces-Afghanistan.

(4) The United States Ambassador to Afghanistan

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing previously announced for Thursday, October 1, 2009, at 9:45 p.m., is postponed until a later date.

The purpose of the hearing was to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing previously announced before the Subcommittee on Public Lands and Forests on Thursday, October 1, 2009, at 2:30 p.m., is postponed until a later date.

The purpose of the hearing was to receive testimony on managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration.

For further information, please contact Scott Miller at (202) 224-5488 or Alison Seyferth at (202) 224-4905.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 29, 2009, at 2 p.m. to conduct a hearing entitled "Strengthening and Streamlining Prudential Bank Supervision."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 29, 2009, at 10 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 29, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on September 29, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Body Building Products and Hidden Steroids: Enforcement Barriers."

The PRESIDING OFFICER. Without objection, it is so ordered.

### AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. INOUE. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 29, 2009, at 10 a.m. to conduct a hearing entitled, "Improving Transparency and Accessibility of Federal Contracting Databases."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CHILDREN'S HEALTH

Mr. INOUE. Mr. President, I ask unanimous consent that the Subcommittee on Children's Health of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 29, 2009, at 9:30 a.m. in Dirksen room 406 to hold a hearing entitled, "Promoting and Improving Children's Health Protections."

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BOND. Mr. President, I ask unanimous consent that my military fellow, LTC John Moreth, be granted floor privileges for the duration of the consideration of H.R. 3326 on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I ask unanimous consent that a military fellow in the office of Senator CHRISTOPHER DODD, CPT Lindsay George, be granted floor privileges for the consideration of H.R. 3326, the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar Nos. 459, 460, 461, that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, that no further motions be in order and any statements relating to the nominations be printed in the RECORD as if read; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

### DEPARTMENT OF JUSTICE

Jenny A. Durkan, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Florence T. Nakakuni, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years.

Deborah K.R. Gilg, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

## UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, September 30, following a period of morning business, the Senate proceed to consider the conference report to accompany H.R. 2918, the Legislative Branch appropriations; that all debate time until 4:30 be equally divided and controlled between Senators NELSON of



Nebraska and Senator MURKOWSKI or their designees; that if points of order are raised, any vote on the motions to waive occur beginning at 4:30 p.m. tomorrow and that no amendments be in order to the motions; I further ask consent that following the disposition of points of order, and if the motions to waive are successful, the Senate then proceed to the adoption of the conference report immediately, with 2 minutes of debate, equally divided, prior to each vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT OF CONFEREES— H.R. 2647

Mr. REID. Mr. President, with respect to the conferees on the Defense authorization measure, I ask unanimous consent that Senators KIRK and LEMIEUX be added to replace the late Senator Kennedy and recently retired Senator Martinez.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENDING BY ONE YEAR THE OPERATION OF RADIO FREE ASIA

#### REAUTHORIZING THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Mr. REID. I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of H.R. 3593 and H.R. 2131 en bloc, and the Senate proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 3593) to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

A bill (H.R. 2131) to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy

There being no objection, the Senate proceeded to consider the bills.

Mr. REID. Mr. President, I ask unanimous consent the bills be read a third time and passed en bloc, the motions to reconsider be laid on the table en bloc, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3593) was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 2131) was ordered to a third reading, was read the third time, and passed.

#### CYBERSECURITY AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Commerce,

Science, and Transportation Committees be discharged from further consideration of S. Res. 285, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 285) supporting the goals and ideals of national cybersecurity awareness month and raising and enhancing the state of cybersecurity in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 285) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 285

Whereas the use of the Internet in the United States, to communicate, conduct business, or generate commerce that benefits the overall United States economy, is ubiquitous;

Whereas many people use the Internet in the United States to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas United States small businesses, which employ a significant fraction of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance the management of their supply chain;

Whereas nearly all public schools in the United States have Internet access to enhance children's education, with a significant percentage of instructional rooms connected to the Internet to enhance children's education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas the number of children who connect to the Internet continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and practices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of teenagers, providing access to a range of valuable services, making it all the more important to teach young users how to avoid potential threats like cyber bullies, predators, and identity thieves they may come across while using such services;

Whereas cybersecurity is a critical part of the United States national security and economic security;

Whereas the United States critical infrastructures and economy rely on the secure and reliable operation of information networks to support the United States military, civilian government, energy, telecommunications, financial services, transportation,

health care, and emergency response systems;

Whereas Internet users and information infrastructure owners and operators face an increasing threat of malicious crime and fraud attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and may disable entire systems;

Whereas millions of records containing personally identifiable information have been lost, stolen, or breached, threatening the security and financial well-being of United States citizens;

Whereas consumers face significant financial and personal privacy losses due to personally identifiable information being more exposed to theft and fraud than ever before;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of cybersecurity and the need for enhanced cybersecurity in the United States;

Whereas coordination between the numerous Federal agencies involved in cybersecurity efforts is essential to securing the cyber infrastructure of the United States;

Whereas the National Strategy to Secure Cyberspace, published in February 2003, recommends a comprehensive national awareness program to empower all people in the United States, including businesses, the general workforce, and the general population, to secure their own parts of cyberspace;

Whereas the White House's Cyberspace Policy Review, published in May 2009, recommends that the government initiate a national public awareness and education campaign to promote cybersecurity; and

Whereas the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States have designated October 2009 as the sixth annual National Cybersecurity Awareness Month which serves to educate the people of the United States about the importance of cybersecurity: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Cybersecurity Awareness Month, as designated by the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States;

(2) continues to work with Federal agencies, businesses, educational institutions, and other organizations to enhance the state of cybersecurity in the United States; and

(3) congratulates the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States on the sixth anniversary of the National Cybersecurity Month during October 2009.

#### RELATIVE TO THE DEATH OF FORMER SENATOR HENRY L. BELLMON

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 293.



The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 293) relative to the death of Henry Louis Bellmon, former United States Senator for the State of Oklahoma.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to en bloc, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 293) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 293

Whereas Henry Bellmon served as a United States Marine from 1942-1946, where he served as a platoon tank commander in the Pacific theater, and was awarded the Legion of Merit for his service in Saipan and the Silver Star for bravery in action on Iwo Jima;

Whereas Henry Bellmon served as a Major in the Marine Corps Reserve until 1954;

Whereas Henry Bellmon served two non-consecutive terms as governor of the State of Oklahoma from 1963-1967, when he was elected as the state's first Republican governor, and from 1987-1991; and

Whereas Henry Bellmon served the people of Oklahoma with distinction for 12 years in the United States Senate from 1969-1981;

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Henry Bellmon, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Henry Bellmon.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 30, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, September 30;

that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate proceed to the consideration of the conference report to accompany H.R. 2918, the Legislative Branch Appropriations Act, as provided under the previous order; finally I ask that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, there will be at least three votes around 4:30 tomorrow afternoon.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the provisions of S. Res 293 as a mark of further respect to former Senator Henry Bellmon of Oklahoma.

There being no objection, the Senate, at 6:50 p.m., adjourned until Wednesday, September 30, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

GLADYS COMMONS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE DOUGLAS A. BROOK, RESIGNED.

##### DEPARTMENT OF AGRICULTURE

HARRIS D. SHERMAN, OF COLORADO, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT, VICE MARK EDWARD REY, RESIGNED.

HARRIS D. SHERMAN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE MARK EDWARD REY.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STEVEN L. JACQUES, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE CATHY M. MACFARLANE.

##### DEPARTMENT OF HOMELAND SECURITY

ALAN D. BERSIN, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE W. RALPH BASHAM.

##### DEPARTMENT OF STATE

MICHAEL C. POLT, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ADELE LOGAN ALEXANDER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE MARGUERITE SULLIVAN, TERM EXPIRED.

##### EXECUTIVE OFFICE OF THE PRESIDENT

VICTORIA ANGELICA ESPINEL, OF THE DISTRICT OF COLUMBIA, TO BE INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR, EXECUTIVE OFFICE OF THE PRESIDENT. (NEW POSITION)

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, September 29, 2009:

##### THE JUDICIARY

JEFFREY L. VIKEN, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA.

##### DEPARTMENT OF JUSTICE

JENNY A. DURKAN, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

FLORENCE T. NAKAKUNI, OF HAWAII, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS.

DEBORAH K. R. GILG, OF NEBRASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS.

#### WITHDRAWALS

Executive message transmitted by the President to the Senate on September 29, 2009 withdrawing from further Senate consideration the following nominations:

HARRIS D. SHERMAN, OF CALIFORNIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT, VICE MARK EDWARD REY, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 10, 2009.

HARRIS D. SHERMAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE MARK EDWARD REY, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 10, 2009.

## HOUSE OF REPRESENTATIVES—Tuesday, September 29, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CLAY).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 29, 2009.

I hereby appoint the Honorable WM. LACY CLAY to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and rules of the House.

The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

### RECOVERY ACT HAS INCREASED GDP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, this summer many of my colleagues on the other side of the aisle lined up to criticize the Recovery and Reinvestment Act on the floor of the House claiming it wasn't working. In an August 21 newsletter, the minority leader stated, "By any objective measure, the trillion-dollar 'stimulus' spending bill isn't working."

Let's examine some of those objective measures:

The number of new unemployment claims dropped in August, for the lowest total of the year. In addition, the

number of people claiming continuing unemployment benefits for more than 1 week decreased by 123,000. Unemployment remains a challenge, because, as we all know, unemployment is a lagging indicator. But because of the Recovery Act, we have saved 1 million jobs that otherwise would have been lost in this economy.

This June, home sales increased by 11 percent over May, the largest increase over 8 years. And total home sales this year have increased by 3.4 percent over 2008, indicating that the housing market is stabilizing.

After declining by 0.1 percent in the last economic quarter of the Bush administration, U.S. productivity growth has increased 6.6 percent in the most recent quarter.

The manufacturing sector is improving. Orders for durable goods were up 4.9 percent in July, the largest increase in 2 years, and has risen in 3 of the past 5 months.

The Consumer Confidence Index rose once again in August to 54.1, more than double the February low of 25, demonstrating that consumers are viewing the economy in an increasingly positive light.

The Dow Jones Industrial Average has grown more than 11 percent this year, returning value to 401(k)s and college funds of American families. We know there is a lot more to be done, but even Republican economists have stated the stimulus is working.

Mark Zandi, the economic adviser to JOHN MCCAIN's Presidential campaign last year, said that the stimulus has contributed to GDP growth. He stated, "As the fiscal stimulus provides its maximum benefit in the next few months, real GDP should turn from negative to positive in the current quarter." Current projections show that the Recovery Act increased GDP by 2.3 percent this year.

When we voted on the Recovery Act this winter, economists from across the political spectrum emphatically stated that a fiscal stimulus was essential. Dr. Zandi, for example, stated, "The stimulus plan as laid out will provide a vital boost to a flagging economy." President Reagan's chief economic adviser Martin Feldstein testified before a joint House and Senate committee that a large fiscal stimulus would be essential to avoid catastrophic unemployment. Ben Bernanke, the Republican-appointed Chairman of the Federal Reserve stated, "The incoming administration and Congress are currently discussing a substantial fiscal

package that, if enacted, could provide a significant boost to economic activity." Since then, that same Chairman has said explicitly that the stimulus bill for the recovery is, in fact, responsible for a large part of that recovery.

Dr. Zandi, Dr. Feldstein, and Chairman Bernanke were all right, as the objective data now shows.

My friends on the other side of the aisle have made a decision to oppose virtually every initiative of President Obama no matter what the substance or content. Now, as President Obama sets to reform our broken health care system, they are at it once again, refusing to play a constructive role in the process.

President Obama has worked toward a bipartisan solution for health care and has made a number of positive overtures to incorporate several concepts proposed by the Republican side of the aisle. For example, he committed to tort reform. He embraced Senator JOHN MCCAIN's initiative on providing low-cost protection for individuals with preexisting medical conditions. He pledged to work with any serious effort to improve and provide more affordable, accessible health care for all Americans. Despite the fact that the President has incorporated Republican ideas and proposals into his plan, the other side still refuses to work with him. Their plan: Just say, "no."

When faced with the largest recession since World War II, the American people didn't want partisan bickering; they wanted solutions. With the Recovery Act and other stabilizing measures, we have enacted those solutions, and we have seen positive results. Our economic recovery efforts are working. But the Republicans just said, "no."

The need for health care reform is clear. Health insurance premiums over the past decade have increased three times greater than incomes, and they will increase 5 percent more this year. Millions of Americans with preexisting medical conditions are finding themselves unable to access health care even if they have health insurance. A recent survey by the Kaiser Family Foundation revealed that without reform, 8 percent of businesses will drop health insurance for their employees altogether. And still, Republicans are saying, "no."

When providing affordable and accessible health care, the American people will not accept "no" for an answer any longer. They want to hear us say, "yes."

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TONKO) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Have we hardened our hearts, O Lord?

You have said: "If today you hear the voice of the Lord, harden not your hearts."

Once the heart is deadened by indifference to Your Word or to the cry of a neighbor in need, where do we find ourselves? Alone and cold.

How are we to find happiness? Only love can melt the hardened heart.

When the adventure of sensual love has run its course or unfaithful love stabs betrayal, the heart may become paralyzed or broken.

In the stillness, Lord, quiet memory brings us back to You. Believing we are born out of love and have searched for its fulfillment all life long, moments of true love once found in truth and beauty fall into place. Your grace then steps through the open cracks and we come to know by heart:

"I am with you"—now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Arizona (Mrs. KIRKPATRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. KIRKPATRICK of Arizona led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE HONORABLE PATRICK MCHENRY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following commu-

nication from the Honorable PATRICK MCHENRY, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 28, 2009.

Hon. NANCY PELOSI,  
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for deposition testimony issued by the District court of Caldwell, State of North Carolina in connection with a civil case now pending in the same court.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

PATRICK T. MCHENRY,  
Member of Congress.

## WE MUST RETURN TO BALANCED BUDGETS AND PAY DOWN OUR NATIONAL DEBT

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I first want to welcome two people from my district who are in the House gallery today, Ken and Teresa Lamont from Cottonwood, Arizona.

Welcome to the House.

The time is now to develop a plan for the United States to return to balanced budgets and pay down our national debt.

Yes, these are difficult decisions to make. However, the folks in my district and across the country are tightening their belts and doing more with less. It is time for Congress to work with the Federal Reserve and the Treasury to develop plans to do the same before it is too late.

We must take this work seriously and remain committed. Our country, our security, and our future depend on it.

I ask that my colleagues from both sides of the aisle join me in this effort.

## DANCING WITH THE CZARS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, we have 44 czars in America and the dance card keeps growing. The new czar for the day is the safe schools czar.

Add that to the Afghanistan-Pakistan czar, the AIDS czar, auto recovery czar, behavioral science czar, bailout czar, border czar, car czar, climate change czar, copyright czar, counterterrorism czar, cybersecurity czar, diversity czar, disinformation czar, two economic czars, an education czar, energy czar, food czar, government performance czar, Great Lakes czar, Gitmo closure czar, health care czar, info tech czar, intelligence czar, Latin American czar, Mideast peace czar,

Mideast policy czar, pay czar, regulatory czar, religion or God czar, science czar, stimulus czar, Sudan czar, TARP czar, technology czar, trade czar, urban affairs czar, war czar, water czar, weapons czar. And now we have a safe schools czar.

Who are these people, and what do they do? Is this a shadow government?

Since we continue to dance with the czars, it would be nice to know who brought us to the dance.

And that's just the way it is.

## HONORING KEITH MORRISON AS AN ANGEL IN ADOPTION

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Keith Morrison of Fayetteville, Arkansas, as an Angel in Adoption. Keith is very deserving of this honor and recognition because of his work and dedication to finding children from around the world permanent families.

Working as an attorney since 1984, he has represented hundreds of families throughout the United States both in domestic and international adoptions. Morrison also regularly represents private adoption agencies. He continues his work beyond the walls of his office, helping start church adoption ministries and raising funds to support families with adoption-related expenses. He also regularly counsels others who are considering beginning or working their way through the adoption process. Finally, he and his wife have found fulfillment in adoption, adopting both domestically and internationally.

I commend him for his leadership and his selfless service to unite children with loving families. I'm proud to recognize his effort and accomplishments. And I ask my colleagues today to join with me in honoring Keith and the other Angels who are working to create a better life for children all around the world.

## NATIONAL MEDIA FACE CREDIBILITY VOID

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. SMITH of Texas. Mr. Speaker, the national media don't have a credibility problem; they have a credibility void.

Five out of six Americans see the national news media as "very or somewhat biased," according to a new poll by Sacred Heart University. Six out of seven Americans say the media have their own political and public policy positions and attempt to influence opinion and policy.

Nearly nine out of ten Americans say the media played a strong role in electing Barack Obama as President. Seven in ten say the national media are intent on promoting the Obama presidency. And a majority say the media are promoting the White House's health care plan without criticism.

The poll found that biased reporting is driving away the media's audience. Almost half of Americans have stopped watching a news outlet because of media bias.

If the national media want to keep their remaining audience, they need to restore Americans' trust by giving them the facts, not telling them what to think.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### UNITED STATES CIVIL RIGHTS TRAIL SPECIAL RESOURCE STUDY ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 685) to require a study of the feasibility of establishing the United States Civil Rights Trail System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 685

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "United States Civil Rights Trail Special Resource Study Act of 2009".*

#### SEC. 2. SPECIAL RESOURCE STUDY REGARDING PROPOSED UNITED STATES CIVIL RIGHTS TRAIL.

(a) **STUDY REQUIRED.**—The Secretary of the Interior shall conduct a special resource study for the purpose of evaluating a range of alternatives for protecting and interpreting sites associated with the struggle for civil rights in the United States, including alternatives for potential addition of some or all of the sites to the National Trails System.

(b) **CONSULTATION.**—The Secretary shall conduct the special resource study in consultation with appropriate Federal, State, county, and local governmental entities.

(c) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) and section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(d) **STUDY OBJECTIVES.**—In conducting the special resource study, the Secretary shall evaluate alternatives for achieving the following objectives:

(1) *Identifying the resources and historic themes associated with the movement to secure racial equality in the United States for African Americans that, focusing on the period from 1954 through 1968, challenged the practice of racial segregation in the Nation and achieved equal rights for all American citizens.*

(2) *Making a review of existing studies and reports, such as the Civil Rights Framework Study, to complement and not duplicate other studies of the historical importance of the civil rights movements that may be underway or undertaken.*

(3) *Establishing connections with agencies, organizations, and partnerships already engaged in the preservation and interpretation of various trails and sites dealing with the civil rights movement.*

(4) *Protecting historically significant landscapes, districts, sites, and structures.*

(5) *Identifying alternatives for preservation and interpretation of the sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations, including the potential inclusion of some or all of the sites in a National Civil Rights Trail.*

(6) *Identifying cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives developed under the special resource study.*

(e) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the results of the study conducted under subsection (c) and any recommendations of the Secretary with respect to the route.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

We must never forget the struggle for racial equality that spanned our Nation in the 1950s and the 1960s nor the people who waged that fight to obtain basic civil rights for all Americans.

The many sites linked to the civil rights movement together tell the story of how it profoundly transformed our history.

H.R. 685, as amended, authorizes the National Park Service to complete a Special Resource Study to analyze alternatives and make recommendations for the preservation and the interpretation of these multiple sites, including a possible national Civil Rights Trail linking the sites with common maps, signs, and educational material.

Mr. Speaker, we commend our distinguished colleague, Representative WILLIAM LACY CLAY, for his vision and dedication to this legislation. We support passage of H.R. 685 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. WITTMAN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 685 has been adequately explained by chairwoman BORDALLO, and we thank her for that effort.

We support the legislation with the understanding that the original intent of the bill is being preserved. The National Park Service proposed changes that would have prevented the program from focusing on the history of the movement to overcome slavery and racial discrimination and instead would have directed it to include other political causes, and we appreciate that change.

We agree with the intent of the bill's sponsor, Mr. CLAY, that the trail system tells the story of the struggle for civil rights based on racial equality. We thank Mr. CLAY for his leadership and efforts on those lines and in bringing this bill forward.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the author of this legislation, the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. First of all, I thank the chairwoman, Ms. BORDALLO, as well as the ranking member, Mr. WITTMAN, for their assistance on this legislation.

Mr. Speaker, as the sponsor of this legislation, along with Congressman ZACH WAMP of Tennessee, I am pleased to present H.R. 685 for consideration by the House today. I also want to thank my good friend, chairman of the Subcommittee on National Parks, Forests and Public Lands, RAÚL GRIJALVA, for guiding this legislation through the committee process.

This legislation will fully recognize the remarkable American story of the struggle for civil rights. That ongoing journey stretches across three centuries through multiple generations and touches every American.

The United States Civil Rights Trail Special Resource Study Act of 2009 would recognize those brave souls who fought to make the promises enshrined in our Constitution ring true. In many places across this Nation and for far too long, that story is still incomplete and remains largely untold.

H.R. 685 would authorize a study by the Secretary of the Interior to determine the feasibility of establishing a national trail system marking the geographic location of historically significant events related to the fight for racial equality in the United States.

□ 1415

The American civil rights movement challenged the practice of racial segregation in the Nation and achieved

equal rights for all American citizens. It is my hope that this bill and the resulting historic civil rights trails will tell the full and sometimes painful story of the struggle for civil rights. The knowledge and understanding gained from the trails will provide this generation and those who follow us with tremendous educational opportunities.

Let me close by urging all of my colleagues to support the bill.

Mr. WITTMAN. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this very important piece of legislation.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in strong support of the United States Civil Rights Trail System Act of 2009. I would like to commend my colleagues and friends, Congressman WILLIAM LACY CLAY and Congressman ZACH WAMP for championing this important legislation.

The fight for civil rights was one of the most significant social and cultural movements in our nation's history. Because of the hundreds and thousands of ordinary people with extraordinary vision who participated in the Civil Rights Movement, we witnessed a nonviolent revolution under the rule of law, a revolution of values and ideas that changed this nation forever. We must ensure that the next generation, and the current generation, learn and do not forget the story of the Civil Rights Movement and the ideals that it strove to achieve. This proposed system of trails, would mark the geographic locations in the United States of historically significant events tied to the struggles for racial equality. I saw firsthand the struggle and the pains that ordinary citizens endured at many of these sites to help break down the walls of segregation and their efforts must be memorialized and never forgotten. It is my hope, and belief, that this trail system will help to educate and inspire the next generation of Civil Rights leaders who still have many fights ahead of them. This act will help to preserve and protect the legacy and the story of the Movement for future generations and I urge all of my colleagues to support it.

Mr. WAMP. Mr. Speaker, I rise today in support of H.R. 685, the United States Civil Rights Trail Act. I joined with my colleague, Mr. CLAY, to introduce this legislation.

From 1954 through 1968, many significant events of the Civil Rights Movement took place in the United States. On February 1, 1960, in Greensboro, North Carolina, four courageous African-American students from the North Carolina Agricultural and Technical College took their seats at the lunch counter of the F. W. Woolworth Company, but the store refused to serve them at the counter. One of the students stated that, "We believe, since we buy books and papers in other parts of the store, we should get served in this part." Over the next several days, they sat peacefully at the lunch counter in quiet protest, and close to a hundred others joined them. Soon, thousands across the South joined the students' protest and conducted lunch counter sit-ins of their own.

While many may only think of events that occurred in southern and eastern States, there

were important events in other parts of the country where individuals overcame injustice. In Washington, D.C., in 1961, 13 individuals of different races, known as the Freedom Riders, boarded a bus bound for New Orleans, Louisiana, in an attempt to desegregate places of public accommodations. Their courage and sacrifice led to the desegregation of all public places under Title II of the Civil Rights Act of 1964. To learn more about other events, the Civil Rights Trail System Act would authorize the Secretary of the Interior to study the feasibility of establishing a national trail system to mark locations in the United States (including its territories) of historically significant events related to the struggle for racial equality.

With this study and the help of an advisory committee of experts in historic preservation and African-American history, the Secretary of the Interior would provide information about the many people and places that played such an important role in the Civil Rights Movement for all Americans, and everyone would have the opportunity to stand and breathe the air where history was made. The Secretary would first establish at least six national trails in States where significant civil rights events occurred, with other trails sure to follow as documentation is available.

This legislation provides the U.S. Congress an opportunity to honor those who were a part of a movement that ensured that everyone was created equal and that everyone had the freedom to achieve the American dream. The trail system would serve as a marker for how far our country has come and would remain for future generations so that our history is accurate and instructive on all that is necessary for justice and equality to reign down on our land.

Mr. Speaker, I urge all my colleagues to support this important legislation.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 685, the United States Civil Rights Trail System Act of 2009. This legislation would direct the Archivist of the United States to conduct a study of the feasibility of establishing the United States Civil Rights Trail System. The State of Georgia is home to numerous historic civil rights landmarks including Albany, Georgia, home to the Albany Movement, which was led by Dr. Martin Luther King Jr., and Savannah, Georgia, which desegregated public and private facilities eight months ahead of federal civil rights legislation. Savannah was once described as the most desegregated city south of the Mason-Dixon Line. I strongly support H.R. 685 and I urge my colleagues to support this important resolution.

H.R. 685 simply seeks to unify our nation's civil rights landmarks through maps and other resources. This will facilitate remembrance of the struggles for civil rights based on racial equality as well as provide information about the ordinary individuals, some of whom gave up their lives, for the right to equal rights. The civil rights landmarks highlighted in this trail signify to a period that many here today are too young to remember, and would be held as a tribute to a historic era. By chronicling such historic civil rights landmarks including the Montgomery Bus Boycotts, the Greensboro sit-in, and the historic marches from Selma to Montgomery, Alabama, we can bring true rec-

ognition to the numerous historical sites that led to the passage of the Civil Rights Act of 1964, and the Voting Rights Act of 1965. It is my hope that in the future, we can truly create equality for all. This is an important issue and I applaud the efforts of this Congress to emphasize the importance of civil rights landmarks around the country.

Ms. BORDALLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 685, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes."

A motion to reconsider was laid on the table.

#### BAY AREA REGIONAL WATER RECYCLING PROGRAM EXPANSION ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2442

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Bay Area Regional Water Recycling Program Expansion Act of 2009".

#### SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by adding at the end the following:

#### "SEC. 16. CCCSD-CONCORD RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Central Contra Costa Sanitary District, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,800,000.

**"SEC. 16 \_\_\_\_ . CENTRAL DUBLIN RECYCLED WATER DISTRIBUTION AND RETROFIT PROJECT.**

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Dublin San Ramon Services District, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,150,000.

**"SEC. 16 \_\_\_\_ . PETALUMA RECYCLED WATER PROJECT, PHASES 2A, 2B, AND 3.**

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Petaluma, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$6,000,000.

**"SEC. 16 \_\_\_\_ . CENTRAL REDWOOD CITY RECYCLED WATER PROJECT.**

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$8,000,000.

**"SEC. 16 \_\_\_\_ . PALO ALTO RECYCLED WATER PIPELINE PROJECT.**

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$8,250,000.

**"SEC. 16 \_\_\_\_ . IRONHOUSE SANITARY DISTRICT (ISD) ANTIOCH RECYCLED WATER PROJECT.**

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Ironhouse Sanitary District (ISD), California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section

shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$7,000,000."

(b) PROJECT IMPLEMENTATION.—In carrying out sections 1642 through 1648 of the Reclamation Wastewater and Groundwater Study and Facilities Act and the sections added to such Act by subsection (a), the Secretary shall enter into individual agreements with the San Francisco Bay Area Regional Water Recycling implementing agencies to fund the projects through the Bay Area Clean Water Agencies (BACWA) or its successor, and shall include in such agreements a provision for the reimbursement of construction costs, including those construction costs incurred prior to the enactment of this Act, subject to appropriations made available for the Federal share of the project under sections 1642 through 1648 of the Reclamation Wastewater and Groundwater Study and Facilities Act and the sections added to such Act by subsection (a).

(c) CLERICAL AMENDMENTS.—The table of contents of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by inserting after the item relating to section 1648 the following new items:

- "Sec. 16 \_\_\_\_ . CCCSD-Concord recycled water project.
- "Sec. 16 \_\_\_\_ . Central Dublin recycled water distribution and retrofit project.
- "Sec. 16 \_\_\_\_ . Petaluma recycled water project, phases 2a, 2b, and 3.
- "Sec. 16 \_\_\_\_ . Central Redwood City recycled water project.
- "Sec. 16 \_\_\_\_ . Palo Alto recycled water pipeline project.
- "Sec. 16 \_\_\_\_ . Ironhouse Sanitary District (ISD) Antioch recycled water project."

**SEC. 3. MODIFICATION TO AUTHORIZED PROJECTS.**

(a) ANTIOCH RECYCLED WATER PROJECT.—Section 1644(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-27) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by striking "\$2,250,000" and inserting "\$3,125,000".

(b) SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.—Section 1648(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-31) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by striking "\$8,250,000" and inserting "\$13,250,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair now recognizes the gentlewoman from Guam.

**GENERAL LEAVE**

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 2442, introduced by our colleague, Representative GEORGE MILLER of California, would authorize six projects as part of the Bay Area Regional Water Recycling Program. When completed, these projects are expected to create up to 14,470 acre-feet of recycled water.

At a time, Mr. Speaker, when imported water in California is unreliable, the Title XVI water recycling program is a tool that communities can use to create a reliable local supply to meet future demands for both northern and southern California and across the West.

So I ask my colleagues to support passage of this very important legislation.

I reserve the balance of my time.

Mr. WITTMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the chairwoman has adequately described the legislation, and as my colleagues know, areas throughout the West are experiencing significant drought. Communities are faced with overcoming long-term water shortages as a result, and some communities have built water storage reservoirs while others have sought alternative water supplies through water recycling. This bill seeks to assist the bay area of California to help construct water recycling facilities.

Mr. GEORGE MILLER of California. Mr. Speaker, I want thank Chairwoman NAPOLITANO and Chairman RAHALL for bringing this legislation to the floor, and thank Ranking Members HASTINGS and MCCLINTOCK for their consideration.

This bill, H.R. 2442, represents a very exciting opportunity for California. With the Bay Area Regional Water Recycling Program Expansion Act of 2009, we are bringing an innovative new program online that reduces our state's demands for fresh water from the Bay-Delta.

The six new water reuse projects authorized in today's legislation are projected to save 2.6 billion gallons of water per year.

The six water projects contained this bill add enough water to the system to meet the needs of 24,225 households—that's the equivalent to serving every household in Pittsburg and most in Bay Point.

These projects will help the cities of Concord, Dublin, Petaluma, Redwood City, Antioch, and throughout the Palo Alto area including Stanford University.

But more importantly, these water projects will help the state as a whole.

This bill—and others like it, is a critical piece of the puzzle. We cannot solve California's water situation without a significant investment in recycling wastewater and putting it to beneficial use.

This program is a smart and efficient way to conserve water supplies, lessen our impact on our natural resources, and create jobs and support local businesses.

Today's bill expands on a successful partnership that the Congress has already authorized—in total, the 14 water reuse projects that the Bay Area partnership is building will produce nearly 100,000 acre-feet of water per year.

The bill before us today allows us to take some of the pressure off the Bay-Delta, and it authorizes cities across the Bay Area to join in a strong Federal-State local partnership that is providing our region a sustainable and reliable clean water supply.

I urge my colleagues to support H.R. 2442.

Mr. WITTMAN. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2442, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ALLOWING FOR PREPAYMENT OPTION FOR UTAH WATER CONSERVANCY DISTRICT CONTRACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2950) to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2950

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND THE UTAH WATER CONSERVANCY DISTRICT.

*The Secretary of the Interior shall allow for prepayment of the repayment contract no. 6-05-01-00143 between the United States and the Uintah Water Conservancy District dated June 3, 1976, and supplemented and amended on November 1, 1985, and on December 30, 1992, providing for repayment of municipal and industrial water delivery facilities for which repayment is provided pursuant to such contract, under terms and conditions similar to those used in implementing section 210 of the Central Utah Project Completion Act (Public Law 102-575), as amended. The prepayment—*

*(1) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this Act was not in effect;*

*(2) may be provided in several installments to reflect substantial completion of the delivery facilities being prepaid, and any increase in the repayment obligation resulting from delivery of*

*water in addition to the water being delivered under this contract as of the date of enactment of this Act;*

*(3) shall be adjusted to conform to a final cost allocation including costs incurred by the Bureau of Reclamation, but unallocated as of the date of the enactment of this Act that are allocable to the water delivered under this contract;*

*(4) may not be adjusted on the basis of the type of prepayment financing used by the District; and*

*(5) shall be made such that total repayment is made not later than September 30, 2019.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair now recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 2950, as amended, would allow a water district in central Utah to pay off the debt it owes to the Federal Government early. The bill, sponsored by Congressman JIM MATHESON of Utah, has broad bipartisan support.

I ask my colleagues to support passage of this important legislation.

I reserve the balance of my time.

Mr. WITTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of this legislation. This bill would allow the Uintah Water Conservancy District to prepay its contractual commitment to the U.S. Treasury. This prepayment will bring much-needed funds to the Federal Treasury over a 10-year period.

Unfortunately, current Federal law does not allow most water districts with Federal water contracts to prepay their balances. This is similar to prohibiting a homeowner from prepaying a mortgage loan. Congress must enact a law each time a water district wants to prepay its balance on a Bureau of Reclamation project.

For this reason, Water and Power Subcommittee Ranking Member TOM MCCLINTOCK has indicated that he may author general legislation to allow more water districts to prepay their contracts without congressional approval. That would mean that water districts are not saddled with longer-term debts and taxpayers will benefit.

With that, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the gentleman from Utah (Mr. MATHESON), the author of this legislation, such time as he may consume.

Mr. MATHESON. Mr. Speaker, I would really like to thank Chairman

RAHALL for moving this bill so quickly, and folks on both sides of the aisle on the Resources Committee have been very helpful in moving this bill.

As was discussed, this legislation will allow the Uintah Water Conservancy District to better use its resources to prepay its debt to the Federal Government.

Rural counties in Utah—the second-most arid State in the Nation—have a significant need for water that has only increased over time. The water in Uintah County is utilized by both municipalities, irrigators, and manufacturing industries. This bill will move us towards greater assurance of the development of water supplies in that part of our State.

I will just point out the Uintah Water Conservancy District has operated and maintained both the Vernal and Jensen units of the Central Utah Project since 1956. It has been around for a long time, and the debt that the county would like to prepay, which is the subject of this legislation, was incurred to construct a water project that is part of the original Central Utah Project.

Now, the district has always made its payments on time, but we have a circumstance now where its capability and its financing create a situation where it makes economic sense for it to prepay its debt; and, interestingly enough, at the same time, the CBO scores this as a positive for the Federal Government as well. So this is one of those classic win-wins, where a local water conservancy district can prepay its debt and do right by its constituents, and it also assists the Federal Government in terms of a positive score from CBO in terms of how it affects the Federal finances as well.

As was mentioned, the bill has broad bipartisan support. I do want to thank everyone on both sides of the aisle—both members and staff on the Resources Committee—for helping us with this.

I would add one other point that the gentleman from Virginia mentioned. It is unfortunate that we have to do a bill every time to allow for this type of prepayment. This is pretty common sense, and a decision in the private sector gets made all the time. And so I would encourage the effort to try to come up with a broader piece of legislation that will allow us to look at this issue in a more extensive way.

I encourage passage of the bill.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this very important piece of legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2950, as amended.

The question was taken; and (two-thirds being in the affirmative) the



rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3123) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3123

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION.

(a) **SHORT TITLE.**—This section may be cited as the “Leadville Mine Drainage Tunnel Remediation Act of 2009”.

(b) **TUNNEL REMEDIATION.**—The Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) is amended as follows:

(1) By striking section 705.

(2) In section 708(a)—

(A) by striking “(a)” and inserting “(a)(1)”;

(B) by striking “The Secretary shall have” and inserting “Except as provided by paragraph (2), the Secretary shall have”; and

(C) by adding at the end the following:

“(2) The Secretary shall participate in the implementation of the operable unit 6 remedy for the California Gulch Superfund Site, including, but not limited to, the following actions:

“(A) Treating water behind any blockage or bulkhead in the Leadville Mine Drainage Tunnel, including surface water diverted into the Tunnel workings as part of the remedy.

“(B) Managing and maintaining the mine pool behind such blockage or bulkhead at a level that precludes surface runoff and releases and minimizes the potential for tunnel failure due to excessive water pressure in the tunnel.”.

(3) In section 708(f), by striking “and 708” and inserting “, 708, and 709”.

(4) By adding at the end of title VII the following:

#### “SEC. 709. TUNNEL MAINTENANCE.

“The Secretary shall take such steps to repair or maintain the structural integrity of the Leadville Mine Drainage Tunnel (LMDT) as may be necessary in order to prevent tunnel failure and to preclude uncontrolled release of water from any portion of the tunnel.”.

(5) In the table of sections contained in section 2—

(A) by striking the item relating to section 705; and

(B) by inserting after the item relating to section 708 the following new item:

“Sec. 709. Tunnel maintenance.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair now recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 3123, introduced by our colleague, Representative DOUG LAMBORN, would direct the Bureau of Reclamation to remedy problems caused by collapses in the Leadville Mine Drainage Tunnel. Due to structural deterioration, contaminated water has backed up in the tunnel, posing a public health threat and an environmental threat.

I ask my colleagues to support the bill's passage.

I reserve the balance of my time.

Mr. WITTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of this legislation offered by our Colorado colleague, DOUG LAMBORN. This legislation has been supported on a bipartisan basis and deserves passage today because it will help prevent a potential human safety disaster in Leadville, Colorado.

The Leadville Mine Tunnel was supposed to be used for a nearby Federal water project; however, it has ended up becoming a public danger because of its potential to burst with chemical-laden water on nearby residents. Since the Federal Government owns this tunnel, it is therefore a Federal responsibility.

I urge my colleagues to support this necessary legislation which fell victim to party politics earlier this year.

Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank my colleague for yielding.

Mr. Speaker, the Leadville Mine Drainage Tunnel was originally constructed by the Federal Bureau of Mines in the 1940s and 1950s to facilitate the extraction of lead and zinc ore for the World War II and Korean war efforts. The Bureau of Reclamation acquired the tunnel in 1959 hoping to use it as a source of water for the Frypan-Arkansas project.

With the passage and subsequent signing into law of H.R. 429 during the 102d Congress in 1992, the Bureau of Reclamation constructed and continues to operate a water treatment plant at the mouth of the tunnel. This treatment plant removes metal contaminants from the water.

Groundwater levels at the tunnel have fluctuated in recent years.

□ 1430

In addition, a collapse in the tunnel has increased the tunnel's mine pool significantly, leading to new seeps and

springs in the area. Estimates suggest that at one time up to 1 billion gallons of water may have accumulated.

Emergency measures are currently being undertaken by the Environmental Protection Agency and the Bureau of Reclamation to relieve water pressure in the vicinity. However, legislation attempting to address this matter and authorizing the Secretary of the Interior to rehabilitate this tunnel dates back to at least 1976.

In response to the request for action from the local community, I have again worked together with Senator MARK UDALL of Colorado in a bipartisan manner and reintroduced H.R. 3123. The bill would direct the Bureau of Reclamation to relieve water pressure behind blockages in the tunnel, permanently manage the mine pool behind any blockage to prevent any releases of contaminated water, and manage the tunnel in such a way to prevent failure of the structure.

I remind Members that only minor technical changes have been made since this bill was originally passed by the House of Representatives in the previous Congress. I respectfully request each Member to support this legislation. Human safety and environmental integrity need to be appropriately and responsibly addressed.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. WITTMAN. Mr. Speaker, the minority has no additional speakers, and with that I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3123, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE BOUNDARY MODIFICATION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 905) to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 905

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Thunder Bay National Marine Sanctuary and Underwater Preserve in Lake Huron contains more than 100 recorded historic vessel losses.

(2) The areas immediately surrounding the Sanctuary, including the offshore waters of Presque Isle and Alcona Counties, Michigan, contain an equal number of historic vessel losses.

(3) Many of these shipwrecks and underwater cultural resources are popular recreational diving destinations, and all contribute to our collective maritime heritage.

(4) These resources are susceptible to damage from human activities, and must be properly preserved for themselves and to protect the economic viability of their contribution to national and regional economies.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to expand the Thunder Bay National Marine Sanctuary and Underwater Preserve boundaries to encompass the offshore waters of Presque Isle and Alcona Counties, Michigan and outward to the international border between the United States and Canada; and

(2) to provide the underwater cultural resources of those areas equal protection to that currently afforded to the Sanctuary.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **SANCTUARY.**—The term "Sanctuary" means the Thunder Bay National Marine Sanctuary and Underwater Preserve.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of Commerce.

**SEC. 4. SANCTUARY BOUNDARY ADJUSTMENT.**

(a) **BOUNDARY ADJUSTMENT.**—Notwithstanding any provision of law or regulation, including section 922.190 of title 15, Code of Federal Regulations, as in effect on the date of the enactment of this Act, the Sanctuary shall consist of the geographic area described in subsection (b).

(b) **EXPANDED BOUNDARY ADJUSTMENT.**—The area referred to in subsection (a) is all submerged lands, including the underwater cultural resources, lakeward of the mean high waterline, within the boundaries of a line formed by connecting points in succession beginning at a point along the mean high water line located approximately at 45.6262N, 84.2043W at the intersection of the northern Presque Isle and northeastern Cheboygan County boundary, then north to a point approximately 45.7523N, 84.2011W, then northeast to a point approximately 45.7777N, 84.1231W, then due east to the international boundary between the United States and Canada approximately located at 45.7719N, 83.4840W then following the international boundary between the United States and Canada in a generally southeasterly direction to a point approximately 44.5128N, 82.3295W, then due west to a point along the mean high water line located approximately at 44.5116N, 83.3186W at the intersection of the southern Alcona County and northern Iosco County boundary, returning to the first point along the mean high water line.

(c) **AUTHORITY TO MAKE MINOR ADJUSTMENTS.**—The Secretary may make minor adjustments to the boundary described in subsection (b) to facilitate enforcement and clarify the boundary to the public provided the resulting boundary is consistent with the purposes described in section 2(b).

(d) **INCLUSION IN THE SYSTEM.**—The area described in subsection (b), as modified in accordance with subsection (c), shall be managed as part of the National Marine Sanctuary System established by section 301(c) of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)), in accordance with that Act.

(e) **UPDATED NOAA CHARTS.**—The Secretary shall—

(1) produce updated National Oceanic and Atmospheric Administration charts for the area in which the Sanctuary is located; and

(2) include on such charts the boundaries of the Sanctuary described in subsection (b), as modified in accordance with subsection (c).

**SEC. 5. EXTENSION OF REGULATIONS AND MANAGEMENT.**

(a) **REGULATIONS.**—The regulations applicable to the Sanctuary codified in subpart R of part 922 of title 15, Code of Federal Regulations, as in effect on the date of the enactment of this Act, shall apply to the geographic area added to the Sanctuary pursuant to section 4, unless the Secretary specifies otherwise by regulation.

(b) **EXISTING CERTIFICATIONS.**—The Secretary may certify that any license, permit, approval, other authorization, or right to conduct a prohibited activity made pursuant to section 922.194 of title 15, Code of Federal Regulations, that exists on the date of the enactment of this Act shall apply to such an activity conducted within the geographic area added to the Sanctuary pursuant to section 4.

(c) **DATE OF SANCTUARY DESIGNATION.**—For purposes of section 922.194 of title 15, Code of Federal Regulations, the date of the enactment of this Act shall be deemed to be the date of Sanctuary designation.

(d) **MANAGEMENT PLAN.**—To the extent practicable, the Secretary shall apply the management plan in effect for the Sanctuary on the date of the enactment of this Act to the geographic area added to the Sanctuary pursuant to section 4.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

**GENERAL LEAVE**

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, the Thunder Bay National Marine Sanctuary is the only national marine sanctuary located in the Great Lakes. The sanctuary provides protection for more than 100 nationally significant historic shipwrecks in an area of Lake Huron known as "shipwreck alley," but an equal number of historic wrecks lie immediately north and south of the existing sanctuary boundary.

The pending measure would extend the sanctuary's boundary to encompass more than 100 additional shipwrecks and submerged resources and afford to these historic resources the protection,

research, education and public outreach capabilities of the National Marine Sanctuaries Act.

This bipartisan legislation, introduced by our colleague, Representative BART STUPAK of Michigan, is strongly supported by the administration, the State of Michigan, the affected counties, the communities, the local chambers of commerce, and the Thunder Bay Sanctuary Advisory Council.

So I ask Members on both sides of the aisle to support its passage.

I reserve the balance of my time.

Mr. WITTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, according to testimony on H.R. 905, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act, there appears to be broad local support for this expansion. In addition, the legislation does not include any new statutory prohibitions which would prohibit or restrict activities within the sanctuary. However, there have been concerns voiced on this side of the aisle about the potential increased costs of this boundary expansion that expands the current sanctuary by almost nine times its current size.

While the Thunder Bay National Marine Sanctuary is entirely within the waters of the State of Michigan, concern has been raised that the cost of this expansion and any future needs will fall on the Federal Government. Not only will this increase the Federal costs for managing the resources that are entirely within State waters, but it could also have a negative effect on the other national marine sanctuaries.

With that, though, Mr. Speaker, we do thank Mr. STUPAK for his efforts in preserving national marine sanctuaries.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the gentleman from Michigan (Mr. STUPAK), the author of this legislation, such time as he may consume.

Mr. STUPAK. Mr. Speaker, I thank the gentlelady for yielding me time.

I introduced H.R. 905, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act, to expand the boundaries of the preserve. I want to thank the bill's cosponsors, my Michigan colleagues, Congressmen KILDEE, MCCOTTER and EHLERS. Their support has been instrumental in moving this legislation.

In 1975, Michigan State University, in response to local interest, collected an inventory of shipwrecks located within Lake Huron's Thunder Bay. What they found was that Thunder Bay potentially contained the largest number of historical shipwrecks in the country.

This discovery warranted the establishment of an underwater "reserve," and in 1981, the State of Michigan declared Thunder Bay Michigan's first Great Lakes bottomland preserve.

Following this State recognition, the National Oceanic and Atmospheric Administration designated the Thunder Bay National Marine Sanctuary in 2000, making it the first sanctuary in the Great Lakes.

The sanctuary is a Federal-State partnership with a unique focus on preserving the large collection of underwater cultural resources. These resources consist of 100 shipwrecks spanning more than 200 years of Great Lakes shipping history. In order to study and preserve the cultural resources present at Thunder Bay, in 2005 the National Oceanic and Atmospheric Administration and the State of Michigan established the Great Lakes Maritime Heritage Center in Michigan in Alpena, Michigan.

The Great Lakes Maritime Heritage Center allows visitors to learn about Great Lakes maritime history, explore shipwrecks via live video feeds, and see how archaeologists continue to preserve these historic sites. To continue this positive outcome, the Thunder Bay Sanctuary Advisory Council, a 15-member group representing local interests such as fishermen, the business community, educational institutions and local government, have passed a resolution recommending the sanctuary be expanded.

This legislation is supported by the State of Michigan, the local units of government, and the local chambers of commerce of each county that is affected.

H.R. 905 would extend the sanctuary's boundaries to include the waters off Alcona, Alpena and Presque Isle counties in Michigan and extend the sanctuary east to the international boundary with Canada.

Currently, the sanctuary covers 448 square miles of water and 115 miles of shoreline, protecting 116 shipwrecks. H.R. 905 would increase this area to 3,722 square miles of water and 226 miles of shoreline, adding an additional 180 shipwrecks to the sanctuary. In addition, the legislation would direct NOAA to produce updated charts of the newly designated areas and apply the protection and preservation provisions in the existing management plan to the newly added areas.

By authorizing an expansion of Thunder Bay National Marine Sanctuary, the affected local communities would receive the benefits of having additional historical resources highlighted and preserved, as well as increased tourism, which is an important driver for economic growth of this part of northeastern lower Michigan.

I urge my colleagues to support my legislation. I thank the chairperson and the ranking member for their help and support on this legislation.

Ms. BORDALLO. Mr. Speaker, I have no additional speakers, and I inquire if the minority has any additional speakers.

Mr. WITTMAN. Mr. Speaker, we have no additional speakers, and with that I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 905, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROWN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CHESAPEAKE BAY SCIENCE, EDUCATION, AND ECOSYSTEM ENHANCEMENT ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1771) to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1771

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009".*

#### SEC. 2. REAUTHORIZATION OF NOAA CHESAPEAKE BAY OFFICE.

*Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (1) by striking "(in this section)" and all that follows and inserting a period;*

*(B) by amending paragraph (2) to read as follows:*

*"(2) The Office shall be headed by a Director, who—*

*"(A) shall have knowledge and experience in research or resource management efforts in the Chesapeake Bay; and*

*"(B) shall be responsible for the administration and operation of the office and the implementation of this Act.";* and

*(C) by striking paragraph (3);*

*(2) in subsection (b)—*

*(A) by striking so much as precedes paragraph (1) and inserting the following:*

*"(b) PURPOSE.—The purpose of this section is to focus the relevant science, research, and resource management capabilities of the National Oceanic and Atmospheric Administration as they apply to the Chesapeake Bay and to utilize the Office to—"*

*(B) in paragraph (2), by striking "Secretary of Commerce" and inserting "Administrator";*

*(C) in paragraph (3)—*

*(i) by striking the matter preceding subparagraph (A) and inserting the following:*

*"(3) coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration in furtherance of such administration's coastal resource stewardship mission, including—"*

*(ii) in subparagraph (A), by striking "and" after the semicolon at the end of clause (vi), and by inserting after clause (vii) the following:*

*"(viii) coastal hazards and climate change; and";* and

*(iii) in subparagraph (B), by striking "and" after the semicolon at the end of clause (iii), by inserting "and" after the semicolon at the end of clause (iv), and by adding at the end the following:*

*"(v) integrated ecosystem assessments;"*

*(D) in paragraph (4)—*

*(i) by striking "Environmental Protection Agency" and inserting "Chesapeake Executive Council";* and

*(ii) by inserting before the semicolon at the end the following: "as appropriate to further purposes of this section";*

*(E) by striking paragraphs (5) and (7);*

*(F) by redesignating paragraph (6) as paragraph (5);* and

*(G) by adding at the end the following:*

*"(6) perform any functions necessary to support the programs referred to in paragraph (3).";* and

*(3) by striking subsection (c) and all that follows through the end of the section and inserting the following:*

*"(c) PROGRAM ACTIVITIES.—*

*"(1) IN GENERAL.—The Administrator, through the Director, shall implement the program activities authorized by this subsection to support the activity of the Chesapeake Executive Council and to further the purposes of this section.*

*"(2) ENSURING SCIENTIFIC AND TECHNICAL MERIT.—The Director shall—*

*"(A) establish, and utilize an effective and transparent mechanism to ensure that projects funded under this section have undergone appropriate peer review; and*

*"(B) provide other appropriate means to determine that such projects have acceptable scientific and technical merit with the purpose of achieving maximum utilization of available funds and resources to benefit the Chesapeake Bay area.*

*"(3) CONSULTATION WITH CHESAPEAKE EXECUTIVE COUNCIL.—The Director shall, in the implementation of the program activities authorized under this section, consult with the Chesapeake Executive Council, to ensure that the activities of the Office are consistent with the purposes and priorities of the Chesapeake Bay Agreement and plans developed pursuant to the Agreement.*

*"(4) INTEGRATED COASTAL OBSERVATIONS.—*

*"(A) IN GENERAL.—The Administrator, through the Director, may collaborate with scientific and academic institutions, State and Federal agencies, non-governmental organizations, and other constituents in the Chesapeake Bay watershed, to support an integrated observations system for the Chesapeake Bay consistent with the purposes of subtitle C of title XII of Public Law 111–11 (33 U.S.C. 3601 et seq.).*

*"(B) SPECIFIC REQUIREMENTS.—To support the system referred to in subparagraph (A) and provide a complete set of environmental information for the Chesapeake Bay, the Director shall—*

*"(i) coordinate existing monitoring and observing activities in the Chesapeake Bay;*

*"(ii) identify new data collection needs and deploy new technologies, as appropriate;*

*"(iii) collect and analyze the scientific information necessary for the management of living marine resources and the marine habitat associated with such resources;*

*"(iv) manage and interpret the information described in clause (iii); and*

“(v) organize the information described in clause (iii) into products that are useful to policy makers, resource managers, scientists, and the public.

“(C) CHESAPEAKE BAY INTERPRETIVE BUOY SYSTEM.—To further the development and implementation of the Chesapeake Bay Interpretive Buoy System, the Director may—

“(i) support the establishment and implementation of the Captain John Smith Chesapeake National Historic Trail;

“(ii) delineate key waypoints along the trail and provide appropriate real-time data and information for trail users;

“(iii) interpret data and information for use by educators and students to inspire stewardship of Chesapeake Bay; and

“(iv) incorporate the Chesapeake Bay Interpretive Buoy System into the Integrated Ocean Observing System regional network of observatories.

“(5) CHESAPEAKE BAY WATERSHED EDUCATION AND TRAINING PROGRAM.—

“(A) IN GENERAL.—The Administrator, through the Director, may establish a Chesapeake Bay watershed education and training program. The program shall—

“(i) continue and expand the Chesapeake Bay watershed education programs offered by the Office immediately before the enactment of the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009;

“(ii) improve the understanding of elementary and secondary school students and teachers of the living resources of the ecosystem of the Chesapeake Bay;

“(iii) provide community education to improve watershed protection; and

“(iv) meet the educational goals of the Chesapeake 2000 Agreement.

“(B) GRANT PROGRAM.—The Director may award grants for the purposes of this paragraph. Grants awarded under this subparagraph may be used to support education and training projects that enhance understanding and assessment of a specific environmental problem in the Chesapeake Bay watershed or a goal of the Chesapeake Bay Program, or protect or restore living resources of the Chesapeake Bay watershed, including projects that—

“(i) provide classroom education, including the development and use of distance learning and other innovative technologies, related to the Chesapeake Bay watershed;

“(ii) provide watershed educational experiences in the Chesapeake Bay watershed;

“(iii) provide professional development for teachers related to the Chesapeake Bay watershed and the dissemination of pertinent education materials oriented to varying grade levels;

“(iv) demonstrate or disseminate environmental educational tools and materials related to the Chesapeake Bay watershed;

“(v) demonstrate field methods, practices, and techniques including assessment of environmental and ecological conditions and analysis of environmental problems;

“(vi) build the capacity of organizations to deliver high quality environmental education programs; and

“(vii) educate local land use officials and decision makers on the relationship of land use to natural resource and watershed protection.

“(C) COLLABORATION.—The Director shall implement the education and training program in collaboration with the heads of other relevant Federal agencies.

“(6) COASTAL AND LIVING RESOURCES MANAGEMENT AND HABITAT PROGRAM.—

“(A) IN GENERAL.—The Administrator, through the Director, may establish a Chesapeake Bay coastal living resources management and habitat program to support coordinated

management, protection, characterization, and restoration of priority Chesapeake Bay habitats and living resources, including oysters, blue crabs, and submerged aquatic vegetation.

“(B) ACTIVITIES.—Under the program, the Director may, subject to the availability of appropriations, carry out or enter into grants, contracts, and cooperative agreements and provide technical assistance to support—

“(i) native oyster restoration;

“(ii) fish and shellfish aquaculture that is carried out in accordance with a valid Federal or State permit;

“(iii) establishment of submerged aquatic vegetation propagation programs;

“(iv) the development of programs that protect and restore critical coastal habitats;

“(v) habitat mapping, characterization, and assessment techniques necessary to identify, assess, and monitor restoration actions;

“(vi) application and transfer of applied scientific research and ecosystem management tools to fisheries and habitat managers;

“(vii) collection, synthesis, and sharing of information to inform and influence coastal and living resource management issues; and

“(viii) other activities that the Director determines are appropriate to carry out the purposes of such program.

“(d) REPORTS.—

“(1) IN GENERAL.—The Administrator, through the Director, shall submit a biennial report to the Congress and the Secretary of Commerce on the activities of the Office and on progress made in protecting and restoring the living resources and habitat of the Chesapeake Bay.

“(2) ACTION PLAN.—Each such report shall include an action plan for the 2-year period following submission of the report, consisting of—

“(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy under subsection (b)(2); and

“(B) recommendations to integrate National Oceanic and Atmospheric Administration activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake 2000 agreement and subsequent agreements.

“(e) AGREEMENTS.—

“(1) IN GENERAL.—The Administrator, through the Director, may, subject to the availability of appropriations, enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act.

“(2) USE OF OTHER RESOURCES.—For purposes related to the understanding, protection, and restoration of Chesapeake Bay, the Director may use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, or of any political subdivision thereof.

“(3) DONATIONS.—The Director may accept donations of funds, other property, and services for use in the understanding, protecting, and restoring the Chesapeake Bay. Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

“(f) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the National Oceanic and Atmospheric Administration.

“(2) CHESAPEAKE BAY AGREEMENT.—The term ‘Chesapeake Bay Agreement’ means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and are signed by the Chesapeake Executive Council.

“(3) CHESAPEAKE EXECUTIVE COUNCIL.—The term ‘Chesapeake Executive Council’ means the

representatives from the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the Environmental Protection Agency, the District of Columbia, and the Chesapeake Bay Commission, who are signatories to the Chesapeake Bay Agreement, and any future signatories to that agreement.

“(4) DIRECTOR.—The term ‘Director’ means the Director of the Office.

“(5) OFFICE.—The term ‘Office’ means the Chesapeake Bay Office established under this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section—

“(1) \$17,000,000 for fiscal year 2011;

“(2) \$18,700,000 for fiscal year 2012;

“(3) \$20,570,000 for fiscal year 2013; and

“(4) \$22,627,000 for fiscal year 2014.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration has taken bold steps to meet the bay's emerging challenges with ecosystem-based science, new coastal management techniques, and an effective environmental literacy program. However, these new priorities are not reflected in the office's existing authorizing statute.

The pending measure, introduced by Mr. SARBANES of Maryland, would realign the office and improve its ability to support ecosystem-based management, research science and education, all of which are very essential in our efforts to restore the Chesapeake Bay.

I ask Members on both sides to support passage of this legislation.

I reserve the balance of my time.

Mr. WITTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 1771, the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009, which will authorize a number of programs within the Chesapeake Bay program. I am a cosponsor of H.R. 1771 and strongly support the efforts of my friend, Mr. SARBANES from Maryland. He has been a true leader on bay issues in this effort to improve and extend popular programs in the Chesapeake Bay watershed, which is a tremendous advancement in the effort to preserve the bay.

For example, the bill supports efforts to move forward with the Captain John Smith Chesapeake National Historic

Trail. This, the Nation's first all-water historic trail, traces John Smith's 17th-century voyages of discovery in the bay from Jamestown in my district.

The bill also furthers efforts to extend NOAA's smart buoy system that provides real-world weather data and historical interpretation of points of interest along the Captain John Smith Trail. My district includes two of these high-tech buoys. One buoy is located just offshore from the site of the first permanent English settlement in the New World at Jamestown. The second buoy is located off Sting Ray Point in the Rappahannock River. This marks the site where Captain John Smith nearly died from the toxic sting of a sting ray.

Mr. Speaker, these programs highlight the historical and recreational significance of the bay and are extraordinarily important to many of our constituents here in the bay watershed. And, again, I would like to thank Mr. SARBANES for his leadership on bay issues and thank him for all of his efforts to preserve the bay.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the gentleman from Maryland (Mr. SARBANES), the author of this legislation, such time as he may consume.

Mr. SARBANES. Mr. Speaker, I want to thank Chairperson BORDALLO for yielding her time.

I strongly urge, as one would imagine as the original sponsor of this bill, that the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009 be adopted by the Chamber.

I want to thank Congressman WITTMAN for his cosponsorship of this bill. Congressmen KRATOVIL and CONNOLLY as well have been strong supporters of it. But I do want to emphasize Congressman WITTMAN's commitment to the Chesapeake Bay. He and I have gotten in the habit of, we sort of have a mutual admiration society going here in terms of our commitment to the bay. I think it demonstrates how the health of the Chesapeake Bay and its protection and preservation going forward is really a bipartisan concern. We hope to continue to work together with each other and with other Members in this Chamber to make sure that the Chesapeake Bay is preserved.

Now, the NOAA Chesapeake Bay office that this would reauthorize provides very important and vital scientific research and data, habitat restoration and environmental education, which all play a very critical role in the health of the Chesapeake Bay and its restoration.

□ 1445

There are a number of important provisions; some have been alluded to.

Just to reiterate, this will enhance the Chesapeake Bay Interpretative Buoy System, which provides real-time

weather and environmental information like wind speed, temperature, and wave heights to the public, especially to boaters and researchers.

It's got an historical and cultural component as well. I just emailed my staff so they could remind me of the toll free number (877) BUOY-BAY if you want to call and tap into this information on a real-time basis, or you can go to [www.buoybay.org](http://www.buoybay.org). This is an incredible resource for people, particularly for the next generation.

That is another thing this reauthorization will do. It will bolster the Chesapeake Bay watershed education and training program, which we know as the B-WET program which provides hands-on environmental education and teaches young people about how their everyday actions affect the health of the bay.

I'm an author of the No Child Left Inside Act, which is designed to get people, young people, outdoors and into nature. This is the kind of information and data that is then made available to them so that they can really engage firsthand in this effort on behalf of the bay.

And there are many other dimensions of this that strengthen the NOAA Chesapeake Bay office, but let me just close by acknowledging again my real thanks and appreciation for Chairman RAHALL, for Chairperson BORDALLO, for their assistance in getting this through the Natural Resources Committee. Again, a salute to Congressman WITTMAN for his continuing efforts on behalf of the bay.

We're going to turn the corner on the Chesapeake Bay—I have no doubt—and it's because of the data and the information and statistics and other things that are provided by the NOAA office. So reauthorizing that component of the Chesapeake Bay program is absolutely vital to the enterprise, and I urge my colleagues to support the bill today.

Ms. BORDALLO. Mr. Speaker, I would like to yield to the gentleman from Maryland (Mr. KRATOVIL) such time as he may consume.

Mr. KRATOVIL. Mr. Speaker, I rise in support of H.R. 1771, the Chesapeake Bay Science, Education and Ecosystem Enhancement Act, and also, with your permission, Mr. Speaker, H.R. 1053, the Chesapeake Bay Accountability and Recovery Act of 2009, which I believe is next up on the calendar.

Both bills will protect the beauty and utility of the Chesapeake Bay for future generations while building the economic base of districts like Maryland's First District, my district, whose local economies are dependent on the health of the Chesapeake Bay.

By reauthorizing much-needed funding, the Chesapeake Bay Science, Education and Ecosystem Enhancement Act will allow NOAA's Chesapeake Bay office to continue to play a vital role in

the management and restoration of the bay.

Additionally, H.R. 1771 will formally authorize NOAA's Bay Watershed Education and Training, B-WET, program that you heard Congressman SARBANES discuss. Since first being established in 2002, this program has provided critical assistance for hands-on watershed education for thousands of students and teachers.

When educators are given the necessary tools to engage their students, the curriculum can foster a lifelong understanding about the importance of the bay and create future generations of stewards committed to its health and beauty.

In the short term, the bill will expand the technical assistance that NOAA can offer watermen who practice emerging aquaculture techniques. Many watermen have found success with aquaculture that has led to an increase in both the clam and oyster populations. This bill will build on these successes, keeping the seafood industry viable and protecting the overall ecosystem of the Chesapeake Bay.

Support of the legislation will help ensure the vitality of our natural resources throughout the bay in the long term, and I thank again my colleague from Maryland, Congressman SARBANES, for introducing this bill.

Similarly, H.R. 1053, the Chesapeake Bay Accountability and Recovery Act, is legislation that will protect one of our national treasures and North America's largest estuary while applying financial responsibility and accountability practices to the funds that we appropriate to do so, and I want to thank Congressman WITTMAN for his leadership on this. As Congressman SARBANES said, he's been a leader on a number of issues related to the bay, and I congratulate him on it.

This legislation institutes performance-based measures to ensure that dollars spent on restoration activities are producing results. Every dollar we spend on the bay is money well spent, but not if we fail to track these dollars in order to determine best practices and eliminate waste and duplicity.

The bill would require the adoption of two methods: crosscut budgeting by the Office of Management and Budget; and adaptive management by the Environmental Protection Agency. These initiatives will provide a comprehensive accounting of all bay restoration activities and would be available to everyone, including Congress. By sharing this information, stakeholders can make better-informed funding decisions.

Adaptive management will provide a means to evaluate the success and efficiency of bay restoration programs. It will increase coordination, reduce overlap, and improve decisionmaking. Financial responsibility is a theme we should apply to every dollar we spend,

and that includes protection of the bay. We aren't doing future generations any favors if we protect the health of the Chesapeake Bay but, at the same time, neglect to protect the health of our economy as a whole.

And again, I want to congratulate and thank Congressman WITTMAN from Virginia for introducing the bill.

Mr. Speaker, I urge support of both H.R. 1771 and H.R. 1053.

Mr. WITTMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I'd like to recognize Mr. KRATOVIL for his work, too. He is very much a partner in making sure that we restore the bay and put forth the efforts that we need to.

We know that Maryland's First District and Virginia's First District are very, very similar. They have many, many resources in common; they have many needs in common. We all realize that restoring the bay is a good environmental effort, but it's also a good economic effort. We know it's an economic driver. We know the jobs that the bay creates. We know a healthy bay creates more jobs and creates a more vibrant economy, both for our seafood industry and for our tourism industry.

So I appreciate his effort to partner to make sure that we get things done with the bay, and I think it's a great partnership that should stand as an example of how you can, across State lines and across party lines, work to get things done in the best interests of our natural resources.

Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this important piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1771, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1053) to require the Office of Management and Budget to prepare a cross-cut budget for restoration activities in

the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1053

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Accountability and Recovery Act of 2009".

#### SEC. 2. CHESAPEAKE BAY CROSSCUT BUDGET.

(a) CROSSCUT BUDGET.—The Director, in consultation with the Chesapeake Executive Council, the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall submit to Congress a financial report containing—

(1) an interagency crosscut budget that displays—

(A) the proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;

(B) to the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;

(C) all expenditures for Federal restoration activities from the preceding 3 fiscal years, the current fiscal year, and the succeeding fiscal year; and

(D) all expenditures, to the extent that information is available, for State restoration activities during the equivalent time period described in subparagraph (C);

(2) a detailed accounting of all funds received and obligated by all Federal agencies for restoration activities during the current and preceding fiscal years, including the identification of funds which were transferred to a Chesapeake Bay State for restoration activities;

(3) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities during the current and preceding fiscal years; and

(4) a description of each of the proposed Federal and State restoration activities to be carried out in the succeeding fiscal year (corresponding to those activities listed in subparagraphs (A) and (B) of paragraph (1)), including the—

(A) project description;

(B) current status of the project;

(C) Federal or State statutory or regulatory authority, programs, or responsible agencies;

(D) authorization level for appropriations;

(E) project timeline, including benchmarks;

(F) references to project documents;

(G) descriptions of risks and uncertainties of project implementation;

(H) adaptive management actions or framework;

(I) coordinating entities;

(J) funding history;

(K) cost-sharing; and

(L) alignment with existing Chesapeake Bay Agreement and Chesapeake Executive Council goals and priorities.

(b) MINIMUM FUNDING LEVELS.—The Director shall only describe restoration activities in the report required under subsection (a) that—

(1) for Federal restoration activities, have funding amounts greater than or equal to \$100,000; and

(2) for State restoration activities, have funding amounts greater than or equal to \$50,000.

(c) DEADLINE.—The Director shall submit to Congress the report required by subsection (a) not later than 30 days after the submission by the President of the President's annual budget to Congress.

(d) REPORT.—Copies of the financial report required by subsection (a) shall be submitted to the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate.

(e) EFFECTIVE DATE.—This section shall apply beginning with the first fiscal year after the date of enactment of this Act for which the President submits a budget to Congress.

#### SEC. 3. ADAPTIVE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other Federal and State agencies, shall develop an adaptive management plan for restoration activities in the Chesapeake Bay watershed that includes—

(1) definition of specific and measurable objectives to improve water quality, habitat, and fisheries;

(2) a process for stakeholder participation;

(3) monitoring, modeling, experimentation, and other research and evaluation practices;

(4) a process for modification of restoration activities that have not attained or will not attain the specific and measurable objectives set forth under paragraph (1); and

(5) a process for prioritizing restoration activities and programs to which adaptive management shall be applied.

(b) IMPLEMENTATION.—The Administrator shall implement the adaptive management plan developed under subsection (a).

(c) UPDATES.—The Administrator shall update the adaptive management plan developed under subsection (a) every 3 years.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 60 days after the end of a fiscal year, the Administrator shall transmit to Congress an annual report on the implementation of the adaptive management plan required under this section for such fiscal year.

(2) CONTENTS.—The report required under paragraph (1) shall contain information about the application of adaptive management to restoration activities and programs, including programmatic and project level changes implemented through the process of adaptive management.

(3) EFFECTIVE DATE.—Paragraph (1) shall apply to the first fiscal year that begins after the date of enactment of this Act.

#### SEC. 4. INDEPENDENT EVALUATOR FOR THE CHESAPEAKE BAY PROGRAM.

(a) IN GENERAL.—There shall be an Independent Evaluator for restoration activities in the Chesapeake Bay watershed, who shall review and report on restoration activities and the use of adaptive management in restoration activities, including on such related topics as are suggested by the Chesapeake Executive Council.

(b) APPOINTMENT.—

(1) IN GENERAL.—The Independent Evaluator shall be appointed by the Administrator from among nominees submitted by the Chesapeake Executive Council.



(2) **NOMINATIONS.**—The Chesapeake Executive Council may submit to the Administrator 4 nominees for appointment to any vacancy in the office of the Independent Evaluator.

(c) **REPORTS.**—The Independent Evaluator shall submit a report to the Congress every 3 years in the findings and recommendations of reviews under this section.

(d) **CHESAPEAKE EXECUTIVE COUNCIL.**—In this section the term “Chesapeake Executive Council” has the meaning given that term by section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567; 15 U.S.C. 1511d).

#### SEC. 5. DEFINITIONS.

In this Act, the following definitions apply:

(1) **ADAPTIVE MANAGEMENT.**—The term “adaptive management” means a type of natural resource management in which project and program decisions are made as part of an ongoing science-based process. Adaptive management involves testing, monitoring, and evaluating applied strategies and incorporating new knowledge into programs and restoration activities that are based on scientific findings and the needs of society. Results are used to modify management policy, strategies, practices, programs, and restoration activities.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) **CHESAPEAKE BAY STATE.**—The term “Chesapeake Bay State” or “State” means the States of Maryland, West Virginia, Delaware, and New York, the Commonwealths of Virginia and Pennsylvania, and the District of Columbia.

(4) **CHESAPEAKE BAY WATERSHED.**—The term “Chesapeake Bay watershed” means the Chesapeake Bay and the geographic area, as determined by the Secretary of the Interior, consisting of 36 tributary basins, within the Chesapeake Bay States, through which precipitation drains into the Chesapeake Bay.

(5) **CHIEF EXECUTIVE.**—The term “chief executive” means, in the case of a State or Commonwealth, the Governor of each such State or Commonwealth and, in the case of the District of Columbia, the Mayor of the District of Columbia.

(6) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(7) **RESTORATION ACTIVITIES.**—The term “restoration activities” means any Federal or State programs or projects that directly or indirectly protect, conserve, or restore living resources, habitat, water resources, or water quality in the Chesapeake Bay watershed, including programs or projects that promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed. Restoration activities may be categorized as follows:

- (A) Physical restoration.
- (B) Planning.
- (C) Feasibility studies.
- (D) Scientific research.
- (E) Monitoring.
- (F) Education.
- (G) Infrastructure Development.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, restoration of Chesapeake Bay continues to be a very important goal for Congress and the administration, yet accounting and oversight is difficult because the restoration activities are managed concurrently by a network of Federal agencies, States, and non-governmental organizations.

The pending measure introduced by our colleague, Mr. WITTMAN of Virginia, would enhance congressional oversight of restoration activities in Chesapeake Bay by requiring the preparation of a crosscut budget. It would also require the Environmental Protection Agency and other partners to develop and implement a comprehensive adaptive management strategy for restoration activities to ensure that the best available scientific information is incorporated.

So I ask Members, Mr. Speaker, to support H.R. 1053.

I reserve the balance of my time.

Mr. WITTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to thank Chairman RAHALL, Ranking Member HASTINGS, Mr. BROWN and Ms. BORDALLO for working with me to bring this legislation to the floor.

I am honored to represent Virginia's First Congressional District. The First District includes many of the bay's major tributaries and borders much of the Chesapeake's shores. Improving the health of the bay is a priority to me and many of my constituents, and I think most Members of Congress.

As Members have heard on a number of occasions, the health of the Chesapeake Bay is in trouble. While the States and Federal Government continue to fund restoration activities, the news has not been getting much better. It is time we reevaluate our efforts and determine if we can get better results from Federal and State expenditures.

I offered H.R. 1053, the Chesapeake Bay Accountability and Recovery Act, to address these issues and help move forward bay cleanup efforts.

H.R. 1053 would implement and strengthen management techniques like crosscut budgeting and adaptive management to ensure that we get more bang for our buck and continue to make progress in Chesapeake Bay restoration efforts.

Both techniques will ensure that we're coordinating how restoration dollars are spent and making sure that everyone understands how individual

projects fit into the bigger picture. That way, we're not duplicating efforts, wasting money, or working at cross purposes.

H.R. 1053 would require the Office of Management and Budget, in coordination with State and Federal agencies involved in the bay, to report to Congress on the status of Chesapeake Bay restoration activities. This legislation would also require the Environmental Protection Agency to develop and implement an adaptive management plan for the Chesapeake Bay and all of its restoration activities.

Finally, on recommendations heard during committee hearings on this bill, we included the creation of an independent evaluator for the bay. An independent evaluator will serve to help implement adaptive management and drive success in the bay program.

I believe that these are key components for the complex restoration activities necessary to truly bring the bay back to a state that we will all be pleased with.

I ask my colleagues to support H.R. 1053.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the gentleman from Maryland (Mr. SARBANES) such time as he may consume.

Mr. SARBANES. Mr. Speaker, I want to thank Chairperson BORDALLO again for yielding to me.

I want to urge my colleagues to support H.R. 1053, Congressman WITTMAN's bill. I'm a cosponsor and proud to be one. This is a good way of bringing more of a comprehensive perspective to our efforts on behalf of the Chesapeake Bay.

As many have mentioned, you know, we're talking about the bay, we're talking about a watershed with a tributary system that originates in six States and the District of Columbia, all flowing into the Chesapeake Bay. So we've got a lot of geographic areas to manage and link together, as well as numerous organizations, governmental and nongovernmental organizations, citizens organizations, educational organizations, that are all working on the same goal.

There's only benefit that can be had when you bring this crosscutting perspective in terms of the dollars that are spent, and I want to congratulate Congressman WITTMAN for bringing that kind of discipline to the overall program.

I also just wanted to emphasize the adaptive management strategy, because in a way this dovetails very nicely with the bill we just spoke about regarding reauthorization of the NOAA office, and the reason is that what adaptive management strategies are all about is recognizing if you can adopt a certain strategy to deal with the health of the Chesapeake Bay, and then just put it on a course, it never changes.



□ 1500

Science is always changing, and because science changes, we have to adjust to make sure that our management strategies reflect that science. The very kind of information and data that the NOAA office will be producing because it is reauthorized is the exact kind of data that can be used for this adaptive management approach.

So I think this is a very good and strong bill, and is going to enhance our efforts to protect and preserve and strengthen the Chesapeake Bay over time. I congratulate Congressman WITTMAN for his efforts, and I urge support of the bill.

Mr. WITTMAN. Mr. Speaker, we have no additional speakers, and with that I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I applaud the author of this legislation, Mr. WITTMAN of Virginia, and I again urge Members to support this very important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1053, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 16) supporting the goals and ideals of National Life Insurance Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 16

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insur-

ance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2009 as "National Life Insurance Awareness Month" as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 16 for consideration. This resolution expresses our support for the goals and ideals of National Life Insurance Awareness Month.

House Resolution 16 was introduced on January 6, 2009, by my colleague, Representative JUDY BIGGERT of Illinois, and favorably reported out of the Oversight Committee on September 24 by unanimous consent. In addition, this legislation enjoys the bipartisan support of over 50 Members of Congress.

Mr. Speaker, the life insurance industry estimates that approximately 68 million Americans lack sufficient life insurance coverage to safeguard the financial security of their families. Accordingly, House Resolution 16 seeks to increase the awareness regarding the importance of life insurance products to the financial security of American families by supporting the goals and ideals of National Life Insurance Awareness Month.

While preparing for the inevitable may be a difficult task, it is a task that we should all take time to complete. Life insurance products are intended to better insure the financial security and stability of our loved ones by allowing them to meet impending

and future financial obligations in the event of a death, disability or other uncertainty in their family. Given the importance of life insurance to sound financial planning, I would encourage all families to review their financial situations and consider life insurance products as a possible safeguard against the financial impact of an unforeseen event.

I'd like to thank the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Pennsylvania (Mr. KANJORSKI) for offering this informative measure, and I urge my colleagues to join me in supporting House Resolution 16.

I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield as much time as she may consume to my distinguished colleague from the State of Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman from Ohio (Mr. TURNER) for yielding me the time, and I also want to thank my colleague from Massachusetts (Mr. LYNCH) for managing this resolution.

Mr. Speaker, I rise today to urge my colleagues to support House Resolution 16, which offers support to the goals and ideals of National Life Insurance Awareness Month as recognized this September. I want to thank my friend and colleague, the gentleman from Pennsylvania (Mr. KANJORSKI), for introducing this resolution with me for the sixth year. During previous years the House has passed identical resolutions by voice vote or with as many as 412 "yes" votes. This year's resolution has 59 cosponsors from both sides of the aisle.

I also want to thank the gentleman from New York, Chairman EDOLPHUS TOWNS, and the gentleman from California, DARRELL ISSA, for moving this resolution through the Committee on Oversight and Government Reform. And last, I acknowledge and thank Senator SAXBY CHAMBLISS of Georgia and Senator BEN NELSON of Nebraska for introducing a companion resolution in the Senate, Senate Resolution 211, making this a bipartisan, bicameral effort.

Mr. Speaker, life insurance too often is thought of only when it's too late. How many times have we heard friends or loved ones sadly reflecting that the deceased had no life insurance or had too little life insurance? Today, only four in 10 adults in America own individual life insurance policies. And among those who do have life insurance, the amount is often too small to safeguard the financial future of their loved ones. Due to insufficient coverage, many families, upon losing loved ones, often are forced to work extra jobs or longer hours, borrow money, or move to less desirable housing because there was no insurance.

House Resolution 16 calls on the Nation to observe the month of September as Life Insurance Awareness

Month, and the issue has been elevated by a broad coalition of providers and advocates, including members of the Life and Health Insurance Foundation for Education, the National Association of Insurance and Financial Advisors, and the American Council of Life Insurers. Our collective goal for the month is to make families more aware of their life insurance needs and encourage them to seek professional advice, as well as take the actions necessary to provide financial security for their loved ones.

Mr. Speaker, many of my colleagues on both the Financial Services Committee and the Education and Labor Committee, especially my colleague from Texas, RUBÉN HINOJOSA, and I have been working very hard to increase the level of financial literacy across the Nation. We recognize that by empowering consumers with the knowledge and understanding of how financial products work and how they can work towards financial security, we are taking a critical step that will help protect consumers from unexpected financial hardships and prepare them to succeed in today's complex financial marketplace. It is my hope that recognizing Life Insurance Awareness Month will help motivate Americans to seek information about the benefits of life insurance so that the premature death of a loved one does not bring with it economic hardships that too often accompany tragedy.

I ask my colleagues to join me in support of the goals and ideals of this year's National Life Insurance Awareness Month.

Mr. TURNER. Mr. Speaker, I urge all Members to support the passage of H. Res. 16, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I will simply urge my colleagues to support this measure offered and sponsored by Mrs. BIGGERT of Illinois and also Mr. KANJORSKI of Pennsylvania.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 16.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING THE LATE JIM JOHNSON

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the reso-

lution (H. Res. 693) honoring the life and accomplishments of Jim Johnson and extending the condolences of the House of Representatives to his family on the occasion of his death.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 693

Whereas the City of Philadelphia, Pennsylvania, and the NFL lost one of our greatest treasures yesterday;

Whereas Philadelphia Eagles Defensive Coordinator Jim Johnson passed away on July 28, 2009, after a courageous battle with cancer;

Whereas he was a veteran of 22 years as an NFL assistant;

Whereas Johnson is regarded as one of the top defensive masterminds in NFL history;

Whereas over the last decade, he gained a great deal of praise as the orchestrator of the renowned Eagles defense;

Whereas his aggressive style kept Philadelphia at or near the top of the NFL in nearly every major defensive category since he joined the Eagles staff on January 22, 1999;

Whereas from 2000–08, Johnson's units ranked second in the NFL in sacks (390), 3rd down efficiency (34.0 percent) and red zone touchdown percentage (43.9 percent), and fourth in fewest points allowed (17.7 per game);

Whereas during his 10-year tenure in Philadelphia, the Eagles earned 7 playoff berths, 5 trips to the NFC Championship game, and 1 Super Bowl appearance (following the 2004 season);

Whereas as the Eagles' defensive chief, Johnson's defense has produced 26 Pro Bowl selections, including Brian Dawkins (7), Troy Vincent (5), Jeremiah Trotter (4), Hugh Douglas (3), Lito Sheppard (2), Asante Samuel (1), Trent Cole (1), Michael Lewis (1), Corey Simon (1), and Bobby Taylor (1);

Whereas Head Coach Andy Reid correctly stated that "He (Johnson) really represented everything this city (Philadelphia) is all about, with his toughness and grit", "That's the way he fought this cancer";

Whereas 4 of his defensive assistants have gone on to successful careers with other NFL franchises, including Steve Spagnuolo (head coach of the St. Louis Rams), John Harbaugh (head coach of the Baltimore Ravens), Ron Rivera (defensive coordinator of the San Diego Chargers), and Leslie Frazier (defensive coordinator of the Minnesota Vikings);

Whereas prior to his tenure in Philadelphia, Johnson served as the linebackers coach with Seattle in 1998;

Whereas that year, Johnson helped the Seahawks register 10 touchdowns on defense, including 8 interceptions returned for scores, second-most in NFL history;

Whereas he arrived in Seattle after a 4-year stint in Indianapolis, spending the last 2 years as defensive coordinator;

Whereas while with the Colts, Johnson helped them secure a berth in the AFC Championship game at Pittsburgh in 1995;

Whereas Johnson spent 8 seasons with the Arizona Cardinals (1986–93);

Whereas after overseeing the Cardinals defensive line for 4 seasons, Johnson excelled as their secondary coach, helping Aeneas Williams become the first rookie cornerback to lead the league in interceptions (6) since 1981;

Whereas Johnson began his coaching career as head coach at Missouri Southern

(1967–68), before serving 4-year tenures at Drake and Indiana;

Whereas from 1977–83, Johnson served as defensive coordinator and assistant head coach at Notre Dame, a stint that included a national championship in 1977;

Whereas an all-conference quarterback himself at Missouri, Johnson went on to spend 2 seasons with Buffalo as a tight end (1963–64);

Whereas a native of Maywood, Illinois, Johnson earned a bachelor's degree in education and a master's degree in physical education from Missouri; and

Whereas Johnson is survived by his wife, Vicky, 2 children, Scott and Michelle, and 4 grandchildren, Katie, Justin, Brandon, and Jax: Now, therefore, be it

*Resolved*, That the House of Representatives honors Jim Johnson and extends condolences to his family on the occasion of his death.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 693.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY. Mr. Speaker, I rise to honor a man who will always be known as a great Philadelphian and a great American. Eagles Coach Jimmy Johnson was a man of few words. He always let his game do his talking for him. He was a star quarterback at Missouri and began his coaching career at Missouri Southern. Jim Johnson spent nearly 50 years in football. He coached in the USFL, for the Arizona Cardinals and for the Indianapolis Colts. But he earned the title Genius during 10 seasons coaching in my hometown of Philadelphia.

The Eagles led the league with 48 takeaways, including 28 interceptions, during Mr. Johnson's first season as defensive coordinator. By 2001, when the Eagles went to their first of four straight NFC championship games, the defense was ranked among the best in the NFL in almost every category. And they remain an elite unit today. In Coach Johnson's final season, the team had the NFC's top-ranked defense and earned yet another trip to the NFC title game.

The Eagles' defense had 26 Pro Bowl selections during Mr. Johnson's tenure, including seven by safety Brian Dawkins. The team played in five NFC championship games and one Super Bowl, and won five NFC East titles.

And his greatest legacy hasn't yet been written. Coach has seeded the league with his disciples. Many of his former assistants are coaching across the country, including Steve Spagnuolo, the head coach of the St. Louis Rams, and John Harbaugh, head coach of the Baltimore Ravens. Coach Johnson could have been a head coach anytime, anyplace, anywhere, but his loyalty was with the Philadelphia Eagles.

But the greatest thing about Jim Johnson has nothing to do with the football field. He was known by everyone as the picture of honesty and as a man who never sought the spotlight but one who gave generously of his time and his talents.

Mr. Speaker, Jim Johnson is survived by his wife, Vicky, two children, Scott and Michelle, and four grandchildren, Katie, Justin, Brandon and Jax. He leaves behind grieving friends, players, colleagues and fans. But our memories of him will live forever.

I ask my colleagues to support this resolution.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 693, honoring the life and accomplishments of Jim Johnson and expressing condolences to his family on his death. Today we honor Jim Johnson for his life accomplishments and for his positive attitude he exhibited, even as he battled with cancer.

Mr. Johnson began his coaching career as head coach at Missouri Southern University. He went on to coach at Notre Dame, winning the national championship in his first year with the university. He entered the NFL in 1986 with the Arizona Cardinals and coached for 22 years for the Cardinals, the Indianapolis Colts, the Seattle Seahawks and the Philadelphia Eagles.

Mr. Johnson's achievements in life and his career are truly inspiring. He was one of the top defensive masterminds in NFL history. In fact, his aggressive style, noted for its frequent blitzing, kept Philadelphia at or near the top of the NFL in nearly every major defensive category since Mr. Johnson joined the Eagles staff in 1999. With Mr. Johnson at the helm of the defense, the Philadelphia Eagles appeared in five NFC championship games, including in 2004 when they advanced to the Super Bowl.

Philadelphia Eagles Head Coach Andy Reid stated:

"Johnson really represented everything the City of Philadelphia is all about, with his toughness and grit. That's the way he fought this cancer."

It is clear that Mr. Johnson made a large impact on those around him on and off the field. Sadly, Mr. Johnson passed away from melanoma on July 28, 2009, at the age of 68. Though he has left this world, he will forever be remembered for his accomplishments.

I rise today to ask my colleagues to join me in honoring Mr. Johnson and expressing our condolences to his family in his passing by supporting H. Res. 693.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 693 for consideration. This resolution serves to honor the life and accomplishments of NFL coaching legend Jim Johnson, as well as extend our condolences to the Johnson family on his passing.

The measure before us was introduced on July 29, 2009, by my colleague who spoke earlier, Representative BOB BRADY of Pennsylvania.

□ 1515

This measure was reported out of the Oversight Committee on September 4, 2009, by unanimous consent.

Additionally, House Resolution 693 has been cosponsored by over 50 Members of Congress and enjoys strong support from the members of the Pennsylvania House delegation.

Mr. Speaker, House Resolution 693 honors the life and accomplishments of Mr. Jim Johnson, whose celebrated football career spanned over 40 years at the collegiate level and with the National Football League.

A native of Maywood, Illinois, Coach Johnson began his career in football as a player—first as an All-Big Eight quarterback from 1959 to 1962 at the University of Missouri, under Coach Dan Devine, and subsequently as a tight end with the Buffalo Bills of the American Football League from 1963 to 1964.

In 1967, Mr. Johnson turned his attention to coaching and was hired by Missouri Southern College as the head football coach. Coach Johnson's 2-year tenure at the school was followed by 4-year tours at Drake University and at Indiana University, and ultimately led to a 6-year stint as a defensive backs coach and defensive coordinator at the University of Notre Dame. Notably, the Fighting Irish won the national championship in Coach Johnson's first season with the team.

After leaving Notre Dame in 1984, Coach Johnson went on to coaching positions with the Oklahoma Outlaws and Jackson Bulls of the United States Football League, and in 1986 entered the National Football League as a defensive line and secondary coach for the Arizona Cardinals.

Coach Johnson would later join the defensive coaching staffs of the Indianapolis Colts and the Seattle Seahawks before Philadelphia Eagles Coach Andy Reid pursued and hired Johnson to be the Eagles' defensive coordinator in 1999. It is Coach Johnson's 10-year period with the Eagles that perhaps most epitomizes his mastery of defensive

schemes and cemented his status, as noted by Andy Reid, as the "best in the business at what he does."

Coach Johnson's tenure in Philadelphia witnessed 26 Pro Bowl selections for the Eagles' defense, including seven by safety Brian Dawkins and five by quarterback Troy Vincent.

As noted by the Philadelphia Inquirer, Coach Johnson's Eagles career will be remembered as "one of the finest decades of defensive football in the Eagles' history, and when the chapter about the top of the 21st century is written about this football team, the name Jim Johnson will be mentioned prominently."

In addition to his professional accomplishments, Coach Johnson will be equally remembered as a loving husband to his wife, Vicky; a dedicated father to his son, Scott, and daughter, Michelle; and an endearing grandfather to four grandchildren.

Regrettably, Coach Johnson passed away in July of 2009 at the age of 68. Mr. Speaker, it is my hope that we can honor the life and accomplishments of Coach Jim Johnson, as well as express our sincerest condolences to his family, through the passage of House Resolution 693. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I urge all Members to support the passage of House Resolution 693, and I yield back the balance of my time.

Mr. LYNCH. In closing, I urge my colleagues to join with the lead sponsor of this resolution, BOB BRADY of Pennsylvania, in supporting House Resolution 693.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 693.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### SICKLE CELL DISEASE AWARENESS MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 186) supporting the goals and ideals of Sickle Cell Disease Awareness Month.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 186

Whereas Sickle Cell Disease is an inherited blood disorder that is a major health problem in the United States and worldwide;

Whereas Sickle Cell Disease causes the rapid destruction of sickle cells, which results in multiple medical complications, including anemia, jaundice, gallstones,

strokes, and restricted blood flow, damaging tissue in the liver, spleen, and kidneys, and death;

Whereas Sickle Cell Disease causes episodes of considerable pain in one's arms, legs, chest, and abdomen;

Whereas Sickle Cell Disease affects an estimated 70,000 to 100,000 Americans;

Whereas approximately 1,000 babies are born with Sickle Cell Disease each year in the United States, with the disease occurring in approximately 1 in 500 newborn African-American infants, 1 in 1,000 newborn Hispanic-Americans, and is found in persons of Greek, Italian, East Indian, Saudi Arabian, Asian, Syrian, Turkish, Cypriot, Sicilian, and Caucasian origin;

Whereas more than 2,000,000 Americans have the sickle cell trait, and 1 in 12 African-Americans carry the trait;

Whereas there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease;

Whereas the life expectancy of a person with Sickle Cell Disease is severely limited, with an average life span for an adult being 45 years;

Whereas, though researchers have yet to identify a cure for this painful disease, advances in treating the associated complications have occurred;

Whereas researchers are hopeful that in less than two decades, Sickle Cell Disease may join the ranks of chronic illnesses that, when properly treated, do not interfere with the activity, growth, or mental development of affected children;

Whereas Congress recognizes the importance of researching, preventing, and treating Sickle Cell Disease by authorizing treatment centers to provide medical intervention, education, and other services and by permitting the Medicaid program to cover some primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease;

Whereas the Sickle Cell Disease Association of America, Inc. remains the preeminent advocacy organization that serves the sickle cell community by focusing its efforts on public policy, research funding, patient services, public awareness, and education related to developing effective treatments and a cure for Sickle Cell Disease; and

Whereas the Sickle Cell Disease Association of America, Inc. has requested that the Congress designate September as Sickle Cell Disease Awareness Month in order to educate communities across the Nation about sickle cell and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideals of Sickle Cell Disease Awareness Month.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Oversight and Government Reform Committee, I'm proud to present House Concurrent Resolution 186 for consideration. This legislation expresses our support for the goals and ideals of Sickle Cell Disease Awareness Month.

The measure before us was introduced on September 16, 2009, by my colleague and good friend, Representative DANNY DAVIS of Illinois, and favorably reported out of the Oversight Committee on September 24, 2009, by unanimous consent. In addition, this measure enjoys the support of over 70 Members of Congress, and I am proud to say that I am also an original cosponsor.

Mr. Speaker, House Concurrent Resolution 186 highlights the importance of Sickle Cell Disease Awareness Month. Sickle cell disease is an inherited blood disorder that predominantly affects people of sub-Saharan African ancestry. Today, an estimated 70,000 to 100,000 Americans suffer from this disease, and nearly 1 in 500 African American newborns is born with sickle cell.

Individuals with sickle cell have red blood cells that assume a rigid sickle shape. When these blood cells travel through small blood vessels, they often become stuck and clog blood flow. This causes repeated episodes of severe pain, organ damage, serious infections, and/or anemia.

Tragically, the life expectancy of those with sickle cell is also greatly reduced—42 years for males and 48 years for females. In Africa, more than 90 percent of children with sickle cell die before the illness is even diagnosed.

There is no cure for this illness; although, with careful supervision, individuals with sickle cell can live full and healthy lives. Treatment today is primarily aimed at avoiding crises, relieving symptoms, and preventing complications.

Despite its prevalence and seriousness, little is known publicly about sickle cell disease. For this reason, Sickle Cell Disease Awareness Month presents a valuable opportunity to increase public understanding of this illness and to work collectively to find a cure for sickle cell.

In closing, I wholeheartedly support this measure and encourage all my colleagues to join myself and Representative DANNY DAVIS of Illinois in voting in favor of House Concurrent Resolution 186.

I reserve the balance of my time.

Mr. TURNER. I yield myself such time as I may consume.

This resolution seeks to bring attention to sickle cell disease and to support the designation of September as Sickle Cell Awareness Month.

Sickle cell disease, SCD, is a deadly genetic blood disorder that strikes, primarily, persons of African descent.

Those affected by the disease most often appear to be healthy, but their lives are disturbed by sporadic and painful attacks in their arms, legs, chest, and abdomen.

SCD also causes the rapid destruction of sickle cells that results in multiple medical complications, including anemia, jaundice, gallstones, strokes, and restricted blood flow, causing tissue damage, cardiovascular, and organ damage. Approximately 80,000 African Americans suffer from sickle cell disease, and millions are affected worldwide.

Statistics shockingly show that 1 in every 350 African American babies born in the United States has the disease. One in eight African American babies carry the sickle cell trait. There is a one in four chance that a child born to parents who both carry the sickle cell trait will have the disease. Life expectancy is limited, as an average lifespan for an adult with the disease is only 45 years old.

A universal cure, though, remains elusive. However, early diagnosis through newborn screening and education has improved survival and quality of life for those who suffer from SCD. Because SCD affects so many people and research funding is critical to effectively treating and ultimately to preventing the disease, we are grateful for organizations such as the Sickle Cell Disease Association of America that continues to shine the light of hope for all of those who are affected.

Therefore, I ask my colleagues to join me in supporting the designation of the month of September as National Sickle Cell Disease Awareness Month so that communities throughout the country will become aware of this disease and the need for additional research, effective treatments, and prevention programs that will ultimately lead to a cure.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I don't have any further speakers on this matter, but I continue to reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I urge all Members to support the passage of H. Con. Res. 186, and I yield back the balance of my time.

Mr. LYNCH. I thank my colleague, and I also urge all of our friends on both sides of the aisle to join with Congressman DANNY DAVIS, who's the lead sponsor of this measure, to support the ideals and goals of Sickle Cell Disease Awareness Month by voting for House Concurrent Resolution 186.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand before you today in strong support of H. Con. Res. 186, "Supporting the goals and ideals of Sickle Cell Disease Awareness Month." Sickle Cell Anemia affects an estimated 70,000 to 100,000 Americans. Every year 1,000 babies are born with Sickle Cell Disease in the United States, with the disease occurring in approximately 1 in 500 newborn

African-American infants. We must educate the public and shed light on this disease, especially considering that there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease.

Sickle Cell Anemia is an inherited blood disorder that is a major health problem in the United States and worldwide. It not only affects African Americans, but Hispanics and persons of Greek, Italian, East Indian, Saudi Arabian, Asian, Syrian, Turkish, Cypriot, Sicilian, and Caucasian origin.

Sickle Cell Disease causes the rapid destruction of sickle cells, which results in multiple medical complications such as: pain episodes, strokes, increased infections, leg ulcers, bone damage, yellow eyes or jaundice, early gallstones, lung blockage, kidney damage and loss of body water in urine, priapism, blood blockage in the spleen or liver (sequestration), eye damage, anemia, delayed growth and even death.

Although it cannot be cured, effective treatment is available for persons with sickle cell disease. The trait and the disease are inherited. The most important thing one can do is to make sure to get tested. More than 2,000,000 Americans have the sickle cell trait, and 1 in 12 African-Americans carry the trait.

Although researchers have not yet identified a cure for this painful disease, advances in treating the associated complications have occurred. Once almost exclusively a pediatric illness, research has resulted in early detection and improvements in treatment that have extended life expectancy from the 20s to the mid-40s for many patients. Although the life expectancy of a person with Sickle Cell Disease is severely limited, researchers are hopeful that in less than two decades, Sickle Cell Disease may join the ranks of chronic illnesses that, when properly treated, do not interfere with the activity, growth, or mental development of affected children.

I am glad to be able to recognize the Texas Children's Sickle Cell Center for serving over 900 children in the state of Texas and having one of the largest educational programs in the country. The Texas Children's Sickle Cell Center offers comprehensive family-centered care for children with sickle cell disease. The center provides treatment for all aspects of sickle cell disease, offering patient care, education, screening and counseling for afflicted patients and their families. The Sickle Cell Center offers access to new drug therapies for sickle cell disease and its complications. The staff works closely with the neuropsychology, neuroradiology, cardiology and pulmonary departments in order to better understand the pathophysiology and to develop treatment options. I believe we need more facilities like the Texas Children's Sickle Cell Center in order to not only treat those with the disease, but offer services and educational programs to the family as well.

Mr. Speaker, I urge my colleagues in this Congress to recognize the importance of researching, preventing, and treating Sickle Cell Disease by authorizing treatment centers to provide medical intervention, education, and other services and by permitting the Medicaid program to cover some primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease. Fur-

thermore, I hope that my colleagues will support designating September as Sickle Cell Disease Awareness Month in order to educate communities across the Nation about sickle cell and the need for research funding, early detection methods, effective treatments, and prevention programs.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of H. Con. Res. 186, "Supporting the goals and ideals of Sickle Cell Disease Awareness Month."

Sickle cell disease is an inherited blood disorder that affects nearly 100,000 Americans. This disease causes red blood cells to mutate and deliver less oxygen to the body. Numerous medical complications result including bone pain, fatigue, fever, jaundice, chest pain, rapid heart rate and ulcers. Most people afflicted with the disease also suffer painful episodes called vaso-occlusive crises, which vary in frequency and severity. Ultimately, this disease limits a person's average life span to just 45 years.

In the United States, while 1 in 1,000 infants are born with the disease, the rate of disease for African-American infants is 1 in 500. The sickle cell disease gene is carried by 2,000,000 Americans, yet this number is 1 in 12 within the African-American community. If both parents of a child have sickle cell, there is a 1 in 4 chance that their child will inherit the disease. Millions of people world-wide suffer from sickle cell disease, and those of African and Caribbean ancestry are primarily affected.

Despite these devastating statistics, a cure has not been found. Researchers are hopeful that if sickle cell disease is properly treated and diagnosed early, it will not interfere with the growth and mental development of afflicted children. Educating our communities about this disease will enable researchers and advocacy organizations to develop effective treatments and ultimately a cure.

I thank Congressman DANNY K. DAVIS for introducing this legislation and look forward to working with my colleagues to raise awareness of sickle cell disease.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H. Con. Res. 186, Supporting the Goals and Ideals of Sickle Cell Disease Awareness Month. Mr. Speaker, the State of Georgia has over 7,000 individuals, from diverse backgrounds, many of whom are my constituents living in DeKalb County, living with sickle cell anemia. I have tirelessly advocated on their behalf to support the Georgia Comprehensive sickle cell center, which is located at nearby Grady Hospital. While sickle cell anemia is found in more diagnosed at a higher rate among African Americans and Latinos, it has also found among people of Greek, Turkish, and Saudi Arabian descent. I strongly support H. Con. Res. 186 and I urge my colleagues to support this important resolution.

Sickle cell anemia is a major health problem that affects millions of people worldwide. More than 70,000 people in the United States have inherited sickle cell anemia, while more than 2 million carry the sickle cell trait, including 1 in 12 African-Americans. There is a 25 percent chance that parents carrying the Sickle Cell trait will pass the disease onto a child. This chronic disease deserves our attention and I

applaud the efforts of this Congress to ensure that mire is done.

While there is no widely available cure, the goal of sickle cell disease management is to alleviate the painful symptoms associated with the disease, including gallstones, strokes, tissue, liver, and spleen damage. There has been a glimmer of hope for a small number of those infected; bone marrow transplants have proven to be a successful treatment for the disease. Over the past 30 years, advances in advocacy and awareness, and improvements in medicine have led to increases in early diagnoses, improved disease management, and longer life spans for individuals diagnosed with sickle cell anemia.

It is my hope that in the near future, we can develop a cure for this chronic illness, and ensure that people living with Sickle Cell Anemia live full, productive lives.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of House Concurrent Resolution 186 to recognize the goals and ideals of Sickle Cell Disease Awareness Month.

As we all know, sickle cell disease is a genetic blood disorder that affects tens of thousands of individuals here in the United States and countless others across the globe. Within our country, it is particularly prevalent in the African-American community, and I believe we must continue to fight and research this disease in order to create a happier and healthier life for those who suffer from it, both at home and abroad.

In my district in Dallas, we are doing extraordinary things to combat sickle cell disease. At the UT Southwestern Medical Center, we have one of the leading research groups that studies this disease, and in recent years they have accomplished numerous breakthroughs in sickle cell research. Under the leadership of Dr. George Buchanan, the Sickle Cell Center has recently published an important paper which clarifies how to predict the severity of sickle cell disease in young people much more accurately than previously accepted predictors. Additionally, the center has developed a clinic that caters specifically to adult patients who are now living with the disease well into adulthood. These advances in sickle cell research are crucial blocks in the foundation of our understanding of this painful and destructive disease.

I applaud the goals and ideals of Sickle Cell Disease Awareness Month, and I encourage my colleagues to join me and support this resolution to educate people about the need for early detection methods, effective treatments, and research funding for sickle cell disease.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 186.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

# CONGRATULATING LITTLE LEAGUE WORLD SERIES CHAMPION CHULA VISTA PARK VIEW

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 725) congratulating the Chula Vista Park View Little League team of Chula Vista, California, for winning the 2009 Little League World Series Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 725

Whereas on Sunday, August 30, 2009, the Chula Vista Park View Little League Baseball Team from Chula Vista, California, rallied to defeat the Taoyuan, Taiwan (Chinese Taipei) Little League Team by a score of 6 to 3 to win the 2009 Little League World Series Championship at South Williamsport, Pennsylvania;

Whereas Chula Vista Park View is in its 41st season of playing little league baseball and is the fourth team from San Diego County to play in the Little League World Series championship game;

Whereas the 2009 Chula Vista Park View Little League World Championship Team consists of players Isaiah Armenta, Oscar Castro, Jr., Nick Conlin, Kiko Garcia, Bulla Graft, Seth Godfrey, Markus Melin, Jensen Petersen, Daniel Porras, Jr., Luke Ramirez, Andy Rios, and Bradley Roberto;

Whereas the 2009 Chula Vista Park View Little League World Championship Team is led by Manager Oscar Castro, Coach Ric Ramirez, and Park View Little League President Rod Roberto;

Whereas the Chula Vista Park View Little League team was successful because of solid coaching and execution of fundamentals and discipline;

Whereas the fans of the Chula Vista Park View Little League team showed enthusiasm, support, and courtesy for the game of baseball and all of the players and coaches;

Whereas the performance of the Chula Vista Park View Little League team demonstrated to parents and communities throughout the United States that athletic participation builds character and leadership in children; and

Whereas the achievement of the Chula Vista Park View Little League Baseball Team is the cause of enormous pride for the Nation, the State of California, and especially for the city of Chula Vista: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the Chula Vista Park View Little League Baseball Team from Chula Vista, California, on winning the 2009 Little League World Series Championship;

(2) recognizes and commends the hard work, dedication, determination, and commitment to excellence of the members, parents, coaches, and managers of the Chula Vista Park View Little League team;

(3) recognizes and commends the people of Chula Vista, California, for the outstanding loyalty and support that they displayed for the Chula Vista Park View Little League team throughout the season; and

(4) respectfully requests that the Clerk of the House transmit an enrolled copy of this resolution to the City of Chula Vista and each player, manager, and coach of the Chula Vista Park View Little League Baseball Team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

## GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield 5 minutes to the lead sponsor of this resolution, the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. LYNCH, I thank you. I thank Chairman TOWNS and the Speaker for getting us this resolution so quickly.

We celebrate today and congratulate the Chula Vista Park View Little League team for winning the 2009 Little League World Series.

I will tell you, Mr. Speaker, for several weeks last month, our whole region, the San Diego region and the city of Chula Vista in particular, was enthralled by these 12 young men on the little league team who managed to win victory after victory, some with dramatic comebacks from behind.

They hit home runs whether they were 5 foot 1 or 6 foot 2 and, in fact, set the little league world series record for number of home runs. Their defensive play was incredible, making some fantastic double plays that were worthy of the Major Leagues.

Running the bases or just cheering on the team, every one of these 12 young men played a very important role, and our whole region was enthralled by them.

So we want to thank Isaiah, Oscar, Nick, Kiko, Garcia, Bulla, Seth, Markus, Jensen, Daniel, Luke, Andy, and Bradley for their incredible play in this World Series. The manager, Oscar Castro; the coach, Ric Ramirez; and the little league president, Rod Roberto, were key figures, of course, in this incredible victory.

These young men were dubbed the Blue Bombers. Their final victory was over Taipei in a 6-3 victory. They come from behind in that one, too.

They displayed the success that solid coaching brings and the execution of the fundamentals that little league stresses. Again, the whole region was thrilled by their performance—playing with poise, with class, with sportsmanship. They even invited the Chinese Taipei team to join them on their victory lap around the field at Williamsport to show their own incredible team spirit and sportsmanship.

Chula Vista is a city hard hit by foreclosures and the national recession. It often feels overshadowed by the bigger

city of San Diego and affluent suburbs further north, so this victory was particularly sweet for the city of Chula Vista. It helped us all through some tough times. When our professional teams in the area were losing, the little league team was, in fact, victorious.

□ 1530

So all of us here today commend the hard work, dedication and determination of the members, the parents who came out always to support them and were with them the whole way, their coaches, their managers, and the community itself for the outstanding loyalty and support that they displayed to the team throughout the whole season. The welcome home ceremony was attended by 12,000 people in the stadium.

So I thank the House. I thank the Speaker. I thank Mr. LYNCH and Chairman TOWNS for joining me in congratulating and honoring the Chula Vista Park View Little League team for winning the 2009 World Championship game of the Little League World Series. I urge my colleagues to support the resolution.

Mr. TURNER. Mr. Speaker, I yield myself as much time as I may consume.

I rise today to urge passage of the resolution, to congratulate the Chula Vista Park View Little League team of Chula Vista, California, for winning the 2009 Little League World Series championship. The players kept their sights high, even after falling behind by three runs early in the game. Through their perseverance, the players were able to come through with the win by a score of 6-3.

"We knew we could come back," said 13-year-old Kiko Garcia. "We always do." The fantastic attitude of these players definitely helped them in achieving victory. There were many notable achievements on the field, including Bulla Graft's single, which scored the go-ahead run in the fourth inning, and Kiko Garcia pitched three-plus scoreless innings of relief to lead the team to victory.

The amazing attitude and determination of the Chula Vista Little League team is not unique to this championship game. It is something that they have learned through hundreds of hours of practice and previous games played. Our Nation should be proud of the great sportsmanship displayed by the players, coaches and fans of the Chula Vista Park View Little League team.

After the win, the Chula Vista players invited the Taipei team players to join them in a victory lap around the stadium. These young men should be proud of the way they played the game of baseball, even more, the way that they represented their country.

It is for these reasons that I rise today to honor the Chula Vista Park View Little League team of Chula



Vista, California, for winning the 2009 Little League World Series championship.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to support House Resolution 725 for consideration. This resolution congratulates the Chula Vista Park View Little League team of Chula Vista, California, for winning the 2009 Little League World Series championship. The measure before us was introduced on September 9 by my colleague and friend, Representative BOB FILNER of California, and it was favorably reported out of the Oversight Committee on September 24 by unanimous consent. Notably, this measure enjoys the support of over 50 Members of Congress.

Mr. Speaker, House Resolution 725 applauds the Chula Vista Park View Little League baseball team's Little League World Series championship run. Led by Coach Ric Ramirez and Manager Oscar Castro, this group of young men clinched the sixth Little League World Series title for the State of California and extended America's Little League World Series championship streak to 5 years.

In the championship game, the California club overcame a three-run deficit to beat a formidable team from Taipei, China, 6-3. These young men demonstrated the type of teamwork, camaraderie and never-say-never spirit necessary to succeed in all facets of life. I wish them the best in their future endeavors, and I hope if any pursue a career in baseball, they find their way to my beloved Red Sox.

I also want to applaud the Little League World Series organizers for orchestrating another successful tournament. The Little League World Series was first held in 1947, and although only American teams competed in the inaugural tournament, today the competition is a truly international event, welcoming teams from Canada, the Caribbean, Latin America, Asia, Europe, the Middle East and Africa.

In closing, let us, as a body, applaud the Chula Vista Park View Little League baseball team for their hard work and success and congratulate the organizers of the Little League World Series for helping to instill the indispensable values of teamwork, sportsmanship, and dedication in today's youth. I encourage all of my colleagues to support this measure.

I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I urge all Members to support the passage of H. Res. 725.

I yield back the balance of my time.

Mr. LYNCH. I thank my colleague for his remarks. I want to ask all of our colleagues on both sides of the aisle to join with Mr. FILNER of California, the

lead sponsor of this measure, to congratulate the Chula Vista Park View Little League team by agreeing to House Resolution 725.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 725.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONSTITUTION DAY

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 734) expressing the support for and honoring September 17, 2009 as "Constitution Day," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 734

Whereas the Constitution of the United States was signed on September 17, 1787, by 39 delegates from 12 States;

Whereas the Constitution was subsequently ratified by each of the original 13 States;

Whereas the Constitution was drafted in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for the citizens of the United States;

Whereas the Constitution has provided the means and structure for this Nation and its citizens that is unparalleled by any other country;

Whereas the Constitution's contributions to the welfare of the human race reach far beyond the borders of the United States;

Whereas the House of Representatives continues to strive to preserve and strengthen the values and rights bestowed by the Constitution upon the United States and its citizens;

Whereas the Constitution is recognized by many to be the most significant and important document in history for establishing freedom and justice through democracy;

Whereas the Constitution deserves the recognition, respect, and reverence of all people in the United States;

Whereas every person in the United States should celebrate the freedom and responsibilities of the Constitution;

Whereas the preservation of such values and rights in the hearts and minds of United States citizens would be advanced by official recognition of the signing of the Constitution; and

Whereas September 17, 2009, is designated as "Constitution Day": Now, therefore, be it Resolved, That the House of Representatives—

(1) expresses support for the goals and ideals of "Constitution Day"; and

(2) calls upon the people of the United States to observe the day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Massachusetts (Mr. LYNCH) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Oversight Committee, I now present House Resolution 734 for consideration. This resolution expresses support for the goals and ideals embodied in Constitution Day. House Resolution 734 was introduced on September 10, 2009, by my colleague, Representative ROBERT LATTA of Ohio, and favorably reported out of the Oversight Committee on September 24, 2009. In addition, this resolution enjoys the support of over 60 Members of Congress.

Mr. Speaker, House Resolution 734 expresses our support for Constitution Day, which is routinely celebrated on September 17. Eleven years after the signing of the Declaration of Independence, 55 delegates from the first American States came together in Philadelphia, Pennsylvania, to create a Constitution for a Federal Republic. After much hard work and careful deliberation, the Constitution of the United States was signed on September 17, 1787, by 39 delegates from 12 States.

As the supreme law of the United States, the Constitution provides the basic structure for the organization of the American Government. It is no exaggeration to say that the United States Constitution is one of the most important documents in history, often referred to as a living document. This framework from our representative and democratic system of government has served the American people for over 200 years, making it the oldest Federal Constitution still in use in the world. With its separation of powers, its checks and balances and preservation of rights, the Constitution is a worthy example to burgeoning democracies everywhere.

Furthermore, the values and principles it enshrines continue to be central to our Nation's identity. I am sure my colleagues share my pride in serving, protecting, and defending the United States Constitution, and I am pleased that we are taking the opportunity today to honor this most treasured document of our democracy.

Mr. Speaker, I urge my colleagues to join me in supporting House Resolution 734.

I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield as much time as he may consume to my



distinguished colleague from the State of Ohio, the author of H. Res. 734, Mr. LATTA.

Mr. LATTA. I thank my colleague.

Mr. Speaker, I rise today in support of House Resolution 734, which I introduced on September 10, honoring and supporting Constitution Day. I have always been grateful that so many of our country's greatest leaders and statesmen were able to be on Earth at the same time and place to draft the Constitution. Within this document are the fundamental principles of the American system of liberty. Our Constitution has been that beacon upon the hill, that guiding star at night in that shining city that millions of people around the world have long been guided by within their own countries.

The Constitution took 4 hard, acrimonious months from May to September 1787 to actually bring it to fruition through their hard labor. Again, the citizens that attended the convention in Philadelphia were some of our greatest leaders and scholars of government and history: Madison, Franklin, Hamilton, Morris, and Washington. Many different ideas were brought to the convention. Were they only empowered to amend the Articles of Confederation? There is great debate about that. Could they go farther and start from scratch? Many a discussion was held in Philadelphia's boarding houses and taverns.

These members began debates on creating three branches of government: legislative, executive, and judicial. James Madison, the Father of our Constitution, was one of the first to arrive in Philadelphia, and he brought with him his specifically researched ideas while others had theirs. You know, it turned out to be a very hot summer that year. There was no air conditioning. Secrecy was enforced. The proceedings mandated that all windows and doors be shut. Tempers flared, but through it all they worked because these men knew that they were creating a document that would be there for a Nation and for the ages.

The birth of a new Nation was being watched by the powers around the world. As mentioned, 55 delegates attended the Constitution Convention with 39 of them signing the document. What emerged was a document containing 4,400 words. The story goes that when asked what kind of new government was formed, Benjamin Franklin replied, "A Republic, if you can keep it." The Constitution is both the oldest and shortest written constitution of any form of government in the world.

Again, personally I marvel at what these individuals did and what they could accomplish in 4 months. Today, citizens should look to guidance from our Forefathers. All Americans should read this great document because, since the Constitution's ratification, it has been the framework for our great

Nation. Not only did great men bring forth great ideas, but for 222 years, this great experiment that we call America has been paid for by hundreds of thousands of lives, the lives of our brave military men and women. Let the living always remember to give thanks to our honored dead, who have paid the ultimate sacrifice that the Constitution of the United States remains our guiding light.

Too few citizens today have read this important document and understand its importance. It is short, and it should be learned, and it should be studied. The preamble of our document states that "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." The words "We the People" affirm that any power of the Federal Government is given to by the people of this great land, and we in Congress must always remember that.

Mr. LYNCH. Mr. Speaker, we have no further speakers at this time, and I continue to reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I urge Members to support the passage of H. Res. 734, and I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in support of House Resolution 734, which expresses support for and honors September 17, 2009, as "Constitution Day." September 17 is the day that our United States Constitution was signed in 1787, by 39 delegates from 12 States, including from Connecticut, Samuel Huntington, Oliver Wolcott, and Roger Sherman, whose statue resides in the crypt of this Capitol building.

My home State of Connecticut has a strong and proud connection to the founding principles and documents of this country. Roger Sherman was the only man to sign the Articles of Association, the Declaration of Independence, the Articles of Confederation, and the Constitution. Connecticut itself is known as the Constitution State, for its enactment of the Fundamental Orders of Connecticut, the first written constitution of its kind.

The Fundamental Orders of Connecticut was adopted by the Connecticut Colony in 1639 and established a government for the Connecticut Colony, based on the yearly election of a governor and six magistrates, two from each town in the colony. These officials were chosen by the count of a written vote, and all freedmen who resided in the colony and had taken an oath of fidelity were eligible to cast their vote.

The Fundamental Orders established limits on the powers of government, emphasizing the power of the people to elect their leaders and act against them should those leaders ignore their concerns. Further, it defined the operating procedures of a government established by the people, of the people, and for

the people, ensuring each elected magistrate a vote in matters of governance, and the governor a vote only in the event of a tie.

Many of the principles in the eleven sections of the Fundamental Orders of Connecticut later were echoed in the familiar cadences of our great Constitution, which continues to represent the American ideal of a government consisting of a body of officials elected by the people to serve in their best interests.

It was Roger Sherman's "Connecticut Compromise," made during the Philadelphia Convention of 1787, which ensured fair representation for large and small States in the bicameral legislature which defines our body of Congress.

As a high school history teacher, I had the privilege of studying, learning, and teaching the Constitution. It is the innovation and undiminished endurance of the ideals of our Constitution for which I rise in support of House Resolution 734 to express support for and honor September 17, 2009, as "Constitution Day."

Mr. LYNCH. Mr. Speaker, I thank my colleagues for their remarks and support of this resolution. I urge them to support Mr. LATTA and his lead sponsorship of this resolution in support of the goals and ideals of Constitution Day, and I urge my colleagues to join me in supporting House Resolution 734.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 734, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution expressing support for the goals and ideals of 'Constitution Day'."

A motion to reconsider was laid on the table.

□ 1545

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,

Washington, DC, September 29, 2009.

Hon. NANCY PELOSI,  
*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 29, 2009, at 11:06 a.m.:

That the Senate passed with an amendment H.R. 3614.

That the Senate passed S. 1717.

That the Senate passed with an amendment; requests a conference with the House of Representatives and appointed conferees H.R. 2996.

With best wishes, I am  
Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### SMALL BUSINESS ADMINISTRATION EXTENSION

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3614) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:  
Strike sections 2 and 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

#### GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

The legislation before us will ensure that a number of Small Business Administration programs can continue operating through the end of October. The House and the Senate have been working diligently on a comprehensive reauthorization of the SBA's programs. However, as we approach the deadline for when these programs will otherwise expire, this bill is necessary to keep the agency's programs running.

Some minor changes to the programs, which were contained in the extension that the House passed last week, are not in this measure. Although the Senate chose not to address these matters at this time, there is widespread support for these measures. I am hopeful that we can revisit those changes soon in future legislation.

In coming weeks the Small Business Committee will continue working with our Senate counterparts to modernize the SBA's programs, some of which have not been updated in 10 years. While we continue our work, this bill will allow the SBA's programs to continue operating and serving entrepreneurs.

I urge my colleagues to vote "yes."

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the chairwoman's request to suspend the rules and pass H.R. 3614, as amended. The bill extends until October 31, 2009, the authorization of all programs authorized by the Small Business Act, the Small Business Investment Act, and any program operated by the Small Business Administration for which Congress has already appropriated funds.

While the goal is to pass comprehensive legislation reauthorizing the SBA for a longer period, this short-term extension ensures that these programs will remain available to small businesses across the country.

Without enactment of this extension, a number of essential programs that the SBA operates would cease to function. Given the importance that small businesses play and will continue to play in the revitalization of the American economy, we cannot allow the SBA authorizations to run out.

Enactment of this legislation will enable the House and Senate to continue to work in a diligent manner to address necessary changes to SBA programs.

I urge all of my colleagues to suspend the rules and pass H.R. 3614.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in support of H.R. 3614 and specifically those provisions which extend the SBIR and STTR programs.

Small businesses grow our economy and they innovate. The SBIR and STTR programs help small companies develop cutting-edge technologies for the marketplace.

However, these programs will expire at the end of this month, and H.R. 3614 temporarily extends the authorization of these programs while we work to finalize reauthorization efforts.

Both the House and the Senate passed legislation earlier this year to reauthorize SBIR and STTR. We have been working to find those areas of common ground on areas where we disagree, and while we have yet to reach a final agreement, we all have the same goal: to reauthorize important programs which drive our economy and drive job creation.

SBIR is a program for small business, and it is also an innovation program. It can and should serve both policy purposes. It should not be a stalking horse for Big Business nor should it become the preserve of only some small businesses while shutting out other small businesses who are frequently very good innovators in and of themselves.

We need to find the common ground that serves these policy objectives and serve them well for the good of our Nation, our economy, and job creation.

With that, I want to recognize the very good work of Chairwoman VELÁZQUEZ in this arena.

Mr. TURNER. Again, I urge all Members to support the passage of H.R. 3614.

Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3614.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1802

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 6 o'clock and 2 minutes p.m.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. DELAURO. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. KINGSTON. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Kingston moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2997 be instructed to not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule

XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Georgia (Mr. KINGSTON) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume. I also want to thank the chairwoman of the Subcommittee on Agriculture, Ms. DELAURO. I have enjoyed working with her throughout this process. We've had a very good debate, we've had a number of good productive hearings, and we've had a lot of good discussions outside the scope of the hearings that have been helpful. So we have been, I would say, moving the ball forward in good communication.

One of the things, though, that Members of Congress need that are not on this committee is time to read bills. And this was really brought to our attention by Mr. BAIRD of Oregon who introduced a bill earlier this session that said that a health care bill should lay on the table for 72 hours.

To underscore this, I think back at the TARP bill that we had almost a year ago in November last year. And what happened during that bill, as we remember, Secretary Paulson was in a rush to do something big and bold, I think those were his exact words, something significant to send a signal to the Wall Street markets that the Federal Government was going to stand behind their financial travails.

And I remember at one particular point posting that bill on my Web site on a Sunday night which was the weekend that we were in Washington and people back home were calling, but they couldn't get any information. And we put it on our Web site as soon as it was available, which I think was about 10 p.m. at night. By the morning, I was flooded by the number of constituents who had already read that bill who appreciated the bill being put on the Web site.

I think also about the cap-and-trade bill, which was not a very popular bill. Indeed, it hasn't passed the Senate because of the public outcry on it. But during the time in the House, the way the Democratic majority passed the bill was through the usual system which we, both parties, use around here called "arm twisting" and sometimes sweetening the pot of the bill. And in that case, the cap-and-trade bill was actually being renegotiated, I believe, at 3 in the morning when the House was convening at 9 a.m.

Now, I was sleeping, and I would suggest that 435 Members of the House were probably sleeping. Maybe a hand-

ful of Members were still awake. Maybe they were in the Speaker's office having their arms twisted. And maybe they said, In exchange for my vote, I would like to see some language that's put in the bill. I don't know what happened, Mr. Speaker. But what I do know is that bill was amended. At 3 in the morning, there were things that were put in that bill.

I think because of that, Mr. BAIRD, a Democrat from Oregon, has reacted and said we need to make sure. Because Democrats and Republicans have been guilty of last-minute bill changing and last-minute arm twisting, let's put the bill out on the Web site. Let's lay it out on the table for 72 hours so that everybody has an opportunity to read about it.

I think in this case the sunshine is always helpful. I think in this bill I believe I know what's in this bill. I feel very comfortable about this bill, voting for it, and I think most members of the subcommittee and the Appropriations Committee will. But I will also say that Members who are not on the Appropriations Committee, who always kind of jump on us for doing things behind the scenes, they would benefit by having the bill out on the table. I know I would have benefited from the Energy and Commerce Committee having the cap-and-trade bill out on the table for 72 hours.

So what we are asking in this amendment is that Members have time to read bills by putting it on the table for 72 hours. That's all that this motion does.

I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield myself as much time as I may consume.

I, too, want to compliment my colleague, friend and ranking member, Mr. KINGSTON. I think we have worked together on a bipartisan basis with regard to this piece of legislation, and I think we both feel that we've had sufficient input and we have come through this with identifying the needs that this Agriculture appropriation bill focuses on, the needs of the people who rely on this piece of legislation. And we've had a very thorough examination. We've had hearings, not only with regard to the budget processes, but as well external to that on issues that impact a rural community, people who care about conservation, people who care about nutrition, people who care about research in these areas. So, again, I think that within the subcommittee, we have had a very, both at a member level, and at a staff level, a very, very close-knit effort.

I might also say that in translating that as well to the conference with the Senate, that Members were engaged in that process as well as staff for several weeks as we tried to meld the two views together so that it was a thorough examination of all of the issues

that are there, and that we could come to some common resolve about it. So I think we can feel good about both the work done at the subcommittee level in the House and our work with the Senate on this conference report.

Now, I think we have some specific time constraints, which I wish we didn't, but we are guided by a September 30 deadline in terms of being able to pass a bill and what happens if that doesn't happen with an appropriation bill. There is that time constraint, but in addition, and the fiscal year coming to an end, if you will, tomorrow, which would then, with this motion to instruct would really tie the hands of the managers, of the conferees, in trying to be able to move forward given the weeks that have gone into producing the conference report.

Also, the time constraints in this institution which have to do with, and it's none of our doing, we were not in session yesterday with regard to a holiday. We come back, we are in session today, we have other constraints when people are coming and going, so that you're looking at time is of the essence in trying to pass legislation. Particularly, I might add, what we are trying to do is to keep the bills moving, appropriations bills moving, because we know what that means in terms of that fiscal year deadline. And we want to try to get bills passed into law without delay.

I know that there has been talk of 48 hours; now I understand this is 72 hours. I think that I want to, if I can say it this way, responsibly oppose my colleague's motion to instruct. I don't know if we can meet that deadline, but I also do believe fundamentally that we have, in fact, had a thorough examination of all the issues that are in this appropriations bill and in the conference bill that I think we can take to our colleagues who as well have been following what is going on because they have specific and particular interests in what this bill means for them.

I'm someone who agrees that we need to look at bills, read them, understand them, et cetera. And I honestly do believe that on this piece of legislation we have that kind of understanding.

With that, if I may, I would like to yield such time as he may consume to my colleague, the chairman of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentlewoman for the time. Let me say this is a very interesting institution, and we have all kinds of demands placed upon it which are often contradictory. Example: many a Member in this Chamber will loudly request that we limit earmarks.

□ 1815

And then they will also ask when we go into conference that their own earmarks be funded at the highest possible level. I've had two Members of the

House talk to me just today about those matters. Didn't seem to be at all bothered by the conflict in what they're asking.

We have people who say these bills should be available for 72 hours before we vote on them, but some of those same people will not want the House to meet on Monday and they will not want the House to meet on Friday. And if that's the case, then that means that this bill, for instance, even if it is conferenced tomorrow could not be voted on any day in the remainder of the week.

We have people who want us to push these bills through before the end of the fiscal year, and yet, when we say, Well, can you go to conference at 8 o'clock tomorrow morning, we were just told today, no, they couldn't; can you go to conference at 9 o'clock, no, they can't; and then when we talk to the Members of the other body and say can you go to conference at 11 o'clock tomorrow, no, we can only go to conference at 2, if it's in the afternoon.

So anyone managing a bill, as the gentlewoman from Connecticut is going to have to manage this one, is faced with all kinds of conflicting demands from Members who seem to be almost unconscious about the fact that their demands, in fact, are conflicting. And all I can say as chairman of the committee is we will try to give Members the maximum time possible to review the bills, consistent with our obligation to get the work done.

So I think if anyone is concerned about a specific item in the bill, I'm sure the gentlewoman and I'm sure the gentleman from Georgia will be willing to walk them through what the committee has in mind.

But in the end, I would simply—I'm not going to vote for this motion because I can't with a straight face both promise to make these bills available for 72 hours and meet all of the other conflicting demands that Members of the House are making. We've got an obligation to try to balance those requirements, and we will do that to the best of our ability. And in the end, I think we will have reasonable bills, and we will let the public be the judge of just how reasonable they are.

I thank the gentlewoman for the time.

Mr. KINGSTON. I yield myself such time as may consume.

I want to say this, as my friends on the Appropriations Committee know on the other side, that this concern really is far beyond this bill. I do believe this process, particularly on the subcommittee, has been open and that Members on our side of the aisle have had plenty of time to read it.

However, I know there are Members who are not on the Appropriations Committee who are constantly criticizing our committee for doing things, and I believe that they do deserve the

time to view the bill. It is a \$23 billion bill in terms of the discretionary spending and I think around \$80 billion for the nondiscretionary spending. So \$100 billion is probably worth 3 days of scrutiny.

Yet, I think what's really more concerning is because the process of appropriations has gone through regular order—and I think the gentleman from Wisconsin and the gentlewoman from Connecticut have done a great job of being open to all members of the committee and all Members of the House on it—other bills which have been significant, which have not gone through our committee, did not have the sunshine of this bill or the sunshine of some of the other bills.

And so a lot of the things that are concerning the constituents back home right now—and I think that Mr. BAIRD from Oregon has picked up on—is that people are thinking about the stimulus bill, \$787 billion. And I know that the gentleman from Wisconsin had hearings in December on that, and we were appreciative of it, but a lot of the Members of the House did not have the opportunity to read that bill and scrutinize it as much as they would like to. And then the most recent one was the cap-and-trade bill, which Members were aware was getting amended at 3 a.m. and we were supposed to vote on it the next day. We convened 6 hours later at 9 a.m.

Now, we also have out there in the realm of possibilities a massive health care bill, a bill that the CBO has scored at \$1.29 trillion, and our constituents are very concerned. In fact, I've never seen a petition like this before, but there's actually been a petition sent up to Members of Congress saying, Will you agree to read the bill before you vote on it? And I think that's a fair request by our constituents, the minimum bid, for Members of Congress, to read the bill.

And I think that the Appropriations Committee can lead by example on this by allowing 72 hours, but I think there are also concerns, you know, perhaps this should be regularly part of the process when we have a large spending bill. This one's \$100 billion; again, the health care bill is \$1.29 trillion. People deserve the opportunity to look at it.

Now, I also know, having served in the majority, how difficult it is to manage a bill in a House with 435 independent contractors and conflicting schedules, and then you go to the really hard job and that's the other body, and sometimes it's difficult to get everybody just in the room at the same time. But that's why we passed last week in the House a continuing resolution, which actually builds in some time now, that we will have—should the other body pass that this week, we will have until October 30 to pass these bills. So the 72 hours won't put in jeopardy any of the funding levels or force

the government to go back on some money or scramble around. So we do have until October 30, but there certainly would be no reason to wait that long. We're just asking for 72 hours.

And we feel very strongly about this. We have done this already on the energy and water bill, and I think that we're just concerned about spending, Mr. Speaker.

That's kind of what this bill boils down to, and again, it goes well beyond the Appropriations Committee and certainly beyond this bill, but we are hearing from the folks back home, and I represent Georgia. Mr. BAIRD represents Oregon. I share his concern. We have a discharge petition on his bill trying to get it on the floor of the House right now. I don't know if it's bipartisan, but 160 Members have already signed that discharge petition expressing concern to have more time to read bills once they are out of the conference committee.

I reserve the balance of my time. We do not have any other speakers on this side, so if my colleague is ready to yield back, I would be, too.

Ms. DELAURO. I thank the gentleman, and I would just, with the remaining few comments, because I think that we have had this conversation, discussion, about it, focus my attention on this particular piece of legislation, and I understand the gentleman is talking about other areas.

But I think that this is particularly and maybe unique in the sense of the kinds of efforts that have gone into making this a very open process, a process where people are knowledgeable about what they're doing and how they're doing it and what kinds of input have gone in. And again, there are not too many folks around here, whether they're from north, south, east or west, and the folks from the Northeast who care about animal and plant disease. There are folks in the west coast, east coast that care about dairy. There are people who have expressed their views who are on the committee, off the committee with regard to our settling the issue of the Chinese poultry. So I think everyone has had a very adequate amount of time to look at this and to be able to reflect on it so that they can come to a conclusion.

Let me just ask the gentleman if he does have any more speakers?

Mr. KINGSTON. No, I do not have any speakers, and I'm ready to yield back the balance of my time.

Ms. DELAURO. As am I.

Mr. KINGSTON. With the exception that I have been admonished that, as I was looking at the Speaker from Oregon, I was thinking Oregon. Mr. BAIRD is from Washington, and so I'm asking for forgiveness from Mr. BAIRD. And they're both great States, of course, and I just want to make sure that's a matter of record.

I yield back the balance of my time.

Ms. DELAURO. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KINGSTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE,

Washington, DC, September 29, 2009.

Hon. NANCY PELOSI,  
Speaker of the House, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER, on September 24, 2009, the Committee on Transportation and Infrastructure met in open session to consider 11 resolutions to authorize appropriations for the General Services Administration's (GSA) FY 2010 Capital Investment and Leasing Program, including six construction resolutions (authorizing \$302.6 million) and five repair and alteration resolutions (authorizing \$510.4 million). The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on September 24, 2009.

Sincerely,

JAMES L. OBERSTAR, M.C.

Chairman.

Enclosures.

#### ALTERATION ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM VARIOUS BUILDINGS—PEW-2010

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to implement energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2010, at a proposed cost of \$20,000,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

#### PROGRAM SUMMARY

This alteration prospectus proposes the implementation of energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2010. Projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size, by location, and by delivery method. This prospectus requests authority to fund energy and water retrofit work. The authority requested in this prospectus is for a diverse set of retrofit projects with engineering solutions to reduce energy or water consumption and/or costs.

#### JUSTIFICATION

The Energy Policy Act of 2005 (Public Law 109-58) required a 2% energy usage reduction as measured in BTU/GSF per year from 2006 through 2015 over a 2003 baseline. Additionally, this act sets a mandate to install advanced meters for electricity in all buildings by 2012. Guidance issued by the Department of Energy pursuant to this requirement states that savings anticipated from advanced metering can range from 2% to 45% annually when used in combination with continuous commissioning efforts. Executive Order 13423 on Strengthening Environmental, Energy and Transportation Management was, concerning energy consumption reduction, incorporated into law as the energy independence and Security Act of 2007. The Executive Order also established a water reduction mandate of 2% per year based on a 2007 baseline as measured in gallons/gsf.

By the year 2015, all Federal agencies are directed to reduce overall energy use in federally operated buildings they operate by 30 percent from 2003 levels and reduce overall water use by 16 percent from 2007 levels. Increased energy and water efficiency in buildings and operations will require capital investment for changes and modifications to physical systems which consume energy and water.

In addition, the Energy Independence and Security Act of 2007 included provisions that exceed the requirements of the Energy Policy Act of 2005. One such long-term requirement is to eliminate fossil fuel-generated energy consumption in new and renovated Federal buildings by FY 2030 by achieving targeted reductions beginning with projects designed in FY 2010. Other shorter-term measures include increasing the use of solar hot water heating (to 30%); installation of advanced meters for water and gas (previously only electricity was covered); and broader application of energy efficiency in all major renovations. Approval of this FY 2010 request will enable GSA to continue to provide leadership in energy/water conservation and efficiency to both the public and private sectors.

#### AUTHORIZATION REQUESTED—\$20,000,000

Potential projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size by location and by delivery method. Typical projects include the following:

Upgrading heating, ventilating, and air-conditioning (HVAC) systems with new high

efficiency systems including the installation of energy management control systems.

Altering constant volume air distribution systems to variable air flow systems by the addition of variable air flow boxes, fan volume control dampers, and related climatic controls.

Installing building automation control systems, such as night setback thermostats and time clocks, to control HVAC systems.

Installing automatic occupancy light controls, lighting fixture modifications and associated wiring to reduce the electrical consumption per square foot through the use of higher efficiency lamps and use of non-uniform task lighting design.

Installing new or modifying existing temperature control systems.

Replacing electrical motors with multi-speed or variable-speed motors.

Insulating roofs, pipes, HVAC duct work, and mechanical equipment.

Installing and caulking storm windows and doors to prevent the passage of air and moisture through the building envelope.

Providing advanced metering projects which enable building managers to better monitor and optimize energy performance.

Providing and implementing water conservation projects.

Providing renewable projects including photovoltaic systems, solar hot water systems, and wind turbines.

Providing distributed generation systems.

#### CERTIFICATION OF NEED

It has been determined that the practical solution to achieving the identified building energy and water management goals is to proceed with the energy and water retrofit work indicated above.

Submitted at Washington, DC, on June 11, 2009.

Recommended:— —, Acting Commissioner, Public Building Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

#### DESIGN/ALTERATION—HIGH PERFORMANCE ENERGY PROJECTS—ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—VARIOUS BUILDINGS—PEISA-2010

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for implementation of high performance energy projects and conservation measures in Government-owned buildings during fiscal year 2010, at a proposed cost of \$20,000,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

#### PROGRAM SUMMARY

This alteration prospectus proposes the implementation of high performance energy projects and conservation measures in Government-owned buildings during fiscal year 2010. Projects, to be accomplished in Federal buildings throughout the country, are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility

companies and incentives from grid operators. Projects will vary in size, by location, and by delivery method. This prospectus requests authority to fund geothermal and other high-performance green building retrofit work, as well as designs for new facilities that incorporate these technologies. As we formulate and develop future projects, we will incorporate these activities into our designs. As appropriate, we will use the authority in this prospectus to incorporate this requirement into previously funded and authorized activities. The authority requested in this prospectus is for a diverse set of retrofit and design projects with engineering solutions to reduce energy consumption and/or costs.

#### JUSTIFICATION

The Energy Policy Act of 2005 (Public Law 109-58) required a 2% energy usage reduction as measured in BTU/gsf per year from 2006 through 2015 over a 2003 baseline. Additionally, this act sets a mandate to install advanced meters for electricity in all buildings by 2012. Guidance issued by the Department of Energy pursuant to this requirement states that savings anticipated from advanced metering can range from 2% to 45% annually when used in combination with continuous commissioning efforts. In regard to energy consumption reduction, Executive Order 13423 on Strengthening Environmental, Energy and Transportation Management was, incorporated into law as the Energy Independence and Security Act of 2007 (EISA). Both increased the energy reduction mandates to 3% per year, and the Executive Order also established a water reduction mandate of 2% per year based on a 2007 baseline as measured in gallons/gsf.

By the year 2015, all Federal agencies are directed to reduce overall energy use in federally operated buildings they operate by 30 percent from 2003 levels and reduce overall water use by 16 percent from 2007 levels. Increased energy and water efficiency in buildings and operations will require capital investment for changes and modifications to physical systems which consume energy and water, as well as other high performance green building initiatives and infrastructure designs and retrofits.

In addition, EISA included provisions that exceed the requirements of the Energy Policy Act of 2005. One specific long term requirement is to eliminate fossil fuel generated energy consumption in new and renovated Federal buildings by FY 2030 by achieving targeted reductions beginning with projects designed in FY 2010. High-performance green building initiatives and infrastructure designs and retrofits will assist in reaching the targeted reductions.

EISA also requires GSA to create at least two technology acceleration programs, for high-efficiency lighting and for geothermal space conditioning (ground source heat pump), as well as others that are cost effective.

The technology acceleration programs are broad in their application and potentially dramatic in their ability to improve the human and energy performance attributed to buildings. Lighting control systems, even with the lighting energy improvements of the past 30 years in Federal buildings, have the ability to improve the working performance conditions and reduce energy consumption by nearly 30%. The capital cost of these renovations is considerable, as most require the removal and replacement of ceiling systems, and the re-wiring of electrical distribution. The geothermal (ground source heat pump) program requires significant

training both for GSA personnel and contractors. EPA and DoE have programs that can be adapted for GSA, and the cost of the program is reduced accordingly. The feasibility studies are considerable in number, and involve information about site conditions for existing buildings that are not readily available in our records, as well as vast changes in the direction to procurement and engineering professionals across the agency. GSA's ability to design and implement this acceleration program will have great value to the rest of the Federal inventory, as the lessons learned and programmatic guidance developed will be applicable to many other building types. The upfront capital costs of geothermal systems are typically 1.5 times conventional systems, and yield a positive return on investment typically in the 10-15 year range (dependent upon geological conditions (capital) and the cost of energy (operations)).

Approval of this fiscal year 2010 request will enable GSA to continue to provide leadership in energy/water conservation and efficiency to both the public and private sectors. Authorization Requested—\$20,000,000.

Potential projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies, along with potential new designs. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators.

Projects will vary in size by location and by delivery method. Typical projects include the following:

Designing new facilities to conform to EISA and to incorporate these new technologies.

Designing new facilities to incorporate other sustainable, green building technologies, such as solar power, wind power, green roofs, and photovoltaic techniques.

Drilling to install vertical and horizontal geothermal loops.

Installing heat pumps and other types of geothermal equipment.

Installing building insulation and seals to enhance equipment performance and reduce the size and energy consumption of geothermal and other energy-efficient equipment.

Installing new or modifying existing green building materials.

Installing wastewater recycling processes for use on lawns, in toilets, and for washing cars.

Insulating roofs, pipes, HVAC duct work, and mechanical equipment.

Installing other green building technologies such as hot water heat recycling, renewable heating systems, seasonal thermal storage systems, and solar air conditioning, green roofs, and cool roofs.

#### CERTIFICATION OF NEED

It has been determined that the practical solution to achieving the identified building energy and water management goals is to proceed with the energy and water retrofit work indicated above.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — — Acting Commissioner, Public Building Service

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

ALTERATION—FIRE PROTECTION & LIFE SAFETY PROGRAM—VARIOUS BUILDINGS—PFP—2010

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Rep-*

*resentatives*, that, pursuant to 40 U.S.C. §3307, appropriations are authorized for alterations to upgrade, replace, and improve life safety features and fire protection systems in Government-owned buildings during fiscal year 2010, at a proposed cost of \$20,000,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

#### PROGRAM SUMMARY

This prospectus proposes alterations to upgrade, replace, and improve life safety features and fire protection systems in Government-owned buildings during Fiscal Year 2010. Projects in federal buildings throughout the country are currently being identified through surveys and studies and will vary in size, location, and delivery method. The authority requested in this prospectus is for a diverse set of retrofit projects with engineering solutions to reduce fire and life safety hazards. Typical projects include the following:

Replacing antiquated fire alarm and detection systems that are in need of repair or for which parts are no longer available.

Installing emergency voice communication systems to facilitate occupant notification and/or evacuation.

Installing and/or expanding fire sprinkler coverage to protect federal property.

Constructing additional or enclosing existing exit stair towers to ensure timely evacuation of buildings in the event of an emergency.

#### JUSTIFICATION

GSA conducts periodic life safety and fire protection assessments of federal buildings nationwide to assess fire risk. As a result of these assessments, a number of life safety and fire protection issues have been identified that need to be addressed in order to reduce the risk of injury, the loss of federal property, and interruption of a federal agency mission.

This prospectus will provide upgrades to a number of GSA federal buildings that do not meet current or national or GSA building fire alarm codes. These buildings contain antiquated hardwired fire alarm systems with replacement parts that are no longer available, lack voice communication capability, and a complete sprinkler system.

Authorization Requested—\$20,000,000.

#### CERTIFICATION OF NEED

It has been determined that the practical solution to achieving the identified building fire and life safety goals is to proceed with the fire and life safety work indicated above.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — — Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

ALTERATION—NEW EXECUTIVE OFFICE BUILDING—WASHINGTON, DC—PDC-0105-WA10

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that, pursuant to 40 U.S.C. §3307, appropriations are authorized for repairs and alterations to the New Executive Office Building, located at 725 17th Street, NW., in



Washington, D.C., at design and review costs of \$394,000 (design costs of \$451,000 were previously authorized), management and inspections costs of \$6,257,000 (management and inspection costs of \$423,000 were previously authorized), and estimated construction costs of \$23,625,000 (estimated construction costs of \$5,388,000 were previously authorized), at a proposed total cost of \$30,276,000, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of July 21, 2004.

*Provided*, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

*Provided further*, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

*Provided further*, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

*Provided further*, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

#### PROJECT SUMMARY

The General Services Administration (GSA), proposes to amend Prospectus PDC-0105-DC05 due to changes in scope, internal swing space requirements, material escalations, and security escort costs not originally contemplated for the New Executive Office Building located at 725 17th Street, NW in Washington, DC.

#### MAJOR WORK ITEMS

HVAC system upgrades, demolition and abatement, interior construction, internal swing space build out, fire protection alarm, lighting and branch wiring, communications, superstructure.

#### PROJECT BUDGET

Design and Review	
Design and Review (FY2005) .....	\$451,000
Additional Design (FY2010 Request) .....	394,000
Design and Review Subtotal .....	845,000
Management and Inspection (M&I)	
M&I (FY2005) .....	423,000
Additional M&I (FY2010 Request) .....	6,257,000
M&I Subtotal .....	6,680,000
Estimated Construction Cost (ECC)	
ECC (FY2005) .....	5,388,000
Additional ECC (FY2010 Request) .....	23,625,000
ECC Subtotal .....	29,013,000
Estimated Total Project Cost* .....	36,538,000

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Additional—Design, ECC and M&I)—\$30,276,000.

#### PRIOR AUTHORITY AND FUNDING

The House Committee on Transportation and Infrastructure authorized \$6,262,000 for design, construction and management and inspection on July 21, 2004.

The Senate Committee on Environment and Public Works authorized \$6,262,000 for design, construction and management and inspection on November 17, 2004.

Through Public Law 108-447, Congress appropriated \$6,262,000 for design, construction and management and inspection in FY 2005.

#### PRIOR PROSPECTUS-LEVEL PROJECTS IN BUILDING (PAST 10 YEARS):

None.

Schedule	Start	End
Design .....	FY2005	FY2009
Construction .....	FY2010	FY2012

#### BUILDING

The New Executive Office Building is a 10-story reinforced concrete building with a red brick façade. The building which is proximate to the White House Complex, a desirable feature for the building's tenants, was constructed in 1966. The building has approximately 432,131 gsf with 110 parking spaces.

#### MAJOR TENANT AGENCIES

Executive Office of the President—Office of Management and Budget, Defense—Office of the Secretary; Department of Homeland Security—U.S. Secret Service.

#### PROPOSED PROJECT

The proposed project will replace components of the existing HVAC system. The fan coil units (FCUs) on the ninth and tenth floors will be replaced, along with deteriorated black iron riser piping from the third through tenth floors.

In addition to replacing the existing perimeter riser system, asbestos-containing material (ACM) shall be abated. To avoid potential hazardous exposure from the asbestos abatement, GSA will create internal swing space for the tenant agency to temporarily relocate from the ninth and tenth floors. Costs to build out the temporary space, and tenant moves including relocation of the telecommunication equipment, and the furniture are included in this prospectus.

Funds for escort security costs during construction are requested due to the sensitive nature of the customers' operations. Access to the project site will be limited to cleared escorted personnel.

Superstructure work will cover firestopping (insulation and sealing) of the pipe penetrations on each floor.

As the ceilings are demolished, new energy efficient lights will replace the existing lighting and wiring. Project specifications include the replacement of ceiling panels with a panel product which includes approximately seventy-five percent recycled content and finished with paint composed of low volatile organic compounds (VOC).

In 2002, a project replaced the FCUs except those on the ninth and tenth floors. The FCUs on floors nine and ten were not replaced at that time because the coils are located in the ceiling plenum. The ninth floor ceiling plenum is insulated with sprayed-on fireproofing containing asbestos which needs to be abated prior to construction. The initial project revealed that the riser piping

along with its branches and valves have deteriorated and should be replaced.

#### MAJOR WORK ITEMS

HVAC Upgrades .....	\$16,972,000
Building Demolition and Abatement .....	3,317,000
Interior Construction .....	4,679,000
Internal Swing Space Build Out .....	546,000
Fire Protection Alarm .....	628,000
Lighting and Branch Wiring .....	1,704,000
Communications .....	980,000
Superstructure .....	187,000
Total ECC .....	\$29,013,000

#### JUSTIFICATION

Congress previously authorized this project in fiscal year 2005; however, the project scope increased pursuant to review of the 35% design completion, which uncovered logistical difficulties in maintaining customer operations during construction as originally scoped. Initial estimates did not fully capture the complexities of construction in the occupied building. The project scope is therefore increased to include: additional upgrades for the heating, ventilating and air-conditioning components and controls; security escorts required during construction; customer move expenses; and materials escalation costs.

After further investigation of the piping and FCUs, additional equipment and operating deficiencies were identified. Most of these deficiencies are related to equipment having reached the end of its useful life and some are a result of previous renovations that did not include certain adjustments to the HVAC system that might have been incorporated in larger projects.

Significant leaks due to the deterioration of the risers have resulted in extensive damage and disruption to agency operations. A major leak in August 2006 caused a day-long building shutdown and tenant productivity losses, as well as extensive damage to the tenant's space. Riser failures should be considered eminent and leaks could again cause extensive damage and interruption to the tenant's missions which are critical to the operation of the Executive Office of the President.

The upgraded HVAC work will provide increases in energy efficiency and will provide improved controls and monitoring by utilizing newer state of the art technology.

The recent implementation of HSPD-12 and the customer's need for security escorts during construction must now be accommodated.

Customer moves are required in order to abate the asbestos and install the new fan coil units and variable frequency drives located in the ceilings on the 9th and 10th floors. It is necessary to remove the ceilings in their entirety including lights, sprinklers and fire alarms, and telecommunication equipment.

Materials escalation will be necessary because construction will proceed in four phases to accommodate OMB's time sensitive operations. This lengthens the project delivery schedule and is a reason for the increase in cost.

#### ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COST ANALYSIS)

There are no feasible alternatives to this project.

#### RECOMMENDATION

Alteration.

#### CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.



Submitted at Washington, DC, on June 11, 2009.

Recommended: — — — Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

ALTERATION—DWIGHT D. EISENHOWER EXECUTIVE OFFICE BUILDING—WASHINGTON, DC—PDC-0035-WA10

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations to the Dwight D. Eisenhower Office Building located at Pennsylvania Avenue and 17th Street, NW, in Washington, D.C., at design and review costs of \$1,050,000, at management and inspections costs of \$1,800,000, and estimated construction costs of \$12,150,000, at a proposed total cost of \$15,000,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

*Provided further*, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

*Provided further*, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

*Provided further*, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

#### PROJECT SUMMARY

The General Services Administration (GSA) proposes a comprehensive roof replacement to the Dwight D. Eisenhower Executive Office Building (EEOB) located at Pennsylvania Ave and 17th Street, NW, in Washington, DC.

#### MAJOR WORK ITEMS

Building roofing systems repairs and select systems replacement activities including; flat seam copper roofing replacement; skylight repairs and replacement; dormer and chimney repairs; lightning protection; flashing systems repairs and/or replacement and slate repairs and/or replacement.

#### PROJECT BUDGET

Design and Review .....	\$1,050,000
Estimated Construction	
Cost (ECC) .....	12,150,000
Management and Inspection (M&I) .....	1,800,000

Estimated Total Project	
Cost (ETPC)* .....	\$15,000,000

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Design, ECC, M&I)—\$15,000,000.

#### PRIOR AUTHORITY AND FUNDING

None.

Schedule	Start	End
Design .....	FY2010	FY2010
Construction .....	FY2010	FY2011

#### BUILDING

The EEOB, constructed in 1888, is on the National Register of Historic Places. This building functions as the principal support facility for the White House operations, offering 691,783 gross square feet and 46 outside parking spaces.

#### TENANT AGENCIES

Executive Office of the President of the United States, Department of Homeland Security, Department of Defense and General Services Administration

#### PROPOSED PROJECT

The existing roof design is a complex mansard system with flat, vertical and angled surfaces; multiple peaks, valleys, changes in plane and flashing connections, dormers, chimneys, skylights, domes, and other impressive architectural details. The long term replacement tasks include repairs, replacement and/or new installation of all; skylights, flat seam copper roofing, lightning protection, cast iron dormer metals, chimney trim and flashings, other roof flashing and counter flashing components and miscellaneous sealants and appurtenances.

#### MAJOR WORK ITEMS

Flat Seam Copper Roofing	\$6,339,000
Skylight Repair .....	2,641,000
Dormer and Chimney Repair .....	1,585,000
Lightning Protection .....	528,000
Flashing and Slate Replacement .....	1,057,000
Total ECC .....	\$12,150,000

#### JUSTIFICATION

The EEOB roofing system was partially repaired and replaced under a major project completed during 1988-1994. The previous scope of work in the most recent multi phased project did not provide for or include, the installation of roof-access traffic ways, maintenance platforms, waterproof mission-critical equipment installations, a permanent and available fall protection system, gutter/downspout and rain water conductor piping. Foot traffic, to accomplish maintenance of the roofing system and other work, has exacerbated damage, resulting in hundreds of leaks throughout the building.

#### SUMMARY OF ENERGY COMPLIANCE

The EEOB roof replacement will implement design principles to be integrated as seamlessly as possible into all aspects of both the design and construction process. Currently we are looking at options that will achieve the goal of obtaining certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

#### ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COST ANALYSIS)

There are no feasible alternatives to this project.

#### RECOMMENDATION

Alteration.

#### CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — — Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

ALTERATION—WEST AND EAST WING INFRASTRUCTURE SYSTEMS REPLACEMENT—WASHINGTON, DC—PDC-0017-WA10

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives* that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations to the New Executive Office Building, located at 725 17th Street, NW, in Washington, DC, at design costs of \$18,687,000 (design costs of \$22,179,000 were previously authorized), at management and inspections costs of \$14,504,000 (management and inspection costs of \$12,416,000 were previously authorized), and estimated construction costs of \$164,159,000 (estimated construction costs of \$144,271,000 were previously authorized), at a proposed total cost of \$197,350,000, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of September 24, 2008.

*Provided*, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

*Provided further*, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

*Provided further*, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

*Provided further*, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

#### PROJECT SUMMARY

The General Services Administration (GSA) proposes to amend prospectus number PDC0017-WA09 for repair and alterations to the West Wing of the White House to include the East Wing of the White House located at 1600 Pennsylvania Avenue, NW, Washington, DC. GSA re-examined the original plan and phases to implement critical changes at the West Wing and upon that evaluation recognized that completing the West and East Wing primary system replacement together given the similarity of scope was the most cost and time efficient approach.

#### MAJOR WORK ITEMS

Demolition and abatement, site work, structural and finishes work, fire suppression system, mechanical systems to include HVAC and Chemical Biological Radiological

(CBR), electrical systems and fire alarm, physical security and information technology systems.

## PROJECT BUDGET

Design and Review	
Phase I (FY2008 Reprogramming—West Wing Ph I)	\$9,689,000
Additional Phase I (FY09 Proposed Reprogramming—East Wing Ph I)	16,860,000
Phase II (future fiscal year—West Wing Ph II)	6,245,000
Phase III (future fiscal year—East Wing Ph II)	8,072,000
Design and Review Subtotal	\$40,866,000
Estimated Construction Cost (ECC)	
Phase I (FY2009—West Wing PH I)	\$70,271,000
Additional Phase I ECC (FY2010 Request—East Wing PH I)	111,177,000
Phase II (future fiscal year—West Wing Ph II)	74,000,000
Phase III (future fiscal year—East Wing Ph II)	52,982,000
ECC Subtotal	\$308,430,000
Management and Inspection (M&I)	
Phase I (FY2009—West Wing Ph I)	\$6,216,000
Additional Phase I M&I (FY2010 Request—East Wing Ph I)	9,823,000
Phase II (future fiscal year—West Wing Ph II)	6,200,000
Phase III (future fiscal year—East Wing Ph II)	4,681,000
M&I Subtotal	\$26,920,000
Estimated Total Project Cost *	\$376,216,000

\* Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Additional Authorization Requested (Design, ECC, M&I)—\$203,595,000.<sup>1</sup>

<sup>1</sup>This request is for the balance of authorization required for the East Wing portion of the project. The West Wing portion has been fully authorized.

FY2010 Funding Requested (Additional Phase I ECC and M&I)—\$121,000,000.

## PRIOR AUTHORITY AND FUNDING

The House and Senate Appropriations Committees approved a reprogramming request of \$9,689,000 for design for the West Wing portion of the project in FY2008.

The House Committee on Transportation and Infrastructure authorized \$15,934,000 for design for the West Wing portion of the project on September 24, 2008.

The House Committee on Transportation and Infrastructure authorized \$162,932,000 for design construction and management and inspection for the West Wing portion of the project on September 24, 2008.

The Senate Committee on Environment and Public Works authorized \$172,621,000 for design, construction and management and inspection for the West Wing portion of the project on May 21, 2008.

Through Public Law 111-8, Congress appropriated \$76,487,000 for partial construction and management and inspection in FY2009.

## PRIOR PROSPECTUS-LEVEL PROJECTS IN BUILDING (PAST 10 YEARS)

None.

	Schedule	Start	End
Design .....		FY2008	FY2013
Construction .....		FY2010	FY2016.

## BUILDING

Originally constructed in 1902, the West Wing is the part of the White House in which the Oval Office, the Cabinet Room and the Situation Room are located. It serves as the day-to-day office of the President of the United States. It is roughly 30,000 gross square feet and includes offices for senior members of the Executive Office of the President of the United States and their support staff.

The East Wing as it exists today was added to the White House in 1942 and serves as office space for the First Lady and her staff, the Department of Defense, and the United States Secret Service. The East Wing also includes the President's Theater, the visitor's entrance and the East Colonnade.

## TENANT AGENCY

Executive Office of the President of the United States.

## PROPOSED PROJECT

A study of the electrical and mechanical systems of the West Wing was completed and the findings identified a critical need for the immediate replacement of the aged and failing systems in order to prevent an imminent equipment failure and the resultant interruption of services. There is currently no redundant HVAC equipment for the West Wing and this has prevented shutdown for testing and maintenance of the equipment for many years. The West Wing electrical systems have also reached the end of their reliable productivity and failure would result in discontinued operations.

Similar studies have been undertaken and completed on the East Wing and indicate the condition of the utilities in the East Wing is similar to the West Wing, replacement is necessary to prevent imminent failure. In order to secure continuous reliable HVAC and electrical service to both the West and East Wing, GSA proposes replacing all primary systems and secondary distribution systems that serve the interior of the each wing.

While the projects were originally planned as separate projects, GSA is now planning to combine the replacement of the primary systems for the West and East Wing in Phase I of the project. The replacement of the secondary distribution systems for the West and East Wings will follow in Phase II and Phase III, respectively.

The proposed total project includes the construction of a new accessible, utility pathway to allow for the service and maintenance of the new systems infrastructure. As there is currently no space available in the building to accommodate any additional equipment, the project will include the construction of new mechanical and electrical rooms to support the new services. Select structural and architectural restoration of areas that are disturbed in the systems replacement will be included. Fire life safety upgrades including automatic fire suppression and fire alarm systems. Mechanical work includes HVAC systems and controls, CBR systems, plumbing storm and sewer systems. Electrical power, lighting, select emergency power and lighting and select UPS systems. Physical security system includes; access control, intrusion detection, video as-

essment and emergency notifications systems. Both copper and fiber optic backbones are included for the IT systems infrastructure.

All utility services will be rerouted to allow the GSA necessary access to operate, maintain, and repair infrastructure, services and equipment as required.

## MAJOR WORK ITEMS

Site Work .....	\$41,298,000
Structural and Finishes	
Work .....	68,356,000
Fire Suppression System ...	16,062,000
Mechanical Systems .....	87,479,000
Electrical System & Fire Alarm, Physical Security and IT Systems .....	78,560,000
Demolition/Abatement .....	16,675,000
Total ECC .....	\$308,430,000

## JUSTIFICATION

GSA completed a systems evaluation and technical study of the physical plant, infrastructure and facilities serving each wing as well as select systems and equipment resulting in sequential projects. While the projects were originally planned as separate projects, GSA and the Administration have determined that combining the West and East Wing primary systems replacement projects together would be more cost effective by eliminating duplicate costs for mobilization, demobilization, remobilization, management, inspections and reduced construction time and cost. In addition, the combined projects create less disruption to mission critical operations given the connection, continuation and extension of similar utilities and infrastructure scope of work connecting West Wing services with the East Wing. A provision will be made in the design of West Wing Phase I for the replacement of the secondary distribution systems for the West and East Wings that will follow in Phase II and Phase III, respectively.

## SUMMARY OF ENERGY COMPLIANCE

The West and East Wing Infrastructure Project will integrate and implement sustainable design principles and energy efficiency effort as seamlessly as possible into all aspects of both the design and construction process. The goal is to obtain certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

## ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COST ANALYSIS)

There are no feasible alternatives to this project.

## RECOMMENDATION

Alteration.

## CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — — Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

AMENDED PROSPECTUS—CONSTRUCTION—UNITED STATES COURTHOUSE ANNEX—SAN DIEGO, CA—PCA-CTC-SD09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. §3307, additional appropriations in the amount of \$78,000,000 are authorized for management and inspection and construction of the United States Courthouse Annex, San Diego,

California, not to exceed 466,886 gross square feet. This resolution amends the Transportation and Infrastructure Committee resolution dated July 19, 2006;

*Provided*, that the Administrator of General Services shall ensure that the San Diego, California Courthouse Complex contains no more than 22 courtrooms;

*Provided further*, that the Administrator of General Services shall not construct more than six courtrooms or 12 chambers in the San Diego, California Courthouse Annex under the authority of this resolution;

*Provided further*, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted within 30 days of this resolution and is implemented in the design of the San Diego Courthouse Complex;

*Provided further*, that the Administrator of General Services shall require that any excess space not allocated to courtroom or other court-related use in the San Diego, California Courthouse Annex shall be used to provide office space to Executive Branch agencies that are not ancillary or related to the Federal judiciary;

*Provided further*, that the Administrator of General Services shall submit a prospectus for any additional expansion space, after completion of construction and occupancy of the San Diego Courthouse Annex, for court or other court-related use requested in the San Diego, California Courthouse Annex;

*Provided further*, that, prior to acceptance of the Guaranteed Maximum Price (GMP), the Administrator of General Services shall advise the Committee on Transportation and Infrastructure of the number of courtrooms, chambers, court space, court related space, and other agency space to be provided in the San Diego, California Courthouse Annex;

*Provided further*, that no additional funds, beyond the GMP, in effect on the date of this resolution, for the procurement for the construction of the San Diego, California Courthouse Annex, as of the date of adoption of this resolution, shall be authorized or obligated for the project.

*Provided further*, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

*Provided further*, that, within 180 days of adoption of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project and if such systems are not used for the project, the specific rationale for GSA's decision.

#### DESCRIPTION

The General Services Administration (GSA) proposes the construction of a 466,886 gross square foot U.S. Courthouse Annex (CT Annex), including 105 inside parking spaces, in San Diego, CA. The CT Annex will meet the 30-year space needs of the courts and court-related agencies in conjunction with the existing Edward J. Schwartz Federal Building and U.S. Courthouse (FBCT). San Diego was one of the four emergency projects on the Judiciary's Revised Five-Year Courthouse Project Plan—FY2005–2009, approved by the Judicial Conference on March 26, 2004.

#### PROJECT SUMMARY

Site Information	
Site acquired .....	2.27 acres

Building Area	
Gross square feet (excluding inside parking) .....	419,636
Gross square feet (including inside parking) .....	466,886
Project Budget	
Site (FY1999, 2002, 2003, 2005) .....	\$31,916,000
Design (FY2003, 2006) .....	13,711,000
Management and Inspection (M&I) (FY2006) .....	7,740,000
Additional M&I .....	2,260,000
Estimated Construction Cost (ECC) (FY2006) .....	\$248,816,000
Additional ECC .....	108,102,000
<b>Total ECC (\$760/gsf including inside parking<sup>1</sup>) .....</b>	<b>356,918,000</b>

Estimated Total Project Cost\* .....

<sup>1</sup>The ECC/gsf does not include \$2.3 million for repair and alteration work to the Edward J. Schwartz Federal Building & U.S. Courthouse to re-orient the public entrance to face the proposed annex which is included in the Total ECC.

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

Authorization Requested (Additional ECC & M&I)—\$110,362,000.

FY2009 Funding Requested—\$110,362,000.

#### PRIOR AUTHORITY AND FUNDING

The House Transportation and Infrastructure Committee authorized \$302,183,000:

\$15,400,000 for site on July 23, 1998; \$3,100,000 for site and \$11,237,000 for design, or \$14,337,000, for a 583,746 gsf Courthouse Annex, including 46 inside parking spaces, on July 8, 2001; \$9,360,000 for additional site and \$204,000 for additional design for a 583,746 gsf Courthouse Annex, including 46 inside parking spaces, on July 24, 2002; \$2,516,000 for additional site and \$552,000 for additional design, or \$3,068,000, for a 614,394 gsf Courthouse Annex, including 105 inside parking spaces, on July 21, 2004; and \$1,540,000 for additional site, \$1,718,000 for additional design, \$248,816,000 for construction, and \$7,740,000 for management and inspection for a 466,886 gsf Courthouse Annex, including 105 inside parking spaces, on July 19, 2006.

The Senate Environment and Public Works Committee authorized \$302,183,000: \$15,400,000 for site on September 23, 1998; \$3,100,000 for site and \$11,237,000 for design, or \$14,337,000, for a 583,746 gsf Courthouse Annex, including 46 inside parking spaces, on September 25, 2001; \$9,360,000 for additional site and \$204,000 for additional design for a 583,746 gsf Courthouse Annex, including 46 inside parking spaces, on September 26, 2002; \$2,516,000 for additional site and \$552,000 for additional design, or \$3,068,000, for a 614,394 gsf Courthouse Annex, including 105 inside parking spaces, on November 17, 2004; \$1,540,000 for additional site, \$1,718,000 for additional design, \$221,345,000 for construction, and \$7,740,000 for management and inspection for a 619,644 gsf Courthouse Annex, including 105 inside parking spaces, on July 20, 2005; and \$27,471,000 for additional construction for a 466,886 gsf Courthouse Annex, including 105 inside parking spaces, on May 23, 2006.

Funding is \$302,183,000:  
Congress appropriated \$273,172,000: \$15,400,000 for FY 1999 (Public Law 105-277), \$23,901,000 for FY 2003 (Public Law 108-7); \$3,068,000 for FY 2005 (Public Law 108-447); and \$230,803,000 for FY 2006 (Public Law 109-115).

GSA reprogrammed \$29,011,000: \$1,540,000 to the project in FY 2002 and \$27,471,000 to the project in FY 2006.

#### SCHEDULE

FY 1998—Site.  
FY 2003—Design.  
FY 2009—Construction.  
FY 2013—Occupancy.

#### OVERVIEW OF PROJECT

In fiscal year 2006, GSA submitted a prospectus for a CT Annex providing 619,644 gross square feet of space (PCA-CTC-SD06). Due to increased construction materials costs, GSA and the District Court agreed to reduce the scope of this project. GSA submitted an amended prospectus with a revised plan (PCA-CTC-SD07). Under this revised plan, GSA eliminated six proposed floors of the building. The number of proposed district courtrooms, but not chambers, was reduced from 18 to 14 and the number of appellate chambers was reduced from 3 to 2 in the 10-year program. The proposed expansion district courtrooms, but not chambers, were reduced from 5 to 0 in the 30-year program. The new CT Annex will provide 466,886 gross square feet, 152,758 gross square feet less than the original construction prospectus for this project. After submitting the revised plan, GSA encountered additional difficulty and was unable to award the reduced project. Due to continuing materials escalation, limited bidding, market conditions, and further delays in award, GSA is seeking additional funding and authorization.

The CT Annex will provide 14 district courtrooms and 18 chambers, two Court of Appeals judges' chambers, a visiting district chamber, District Clerk's office, Pretrial Services and the U.S. Marshals Service. Pretrial Services will occupy space within the building until that space is needed for conversion to six additional district judge's chambers. The project will include modification of the entrance to the existing FB-CT. Currently, the lobby of this building is accessed from Front Street. The new access will be from the courtyard between the new CT Annex and the existing FB-CT. Also, construction will include a tunnel linking the existing FB-CT to the new CT Annex and an extension connecting the existing prisoner tunnel to the new CT Annex.

After completion of the CT Annex, the existing FB-CT will be retained to provide space for the magistrate, senior district, and two Court of Appeals judges. The U.S. Bankruptcy Court will continue to occupy the Jacob Weinberger Courthouse.

One Court of Appeals Judge, Pretrial Services and a portion of the U.S. Attorney's office are in leased locations in the downtown area. These leases will be extended or terminated to coincide with the occupancy of the new CT Annex.

#### TENANT AGENCIES

The CT Annex will house the District Judges, District Clerk, two Court of Appeals Judges, Pretrial Services, and the U.S. Marshals Service.

#### DELINEATED AREA

The CT Annex will be constructed in the Central Business District on a site adjacent to the existing FB-CT. This site has been acquired except for closing of Union and E Streets.

#### JUSTIFICATION

The District Court currently occupies space in the existing FB-CT. This building cannot accommodate the Courts' total space requirements and was not designed to accommodate needed expansion on the site. Some of the modifications to FB-CT resulted in less than adequate sized courtrooms that have been used for 13 years.

Federal construction of a new CT Annex in conjunction with continued use of the existing FB-CT is the most desirable housing strategy to meet the projected space needs of the Southern District Courts and court-related agencies in San Diego. The new CT Annex will improve the flow of prisoners, adequately house the district judges, and significantly increase security. Completion of the CT Annex will permit one Court of Appeals judge and Pretrial Services to vacate leased space.

The Judicial Conference, in September 2003, declared a space emergency at San Diego in order to recognize the effect of aggressive border enforcement initiatives on the court's facilities and the serious security and operational problems at this location.

The additional funds requested in this prospectus are due to increased construction material costs. During the past two years, the construction industry has experienced a significant increase in costs, primarily due to the increased demand for raw materials

from construction in international markets and coastal communities in the United States affected by hurricanes. For example, construction material costs in the Southern California area have escalated by approximately 11 percent per year. Much of the raised access flooring in the building and metric measurement were eliminated in further efforts to reduce costs.

EXPLANATION OF CHANGES

The gross square footage of the project is the same as currently authorized. However, to provide one courtroom for every two senior judges, two senior district courtrooms in the existing building were reassigned for magistrate judge use. Also, the projected number of magistrate judges was reduced from 18 to 14. The reassignment and reduction means that there are now five unassigned courtrooms that will be used for ADR Suites and attorney conference rooms.

The Estimated Total Project Cost (ETPC) of the proposed project reflects an increase of \$110,362,000 from the ETPC of the project

currently authorized by the House and Senate Committees (which is the result of construction escalation and change in the projected start of construction from 2006 to 2009.)

DEPARTURES

2nd Special Proceedings Courtroom—This departure was identified in a previous prospectus signed on March 28, 2002 and approved by the House and Senate Committees on July 24, 2002 and September 26, 2002, respectively, and in subsequent resolutions. Approximate cost \$1,000,000.

With eight courtrooms for four senior district judges, the project does comply with the July 19, 2006, resolution of the House Committee on Transportation and Infrastructure, which authorized the proposed project, requiring (via amendment to the U.S. Courts Design Guide) that each U.S. Courthouse construction project provide one courtroom for every two senior judges.

SPACE REQUIREMENTS OF THE U.S. COURTS

	Current		Request		
	Courtrooms	Judges	Courtrooms Existing Buildings	Courtrooms New Building	Judges
District					
Active .....	13	13	0	14	18
Senior .....	3	5	4	0	8
Visiting .....	0	2	0	0	1
Magistrate .....	*8	9	**19	0	14
Circuit .....	0	***3	0	0	4
Total: .....	24	32	***23	14	45

\* These courtrooms do not meet minimum USCDG standards.  
\*\* Seven of these courtrooms do not meet minimum USCDG standards. The five unassigned courtrooms and chambers will be used as ADR Suites and attorney conference rooms.  
\*\*\* One magistrate courtroom will be converted to a new lobby facing the new CT Annex.  
\*\*\*\* One judge is in leased space.

SUMMARY OF ENERGY COMPLIANCE

This project is designed to meet the requirements of the Facilities Standards for the Public Buildings Service.

ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COSTS)

New Construction: .....	\$340,927,000
Lease: .....	\$540,465,000

RECOMMENDATION—CONSTRUCTION

The 30-year, present value cost of construction is \$199,538,000 less than the cost of leasing, an equivalent annual cost advantage of \$13,129,000.

CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008.

Recommended: — — —, Commissioner, Public Buildings Service.

Approved: — — —, Administrator, General Services Administration.



**ACQUISITION—COLUMBIA PLAZA BUILDING—  
WASHINGTON, DC—PDC-0000-WA10**

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that, pursuant to 40 U.S.C. 3307, appropriations are authorized for acquisition, through a purchase option, of the Columbia Plaza Building located at 2401 E Street, NW, Washington, D.C., at a proposed cost of \$100,000,000, a prospectus for which is attached to and included in this resolution.

**DESCRIPTION**

The General Services Administration (GSA) proposes to acquire, through a purchase option, the Columbia Plaza Building located at 2401 E St., NW, Washington, DC. The government has an option to purchase the building at the set price of \$100,000,000 at the end of the current lease term in 2012, provided 365 days notice has been given to the lessor.

**BUILDING**

The Columbia Plaza Building was constructed in the mid 1960s. Prior to the Department of State's (DOS) initial occupancy in 1992 the building underwent a major renovation converting the space from residential use to office use. GSA currently leases 511,500 rentable square feet and 361 parking spaces at Columbia Plaza for the DOS under a 20-year lease agreement that expires in April 2012.

**PROJECT BUDGET**

Building and Site Acquisition—\$100,000,000.  
*Authorization Requested* (Acquisition)—\$100,000,000.

**JUSTIFICATION**

DOS and GSA signed a Memorandum of Understanding (MOU) in 1987 committing both agencies to consolidate DOS space and personnel in the Foggy Bottom area of the District of Columbia and Rosslyn, VA. The Columbia Plaza Building, located northwest of the Harry S Truman (Main State) Building, has been occupied for more than 20 years as a leased location. The Columbia Plaza Building's location in Foggy Bottom is directly adjacent to Main State and supports the goals of DOS as identified in the 1987 MOU. The building's proximity to both Main State and the approximately 3.5 million square feet DOS occupies in the Foggy Bottom area provides many operational benefits ranging from human resources, mobility in and around the State's Foggy Bottom locations, and efficiencies in facility operations through information technology linkages and security. Given all of these factors, DOS continues to have a long-term need for the space in the Columbia Plaza Building.

Alterations for \$30,600,000 were completed in 1992 and the government currently operates virtually all aspects of the facility. GSA recently performed a Building Engineering Report (BER) for the Columbia Plaza Building which reported that the building is in fair overall condition. As part of the \$30M investment in 1992, GSA was directed by Congressional resolution that "GSA will attempt to include a purchase option in the lease contract". GSA successfully negotiated a purchase option as part of the terms of the 20-year lease. The terms of the purchase option and price were set when the lease transaction was signed in 1992. The government's option to purchase the building is currently established at \$100,000,000 or approximately \$151 per gross square foot. This price is well below the current market rates for buildings of comparable size in Washington, DC, especially a building with long-term government occupancy. In 2006, GSA completed a fair

market value (FMV) appraisal which indicated the FMV of Columbia Plaza Building to be approximately \$190,000,000, well above the established option price to the government.

**TENANT AGENCIES**

Department of State.

**ALTERNATIVES CONSIDERED (30-YEAR, PRESENT  
VALUE COST ANALYSIS)**

Purchase—\$317,305,000.

Lease—\$513,447,000.

The 30-year, present value cost of purchase is \$196,142,000 less than the cost of leasing, an equivalent annual cost advantage of \$12,614,000.

**RECOMMENDATION**

Acquisition.

**CERTIFICATION OF NEED**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — —, Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouter, Acting Administrator, General Services Administration.

**DESIGN/BUILD—FEDERAL BUILDING—FBI DISTRICT OFFICE—MIAMI/MIRAMAR, FL—PFL—FBC—MI10**

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that, pursuant to 40 U.S.C. §3307, appropriations are authorized for a new Federal Building in the Miami/Miramar, Florida area for the Federal Bureau of Investigation, currently located in twelve separate locations spread across the Miami, Miramar, and Dade County, Florida area, at site costs of \$9,000,000, design and review costs of \$11,924,000, management and inspection costs of \$8,401,000 and estimated construction costs of \$161,350,000, for a combined cost of \$190,675,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

*Provided further*, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

*Provided further*, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

*Provided further*, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

**DESCRIPTION**

The US General Services Administration proposes building a new Federal Building in

the Miami/Miramar, Florida area for the Federal Bureau of Investigation (FBI). This facility will serve to meet the FBI's current and future space needs as their new District Office in South Florida, and will consolidate their current space spread across the Miami, Miramar, and Dade County, Florida area in twelve separate locations.

**PROJECT SUMMARY**

**Site Information**

To be acquired acreage	9.0
Building Area	
Building without Parking (gsf)	474,801
Building with Parking (gsf)	474,801
Number of outside parking spaces	30
Structured Parking Spaces	535

**PROJECT BUDGET**

Site	\$9,000,000
Design and Review	
Subtotal	11,924,000
Estimated Construction Cost (ECC) (\$452/gsf incl. inside parking)	161,350,000
Management and Inspection (M&I)	8,401,000

Estimated Total Project Cost (ETPC)\* \$190,675,000

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Design, ECC, and M&I)—\$190,675,000.

FY 2010 Funding Request—\$190,675,000.

Schedule	Start	End
Design	FY2010	FY2012
Construction	FY2011	FY2014

**OVERVIEW OF PROJECT**

The new Miami FBI District Office will provide for the space requirements and security needs for the FBI in the South Florida area. 535 secured structured parking spaces will be incorporated into the construction of the FBI District Office facility and made available to the FBI, primarily for the use of Government-owned vehicles and other official Government purposes. Surface parking spaces will also be provided.

**TENANT AGENCIES**

Department of Justice—Federal Bureau of Investigation

**JUSTIFICATION**

An important component of the priorities of the FBI is the availability of efficient and cost effective facilities, with state-of-the-art infrastructure in which to carry out the FBI's mission. FBI requires a facility that meets the Level 4 Interagency Security Committee (ISC) criteria, with sufficient space for the current and projected workforce. In addition, the expansion of the secure work environment is essential to foster synergy among FBI elements for greater coordination and productivity internally and with partner organizations. The existing, disparate FBI facilities are incapable of providing the increased square footage necessary to support new functions and cannot meet enhanced IT infrastructure and security requirements. A new, consolidated location will provide the FBI with sufficient space to meet its current requirements and allow for full compliance with the ISC guidelines.

The requirement for FBI's consolidated Miami Field Division office was originally to

be included in the larger Miami/Miramar, FL DOJ lease consolidation, along with the Drug Enforcement Administration (DEA) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), as requested under PFL-01-MI06, and originally authorized by the House Committee on Transportation and Infrastructure on February 16, 2006, and the Senate Committee on Environment and Public Works on November 17, 2005. In 2007, it was determined by DOJ that the original consolidated campus strategy was no longer logistically or financially feasible. Therefore, GSA requested authority to procure DEA's requirements separately (Prospectus No. PFL-02-MI08), which were authorized by the House Committee on Transportation and Infrastructure on September 24, 2008, and the Senate Committee on Environment and Public Works on September 17,

2008. The ATF's requirements were delivered below the prospectus threshold. Given the size, complexity, long term nature, and other aspects of the FBI's requirements, GSA determined that a Federally owned facility would better serve the mission and operations of the Government.

#### SUMMARY OF ENERGY COMPLIANCE

This project will be designed to conform with the requirements of the Facilities Standards for the Public Buildings Service and to earn LEED certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

#### ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COST ANALYSIS)

New Construction—\$352,712,000.  
Lease—\$520,093,000.

The 30 year, present value cost of new construction is \$167,380,000 less than the cost of lease, an equivalent annual cost advantage of \$10,764,000.

#### RECOMMENDATION

Construction.

#### CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — —, —Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.





CONSTRUCTION—U.S. LAND PORT OF ENTRY—  
MADAWASKA, ME—PME-BSD-MW10

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new land port of entry at Madawaska, ME to replace the existing Port of Entry, at management and inspection costs of \$3,827,000 and estimated construction costs of \$46,300,000, for a combined cost of \$50,127,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

*Provided further*, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

*Provided further*, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

*Provided further*, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

#### DESCRIPTION

The General Services Administration (GSA) proposes the construction of a new land port of entry (POE) at Madawaska, ME to replace the existing POE, expand inspection lanes, and operational functions. The proposed project will replace the undersized main administration building at 2 Bridge Street, while addressing current safety, security, circulation, and efficiency issues.

#### Project Summary

Site Information	
Government-owned .....	.87 acres
To be acquired .....	12.45 acres
Building Area	
Building (including canopies) .....	39,211 gsf
Building (excluding canopies) .....	28,756 gsf
Number of inside parking spaces .....	5 <sup>1</sup>
Number of outside parking spaces .....	48 <sup>2</sup>
Cost Information	
Site Development Cost <sup>3</sup> .....	\$17,181,000
Building Costs (includes inspection canopies) (\$743/gsf) .....	\$29,119,000
Project Budget	
Site Acquisition (FY 2005 & FY 2008) .....	\$14,406,000
Design and Review (FY 2005 & FY 2008) .....	4,514,000
Additional Design and Review (American Recovery and Reinvestment Act (ARRA) 2009) .....	750,000

Management and Inspection (M&I) .....	3,827,000
Estimated Construction Cost (ECC) .....	46,300,000

Estimated Total Project Cost\* .....

\$69,797,000

<sup>1</sup>The existing facility does not have any inside parking spaces.

<sup>2</sup>Parking spaces include 5 spaces for visitor parking, 30 for employees, 6 for referral and service, and 7 for truck inspection. Currently, there are 6 outside parking spaces at the facility.

<sup>3</sup>Site Development includes site clearing, demolition, roadways and utilities.

\*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by the GSA.

Authorization Requested (ECC and M&I)—\$50,127,000.\*

\*GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOE's). These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPMs) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development since these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified elements of each of these programs to be implemented at this port.

#### PRIOR AUTHORITY AND FUNDING

The House Committee on Transportation and Infrastructure authorized \$1,760,000 for site acquisition and design on July 21, 2004.

The Senate Committee on Environment and Public Works authorized \$1,760,000 for site acquisition and design on November 17, 2004.

The House Committee on Transportation and Infrastructure authorized \$17,600,000 for additional site acquisition and additional design on September 20, 2006.

The Senate Committee for Environment and Public Works authorized additional site acquisition and additional design on September 27, 2006.

Through Public Law 108-447, Congress appropriated \$1,760,000 for site acquisition and design in FY 05 on December 8, 2004.

Through Public Law 110-161, Congress appropriated \$17,160,000 for additional site acquisition and design on December 26, 2007.

Through Public Law 111-5, American Recovery and Reinvestment Act of 2009, GSA's Spending Plan included \$750,000 for additional design.

	Schedule	Start	End
Design .....		FY2008	FY2010
Construction .....		FY2010	FY2012

#### OVERVIEW OF PROJECT

This project will provide for the improvement and expansion to this POE on approximately 13.32 acres of land. GSA owns approximately .87 acres and will purchase an additional 12.45 acres. The scope of the project includes a total replacement of the existing original 6,000 gsf building built in 1959 with a new, multiple building facility totaling 28,756 gsf. The planned expansion includes: a 10,423 gsf main administration

building; 1,275 gsf for 2 non-commercial inspection lanes and an enclosed secondary inspection bay; a 146 gsf outbound inspection booth; 12,753 gsf of commercial inspection offices, dock, cargo facility, inspection booth, a non-intrusive inspection (NII) facility; a 1,894 pedestrian processing facility; and 2,265 gsf of indoor parking.

#### TENANT AGENCIES

Department of Homeland Security (DHS)—Customs and Border Protection (CBP), Department of Health and Human Services (HHS)—Food and Drug Administration (FDA), and GSA.

#### LOCATION

The Madawaska land POE is located in northern Maine in Aroostook County, at 2 Bridge Street, at the international border between the United States and Canada separating the State of Maine and the Province of New Brunswick, and adjacent to the Canadian town of Edmundston.

#### JUSTIFICATION

The existing site at Madawaska is very small, situated on less than one acre of land and is geographically constrained by the St. Johns River, Nexfor Fraser Papers and the Montreal Maine & Atlantic Railroad. The planned addition of radiation portal monitors and other on-site inspection equipment will only exacerbate the situation as the existing site lacks sufficient staging and queuing areas. In addition, site parking and vehicle maneuvering areas are inadequate, the commercial truck traffic pattern, and visitor and employee parking are not clear and well defined. Existing site constraints imposed by the railroad and paper company, require that an elevated roadway be constructed to allow for a full inspection operation by CBP.

Madawaska is New England's third busiest port in automobile traffic and sixth busiest in truck traffic. On-site staffing has increased substantially since September 11, 2001, resulting in the need for additional space. The existing facility lacks sufficient office and storage space, as well as a secure area to perform standard interview and search procedures. There is no commercial secondary inspection area to perform a proper secondary inspection, which at times involves unloading a typical tractor-trailer. As a result, secondary truck inspections are done at roadside. This effort often causes traffic congestion that backs up onto the bridge.

#### SUMMARY OF ENERGY COMPLIANCE

This project is designed to conform with the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environment Design (LEED) certification. It will also meet Congressionally required energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

#### ALTERNATIVES CONSIDERED

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

#### RECOMMENDATION

Construction.

#### CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

PME-F MW/10 2

Housing Plan  
US Lanc : of Entry

July 2000

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Madawaska LPOE												
DHS - Customs and Border Protection	9	9	4,144	1,082	0	5,226	29	29	20,309	3,791	2,447	26,547
GSA - PBS	1	1	165	505	0	670	1	1	519	453	0	972
HHS - Food and Drug Administration	0	0	0	0	0	0	1	1	64	453	720	1,237
Total:	10	10	4,309	1,587	0	5,896	31	31	20,892	4,697	3,167	28,756

Special Space	
Laboratory	720
Holding Cell	469
Restroom	361
Physical Fitness	768
Conference	599
Food Service	250
Total:	3,167

**CONSTRUCTION—U.S. LAND PORT OF ENTRY—  
TORNILLO-GUADALUPE—EL PASO COUNTY,  
TX—PTX-BSC-TG10**

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new port of entry at Fabens-Casita in El Paso County, TX, at additional design costs of \$3,800,000, management and inspections costs of \$6,381,000 and estimated construction costs of \$81,384,000, for a combined cost of \$91,565,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

*Provided further*, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

*Provided further*, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

*Provided further*, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

**DESCRIPTION**

The General Services Administration (GSA) proposes the construction of new port of entry (POE) facilities to replace the existing POE at Fabens-Casita in El Paso County, TX. The proposed facility will be known as the Tornillo-Guadalupe POE.

**PROJECT SUMMARY**

<b>Site Information:</b>	
Government-owned .....	6.3 acres
To be acquired .....	1109 acres
<b>Building Area:</b>	
Building (including canopies) .....	86,596 gsf
Building (excluding canopies) .....	74,596 gsf
Number of outside parking spaces: .....	160
<b>Cost Information</b>	
Site Development Cost <sup>2</sup> ....	\$63,512,000
Building Costs (includes inspection canopies) (\$206/gsf) .....	\$17,872,000

<sup>1</sup> Acreage is to be donated to GSA by El Paso County, TX.

<sup>2</sup> Site development costs include grading, utilities, paving and traffic control, drainage ponds and culverts (including piping and structures), lighting, and fencing.

**PROJECT BUDGET**

Design and Review (FY 2008) .....	\$4,290,000
-----------------------------------	-------------

Additional Design .....	3,800,000
Management & Inspection (M&I) .....	6,381,000
Estimated Construction Cost (ECC) .....	81,384,000

Estimated Total Project Cost .....

\$95,855,000  
\*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by the GSA.

Authorization Requested (Additional Design, ECC, M&I) \$91,565,000.\*

GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOE's). These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPM's) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel Initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development since these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified elements of each of these programs to be implemented at this port.

**PRIOR AUTHORITY AND FUNDING**

The House Committee on Transportation and Infrastructure authorized \$4,290,000 for design on May 23, 2007.

The Senate Committee on Environment and Public Works authorized \$4,290,000 for design on September 20, 2007.

Through Public Law 110-161, Congress appropriated \$4,290,000 for design on December 26, 2007.

	Schedule	Start	End
Design .....		FY2008	FY2010
Construction .....		FY2010	FY2013

**PROJECT OVERVIEW**

The GSA proposes construction of the Tornillo-Guadalupe POE to support a new international bridge crossing for which the County of El Paso, TX, obtained a Presidential Permit on March 31, 2005. The County of El Paso will construct the bridge structure, while GSA proposes to construct the POE facilities. The proposed POE will include sufficient infrastructure and facilities to support present and future demand by privately owned vehicles (POV), pedestrian and commercial traffic, both northbound and southbound. Facilities to process POV, bus, and pedestrian traffic and inspections are to include: main administration building, headhouse, four primary POV and eight secondary inspection stations, a screened "hard secondary" area, bus disembark and reload areas, parking for staff, service and visitors, secondary inspection canopy, POV return lanes to Mexico, requisite Non-Invasive Inspection (NII) systems (VACIS II, radiation portal monitors (RPM) and license plate readers (LPR), etc.), seizure vehicle parking area, a booth for outlease to the Texas Alcoholic Beverage Commission, and a pedestrian parkway.

Facilities to support commercial traffic and inspections include: a commercial building, ten covered commercial docks, two primary inspection booths with a canopy and bypass lane, NII systems, hazardous materials containment area, exit booth, bulk cargo bin, Agriculture Quarantine Inspection

(AQI), and narcotics storage. The facility will also provide an incinerator, kennel facilities, heliport, and communication tower. Additionally, inspection facilities for the Federal Motor Carrier Safety Administration (FMCSA) will be provided. The site will be fully secured by perimeter fencing and electronic surveillance. The existing Fabens POE will be demolished and the property will be integrated into the new proposed site at the location of the new bridge. Per the Presidential Permit, the County of El Paso will be responsible for demolition of the existing Fabens-Caseta bridge once the new bridge and POE facilities are complete.

The gross square footage requirement has increased by 8,451 square feet from the 78,145 square feet authorized for design in Prospectus PTX-BSD-TG08. The scope increase and need for additional design funding have resulted from additional requirements identified for NII systems, bird holding, security requirements, energy efficiency, and additional paving.

**TENANT AGENCIES**

Department of Homeland Security (DHS)-Customs and Border Protection (CBP), Department of Transportation (DOT)-Federal Motor Carrier Safety Administration (FMCSA), Texas Alcoholic Beverage Commission (TABC), and GSA.

**LOCATION**

The proposed location is approximately one-third mile northwest of the existing Fabens POE in El Paso County, TX.

**JUSTIFICATION**

The County of El Paso and its counterpart in Mexico are attempting to provide border residents with economic development opportunities and relief from the traffic backups at the congested POEs in downtown El Paso. A new facility has been determined to be needed in this area, primarily due to the processing constraints at the Fabens POE and the structural issues of the existing bridge. The proposed POE at Tornillo-Guadalupe will replace the existing port, which subsequently, will be demolished.

The existing Fabens-Caseta Bridge was constructed in 1938 and is not structurally sound enough to allow commercial vehicle crossings. The bridge is only 16 feet wide with a maximum permissible load level of 12 tons, cannot accommodate today's standard 15 to 20 tons, thereby limiting the Fabens port to processing only pedestrian and POV traffic. The existing facility is comprised of modular buildings which have reached full capacity and are unable to adequately support the needs of CBP. The Fabens modular buildings' lack of adequate space has hindered the ability of CBP to process, interview, segregate, and detain visitors to the U.S. Inefficiencies of the current facility include a domestic water system which requires water to be hauled from the nearby community. Water is only used for restrooms and hose bibs and bottled water is provided for employees to drink. Furthermore, the water system is not sufficient to provide fire-fighting capability even though the buildings have fire sprinklers. The existing septic system is not designed for the number of employees at the facility. Also, the main building does not have a public restroom.

The existing site has little utility infrastructure beyond single phase electrical power and copper telecommunications lines. The new facilities will require water, wastewater services, upgraded power, fiber optics, and natural gas. El Paso County, as part of the Presidential Permit application, has made the commitment to bring all necessary utility service to the edge of the property.

SUMMARY OF ENERGY COMPLIANCE

This project is designed to conform with the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet Congressionally required energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy ef-

ficiency above the measures achieved in the design.

ALTERNATIVES CONSIDERED

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

RECOMMENDATION

Additional design and construction.

CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended — — —, Acting Commissioner, Public Buildings Service.

Approved Paul F. Prouty, Acting Administrator, General Services Administration.

May 2009

Housing Plan  
US Law Part of EntryPTX-PS-C-TG10  
El Paso County, TX

Locations	Current*						Proposed							
	Personnel		Usable Square Feet (USF)			RSF	Personnel		Usable Square Feet (USF)			RSF		
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total		
New LPOE - Tornillo-Guadalupe														
DHS - CBP	24	24	2,750	0	8,024	10,774	10,774	122	122	9,613	303	54,178	64,094	67,237
DOT - Federal Motor Carrier Safety	0	0	0	0	0	0	0	4	4	1,366	0	6,616	7,982	8,219
GSA - PBS	0	0	0	0	0	0	0	1	1	100	0	900	1,000	1,150
Outlease - TABC	0	0	0	0	0	0	0	2	2	0	0	1,520	1,520	1,550
Total	24	24	2,750	0	8,024	10,774	10,774	129	129	11,079	303	63,214	74,596	78,156

\* Current section depicts space at existing Fabens-Casita POE. The new Tornillo-Guadalupe facility will replace the facilities at Fabens Casita.

Special Space	
Laboratory	420
Holding Cell	790
Restroom	2,250
Physical Fitness	560
Conference	200
ADP	810
Food Service	578
Bird Holding	125
Vaults	315
Processing Area	1,000
Lockers	780
Secured Storage	300
Control Booth	704
Kennels	1,678
Dock	10,080
Inspection Canopy	40,784
Secured Room	900
Mail Rooms	40
GSA Shop	900
<b>Total:</b>	<b>63,214</b>



There was no objection.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 905, by the yeas and nays;

H. Res. 16, by the yeas and nays;

Motion to Instruct on H.R. 2997, by the yeas and nays.

Votes on H.R. 2442, H.R. 1771, and H.R. 1053 will be taken later this week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

# THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE BOUNDARY MODI- FICATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 905, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 905, as amended.

The vote was taken by electronic device, and there were—yeas 286, nays 107, not voting 39, as follows:

[Roll No. 740]

YEAS—286

Ackerman	Carney	Edwards (TX)
Aderholt	Carson (IN)	Ehlers
Adler (NJ)	Castor (FL)	Ellison
Andrews	Chandler	Ellsworth
Arcuri	Childers	Eshoo
Austria	Chu	Etheridge
Bachus	Clarke	Farr
Baird	Clay	Fattah
Baldwin	Cleaver	Finer
Barrow	Clyburn	Forbes
Bean	Cohen	Fortenberry
Becerra	Connolly (VA)	Foster
Berkley	Cooper	Frank (MA)
Berman	Costa	Frelinghuysen
Berry	Costello	Fudge
Biggart	Courtney	Giffords
Billirakis	Crenshaw	Gonzalez
Bishop (GA)	Crowley	Gordon (TN)
Bishop (NY)	Cuellar	Granger
Blumenauer	Cummings	Green, Al
Boccieri	Dahlkemper	Green, Gene
Bono Mack	Davis (AL)	Griffith
Boren	Davis (CA)	Grijalva
Boswell	Davis (TN)	Guthrie
Boucher	DeFazio	Gutierrez
Boyd	DeGette	Hall (NY)
Brady (PA)	Delahunt	Halvorson
Braley (IA)	DeLauro	Hare
Brown, Corrine	Dent	Hastings (FL)
Brown-Waite,	Diaz-Balart, L.	Heinrich
Ginny	Diaz-Balart, M.	Herseth Sandlin
Buchanan	Dicks	Higgins
Camp	Dingell	Hill
Cao	Doggett	Himes
Capito	Donnelly (IN)	Hinche
Capps	Doyle	Hinojosa
Cardoza	Driebehaus	Hirono
Carnahan	Edwards (MD)	Hodes

Hoekstra	McNerney	Ryan (OH)
Holden	Meek (FL)	Ryan (WI)
Holt	Meeks (NY)	Salazar
Honda	Melancon	Sánchez, Linda
Hoyer	Mica	T.
Inglis	Michaud	Sanchez, Loretta
Inslee	Miller (MI)	Schakowsky
Jackson (IL)	Miller (NC)	Schauer
Jenkins	Minnick	Schiff
Johnson (GA)	Mitchell	Schrader
Johnson (IL)	Mollohan	Schwartz
Johnson, E. B.	Moore (KS)	Scott (GA)
Jones	Moore (WI)	Scott (VA)
Kagen	Murphy (CT)	Sensenbrenner
Kanjorski	Murphy (NY)	Serrano
Kaptur	Murphy, Patrick	Sessions
Kennedy	Murphy, Tim	Shea-Porter
Kildee	Murtha	Sherman
Kilpatrick (MI)	Nadler (NY)	Shuler
Kilroy	Napolitano	Shuster
Kind	Neal (MA)	Skelton
Kirk	Nye	Slaughter
Kirkpatrick (AZ)	Oberstar	Smith (NJ)
Kissell	Obey	Smith (TX)
Klein (FL)	Olson	
Kline (MN)	Oliver	Snyder
Kosmas	Pallone	Souder
Kratovil	Pascarella	Space
Kucinich	Pastor (AZ)	Speier
Lance	Paulsen	Spratt
Langevin	Payne	Stark
Larsen (WA)	Perlmutter	Stupak
Larson (CT)	Perriello	Tanner
LaTourette	Peters	Taylor
Lee (CA)	Peterson	Terry
Levin	Petri	Thompson (CA)
Lewis (GA)	Pingree (ME)	Thompson (MS)
Lipinski	Platts	Tierney
LoBiondo	Polis (CO)	Titus
Loeb sack	Pomeroy	Tonko
Lofgren, Zoe	Price (GA)	Towns
Lowe y	Price (NC)	Tsongas
Lujan	Putnam	Turner
Lynch	Quigley	Upton
Maffei	Rahall	Van Hollen
Markey (CO)	Rangel	Velázquez
Markey (MA)	Reichert	Visclosky
Marshall	Reyes	Walz
Massa	Rodriguez	Waters
Matheson	Rogers (KY)	Watson
Matsui	Rogers (MI)	Watt
McCarthy (NY)	Rooney	Waxman
McCaul	Ros-Lehtinen	Weiner
McCotter	Ross	Welch
McDermott	Rothman (NJ)	Wilson (OH)
McGovern	Roybal-Allard	Wittman
McIntyre	Ruppersberger	Woolsey
McMahon	Rush	Wu
		Yarmuth

# NAYS—107

Akin	Duncan	Lungren, Daniel
Alexander	Emerson	E.
Altmire	Fallin	Mack
Bachmann	Flake	Manzullo
Bartlett	Fleming	Marchant
Barton (TX)	Foxx	McCarthy (CA)
Bilbray	Franks (AZ)	McClintock
Bishop (UT)	Gallegly	McHenry
Blackburn	Garrett (NJ)	McKeon
Blunt	Gingrey (GA)	McMorris
Bonner	Goodlatte	Rodgers
Boozman	Graves	Miller (FL)
Boustany	Hall (TX)	Miller, Gary
Brady (TX)	Harper	Moran (KS)
Bright	Hastings (WA)	Myrick
Broun (GA)	Heller	Nunes
Brown (SC)	Hensarling	Pitts
Burgess	Herger	Poe (TX)
Burton (IN)	Hunter	Posey
Buyer	Issa	Rehberg
Calvert	Johnson, Sam	Roe (TN)
Campbell	Jordan (OH)	Rogers (AL)
Cantor	King (IA)	Roskam
Carter	King (NY)	Scalise
Cassidy	Kingston	Schmidt
Castle	Lamborn	Schock
Chaffetz	Latham	Shadegg
Coble	Latta	Shimkus
Coffman (CO)	Lee (NY)	Simpson
Cole	Lewis (CA)	Smith (NE)
Conaway	Linder	Stearns
Culberson	Lucas	Sullivan
Culberson	Luetkemeyer	Thompson (PA)
Deal (GA)	Lummis	Thornberry
Dreier		

Tiahrt	Westmoreland	Wolf
Walden	Wilson (SC)	Young (AK)

# NOT VOTING—39

Abercrombie	Jackson-Lee	Sarbanes
Baca	(TX)	Sestak
Barrett (SC)	Maloney	Sires
Boehner	McCollum	Smith (WA)
Butterfield	Miller, George	Sutton
Capuano	Moran (VA)	Teague
Conyers	Neugebauer	Tiberi
Davis (IL)	Ortiz	Wamp
Engel	Paul	Wasserman
Gerlach	Pence	Schultz
Gohmert	Radanovich	Wexler
Grayson	Richardson	Whitfield
Harman	Rohrabacher	Young (FL)
Israel	Royce	

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1855

Mrs. EMERSON and Messrs. REHBERG, CULBERSON, MACK, STEARNS and MCKEON changed their vote from “yea” to “nay.”

Mrs. BONO MACK and Mr. INGLIS changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRAYSON. Mr. Speaker, on rollcall No. 740, H.R. 905, I missed this vote because of a delayed flight, and heavy traffic on the 14th Street Bridge. Had I been present, I would have voted “yea.”

Stated against:

Mr. BOEHNER. Mr. Speaker, on rollcall No. 740 I was unavoidably detained. Had I been present, I would have voted “nay.”

# NATIONAL LIFE INSURANCE AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 16, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 16.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 1, not voting 37, as follows:

[Roll No. 741]

YEAS—394

Ackerman	Austria	Bean
Aderholt	Bachmann	Becerra
Adler (NJ)	Bachus	Berkley
Akin	Baird	Berman
Alexander	Baldwin	Berry
Altmire	Barrow	Biggart
Andrews	Bartlett	Bilbray
Arcuri	Barton (TX)	Billirakis

Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocchieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite, Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Eshoo  
Etheridge  
Fallin  
Farr

Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Giffords  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Issa  
Jackson (IL)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)

Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel E.  
Lynch  
Mack  
Maffei  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez

Roe (TN)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda T.  
Sanchez, Loretta  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner

Serrano  
Sessions  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Sprett  
Stearns  
Stupak  
Sullivan  
Tanner  
Taylor  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry

## NAYS—1

Stark

## NOT VOTING—37

Abercrombie  
Baca  
Barrett (SC)  
Butterfield  
Cantor  
Capuano  
Conyers  
Davis (IL)  
DeFazio  
Engel  
Gerlach  
Gohmert  
Harman

Israel  
Jackson-Lee (TX)  
Maloney  
McCollum  
Miller, George  
Moran (VA)  
Neugebauer  
Paul  
Pence  
Radanovich  
Rogers (AL)  
Rohrabacher

Sarbanes  
Sestak  
Sires  
Slaughter  
Sutton  
Teague  
Wamp  
Wasserman  
Schultz  
Wexler  
Whitfield  
Yarmuth  
Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. YARMUTH. Madam Speaker, I was unable to cast the recorded votes for Rollcall 741, H. Res. 16, On Motion to Suspend the Rules and Agree. Had I been present I would have voted "yes" for this measure.

# MOTION TO INSTRUCT CONFEREES ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2997 offered by the gentleman from Georgia (Mr. KINGSTON) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion. The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 359, nays 41, not voting 32, as follows:

[Roll No. 742]

## YEAS—359

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Acuri  
Austria  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Berkley  
Berman  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocchieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite, Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clay  
Cleaver  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Eshoo  
Etheridge  
Fallin  
Farr

Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Giffords  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseht Sandlin  
Hill  
Himes  
Hinchey  
Hinojosa  
Hodes  
Hoekstra  
Holden  
Holt  
Hunter  
Inglis  
Inslee  
Issa  
Jackson (IL)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski

Kaptur  
Kildee  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)

Paulsen	Rush	Stark
Perlmutter	Ryan (OH)	Stearns
Perriello	Ryan (WI)	Stupak
Peters	Salazar	Sullivan
Peterson	Sanchez, Loretta	Tanner
Petri	Sarbanes	Terry
Pingree (ME)	Scalise	Thompson (CA)
Pitts	Schauer	Thompson (MS)
Platts	Schiff	Thompson (PA)
Poe (TX)	Schmitt	Thornberry
Polis (CO)	Schock	Tiahrt
Pomeroy	Schrader	Tiberi
Posey	Schwartz	Titus
Price (GA)	Scott (GA)	Tonko
Putnam	Scott (VA)	Towns
Quigley	Sensenbrenner	Turner
Rahall	Serrano	Upton
Rangel	Sessions	Van Hollen
Rehberg	Shadegg	Walden
Reichert	Shea-Porter	Walz
Reyes	Sherman	Watt
Richardson	Shimkus	Waxman
Rodriguez	Shuler	Weiner
Roe (TN)	Shuster	Welch
Rogers (AL)	Simpson	Westmoreland
Rogers (KY)	Slaughter	Wilson (OH)
Rogers (MI)	Smith (NE)	Wilson (SC)
Rooney	Smith (NJ)	Wittman
Ros-Lehtinen	Smith (TX)	Wolf
Roskam	Smith (WA)	Woolsey
Ross	Snyder	Wu
Rothman (NJ)	Souder	Yarmuth
Royce	Space	Young (AK)
Ruppersberger	Spratt	

## NAYS—41

Becerra	Kennedy	Pastor (AZ)
Berry	Kilpatrick (MI)	Payne
Clarke	Larson (CT)	Price (NC)
Clyburn	Lee (CA)	Roybal-Allard
Delahunt	Lofgren, Zoe	Sánchez, Linda
DeLauro	Lujan	T.
Farr	Markey (MA)	Schakowsky
Frank (MA)	Matsui	Skelton
Fudge	McDermott	Speier
Grijalva	McGovern	Tsongas
Hirono	Moore (WI)	Velázquez
Honda	Napolitano	Viscosky
Hoyer	Obey	Waters
Johnson, E. B.	Oliver	Watson

## NOT VOTING—32

Abercrombie	Jackson-Lee	Sutton
Baca	(TX)	Taylor
Barrett (SC)	Maloney	Teague
Butterfield	Miller, George	Tierney
Capuano	Moran (VA)	Wamp
Conyers	Neugebauer	Wasserman
Davis (IL)	Paul	Schultz
Gerlach	Pence	Wexler
Gohmert	Radanovich	Whitfield
Harman	Rohrabacher	Young (FL)
Higgins	Sestak	
Israel	Sires	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1909

Mr. DELAHUNT changed his vote from “yea” to “nay.”

Mr. SCHRADER changed his vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Ms. DELAULO, Messrs. FARR, BOYD, BISHOP of Georgia, DAVIS of Tennessee, Ms. KAPTUR, Messrs. HINCHEY, JACKSON of Illinois, OBEY, KINGSTON, LATHAM, Mrs. EMER-

SON, Messrs. ALEXANDER and LEWIS of California.

There was no objection.

## NO TROOP ESCALATION IN AFGHANISTAN

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Madam Speaker, President Obama will soon decide whether to significantly escalate the number of U.S. troops deployed to Afghanistan. I urge him to exercise extreme caution and not increase America's military footprint in Afghanistan.

I was in Afghanistan right after the elections. Everyone admits there was massive fraud and that corruption is widespread in the government. Do we really expect to achieve long-term sustainable development in Afghanistan when the people have no confidence in their leaders? Can we develop and train a credible Afghanistan security force when many of its leaders are allied with warlords and drug lords?

Last Friday, 57 bipartisan Members of Congress sent a letter to the President asking him not to increase the number of U.S. combat troops in Afghanistan in the absence of a well-defined military exit strategy. If we're going to send our men and women to fight and die in Afghanistan for a corrupt and fraudulent government, then at least tell us when they will be able to come home.

CONGRESS OF THE UNITED STATES,  
Washington, DC, September 25, 2009.

Hon. BARACK OBAMA,  
President of the United States, The White House, Pennsylvania Avenue, NW, Washington, DC.

DEAR MR. PRESIDENT: As you consider the latest assessment of U.S. military engagement in Afghanistan by General Stanley A. McChrystal, we urge you to reject any recommendation to increase the number of combat troops there, particularly in the absence of a well-defined military exit strategy.

We have enormous confidence in the ability of the U.S. military, but we question the effectiveness of committing our troops to a prolonged counterinsurgency war that could last ten years or more, involve hundreds of thousands of troops, and impose huge financial costs on taxpayers already saddled with trillions of dollars of government debt.

According to General Charles Krulak (retired), the 31st Commandant of the Marine Corps, the current strategy of protecting the people of Afghanistan with U.S. forces would require an escalation of several hundred thousand additional troops. He warns that our military has already been overburdened: “Not only are our troops being run ragged but, equally important and totally off most people's radar screens, our equipment is being run ragged.” It is unlikely that our NATO allies will be able to sustain the political support necessary for continuing such a mission placing even more of a burden on American forces and the American people.

2009 is already the deadliest year for U.S. forces since the war began eight years ago.

Fifty-one of the seven hundred and thirty-eight U.S. soldiers who have lost their lives in Afghanistan were killed last month alone.

The national Afghanistan election that U.S. Ambassador Karl Eikenberry hoped would lead to a “renewal of trust of the Afghan people for their government” was a disaster and will almost certainly have the opposite effect. The official Electoral Complaints Commission in Afghanistan has announced that it has found “clear and convincing evidence of fraud.” A government already mired in allegations of widespread fraud and incompetence is now facing serious charges and compelling evidence that it has attempted to steal the national election.

A February 2009 ABC/BBC/ARD poll found that only 18 percent of Afghans support increasing the number of U.S. troops in their country. This should come as no surprise. Historically, Afghans have always forcefully resisted the presence of foreign military forces, be they British, Soviet or American. The presence of our forces strengthens the hand of Taliban recruiters. Indeed, an independent analysis early this year by the Carnegie Institute concluded that the presence of foreign troops is probably the single most important factor in the resurgence of the Taliban.

We support your administration's declared goals of defeating Al Qaeda and reducing the global terrorist threat. But, we believe that adding even more U.S. troops to the military escalation that your administration ordered in March would be counterproductive. We urge you to consider and pursue the full range of alternative options including applying the lessons of the Cold War where we isolate and contain those who pose a threat to our national security.

Mr. President, the last thing that our nation needs as it struggles with the pain of a severe economic crisis and a mountain of debt is another military quagmire. We believe that this is why recent polls consistently show that a majority of Americans are opposed to a military escalation in Afghanistan. We urge you to reject any recommendation for a further escalation of U.S. military forces there.

Sincerely,

James P. McGovern, Walter Jones, Ron Paul, Ed Whitfield, Neil Abercrombie, Jim McDermott, Pete Stark, Bruce Braley, Phil Hare, Raúl Grijalva, Lynn Woolsey, Lloyd Doggett, Bob Filner, John Oliver, José Serrano, Barbara Lee, Jerry Costello, Ben Ray Lujan, Alan Grayson, Peter Welch.

Kurt Schrader, Tammy Baldwin, Ed Pastor, Yvette Clarke, Sheila Jackson Lee, John Lewis, Carolyn B. Maloney, Richard Neal, Diane Watson, John Conyers, Jr., Dennis Kucinich, Tim Johnson (IL), Steve Cohen, Keith Ellison, Donna Edwards, Laura Richardson, Michael Honda, Jan Schakowsky, Daniel Maffei, Steve Kagen.

Michael Capuano, Sam Farr, Chellie Pingree, Luis Guterrez, Maurice Hinchey, Maxine Waters, Mazie Hirono, Jared Polis, Roscoe Bartlett, John J. Duncan, Jr., Dana Rohrabacher, Mike Michaud, Earl Blumenauer, Rush Holt, Mike Quigley, Peter DeFazio, Jerrold Nadler.

## MIAMI-DADE HEART ASSOCIATION LEADS THE WAY IN NATIONWIDE HEART WALK

(Ms. ROS-LEHTINEN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, the Miami-Dade Heart Association will hold its Miami-Dade Start! Heart Walk this Saturday, October 2, at the beautiful Tropical Park. Miami's walk is just one of nearly 400 similar events across our great country that will help the tremendous lifesaving activities of the American Heart Association. This major undertaking is designed to promote physical activity and heart-healthy living in a fun-loving atmosphere for the whole family. More than 1 million walkers from around the Nation are expected to participate in this massive effort to help those afflicted by the Nation's number one and the Nation's number three killers, heart disease and stroke.

The main reason behind the walk is to raise awareness that physical inactivity significantly increases the risk of heart disease and stroke. Seventy percent of Americans don't get enough exercise; and as a result, our waistbands have expanded and so have the number of preventable illnesses and health care costs.

Madam Speaker, both locally and nationally, the Heart Association is showing the way to help improve our Nation's health care through this momentous endeavor. Let's all start walking this Saturday.

#### WALSH UNIVERSITY 50TH ANNIVERSARY CELEBRATION

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Madam Speaker, this academic year represents a most momentous occasion for the 16th Congressional District of Ohio. We celebrate the 50th anniversary of the founding of Walsh University. On November 17, 1960, the six founding brothers of Walsh University brought their dream to life when Walsh College enrolled 67 male students united under the mission of creating leaders in public service and educating the working class.

Walsh's 50-year history is full of many highlights, but some stand out from the rest. In 1967 Walsh opened its doors to women and officially became coed. In 1981, Walsh established its first graduate program, offering a master of arts in counseling. In 1993, Walsh College became Walsh University, paving the way for further growth and expansion. Under the leadership of President Richard Jusseume, the university has experienced unprecedented growth not only in enrollment but also in physical growth with the addition of several academic buildings, residence halls and athletic facilities.

Today, Walsh University offers more than 50 majors, six graduate programs, a doctorate program in physical ther-

apy, and boasts four campuses throughout northeast Ohio, one just outside of Rome, Italy, and welcomes more than 3,000 students to our great district. We can only imagine what the next 50 years will bring, but I am certain a bright future lies ahead for Walsh University.

□ 1915

#### NATIONAL OVARIAN CANCER AWARENESS MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Madam Speaker, I rise to recognize September as National Ovarian Cancer Awareness Month.

This deadly disease hits 1 in every 72 women in the United States and is the fifth leading cause of cancer deaths among women.

As a husband, brother, and father, I believe it's of the utmost importance to call attention to this disease that hits 20,000 American women every year. In just 2008 alone, over 15,000 women died of ovarian cancer.

Cases of this deadly cancer can be very difficult to diagnose because of subtle symptoms that are sometimes confused with many other conditions. When it's detected, however, 9 out of 10 women will survive. However, only 19 percent of ovarian cancer cases in the United States are diagnosed at an early stage.

Let's not only remember those that we have lost to this deadly disease, but as this month ends, let's work together towards creating and improving treatments to save the lives of mothers, sisters, daughters, and all those around us that we love each day.

#### FCC WILL STIFLE INVESTMENT WITH NEW REGULATIONS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, yesterday The Washington Post published an editorial about recent rumblings at the Federal Communications Commission. It seems that the FCC Chairman is concerned about "breaks and cracks" in the Internet that pose a threat to openness. His prescription for these apparent fissures: the heavy hand of the Federal Government.

As a result, the FCC appears ready to hand down new regulations that will hinder Internet Service Providers' ability to manage their own networks. The rules would essentially regulate how ISPs manage network traffic. But this seems more like a solution in search of a problem. Or rather it's a solution that will create a problem by hamstringing network operators' ability to manage network congestion.

The Post is right to question the FCC's proposal. Such overregulation will only hamper additional investment by Internet providers, which could negatively affect rural areas like much of the district I represent.

#### PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, because I was unavoidably detained with constituents, I would like to acknowledge that my vote would have been "aye" in rollcall vote No. 737, the Medicare Premium Fairness Act, on Thursday, September 24, 2009.

Likewise, I was unavoidably detained in a meeting with the Vice President, and I would like to indicate that my votes today on passage of H.R. 905, Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act, rollcall vote No. 740, would have been "aye"; H. Res. 16, supporting the goals and ideals of the National Life Insurance Awareness Month, rollcall vote 741, would have been "aye"; and adoption of motion to instruct conferees on H.R. 2997, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010, rollcall vote 742, would have been "no."

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. HALVORSON). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### THE WALL STREET BAILOUT: "HEADS, WE WIN; TAILS, THE TAXPAYERS LOSE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Madam Speaker, a year ago we heard that the world financial system was on the verge of collapse. Congress was given a \$700 billion Wall Street bailout plan that we were told was needed to avert catastrophe. After studying the legislation, I decided it contained too many loopholes and provided no guarantee that middle class Americans would be helped by this huge expenditure of their hard-earned money.

One year ago today, I stood here and voted against the bailout bill, and it failed. Unfortunately, later that week the Senate passed it, and it then passed the House on the second try. The bill had gotten no better; so I reluctantly voted against that bill again.

I believed it was the right thing to do then, and I am even more convinced of that today. Much of what I feared would happen if we passed the bailout has come to pass.

We still don't know what the banks have done with the billions they were given. Executives at firms the taxpayers propped up have taken home huge paychecks. Foreign banks wound up receiving taxpayer money. And, most importantly, unemployment has skyrocketed and is expected to go higher.

Last week I joined 28 of my colleagues in calling on the Treasury Department to end the bailout program and stop more taxpayer money from being misspent. A year after Wall Street's recklessness brought the economy to its knees, little has been done to reform the financial system and prevent another such crisis. That must change. We cannot permit the financial industry to continue to live by the slogan "heads, we win; tails, the taxpayers lose."

For the time being, the markets appear to have stabilized, but that is little comfort to the millions of Americans who are out of work or have seen their wages and hours cut, or are wondering if their next day on the job will be their last. They are among the innocent victims of this recession.

There is still great anger about what happened with the bailout and the reckless and misguided actions that caused the problems in the financial industry that led to the pain felt by middle class Americans. I continue to hear about it from my constituents, no matter where they live in my district, what their profession is, or their age.

One constituent I spoke with last month is more well known than most of my constituents, but he echoed a similar sentiment when it came to the bailout and what we need in America today. Dennis DeYoung, lead singer and songwriter for Styx, pointed me to a song he wrote and sang 30 years ago. That song, "Rockin' the Paradise," appeared on the album "Paradise Theater," which went to number one on the charts. It was recorded in a studio in Oak Lawn in my district. Thirty years later, as our country continues to reel from the consequences of the greed of some, the lyrics are as relevant as ever:

"Don't need no fast buck, lame duck profits for fun, quick trick plans, take the money and run. We need long term, slow burn, getting it done, and some straight-talking, hardworking son of a gun."

The song goes on:

"I ain't lookin' to fight, but I know with determination, we can challenge the schemers who cheat all the rules."

"Come on take pride, be wise, spottin' the fools. No big shots, crackpots bending the rules. A fair shot here for me and for you."

That is what Americans want, to know that when they work hard, they'll not get cheated by the "big shots" and the "crackpots."

It's long past time that we "challenge the schemers who cheat all the

rules." That is what my constituents want. That is what all hardworking Americans want us to do in Washington. They want to hear "straight talk." They want to see us "getting it done" so that they have a "fair shot" at the American Dream.

#### BORDER SECURITY IS A NATIONAL SECURITY ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, there are still terrorists plotting to attack this Nation of ours. Just last week the FBI arrested a terrorist in Dallas, Texas. He drove up to the 60-story Fountain Place glass office building in downtown Dallas. He thought he had made a car bomb and had it all rigged up to blow up the building with the people inside. Media reports say that this Jordanian that was in the United States was illegally in this country.

Law enforcement was on the job, however. The FBI had undercover agents posing as members of an al Qaeda sleeper cell, and they secretly supplied the terrorist with a dud bomb. But he didn't know that. The terrorist parked his dud bomb car in the parking garage, walked a few blocks away, dialed the cell phone number he thought would set the explosion off. It didn't work, and he was immediately arrested. That's good news for the people that were in that 60-story building in Dallas, Texas.

Over the past 2 weeks, terrorists have been arrested in Dallas, Illinois, New York, and Denver. The threats to the United States from jihadists have not stopped.

One way people who want to harm us get here is simply crossing our porous borders, especially the southern border. Now Border Patrol reports that nearly 1,300 miles of the U.S.-Mexico border is not under effective control. The Department of Justice admits that vast stretches of the border are just easily breached. The Government Accountability Office says that three terrorists have been caught at the border; 530 aliens from terrorist countries were stopped at Border Patrol checkpoints just last year. And that's at a checkpoint. What about the hundreds who get through our borders between the checkpoints?

Our government's response to all of this is to decrease the number of Border Patrol agents at our southern border. Beginning in 3 days, they're pulling hundreds of agents off the Southern border. Does this make sense to anyone?

Each year the Border Patrol sets a goal for "border miles under effective control." "Effective control" means, in their jargon, when the Border Patrol

detects somebody crossing, they expect to catch them.

Homeland Security says the Border Patrol's goal last year was to have only 815 miles of the 8,600 miles of border under "effective control." That's on both the southern and the northern border. Next year the goal is exactly the same: 815 miles under "effective control." That means Homeland Security is not planning to secure one additional mile of either border next year, not one. And, of course, that's good news to people who want to cross illegally into the United States and do us harm.

The southern border is nearly 2,000 miles long. Yet less than 700 miles are what Homeland Security calls secured. Over 1,200 miles are not effectively under control, they say. And their media border guy, Lloyd Easterling, said the Border Patrol could protect the Mexican border with fewer agents. He may be the only person in America that feels that way. He said local police and sheriffs departments were on the job, and they are. But they're overwhelmed, and they're overwhelmed with crime crossing into the United States. They don't have nearly enough officers, and they don't have the money to hire more personnel.

It's the job of the Federal Government to protect our borders. I've been down to the Texas-Mexico border numerous times, and it's no longer a friendly, safe place to be. There are parts of the South Texas border that are so remote that people just walk across every day. We do not know who these people are. We don't know their intentions. And we don't know what they're bringing over into the United States. Not everyone coming into the United States illegally is looking for work.

Instead of decreasing the number of Border Patrol agents, it needs to be increased, and we need to send the National Guard to the border as well. We should also move our military training exercises and operations to the southern border.

Border security is a national security issue, and it's the number one duty of government: national security.

□ 1930

The American people are asking, Why don't we expect and make the government secure our borders? That is a good question. This question has been asked for years, but yet we still have the same results: porous borders. The greatest Nation on Earth secures the borders of other nations but refuses to secure our own border, and the question is why.

And that's just the way it is.

# REPUBLICAN HEALTH CARE PLAN: DON'T GET SICK, OR IF SICK, DIE QUICKLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. You may recall that a few weeks ago, President Obama came to this Chamber and he addressed the Chamber on health care before a joint session of the House and the Senate. During that session, I was privileged to be here, and I saw my colleagues on the far side of the aisle, the Republicans, waving pieces of paper during his speech, and I was wondering what they were. I couldn't imagine. It almost seemed like they wanted President Obama's autograph. I just didn't get it. I heard from one of my colleagues that this is what they call the Republican health care plan.

I went over after the speech was over. I picked up a copy that was lying down on the Republican side, and it turns out that the Republicans health care plan was a blank piece of paper. I inquired further, trying to find out exactly what Republicans health care plan is, and it is my duty and pride tonight to be able to announce exactly what the Republicans plan to do for health care in America. It is this. It is a very simple plan. Here it is.

The Republicans' health care plan for America: Don't get sick. That's right. Don't get sick. If you have insurance, don't get sick. If you don't have insurance, don't get sick. If you are sick, don't get sick. Just don't get sick. That's what the Republicans have in mind for you, America. That's the Republicans' health care plan.

But I think that the Republicans understand that that plan isn't always going to work. It is not a foolproof plan. So the Republicans have a back-up plan in case you do get sick. If you get sick in America, this is what the Republicans want you to do. If you get sick, America, the Republican health care plan is this: Die quickly. That's right. The Republicans want you to die quickly if you get sick.

Now, the Democrats have a different plan. The Democrats say that if you have health insurance, we are going to make it better. If you don't have health insurance, we are going to provide it to you. If you can't afford health insurance, then we'll help you afford it.

So America gets to decide. Do you want the Democratic plan or do you want to Republican plan?

Remember, the Republican plan: Don't get sick. And if you do get sick, die quickly.

## REPUBLICANS CAN SOLVE HEALTH CARE PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of INDIANA. I can't believe what I just saw. I can't believe it.

First of all, it's totally wrong; and secondly, it's making fun of a very important issue for the American people. We do have health care problems in this country, and we need to solve those problems, but coming down here and making light of the issue by coming up with a lot of silly talk is just ridiculous.

The Republicans have a bill, H.R. 3400, which deals with the problem in a way that does not get the government in between the patient and their doctor. My colleagues on the other side of the aisle want to come up with a government plan where the government starts making all the rules and taking a major place in between the patient and their doctor.

And, you know, I would like to say to my friends across the country, if they happen to be watching, and my colleagues—and I know I can't do that. I can't address anybody except my colleagues. But if I were talking to people across this country, I would like to ask them, What government agency has done such a great job that you would want to rely on them for your health care? Just start naming a couple. What government agency has done such a good job that they're not spending much more money than you anticipate they're going to spend, and then think about health care.

The projections are that the Democrats' plan is going to cost between \$1 and \$3 trillion over the next 10 years, money we do not have. Money that your kids and your grandkids are going to have to pay for with higher taxes and inflation.

And they say that we don't have a plan. We do have a plan. We want to allow businesses to band together so they can get the best rates like major corporations. We want businesses to be able to go across State lines to buy insurance at the best rate possible. We want to set up medical savings accounts so people will have the money of their own, tax deductible money put into the account by them and their employer, and they can use it as they see fit for medical coverage, and then if there is a major expense above the \$2,000 or \$3,000 of their money that's in the bank, you can have a major medical policy. It would save an awful lot of money.

There is no question that we have maybe 10 million people in the country who are indigent, who don't have health care, that we need to deal with. Not the illegal aliens, not the people who elected not to have insurance, but the 10 million people who really don't have it and need it. And in our plan, H.R. 3400, we address that. And we could solve this problem for a few billion dollars, not trillions of dollars like the Democrats talk about.

In their original bill—they talk about we're waiting for people to die. In their bill, they had a phrase in there that said, or a paragraph that said you should have regular meetings with paraprofessionals to talk about end-of-life planning. End-of-life planning. That's something that should be between an individual, their pastor, and their family, and their doctor.

Mr. DUNCAN. If the gentleman will yield.

Mr. BURTON of Indiana. I would be happy to yield to my friend from Tennessee.

Mr. DUNCAN. I want to speak very briefly to say that the Republicans want—or that our health plan is to hope that all of the people die quickly is—I have been here 21 years, and that is about the most mean-spirited, partisan statement that I've ever heard made on the floor of this House. And I, for one, don't appreciate it at all, and that brings the debate on this important issue to about the lowest level of any debate I've heard since I have been here.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. BURTON of Indiana. I would be happy to yield to my colleague from Georgia.

Mr. PRICE of Georgia. The gentleman from Florida, Mr. GRAYSON, is still on the floor. He could have an opportunity to come down and apologize to the House right now for denigrating this discussion, this debate, for debasing Members of not just the House of Representatives, but this entire Nation. It's shameful what's been done.

Mr. GRAYSON, how about apologizing? Mr. GRAYSON? Mr. GRAYSON, how about apologizing?

Mr. BURTON of Indiana. I think Mr. GRAYSON has left the Chamber.

Mr. PRICE of Georgia. I thank the gentleman.

Mrs. BLACKBURN. If the gentleman will yield.

Mr. BURTON of Indiana. I would be happy to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

The Chair reminds all Members to direct their comments to the Chair.

Mrs. BLACKBURN. I thank the gentleman for yielding.

And, Madam Speaker, I find it just so unfortunate as we are seeking to address and find bipartisan agreement on an issue of paramount importance to the American people on an issue that our seniors continue to talk to us about every day because of their concerns over Medicare, what the delivery is going to be, that we would have someone, Madam Speaker, who would come to this floor and would make such a statement and would make such accusations.

And, Madam Speaker, I think that it is fully appropriate that the gentleman

return to the floor and apologize to the Members of this body.

Mr. BURTON of Indiana. Let me say as we end, Madam Speaker, we don't want rationing for seniors, and we don't want \$500 billion taken out of Medicare.

#### ASSISTANCE TO LIBYA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I am here to speak on a different topic, on U.S. assistance to Libya and the need for U.N. and foreign aid reform in our budgeting process.

Madam Speaker, just as the convicted extremist of Pan Am Flight 103 was being given a hero's welcome in Libya and just prior to the Libyan leader's own bizarre 93-minute diatribe against all freedom-loving nations before the U.N. General Assembly last week, the Congress was receiving a notification from our State Department that it intended to provide \$2.5 million in economic support funds for Libya. That's unbelievable.

The State Department plans also to send 400,000 of those dollars to organizations run by members of the Qaddafi family; \$200,000 of this is to go to the Qaddafi Development Foundation for assisting indigenous NGOs identify potential for reform. Reform in Libya? You have got to be kidding. This foundation is not a nongovernment organization. It has direct links to Libyan Government and is actually run by the son of Qaddafi. For those of who don't know Qaddafi's second oldest son, he is the one who personally escorted the man responsible for the tragedy of Pan Am Flight 103 from Scotland upon his release back to Libya on his father's personal jet.

The foundation run by Qaddafi's second oldest son is the very group that was used by the Libyan regime to channel funds to compensate American victims of Libyan-sponsored attacks, including victims of Pan Am Flight 103. State Department funding for this foundation may, in fact, serve as a backdoor replenishment of funds used by Libya to compensate our victims of Libyan-sponsored attacks.

Turning to a separate \$200,000 slush fund proposed under the heading of "Inclusive Economic Law and Property Rights: Promoting Women's Economic Opportunities," the State Department has indicated that the anticipated implementing partners will be the United Nations Development Programme and an organization run by Qaddafi's daughter. Qaddafi's daughter also serves as the UNDP's goodwill ambassador to Libya, so she gets two opportunities to directly benefit from U.S. Government programs in Libya at our taxpayers' expense.

The role of the United Nation Development Programme is very disturbing. It has been the center of several major corruption scandals in recent years. It reportedly cannot account for millions of American dollars that it received in Afghanistan. It also allegedly funneled hard currency to the North Korean regime while Kim Jong Il was consolidating his nuclear program. UNDP then retaliated against the whistleblower who uncovered this wrongdoing.

So I ask you, was funding for the Qaddafi family and a notoriously unaccountable UNDP what Congress had in mind when it appropriated funds to support what they call promotion of democracy and human rights in Libya? Oh, my gosh. Absolutely not.

Unfortunately, the Libya aid program presents just one more example of the need for broad, comprehensive reform of the United States foreign assistance program. Our U.S. foreign assistance can go a long way in improving people's lives while promoting our most cherished ideals of freedom and human rights. However, when administered poorly where unaccounted foreign governments, international organizations and bureaucrats are the beneficiaries, then our foreign aid programs only serve to undermine our very own interests.

It is time for us to get serious about reforming our foreign aid system and about effectively vetting our programs and partners.

Toward this end, Madam Speaker, I have proposed two separate pieces of legislation: H.R. 1062, the Foreign Assistance Partner Vetting Act, and H.R. 557, the United Nation's Transparency, Accountability, and Reform Act, and I hope that we can get those bills heard forthwith.

Thank you very much, Madam Speaker.

#### NO GOVERNMENT OPTION

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Let me just say as an extension of what we were discussing a few minutes ago, the other body, the Senate today twice voted down in the Senate Finance Committee the government option because they know the American people, by a large majority, does not want the government interfering in health care and sticking their nose in between a doctor and a patient. That was done in the U.S. Senate today.

And I would just like to say one more thing—this won't take a whole minute—and that is seniors of this country, and I've talked to a lot of them, they know that they're going to be taking between \$500 and \$600 billion out of Medicare and Medicare Advantage over the next decade, which is

going to cause the Medicare program to be in worse shape than it is already. And the program they're talking about is going to result in rationing. It is going to result in problems for seniors, and the seniors know it.

I would just like to end by saying this to my Democrat colleagues: They all vote.

□ 1945

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, the gentleman just before me was speaking about the public option. And I, like him, am happy that the Senate Finance Committee has turned down the public option. But I don't think the snake is dead yet here on the House floor because it seems that the Speaker is working over the CBO numbers in trying to persuade some folks there is some \$85 billion worth of savings if we just set the reimbursement rate at 5 percent above Medicare.

Well, let's think that through. Here is what we've got. We've already got two public programs that under-reimburse providers. In fact, for hospitalizations, Medicaid, which is a Federal and State program, reimburses typically at 87 percent of actual cost for hospitalizations. Medicare reimburses at 92 percent of actual cost. So if you go 5 percent higher than Medicare, if I'm doing the math right, it means that maybe the new public option would reimburse maybe 93, 94 percent of actual cost, which means that you have got a 13 percent cost shift in Medicaid, a 7 percent cost shift in Medicare; and now if a public option comes to be, a 6 percent or so cost shift there. The result is that private payers have to pay 129 percent of actual cost, on average, when they go into the hospital. Now that's a problem because if it's 129 percent of actual cost, it means that premiums go up.

So the public option, far from solving the problem of cost shift, actually is going to add to the problem of cost shift by giving us a third Federal program that adds to the problem. So it's clear that this is not a solution, and the \$85 billion worth of savings is not a real savings. It's a savings only if you can go pull money out of the pocket of anybody that walks into the hospital with an insurance card in their pocket, because again, they pay 129 percent of actual costs.

So somehow what we have to do here in this health care reform business is figure out how to stop that cost shift, how to be accountable here at the Federal Government so that we're not paying just 87 percent of actual cost for Medicaid patients, not just paying 92



percent of actual costs for Medicare patients, and certainly not creating a third program that will under-reimburse hospitals.

So our challenge, the challenge before us, is to figure out how to stop the cost shift and how to be accountable from here in Washington, from our State capitals, and surely not to create a public option that just adds to the problem.

#### HONORING VICTOR ASHE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, I had the privilege of going earlier today to the flag ceremony at the State Department for Victor Ashe who is retiring as our ambassador to Poland. Victor Ashe is a longtime friend of mine, and in fact, we roomed together in San Francisco where we were attending the 1964 Republican National Convention. I was between my junior and senior years in high school and at the time was an honorary assistant sergeant at arms at the convention. I don't suppose you can get any lower than being an honorary assistant, but it got me in the door. And Victor that summer had just completed his first year at Yale, and I'm sure had a much more important position.

In the years since then, Victor Ashe has had one of the most distinguished careers of anyone from our State. He was elected to the Tennessee State House at the age of 21, the minimum age for service in that body. He began his service in the Tennessee State Senate at the age of 30, also the minimum age required. He was the Republican nominee for the U.S. Senate and then spent a year and a half as the executive director of the President's Commission on Americans Outdoors.

In 1987, he was elected as mayor of Knoxville, eventually serving for 16 years and becoming the longest-serving mayor in the city's history. In that position, he achieved national recognition by being named president of the U.S. Conference of Mayors.

Five years ago, President George W. Bush named Victor Ashe as our Ambassador to Poland, where he served longer than any other U.S. ambassador to that country. Political appointees usually become our very best ambassadors, and that was certainly true in the case of Victor Ashe. He visited approximately 200 villages, towns and cities in Poland, covering almost every nook and cranny of that country. He hosted receptions and parties for over 28,000 people and had 320 overnight guests at the ambassador's residence. Showing that he never forgot where he came from, most of his overnight guests were from the Knoxville area.

I had the privilege of leading a congressional delegation of 11 Members to

Poland; and Ambassador Ashe and his wife, Joan, went far above and beyond the call of duty in hosting us at that time. In addition, I had several Members of Congress who had met him on other trips, and they always came back singing the praises of our great ambassador.

I have met many U.S. ambassadors and ambassadors from other countries during my time in Congress. I have never met, heard of, or read about anyone who has worked as hard or has spent as much time going around the country getting to know people from all walks of life. I want to commend Victor Ashe for all his service to the people of Tennessee in the State house and senate and as mayor of Knoxville. But tonight I especially want to salute him for his great service as the 24th U.S. Ambassador to one of our strongest allies, the nation of Poland.

Having summed up his distinguished career thus far, I also want to commend him for continuing to advocate good things for our Nations.

James Morrison, a friend of mine, writes the "Embassy Row" column for the Washington Times. This past Friday, most of his column was about the farewell message Victor Ashe posted on the Web site of the U.S. embassy in Poland. In that message, Ambassador Ashe criticized the construction of "fortress-like" American embassies throughout the world. He pointed out that these fortresses have been built even in countries where Americans face little danger of terrorist attacks.

Going ridiculously overboard on security causes two very serious problems. One, it sends an unfriendly message from our diplomats, who are supposed to be trying to make friends; and, two, it has cost U.S. taxpayers many unnecessary billions all over the world. Ambassador Ashe wrote: "The design of many of these buildings quite often creates a fortress-like atmosphere, and the impression given to host nations can be less than friendly, not the warm, welcoming impression we should offer as Americans."

He complained that the State Department is imposing security requirements and design elements for all new U.S. embassies, regardless of the threat posed in more peaceful nations. "Given different security situations in virtually every nation, wide flexibility in construction design and location is needed, as opposed to the one-size-fits-all approach," Mr. Ashe said. "As such, different sites and designs can be adopted at less cost and with greater architectural warmth."

I agree with Victor Ashe and congratulate him on his outstanding service to our country.

#### HONORING THE LIFE AND WORKS OF SENATOR EDWARD M. KENNEDY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Mr. MARKEY of Massachusetts. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY of Massachusetts. I say that while noting that Representative NEAL from Massachusetts and Representative CAPUANO from Massachusetts want to, at this point, insert their written statements in honor of Senator Kennedy, and that is why I made that unanimous consent request. But it is also for the purpose of any other Member seeking to be recognized to be able to insert their comments at this point.

We rise to honor our friend and our mentor, Senator Edward M. Kennedy, one of the greatest Senators in the history of the United States. He will be on a very short list of the greatest who have ever lived and served our country. We tonight gather, noting that his son, PATRICK, serves with us here in the House of Representatives, and we extend our best to him and to his sister, Kara, and to Teddy, Jr., as well as and especially to his beloved wife, Vicky, and to all of the other members of the Kennedy family.

He was, without question, "an idealist without illusions," in the words of his brother. He worked as best he could to achieve the goals that he set for our country while at the same time reaching across the aisle to find partners that he could work with in order to accomplish those legislative goals. Without question, it was our great honor, as the Massachusetts delegation, to work with him for all of those years.

Let me, at this point, turn and recognize the gentleman from Massachusetts (Mr. FRANK), and then we will go through and recognize the other members of our delegation and other Members who have joined here to speak about the Senator. I recognize the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Speaker, the gentleman who just recognized me, the dean of our delegation, has the distinction of having worked very closely with the late Senator Kennedy for 33 years, for more than two-thirds of the Senator's term. And I know that Senator Kennedy greatly valued his colleagueship, as all of us do who serve with him as the dean, and his work now in a number of

the areas pays tribute. I do think it is important to note that the longer you worked with Senator Kennedy, the more you came to admire what he did.

I would have one difference with my colleague with whom I rarely differ on things. He said Senator Kennedy would be seen as one of the greatest Senators. I would say the best. And I know my colleague is gracious and may have a Senator or two he needs on the cap-and-trade bill, so he doesn't want to go too far. But I think we would all agree.

I was a fledgling academic before I went into politics. I was studying for a Ph.D., and I then learned I had a personal characteristic which was a defect in academics but absolutely essential to serve in this body. I have a very short attention span. And it works to my advantage here and to my disadvantage in serious scholarship. But from both ends, I don't think there is much question about his greatness as a Senator.

Obviously, those of us in the delegation and our great colleague and civil rights leader, the gentleman from Georgia (Mr. LEWIS) who has worked with Senator Kennedy, goes back even before any of the rest of us in terms of collegiality; but we obviously agreed with his values, and that is a big part of it. But even those who didn't, and this is what's so striking and so needed in our country today, many Members of Congress who served with him who disagreed with him on most substantive issues, joined in the praise for his integrity and his character and his dedication.

We are at a time now where politics is held in low repute by a lot of young people. I would hope that younger people in particular would think back to the deep, deep love for Senator Kennedy that was expressed by so many people across the political spectrum. Think about the accomplishments to which so many people attribute; think about the people who express the enormous gratitude for the difference he made in their lives. There could not be a better example of how you can get into this business of politics and do good. I would hope people would be encouraged by that.

Beyond that, there is one particular point that I want to stress. We have a besetting sin today in our politics where people think that you show your depth of commitment to a cause by rigidity, not just by rigidity, but impugning the motives of those on your side who try to get something done. Compromise for its own sake is a very bad idea. People who talk about the "center" have to be clear what they mean. The "center" is not a place of value. It may be where you wind up. But you wind up there as you try to move the center. Yes, you want to try to be representative of a majority. Those who have as a goal finding the precise middle are giving up their own moral and intellectual capacity.

What Senator Kennedy did was to start firmly from a set of moral principles and then work to get them accomplished the best that he could. And that is, unfortunately, a practice that today isn't as appreciated as it should be. Purity is a wonderful state, I am told. I do not say that from experience. But it doesn't make anybody any better off.

No one was more firmly committed to the ideals of fairness and equity than Edward M. Kennedy, and he understood that the more firmly committed he was to them, the more he was morally obligated to make some progress on them.

I realize ideals help nobody, and I say that because he was at the same time one of the premier idealists of our time. No one better or more consistently articulated the goal of a society in which no one suffered unfairly, in which all were treated with dignity and had a certain minimum, at least, of substance. But while he was preeminent as a preacher of that set of moral virtues, he was also preeminent as a hands-on politician who could work with others within the democratic process with other people elected who might have disagreed with him, and because of him, more of his goals were accomplished than were accomplished by anybody else. No one did more to advance those causes which he exemplified.

But he never got all he wanted. And I hope that is also an example; and the example is that, sure, you do not belong in politics unless you have a set of ideals. You don't have any business trying to gain influence over others unless it's to make this world a better place.

□ 2000

But once you have those ideals, your obligation is not simply to treat them in a way that makes you feel good; it is to get them accomplished.

I do not think in American history over the time of his Senate career that anybody did a better job for people of all income, for the victims of discrimination, whether it was based on race or sexual orientation, or gender, for the whole concept of what we think is the genius of America; namely, that when you're born, you're born with a chance to maximize your potential, and the economic circumstances or the prejudice of others or anything else don't hold you back.

This Nation is enormously indebted to Senator Edward Kennedy for the work that he did and for the example that he set. And I thank my colleague, the dean of our delegation, for leading this Special Order.

Mr. MARKEY of Massachusetts. I thank the gentleman very much, and I turn and recognize now a good friend of the senator, BILL DELAHUNT from Quincy.

Mr. DELAHUNT. Thank you.

I just want to pick up on a theme that BARNEY touched on. You know, Ted Kennedy might have had adversaries but they were never his enemies. He treated everyone with respect and with dignity and that character, that DNA, if you will, was the proximate cause of his success as a Senator who championed all of the great causes in the past 50 years.

You know, Tip O'Neill said that all politics is local. Well, with Ted it was personal. It was based upon those personal relationships. I'm sure that there are literally thousands that considered Ted Kennedy a dear and close personal friend. I know I did.

I had the fun of being Ted Kennedy's Congressman, and as you all know here from Massachusetts, we had our own schtick. It was a great banter. And he would leave me messages on occasion on my cell phone at night, reminding me that the grass hadn't been cut and that the snow hadn't been shoveled out in Hyannis Port.

I sailed with Ted Kennedy frequently; our colleague and his son, PATRICK; his oldest son, Teddy, junior; and a sister, Kara; and his devoted wife and soulmate, Vicki Kennedy. He was an exceptional friend. I miss him terribly. But I know that my experience with him was multiplied by the thousands. He had a way of communicating with people that was unique. You could reveal to him your concerns. You could share with him your secrets, and you could always be assured that the advice that you received was sound, and it was in your best interests.

You know, we're saddened by his death, those of us who have served with him, those of us who considered him a dear and close friend. But I guess for me the gift of that friendship was something that was so special that it overwhelms the sadness that we all share and that so many share.

We were indeed fortunate not just to serve with probably the most prolific Senator that ever served in the United States Congress—2,500 bills. I'm not going to touch on his public record, but we know that his record speaks for itself.

But what many in this country are only beginning to discover is that for Ted Kennedy, it was not about himself; it was about others. He had his share of pain and tragedy in his own life, and I dare say that that provided him with an incredible capacity for empathy and to understand others better than anyone I've ever met in public life.

So let me conclude by saying I miss you terribly, Teddy, but I know you're still with us. Sail on.

Mr. MARKEY of Massachusetts. I recognize the gentleman from Worcester, a good friend of the Senator's, JIM MCGOVERN.

Mr. MCGOVERN. Thank you and I thank my colleague for arranging this

Special Order to honor an incredible leader and an incredible friend, Ted Kennedy.

You know, in the McGovern household in Worcester, Massachusetts, the Kennedy name has always been magic. Our family admired and respected President Kennedy. We all supported him, were committed to Robert Kennedy and the causes that he stood for, and we always felt it a very special privilege to be represented in Massachusetts by Ted Kennedy. You know, all of us, especially the Massachusetts delegation, already miss Senator Kennedy. We miss his humor, we miss his friendship, his advice, his leadership.

I tell my colleagues from outside of Massachusetts that I'm proud to call myself a Ted Kennedy Democrat, and a Ted Kennedy Democrat is somebody who's a believer in dynamic and efficient, bold and effective government, somebody who believes it is important to stand up for human rights and for civil rights, and Senator Kennedy did so with incredible integrity and with incredible character.

You know, I believe as has been said here that he is the greatest legislator in the history of the United States Senate.

On health care, I mean every major piece of health care legislation that has been enacted into law has Ted Kennedy's fingerprints all over it. There are millions of children in America today who have health care because of Ted Kennedy.

And education: Every major education bill to expand educational opportunities for people of every background is a result of Ted Kennedy's leadership.

In the area of workers rights, a strong champion of organized labor, somebody who promoted and enacted major legislation that protected workers and workers rights.

In the area of civil rights, you're going to hear from our colleague from Georgia, JOHN LEWIS, a hero in the civil rights movement who will talk to you about the fact that Ted Kennedy was the leader in the area of civil rights in the United States Senate.

And on the Iraq War, I have a special admiration and respect for his courage, for the stand he took against that war, when it was not popular to do so, but he took that stand because he believed it was the right thing to do. He thought that war should always be a last resort, not a first resort, and I think he was right on that war.

But to all of us in Massachusetts, he was our Senator who assembled the best staff you could possibly imagine. When somebody lost their Social Security check, they called Ted Kennedy in his office. When a veteran needed help, they called Ted Kennedy. When a local official needed funding for a local college or hospital or road project, they called Ted Kennedy's office. All phone

calls were returned, whether it was from the Queen of England or Mrs. O'Leary who lived in a three-decker in Worcester.

But more than that, I appreciate very much his personal touch. I was grateful for that personal touch, you know, the notes and the calls. When somebody was sick in your family, you got a phone call. When you got a special recognition or if you won an election, you got a note. If something great happened to you, you know, he was the first to call.

When my son, Patrick, was born, the very first call we received was from Ted Kennedy, even before my mother and father called the hospital. The very first gift that we received was from Ted Kennedy, a blanket that had my son's name stitched into the blanket with the words, Love, Vicki and Ted. And the same thing happened when my daughter was born a couple of years later. Those are things that I will never forget and always treasure.

You know, when he died, I said that nobody can ever fill his shoes, but we must try to follow in his footsteps, and I really believe that.

You know, one of the things that Senator Kennedy said was that the great unfinished goal of his life was health care. He believed that everyone in this country deserves health care. He thought it was a national scandal that tens of millions of Americans are without health care. He believed that we could provide better health care to people, that we could put a greater emphasis on preventative care to prevent people from getting sick. He believed we could come up with a health care system that would control costs so that families and small businesses wouldn't go broke trying to provide health care for their families or for their workers.

And so while he is no longer with us, we need to continue his work. He was the conscience of our country, and I believe that we need to continue to be inspired by his example. We need to continue to stand up for what's right. We need to continue to fight for what's right.

And I will say as my colleagues have said, I feel it has been a special privilege and an honor for me to be part of this delegation that for so many years was led by Senator Kennedy, a great leader and a great friend. And the world is going to miss him. And I already do.

I thank my colleague for yielding to me.

Mr. MARKEY of Massachusetts. And we thank the gentleman for his excellent comments.

Let me turn now and recognize the gentleman from Massachusetts, a good friend of the Senator's, JOHN OLVER.

Mr. OLVER. I thank the gentleman for yielding to me. I was still making changes in what I was intending to say, and usually I do that all the time.

I rise tonight to remember and honor the life and the life's work of a dear friend, Senator Ted Kennedy. There are few Americans alive today whose lives are not affected in some way by Senator Kennedy's vast body of legislative achievements. He's credited with hundreds of laws enacted over his 47-year Senate career, and many of those laws make up fundamental tenets of the social contract that is our modern society.

One of the best examples of Senator Kennedy's impact on society can be seen in his groundbreaking Americans with Disabilities Act, which opened the door to jobs, housing, transportation, communications, and a better life for millions of citizens. It also fundamentally changed the way people viewed others who live with disabilities.

Providing opportunity was a great theme of Senator Kennedy's work, as evidenced by his contributions to strengthening public education. Throughout his career, he fought for better teachers, better schools, more funding, and better methods to enhance learning for America's children.

For wage-earning Americans, Ted Kennedy will perhaps be best remembered for his refusal to accept minimum wage levels as they fell further and further behind in their purchasing power. When others balked or faltered on the issue, Senator Kennedy had a knack for pushing through a deal to get everything he could for workers as soon as it could be achieved.

On the international front, when the great debate over America's waging a preemptive war arose at the outset of this decade, Senator Kennedy used his stature and status as a national newsmaker to oppose the President and the Congress' transgressions, as he saw them, with the use of America's military power.

There are many other important accomplishments one could list, but the issue Senator Kennedy himself labeled as the cause of his life, health care, probably stands out as his greatest area of achievement.

Senator Kennedy extended COBRA coverage for workers in between jobs and eliminated preexisting condition restrictions for workers in group insurance plans. He fought for and won uncommon allies in his crusade to provide health coverage for all children, which he considered a moral obligation. He created the Family and Medical Leave Act and the Ryan White CARE Act for Americans living with HIV and AIDS.

□ 2015

Though his ultimate cause of universal health care was one he did not live to see enacted, we are where we are today because of Kennedy's lifelong commitment to that cause. In a sense, the effort is still his effort. The gains that Congress will eventually pass will also be a part of his legacy.

Back in my part of Massachusetts, Senator Kennedy was always a good friend to the First Congressional District. In recent years he championed the development of the University of Massachusetts' Pioneer Valley Life Sciences Institute and helped to support Holyoke Hospital, a critical health services provider in the Connecticut Valley. He was ever willing to exercise his seniority in the Senate when Massachusetts companies needed it, and when campaign season came around, no one could bring out and motivate as many workers as Senator Kennedy. His stump speeches in remote corners of Massachusetts, for State or local candidates, were always an oratorical treat for those lucky enough to hear them.

To me personally, Senator Kennedy was an inspiring and thoughtful friend. I could always count on an immediate and passionate response to whatever was on his mind and on my mind, and his attentive friendship came with a warm smile, a sense of humor and a caring heart. Senator Kennedy's breadth and depth of leadership was unmatched in the Congress. He was a tireless worker for his constituents and all humanity, and I am honored to have known him and served with him.

Mr. MARKEY of Massachusetts. We thank the gentleman so much for his words. Next we recognize another great friend of the Senator, JOHN TIERNEY, from the State of Massachusetts.

Mr. TIERNEY. I thank the gentleman for recognizing me and want to acknowledge before we start, PATRICK, I know you're going to speak later, but I hope that this is somewhat fulfilling for you. It can never replace the loss of your dad, but hopefully it will at least let you know how much the people that served with him had the honor and pleasure of doing that, loved doing it and appreciated him every day. And my colleague, BILL DELAHUNT, was more than just the Congressman for the Senator, so I extend my sympathies to you as well; you were a friend, probably even closer than most of us were because you were there so often and spent so much time with him. And so I express those condolences to you. But it's a loss to all of us. The Dean of the delegation, ED MARKEY, of course, served many, many years with the Senator. I looked at a little factoid the other day that indicated that Senator Kennedy was born on the 200th anniversary of George Washington's birthday. I thought if that's accurate, and I assume that it is, how interesting it was, because nobody appreciated history more than Senator Kennedy and nobody appreciated his role in history more than that.

I can remember ED MARKEY at one point, at a function introducing Senator Kennedy as one of the best United States Senators, only to be corrected by the Senator saying, One of the best?

The best. And while he was joking, I think he turned out to be absolutely right on that because he certainly has a record that you have heard from JOHN OLVER and others here that is just phenomenal. JIMMY MCGOVERN expressed it as well.

I won't start to enumerate all of the things that the Senator did. We'd be here for far too long. And I think, after hearing my colleagues, most people finally start to appreciate that wherever you were in life, you benefited from him; whether you were cleaning hotel rooms or doing some other job that was difficult like that, you benefited from the minimum wage, health care, education, all the things that we care about. And frankly, when we are all looking to try and have the honor of serving here, listening to people in our constituencies, they're talking about those things that matter to them, the bread and butter issues, whether or not they're going to have a job, whether or not it pays well, whether or not they're going to be able to keep their family healthy; whether or not they're going to be able to give their children opportunity. This great Senator epitomized all of that.

One thing that I don't think has been mentioned so far that I just want to hit on is the fact that the Senator used to tell a story about being lectured by his father when he turned 21 or so about the fact that he was going to be the recipient of some resources that other people didn't have the benefit of; he could choose to be idle and do nothing with his time, or he could choose to be of service to others and to mankind. We all know which route he took. But that remains an inspiring story to all people even to today.

And during the course of this summer when the President had his Service to America campaign going on, many of us had the opportunity to go and visit a lot of organizations that had volunteers in, and when you would remind them of that story and tell them about the Edward M. Kennedy Serve America Act that was signed into law earlier in the year by President Obama and now their role in stepping into his belief of service and doing something for their fellow citizens, doing something for America and no matter how small or large, no matter where it was, you could see the inspiration that they got from the Senator, from his life, from his acts, and from the fact that this law had passed because he motivated people to pass it and get it through. This will remain as one of his great legacies, the fact that he spent his life serving others, that he was selfless in that regard, and that while he was serious about the business that he did, he was also never taking himself too seriously, and always willing to make people feel comfortable and to see the lighter side of things and to see the better part of humanity. In even

people who were his political opponents, he saw a good part, and he was able to draw out of them a response that made them accept him and others and work on issues together.

I can remember being with the Senator when we would go out, particularly to senior citizen places where he just couldn't resist singing a song, particularly Irish song, couldn't resist getting out and dancing if there was a ballroom dance going on. And, of course, I guess I must take myself too seriously, or just know how bad a singer or bad a dancer I am. I was always looking for the door, and he would never let that happen. He'd be the first one to force you on the floor, make a fool of yourself, but have some fun and go on that. That's the humanity of the man; that he loved everybody, he loved having a good time with them, could get them to go along with him; and then when it was time to get serious, he could do that in a heartbeat. He could make the case. He had great oratorical skills that carried the day over and over again. And he truly is a giant. I know that the story of his life is just jumping off the shelves right now because people are starting to remember all that he did.

Sometimes in the hustle and bustle of political jargon, people making attacks and going back and forth, people forget that when you separate all that out, whether you are a conservative, or whether you are a liberal, whatever your political opinion, there are things in your life that you have that you're grateful for that are a result of the work of Senator Kennedy. I think that's the bottom line in all of this is that this Senator was a great Senator for America. He was a great friend to all of us. He was a great father and brother for people in Massachusetts. We sorely, sorely miss him. But none of us regret at all having had the opportunity to know him and to serve with him.

Mr. MARKEY of Massachusetts. I thank the gentleman very much. And the gentleman is so right. I could call Senator Kennedy one of the greatest Senators in history, I could call him one of a small handful of the greatest Senators in history. But that would be inaccurate. That just wouldn't capture not only how history will record him, but how he wants to be recorded by history. And there will be an accurate reflection of that, I think, as people, as the gentleman pointed out, continue to focus upon his life.

Before I turn to the gentleman from South Boston, let me go back the gentleman from Quincy, Mr. DELAHUNT.

Mr. DELAHUNT. If the gentleman would yield for a moment before our friend, STEVE LYNCH, makes his remarks, this conversation, the colloquy between yourself and JOHN TIERNEY, reminds me of an anecdote. I wasn't

present and maybe PATRICK could attest to its validity. But when Ted Kennedy was described as one of the two most significant United States Senators in that institution's history, the other being Webster, that his response was, Well, what did Webster do?

Mr. MARKEY of Massachusetts. I thank the gentleman.

No place played a more important role in the history of Massachusetts Irish politics than South Boston, the home of the next friend of Senator Kennedy, STEVE LYNCH from South Boston, Massachusetts.

Mr. LYNCH. Mr. Speaker, I thank my friend, Mr. MARKEY, the dean of the New England delegation, for reserving this time in order for us to pay a special tribute to our friend and colleague, Senator Ted Kennedy. If you have been watching tonight, you will notice that the Members with the most seniority have been given the privilege to speak first, which is the way it works down here. The longer you are here, the more you appreciate that. However, I am one of the more junior members of the delegation, and unlike some of the fellows that have been around here forever, like Mr. MARKEY and Mr. FRANK and Mr. DELAHUNT, I had a relatively short time, 8 years, to spend working with Ted Kennedy. And I cherish every one of those years. But in addition to working with Ted, as a colleague—and Ted could, he could get it done. He could get it done. And I was always amazed at that.

But I also had a different perspective of Ted Kennedy. I saw him in action before I came to this House. I grew up in the public housing projects in South Boston, the Old Colony housing projects. And I can tell you that whether you lived in the housing projects in Old Colony in Southie or Bromley-Heath or Mission Main or Franklin Field, if you grew up, if your family struggled to make ends meet in public housing, no one in public housing had a better champion, a more valiant and noble champion than Ted Kennedy. And that's really the first perspective that I had of Ted Kennedy as someone who was working for our benefit as a family growing up in public housing and in pretty tough circumstances. He was there for us.

I also had a perspective of working as an iron worker for 18 years, strapping on a pair of work boots, becoming a union president for the iron workers. I can say from that perspective as well, whether you were an iron worker, like I was, working in the building trades with a lot of my union brothers and sisters, or whether you worked on a factory floor, or maybe you were a nurse going out every day working double shifts and overtime, or you were a policeman or a fireman, no working person in this country had a more gallant champion to protect their rights and protect the conditions on the job than

we had in Ted Kennedy. And the outpouring of love that we saw during the memorial service and the wake and the funeral and even during Ted's illness, it reflected that collective experience of not only the people of Massachusetts but of New England and the United States. And it was something to see.

My mom raised us in public housing, and when the motorcade came along Carson Beach in the shadow of the housing project where we grew up, my mom insisted that I help her down there—she's not as young as she used to be, but I helped her down there and just to give respect to the Kennedy family and to Ted during that last journey, last part of his journey. There is a saying from the iron workers, especially in the steel mills, that the strongest steel comes through the hottest fire. And really, when you looked at Ted's life and saw what he accomplished and the challenges that he had; his brother, President of the United States, taken in violence; his brother, the Attorney General, candidate for the presidency, taken from us in the same way; the huge challenges to Ted. They were unthinkable, unimaginable, yet he worked through it, and not only did he overcome that, but he also reached out to other people and shared a strength that he gathered from those experiences.

I'll never forget—this is my only Ted Kennedy story that I'll relate tonight, but I was a freshman, actually, I was very early in my career as a State Representative, and we had six of our brave fire fighters killed in a terrible fire in Worcester, Massachusetts. We all went to the Worcester Centrum for that ceremony. The families were there and every seat was taken and every bit of space on the floor was taken. The place was filled to the rafters. And that's where I was sitting, far above the floor. But I'll remember Ted's remarks. Here are six families that just lost their loved ones. And Ted Kennedy, you know, you could have heard a pin drop in that Centrum that day.

□ 2030

He basically said to the family—I'll never forget his words. He said, From my own experience, I have found that every once in a while life breaks your heart. And even though there were thousands and thousands and thousands of people in that Centrum that day, in reality, it was just Ted and it was just those six families, and he was helping them through that. And that's a gift.

We all go to wakes and funerals and try to help families through tough times, but I never saw anybody carry it off with the grace and the profound empathy and love that Ted was able to accomplish.

I just want to say that I'm delighted that we had an opportunity tonight to say our thoughts and to share our con-

cerns for Ted's family, PATRICK and the entire family. We know what they're going through.

I think the test of all of us who are born on this Earth, the true test of our time, however short it is on this Earth, is whether the work we do while we're on this Earth is going to live after us and is it going to positively affect the people that we leave behind.

By any measure, by any test, Ted has passed that test with flying colors. He has left the power of his example for all of us to try to follow.

I want to thank you, the dean of our delegation, ED MARKEY, for the opportunity to share my thoughts. My prayers and the prayers of my family go out to the Kennedy family.

Mr. MARKEY of Massachusetts. We thank the gentleman so much for his words.

In 1974, Paul Tsongas from Lowell was elected to the United States Congress. Today, these many, many years later, NIKI TSONGAS serves here in the Congress. So the Tsongas and the Kennedy story goes back many years.

I'd like to recognize the gentlelady from Lowell, NIKI TSONGAS.

Ms. TSONGAS. I'd like to thank the dean of our delegation for hosting this Special Order so we can remember our most remarkable Senator.

As I was thinking about how best to talk about him—and we've heard some wonderful remembrances this evening—I was looking back to the early sixties when I was, like so many of us, a student in high school, a beginning student in high school—I hate to give away our age—but the inspirational figures of the Kennedy family, in particular, President John F. Kennedy.

My husband, Paul, used to say that he was inspired by that Presidency to seek public office. But he had grown up in what he called a "disadvantaged household." His parents were Republicans. And it was the Presidency of John Kennedy who inspired him and so many either to become a Democrat or to seek out public office, little knowing that some years later we would be serving with the man we remember tonight.

My first recollection, though, of Senator Kennedy is in 1974, when Paul was a candidate for the seat that I now hold. Senator Kennedy agreed to come to Lawrence, Massachusetts, to campaign for Paul, who was part of the great Watergate class in which there were many, many Democrats running across this country. Paul was running against an incumbent Republican.

Senator Kennedy came to Lawrence, Massachusetts, to St. Mary's Church. He was accompanied by Barbara Souliotis, who many, many years later still serves as his State director. At the time, I think she was an advance person, whom I remember her utter professionalism in keeping Ted on track.

We've heard tonight what a great speaker he was, how he could really

connect with the crowd. And so he did that evening. While Ted was speaking, Paul looked at me like, "Now what on Earth do I do?" because he knew he could never compare with Ted Kennedy. And he didn't even try. But you could see then how fundamentally Ted connected with people, because they trusted him and they knew that he was working on their behalf.

I remember, again, Ted in 1978, when he supported Paul against an incumbent United States Senator, somebody who was his colleague, a Republican, as he did so often; kept his word, supported his colleagues, whether they were seeking the Presidency, as they in turn supported him.

Well, I haven't had the opportunity to serve, unfortunately, with Ted as long as others here. I do have a couple of remembrances from the past several years. One was when he did agree to come and campaign for me, again, in Haverhill and Lawrence, Massachusetts, the cities of the Fifth District of Massachusetts.

This time, though, he came with a van. He brought Sonny and Slash, the dogs. Barbara Souliotis, who was with him in 1974, was there at his side yet again, along with Vicki. We started out in Haverhill. We went to an old diner that was owned by a Greek American family. Barbara's mother brought pastries that she cooked. Ted sat there with a little demitasse of coffee, ate the pastries, and thoroughly enjoyed the morning.

Then we traveled on to a small school where we were going to read. It was an early reading program, a very, very good one; one that I think is a real model going forward. And Ted, this remarkable Senator who has met with every imaginable world leader, sat and sang Itsy Bitsy Spider to the 2-year-olds and 3-year-olds that were in the room with him. He had a remarkable ability to connect with all of humanity.

My last conversation with him was around a point of legislation that we both jointly sponsored to protect a farm called Barrett's Farm. We've learned to know what a lover of history he is. But I represent two parks: The Minute Man National Historical Park and the Lowell National Historical Park.

Barrett's Farm is a farm that played a very important role in the beginnings of the American Revolution. It was a farm that housed munitions that the Minutemen were going to use. And the British, learning of the new munitions, decided to march on Lexington and Concord, prompting Paul Revere's ride to warn that the British were coming.

The Minutemen got to Barrett's Farm, hid the munitions, so by the time the British arrived, the munitions were safely set aside where they could be used as we advanced our Revolutionary War effort, but the shot was

heard round the world that changed the history of this country.

So we worked hard. My former Congressman, Marty Meehan, had initially filed the legislation. I followed up on that, working with Senator Kennedy. The bill finally was signed into law.

This April, I was sitting in my office and got a call. It was Senator Kennedy on the line, and I picked it up and he said, NIKI, isn't it grand? He could celebrate that small legislative act that protected such important history with the same joy and commitment that he did the grandest of efforts.

Senator Kennedy's legislation has shaped American lives in ways we cannot even know. Every day our lives are different for all that he did. And we are so fortunate to have had his service, to have the great legacy of the Kennedy family, and to be serving today with Representative PATRICK KENNEDY, who continues that legacy as well.

We will miss him. We will miss him forever. But we will always remember him in the large acts and small kindnesses of his life.

Mr. MARKEY of Massachusetts. We thank the gentlelady so much for those words.

Now we turn to—and a number of Members have alluded to him—the great civil rights leader who knew the Kennedys in the sixties and now serves here in the House of Representatives, Congressman JOHN LEWIS from the State of Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague ED MARKEY and members of the Massachusetts delegation for holding this Special Order in honor of Senator Kennedy. I rise today just to say thanks to Senator Kennedy and to the Kennedy family.

During the sixties, I had an opportunity to meet President Kennedy, in June of 1963, when I was only 23 years old, and then to see him at the end of the March on Washington when he invited us back down to the White House. I got to know Robert Kennedy, the Attorney General, meeting with him in his office and campaigning with him in Indiana, Oregon, and California.

I have known Senator Ted Kennedy for a long time. He was a very special man, a very special friend. I remember long before I came to Washington as a Member of Congress on an occasion we needed him to speak at a fundraiser for nonpartisan voter registration efforts in the South. He answered our call without hesitation. He spent time among us, honoring not just men and women of means, but everyday people and their little children.

Senator Kennedy, this extraordinary man, was an elegant man who walked with kings, but never lost the common touch. As a colleague, he was generous and committed. He was our leader, our champion, our shepherd. He took up the causes of those who were weak and

tried to make them strong. He stood tall and spoke with passion for all of those who have been left out and left behind; the people who had no voice in America.

Ted Kennedy never lost hope. He demanded justice for people of color when it came to civil rights and voting rights, and he also took a stand for seniors and for those with a different sexual orientation and for the disabled.

Senator Kennedy was a man who lived his faith and tried to act on it every single day by doing good to help the least among us. At some of the most tragic and difficult moments in this Nation's history, Senator Kennedy had the capacity, had the ability to gather his strength and lead us toward a more hopeful future.

As a Nation and as a people, he encouraged us to build upon the inspirational leadership of his two brothers and use it to leave a legacy of social transformation that has left its mark on history.

I would say tonight, Mr. Speaker, and to members of the Massachusetts delegation and to PATRICK and to other members of the Kennedy family, Senator Kennedy was so thoughtful and so considerate. He was one of the most sharing, caring, giving human beings that I have ever met.

During July 2006, when the Senate was about to reauthorize the Voting Rights Act, he invited me over to the other side of the Capitol to be his guest on the Senate floor. When the last vote had been tallied, he gave me a copy of the tally sheet. Then he suggested that we walk out into an adjoining room, and he showed me the desk where President Lyndon Johnson had signed the original act on August 6, 1965.

He had a photographer to take a picture of the two of us standing near that desk. A few days later, I received the most beautiful copy of that picture with an inscription from Senator Kennedy. It is hanging on the wall in my home in Atlanta. I will always cherish it as long as I live.

I remember in 1977, Senator Kennedy came to Atlanta and we hosted a little reception for him at my home. He met a few of our friends: my wife, Lillian, and our son, John Miles. He spent so much time playing and talking with my young son, who was not quite a year old.

Senator Kennedy had a heart full of grace and a soul generated by love that never forgot the spark of divinity that runs through us all, no matter whether you were his closest friend or his fiercest adversary.

A brilliant light has gone out that uplifted not just America, but the entire world community. During his life, Senator Kennedy touched so many of us with his brilliant light. He touched more than Members of Congress, but also ordinary people. He touched our President and the leaders of tomorrow.

The spark of light that he gave to each one of us still burns brightly, and it is our duty, our obligation to continue his legacy and pass that light on to unborn generations.

Senator Kennedy will be deeply missed but not forgotten, and his legacy will live on in all of us. He was a wonderful friend. He was a wonderful friend, a wonderful colleague. He was like a brother.

□ 2045

Mr. MARKEY of Massachusetts. We thank the gentleman so much for his great words. For me, I had the honor of serving for 33 years out of the 47 that Ted Kennedy served in Congress, here as his colleague. It was my great honor. For each of us, there are too many stories to retell.

But for me, it all begins with Ted Kennedy running for the Senate; and from that moment on, whenever he spoke about the war in Vietnam or health care or energy or injustice to any person, no matter where they are in the world, I listened. And not only did I listen, but tens of millions of other people listened as well because he took us on a journey, a journey to issues and people that we did not know of but he wanted us to know about and to respond to.

That was really his greatness, that when he spoke, he was true north. He was someone who you knew that he was speaking from his heart and speaking for issues that really only he had the capacity to draw the attention to, and he used his power to do so. He used the special gift that he had been given to accomplish those goals.

I remember at the Democratic Convention in 1980, Senator Kennedy had asked me and Henry Royce over here, who was chairman of the Banking Committee, to introduce his energy bill which would be the counter to the incumbent President's energy bill. It called for solar and wind and conservation and higher fuel economy standards and a different direction for our country. Although his candidacy failed and energy was the big issue at that time, I got a call to come up to his room right after he gave that great "The dream shall never die" speech. He was up in his room with his family—PATRICK was there and others.

In that room, there was not a defeated man. There was someone who had been a great victor. There was someone who had brought all of these issues to the American people. In 1983, as Ronald Reagan had pulled out of all arms control negotiations with the Soviet Union—the first time in a generation—he called me, and he said, EDDY, you know what I would like to do, I would like to work with you on a nuclear freeze resolution to end all production of new nuclear weapons in the world. And he said, You know what would be a good idea, why don't we

have it at American University, where my brother gave his speech to end all atmospheric nuclear testing?

Then one month later, there was an attention brought to this issue that changed that whole issue, and 3 months later, 1 million people were in Central Park calling for an end to the nuclear arms race. On every single issue he talked about in his entire life, it changed the whole dynamic of that issue because Ted Kennedy stood up and spoke to it. He inspired me; and he inspired, I think, millions of people across the planet to change the course of their lives.

So it has been a great honor for me and for all of the rest of our delegation to be able to work with him. It is an especially great honor to have as our concluding speaker this evening, his son. His son, who is our colleague here in the House of Representatives, who in and of himself is a great United States Congressman and who continues the Kennedy tradition of fighting for those causes that other people do not want to fight for and to bring the attention to those who are most in need of help in our country and in our world.

It is my great honor to recognize the great Congressman from the State of Rhode Island, PATRICK KENNEDY.

Mr. KENNEDY. I want to thank my good friend and colleague ED MARKEY for organizing this Special Order and all of my colleagues for the wonderful tribute that they've given my dad tonight. I will just say that he loved people in public life because they were willing to go out and face the elements and weather the scorn of public opinion in order to stand up for what they believed in. That's why he really admired political figures, and especially in a time where political figures aren't very revered. They're pretty much down at the bottom of the public opinion polls in terms of most professions.

But he knew what a difference it meant to have people of good faith and conviction be involved in the political process because he knew what a difference it made in terms of getting good policy done for the American people. He knew how easy it would be for most people to sit back and make criticisms from the sidelines, but it took a really special person to put themselves out and really sacrifice a big part of their lives because it takes enormous sacrifice of their private lives to be in the public life, especially today.

So he always really got so much energy out of the people that he served with. They were the ones that sustained him so much because he felt like he was part of a team effort. There is nothing that he loved more than being part of a team, whether it was playing sports or whether it was just being part of a family team, being part of a family. That was his politics. His politics was simple. It was being part of a group and making sure that no-

body in the group was left behind. I think it's a great kind of a spirit that he brought to his politics. It was a family spirit that I saw over and over again in every issue that he faced. He wanted to treat everybody else the way he expected to be treated if he were a member of a family, and I was included.

He was brought up to believe that everybody had dignity and everybody had a place. You know, when I was growing up in my family, we all had a place. A lot has been said about his belief in everybody having an opportunity in society. Well, in an anecdotal way, I can tell you, in my life, he always made sure that I had an opportunity to participate.

The SPEAKER pro tempore (Mr. MINNICK). The time of the gentleman has expired.

#### REMEMBERING SENATOR KENNEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 5 minutes.

Mr. DELAHUNT. I yield the time to my friend and colleague.

Mr. KENNEDY. Thank you. I just will conclude now because I know my friends and colleagues have their time to speak.

I would like to say to each and every one of the folks who spoke tonight, thank you for being here tonight to pay tribute to my father. To the folks on both sides of the aisle that have been so generous to me, it's a great thing, being part of this House, to have colleagues treat you as one of their own, as a part of a collegial family of sorts, in a professional way but also in a personal way.

The thing he loved so much about serving over in the Senate was the great friendships he developed there. I can tell you, having been through what I have been through in the last couple of weeks, I can appreciate personally what a difference it's made to have the friends that I've had in this Chamber be so supportive of me through this time. I want to thank all of my colleagues for their outpouring of support and affection from both sides of the aisle. It is in times like these where you really get to appreciate the fact that you work in a place where everybody appreciates and respects one another.

I think that is the thing my father would want most for our country right now, for people from very divergent points of view to respect one another and respect this country, which was founded on an appreciation for difference of opinion. The reason why he had worked so well across the aisle on so many occasions on important issues was because he understood that this country can't move forward unless people work together in good faith.



I think the thing that he found most distressing at any point in American history was when the country would stray from its foundation of believing that we could resolve our difficult problems through dialogue, because I think he knew personally, better than any other person in American history, what happens when people don't resolve their problems peacefully and, instead, resort to violence. I think that my dad is one of those people who believed in the democratic process. And at the end of the day, people saw what a difference his work made in their lives because of the work that he did within the democratic process, to make our country a better place for everybody to live in.

Even though he was from a different station in life from many people that he worked to help, he didn't look at it from the point of view of socioeconomic background. He looked at it from the point of view that we're all human beings, that we all have a spark of divinity in us, and we all ought to treat each other with the same respect that we would want to be treated with ourselves. The golden rule, so to speak.

That's why it didn't matter what the issue was. He believed in fairness for everybody because he would want his family to be treated the same way he would want every other family to be treated. But there for the grace of God, he was lucky enough to come from a family that didn't have to worry about paying for health care, education, housing or a pension to retire. He just knew that if he had come from a different family, he would hope that he wouldn't have to worry about the basic necessities of life that too many Americans have to worry about.

And I respect that about him because through the power of example he showed me that you could be a person of conscience and really try to work to make the lives of those who didn't have it as well off as you better through the work that you did in public life. Through that, I think he showed himself as a patriot in more than one way. He not only wore the uniform of this country in the Army, but he wore the uniform in the sense that he fought in the Senate to advance the lives of people in this country through the policy work that he did as a United States Senator.

So, again, let me thank all my colleagues for their great tributes. I look forward to paying him the biggest tribute that we could pay, and that is to make sure that the promise of health care for all is a promise that we ultimately achieve in this session.

Mr. DELAHUNT. Thank you for sharing that with us, PATRICK. Thank you for your service, and know that we love you.

Speaking of reaching across the aisle, I'm going to expose him as someone who had great love and affection for

Ted Kennedy, your dad, and a wonderful guy for whom Senator Kennedy had the highest respect, even though they agreed on very little. That's the senior Republican on the House Judiciary Committee, LAMAR SMITH.

Mr. SMITH of Texas. I thank my friend from Massachusetts, Congressman DELAHUNT, for yielding. I also want to thank my colleagues on both sides of the aisle for their forbearance tonight in not strictly enforcing the time limits.

The SPEAKER pro tempore. The time of the gentleman has expired.

#### REMEMBERING SENATOR KENNEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Texas. This gives me a second opportunity to thank my colleagues for their forbearance tonight.

Senator Kennedy was a friend, as are members of his family, including his son PATRICK who is here tonight. It was a privilege to have known him in lots of different ways. In my being a conservative Republican from Texas, and the Senator being a liberal Democrat from Massachusetts, many people wonder about this friendship. And therein lie many stories, but let me tell a couple tonight.

The first one goes back to when I was a fairly junior Member of Congress. I don't remember what the meeting was about, but there was a meeting in the Capitol in a small room. I was late getting to the meeting, and apparently so was Senator Kennedy. When I walked in, there were no remaining seats around the table, but there were a couple of seats over by a window. In fact, there was only one seat empty, and it was next to Senator Kennedy who at that point I had not met. I felt like I had nowhere else to go, so I sat by Senator Kennedy.

After we had been there about a half hour and were bored by the discussion that was going on at the table, we started talking. I mentioned to Senator Kennedy that, in fact, my grandmother had been from Boston, that I had enjoyed that part of the country many times on vacations, and we discovered that we had a mutual interest in sailing, although I have not gotten to do nearly as much of it as he has.

□ 2100

In any case, we spent the next hour just having a wonderful, friendly discussion. And that was the beginning of this friendship that I have referred to.

Not long after that, I was at another meeting. Actually this was a conference meeting in the Capitol, where there were four or five Members of the House and four or five members of the Senate in attendance trying to work

out the differences on a particular piece of legislation. What so happened at that particular meeting, I was at the table and so was Senator Kennedy. In fact, he was directly across the table from me. And we had had a relatively mild discussion of the issues at hand, and it was time for Senator Kennedy to speak.

He stood up at the table, proceeded to lay into us Republicans as if we knew nothing about the issues at hand, made a very persuasive argument on his own behalf and on behalf of the issues that he cared about. The voice was so loud that, quite frankly, the walls of this small room were rattling. All the staff who were seated around the room were shaking. And I was wondering what I had gotten myself into. And here was the Senator with whom I had struck a friendship, and he was practically accusing all of us of not knowing what we were talking about on this particular legislation.

Well, the Senator talked for 5 or 10 minutes, completely dominated the room, and there really wasn't much else to say, or at least no one felt like saying anything in response to the Senator. Well, when he sat down, he picked up a piece of paper in front of them, grabbed a pencil, which I was absolutely sure he was going to break in half. But instead of breaking the pencil in half, he scribbled a note on this piece of paper. And everybody in the room is watching him. And he throws the piece of paper across the table to me. And I'm thinking, what is going on?

So I pick up the piece of paper. This must have been around July of that particular summer. I look at the piece of paper, and Senator Kennedy has written on the piece of paper, "LAMAR, what are you doing for vacation this summer?"

You had to sort of be there to appreciate what had gone on in the previous 10 minutes and the friendship that this particular note to me showed.

I very quickly folded the note up and put it in my pocket so no one else would see it. And, of course, everybody in the entire room was now wondering what was it that Senator Kennedy had written to the Republican across the table, SMITH from Texas.

I never have revealed that note until right now. But that does show not only friendship, but both stories and many others that I could tell I think reveal a larger point. And that is the public is probably not nearly as aware as they might be of the genuine friendships that occur in Congress between individuals who might not agree on many of the political issues but who can agree to be friends and appreciate each other's company.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. May I ask unanimous consent for 1 more minute?

The SPEAKER pro tempore. The Speaker's announced policy of January 6, 2009, does not permit the extension of a Special Order speech by unanimous consent.

#### REMEMBERING SENATOR KENNEDY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Thank you, Mr. Speaker.

In this case, the idea that individuals can be friends from different sides of the aisle, and even if they disagree on some things political, it occurs more often than a lot of people might expect. In fact, that's probably one of the unwritten stories of Congress. And I'm glad it exists.

Certainly on the surface there is an extreme partisanship. Sometimes that is regrettable. But underneath the surface, there are friendships that can occur, for which I think both sides and both friends can be grateful, and I am certainly in that category.

Mr. MARKEY of Massachusetts. Will the gentleman yield?

Mr. SMITH of Texas. I will be happy to yield to the gentleman.

Mr. MARKEY. I thank the gentleman for his great words. And we thank all of the other Members for their participation in this Special Order.

The RECORD is going to remain open so any Member that wishes to make a comment about our great Senator Ted Kennedy may do so.

Mr. Speaker, I rise today to honor Senator Edward M. Kennedy—a mentor, a friend and the greatest Senator our country has ever known.

While it is still difficult to imagine these hallowed halls without Teddy, today we honor the man who was an inspiration to all of us who have answered the call to public service. And while one hour is not nearly enough to pay tribute to the life and legacy of Sen. Kennedy, today we pause to celebrate the life of this extraordinary man.

Never afraid to 'sail against the wind' in the name of justice, equality and opportunity, Teddy was a treasured friend, a tireless advocate for the people of Massachusetts and a legislator without peer. Throughout his distinguished career, he helped bring health care to millions of children, enabled many young people to afford a college education and ensured that so many of our citizens could realize the American dream.

I am honored to serve with his son PATRICK and to know his other children Teddy Jr. and Kara, his beloved wife Vicki and all the members of the Kennedy family. And there is no doubt that his trusted friend and former staffer, PAUL KIRK, will serve with distinction in his interim appointment.

Teddy was 'an idealist without illusions,' as his brother, the late President John F. Kennedy used to say. He came to the Senate to get things done. He was unafraid to reach across the aisle to make a deal and he count-

ed some of his staunchest ideological foes among his closest friends. But he never compromised his core beliefs in justice, equality and access to the American dream.

From his first speech on the Senate floor in support of the Civil Rights Act until his valiant final fight for health care reform, when Ted Kennedy spoke, you knew you were hearing the "true compass" of a committed, principled progressive.

He transcended petty politics to become "the lion of the Senate," a legislator like no other. Teddy's was an unmatched legislative career, which included 47 years in office, more than 2,500 bills authored and scores of laws bearing his name.

On issues of war and peace there was no better moral compass than Teddy. He picked up the banner of nuclear arms control from his fallen brother John and fought tirelessly to reduce the threat of nuclear weapons and make the world a safer place. Beginning in the 1980s, Teddy worked closely with me to highlight the dangers of a nuclear arms race between the U.S. and the Soviet Union, and the need to prevent the proliferation of nuclear weapons.

In 1982, when I introduced the first nuclear freeze resolution in Congress to stop the buildup of nuclear weapons, no one thought we could do it. But it was Teddy who led the fight for a freeze in the Senate, paving the way for a dramatic showdown with President Reagan that made it necessary for the Reagan Administration to embrace nuclear arms control—a course it initially had rejected.

Our country is a better place because of Ted Kennedy. For the worker who struggled to make ends meet in a minimum wage job, Ted Kennedy was there. For the new mother caring for a newborn, Ted Kennedy was there. For a family in need of health care for a sick child, Ted Kennedy was there. For a planet in peril due to the threat of nuclear war, Teddy was there.

And now we must be there for the causes that Senator Kennedy championed throughout his long and distinguished career.

In his final days, Senator Kennedy wrote a letter to President Obama, reminding us all of just what is at stake in the health care debate. "What we face is above all a moral issue," he wrote. "At stake are not just the details of policy, but fundamental principles of social justice and the character of our society."

And there is no one who better understood those principles than Teddy.

At the Democratic Convention in 1980, when it was clear that Teddy's inspired campaign for the nomination had come to an end, he was still fighting for the issues he cared about.

Just hours after he delivered his famous speech declaring that the "dream shall never die" I went up to see him in his hotel room headquarters. And what struck me that night and stays with me to this day, was that instead of being heartbroken after coming up short in his quest for the presidency, there was no defeat in that hotel room. Instead, Teddy was triumphant. Despite the difficult day, he was still in high spirits.

Although he was a great Senator before that day, it was on that night, that he truly began his transformation into the "Lion of the Sen-

ate," the master legislator fighting for the issues that mattered most: health care, civil rights, education, human rights and others. That night, like so many other nights in his long career, he was able to transcend misfortune and shape something bigger. To commit to a cause larger than himself.

Above all, I will remember Ted Kennedy for his sense of hope. In rough seas and in calm, he always believed our better days were just ahead. In his final fight, the dignity and grace he showed was an inspiration to us all.

And throughout a long life of tragedy and triumph he never faltered in his belief in this country and its highest ideals. From landmark legislation like The Americans with Disabilities Act that touched the lives of millions, to simple gestures like reading to schoolchildren at a school near the capitol, Teddy believed in the American dream and helped so many to realize it.

And although the mighty Lion has passed on, Teddy's roar in defense of the disadvantaged and vulnerable will echo eternally in the halls and history of America, inspiring future generations to service, self-sacrifice and a commitment to our country's highest ideals.

And as we pause to remember this great man, the task now is to follow Teddy's immortal words and ensure that the causes which he championed shall endure, that his hopes will live on and his dreams of a better future for everyone shall never die.

Mr. RAHALL. Mr. Speaker, I rise today to recognize and remember the outstanding life and legislative achievements of U.S. Senator Edward M. Kennedy.

I was first elected to the House of Representatives in 1976 and although that is over 33 years ago, Ted Kennedy had already been serving in the U.S. Senate for over a decade. The achievement of being the third longest serving Senator in our history is an accomplishment in its own right, but Senator Kennedy affected public policy in such a substantial and enduring way that the length of his time in office is really only one achievement in his remarkable journey.

Senator Kennedy boldly championed landmark legislation to improve the lives of all Americans. He fought fiercely for the poor and the disadvantaged. His legislative achievements include being a major player in a wide range of issues; from addressing funding for cancer research, health insurance reform, benefits for the mentally disabled, discrimination against disabilities, and the Children's Health Insurance program to Civil Rights, and education reform. Kennedy always considered healthcare the pinnacle issue of his legislative career, and it was a great achievement for him to see comprehensive healthcare reform moving further along in legislative process than it ever has before, five of the six committees handling the healthcare bill had passed them out of committee at the time of his passing.

One of his most recent achievements was the signing into law of The Edward M. Kennedy Serve America Act of 2009. This landmark legislation tripled volunteer opportunities across the country and created a new service corps for education, health care, energy, and veterans.

Although Kennedy was diagnosed last year with a malignant brain tumor, he continued to

play a major role in the healthcare debate, and up until his final days he was truly the "Lion of the Senate" serving fiercely and passionately on behalf of so many Americans both in Massachusetts and around the country. August 25, 2009 was surely a sad day for all of us—but although Kennedy's life was filled with tragedy, his life was also filled with triumph. His victories in life far surpass most men and women's and his story is one of humanity and progress.

Senator Kennedy was a great statesman and a true leader, who cared deeply about America's future and I am honored to have served in the United States Congress with him. I extend my deepest sympathy and heartfelt condolences to Senator Kennedy's wife and family, and hope they take comfort in knowing that his legend and legacy carries on in the hearts and memories of a grateful nation.

Mr. CAPUANO. Mr. Speaker, I rise today to honor a man who dedicated his life to the people of Massachusetts. The passing of Senator Ted Kennedy has left our Commonwealth without its principal champion, and while we grieve, we take solace in remembering the magnitude of his many accomplishments during almost 47 years in the United States Senate.

I am proud to have served with Senator Kennedy as a Member of the Massachusetts Delegation and humbled when I recognize what we have lost. His work impressed me before I was elected to Congress, but it was in this context that I came to know Senator Kennedy personally and witness his insight and intelligence and his formidable skills as a legislator. His ability to recognize an important and often daunting goal, and then effect legislation to achieve that end, was unparalleled. The testimonies we have heard from friends and colleagues in recent weeks bear witness to that.

Ted Kennedy's approach to government had been instilled in him from an early age—that we must, no matter our position in life, strive to help those in need and speak up for those whose voices cannot be heard. It is a lesson both he and his brothers took to heart and to which they gave their lives in service. Senator Kennedy knew the people of Massachusetts needed his help, but his compassion did not stop there. He often championed national causes and shepherded major legislation with broad impact across the country: ensuring civil rights, expanding children's health insurance, establishing the Americans with Disabilities Act, strengthening education and service programs, and finally the effort he called "the cause of my life"—reform of our health care system.

Senator Kennedy soared to great heights in the Senate. He achieved immense influence among his colleagues, both Republican and Democrat, while never compromising his progressive values or quenching his fighting spirit. The personal touch he lent to relationships with colleagues and constituents told of his deep connection to the work he was doing and his dedication to being the most effective Senator that chamber has ever seen.

I can say I am a better person for having known Ted Kennedy. I am saddened by his loss not only for myself and for the people of

Massachusetts, but for the citizens of a grateful nation. Indeed, the world mourns the loss of his passion for justice and peace. We must all strive to honor his legacy and continue fighting for the causes he defended with such vigor.

Let it be forgotten or overlooked, Ted Kennedy was also a father and husband. I offer my deepest condolences to Vicki, Kara, Ted Jr., Caroline, Curran, and of course my colleague PATRICK. I thank each of you for allowing us to share this great man with you. He is, and will always be, greatly missed.

Mr. NEAL of Massachusetts. Mr. Speaker, with the passing of Senator Edward M. Kennedy last month, the Commonwealth of Massachusetts lost its greatest champion, and the United States of America lost one of its strongest voices for fairness, equality and justice. Personally, I lost a treasured friend. From civil rights to health care, from voting rights to Head Start, Ted Kennedy played a significant role in the passage of some of the most important legislation in our lifetime. I have often said his record in the United States Senate is unrivaled. And I believe history will remember him as the most effective individual to ever serve in that institution.

The Ted Kennedy his friends and colleagues knew was a kind, considerate, generous, funny, thoughtful and hard working person whose presence lit up the room. His personality and charisma were contagious. He loved his family and spoke about them with great pride. During good times and bad, he was always there with a phone call or a note. When it came to western and central Massachusetts, he always offered to help. He was a master of detail. His ability to work across the aisle was legendary. At the end of the day, Ted Kennedy made a difference in the lives of countless individuals.

For the past year he faced one of the most difficult challenges of his life. But he did so with characteristic dignity and grace. Whether it was sailing on Cape Cod in his beloved Mya, or throwing out the first pitch at Fenway Park, he taught us how to live life while facing adversity. And in the process he became an inspiration for us all.

I became interested in public service during John F. Kennedy's historic campaign for president nearly 50 years ago. Since then, I have been an outspoken and loyal supporter of the Kennedy family. It has been the honor of a lifetime to call Ted Kennedy my friend. His extraordinary life and legacy will never be forgotten. As we pay tribute to him tonight, my thoughts are with Vicki, Kara, Edward Jr, PATRICK, Curran, Caroline and the rest of the Kennedy family. He will never be forgotten.

Mr. HOLT. Mr. Speaker, what a remarkable life Edward M. Kennedy lived. When I first met Senator Kennedy in 1963, I mistakenly believed he was in office because of his family connections. As I watched and interacted with him over the subsequent decades of his great legislative career—matched by few if any—he demonstrated a strong work ethic. No one worked harder. He had a deep commitment to freedom, fairness, and justice, and his persistent defense of the 'little guy' was absolutely genuine. The result is a body of legislation that has brought equality, justice, and opportunity to millions. This towering figure was

an inspiration to so many of his colleagues, and he showed each of us—from the most senior to the most junior—the highest level of consideration.

My thoughts go out to his family, including his wife Vicki and his son PATRICK, who is a close friend of mine. Edward M. Kennedy will live on in the accomplishments he leaves. May all of those close to him know we are grateful for his service to the nation.

Ms. LEE of California. Mr. Speaker, today we gather to recognize the legacy of a man who will surely be remembered among the great legislators in our nation's history—"the Lion of the Senate"—Senator Ted Kennedy.

Senator Kennedy was a champion for peace and justice throughout his entire career, and our nation is undoubtedly a better place thanks to his leadership over the years—in particular on the issues of education, health care, and civil rights.

I vividly remember the first time I met Ted Kennedy.

I was interning in Washington, DC in the summer of 1974, at a time when there were very few African American interns on Capitol Hill. My friend, the late Ron Brown, was working for Senator Kennedy at that time, so I called him and requested a meeting with my fellow African American interns.

Senator Kennedy immediately granted our request—we met with him a few hours later and knew immediately that we were truly in the presence of greatness.

More recently, I attended several election events with Senator Kennedy during the primary election.

I had the pleasure of attending the American University rally for Senator Obama where Senator Kennedy first announced his support and delivered one of the best speeches of the entire campaign.

A few weeks later, I attended an amazing rally at the Beebe Memorial Cathedral in Oakland where I was honored to introduce Senator Kennedy before he delivered another amazing speech.

The line to get in the door seemed to stretch for miles as supporters waited with anticipation to see this great statesman and warrior for peace and justice.

Over the course of his career in public office, Senator Kennedy underscored the meaning of the phrase "to whom much is given much is required."

His legislative legacy is unrivaled, and affects the lives of tens of millions of Americans every single day—especially the less fortunate among us.

But despite his countless achievements, there is one unfinished piece of business that was dear to his heart that we must continue to fight for: achieving universal health care in America, and doing so in a way that truly reforms our broken health care system.

In a letter written to President Obama shortly after learning of the terminal nature of his illness, Senator Kennedy described our nation's current health care crisis as a "moral issue"—which concerns "not just the details of policy, but the fundamental principles of social justice and the character of our country."

Senator Kennedy knew, as we know, that healthcare is a fundamental human right.

Let us work to pass real health care reform, not just in remembrance of the cause that was

this great man's life work, but because we see this issue as he saw it—as a test of our society's integrity.

Last week I had the honor, alongside my colleague, the Honorable KENDRICK MEEK, of presenting the late Senator Kennedy with the Mickey Leland Award at the Congressional Black Caucus Foundation's Annual Legislative Conference Awards Dinner.

The award, received by his son, the Honorable PATRICK KENNEDY, was bestowed upon him in recognition of his lifetime's work in providing opportunities for society's less fortunate.

From civil rights, to education, and finally to health care, the late Senator Kennedy is destined to be remembered as a true champion of equality and opportunity.

Our charge now is to keep this noble legacy alive by renewing our efforts to ensure that health care reform—his great, unfinished cause—provides each and every American with the universal and affordable coverage that was his vision.

I look forward to working with you in the weeks to come to do everything we can to make sure that happens.

#### THE RULE OF LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, to my hall mate, Mr. KENNEDY, that was a moving tribute and well deserved. I am glad we could yield the time.

The subject of this hour that we have been talking about now for, I believe, about 14 or 15 weeks is we are talking about the rule of law and how the rule of law must prevail. It is the glue that holds our society together. And when we start to ignore rules or ignore others' laws, then we are ignoring what our Founding Fathers intended to rule us.

When we established this Nation, the people who established it came from a monarchy. Yet they felt that a much greater society would be a society which would pledge itself to the rules, not to the authority. So they didn't want a king. They didn't want some powerful dictator. They wanted the rules to prevail in the Nation. And that's one of the secret parts of the society that was created that nobody can see, that over time has developed the most important and most powerful Nation on the face of the Earth that has ever existed.

We cannot ignore that rule of law today. We cannot let personalities or concepts or attitudes change the fact that there are rules that you follow, and you must follow those rules. And there are laws, both civil and criminal laws, that have to be upheld. We as a society have created those laws. They have governed us in some instances since the beginning of the Republic. And to waive or to ignore those laws, we do it at our peril.

So tonight we're going to talk about some legislation that addresses the issue of ignoring or not following certain laws or bending laws.

We are going to start off with my good friend ROSCOE BARTLETT. I'm going to yield to him, and he's going to talk to us about a bill that he has, H.R. 2743, the Car Dealer Equity Act, in which he talks about the fact that he feels some laws, some contract laws, were either bent or ignored.

I yield to my colleague.

Mr. BARTLETT. I thank the gentleman for yielding.

Before talking about this very interesting subject, I would like to spend just a few moments talking about why I think the rule of law is so important.

We are one person out of 22 in the world, and we have a fourth of all of the good things in the world. And I ask myself how come we are so darned fortunate that this one person out of 22 has a fourth of all the good things in the world?

I look around for people who are working, bending their back, and sweating. And I will tell you I don't see very many white faces, and I don't see an awful lot of black faces. I see Hispanics. So it's not hard work that's accountable for the fact that we're so lucky.

And then I look at education and technical education. We live in a technical world today. But most of our bright young people are going into careers of political science and law. This year the Chinese will graduate seven times as many engineers as we graduate, and about half of our engineers are Chinese and Indian students. So it's not our commitment to technical areas that makes us so fortunate.

Just what is it that is so different about this country that we are so fortunate, this one person in 22 that has a fourth of all the good things in the world?

Mr. Speaker, I think that it's our commitment to the rule of law and particularly our commitment to those laws that protect our civil liberties.

You see, there is no Constitution in the world, there is no bill of rights in the world that comes even close to ours in having so many civil liberties that are so protected. And I think this established an environment, a milieu in which creativity and entrepreneurship could flourish. And I think we put at risk who we are, and I think we put at risk this enormous privilege that we have, this one person out of 22 who has a fourth of all the good things in the world, if we in any way violate these very sacred rights which are given to us by God, which our Constitution, our government, is supposed to protect.

So I am very concerned about the rule of law because I will tell you if in one place you can rationalize that it's okay to violate the Constitution, what next? I think that our civil liberties

could come tumbling down and I think with them our privileged status in the world today.

Now, the thing you asked me to talk about, and that is this bill, H.R. 2743.

Several months ago I was mystified by something that was happening in our country. We were shutting down auto dealerships. I thought at first, well, these are owned by the auto manufacturers and they're reducing their overhead, so this will benefit them. But then I learned not a single auto dealership in this country is owned by the manufacturers. Every auto dealership is an independent dealership hiring people, paying taxes, selling cars. And I looked at what they were doing. You know, in almost everything we do in life there are winners and losers, positives and negatives. And in this case I could see only losers. And I thought I must be missing something.

So we held a press conference out in Frederick, I think one of the first ones in the country. We had some of our biggest dealers there. Dar Cars was there, and Tammy Darvis is up in the gallery, and I want to thank her for coming. Jack Fitzgerald was there, one of the biggest auto dealers in the area. And I asked them the question, What am I missing? I seem to see that everybody in this is a loser. Why in the heck would we do something where everybody loses?

Clearly, the dealers that were put out of business lost, and clearly all the people that worked for them lost, and clearly all those secondary jobs that were created by those people were lost. And I couldn't understand how the auto dealers could benefit when there were fewer people selling their cars. It just made sense to me that the more people who are out there competing to sell your cars, the more cars you're going to sell and the better off you are.

And I asked these dealers, What am I missing? I've got to be missing something because Americans don't do really stupid things. And this appeared to me to be a really stupid thing where everybody lost. I couldn't see anybody who was winning in this.

So I came back to the Congress and I asked my colleagues, Who is the winner here? And from both sides of the aisle, and now this bill I think has 275 cosponsors, but from both sides of the aisle they said, We don't see any winners either. We really need to do something about this. We think that some fundamental laws were violated in this.

□ 2115

We think that this needs to be fixed. There is a Web site you can go to. It is YouTube, [www.YouTube.com/rejecteddealers](http://www.YouTube.com/rejecteddealers). And you're going to find more than 11,000 dealers that have logged on to that to tell you their story. Some very, very sad stories are told by these dealers. Enormous losses.

So I am very privileged to come here this evening to talk about this because

I think that in the violation of some of these very simple, obvious, common-sense laws, that a great many people in our country have been hurt.

And I want to thank you for committing this hour to talk about the rule of law, because I think the rule of law is so important. And I hope that Americans will collectively call their Representatives, "I know you probably signed on to that bill, but now make it happen. Bring it to the floor. Vote on it." You know, petition the Senate so they vote on it.

So let's get this fixed. It's really bad. It's really wrong.

Thank you for letting me have a few moments to talk about it.

Mr. CARTER. Reclaiming my time, I thank you, ROSCOE. You have hit on something that when that all happened to me, I just wondered what happened to the law of contract. Where did it go? When did our executive branch think it had the authority to just negate contracts in order for people to, through some threats that were made to settle a bankruptcy, to lose dealerships that—I talked to people in my district. It was not only did you lose your dealership, but your work product got handed to the people you'd been competing with. Just kind of free gratis. You get the win, and I get nothing. And of course, hopefully this will be resolved in the courts or something. I don't know what's going to happen.

But ROSCOE is on the right road. We can do something about it here because if you can't contract, you don't have freedom, and especially freedom of commerce. If you can't make an honest contract with somebody and depend upon that and have it be enforceable in the courts of our country—because the rule of contract is sacred. If you don't have that, which we'd had for the history of our Nation, then the rules of commerce come tumbling down.

And we keep hearing people say, Do we want to be a banana republic? And nothing against our poor banana republic neighbors, but that's what happens when you don't have the rule of law. You can't make a deal that can be enforced and people become—go more and more to the dark side in their trading habits. And this is one of the issues that when we've got the world economy we've got to deal with.

We've got multiple subject matters, and we are going to start with one that's all over the front page. ROSCOE is going to fix the auto dealers, and I am on that bill and proud to be there.

We've got a bill by Leader BOEHNER and DARRELL ISSA, Defunding ACORN Act, and my friend, LYNN WESTMORELAND from Georgia, is here to join me, and my friend Mr. KING from Iowa is here to join me. And we've got a bunch of things to talk about here today.

Let's talk about ACORN.

I think those videos that the American public have now seen were a

shocking wake-up when they had already heard about all of the ACORN violations. We'd already heard about this, and it didn't seem to be bothering anybody that there were all kinds of election law frauds, convictions, and so forth across the country. But then we saw advice being given to two people pretending to be into criminal activity, and you saw people that seemed to be encouraging child prostitution calling it a business, how to do your taxes, just like they weren't talking about criminal activity. And I think that shocked America into realizing that all of this was real, and that cheating on elections and cheating on voter registration and so forth was just as criminal and just led to further, more criminal activities. And now, all of a sudden, the folks at ACORN are all over the front page.

So I will yield to my friend, Mr. WESTMORELAND from Georgia, to let him make a few comments on this. And you've got a sign there. What have you got, LYNN?

Mr. WESTMORELAND. Thank you for yielding.

I did want to bring the substance. We were talking about the rule of law.

Speaker PELOSI, after the 2006 election, made a comment. She said, This leadership team will create the most honest, most open, and most ethical Congress in history.

To my friend from Texas, we know we've been here many times talking about the Rangel rule where Chairman RANGEL was found to not have paid his taxes and then had his accountant figure out what he felt like he did owe and sent it in without penalties and interest and other things.

Then we had Secretary Geithner who did not pay his self-employment taxes and some other taxes on more than one occasion. And this is something that the American people are wanting to know where this most honest, most ethical Congress, most open Congress is at.

I just wanted to kind of bring that up to remind the people that we are not special in this body right here. We need to be operating under the rule of law and be under the same consequences that every American is under.

Let's talk about ACORN and what the bill is that Leader BOEHNER and Ranking Member ISSA have introduced.

We might want to remember that last week the House voted about 345-79 for an amendment to bar the Federal funding of ACORN, but we need to go further than that. We need to pass a stand-alone bill. And that's what this H.R. 3571 does, the Defund ACORN Act.

No Federal contract, grant, cooperative, or agreement or any other form of agreement may be awarded to or entered into with ACORN. No Federal funds may be given to ACORN. No Federal employee may promote ACORN, including some ACORN State chapters,

organizations with financial stakes in ACORN, and organizations that shared directors or employees with ACORN.

And Judge, my friend from Texas, I am glad to announce the great Governor of the great State of Georgia has canceled the contract that the State had with ACORN.

So people are starting to understand that when you have an organization that not only these videos exposed, but even the Committee on Oversight and Government Reform found ACORN had committed a list of offenses: voter fraud, tax evasion, obstruction of justice, aiding and abetting embezzlement, investment fraud, use of taxpayer funding for partisan political activity, Department of Labor violations.

You know, ACORN should not be allowed to get off with just an internal audit. They need to be looked at much deeper than that. An internal audit for ACORN is the same as asking Secretary Geithner to investigate Chairman RANGEL. So we need to go further with that.

ACORN has received hundreds of millions of dollars. We should be more responsible to the people of this country, the hardworking people of this country that pay their taxes that we would want to give it away to organizations such as this.

Right now, I'll be glad to yield to our friend from—I'll yield back the time to you, Judge, and then you can yield. But thank you for giving me this time.

Mr. CARTER. I'll yield time to my friend from Iowa (Mr. KING). And I guess we'll talk about ACORN and then we'll shift gears to something else.

Mr. KING of Iowa. I thank the gentleman from Texas and the general from Georgia for their leadership on these issues. And once a week, at least, we see the judge from Texas down here laying out the conscience of the Congress. And this ACORN issue is something that has burned within me for several years.

I looked back through some of the RECORDS, and I introduced an amendment to unfund ACORN in 2007. Back then, we couldn't get any traction. And as much as has been filled out on the case of ACORN, as much as we learned about ACORN during the last Presidential election—and I think it was very useful because that was a time that America started to pay attention, Mr. Speaker. And we remember that ACORN announced that they had filed 1.3 million new voter registrations during the Presidential election cycle in 2008. And now they're advertising that people should send them a check and help fund their operation to go down there and demonstrate against Sheriff Judge Arpaio, the tent city, pink underwear Sheriff Arpaio. I think that that is a persecution that's going on. But they're trying to raise money to do that.

And the mailing that they have—and it's an Internet document. They still

claim that they registered 1.3 million new voters. Well, the numbers are closer to 450,000 legitimate voter registrations. And ACORN has admitted to over 400,000 false or fraudulent voter registrations. Now, one is too many for me. And we've seen the hue and cry of somebody who was in 2000 driving to vote in Florida, and perhaps they were going to vote for Al Gore, and a mile and a half away they went through a checkpoint to see if they were sober and had a driver's license, and they claimed that to be voter intimidation.

If one person lost their nerve and didn't want to go through the police checkpoint because they were drunk or didn't have a license, that was a voter intimidation on the part of the folks that were on Al Gore's side back in the year 2000.

ACORN can produce over 400,000 false or fraudulent voter registrations, and America can't get up in arms until we see child prostitution promoted in five ACORN offices across this city, in Baltimore, Washington, D.C., in Brooklyn, in San Bernardino, and in San Diego, California, and more to come.

And now they're under a lawsuit. ACORN decides they're going to go out and punish people that have brought out the truth if they can and use the court to intimidate.

Now, when ACORN makes a statement that, well, we only produced over 400,000 false or fraudulent voter registration forms, never fear, it was all in the exercise of trying to get somebody's good vote in there, but no bad votes came out of that, no fraud came from that. Oh, really.

They're being investigated. You say 12 States, then 14 States. Today it came out 20 States.

Today the trial of ACORN started in the State of Nevada. ACORN, as an entity, has been indicted by the prosecution in Nevada, and they have their chief organizer in Nevada is testifying against ACORN saying, Here's our pamphlet, our policy. We were paying commissions and paying a bounty for voter registrations. And, additionally, it came out in the news that in Troy, New York, they have dozens of fraudulent votes that were cast on absentee ballot that were promoted by ACORN.

Now, if there's anything that chisels away and cuts off the underpinnings of our Constitution it is fraudulent election process. And when the American people lose their faith that we have a legitimate process, the result of that will be, then, nothing holds together. You can't expect the President, the United States Senate, the United States House, or any system of government to be consented to by the people if the people don't believe they've consented in a national, legitimate ballot. That is the Banana Republic measure. And there is no entity in America that has been more active or aggressive in the history of this country and under-

mining the underpinnings of our Constitution than ACORN, a criminal enterprise and an entity in and of itself in many other enterprises than the fraudulent votes.

But I think at that component of this, I would yield back to the gentleman from Texas. I have a little bit more to say about ACORN hopefully a little bit later.

Mr. CARTER. We've got a lot of things to talk about, but ACORN is now all over the front page. The trial started in Nevada, and quite frankly, I see a very aggressive prosecutor that was talking on television today, and it's going to be an interesting case. We should all watch it very closely because wrongdoing is being put before the American public, and it's going to be interesting to see how that comes out.

I want to shift gears now because our friend Dr. RON PAUL has introduced a bill which has been talked about now for years, and I think now the American public is starting to say we'd kind of like to know something about this.

We have had, as we talked about before, more money spent since last summer supposedly saving the economy than just about has been spent in the history of the Republic, certainly before 1930. It clearly surpasses what we spent then. It is in the trillions of dollars now.

The Federal Reserve, this mysterious thing that I would bet there is not one American in a hundred who can tell you even close to what the Federal Reserve system even does, where they come from, who sets them up. There is just very limited knowledge. Unless you get to graduate school, you don't even get taught it in universities as to what the Federal Reserve does. And yet the Federal Reserve, as Congressman PAUL points out, is in charge of administering and keeping track of these billions and now trillions of dollars of money that we are going to have to pay back and our children, our grandchildren have to pay back.

□ 2130

What Congressman PAUL, RON PAUL, wants basically is that he would like to see an audit of the Federal Reserve so that we can know just what these guys do. And so I want to throw that out for discussion here, and I recognize my friend from Georgia.

Mr. WESTMORELAND. Well, thank you for yielding the time, and I don't know if we're going to get back to ACORN.

Mr. CARTER. We will.

Mr. WESTMORELAND. Then I will save this for later. Let me just say that the Federal Reserve, think about this for a minute. Under the TARP program, the Federal Reserve got \$700 billion. We gave them \$787 billion in the Obama stimulus package. As you mentioned, that's over \$1 trillion. Judge, a

lot of people don't realize how much \$1 trillion is. If you took \$1 trillion and converted it into seconds, 1 million seconds is 11 days, 1 billion seconds is 32 years, 1 trillion seconds is 32,000 years, 32,000 years is 1 trillion seconds. And so we've given them over \$1 trillion, and they don't want to be audited. I think that this is something that I hope that Chairman FRANK, I'm assuming this is going through Financial Services on a hearing that they're going to have Friday, 290 cosponsors, that is enough to pass a piece of legislation here under suspension.

So I certainly hope that the Speaker and the Democratic leadership will once again kind of honor her statement here: "We will create the most honest, most open and most ethical Congress in history" by letting us have a vote on auditing the Federal Reserve.

The American public deserves the same independent audit accountability from the Fed that they expect from their local bank. The Feds are going out and auditing our local banks every day, Judge, putting a lot of them out of business, putting them on notice that they need to change the way that they're doing business. If they're going to go out and audit our local banks, we certainly need to audit them to make sure that they're doing things by the rule of law and in a commonsense way and in the way that the American people expect them to do with their hard-earned taxpayer dollars.

With that, I yield back to the gentleman.

Mr. CARTER. I will yield now to my friend from Iowa (Mr. KING.)

Mr. KING of Iowa. I thank the gentleman from Texas.

I was thinking about the description of what is big money and what is \$1 trillion and how do you put that into a concept now. Some of us from the part of the country I come from, we think in terms of corn. So to put that into perspective, the State of Iowa, the lead State in corn production, is going to have a good crop this year. It's going to have the best average yields that we have ever had, probably a few less bushels than we have produced though in the past, and we are going to raise about \$10 billion worth of corn, maybe a little less than that, but about \$10 billion.

Now all the corn that Iowa raises, just the value of that \$10 billion, if we do that for 10 years, that's \$100 billion. We do that for an entire century, that's \$1,000 billion, \$1 trillion. So 100 years of all the corn we can raise in Iowa is \$1 trillion. A full century of all the corn that we can raise in what it's worth today, or what it was worth when I figured this, the markets have gone down a little bit, that is \$1 trillion.

Now to take care of Obama's deficit created by his budget this year, that is \$9.7 trillion. You can just think, 970 years of all the corn that Iowa could

raise committed just to taking care of the deficit created by his budget would be just about right. And if you want to look at the deficit that exists today, and you add that to Obama's budget, that's over \$20 trillion between the existing national debt and the debt created by President Obama's budget. So that would be all the corn that Iowa could raise at today's production in market values from the birth of Christ until today, and you would fall a little bit short. That's how much money the United States Government owes as a result of this profligate spending that is going on.

And the Federal Reserve component of this, I am very happy to see there are 290 cosponsors of RON PAUL's bill, H.R. 1207. I am among them, and I'm confident that my colleagues on the floor are as well. There is a hearing coming up on Friday to dig into this. That is a step along the way. From my standpoint, I would be very happy to sign a discharge petition. I don't think that things move very quickly through this Congress. When you have the most ethical Congress in history, I don't know how that could be defined that way, but there's a lot that doesn't happen around here. There's a lot of deliberation that doesn't take place around here, a lot of debate that doesn't take place.

The rules are written in the Rules Committee up there in that tiny little old room that doesn't leave room even for our staff to come in. We have to go up there and genuflect before the Chair of the Rules Committee and ask if we can bring an amendment down here to debate it on the floor of the House. They will say "yes" if they think it embarrasses Republicans. That's the only way they will say "yes."

The deliberate destruction of the greatest debating body in the history of the world here in the United States Congress has taken place because of the rules that have been ripped asunder by the Speaker of the House after 221 years. And the gentleman from Georgia has a sign: "This leadership team will create the most honest, most open and most ethical Congress in history, NANCY PELOSI, November 16, 2006." I don't know how you say that in Georgia, say what? This is the least deliberative body it has ever been.

An open rules process that we had for 221 years that allowed every Members of Congress to force a debate and a vote on a subject matter of their choice within the appropriations process has been utterly suspended since 2007.

The American people deserve better. We deserve, yes, a hearing on H.R. 1207, on the Federal Reserve. But we deserve also to have open debate and force votes so Members have to go on record, because the wisdom of America is processed through 435 congressional districts. And we all have our networks out there. If that debate is stifled here,

if amendments are shut off by order of the Speaker, then the wisdom of America is shut off by order of the Speaker.

This country cannot reach the next level of its destiny if it denies the wisdom of its people, and that is the wisdom of its people as processed through this Congress is how it was envisioned by the Founding Fathers. I yield back to gentleman from Texas.

Mr. CARTER. To finish up this particular subject, let me just point out that I think most people know that the Fed has, as one of its things it does, it uses interest rates to micromanage our economy. It prints money. And the more money that it puts out there, the less value our dollar has. It has an affect on every part of our lives.

Now if you have never contracted with the Federal Government, back in the 1970s, I did a lot of work for people who built section 8 housing projects. And let me tell you, because you're dealing with large numbers, this is what you would hear, you had to be looked at and rel looked at and rel looked at, which is the right thing, to make sure nobody is doing something wrong. When you're dealing with \$8 million or \$10 million, the government wants to look closely at how that money is being spent, are the subcontractors being paid, and so forth. Now, why do they do that? Because they know the nature of certain people is such that there can be wrongdoing.

We are talking about trillions of dollars. And we ought to at least know a little bit that an audit would tell us about what's going on at the Fed. So that's RON PAUL's bill.

I'm going to go to another bill. It's not really a bill, but just a comment. We've been talking about the Rangel rule. I've got a new one today. We are going to talk about Mr. Geithner again because he is back in the news because he says he has got this bank, UBS, over in Switzerland, to open their secret vaults and let him know what's over there. And he is being very magnanimous to the people he thinks have been hiding funds overseas. He is telling them that, I know you. I've made a successful raid. I know who you are. Now if you step up and pay your taxes, we're only going to give a maximum of a 20 percent penalty for your failing to pay taxes.

Wait a minute. What about the Geithner gesture here? When he talks to these people, he owed \$17,230, no penalty. He owed another \$25,960, no penalty. He used bad child credits. He filed additional taxes with interested infrastructure, he had a faulty retirement plan, an improper small business deduction, and he was expensing utility costs that went for personal use. All these things he was doing to no penalty. We call this the fox watching the hen house; he says they've cheated the government. And maybe they have.

Where I come from, if they cheated the government and there's penalties

to be assessed, fine. Everybody ought to get the penalty. When I've been late on paying my taxes, and I have, I filed not on April 15 before, I filed on August 15 before, I filed on October 15 before. I paid my penalties, and I paid my interest because that's what you're supposed to do. I think it is curious that this is the subject of Mr. Geithner's conversation when he has not. He, the boss of the IRS, has not been assessed any penalties.

So I throw that out for quick discussion. I think it's interesting. The Geithner rule ought to be zero penalties on taxes paid back on unreported income until Mr. Geithner pays his.

Mr. WESTMORELAND. So if the gentleman would yield for just a second.

Mr. CARTER. I do.

Mr. WESTMORELAND. Are we going to introduce a new legislation called the Geithner rule?

Mr. CARTER. We're working on it.

Mr. WESTMORELAND. We've got the Rangel rule, and I wonder how many people have, when they returned their money to the IRS and said, I'm claiming the Rangel rule, the Geithner rule is one that definitely people should be concerned about.

Today in my office I had two of my dear friends, I had Coach Mike Pickett who came in and coached me in high school and another guy that I went to school with, Mike Sorrow that Coach Pickett coached, and they came in to talk to me just about some of the issues that we were facing up here.

One of the things that Coach Pickett said was he said, I'm mad as heck. He said, they're cutting my Social Security, and they've got a plan to cut \$500 billion out of the Medicare, he said, and we've got people in Congress that is not even paying their taxes. And of course he was talking about Chairman RANGEL. We didn't bring up Secretary Geithner, but I'm sure that would have made him double mad. That would have made his blood pressure even worse to think that the Secretary of the Treasury has got this kind of tax concerns.

I go back to this, what Speaker PELOSI said, you got to remember that the U.S. Senate approved this gentleman, confirmed him to be a member of the Cabinet.

This is the thing, Judge, that the American people are tired of. And I had one lady tell me the other day at a town hall meeting, she said, I'm sick and tired of being sick and tired. And I think the American people as a whole are sick and tired of being sick and tired of seeing how people in politics, in elected office feel that they're better than the average hardworking American person out there that is paying his taxes.

Now, I've had penalties assessed on me before. I think that probably most Americans have had penalties and interest assessed to them for some reason



or another. This is unbelievable. In fact, we should be above even the least bit of doubt of what we're doing. He should have paid the penalties anyway. If he had been late, he should have paid the penalties and the interest.

Many people may not know this, that when they hear this name on TV, they don't understand that he is the Secretary of the Treasury. He is somebody that is over IRS. And with these findings and the fact that he has not been able to have to pay some of the penalties and the interests that most Americans would have to pay if they were delinquent on their taxes, and especially using your child's time at an overnight camp in three different years, surely he was made aware of that in 2001, but he did it again in 2004 and again in 2005. Surely somebody from the IRS must have told him in that 4-year period that that was not a legal deduction or either he didn't file his taxes.

□ 2145

So, Judge, I appreciate you bringing this back up, and I look forward to being a cosponsor, as I was with the Rangel rule, on the Geithner rule.

Mr. CARTER. Do you wish to be heard on this, Mr. KING?

Mr. KING of Iowa. I thank the gentleman from Texas.

I would submit this idea, I would rather call it the Geithner corollary than the Rangel rule because it gets deeper, and when you think about how much deeper it gets, it doesn't quite show on this poster. And I'm reaching back and dusting off my memory

But it strikes me that the employment that Tim Geithner was involved in reimbursed him for the taxes that he was going to have to pay from income tax liability, for the payroll tax, the Social Security, Medicare, and Medicaid taxes, for the several years that are listed there. The reports that I have read—I believe it will also include The Wall Street Journal report—that Tim Geithner was written a check by his employer to be reimbursed in advance for the tax liability he would incur and signed an agreement multiple years in a row that he understood that he had this tax liability.

So not only did he not pay the taxes until the pressure was on—and they waived the penalty which, apparently, they pre-applied the Rangel rule with Tim Geithner, but he had actually profited by not paying his taxes because he had been reimbursed by his employer in advance for the liabilities that you see on the poster that Judge CARTER has put up.

So this is a bridge too far from my standpoint. If you have a tax liability and your employer's writing you a check to pay those taxes, you cash the check, put it in your kids' retirement fund—I'm going to presume that's what happened. That's any equity that we

don't spend when we die goes into our kids' retirement fund. And so you profit from this and avoid the taxes; that's a double operation there.

So I will label that Geithner corollary to the Rangel rule, and that would be if you're nominated for a high position of, let me say, confirmation position before the United States Senate, and you find yourself, you have a tax problem, if you are able to settle this issue out of court and do so without interest or penalty—he owed \$17,230 in taxes but they waived the penalty, so apparently he paid the interest, not the penalty, from that language. I want to make sure that is clear.

If you get that all done, and if America's patience and appetite will believe the idea that Tim Geithner is so smart that we can't get along without him regardless of whether he could remember to pay his taxes and regardless of whether it was an ethical decision or not, if we remember America's appetite for that was completely satiated by the time Tom Daschle was appointed and his tax problem emerged, then America said, Enough, I can't tolerate anymore of these appointments by the President that will be confirmed by the Senate that have people that have been avoiding taxes.

So now we have the lead tax writer in the United States Congress, Chairman RANGEL, that has stimulated a bill that's been introduced by Congressman CARTER, the Rangel rule, precedent that if any taxpayer admits their mistake and pays their back taxes, no penalty or interest should be assessed, especially if you're up for an appointed position to be confirmed by the United States Senate, especially if America can be convinced that your skills are so valuable that out of 306 million people there isn't a single soul that can match up to the job that you might do, regardless of the problem you might have of being paid in advance to pay your taxes, cashing the check, putting into the equity account for your kids' inheritance, and then along comes the old "uh-oh" from Georgia, that is, the "I guess I better pay my taxes" Geithner corollary.

Mr. CARTER. Reclaiming my time, it's kind of interesting that, back to our other subject, talking about holding the Federal Reserve accountable, one of the suggestions was that the Secretary of Treasury Tim Geithner be able to review the books of the Fed. Probably the smartest thing the Fed said was, No, I don't think that's a good idea, and maybe there's something to that. That may be the smartest thing the Fed has done in a long time.

We have got another issue that's been an issue for many of us, and GREG WALDEN and JOHN CULBERSON and BRIAN BAIRD have introduced a bill, House Res. 554, and they're asking that each bill have 72 hours before you take

action. And this is not hard for us. We know what they're talking about because we have seen in this Congress bill after bill after bill spending billions and billions and billions of dollars that we get in the middle of the night to vote on the next day. And all they're saying is, let's do what, when Thomas Jefferson wrote the rules of this body, still follows. He said they need 3 days before voting. That's in Thomas Jefferson's rules, which he wrote for this House, and they're basically the same rules we follow now, with some changes that have been made.

All they're asking to do is let's do what Jefferson said we ought to do in this House, and what they did in this House for a century, well, let's do it.

I yield to Mr. WESTMORELAND.

Mr. WESTMORELAND. Well, I thank you and my congratulations go to Mr. BAIRD and to the Chair, Mr. MINNICK, for pushing this, along with GREG WALDEN, the gentleman from Oregon, and the gentleman from Texas (Mr. CULBERSON).

In full disclosure, my friend from Texas and Iowa, in full disclosure, when the Republicans were in charge, we did the same thing. We rushed things through, and Mr. BAIRD, the gentleman from Washington, I think has had this 72-hour resolution in before when we were in charge, and so my hat's off to him for continuing to do this. I think he now has about 178 signatures. Mr. WALDEN who has a discharge petition has got signatures. We need 218.

So if anyone were watching this, if anyone were watching this and if we could speak to them from this floor, I would say make sure your Congressperson has signed this, because I think this is very important that not only the people voting on this have 72 hours to look at it but the people that it's going to affect.

I think sometimes we lose sight in this body that when we pass a law, it doesn't just affect the Members in this Chamber. It affects all 300 million people in this country, and so we need to make sure that the people that are going to be affected by the legislation that we're passing has an opportunity to read it.

Is everybody going to read it? I doubt it very seriously. Are all the Members of this body going to read it? I doubt it very seriously, but at least they can be held accountable and we can be held accountable for our votes, and people saying, Well, you had 3 days to read it, don't tell me it was something you would rush through. They've got 3 days to read it, and so I commend the gentleman from Texas (Mr. CULBERSON).

I commend Mr. WALDEN for trying to do the discharge petition, and I think we have about five people from the minority party that has signed that discharge petition, and I want to commend them because that's a courageous

act on their part because, as we know from being in the majority at one time, leadership does not like you signing those discharge petitions.

But this is something that needs to be brought to the floor. This is something that I think the American people are entitled to have some accountability for from their Members of Congress, and so this goes back to that I'm sick and tired of being sick and tired.

And so we need to do this, and again, I hope that this is something that we can get the discharge petition through or, if not, that Speaker PELOSI would just bring this bill to the floor and let us vote on it.

Mr. CARTER. I yield to my friend from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas.

If this is going to be the most open and ethical Congress in history, this Congress has got to have an opportunity to read the bills. This leadership team will create the most honest, most open and most ethical Congress in history: NANCY PELOSI, November 16, 2006.

I will say this: Yes, there were bills that were hustled through this Chamber when Republicans were in the majority, but I have never seen anything quite as egregious as the cap-and-trade bill that came through this House of Representatives. That bill was presented to the floor of the House, scheduled for debate the following day, and at 3:09 a.m., a 316-page amendment—

Mr. WESTMORELAND. A.m., a.m.

Mr. KING of Iowa. Did I say a.m.?

Mr. WESTMORELAND. No, you said p.m.

Mr. KING of Iowa. I'm sorry, I meant to say 3:09 a.m. I appreciate that correction. I must have had some kind of chronological dyslexia in order to come up with such a thing.

However, 3:09 a.m., 316-page amendment, and I can say with great confidence that no one read the bill. I don't have to ask anybody in this Chamber if they read the bill. I know no one read the bill. I was here on the floor engaging in the debate when Congressman GOHMERT from Texas asked a parliamentary inquiry and he said, Madam Speaker, is there a copy of the enrolled bill in the Well? The answer was kind of, maybe, sort of. And we looked at the kind of, maybe, sort of stack of paper that was there, and there was a basic bill of around 1,100 pages, but the kind of, maybe, sort of didn't include the 316-page amendment.

And so after a few more inquiries, they pointed to another stack of paperwork, and Congressman GOHMERT went down to look at that paperwork, and he came back and said, Madam Speaker, parliamentary inquiry, that is not even the amendment. It was a different stack of paper.

And so after 35 minutes of turning this thing around, the most significant question was again asked by LOUIE

GOHMERT of Texas, and there was a lot of dialogue going on. JOE BARTON of Texas was engaged in this thing; I give him that. And anyway LOUIE GOHMERT asked the question, after about 35 minutes of suspension of the debate on the cap-and-trade bill, he said, Madam Speaker, parliamentary inquiry: If the House of Representatives passes a bill that doesn't exist, is it possible to message a bill that doesn't exist to the United States Senate?

Well, today we know it must be possible because we passed cap-and-trade, a bill that didn't exist, and it got messaged to the Senate, and I think it probably began to exist sometime after it was messaged to the Senate. It was an appalling thing that the American people would have to watch, and Thomas Jefferson has to be rolling over two or three times. He spoke about a lot of things, 72 hours, 3 days to read the bill.

I also put out a great big pat on the back for Congressman BRIAN BAIRD for leading on this, as well as GREG WALDEN and JOHN CULBERSON, and I have signed the discharge petition and the bill, and I'm looking for the rest of the signatures on the discharge petition so it can come to this floor. That is a piece of bipartisanship that this Congress can pass that will leave a legacy for a long time to come.

And if we're so afraid of the legislation that might get passed that we can't give anybody an opportunity to read it and we wonder why people go to TEA parties in America, that's why. They're really uneasy about what they've seen: \$700 billion in TARP; eight large private-sector corporations nationalized; along with then a \$787 billion stimulus package rushed through Congress—it had to happen right now—and sat on the President's desk for 5 days before he signed it, and still most of it is not spent.

And with that, they watched cap-and-trade move through here in a hurry-up, rush job, when not one soul in this Congress or across this country read the bill before it passed. And then they see a hurry-up rush for a national health care act that takes away our freedom.

No wonder we have TEA parties. No wonder the American people come out. It's just a wonder that they could be so peaceful, and we've ended up with almost no, let me say, almost no violence of any kind in all the TEA parties that we had. Respectful people that exercised their right to freedom of speech and assembly and a right for redress of their grievances, and they did so in the traditional fashion envisioned by Thomas Jefferson himself.

So many generations have taken place since Thomas Jefferson, but his wisdom remains, and I certainly support H. Res. 554. Encourage everyone, including the Speaker, to sign that discharge petition. Let's get that thing out here on the floor, do the right thing for Democrats and Republicans.

Mr. CARTER. Reclaiming my time, the previous discussion that took a little over an hour before we came to the floor commending Senator Kennedy and his legacy, it seems to me that when we're talking about civility, which is one of the things they talk about, if we can get back to civility, I think the 72-hour rule would have something to do with that.

Very quickly, I want to go to one more thing and then I want to come back and talk about ACORN.

We're the czar champions of the world. We have got more czars than the Romanovs had in the entire history of their dynasty, and our friend STEVE SCALISE, who was going to be here tonight but he got tied up and couldn't come, he's got a bill to sunset these czars.

□ 2200

A czar is someone who heads a task force, a council, is appointed by the President without the consent of the Senate, is excepted from the competitive service and does not have an existing removal date. Appropriated funds can't be used to pay for salaries and expenses of task forces or councils established by the President and headed by a czar.

This is what he's trying to do. He's trying to put a sunset on the czar policy, because it seems to an awful lot of people in this country, the term "czar" means absolute power, and they've created these positions of absolute power without any oversight.

I will start with my friend from Georgia.

Mr. WESTMORELAND. I thank my friend from Texas for yielding.

A czar is something that I've been getting a lot of questions about lately. Everywhere I've been in Georgia's Third Congressional District, I'm starting to get questions about the czars. People are wondering who these 34 or 35 czars are. We have already had one exposed to the extent that he eventually resigned.

People are starting to understand more and more that these czars are being appointed by the President with no confirmation by the Senate. And they're beginning to say, hey, how is this happening? What's going on here? How long are they going to serve? Do they work directly for the President? Who are they accountable to? What if they have some type of job that's under Mrs. Napolitano or under Geithner, or whatever? Who do they report to? What's the deal? They would report directly to the President.

And so we need, really, sunshine on all the appointments, but especially, as the gentleman from Louisiana said, H.R. 3569, at least a sunset on all these czars. This is something that the American people are very inquisitive about.

I think that because of the number of these czars and because of some of the

really Communist views and really ultra left-wing views that some of these czars have that are being exposed is just bringing more and more attention to it. And I think the American people want some accountability. I'll go back to the statement, they're sick and tired of being sick and tired of more government being stacked on.

We've got 10 percent unemployment nationwide. We've got some areas with 15, 16, 17, 20 percent unemployment. The only jobs that are growing right now are in the Federal Government. That's the only thing that's growing.

With that, Judge, I hope that anybody who could be watching might encourage their Representative to look at H.R. 3569.

Mr. CARTER. We're just about to run out of time. We had a surprise guest come from the back of the room. Would you like to tell us about the czars? Did we stimulate you?

Mr. THOMPSON of Pennsylvania. You sure did, Judge. I want to thank you for bringing this up. It's just not who these folks are that we don't know; it's what they step on. I look at this as sort of the fourth or the stealth branch of government.

I came here, I know all my colleagues here, certainly the freshmen, we came knowing that we have a serious responsibility to fulfill on the different committees of jurisdiction that we're appointed to. I bring up just one example, the car czar, and what has happened to the auto industry in this country.

As I could tell, I expected when we had these issues, that we have a committee, I believe it's called Energy and Commerce, that would have dealt with the issues surrounding that industry. And yet everything that has happened in the car industry, of firing an executive from a private organization, to taking over ownership of General Motors, to dictating winners and losers in terms of the auto dealerships, all directed under the leadership of a czar.

Frankly, I know that that's the responsibility of Congress. We have a responsibility to approach that carefully and judiciously and make those types of decisions. The Constitution provided us that authority and that responsibility, and the czars are just stepping all over the Constitution.

Mr. CARTER. Reclaiming my time, thank you. We feel real good when we can call a colleague out of the dark. We're glad you're here. We are just about to wrap up our time.

Before we stop, I'm doing something different today. We've been talking about an awful lot. This is probably the most we've talked about in a single hour. As soon as this is over with, as soon as I walk across the street to my office, if you go to [www.house.gov/carter](http://www.house.gov/carter), we're going to have a live Webcast for the next hour-and-a-half where you can ask questions and make comments about what we've talked about here, or

anything else that's bothering you or that you're concerned about, I want to have it, so that you can tell Congress what you think. I've already started doing this. I enjoy it. I've already got 300 questions waiting right now. I'm going to advertise a little bit and welcome people to come to this Webcast.

Mr. Speaker, how much time have I got left?

The SPEAKER pro tempore. One minute.

Mr. CARTER. Thank you, everybody, for participating. It's most important you remember the subject of this conversation, and that is the rule of law that holds this society together. Never forget. We're all talking about rules and laws and how they seem to be stretched and violated. We've got to get back to the rule of law governing this Nation.

I yield back the balance of my time.

#### ISRAEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Illinois (Mr. SHOCK) is recognized for half the remaining time until midnight.

Mr. SCHOCK. Thank you, Mr. Speaker.

We come together tonight to talk about a very important issue and a very important relationship that we enjoy with our only true democratic ally in the Middle East, the State of Israel.

We've seen in the last week this issue come to light with the instability in that region, with the new facility that was just discovered and made public on Friday by the United States, Great Britain and her allies. This just reinforces in the minds of many of us in Congress the importance of us remaining steadfast in making sure that the State of Iran, that country, does not receive a nuclear weapon and that we do all that we can to support our ally, the State of Israel, and peace in that region.

I was fortunate to be a part of a delegation that traveled to Israel. In fact, there were 25 Members who traveled the first week of August to Israel on a fact-finding trip; 25 Republicans, which was the largest delegation of Republicans ever to visit the State of Israel at once. The Republican delegation was led by our whip, ERIC CANTOR. The following week the Democrats were led by Majority Leader STENY HOYER, and my understanding was there were over 30 Democrat Members who went on that trip, which is the largest number of Democratic Members to travel to Israel all at one time.

If you do the math, that's over 50 Members, which is well over 10 percent of the Congress traveling to that region within a 2-week period and I think underscores the importance that this Congress believes that relationship is

and the need for us to press for peace and the need for us to support our allies.

I want to take some time to reflect on my views of what I learned on that trip and some reflections of what I learned on that trip. Also here tonight, I have one of my good friends and allies who has joined me to share his experiences as well.

I would like to take this time to yield to my good friend, Mr. THOMPSON.

Mr. THOMPSON of Pennsylvania. I thank my good friend from Illinois for yielding and thank him for coordinating this time tonight when we truly do talk about our most important ally, a friend that we have and a good democratic friend in a very dangerous part of the world in the Jewish State of Israel.

It was a privilege to be able to visit the country of Israel and to go with other colleagues, to go there with an open mind and to be able to sit down and to visit and talk face to face with the President of Israel, with the Prime Minister of Israel, to meet with the military, to go into the West Bank and sit down with the Prime Minister of the Palestinian Authority and to look at the defense issues that Israel lives with each day and has since the beginning of that democratic nation; to visit all the borders on all sides of Israel and to look out into, whether it was Jordan or Syria or Lebanon, places where, at one time or different times during their short history where missiles rained from and mortars came down on men, women and children in that State of Israel. It's a country that is very familiar and lives every day where defense is on their mind, and a strong defense.

□ 2210

In particular, it was striking to me when we were in the southern part of Israel, and we were overlooking the Gaza Strip. All the borders are being relatively peaceful right now, but at the Gaza Strip and just outside of this small farming community of Sderot where we looked and the leaders of Israel chose, in a goodwill, good-faith offer of peace, gave up what I thought looked like a pretty good piece of real estate that sat along the Mediterranean Sea, and that was the Gaza Strip.

They moved the citizens of Israel out of there, and relocated them into other parts of Israel in the hopes of obtaining a lasting peace and long peace with the Palestinians; and in exchange, what they received is about 3,000 missiles and mortars that came raining down on them.

I think the most striking conversation I had—and I know my good friend was there—was with a young mom of a 9-year-old, and she had grown up in that farming community. Her grandparents lived there. Her parents lived there. She lived her entire life there,

and she lived through that time when those missiles rained. She talked about how—and we saw as we were driving in to Sderot bus stations that looked a little unusual but that was because they were designed also as bomb shelters. We saw the playground, which had a great piece of equipment sitting in it. My kids are grown now, but my boys would have loved it. It looked like a giant caterpillar and kind of weaved around. But to look closer, it actually was a bomb shelter for children that they would run to whenever a missile was launched and would soon be landing.

Now from the time the siren sounds in Israel, they have about 20 seconds until that missile lands and explodes. That young mom I think put it so striking for me. Her words I hear over and over again in my mind. Imagine yourself, you are a parent, and you are driving down the road. That siren sounds, and you've got 20 seconds to get to safety. You've got two children. They're both strapped in car seats in the back seat. Which one do you pick?

I think we take for granted our safety and security in this country. We certainly have had our attacks here. We've been relatively safe since 2001 because of the measures that were taken by President Bush and by the Congress at that point, and we have not experienced another attack on our soil in those 8 years. But we certainly have issues that I look forward to talking about further tonight in terms of future threats to not just our country but to the country of Israel. And I thank my good friend for yielding.

Mr. SCHOCK. Well, thank you for your insights, and obviously I share those observations and would like to take the opportunity to share some of my own. First, let me say that I thought the trip to Israel reinforced what I had already known and that was that the Israeli citizens want peace. I saw this message on the faces of young soldiers. I've heard a passionate thoughtful cry for peace in Prime Minister Netanyahu's words, and I even prayed for peace with Israelis as they ended their prayers on Shabbat.

Furthermore, I found that like every nation in this world, Israel is a nation of contrasts. Specifically, it is a land hemmed by unambiguous borders, yet filled with lines that have been blurred beyond recognition. New and old, the archeological and the militarily strategic, the political and the religious were all indistinguishably bundled together until each lost its own identity and had become part of the same interwoven fabric.

Each day's itinerary was packed with life-changing events; the oppressive heat that hit me every time I stepped off the bus also seemed to also challenge all of my preconceived ideas about Israel. And while I found our agenda to be filled with the study of

distorted lines, there were always those stark borders which clearly separated Israel from her neighbors and delineated fact from fiction.

I found this truth as we toured the Western Wall. As I watched old rabbis press their heads against the blocks of Herod's Temple, I found no ambiguous lines. I was clearly standing at the foundation of modern Israel. Conversely, I did not hear Israel's genesis in the echo of my footsteps through the solemn corridors of Yad Vashem. True, I heard an irrefutable argument against the unforgettable atrocities that happened when the world's Jewry does not have a land to call its own. While important, Yad Vashem's lesson does not speak to Israel's birthright. Plainly, Israel does not exist because of the Holocaust.

Unfortunately, I believe President Obama crossed this unmistakable border in his Cairo speech, linking the history of Israel not to the Western Wall or Masada but to the actions of a mad man. President Obama implied that Israel was thrown together to ease the guilt of a post-World War II Europe. I find this absurd. One can easily trace the tenacity of Masada straight through 2,000 years of history to the weary resolution on the faces of David Rubinger's famous photo "Paratroopers at the Western Wall."

Israel does not date to the instability caused by Adolf Hitler, but to the stability engendered by Abraham. Additionally, the President spoke of mutual respect but failed to show the Israelis the same respect he displayed to Palestinians. He spoke of the daily humiliations endured by Palestinians, but did not mention the daily fears endured by the residents of Sderot as they go about their lives tethered to bomb shelters.

The President also crossed the border between fact and fiction when he put settlement construction on a pedestal as the principal bargaining chip for peace, thereby providing cover for Palestinian leaders to harden their opposition to all construction in the settlements. This misstep was completely unnecessary. It is well known that Israel has no intention of building new settlements. However, the nation also has no intention of stopping normal life in the settlements; and, unfortunately, the President inadvertently called for the latter.

Admittedly, this is a difficult topic for us to understand, and it was only on my trip that I realized the line between Israeli parents and grown children is much more blurred than it is here in the United States. I love my mother dearly, yet I do not wish to have her live right next door to me. However, many Israelis want exactly that. They want to walk to their father's house for Shabbat and employ their mother as a readily available and reliable baby sitter.

Settlements need what is referred to as natural growth, but this term is a misnomer. The settlements have no intention of growing the geographic size of their settlements. Instead, they want a natural filling in of the existing land. They want their son to be able to build a house on the vacant lot next to their home. To deprive settlers of this ability is to deprive them of living the Israeli lifestyle. I wish President Obama had toured the Alfei Menashe settlement with us so he could have learned this lesson himself. The President also needs to learn that the world cannot preach from on high to Israel.

When the President tours U.S. cities, he does not encounter bus stops that double as bomb shelters. When he sees groups of crowded students around the White House, he does not see assault rifles slung over the chaperone's shoulders. He does not live in fear. And due to these facts, the President does not have the capability to lecture Israel on what she must do to keep peace or to make her citizens safe.

Finally, I turn my attention to the largest topic facing Israel, the Iranian threat. Using more than 7,000 centrifuges, Tehran has amassed enough uranium to produce a nuclear device. At their current pace, Iran would be able to produce two more atomic weapons each year, provided they find ways to further enrich this fuel. Never before—not India, not Pakistan, not even North Korea—has a group of criminals so defiant of international law had such destructive capability; and as the people of Iran have become more vocal in their pleas for responsible leadership, the ayatollahs have become more erratic and unpredictable.

As such, we must quickly and decisively act to end this danger. Without a doubt, the United States has failed to do enough to stop Iran from becoming a proud owner of the bomb. It is true, Congress has taken a multitude of votes on this issue. However, the majority of these were simply press releases disguised as legislation. To right this wrong, I have added my name in support of multiple bills this year to strengthen sanctions against Iran.

By no means are these pieces of legislation sufficient. The United States must use every unilateral and multilateral tool it has at its disposal to cut off Iran economically, diplomatically, and politically until this shadow of a state abandons its diabolical goals.

□ 2220

These actions can only help Iran make the decisions sooner. Iran must see it can stand with peace, prosperity, and the international community, or it can continue to live in squalor and obscurity, relegated to the trash heap of the international community with the other juntas, regimes, and cabals.

When I think about the threat of Iran, I am reminded of the saying that

those who do not study history are destined to repeat it. I'm reminded of my tour of Yad Vashem. I recall an eerily similar declaration to annihilate Jews. I remember a leader who perverted a religion to justify his actions. And I am reminded of the famous British Parliamentarian Edmund Burke, who once said, "The only thing necessary for the triumph of evil is for good men to do nothing," which is exactly what too many Christian leaders did in that day: Nothing.

This eerie similarity exists today, not with a leader who quotes the Bible but with one who quotes the Koran. His comments echo those of Hitler's; his stated goal is the same.

So what is necessary for peace? I would contend that there will be no peace until leaders around the world regardless of faiths denounce such comments, until leaders within the Muslim community reject this rhetoric, and until leaders of the Islamic states shun such hate speak within their borders. Whether someone builds a second garage or a second home within a defined community is not what stands between war and peace. A community of citizens who pervert a religion to justify hate and murder are what stand in the way of peace. This is precisely what we should all fear. It was radical Islamic terrorists who attacked the United States on September the 11th, who blew up subways in the UK. This ideology is the true barrier to peace.

I am reminded of a note that was left by the terrorists in Spain during the Madrid bombings. They said, "We will win and you will lose. Because you love life, and we seek death."

Therein lies the real problem with Iran. Unlike the threat of mutual destruction during the Cold War with Russia and the U.S., both knowing that if one attacked, the other would retaliate, we are now dealing with a regime that is not a socialist state like Russia but a religious state, whose leader espouses no fear of death but rather a clearly defined goal to destroy the state of Israel. This threat must be at the center of our President's and Congress's attention for the sake of Israel's security but also for the sake of our own.

Settlements, the West Bank, and a President who seems more interested in giving dictation rather than providing assistance—when spoken aloud, these problems seem rather insurmountable. I believe they are not. There is a path to peace which is as clear as the border formed by the security barrier. We only need to have the courage to take the first step on this path by ensuring Israel has our undeniable support.

Fortunately, we are not alone. The vast majority of Americans support Israel. We recognize that Israel stands as a lone beachhead of democracy in the Middle East. We know that we take

our security for granted and do not judge those who are not afforded this luxury. In short, regardless of the muted lines within Israel, we know where the stark borders between our supporters and detractors are in the Middle East.

During our meeting with Shimon Peres, he said, "Israel and her neighbors seem to be able to live in peace. We just have a problem writing it down."

Focusing on the real threats to peace and democracy around the world, requiring leadership on the part of the Arab states to root out terrorists within their borders, and continuing to support and stand by our ally in the region, as, Mr. Netanyahu definitively stated, "With God's help, we will know no more war. We will know peace."

With that I yield to my good friend from the State of Louisiana, Dr. FLEMING, for his impressions of his trip to Israel and the state of the region there in the Middle East.

Mr. FLEMING. I thank my friend and the gentleman from Illinois (Mr. SCHOCK).

The three of us here this evening spent really an awesome time in Israel during August. But I want to take you back in time, Mr. Speaker, in history 71 years to today. Literally 71 years to today, and what we see in the newsreels. And that was that Lord Chamberlain waved a stack of papers in front of the camera and he uttered, We have peace in our time. And what was he talking about? He had just come from a meeting with Herr Adolph Hitler, and along with France and a few other nations, but not Czechoslovakia, they had come to an agreement to cede to Hitler the Sudetenland, which at that time was the strategic part of Czechoslovakia that was so necessary for their protection. He ceded that. Of course, Hitler claimed that it was mostly populated with Germans, but, nonetheless, Lord Chamberlain and others agreed to let him have it. And we know that today as a policy of appeasement.

He also said that he actually went there for the purpose of honor and peace. And then Winston Churchill, who was in the Parliament, replied that he went there for honor and peace but he returned with neither. Because we know that within months, Hitler began a very aggressive campaign and went on to, of course, not only take Czechoslovakia but also Poland. And, of course, as we say, the rest is history.

And what is that history? The history is that there were 20 million people killed during World War II, Mr. Speaker; 6 million of them were Jews. And in visiting the Holocaust Museum in Israel, in Jerusalem, Yad Vashem, something very interesting, I think, occurred in my mind that I never thought about until it was brought out.

We saw a lot of very interesting things there. A lot of personal stories

about families who were broken apart, most of whom died in the Holocaust, people who were in death camps, a lot of personal letters and books and eyeglasses and things like that that told individual stories. We know the factual parts of this. We have all seen the documentaries that talked about the gas chambers and the ovens. And we, of course, have heard about and read about the Final Solution and Hitler's attempt to take executing human beings to a whole new scientific level, which he was able to achieve. Nothing before and nothing since has been done.

But the important thing, Mr. Speaker, about this that we must understand that really teaches us a second lesson today: The first one being the danger of appeasement, but the second is that while the Jews were being carted off to the death camps, and, of course, many of them attempted to reach safe harbor in the United States and many other countries and were denied that and, in fact, in many cases were thrown out of other countries, there was no one to speak up for the Jews. No one, not even the United States. Even we have the blight of having turned our backs on the Jews. And there was no state, there was no country to speak up for the Jews, who at that time lived in many places of the world. And because of that, after World War II and all the countries began to come together, it was decided that the Jews would have their own homeland.

□ 2230

And of course we know that the U.N. provided for that, and what was then called Palestine today is called Israel. Israel is a state, and that's so important because now Jews have a country to stick up for them. They have a people who will never back down from an evil dictator like Adolf Hitler. They will stand up for their people, and they will stand up as our ally against these things.

But the interesting thing is it's often said that what we don't learn from history is destined to repeat itself. And what we have today is a Hitler-like figure, Mr. Speaker, of course, Ahmadinejad, who is saying many of the same things that Adolf Hitler said in those days, giving the same threats.

Very few people took Hitler seriously when he said that he intended to kill the Jews, and that is what he did. Now we have Ahmadinejad who is making the same statements, and we watch before our very eyes he's building a nuclear arsenal.

And what are we doing, Mr. Speaker? Well, we are talking about sanctions. And how effective are these sanctions going to be when it's necessary to have Russia and China to help us with that? And of course, all we are getting from them is rhetoric. In fact, the only thing structurally that's been done in all of this discussion is we've given up

missile defense in the Czech Republic and in Poland. So we are already beginning the appeasement process in this world while we have another Hitler-like figure out there beginning to plan the destruction of the Jews once again.

So I think we need to stand, Mr. Speaker, with our brothers and sisters in Israel, in their protection. Because in as much as Israel is so capable of taking care of itself—we all know just what a small strip of land that is—and while Israel can protect itself in many ways, there is no way that Israel can protect itself from an intercontinental ballistic missile with a nuclear warhead, and that is precisely what Iran is doing today.

And apart from that, Iran is exporting terrorism around the world. We know that Hamas and Hezbollah; we know that al Qaeda—who is providing al Qaeda, Mr. Speaker, with the weapons they are using to kill our own sons and daughters? Again, it's Iran. So Iran is emerging as, I guess—Ahmadinejad and certainly the mullahs behind him, are really, I think, showing a tremendous parallel to pre-World War II Germany.

And I think that we need to learn from the lessons of the past, and that is that number one, we should never allow a policy of appeasement. It never gets peace and it never gives honor. It always leads to war. It's always a matter of people overseas, folks who really are out for the destruction of others, it gives them an opening to attack other countries.

And then secondly, never again should Israel be without its own country and certainly without its friends around the world. Never again should we have a situation, Mr. Speaker, as we did during World War II that was a holocaust which, of course, we know that Ahmadinejad denies to this day.

And there are many that say, look, this is just a little strip of land out there in the middle of the desert. You've got Arabs out there and you've got Jews and they're fighting over this land. Really, if you think about it, the Jews occupied this land as far back as 3500 B.C. Islam didn't even come into existence until thousands of years later, and in fact, we know that Christianity started even before Islam.

So of course there have been three major religions that have existed there and still exist there today, and as far as I'm concerned, they can exist there forever. But I think that there's no reason to think that there isn't a legitimate right for Israel to claim that as its own state.

And in summary—and this is, I think, to kind of tie it all together, Mr. Speaker—we talked about the issue of the two-state solution, and Mr. Netanyahu believes that is the way to go. We should have two states: a Palestinian state and a Jewish state. But remember that Israel is a democracy, and

just simply by being outgrown by Palestinians or Muslims, it could lose its status as a Jewish state. And I think that it's essential that we not only support this two-state solution in supporting Israel, but that we support the right for Israel to exist as a Jewish state and always will.

Mr. THOMPSON of Pennsylvania. Will the gentleman yield for a question? Actually, both of my colleagues.

When we were there, we had an opportunity to visit a number of the settlements, and I have been distressed that our President, President Obama, has been almost dictating that Israel give up part of its sovereign nation, these settlements. We were there. We walked them. We saw the strategic location of them.

I wanted to get your impressions of what your thoughts were. Should Israel give in to that direction and give up its sovereign land, those settlements that it has today?

Mr. FLEMING. If the gentleman will yield back, I will just simply say that my first impression beyond the fact that Israel is such a lovely country—I mean, just gorgeous, right in the middle of the desert next to the Mediterranean Sea. And of course we were able to see the Dead Sea and many sites that are holy to us as Christians. But just how small that country is, like a postage stamp, as narrow as 5 miles at its waist. And we saw a patchwork of villages, one being Palestinian and one being Jewish, all throughout the country.

And even though, often cases there were checkpoints and there were fences between them, you couldn't really see that. All you could see looking over is you would see evidence of a Palestinian village and you would see evidence of a Jewish village all sitting there peacefully. It's almost difficult to believe how much war and how much violence has existed there for so long.

And of course with that we visited Sderot, which is, I guess, a flash point where there have been rockets hurled and that sort of thing.

So I think that was really what I found to be very impressive.

Mr. THOMPSON of Pennsylvania. If the gentleman will yield.

Mr. FLEMING. Yes, sir.

Mr. THOMPSON of Pennsylvania. It struck me that many of those settlements are in strategic locations. They're high ground from which terrorists, the Palestinians, lobbed missiles and rockets onto the men, women, and children of Israel. And those were taken as a part of the war in 1948, and frankly, they're extremely important areas to hold on to.

I kind of think of the—as I think about our President, President Obama, dictating onto the Israeli nation that they should give up the space, it's a little bit like somebody coming to us and saying, okay, now you need to give

back New Mexico, California, and Nevada to the sovereign nation of Mexico. We wouldn't stand for that. I would certainly hope that the sovereign nation of Israel would not stand for that as well.

Mr. SCHOCK. Will the gentleman yield?

Mr. THOMPSON of Pennsylvania. Yes.

Mr. SCHOCK. Okay. To your point, I think what you're suggesting is, number one, should any of these properties be, quote, given back or surrendered, but, number two, should that really be the focus of our effort towards peace.

It seems to me a little disingenuous on the part of our administration to suggest that somehow what stands between the current situation and a path road to peace is the issue of settlements is really a misnomer.

The reality is the State of Israel has shown throughout their history that they are the ones who have bargained in good faith and time and time again shown a willingness to give up lands as they have and only to their own peril; as you mentioned, what you saw in Sderot with the bomb shelters and the people who have suffered as a result of them giving up the Gaza Strip.

But the issue of Israel willing to give up this settlement or that settlement or redraw the boundaries, you and I both heard from Netanyahu's own words that they're not wedded to any set boundary. But what we also heard was out of the lips of the Prime Minister of the Palestinian Authority, which was his unwillingness to accept Israel as a Jewish state.

□ 2240

Therein lies the real problem with the pathway to peace and a two-state solution: the Palestinians' unwillingness at this point to recognize Israel as a Jewish state. I would only also add that while we are talking about settlements, Iran continues to march towards acquiring a nuclear weapon. While I certainly respect this administration's plans to begin talks and to negotiate and to try and solve this diplomatically, I would remind the American people, and my colleagues here, that this is the same administration that we want to talk to that has lied to the international community and hidden from them a nuclear facility which the world was just made aware of last week.

So I would only question the sincerity and the ability for us to truly negotiate with trust with this regime who up until last weekend we were not even aware of an additional nuclear facility. So it's very alarming. I will tell you, I don't know what my distinguished colleagues here feel, but we have two bills that are still in this Chamber, H.R. 2194, which is the Iran Refined Petroleum Sanctions Act, and then the Iran Sanctions Enabling Act,



which was H.R. 1327. Both of those bills have a majority of Members of Congress supporting it. And it just seems to me a shame that this body has not acted on that legislation to put another tool in the chest of President Obama as he goes forward to negotiate with Iran, the fact that these sanctions are there if and when they become necessary to use.

And I would just yield back.

Mr. THOMPSON of Pennsylvania. I thank the gentleman. I certainly thank you for naming those pieces of legislation. They are extremely important. They do have the large support of this entire Chamber.

I would ask the Speaker support that bill and to bring that bill to the floor so that we can do the right thing by this most important ally that we have in the Middle East and would serve the needs. I think what you have talked about tonight really most recently addresses the most immediate threat in Israel and I think the most immediate threat to the United States, and that is the situation in Iran.

Mr. Speaker, Iran has recently revealed the development of a secret nuclear facility. And Iran's admission of the operations of a secret nuclear facility is a serious problem and a serious threat. While this new revelation is alarming, it's not unexpected. Iran has deceived the world time and time again. And any attempts to assure the world that their nuclear program is peaceful should be seen for what it is, and that is just another lie.

Now, Mr. Speaker, it's time to impose meaningful sanctions on the Iranian Government. We have legislation that has been drafted and introduced and has the support of the majority Members of this Chamber. We must not continue a foreign policy that extends a hand of cooperation to our enemies while they continue dangerous acts of deception. If the nuclear facility was designed for civilian purposes, we have to ask, why did Iran conceal its existence?

We must impose meaningful sanctions on the threat that endangers the safety of American citizens and America's allies. Now, the confirmation of this secret nuclear facility is troubling, especially to me at a time just days after the Obama administration announced plans to abandon the placement of a missile defense system in the Czech Republic and Poland and all because Russia was not happy with the idea. Only 1 year since Russia invaded Georgia and 70 years to the day since the Soviet Union invaded Poland, the administration has announced the dismantling of one of our most important missile defense systems at the expense of our allies.

Mr. Speaker, the abandonment of the European missile defense site, which could have protected the homeland of the United States against Iranian long-

range missiles, is unacceptable. As I was talking with one of the Chairs of our missile defense caucus in this body, he described to me that there are plans for a better system to be put in place.

However, that new missile defense program will not be operational until 2018 or 2020. And while we do have other missile defense shields in place that will remain, he described it like this: it's like trying to bring down an airplane with a baseball. He supposed it could be possible, but it's a one-in-a-million chance. When you think of intercontinental ballistic missiles that travel the speed of 10,000 miles per hour, to me it's unacceptable at this point in time in our history when we have threats that sometimes come from other countries, such as Iran, sometimes from terrorists that hold no national identity, and it's alarming to me that we are taking down this missile defense program.

Mr. FLEMING. Would the gentleman yield on that point?

Mr. THOMPSON of Pennsylvania. Please.

Mr. FLEMING. I appreciate the gentleman pointing out the fact that what we are doing in fact is removing a missile shield that is just before deployment, that would go into the Czech Republic, that would go into Poland. It would be, of course, subsurface. It would be something that would help defend much of that region of the country, including 80 American military bases; and, instead, we are going to exchange it for a whole different, a ship-based system which requires, first of all, a lot of development that is not yet in place.

As you point out, it is going to be another decade before it will even be capable. It would require ships being in exactly the right place at the right time. And it also begs the point: If Iran is developing nuclear material just for civilian purposes, why do they need all of this rocketry ability? They just ran a test, a three-rocket test, one of which had a range of 1,500 miles. Now why do you need that? I'm pretty sure Iran is not planning to go to the Moon. So for what purpose is that?

And what is also, I think, ironic is the fact that our President is talking about renewing the STAR treaty and taking our already reduced nuclear weapons down to an even lower level. If we do this with Russia at the same time as there are more countries than ever that have more nuclear weapons and more capability to deliver those weapons than ever, so again it goes back to the appeasement question: Does it make sense to unilaterally disarm yourself while your potential enemies, and I would say in this case with Iran, our enemy, because they are killing our men and women through their proxies and through their surrogates and their weapons. Why in the world would we be doing that when in

fact we have a growing threat from them?

And going back to Israel, it seems that wherever you see the U.S. military around the world, peace breaks out. You look at World War II, troops were in Japan, troops were in the Philippines, they were in France, they were in England and Germany. All those countries now are very peaceful democracies. And of course we went into Iraq, and Iraq is evolving into an oasis, if you will, of democracy, as is Israel.

So it seems to me that we need to stay on the same post-World War II course of certainly using Theodore Roosevelt's old philosophy, "speak softly but carry a big stick," rather than using a lot of rhetoric about all the things that we want to do and all the sanctions we want to take and yet disarm ourselves and our friends at the same time.

Certainly, one only has to ask around the world who is happy with this right now and who isn't. Well, it turns out our friends are unhappy with us and our enemies are happy with us all the way from Venezuela to Iran to Russia. They are all happy with everything we've been doing lately and the decisions our President has been making. We found out while we were in Israel that the President has a 4 percent, yes, 4 percent favorability rating. They are very unhappy with his position on Iran right now and also on the Palestinian question.

So I think that it's certainly nice to be liked overseas; but when you're liked by your enemies and also of course Poland and the Czech Republic are unhappy with us right now because we left them in the dust after agreeing to put a missile shield there and then pulling out after they've gone out on a limb for us, I think we are going, Mr. Speaker, in the wrong direction in the way we deal with our friends and our enemies in and around this question of Iran and the nuclear weapons that they have.

With that, I will yield back to my friends.

□ 2250

Mr. SCHOCK. Well, I agree, and it's why it's so important that we impress on this body the importance that we take up the legislation that we mentioned earlier dealing with sanctions, but also, we raise this issue in this body.

You know, we've been so focused on the issue of health care the last couple of months, and while this is an important issue that the President has made throughout the past year, the reality is we need to look no further than September 11 to know that, if this country is not safe, if your allies are not safe, and that if terrorism is allowed to breed around the world, that really nothing else matters, and that nothing can be more detrimental to our economy and our way of life than for terrorism to breed, to be successful and,



ultimately, be able to attack democracy, as we saw with our markets here after September 11, the great job loss, the great tumble that it took as a result of the attacks of September 11.

We need to remain vigilant in not only keeping our country safe but also supporting the allies around the world, and I think it's why my friends here tonight have spent some time talking about this important issue, which has been raised last week by the discovery of this facility, that the State of Iran has attempted to keep from the international community.

And one has to ask the question: why? If their intentions are what they say they are, if their intentions are pure and simple, if their intentions are non-nuclear or non-weapons grade, if their intentions are simply to provide energy to their people, certainly that is not something that requires the dark of night or secret. That is something that you would think one would be happy for full disclosure.

And our own estimates suggest that the centrifuges in that facility are not designed to produce energy-grade uranium but, rather, weapons-grade uranium. And so I think it adds to the doubt in many of our minds and the concern for our President to move rather quickly for, if not this facility, perhaps some others that we don't know about that are still out there.

So I thank the gentlemen for being here tonight and sharing their perspectives of our trip to Israel and also impressing on the public the importance of us taking up the issue of Iran and dealing very swiftly with sanctions and, if not sanctions, supporting Israel's efforts to stop a nuclear Iran.

Mr. FLEMING. I would just say I would like to thank Congressman SCHOCK for having this Special Order hour this evening so that we could talk about this important issue, and it's one that we're going to be talking about a lot more in the coming days because it's pretty apparent that all of these issues are beginning to line up. They're beginning to stack up very rapidly.

And of course, the issue that we know our friends and Israel are facing is that if we are unable to bring the Iranians to the negotiating table or to have sanctions that work, then they're still the last option left on the table, which they reserve the right as a sovereign Nation to do, and that is, potentially take out the nuclear facilities in Iran.

We pray that it doesn't come to that, but it has already of course in Syria and Iraq back in the Hussein days, and we are looking for peaceful solutions. But we have counterweight around the world in Russia and China that as soon as we try to do one thing they want to reverse it. Russia is a very significant trading partner with Iran. They're providing Iran with a state-of-the-art SAM missile system which is going to close

the window for the capability of Israel to potentially attack Iran's nuclear facilities if that needs to be done, which is all the more important why decisions are having to be made at an even faster pace.

So, once again, I thank Mr. SCHOCK for bringing us together for this hour.

Mr. SCHOCK. I thank Dr. Fleming for being here.

Mr. THOMPSON of Pennsylvania. I also want to thank my good friend from Illinois and my good friend from Louisiana for being here tonight on this important topic.

I mean, the Constitution, when we were sworn in which seems like a lifetime ago back in January, we placed our hand on the Bible, raised our hand, and we swore to uphold and defend that Constitution. And within that, one of the first responsibilities is for common defense. That's the first, and I think the most responsibility that we have as Members of Congress is our safety and security, and certainly, this issue is one that is all about safety and security.

Frankly, history shows, and we know, that a strong defense is a strong deterrent. We want peace. We pray for peace. I long for a day when the whole world is at peace, but we know that we need a strong defense in order to serve as a deterrent to achieve peace. And I'm hopeful that we will see the day that—and I believe it was the President of Israel, Shimon Peres, who said he longs for a day when rising out of the desert we see buildings and not missiles and that we know the economic impact and that we have peace that we can also cherish.

So I thank Mr. SCHOCK for coordinating this evening.

Mr. SCHOCK. I thank Mr. THOMPSON.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and until 5 p.m. September 30.

Mr. BACA (at the request of Mr. HOYER) for September 25 on account of legislative business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LIPINSKI) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 6.

Mr. JONES, for 5 minutes, October 6.

Mr. INGLIS for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, September 30.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. DELAHUNT, for 5 minutes, today.

Mr. SMITH of Texas, for 5 minutes, today.

#### ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3607. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3614. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### ADJOURNMENT

Mr. SCHOCK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 30, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3838. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Country of Origin Labeling of Packed Honey [Doc. No.: AMS-FV-08-0075; FV-08-330] (RIN: 0581-AC89) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3839. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches [Doc. No.: AMS-FV-08-0108; FV09-916/917-1 FIR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3840. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California; Decreased Assessment Rate [Doc. No.: AMS-FV-08-0107; FV09-925-2 FIR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3841. A letter from the Administrator, Department of Agriculture, transmitting the

Department's final rule — Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0038; FV09-922-1 IFR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3842. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0044; FV09-959-2 IFR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3843. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2 [Doc. No.: AMS-FV-08-0094; FV09-948-1 FIR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3844. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-08-0105; FV09-932-1 FIR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3845. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements [Doc. No.: AMS-FV-08-0106; FV09-925-1 FIR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3846. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2009 Amendments) [Doc. #: AMS-CN-09-0015; CN-09-002] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3847. A letter from the Acting Administrator, Department of Agriculture/Agricultural Marketing Service, transmitting the Department's final rule — User Fees for 2009 Crop Cotton Classification Services to Growers [Doc. #: AMS-CN-09-0011; CN-09-001] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3848. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R-1365] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3849. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

3850. A letter from the Speaker, National Assembly of Kuwait, transmitting Congratulations to the United States on the Anniversary of its Founding; to the Committee on Foreign Affairs.

3851. A letter from the Secretary General, Organization for Security and Cooperation in Europe, Parliamentary Assembly, transmitting the Vilnius Declaration and Resolutions adopted on July 3, 2009 at the Eighteenth Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, pursuant to Public Law 102-138,

section 169(e) (105 Stat. 679); to the Committee on Foreign Affairs.

3852. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's Annual No FEAR Report to Congress for Fiscal Year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

3853. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, "Federal Student Loan Repayment Program FY 2008", pursuant to 5 U.S.C. 5379(a)(1)(B) Public Law 106-398, section 1122; to the Committee on Oversight and Government Reform.

3854. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Virginia Advisory Committee; to the Committee on the Judiciary.

3855. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Restricted Areas R-5103A, R-5103B, and R-5103C; McGregor, NM [Docket No.: FAA-2009-0770; Airspace Docket No. 09-ASW-20] (RIN: 2120-AA66) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3856. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No.: FAA-2009-0136; Directorate Identifier 2008-NM-171-AD; Amendment 39-16022; AD 2009-19-05] (RIN: 2120-AA64) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No.: FAA-2009-0292; Directorate Identifier 2008-NM-011-AD; Amendment 39-16011; AD 2009-18-15] (RIN: 2120-AA64) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No.: FAA-2009-0447; Directorate Identifier 2008-NM-172-AD; Amendment 39-15993; AD 2009-17-02] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3859. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 7874: Treatment of Certain Stock of the Foreign Acquiring Corporation [Notice: 2009-78] received September 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3860. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Procedures for taxpayers to make an election to defer recognizing discharge of indebtedness income (Rev. Proc. 2009-37) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3861. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Work Opportunity Tax Credit [Notice 2009-69] re-

ceived August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3862. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue — Industry Director Directive on Section 936 Exit Strategies #3 received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3863. A letter from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Attorney Advisor Program Sunset Date Extension [Docket No.: SSA-2009-0023] (RIN: 0960-AH01) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3864. A letter from the Acting Deputy Assistant Administrator, U.S. Agency for International Development, transmitting the Agency's third fiscal year 2009 quarterly report on unobligated and unexpended appropriated funds, pursuant to Public Law 111-8, section 7002; jointly to the Committees on Appropriations and Foreign Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 685. A bill to require a study of the feasibility of establishing the United States Civil Rights Trail System, and for other purposes; with amendments (Rept. 111-267). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2442. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes (Rept. 111-268). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2950. A bill to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District; with an amendment (Rept. 111-269). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 905. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes; with an amendment (Rept. 111-270). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1771. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; with an amendment (Rept. 111-271). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1053. A bill to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; with an amendment (Rept. 111-272 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1881. A bill to enhance the transportation security functions of the Department of Homeland Security by providing for an enhanced personnel system for employees of the Transportation Security Administration, and for other purposes (Rept. 111-273 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1881. A bill to enhance the transportation security functions of the Department of Homeland Security by providing for an enhanced personnel system for employees of the Transportation Security Administration, and for other purposes (Rept. 111-273 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 2711. A bill to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties; with an amendment (Rept. 111-274). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 2092. A bill to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; with an amendment (Rept. 111-275). Referred to the Committee of the Whole House on the State of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 1053 referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WU:

H.R. 3659. A bill amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid for energy efficient property placed in service in commercial buildings pursuant to an approved energy efficiency plan; to the Committee on Ways and Means.

By Mr. WU (for himself and Mrs. BONO MACK):

H.R. 3660. A bill to amend the Internal Revenue Code of 1986 to promote tax parity between the residential and business fuel cell tax credits; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 3661. A bill to amend title 38, United States Code, to provide for a monthly housing stipend under the Post-9/11 Educational Assistance Program for individuals pursuing programs of education offered through distance learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. REYES, and Mr. WEXLER):

H.R. 3662. A bill to provide for the appointment of additional Federal circuit and dis-

trict judges, and for other purposes; to the Committee on the Judiciary.

By Mr. SPACE (for himself, Mr. TERRY, Mr. BERRY, Mrs. EMERSON, Mr. MORAN of Kansas, Mr. MELANCON, Mr. GONZALEZ, Mr. DOGGETT, and Mr. POMEROY):

H.R. 3663. A bill to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ:

H.R. 3664. A bill to direct the Secretary of Health and Human Services to establish a Healthcare Innovation Zone pilot program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mrs. CAPPS, Ms. MATSUI, and Ms. MOORE of Wisconsin):

H.R. 3665. A bill to amend title XIX of the Social Security Act to provide for payment for Medicaid services furnished by Ryan White part C grantees under a cost-based prospective payment system; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself and Mr. REICHERT):

H.R. 3666. A bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders; to the Committee on Ways and Means.

By Mr. CRENSHAW:

H.R. 3667. A bill to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. KIRK, Mr. SPACE, Mr. COLE, Mr. KILDEE, and Mr. BECERRA):

H.R. 3668. A bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act; to the Committee on Energy and Commerce.

By Mr. GUTIERREZ:

H.R. 3669. A bill to prohibit employers from carrying life insurance policies on their rank and file employees; to the Committee on Education and Labor.

By Mr. CARNAHAN (for himself, Mr. TURNER, Ms. SCHWARTZ, Ms. BERKLEY, Mr. CROWLEY, Mr. HINCHY, Mr. LANGEVIN, Mr. COHEN, Mr. VAN HOLLEN, Mr. SKELTON, Mr. BLUMENAUER, Mr. CAPUANO, Mr. DELAHUNT, Mr. CLAY, Mr. CLEAVER, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. RYAN of Ohio, Mr. HOLT, Mr. BOUCHER, Mr. KENNEDY, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. BOSWELL, and Mr. HIGGINS):

H.R. 3670. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the rehabilitation of older buildings, including owner-occupied residences; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. BERRY, Mr. BRALEY of Iowa, Ms. MCCOLLUM,

Mr. BOSWELL, Mr. ELLISON, Mr. LOEBSACK, and Mr. WALZ):

H.R. 3671. A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Natural Resources.

By Mrs. MCCARTHY of New York (for herself, Mr. COSTELLO, Mr. ANDREWS, Mr. KENNEDY, Ms. KAPTUR, and Ms. FUDGE):

H.R. 3672. A bill to provide for an increase of \$150 in Social Security benefits for one month in 2010 to compensate for the lack of a cost-of-living adjustment for that year, and to amend title II of the Social Security Act to eliminate the requirement that there be a Social Security cost-of-living adjustment for an adjustment in the contribution and benefit base to occur; to the Committee on Ways and Means.

By Ms. SCHWARTZ:

H.R. 3673. A bill to extend the temporary suspension of duty on certain liquid-filled glass bulbs; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mr. OBEY, Mr. WALZ, Mr. PERRIELLO, Mr. HOLDEN, Mr. BARTLETT, Mr. COURTNEY, Mr. ARCURI, Mr. MASSA, Mr. MICHAUD, Ms. SLAUGHTER, Mr. PLATTS, Mrs. DAHLKEMPER, Ms. SHEAPORTER, Mr. OLVER, and Mrs. KIRKPATRICK of Arizona):

H.R. 3674. A bill to impose tariff-rate quotas on certain casein and milk protein concentrates; to the Committee on Ways and Means.

By Mr. TIAHRT:

H. Con. Res. 192. Concurrent resolution expressing the sense of Congress that the Association of Community Organizations for Reform Now (ACORN) should lose its exemption from taxation under the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. JOHNSON of Georgia (for himself, Ms. CLARKE, Mr. CONNOLLY of Virginia, Mr. DAVIS of Alabama, Ms. GIFFORDS, Mr. GRIFFITH, Mr. HALL of New York, Mr. HIMES, Ms. HIRONO, Ms. JACKSON-LEE of Texas, Mr. MINNICK, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. PIERLUISI, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Mr. SMITH of Texas, Mr. PERLMUTTER, Mr. DAVIS of Tennessee, Mr. MILLER of North Carolina, Mr. ANDREWS, Ms. WOOLSEY, Mr. BROUN of Georgia, Mr. HARE, Mr. MEEKS of New York, Ms. BERKLEY, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Ms. BORDALLO, Mr. AL GREEN of Texas, Mr. LEWIS of Georgia, Mr. DELAHUNT, and Mr. MCGOVERN):

H. Res. 782. A resolution demanding that the Government of Iran immediately disclose the existence of any additional nuclear-related facilities and provide unfettered access to its Qom enrichment facility; to the Committee on Foreign Affairs.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. MEEKS of New York, Mr. PIERLUISI, Mr. NUNES, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PENCE, Mr. GENE GREEN of Texas, Mr. ROSKAM, Mr. SERRANO, Ms. ROSELEHTINEN, Mr. FILNER, Mr. BACA, Mr. DENT, Mr. MCCOTTER, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Mr. LARSON of Connecticut, and Mr. BURTON of Indiana):

H. Res. 783. A resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States; to the Committee on Oversight and Government Reform.

By Mr. AL GREEN of Texas (for himself, Mr. CAO, Ms. LEE of California, Mr. GENE GREEN of Texas, Mr. CROWLEY, Mr. HONDA, Ms. CHU, Ms. HIRONO, Mr. DAVIS of Illinois, Ms. WATSON, Mr. ELLISON, Ms. BERKLEY, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Ms. FUDGE, Ms. KILROY, Mr. JOHNSON of Georgia, Mr. BECERRA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. CUMMINGS, Mr. LEVIN, Mr. CLEAVER, Mr. PASCRELL, Mr. NADLER of New York, Ms. MCCOLLUM, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Ms. CLARKE, Mr. ACKERMAN, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. CLAY, Ms. WATERS, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mr. SABLON, Mr. SHERMAN, and Mr. FILLNER):

H. Res. 784. A resolution honoring the 2560th anniversary of the birth of Confucius and recognizing his invaluable contributions to philosophy and social and political thought; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

191. The SPEAKER presented a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 7 urging the President and the Congress of the United States to expand federally funded research efforts aimed at developing a reliable means of detecting pancreatic cancer in its early stages and more effective means of treatment through legislative measures; to the Committee on Energy and Commerce.

192. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 69 urging the Congress of the United States to enact legislation to waive for two years the requirement that Michigan match federal Highway funds; to the Committee on Transportation and Infrastructure.

193. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 70 urging the President and Congress to grant Michigan a two-year waiver from federal matching requirements for federal-aid bridge and highway projects; to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. OBEY.  
H.R. 161: Mr. POSEY.  
H.R. 211: Mr. BISHOP of New York and Mr. PASTOR of Arizona.  
H.R. 235: Ms. MARKEY of Colorado and Mr. GINGREY of Georgia.  
H.R. 330: Ms. RICHARDSON.  
H.R. 391: Mr. CALVERT.  
H.R. 471: Mr. COSTELLO.  
H.R. 555: Mr. WEINER.

H.R. 560: Mr. LINDER and Mr. LATHAM.  
H.R. 571: Mr. MASSA, Ms. EDWARDS of Maryland, Mr. HONDA, and Mr. ISRAEL.  
H.R. 621: Mr. FORBES, Ms. MOORE of Wisconsin, and Mr. CAMP.  
H.R. 624: Mr. HONDA and Mr. RADANOVICH.  
H.R. 653: Ms. SCHAKOWSKY.  
H.R. 658: Mr. GRAYSON.  
H.R. 669: Ms. HIRONO and Mr. PASCRELL.  
H.R. 676: Mr. RAHALL.  
H.R. 690: Mr. HALL of Texas, Ms. GRANGER, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. BUYER, Mr. FOSTER, Mr. SOUDER, Mr. WHITFIELD, Mr. SMITH of Texas, and Mr. DICKS.  
H.R. 745: Mr. COSTELLO.  
H.R. 790: Mr. NEAL of Massachusetts.  
H.R. 1026: Mr. MCCLINTOCK.  
H.R. 1030: Mr. RANGEL, Mr. LATOURETTE, Mr. ELLISON, and Mr. MCGOVERN.  
H.R. 1065: Mr. FRANKS of Arizona and Mr. FLAKE.  
H.R. 1093: Mr. TIM MURPHY of Pennsylvania, Mr. SPRATT, and Mr. MURTHA.  
H.R. 1126: Mr. MANZULLO.  
H.R. 1179: Ms. MATSUI.  
H.R. 1203: Mr. COURTNEY and Mrs. BONO MACK.  
H.R. 1204: Mr. WESTMORELAND.  
H.R. 1205: Mr. MILLER of Florida.  
H.R. 1207: Mr. DOYLE.  
H.R. 1230: Mr. BRALEY of Iowa and Ms. SCHAKOWSKY.  
H.R. 1245: Mr. DAVIS of Tennessee, Mr. ROE of Tennessee, and Mr. REHBERG.  
H.R. 1255: Mr. LUETKEMEYER.  
H.R. 1283: Mr. REYES.  
H.R. 1319: Mr. RADANOVICH.  
H.R. 1324: Mr. DOGGETT, Mr. NEAL of Massachusetts, Mr. ENGEL, Mr. HIGGINS, Mr. HODES, and Mr. ABERCROMBIE.  
H.R. 1327: Mr. BOUSTANY, Mr. MCCAUL, Mr. HOYER, Mr. PENCE, Ms. CASTOR of Florida, and Mr. HARPER.  
H.R. 1395: Mr. LEWIS of California.  
H.R. 1402: Mr. TIBERI.  
H.R. 1410: Mr. PRICE of North Carolina.  
H.R. 1426: Mr. GOODLATTE.  
H.R. 1454: Mr. BAIRD.  
H.R. 1483: Mr. MCGOVERN.  
H.R. 1548: Mr. LUETKEMEYER.  
H.R. 1557: Mrs. MYRICK.  
H.R. 1570: Mr. MARIO DIAZ-BALART of Florida.  
H.R. 1615: Mr. SNYDER.  
H.R. 1628: Mr. MANZULLO.  
H.R. 1646: Mr. HARPER.  
H.R. 1677: Mr. BONNER and Mr. THOMPSON of Mississippi.  
H.R. 1685: Ms. PINGREE of Maine and Mr. JACKSON of Illinois.  
H.R. 1689: Mr. BOREN.  
H.R. 1691: Mr. CALVERT.  
H.R. 1744: Mrs. CAPITO and Mr. BACA.  
H.R. 1769: Mr. QUIGLEY.  
H.R. 1831: Mr. FORBES, Mr. NEUGEBAUER, and Mr. JACKSON of Illinois.  
H.R. 1908: Mr. ROSS and Mr. THOMPSON of California.  
H.R. 1970: Mr. GRAVES.  
H.R. 1981: Mr. MANZULLO.  
H.R. 1993: Ms. BEAN and Mr. ABERCROMBIE.  
H.R. 2017: Mr. KLINE of Minnesota, Ms. BORDALLO, Mr. TOWNS, Mr. ORTIZ, and Mr. MORAN of Kansas.  
H.R. 2035: Mr. CARNEY.  
H.R. 2058: Ms. ZOE LOFGREN of California.  
H.R. 2061: Mr. MANZULLO.  
H.R. 2083: Mr. KLINE of Minnesota.  
H.R. 2084: Mrs. NAPOLITANO.  
H.R. 2103: Mr. MICHAUD.  
H.R. 2138: Mr. HALL of New York, Mr. MCGOVERN, and Mr. BOOZMAN.  
H.R. 2149: Mr. FORBES, Mr. KING of New York, Ms. WASSERMAN SCHULTZ, and Mr. PRICE of Georgia.

H.R. 2246: Mrs. MALONEY.  
H.R. 2251: Ms. SPEIER.  
H.R. 2329: Mr. JOHNSON of Georgia.  
H.R. 2345: Ms. JENKINS, Mr. PAULSEN, and Mr. DRIEHAUS.  
H.R. 2377: Ms. RICHARDSON and Mr. JOHNSON of Georgia.  
H.R. 2382: Mr. MCGOVERN.  
H.R. 2452: Mr. PITTS, Mr. BURTON of Indiana, Mr. POSEY, Mr. MOORE of Kansas, and Mr. CUELLAR.  
H.R. 2478: Mr. DOGGETT, Mr. PASTOR of Arizona, Mr. BOOZMAN, and Ms. DELAURIO.  
H.R. 2489: Mr. SARBANES.  
H.R. 2499: Mr. LYNCH.  
H.R. 2515: Mr. MICHAUD.  
H.R. 2521: Mr. GUTIERREZ, and Ms. LINDA T. SANCHEZ of California.  
H.R. 2523: Mr. STUPAK.  
H.R. 2555: Mr. JACKSON of Illinois.  
H.R. 2560: Mr. BARTLETT, Mr. HOLT, Mr. OLIVER, Mr. CALVERT, and Mr. LANGEVIN.  
H.R. 2567: Ms. MATSUI and Mr. STARK.  
H.R. 2584: Mr. CAMP, Mr. WILSON of Ohio, Mr. ARCURI, and Ms. GINNY BROWN-WAITE of Florida.  
H.R. 2648: Mr. HARE and Mr. ELLSWORTH.  
H.R. 2655: Mr. CAO.  
H.R. 2672: Mrs. MCMORRIS RODGERS.  
H.R. 2698: Mr. ANDREWS, Mr. MASSA, and Ms. MARKEY of Colorado.  
H.R. 2699: Mr. MASSA and Ms. MARKEY of Colorado.  
H.R. 2743: Mr. BRADY of Texas and Mr. CAPUANO.  
H.R. 2771: Mrs. KIRKPATRICK of Arizona.  
H.R. 2788: Mr. BOSWELL, Mr. DREIER, Mr. MASSA, Mr. SNYDER, Mrs. BONO MACK, Mr. MCKEON, Mr. WU, Mr. ROHRBACHER, Mr. ISSA, and Mr. LEWIS of California.  
H.R. 2807: Mr. LUJAN.  
H.R. 2866: Mr. LEVIN and Ms. MARKEY of Colorado.  
H.R. 2870: Ms. MCCOLLUM.  
H.R. 2900: Mr. MCCLINTOCK and Mr. NEUGEBAUER.  
H.R. 2935: Mr. KLINE of Minnesota and Mr. MARIO DIAZ-BALART of Florida.  
H.R. 2936: Ms. SLAUGHTER and Mr. LATOURETTE.  
H.R. 2939: Mrs. BLACKBURN and Ms. LINDA T. SANCHEZ of California.  
H.R. 2941: Mr. MCCOTTER and Mr. LANCE.  
H.R. 3017: Mr. RANGEL, Mr. WATT, and Mr. REYES.  
H.R. 3024: Mr. ALTMIRE, Mr. WU, and Mr. COHEN.  
H.R. 3077: Mr. BOSWELL, Mr. SERRANO, Mr. OBERSTAR, and Mr. GEORGE MILLER of California.  
H.R. 3116: Ms. SUTTON and Mrs. BLACKBURN.  
H.R. 3202: Mrs. CAPPS and Mr. KUCINICH.  
H.R. 3226: Mr. DEAL of Georgia and Mr. PLATTS.  
H.R. 3238: Mr. JACKSON of Illinois.  
H.R. 3245: Ms. DELAURIO and Mr. MCGOVERN.  
H.R. 3255: Mr. HERGER.  
H.R. 3286: Mr. COHEN, Ms. SLAUGHTER, and Mr. STARK.  
H.R. 3308: Mr. WILSON of South Carolina and Mr. BACHUS.  
H.R. 3337: Mr. SESTAK.  
H.R. 3348: Mr. YOUNG of Alaska, Mr. OBERSTAR, and Mr. SESSIONS.  
H.R. 3375: Mrs. MYRICK.  
H.R. 3403: Ms. MATSUI.  
H.R. 3421: Mr. GRIJALVA, Ms. MCCOLLUM, and Mr. CONYERS.  
H.R. 3467: Mr. MASSA.  
H.R. 3486: Ms. FUDGE and Mr. CAMP.  
H.R. 3531: Mr. WEINER.  
H.R. 3535: Mr. NADLER of New York.  
H.R. 3554: Mr. FATTAH, Mr. PLATTS, Mr. HOLDEN, Mr. GUTIERREZ, Mr. ROHRBACHER,

Mr. OBERSTAR, Mr. BRALEY of Iowa, Mr. CHILDERS, Mr. HINCHEY, Mr. ISRAEL, and Mr. MOORE of Kansas.

H.R. 3559: Mr. LEWIS of Georgia.

H.R. 3560: Ms. CLARKE.

H.R. 3569: Ms. JENKINS, Mr. SOUDER, and Mr. CARTER.

H.R. 3571: Mr. FORTENBERRY.

H.R. 3572: Mr. HALL of New York.

H.R. 3585: Mr. LIPINSKI, Mr. INSLEE, Mr. COOPER, Mr. BAIRD, and Mr. MCCAUL.

H.R. 3597: Mr. GUTIERREZ.

H.R. 3610: Mr. WESTMORELAND, Mr. PAUL, and Mr. MILLER of Florida.

H.R. 3621: Mr. DOYLE and Mr. HIGGINS.

H.R. 3630: Mr. EDWARDS of Texas.

H.R. 3644: Ms. BORDALLO.

H.R. 3646: Mr. WELCH.

H.R. 3650: Mr. PALLONE, Ms. BORDALLO, Mr. BARROW, Mrs. CAPPS, and Ms. ROS-LEHTINEN.

H.J. Res. 47: Ms. HERSETH SANDLIN and Mr. BOOZMAN.

H. Con. Res. 51: Mr. BERMAN.

H. Con. Res. 98: Mr. GRIJALVA.

H. Con. Res. 139: Mr. BISHOP of Utah, Mr. BOREN, Mr. BRIGHT, Mr. DICKS, Ms. GIFFORDS, Mr. SKELTON, and Mr. SMITH of Washington.

H. Con. Res. 144: Mr. COOPER and Ms. ZOE LOFGREN of California.

H. Con. Res. 151: Mr. NYE, Mr. MILLER of North Carolina, Mr. SHERMAN, and Mr. DOGGETT.

H. Con. Res. 181: Mr. CAMP and Mr. KILDEE.

H. Con. Res. 185: Mr. LEWIS of California, Mr. DEAL of Georgia, and Mr. SMITH of Nebraska.

H. Res. 16: Mr. BACA.

H. Res. 55: Mr. PITTS, Mrs. BONO MACK, and Mr. BACHUS.

H. Res. 111: Ms. WATSON.

H. Res. 159: Mr. SMITH of Washington, Mr. PETERS, Mr. JOHNSON of Georgia, Ms. MATSUI, and Mr. MURPHY of Connecticut.

H. Res. 175: Mr. GUTIERREZ and Mr. TOWNS.

H. Res. 199: Mr. CALVERT.

H. Res. 615: Mr. AUSTRIA and Mr. HALL of Texas.

H. Res. 692: Mr. GENE GREEN of Texas.

H. Res. 706: Mr. MURPHY of Connecticut and Mr. INGLIS.

H. Res. 715: Mrs. MILLER of Michigan, Mr. REHBERG, Ms. Chu, Ms. DEGETTE, Mr. PETERSON, Mr. KILDEE, Mr. EDWARDS of Texas, Mr. SCHAUER, Ms. ZOE LOFGREN of California, Mr. TONKO, Mr. STUPAK, Ms. FUDGE, Mr. DOGGETT, Mr. LARSON of Connecticut, Mr. THOMPSON of Mississippi, Mr. WEINER, Ms. KILPATRICK of Michigan, Ms. WOOLSEY, Mr. WU, and Mr. GENE GREEN of Texas.

H. Res. 727: Mr. BACA, Mr. WOLF, Mr. MCGOVERN, Mr. CONNOLLY of Virginia, Mr. MCCAUL, Mr. GARRETT of New Jersey, Mr. ABERCROMBIE, Mr. MCCLINTOCK, Mr. MORAN of Virginia, Mr. MASSA, Mrs. DAHLKEMPER, Mr. HOLT, and Mr. KENNEDY.

H. Res. 730: Mr. THOMPSON of California, Mr. MURPHY of Connecticut, Ms. SCHWARTZ, and Mr. SENSENBRENNER.

H. Res. 731: Ms. LORETTA SANCHEZ of California, Mr. PASCRELL, Ms. NORTON, Mr. MASSA, Mr. CAO, Mr. DANIEL E. LUNGREN of California, Ms. RICHARDSON, Mrs. MILLER of Michigan, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Ms. KILROY, Ms. HARMAN, and Ms. TITUS.

H. Res. 739: Mr. BRADY of Texas and Mr. GOODLATTE.

H. Res. 740: Mr. LUETKEMEYER, Mr. BOREN, and Mr. FATTAH.

H. Res. 748: Mr. BILBRAY, Mr. JOHNSON of Georgia, Mr. COBLE, Mr. PETERSON, and Mr. DUNCAN.

H. Res. 749: Mr. BOOZMAN and Mrs. MYRICK.

H. Res. 752: Mr. WILSON of Ohio, Mrs. MCCARTHY of New York, Mr. LIPINSKI, Mr. KIRK, Mr. BERMAN, Mr. DAVIS of Alabama, and Mr. MINNICK.

H. Res. 768: Mr. TONKO and Mr. GRIJALVA.

H. Res. 771: Mr. BACA, Mrs. LOWEY, and Ms. SLAUGHTER.

H. Res. 773: Mr. MASSA, Mr. BROWN of South Carolina, Mr. CULBERSON, and Mr. BERRY.

H. Res. 774: Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. CLYBURN, and Mr. COHEN.

H. Res. 775: Mr. COSTA and Mr. COHEN.

---

#### PETITIONS, ETC.

Under clause 1 of Rule XXII,

70. The SPEAKER presented a petition of North Carolina State Council of the Junior Order United American Mechanics, relative to Resolution 8 urging the President and Congress to act in every possible manner to defend the freedoms that have been promised to us by the United States Constitution; which was referred to the Committee on Armed Services.

## EXTENSIONS OF REMARKS

A TRIBUTE TO DR. TERRY-JAN  
BLACKETT-BONNETT

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Terry-Jan Blackett-Bonnett, an active and dedicated medical professional in my district.

From her earliest childhood memories Dr. Terry-Jan Blackett-Bonnett entertained the burning desire of someday becoming a practicing physician. After earning her high school diploma, she enrolled in St. Francis College, where she earned a baccalaureate degree in biology. She subsequently enrolled in the American University of the Caribbean School of Medicine and completed the requisite coursework in the United Kingdom at Eastbourne District Hospital, graduating with a Doctor of Medicine degree. A portion of her graduate curriculum included tropical medicine, requiring that she spend time working in northeast Mexico, in the state of Tamaulipas. During that time, she became adept in the use of the Spanish language. Her postgraduate work included research in the area of Human Genetics at SUNY Downstate Medical School, where she was a contributing writer to medical literature addressing the issue of a Y to X gene Translocation in Mother and Daughter.

After attaining her life long ambition, Dr. Blackett-Bonnett completed her residency training in the disciplines of Internal Medicine and Pediatrics at the University of Medicine and Dentistry in Newark, New Jersey. Upon completion of residency, she joined the staff of Interfaith Medical Center as an attending physician. She later left Interfaith as a full time physician to pursue a full-time schedule as the Medical Director of the Berean Community and Family Life Center in Brooklyn, New York with which she was affiliated since 2002. Dr. Blackett-Bonnett is currently on the medical staff of Interfaith Medical Center and Kingsbrook Jewish Medical Center. She is also a professor at ASA Institute of Technology in Brooklyn, New York. She currently holds positions on the board of directors of early intervention programs in New York and also a contributing member on the advisory boards for several health insurance agencies.

In addition to her involvement in her church community, Dr. Blackett-Bonnett has been instrumental in organizing health fairs for churches and schools in the greater New York area. She has also been a co-laborer in medical missions to the African countries of Nigeria and South Africa, where she provided medical care and education to village residents. Dr. Blackett-Bonnett has been a member of Berean Baptist Church since 1994. She holds fast to the ideology that "as the body is clad in the cloth and flesh in the skin, and the

bones in the flesh and the heart in whole so are we, soul and body clad in the goodness of God and enclosed."

She is the proud mother of Harun Ibrahim and Liam Chukwuemeka, and the loving wife of Reverend Doctor Leary Bonnett.

Madam Speaker, I urge my colleagues to join me in recognizing Dr. Blackett-Bonnett.

### HONORING DARDEN RESTAURANTS

**HON. ALAN GRAYSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. GRAYSON. Madam Speaker, I stand here today to honor a great American company. For more than 40 years, Darden Restaurants has been nourishing and delighting guests through the operation of some of the most popular restaurant brands in the country, including Red Lobster, Olive Garden, Long-Horn Steakhouse, the Capital Grille, Bahama Breeze and Seasons 52.

I'm proud to say that central Florida has always been, and will continue to be, home for Darden. The company has been instrumental in helping shape the growth and development of the region through its impassioned involvement and support of the community. Through corporate involvement, restaurant donations and support from the Darden Foundation and Environmental Trust, Darden has contributed millions of dollars to community based organizations and programs over the years.

Today, Darden has once again demonstrated its commitment to central Florida with the opening on September 30, 2009, of a new \$1.52 million, state-of-the-art corporate headquarters in my district that keeps 1,300 jobs in the region.

Not only is Darden one of the leading employers in region, it's also the 29th largest private employer in America—employing 180,000 people in 49 States.

Further, through all of its growth, Darden leads in its environmental stewardship and has remained committed to sustainability. Its new facility is on track to receive Gold certification for Leadership in Energy and Environmental Design for new construction from the United States Green Building Council. Upon final certification, it will be the largest newly constructed Gold LEED certified building in Florida. Additionally, Darden established the Darden Environmental Trust in 1997, which has contributed over \$3 million to organizations that promote sustainability. Since 1997, the Darden Environmental Trust has actively engaged in the protection of endangered sea turtles, the whooping crane, and has assisted in the funding of the Blowing Rocks preserve project, that is working to restore a section of delicate coastline in central Florida. Finally, Darden is helping to lead the way in helping

to reduce the overfishing of lobster and wild fish species, and promoting new sustainable seafood products that improve the overall long term health of the world's increasingly fragile fisheries.

Madam Speaker, I would like to commend Darden on its vision and commitment to building stronger communities through its "best of class" restaurant operations, its commitment to the environment and sustainability practices, and its continued investment in my community and thousands of communities across the country.

### PERSONAL EXPLANATION

**HON. MICHAEL E. CAPUANO**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. CAPUANO. Madam Speaker, last week I missed several rollcall votes and I wish to state how I would have voted had I been present:

Rollcall No. 720—"yes"; rollcall No. 721—"yes"; rollcall No. 722—"yes"; rollcall No. 723—"yes"; rollcall No. 724—"yes"; rollcall No. 725—"yes"; rollcall No. 726—"yes"; rollcall No. 727—"no"; rollcall No. 728—"yes"; rollcall No. 729—"yes"; rollcall No. 730—"no"; rollcall No. 731—"yes"; rollcall No. 732—"no"; rollcall No. 733—"yes"; rollcall No. 734—"no"; rollcall No. 738—"yes"; and rollcall No. 739—"yes".

### A TRIBUTE TO ANDREA W. EVANS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Andrea Evans, Chairwoman of New York State Board of Parole and Chief Executive Officer New York State Division of Parole.

Ms. Evans has worked the majority of her professional career in the borough of Brooklyn. For the past 25 years, she has been a member and served in a leadership capacity as the business administrator at the Rehoboth Cathedral, which is pastored by Bishop Gerald Seabrooks. Ms. Evans was most recently Director of the Division of Parole for Region II, an area encompassing Brooklyn, Queens, and Staten Island. In this position, she was responsible for the operation of nine area offices, and the Queensboro Correctional Facility. Prior to this role, Ms. Evans served as Deputy Regional Director for Region I, where she managed the operation of five field offices in Bronx County.

From 2000 to 2006, Ms. Evans served as Special Assistant to the Downstate Director of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Operations. From 1997 to 2000, she worked as an Investigator in the Division of Parole's Office for Professional Responsibility, where she conducted investigations into allegations of professional misconduct. From 1994 to 1997, Ms. Evans was a Senior Parole Officer and served as Acting Supervisor in the Bronx Area Office. Additionally, she worked as a Parole Revocation Officer from 1990 to 1994. Ms. Evans began her career with the Division in 1986 as a Parole Officer. Prior to joining the State Division of Parole, Ms. Evans worked for the Central Brooklyn Coordinating Council from 1979 to 1986, a community-based family services and support organization dedicated to foster care.

Ms. Evans holds a B.A. in Psychology from the City College of New York. She is a Queens resident and is the proud mother of one adult daughter.

Madam Speaker, I urge my colleagues to join me in recognizing Andrea Evans.

**WELCOMING SOUTH KOREAN  
FIRST LADY KIM YOON-OK**

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. RANGEL. Madam Speaker, I rise today to honor one of the most graceful and important women to grace our shores, the distinguished First Lady of the Republic of Korea, Kim Yoon-Ok.

Ms. Yoon-ok majored in public health education at Ewha Woman's University, the fourth First Lady to have graduated from this prestigious university. While her husband's career eventually took him from the private sector to the highest public office in their country, she has carved out her own reputation as a strong advocate of the rights of women, children and families in South Korea and around the world.

Ms. Yoon-ok was in New York last week, not only accompanying her husband's visit to the United Nations but also hosting a luncheon in honor of those soldiers—American and Korean—who gave their lives for their democratic nation. It is a war that I am quite familiar with. More than 50 years ago, I fought with millions of Americans to help preserve South Korea's independence during the invasion from communist Korea in 1950. That is why I was very happy this summer when President Obama signed a bill into law that recognized these sacrifices. The bill that I introduced recognizes the 1953 armistice with the display of the American flag each July 27th, that day declared as National Korean War Veterans Armistice Day.

As a Korean war veteran, it gives me great pride to see how the nation has flourished as a democratic and free people. Today, the Republic of Korea is the 13th largest economy in the world and the United States' 8th largest trading partner. Recently, the IMF raised Korea's growth forecast for this year from the growth amount that was originally projected a few months ago, further stating that the nation's growth will increase 2.5 percent next year.

Freedom, of course, is not something that is static. It must be fought for and defended by

every generation. So, as the relationships between our two countries continue to grow and deepen, we cannot forget that our economic and cultural prosperity is built on the achievements and accomplishments of our ancestors. It is a sacrifice we are proud to celebrate, today and forever.

**CONGRATULATING CHRISTOPHER  
DIMATTIO, THE 2009 RECIPIENT  
OF THE MAN OF THE YEAR  
AWARD FROM THE LACKAWANNA  
COUNTY COLUMBUS DAY ASSO-  
CIATION**

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Christopher DiMattio, who was named recipient of the 2009 Man of the Year Award from the Lackawanna County, Pennsylvania, Columbus Day Association.

Mr. DiMattio will be honored this year at the annual dinner to be held Sunday, October 11, at the Genetti Manor in Dickson City, Pennsylvania.

A native of Dunmore, Pennsylvania, Mr. DiMattio is the youngest son of Louis and Catherine Summa DiMattio. He graduated from St. Anthony's School and Bishop O'Hara High School as well as Marywood University where he earned a degree in Business Administration and Marketing. He remained active at Marywood and served three terms on the Board of Trustees and established several endowment and scholarship funds. He is a recipient of the Alumni Society's "Recent Graduate Award" and the "Presidential Scholarship Honoree" for outstanding community service.

Mr. DiMattio is a member of the "Chairman's Club," the highest award for production of financial services at the parent company, INVEST Financial Corporation and, last year, he was cited as the top producer in the entire Nation. A past director of the National Advisory Board, he is frequently called on to present at various bank and financial institutions both regionally and nationally. He is an Accredited Investment Fiduciary as well as a member of various professional organizations in the finance and investment areas, primarily concentrating in business retirement plans.

Mr. DiMattio served two terms as a director of the Greater Scranton Chamber of Commerce and he is a member of the Scranton-Lackawanna Industrial Building Corporation.

Mr. DiMattio served on the board of directors for many charitable, civic, religious and cultural organizations. He is active in UNICO National where he currently serves as Executive Vice President and will become National President next July as well as the Scranton Chapter's Secretary. He is the volunteer event chairman and president of La Festa Italiana and he serves on the board of the St. Francis of Assisi Soup Kitchen, Little Flower Manor of the Diocese of Scranton and he chairs the annual coat drive for the Head Start program of the Scranton-Lackawanna Human Develop-

ment Agency. Mr. DiMattio has been the recipient of many honors for his community service including the "Bronze Medallion of the Legion of Honor" by the Chapel of the Four Chaplains, the Outstanding Volunteer Fund Raiser by the Northeast Chapter of the National Society of Fund Raising Executives, UNICO Member of the Year Wall of Fame by Bishop O'Hara High School, Community Roast by Family Services, Honorary Delta Mu Delta by Marywood University's Business Department, Past President's Award by the Columbus Day Association, the Victor Alfieri Literary Society, the St. Francis of Assisi Kitchen, the Diocesan Council of Catholic Men and by the Greater Scranton Jaycees where he was also honored for the founding of the Santa Parade. He has also been honored by the City of Scranton and Lackawanna County for service to the community and by the Volunteer Action Center with the JC Penney's Golden Rule Award. In 1992, he was chairman of the Columbus Quincentenary Parade celebrating the 500th anniversary of America.

Mr. DiMattio resides in Moscow, Pennsylvania, with his wife, the former Ann Celli, and their two sons, Louis Carlo and Robert Christopher.

Madam Speaker, please join me in congratulating Mr. DiMattio on this auspicious occasion. His remarkable spirit of volunteerism and community service should be an inspiration for all, as his accomplishments have improved the quality of life in northeastern Pennsylvania.

**HONORING THE 200TH ANNIVERSARY  
OF THE BETHEL BAPTIST  
CHURCH OF CASEYVILLE**

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 200th anniversary of Bethel Baptist Church of Caseyville, Illinois.

The year 1809 was important in the history of our Nation and the State of Illinois. While James Madison was inaugurated as our young Nation's fourth President and Robert Fulton received a patent on his new invention, the steam boat, the Illinois Territory was formed by an Act of Congress and Abraham Lincoln was born in the backwoods of Kentucky. At the same time, a group of Christians who had concerns about the pro-slavery position of some members of their former church formed the Baptist Church of Christ, Friends to Humanity, which would later become Bethel Baptist Church of Caseyville.

James Lemen, Sr., was the first pastor of the new church and the congregation would meet in the houses of members, traveling up to 36 miles by horseback to attend services. As the congregation grew, the need for a permanent church structure became apparent and the first meeting house was built in 1825.

During the church's early years, members continued to hold strong abolitionist positions. The church building was used as a station along the Underground Railroad, with fugitive



slaves hiding in a crawl space under the church floor. To commemorate this important period, when a new floor was installed in the 1940s, a trap door was installed so the original trap door, through which the fugitive slaves would enter their hiding place, could be seen.

Many changes occurred during the history of the church, many of which mirrored what was going on as our Nation grew. Wars and economic disasters took their toll on the congregation and, for a period during the Great Depression, the church was closed. During that time, concerned parishioners would gather the children of the area into their homes to continue to spread the Word of God.

Responding to the needs of the flock, the church membership was reorganized and the church reopened in 1938. Due to the efforts of many in the congregation, the church rebounded and membership grew.

As they celebrate their past during this historic anniversary year, the congregation of Bethel Baptist Church of Caseyville also looks forward to the future. Their strong commitment to their faith, their families and their community is reflected in their invitation for their bi-centennial observance, "Celebrate God's Goodness with Us!"

Madam Speaker, I ask my colleagues to join me in honoring the 200th anniversary of the Bethel Baptist Church of Caseyville and wishing them the best for many years to come.

#### A TRIBUTE TO DR. EMMANUEL NWOZUZU

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Emmanuel Nwozuzu, CEO of ACE-IT Educational Consultants and an accomplished educator in my community.

Dr. Nwozuzu was born in Umuoba Uratta Owerri Imo State Nigeria on April 14, 1942, in the middle of the Second World War to a family of six. At the time of his birth, Emmanuel's late father was a sub Army Tailor contractor in Calabara seaport in the Southern Eastern tip of Nigeria. Emmanuel's parents Catherine and Christopher were firm believers in education, having seen at first-hand the advantages of education among people in the army. They invested all that they had in educating all their six children.

Emmanuel obtained his Bachelors in the University of Nigeria Nsukka in 1970, taught sciences in Eastern Region of Nigeria and Benue Plateau State of Nigeria where he was selected later to be the Principal of a school at a very young age of 29. There he worked hard to upgrade the school from a community secondary school to prestigious Kanam Government Secondary. While Principal, Emmanuel went to school and obtained a Post Graduate Diploma in Education from Ahmadu Bello University Zaria.

Dr. Nwozuzu had the opportunity to immigrate to the United States to pursue further education, he obtained his Masters degree in Education in 1982 at Iowa State University in Science and Technology. It was Emmanuel's

major Professor, Kahler who literally "coaxed" him to register for a doctoral program and gave him a job as an Assistant Research fellow.

In 1985, Dr. Nwozuzu took up a teaching position at the New York City Board of Education where he taught subjects from chemistry and physics to reading and writing. On May 1, 1990, the Principal of P.S. 9 recommended Dr. Nwozuzu for recognition from the Board of Education for Outstanding Leadership in Shepherd Program. In 1992, Dr. Nwozuzu was recognized by Kodak Company for the beautification of a triangular inner city park.

In 2005, Dr. Nwozuzu was awarded a teaching merit award from the Secretary of Education in Washington, DC, and in that same year was awarded the U.S. Presidential Scholars Program Teachers Award. Now retired, Dr. Nwozuzu is the CEO of ACE-IT Educational Consultants.

Dr. Nwozuzu is the author of Voice of Generators Past, the Pulse of the Igbo, an African Tribe, a social commentary, a voice that narrates the changing effects in a traditional village in Africa published by Xlibris, PA.

Madam Speaker, I urge my colleagues to join me in recognizing Dr. Emmanuel Nwozuzu.

#### HONORING THE ACCOMPLISHMENTS OF MS. SARITA BROWN

#### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize Ms. Sarita Brown upon receiving the 2009 Harold W. McGraw, Jr. Prize in Education. Ms. Brown is highly regarded for her hard work and dedication towards accelerating Latino success in higher education. For over two decades she has served as a shining example for students of Latino heritage.

Ms. Brown started her professional career at the University of Texas at Austin. There she built a national model to promote minority success in graduate education. In 1993, her endeavors carried her to Washington where she joined the Department of Education during the Clinton Administration. As Executive Director of the White House Initiative for Education Excellence for Hispanic Americans, she was tasked with the goal of implementing effective strategies to raise academic achievement and opportunities for low-income and minority students nationwide.

After her time in the administration, Ms. Brown applied her talents and experience to the nonprofit sector, serving as a leader among her colleagues and in her community. Ms. Brown is the co-founder and current President of Excelencia in Education, a not-for-profit organization working to promote Latino educational success in the classroom by linking research, policy, and effective practices in public policy.

Ms. Brown currently sits on the Board of Directors for ACT Inc., the National College Access Network (NCAN) and on advisory boards

for the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund and the Journal of Hispanic Higher Education. In January 2009, Virginia Governor Tim Kaine bestowed the honor of appointing her to the Board of Visitors for Old Dominion University.

In addition to being an expert on education, Ms. Brown is also an outstanding public speaker. Each year, she travels around the country advocating for the issues she has spent her career championing: promoting access and support for Latinos to receive a higher education.

On behalf of the citizens of Virginia's 8th Congressional District, I congratulate and applaud Ms. Brown for her life's work. She is most deserving of the 2009 Harold W. McGraw, Jr. Prize in Education. May it serve to bolster her on to even greater achievements in the years to come.

#### RECOGNIZES THE EFFORTS OF AGRONOMIST AND NOBEL LAUREATE NORMAN BORLAUG

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Ms. DeLAURO. Madam Speaker: I rise to recognize and pay my respects to the late Norman Borlaug, who passed away earlier this month.

The father of the Green Revolution, and one of only six people in history to have won the Nobel Peace Prize, the Presidential Medal of Freedom, and the Congressional Medal of Honor, Dr. Borlaug may just be the most underappreciated genius in human history. In the annals of our species' time on Earth, he stands like a Colossus. It is no exaggeration to say—indeed it is said often—that Dr. Borlaug saved more lives than anyone else who has ever lived, and that he quite literally changed the fate of our world.

Born in 1914 in Saude, Iowa, Norman Borlaug spent his formative years working on the family farm, leaving, Borlaug said later in life, only because of some sage advice offered by his grandfather—"You're wiser to fill your head now if you want to fill your belly later on." With the help of a gift for wrestling—and Franklin Roosevelt's National Youth Administration—Borlaug enrolled in the University of Minnesota in 1933, supplementing his meager resources with stints in the Civilian Conservation Corps and the United States Forestry Service. He graduated in 1937 with a Bachelor of Science in Forestry, following it up with a Masters of Science in 1940 and a Doctorate in plant pathology and genetics in 1942.

After serving the World War II effort as a microbiologist at DuPont, Borlaug moved to Mexico in 1944 to take part in a Rockefeller Foundation project aimed at boosting wheat production. There, the true work of his life began.

At the time, Mexican farmers were able to raise less than half of the wheat they needed to feed their population, mainly due to a debilitating fungus known as rust. For the next 13 years, Borlaug experimented with and cross-

bred strains of wheat from all over the world to develop a grain that was rust-resistant. When that success was finally achieved, other problems emerged. The new blend of wheat, while resistant to rust and many other diseases, was top-heavy and would break easily. So Borlaug looked to shorter Japanese dwarf strains, and the Green Revolution began in earnest.

By 1956, thanks to Dr. Borlaug's efforts, Mexico grew two to three times more wheat than before, and was self-sufficient in wheat. From there, spurred on by the Rockefeller Foundation and the United Nations, Borlaug brought his extraordinary insights to the rest of the globe. In India and Pakistan, North Africa and Southeast Asia, the Middle East and the Philippines, where scientists followed Borlaug's pioneering vision to create a new strand of rice, Borlaug's hard work and amazing insights transformed agriculture and allowed for incredible new yields all over a hungry world.

In 1970, Norman Borlaug won the Nobel Peace Prize for the transformation he had achieved. In an age that was greatly concerned about the dire consequences of exploding population, Borlaug utilized science, innovation, and his "Iowa-stubborn tenacity" to lead the whole world forward. He remains the only agricultural scientist to have ever won the Nobel Prize—Indeed, in part to correct this oversight, Borlaug later helped to found the World Food Prize, to encourage agronomists of later generations to follow in his footsteps.

Borlaug was not only a pioneering scientist but a pioneering humanitarian. I had the pleasure of meeting with Dr. Borlaug several times over the past few years, and he was a consistent and forceful advocate on global food issues. He dedicated his days not only to feeding hungry people and helping them achieve self-sufficiency, but to improving their lives in any way he could. A professor at Texas A&M University for many years, Borlaug also served as an important advisor to governments around the world and a compelling advocate for the many virtues of agricultural science. To say nothing of his continuing stints as Boy Scout Troopmaster and Mexico's first Little League Baseball coach, and of his life as a husband and father.

After his passing on September 13, 2009, Borlaug's children asked that he be remembered as "a model for making a difference in the lives of others and to bring about efforts to end human misery for all mankind." And so he was, and so he shall. The world has lost one of its great men in Norman Borlaug, and we are all the poorer for it. Nonetheless, his remarkable contributions to our people and our planet will last longer than any of us.

COMMENDING YIXIAO WANG OF  
WESTFIELD, NEW JERSEY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. LANCE. Madam Speaker, I rise today to recognize an exceptionally talented student, Yixiao Wang of Westfield, NJ. Yixiao, along

with three other teammates representing the United States, recently participated in the 41st International Chemistry Olympiad, winning one gold and three silver medals in Cambridge, England.

The U.S. Team competed against 250 students from 65 countries in a battery of exams including theoretical and practical applications. Yixiao placed in the top 10 percent earning him a gold medal. The four students were selected from over 11,000 talented high school chemistry students who had participated at the local level, and are representative of the brightest chemistry students in the Nation.

The International Chemistry Olympiad was created in 1968 to enhance friendly relations among young people from different countries. Since then, thousands of students have participated in this rigorous competition to recognize the most talented students in the world.

I would like to congratulate Yixiao for his exemplary performance, which undoubtedly required disciplined, diligent studies. His is a shining example of the dedication the faculty at Westfield High School have towards helping their students achieve greatness. Yixiao will surely have a bright future in any of his future endeavors.

A TRIBUTE TO DR. R. SANDLIN  
LOWE III

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. R. Sandlin Lowe III, a faculty member of the New York University School of Medicine.

Dr. Lowe was born in Tallapoosa County, Alabama and grew up on the family farm in Coosa County, the poorest county in Alabama. He was influenced greatly by his grandfather, Braxton Hughes Smith, who as a Christian man taught him much about faith and patience, hard work and perseverance; a farmer lives out these things every day. The work on the farm was done by hand with mules pulling the ploughs through the earth and men coming to pick the cotton and corn that grew. It was a life out of Faulkner—trips to the blacksmith's shed to reshape and sharpen ploughshares, killing hogs in the winters, the spring plantings and the eventide hymns as men finished the day's work—a wondrous grounding.

The College and Medical School at Tulane University in New Orleans followed where the interests in human nature and all things human found outlets in anthropology and then later medicine, sparked interest in Dr. Lowe. While attending medical school, Dr. Lowe came to New York City to Bellevue Hospital in the fall of 1986—he has been affiliated with Bellevue either as a student, intern, resident or attending physician ever since.

Currently a member of the Faculty of the New York University School of Medicine, Dr. Lowe's interests and work in brain injury and autism are personal. His research at the Brain Research Laboratories with his recently deceased friend, Roy John, and his work with his

mentor and friend, Rodolfo Llinas, in the Department of Physiology and Neuroscience have led to an innovative theory of coma and vegetative states that is strangely enough applicable to autism spectrum conditions. Dr. Lowe continues his work on this issue in hopes that this work will continue to bear fruit.

Madam Speaker, I urge my colleagues to join me in recognizing Dr. R. Sandlin Lowe III.

A PROCLAMATION HONORING  
AARON HANEY FOR WINNING  
THE BOYS' DIVISION III STATE  
BASEBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Aaron Haney showed hard work and dedication to the sport of baseball; and

Whereas, Aaron Haney was a supportive coach; and

Whereas, Aaron Haney always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Aaron Haney on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

RECOGNITION OF EARL W.  
RILINGTON, SR., OF SAVANNAH,  
GEORGIA

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. KINGSTON. Madam Speaker, I rise to commemorate the retirement of Mr. Earl W. Rilmington, Sr., from a lifetime of service to the pulp and paper industry of southeast Georgia.

Mr. Rilmington spent his early childhood in Sylvania, Georgia. He has been a resident of Savannah for over 50 years. In 1969, he married his high school sweetheart, the late LaVenia Salley Wyley Rilmington, and had their first child, Earlanda.

Mr. Rilmington was employed with Union Camp, and later, International Paper for 40 years. He began work in the box plant as a slitterman in 1969, making boxes to be shipped all over the world for everyday uses. He attended school at Savannah State University and earned a promotion to electrician in 1973. As an electrician, he ensured the operational efficiency of all major plant equipment such as boilers and presses. The Rilmington family has a noteworthy history with International Paper. Mr. Rilmington's father, Willie V. Rilmington, Sr., was employed with International Paper's predecessor, Union Camp for 23 years as a box car loader and truck driver. Earl's son, William Michael Rilmington, is currently in training for instruments and controls with International Paper.

As Mr. Rilington enters his well-deserved retirement he can look forward to pursuing his hobbies, spending time with family and friends and traveling. Whether at the bowling alley every Monday and Thursday night or leading the Usher Board at Conner's Temple Baptist Church, we can be assured that our country is what it is today thanks to the contributions he has made throughout his lifetime. I rise today to recognize Mr. Rilington as a model husband, father, and citizen. We commemorate his retirement from a lifetime of service to the pulp and paper industry of Southeast Georgia on this day October 30, 2009.

#### REMEMBERING JAMES D. RANGE

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. TANNER. Madam Speaker, I rise today to remember James D. Range, a beloved father, son, brother, and friend.

Jim died peacefully, surrounded by family and loved ones, on Tuesday, January 20, 2009 at the Mayo Clinic in Rochester, Minnesota, after an extraordinarily courageous battle with kidney cancer. He was 63 years old.

A Johnson City, Tennessee, native, Jim was a life long outdoorsman who loved America's wild spaces and loved hunting and fishing.

He was respected as a passionate advocate for the country's fish and wildlife and their habitat and one of the Nation's most prominent champions of natural resource conservation.

In the 1970's, Jim was a trusted advisor and counsel to Senate Majority Leader Howard Baker and the Senate Environment and Public Works Committee where he served with verve and integrity.

During his time in the Senate, Jim was instrumental in the conservation of many different corners of the American landscape and integral in the crafting and final passage of a string of landmark laws such as the Clean Water Act.

Even after his time spent on Capitol Hill, Jim displayed an unrivaled commitment to our nation's natural resources and outdoor traditions by co-founding and serving as chairman of the Theodore Roosevelt Conservation Partnership.

He furthered his service to the cause of conservation through work on the Boards of Directors for Trout Unlimited, Ducks Unlimited, the Wetlands America Trust, the Recreational Boating and Fishing Foundation, the American Sportfishing Association, the American Bird Conservancy, the Pacific Forest Trust, the Yellowstone Park Foundation, the Bonfish and Tarpon Trust, the National Fish and Wildlife Foundation, the Interstate Commission on the Potomac River Basin, the Sportfishing and Boating Partnership Council, and the Valles Caldera Trust.

Through this work, Jim received such honors as the U.S. Department of the Interior's Great Blue Heron Award, the 2003 Outdoor Life Magazine Conservationist of the Year and the Norville Prosser Lifetime Achievement Award presented by the American Sportfishing Association.

He left both the political and natural landscape in which he lived, loved, worked and played better than when he found it. His achievements in conserving the valuable wild and natural resources of the country are unparalleled and he lived his extraordinary life with integrity, humor and goodwill he displayed in all his pursuits.

He left a legacy to all his family, friends and colleagues of a vision for a growing understanding and appreciation of our natural world and a daily commitment to conserving it for future generations.

Madam Speaker, please join our colleagues and me in recognizing Jim Range's accomplishments and contributions.

#### 100TH ANNIVERSARY OF WHITING PARK

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and enthusiasm that I take this moment to congratulate the city of Whiting, Indiana, in celebrating the 100th anniversary of Whiting Park. Throughout the years, Whiting Park has been an integral part of the community providing residents with a place to create lasting memories while preserving the history of the city. Whiting commemorated this extraordinary milestone on July 18, 2009, with a celebration in the park presented by the Whiting Park Festival Orchestra.

In the early 1900s the idea for Whiting Park began to take shape. Many activists in the area, at the time, could envision the potential for a magnificent park that would serve to bring the community closer together. In 1908, Frank Long, Chairman of the City Council Park Committee, along with Mayor Fred J. Smith, helped the city to acquire 22 acres of land bounded by Front and 117th Streets, the New York Central Railroad tracks and Lake Michigan. Whiting purchased the land from the Forsythe Estate for \$75,000. Whiting Park continued to expand, and by the 1920s the park included a man-made lagoon, fountains, attractive walkways, a baseball diamond, trap-shooting facility, tennis courts, a playground, and a pavilion used for ballroom dancing and different music venues. In addition, a bath house was built for the beach lakefront activities, which included two waterslides and a diving board. The winter months at the park were filled with ice skaters, sledding, and ice hockey games. Over the next two and a half decades, thousands of people would flock to Whiting Park for the amenities on the land and in the water, all year round making the park one of the most popular on the entire lake-shore.

The next 30 years proved to be a troublesome time for Whiting Park, and there were many factors that led to the downfall of the park's glorious days of the past. Whiting Park Beach was closed in the late 1940s due to a high bacteria count in the water. The war emergency, at the time, led to limited city and federal funding for the upkeep of the park and beach. While there were proposed solutions

over the years to bring back the Whiting Park of the past, many of them fell through. People began to think that the once famous Whiting Park would never be restored.

Finally, in 1977, the Whiting Park and Recreation Board was established. Through the efforts of the Parks Department, the beach was reopened on August 23, 1981, and came to be known as Whihala Beach County Park. The name "Whihala" stands for Whiting, Hammond, and Lake County Parks Department. With the new beach open, the Whiting Parks Department began again to concentrate on restoring the beauty of Whiting Park. Over the years, volunteer groups spent much time planting new flowers, and restoring the main garden, pond and waterfall area near the entrance of the park, bringing the park back to life. Today, Whiting Park spans approximately 15 acres and includes playground equipment, walking paths, four tennis courts, one baseball diamond, picnic facilities, a concession area, a fishing pier, two sand volleyball courts, an inline skate/hockey rink, and a fish pond including a waterfall.

As Whiting Park celebrates its 100th anniversary, there are also many innovative plans for the future, including working to become an integral part of the proposed Marquette Plan, a project that will better utilize Northwest Indiana's Lake Michigan shoreline.

Madam Speaker, I ask you and my other distinguished colleagues to join me in honoring and congratulating the city of Whiting on their 100th anniversary of Whiting Park. Throughout the years, Whiting Park has been a historical reminder of a city whose people continue to push forward with enthusiasm and faith to return this park to one of the most prized recreational lakefronts in the region, just as it was at the turn of the century. Their constant dedication and commitment is worthy of our deepest admiration.

#### A TRIBUTE TO DR. THEOPHINE ABAKPORO

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Theophine Abakporo, Medical Director of the Department of Emergency Medicine & Pre-Hospital Care at Wyckoff Heights Medical Center and dedicated public servant.

Dr. Theophine Abakporo, MD was born in Nigeria in 1964. During his childhood, he was deeply influenced by the devastating experience of growing up in a country at war. He witnessed the effects the war had on his local community—displacement, premature deaths, injuries, disease and poverty. As he grew older, he realized the importance of community organizations and public service.

At the age of 23, Dr. Abakporo obtained his MD degree from Jos Medical School in Nigeria. Upon graduation, he was appointed Medical Officer with the Nigerian Army Field Ambulance. Subsequently, he relocated to the United States to pursue his postgraduate medical education. In 1995, he completed his residency in internal medicine at Brookdale University Medical Center in Brooklyn, New York.

He is board certified in internal medicine and emergency medicine.

In response to the increasing need for disaster awareness and management he took further training and certification. He is certified by the United States Department of Homeland Security in healthcare leadership and administrative decision-making in response to weapons of mass destruction (WMD). He is certified by the United States Army in Chemical, Biological, Radiological, Nuclear, and Explosive incidents (CBRNE). In addition, he is certified by the Fire Department of New York (FDNY) in online medical control.

While pursuing his medical career Dr. Abakporo became deeply involved in the health care needs of the inner-city communities in the United States. Dr. Abakporo worked hard and committed himself to participating in the health outreach and other programs related to the well being of the Brooklyn communities such as Ocean Hill, Brownsville, East New York, Bed-Stuy, Bushwick and Ridgewood communities. This strong willingness to help and care for people, contributed to his interest and focus in the field of emergency medicine and pre-hospital care.

In 1996, Dr. Abakporo joined Wyckoff Heights Medical Center as an Attending Physician in the Department of Emergency Medicine. His leadership, hard work and dedication earned him a promotion as Assistant Director in 2005. Dr. Abakporo currently serves as Medical Director of the Department of Emergency Medicine & Pre-Hospital Care at Wyckoff Heights Medical Center.

In 2008, Dr. Abakporo was honored by the Wyckoff Heights Medical Center's Nursing Administration for his motivation, excellence, dedication and service to the patients and staff. He received the Nursing Recognition Award for Physician Education & Nursing Collaboration.

Dr. Abakporo is a member of World Association of Disaster and Emergency Medicine (WADEM); the American Association of Physician Specialists, and the American College of Physicians.

Madam Speaker, I urge my colleagues to join me in recognizing Dr. Theophine Abakporo.

**A PROCLAMATION HONORING  
ADAM MIZER FOR WINNING THE  
BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Adam Mizer showed hard work and dedication to the sport of baseball; and

Whereas, Adam Mizer was a supportive team player; and

Whereas, Adam Mizer always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Adam Mizer on winning the Boys' Division III State Baseball Cham-

pionship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

**IN RECOGNITION OF THE U.S.S.  
"COD"'S 50 YEARS IN CLEVELAND**

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the U.S.S. *Cod's* 50 Years in Cleveland celebration on August 14th, 2009. The celebration featured a special free admission day for the public and ceremony to mark the golden anniversary and restoration of the *Cod's* Cleveland-built diesel engines. The ceremony concluded with a salute to the people of Cleveland with the firing of the *Cod's* deck gun.

On March 21, 1943 the U.S.S. *Cod* was launched and its engines, built in a General Motors plant on Cleveland's west side, powered the submarine around the globe. According to Dr. John Fakan, president of the non-profit U.S.S. *Cod* Submarine Memorial, "GM built *Cod's* five diesels right here in Cleveland, but it didn't end there. Much of the steel plate that forms her hull was made in Cleveland and Youngstown steel mills from Great Lakes ore." Through her heroic missions in World War II, Cleveland-based training programs during the Cold War, and place as a historic site and submarine memorial in Cleveland, the U.S.S. *Cod* has become a national symbol.

After her successful WW II service in the Pacific Ocean, the *Cod* continued to protect America in the Cold War by training NATO anti-submarine forces in the Atlantic Ocean. In 1959 the *Cod* was brought to Cleveland to serve as a dockside trainer for reservists, and instantly became popular with the public. Citizens were allowed to tour the sub when the Navy wasn't conducting training aboard, and these civilian tours continued even after the Navy declared the *Cod* obsolete in 1971 and began the scrap process.

Despite the Navy's decision, the people of Cleveland saved the *Cod* from being scrapped. School children, veterans groups, Scouts and "Save the *Cod*," a group formed by local business leaders in 1972, all banded together to raise money and save the historic and symbolic submarine. In 1976 the Navy turned the *Cod* over to her civilian caretakers, who immediately began restoring the *Cod* to the original beauty that she was while defending America. In 1986 these efforts were recognized by the Federal Government which declared the *Cod* a National Historic Landmark. The *Cod's* world-class restoration continues today, focusing on her Cleveland-built engines.

The *Cod's* caretakers estimate that more than a million people have toured the *Cod* in the 50 years she has called Cleveland home. In addition to being a popular attraction on Cleveland's lakefront, the *Cod* has also helped bring revenue into downtown by hosting television and film documentaries as well as military reunions and other special projects.

Madam Speaker and colleagues, please join me in recognizing the celebration of the U.S.S.

*Cod's* 50 Years in Cleveland. The U.S.S. *Cod* (SS 214) is both a floating memorial to U.S. submariners who gave their lives defending freedom as well as a unique piece of Cleveland's industrial history.

**RECOGNIZING THE JOINT COMMUNITY POLICE PROJECT IN MINNESOTA**

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. ELLISON. Madam Speaker, I rise today to congratulate the Joint Community Police Project (JCPP), an initiative of the Hopkins, Richfield, Brooklyn Park, and Brooklyn Center Police Forces in Hennepin County, Minnesota, for being selected by the International Association of Chiefs of Police (IACP) as the winner of the 2009 Civil Rights Award.

The IACP is made up of over 20,000 law enforcement members at command level in 89+ countries. This is the first time the JCPP has received programming recognition from the International Association of Chiefs of Police.

These four aforementioned cities live the value of civil rights through the actions of the Joint Community Policing Project—which strives to enhance communication and understanding between police and multicultural residents to improve public safety and livability in the community.

I invite all the members of Congress to join me in recognizing the excellent work of these four fine Minnesota police forces of Hopkins, Richfield, Brooklyn Center, and Brooklyn Park for reaching out to new Americans within our cities and providing the services, hospitality, and valued information to make them welcome, active participants in our community.

In 2009, I proposed and Congress approved a \$100,000 appropriation to continue the work of the Joint Community Police Partnership. One example of their work can be seen in Hopkins, where some of the appropriated funds enabled JCPP to hire a Somali college student to work as Public Service Officer for the Hopkins Police Department. Already they are witnessing a powerful positive reaction by the young immigrant children when the youth see this young man in a Hopkins Police Department uniform at the schools and in their apartment complexes. In addition, funds from this appropriation are being used to bring in successful Somali women from the community to speak to the school club, to mentor them in making positive choices, help build their self esteem, and counsel them to avoid involvement in gangs.

In closing, Madam Speaker, I would like to extend my personal congratulations to the Joint Community Police Partnership for being a model of excellence both in our country and abroad.

A TRIBUTE TO MAJOR GENERAL  
MICHAEL R. LEHNERT

**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. ISSA. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the United States Marine Corps are exceptional. For more than thirty-five years this man has served our nation in the most outstanding and dedicated manner. On the occasion of his retirement, I feel it only right to recognize the magnificent service Major General Michael R. Lehnert has performed for our country.

Major General Lehnert graduated from Central Michigan University in 1973 with an undergraduate degree in History and commissioned a Second Lieutenant through the PLC program. After attending the Marine Officers Basic School in Quantico, Virginia, he was transferred to Camp Lejeune, North Carolina. Assignments at Camp Lejeune included engineer platoon commander and maintenance officer LSU-32 and S-4, H&S Battalion, 2nd FSSG. Assigned to 9th Engineer Support Battalion in Okinawa Japan, he served as Bn Operations Officer and finished his tour as commander Company A, 9th Engineers.

In 1977, he was ordered to Marine Barracks, Subic Bay, Republic of the Philippines as the Operations Officer. In 1978, he took command of Company A, Marine Barracks, Subic Bay. In 1979, Major General Lehnert attended the U.S. Army Advanced Engineer School at Fort Belvoir, Virginia. After graduation, he served as Executive Officer, USMC Recruiting Station, San Antonio, Texas. He was transferred to Camp Pendleton, California in 1983 and held the following assignments from 1983 to 1986. Company Commander, Company C, 1st Landing Support Battalion Commanding Officer, Combat Service Support Detachment 11 Commanding Officer, Combat Service Support Detachment 16 Executive Officer, MAU Service Support Group 17 Landing Force Support Party Cdr, BSSG 7 MEF Engineer, First Marine Amphibious Force.

In 1987, he was selected for Armed Forces Staff College. After graduation, he was assigned to the United States Southern Command in the J-3 Operations Directorate as Chief, Central American Exercise Branch. During the Panama crisis, he participated in Operation Just Cause and Operation Promote Liberty. Major General Lehnert was reassigned in 1990 as Inspector-Instructor, 6th Engineer Support Battalion, Portland, Oregon. He was selected for top level school, completed the Naval War College in 1993 and was awarded a masters degree in International and Strategic Studies.

In 1993, he was assigned to the Joint Warfighting Center in Norfolk, Virginia where he served as the Chief of the Futures Branch, Doctrine Division. In 1995, he reported to 2d MAW and participated in Operation Sea Signal, Guantanamo Bay, Cuba as Commander, Joint Task Group Bulkeley, JTF 160, where he commanded the security forces responsible for operation of Cuban and Haitian migrant camps. Major General Lehnert commanded

Marine Wing Support Group 27 at Cherry Point, North Carolina from 23 May 1996 to 28 May 1998. He was reassigned as the Deputy Chief of Staff, G-4 II MEF. In 1999, he deployed to Panama as the Chief of Staff, Joint Task Force Panama to oversee the final turnover of the Canal and the remaining military bases.

His first tour as a general officer was at Headquarters Marine Corps, where he served as the Assistant Deputy Commandant for Installations and Logistics. He took command of 2d Force Service Support Group in July 2001 and in January 2002, he deployed to Guantanamo Bay, Cuba as Commander, Joint Task Force 160. JTF 160's mission was to construct and operate the detention facilities for Taliban and Al Qaeda detainees. In 2003, he deployed with the 2d FSSG to the CENTCOM theater and participated in Operation Iraqi Freedom as Commander, Marine Logistics Command. His most recent assignment was as Chief of Staff, United States Southern Command, Miami, Florida.

Decorations include the Defense Superior Service Medal with one oak leaf cluster, the Legion of Merit with Gold Star, the Defense Meritorious Service Medal with two oak leaf clusters, the Navy Commendation Medal with gold star and the Navy Achievement Medal.

Major General Lehnert has consistently shown genuine concern for those who serve in his command, regularly placing their comfort and support above his own. He and his wife, Denise, are a prototype for general officers who have the honor to follow them in command.

On the occasion of his retirement, and on behalf of the people of the United States whom he has served with courage and honor, we commemorate the exceptional service of Major General Michael R. Lehnert.

A PROCLAMATION HONORING  
ALEX KNECHT FOR WINNING  
THE BOYS' DIVISION III STATE  
BASEBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Alex Knecht showed hard work and dedication to the sport of baseball; and

Whereas, Alex Knecht was a supportive team player; and

Whereas, Alex Knecht always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Alex Knecht on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008-2009 baseball season.

IN HONOR AND RECOGNITION OF  
STAN HASSE

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Stan Haase, who recently celebrated his 85th birthday.

Stan Haase was born on July 22, 1924 in Kitchener, Ontario to Adolph Carl and Anna Caroline Haase. His parents bought a home on Cedar Street, where they raised Stan and his younger brother Gerald. The Haase family enjoyed spending their weekends together at Stan's great-grandmother's house where they took pleasure in square dancing and playing their favorite card game, pinochle. It was a spirited and loving environment in which they celebrated family and their German heritage.

At the age of eighteen, Stan Haase enlisted in the Royal Canadian Air Force to serve his country during World War II as a Chief Pilot Officer. Following his service, Stan returned home and went to work for his father as a truck driver. It was during his years as a driver that Stan met Katherine Schell. They were married on July 7, 1950. Their mutual desire to realize the American Dream began during their honeymoon when they immigrated to Detroit. After several years of hard work they became naturalized American citizens. Mr. Haase was a loving and devoted husband to his beloved wife, Katherine, for 53 years.

By September 1969, Stan and Katherine Haase had moved to a home on Newbury Lane in Parma Heights, Ohio to raise their three young sons, Greg, Woody and Rick. It was at this home that the family began to establish new family traditions, such as sharing the days' events with one another over dinner. Sundays were also a special time for the Haase family. Each Sunday Mrs. Haase created beautiful and elaborate meals while Mr. Haase entertained the family with stories of his childhood. The home on Newbury Lane was full of magic at Christmas time. Mr. Haase made Santa Claus come to life and Mrs. Haase decorated.

Mr. Haase has had several hobbies throughout his lifetime. As a licensed amateur radio operator he has spoken and forged friendships with people in 321 different countries. His skill as an amateur radio operator has won him many awards and certificates. In addition to gaining a reputation as a first-class repairman, Mr. Haase is also a computer enthusiast. Stan has built and programmed several of his home computers. He continues to be interested in learning new technology.

Madam Speaker and Colleagues, please join me in honor and recognition of Stan Haase. Stan is a charismatic and proud man. He remains deeply committed to his family and his friends. Stan's sense of humor reflects his great appreciation for life. I wish Mr. Haase a joyous 85th year and blessings of peace, health and happiness.

CONGRATULATIONS TO  
POSTMASTER OLA HELM**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. PAUL. Madam Speaker, Ola Helm, a 23 year veteran of the United States Postal Service, will be officially sworn in as the 24th postmaster for the Brazoria, Texas post office on Thursday, October first. I am pleased to extend my congratulations to Postmaster Helm.

Postmaster Helm began her postal career on May 10, 1986 as a letter carrier in my hometown of Lake Jackson, Texas. Over the years, Postmaster Helm held a variety of positions in the postal service, including window clerk, supervisor, coach postmaster and officer in charge at a variety of local post offices, including Danbury, Freeport, West Columbia, Sweeny and Needville.

Prior to being appointed postmaster for Brazoria, Ola Helm served as Postmaster for the Van Vleck office. She has spent the past 17 months familiarizing herself with the employees and patrons of the Brazoria post office. The people of Brazoria County are lucky to have such a dedicated and experienced postal veteran serving as postmaster, and I am pleased to once again extend my congratulations to Postmaster Ola Helm.

UNITED NATIONS HUMAN RIGHTS  
COUNCIL GOLDSTONE REPORT**HON. MICHELE BACHMANN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mrs. BACHMANN. Madam Speaker, just as the United States is a symbol of hope and freedom around the globe, Israel stands as a symbol of freedom and democracy in an area historically rampant with violence and oppression. For this reason, I am compelled to voice my strong objections to the allegations made in a recent report commissioned by the United Nations Human Rights Council and carried out by former South African Judge Richard Goldstone. The report alleges human rights violations on the part of Israel.

Madam Speaker, the U.N. Human Rights Council has long been recognized for its anti-Israel bias, so it comes as little surprise they would rubber-stamp the "Goldstone Report" and its findings of "crimes against humanity" with regard to Israel's activities in Gaza. As you may know, Israel is the only country listed on the Council's permanent agenda, which examines only supposed Israeli violations of Palestinian human rights, while ignoring the threats or actions of terrorist groups, or the nations that support them, and their calls for the destruction of other U.N. Member States. To quote Israel's Ambassador to the U.S., Michael Oren, "Israel basically was the equivalent of being summoned to a court in which its guilt was already presumed . . . I can't think of any country in the world which would participate in such a farce of justice."

Indeed, while this report condemns Israel's actions, it ignores the precipitating causes of

Israel's self-defensive actions, concluding that Israel's military operations were "deliberate and systematic," and directed at the people of Gaza as a whole, failing to acknowledge Israel's right to defend itself against terrorism, namely the thousands of rockets launched daily at its citizens. Moreover, the Goldstone Report ignores the extraordinary steps taken by Israel to minimize civilian casualties, often putting its own soldiers at greater risk to do so.

The United States and Israel have shared a close relationship of friendship, cooperation, and strategic alliance that serves as an example to the rest of the world. In order to preserve and foster this relationship, I believe it is imperative for the United States to unequivocally reject the findings of the Goldstone Report. And while recent years have unfortunately been marked by escalating armed conflict between Israel and Hamas, the United States should stand steadfast in its commitment to a free and secure Israel as the Middle East comes to embrace the liberties and freedoms of democratic societies.

HONORING DR. KATHLEEN WESTON  
OF KENTON AND GROSSE  
POINTE, MICHIGAN**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. STUPAK. Madam Speaker, I rise to recognize Dr. Kathleen Weston, a remarkable woman who has spent her life at the forefront of medical research in the field of prescription drug toxicology. Dr. Weston's work has included large-scale production development of the first Salk polio vaccine for worldwide distribution and providing legal advice on toxicology issues for a range of government agencies. At 102 years of age, Dr. Weston continues to be an active contributor to her family and community.

Dr. Weston was born in 1907 in the village of Kenton in Michigan's Upper Peninsula. Born Kathleen Shingler, she was one of four children; her father worked as a general store keeper and her mother was a school teacher. After graduating from high school, one of two in her class to do so, Dr. Weston enrolled in Northern State Normal School (now Northern Michigan University) where she graduated with a degree in biology in 1929. After beginning her career teaching biology at Munising High School, Dr. Weston joined her husband, Jean K. Weston, in enrolling in graduate school at the University of Michigan earning a master's degree in anatomy and genetics in 1934.

After taking a position teaching anatomy and physiology to nursing students, Dr. Weston enrolled in medical school at Temple University. Weston credits the nurses she taught with her acceptance to the program after the dean struck a deal that he would admit her, provided she could get the nurses to pass anatomy and physiology. All of the nurses passed and Dr. Weston graduated from medical school in 1951, one of five women in a class of 125.

Upon graduation Dr. Weston moved to Detroit with her husband who worked to develop

a modern toxicology laboratory for Parke-Davis and Company. As one of five pharmaceutical companies to produce the Salk polio vaccine for worldwide distribution, the head of Parke-Davis research recruited Dr. Weston to work on the Salk project because of her experience with microscopes and the nervous system. During the interview process Dr. Weston broke down several barriers for women—Parke-Davis agreed to pay her what it was paying other MD's working for them, far more than the salary they usually paid women at the time, and following the interview she was the first woman to ever lunch in the company's executive dining room.

As Parke-Davis began to produce the Salk polio vaccine on a large scale, Dr. Kathleen Weston directed infectious control tests of the vaccine to certify no live virus was present. She went on to become head of the Parke-Davis toxicology laboratory in Ann Arbor, Michigan. Dr. Weston considers her three years working on the Salk polio vaccine as her top scientific achievement.

Following Parke-Davis, Dr. Weston continued her work in toxicology at Burroughs-Wellcome in New York and as a consultant for government agencies including the National Institute of Health and the Environmental Protection Agency in Washington, D.C. While in Washington, D.C. she also taught at George Washington University Medical School.

Dr. Weston continued to work as a consulting toxicologist until 1997. Today she is still an active reader and is currently assisting the Kenton Historical Society with their research.

Madam Speaker, Dr. Kathleen Weston has spent her life as a leader in toxicology research and as a trailblazer for women entering the medical profession. Her work with the Salk polio vaccine helped save countless lives around the world. I ask Madam Speaker, that you and the entire U.S. House of Representatives join me in honoring Dr. Kathleen Weston on the important work she has accomplished in the field of prescription drug toxicology and in her work to help record the history of her hometown of Kenton.

A PROCLAMATION HONORING  
ANDY ALLENSWORTH FOR WINNING  
THE BOYS' DIVISION III  
STATE BASEBALL CHAMPIONSHIP**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Andy Allensworth showed hard work and dedication to the sport of baseball; and

Whereas, Andy Allensworth was a supportive team player; and

Whereas, Andy Allensworth always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Andy Allensworth on winning the Boys' Division III State Baseball

Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

**HONORING CHARLES MYATT UPON  
HIS RETIREMENT**

**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Charles Myatt who is retiring from First Tennessee bank after a 40 year career.

In 1969, Charlie graduated from Middle Tennessee State University in Murfreesboro with a bachelor's degree in Marketing. He began his banking career with First Tennessee in Chattanooga, and his talent and understanding of business were quickly recognized. Over the course of his 19 years in Chattanooga, he was promoted to numerous leadership positions, including senior vice president and manager of the branch division, as well as senior vice president and manager of the east region of Chattanooga's correspondent division.

Charlie returned to Murfreesboro in 1988 to become First Tennessee's Rutherford County Regional President. During his 21 year tenure as Regional President, Charlie more than tripled the number of First Tennessee banking centers from three to ten locations in Rutherford County.

Throughout his career, Charlie proved to not only be an excellent banker but also a dedicated community leader. Charlie is an active member, deacon, and past chairman of the budget and finance committee at First Baptist Church in Murfreesboro. He has maintained a constant connection with MTSU, serving on numerous boards and committees, and he has been recognized as an MTSU "Distinguished Alumnus."

Charlie has also served as President of the Boys and Girls Club of Rutherford County, Chairman of the Rutherford County Chamber of Commerce, and Chairman of the Murfreesboro Parks and Recreation Commission.

The many awards and distinctions Charlie has received highlight his successful career, including the Daily News Journal—SunTrust Bank "Humanitarian of the Year" and the Rutherford County Chamber of Commerce "Business Person of the Year."

Charlie, I hope you enjoy a long and happy retirement with your wife, Judy, as well as your children and grandchildren.

**HONORING FIRST BAPTIST  
CHURCH OF CARROLLTON**

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. MARCHANT. Madam Speaker, I rise today to honor the First Baptist Church of Carrollton, Texas. The church is celebrating its

100th anniversary, and I would like to take a moment to speak about the history of the church and its past and present contributions to our community.

Established in 1909 by thirteen people, the First Baptist Church began its history at a missionary tent revival. The church conducted their services within the same tent of its establishment and at the home of one of its founders. On January 12, 1910, the church moved their services to an old bank building. Months following the move to the bank, the Baptist Ladies Aid Society graciously donated land to the church where the tabernacle was built. Over the next forty years, the tabernacle underwent building additions and extensive renovations to include a nursery, an education building, and parsonages.

In 1952, with guidance from Reverend Thomas B. Guinn, the church began building a larger education building south of the sanctuary. In 1955, the services were moved to the education building, and in 1957 a special auditorium was added to the building to hold the services. Twenty-nine years later the congregation would move again.

On Easter Sunday, March 30, 1986, the present-day sanctuary was opened to the public, and on this day, 2,655 people came to celebrate it. As for the former church location, it was decided the building would be transformed into the International Missions Center. The center has hosted five missionary companies which have worked in Latin countries, Korea, Vietnam, Cambodia, and Africa.

Today, the congregation has grown to have 4,500 members, and it continues to grow. With such a large congregation, the First Baptist Church has become a cornerstone of the community. The church involves itself in charity events and community programs. Under the leadership of Dr. Brent Taylor, the pastor since 1999, the church has continued programs such as the Bus Ministry which provides transportation to children and teenagers who are unable to attend service and the Friendship House which provides food, clothes, and Christmas gifts for families in need.

I am honored to represent the First Baptist Church of Carrollton and I ask my colleagues to join me in congratulating the congregation upon their 100th anniversary.

**IN HONOR AND REMEMBRANCE OF  
MAJOR ROCCO M. BARNES**

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. KUCINICH. Madam Speaker, Major Barnes grew up in North Olmsted and graduated from North Olmsted High School. Shortly thereafter, he enlisted in the U.S. Army, and became part of the Army's Special Forces HALO detachment. He was trained as a Special Forces Medical Sergeant, Parachutist and Infantry Officer. Following his service in the Army, he joined the Army National Guard. Major Barnes' service in the military totaled thirty-one years; during which he served two tours in Iraq and two tours in Afghanistan.

Along the way, Major Barnes earned a Bachelor's degree in English Literature. In addition to his military service, his love for books and writing led him to a civilian career in the entertainment industry in California, where he became a playwright and screenplay writer. Additionally, he utilized his military experience within the private security sector; Major Barnes was the Director of West Coast Operations for Vance International.

Throughout his service in the military, Major Barnes consistently exemplified bravery, compassion and he often and readily offered his assistance to anyone in need, without regard to his own sacrifice. Major Barnes served as a father figure, guide and mentor to numerous young military recruits, and was like an uncle to the children of close friends. For many years, Major Barnes sponsored a child from Indonesia, sending money and letters of encouragement on a regular basis. Recently, Major Barnes was part of a successful effort to save the life a severely injured child in Afghanistan.

His compassion, unwavering integrity and professional excellence are documented in the numerous military commendations he received, including the California Medal of Merit, Bronze Star, Meritorious Service Medal, Army Commendation Medal, Humanitarian Service Award, Armed Forces Reserve Medal and the Global War on Terrorism Service Award.

Major Barnes is survived by his mother, Grace Barnes-Filo; his father, Harold Barnes; his sisters, Therese Rose Barnes, Jennifer Barnes, and Julie Keating; And, his nephew Timothy and niece, McKenzie. I also extend my condolences to his extended family members and many close friends.

Madam Speaker, and colleagues, please join me in honor and remembrance of Major Rocco Martin Barnes, whose heroic actions, kindness, generous spirit and love for those closest to him will be remembered always. Major Barnes was a courageous United States soldier, and an exceptional human being. His life, gone too soon, was framed by his great love for family, friends and country. The significant sacrifice, service, courage that defined the life of Major Barnes will be honored and remembered by the entire Cleveland community, and our Country.

**A PROCLAMATION HONORING BILL  
RUEGSEGGER FOR WINNING THE  
BOYS' DIVISION III STATE BASE-  
BALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Bill Ruegsegger showed hard work and dedication to the sport of baseball; and

Whereas, Bill Ruegsegger was a supportive team player; and

Whereas, Bill Ruegsegger always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional



District, I congratulate Bill Ruegsegger on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

TRIBUTE TO ST. ANTHONY OF  
PADUA R.C. CHURCH

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding religious institution, St. Anthony of Padua R.C. Church in Paterson, New Jersey, which is celebrating its 100th Anniversary of dedicated service to its parishioners, and by extension, the greater community.

It is only fitting that St. Anthony of Padua R.C. Church Parish be honored in this, the permanent record of the greatest democracy ever known, for the spiritual home it has provided to American families, especially those just embarking on their path to the American dream, and the dedication to the entire community that helps keep this deeply rooted parish family growing towards the future.

On December 8, 1909, the feast of the Immaculate Conception, Salesian Father John Focacci, founding pastor, celebrated the first Mass in a small wooden building on Beech Street, Paterson. The parish was then called Saint Anthony of Padua Mission Church. From this humble beginning, Saint Anthony's ministered to the needs of a growing Italian immigrant population in the Sandy Hill section. Over the years, Saint Anthony's developed into a modern ecclesiastical and educational complex, the result of many sacrifices, hard work and dedication of its loyal parishioners.

Marking its 100th anniversary, Saint Anthony's finds itself once again tending to the spiritual and material needs of immigrants, this time from the Caribbean and Central and South America, seeking to realize the American Dream, parish services now echo English, Italian, and Hispanic voices, and trilingual choirs enrich the festive liturgies.

The parish has built its tradition by giving its parishioners spiritual roots in their neighborhood, providing a deep sense of community to those who have grown in the Church, receiving their sacraments there, as well as welcoming newcomers to the surrounding area. The St. Bonaventure's parish family has expanded throughout the years to include many parishioners who have moved out of the neighborhood, but return with their families to worship at the parish. I am certain that St. Anthony of Padua R.C. Church will continue to thrive and enrich not only those who worship there but so many others in need throughout the area.

The Salesian Fathers have withdrawn from the parish after more than a century of service. St. Anthony School closed its doors after 85 years as an educational Mecca to the neighborhood. Diocesan clergy now serve for the first time. Maintaining the parish's physical plant, especially the beauty of the House of

God, is a constant financial concern. Despite these challenges, Saint Anthony's continues undeterred in its mission, facing the uncertain future with hope and confidence in the parish and their faith. St. Anthony's remains a living monument to those who came before and those who are still here.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of wonderful, thriving communities like St. Anthony of Padua R.C. Church Parish.

Madam Speaker, I ask that you join all of the parishioners and clergy of St. Anthony of Padua R.C. Church Parish, all those whose faith has been enriched throughout the years, and me in recognizing the outstanding contributions of St. Anthony of Padua R.C. Church Parish to the church community and beyond.

HALL OF FAMER HAL MCCOY  
LEAVES THE PRESS BOX

**HON. MICHAEL R. TURNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. TURNER. Madam Speaker, as the Cincinnati Reds wind down their 2009 season, many in Dayton and southwest Ohio are feeling a sense of loss for the departure of the Reds' best known sports writer, Hal McCoy, who retires next week.

To call Hal McCoy an institution in sports journalism is somehow not giving him due credit. Hal McCoy is the Reds to the readers of the Dayton Daily News. He's been on the Reds' beat for 37 years—longer than any other sports reporter following a single team.

His "Real McCoy" blog on the Dayton Daily News site notes "McCoy has covered more than 7,000 major-league baseball games, written close to 18,000 baseball stories and eaten enough hot dogs to give Babe Ruth indigestion."

An honors graduate from Kent State University's School of Journalism, Hal McCoy has 43 Ohio and national writing awards. Most appropriately, he is also a member of the writer's wing of the National Baseball Hall of Fame in Cooperstown, NY.

Hal McCoy's retirement comes as the Dayton Daily News ceases its special reporting on the Cincinnati Reds due to budget limitations. As McCoy put it, "I'll finish the season covering the Reds and baseball, the last hurrah, then say my final goodbyes. They're putting me out to pasture. I only wish it was center field."

While he notes retirement is not something he looks forward to, Hal McCoy admits he may still do some writing for the Dayton Daily News. We hope so. Good luck and thanks for everything, Hal.

HONORING STANLEY L.  
STRAUGHTER

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor my friend Stanley L. Straughter, Chairman of the Mayor's Commission on African and Caribbean Immigrant Affairs. Throughout his thirty year career, Stanley has been dedicated to the cause of international development and the betterment of those living in his community.

Having lived and worked in various places around the world, including Africa, Asia, Russia, and the Caribbean, Stanley has a long history of working with foreign nations to promote economic development. Stanley has worked with foreign governments on transparency and financial issues, trade policy, and foreign direct investment. Among his many roles, Stanley serves as an advisor to the World Conference of Mayors, as Senior Finance Advisor to Niger and Togo, and as a Senior Advisor to the African Development Bank.

In addition to Stanley's exceptional work in international development, he is also a committed member of other groups and organizations. Stanley is a member of various national and international organizations, such as African American Unity Caucus, the Foundation for Hospice in Sub-Saharan Africa, and the Global Interdependence Center. Stanley is also a member of organizations founded to improve his local community. He is a member of the Housing Association of Delaware County, the Philadelphia Revitalization and Education Program, and the Greater Philadelphia Chamber of Commerce.

In recognition of Stanley's hard work, he will be presented with the Outstanding Community Leader Award at the Laborers' Local 332 Friends of Labor Committee's Annual Black Tie Charity Dinner.

Stanley's impressive career proves a long-standing commitment to the cause of international development. His extensive work showcases his dedication to the improvement of the international community, as well as his local community.

IN RECOGNITION OF MAYOR  
THOMAS LONGO

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Mayor Thomas Longo, as he retires from his position of Mayor of Garfield Heights, Ohio. For 25 years, Mayor Longo served his constituents with dedication, vision and sincere concern for the people of Garfield Heights, Ohio.

In 2006, after 23 years, Mayor Longo was officially recognized as the longest-serving mayor in Garfield Heights history. He is also recognized as the third-longest serving mayor in Cuyahoga County.

Before being elected mayor, Mayor Longo worked for nearly 20 years as a marketing executive with the former Ohio Bell Telephone Company. In 1975, he was elected to serve on the Garfield Heights City Council, representing the city's 4th Ward. In 1983, Mayor Longo left Ohio Bell upon his election as mayor of Garfield Heights, and successfully retained his seat in every successive election.

In conjunction with his service as the Mayor of Garfield Heights, Mr. Longo holds a seat on the Northeast Ohio Regional Sewer District board of trustees. He also serves as vice president of the Cuyahoga County Planning Commission. Throughout his career, Mayor Longo's vision and tenacity has become a reality, reflecting in several civic milestones that continue to benefit residents of all ages. Some of Mayor Longo's most noteworthy achievements include the building of the Garfield Heights Civic Center, Recreation Center, and Service Department garage, as well as the addition of a new fire station. Moreover, Mayor Longo's genuine love of the people of Garfield Heights is evidenced by his compassionate leadership and consistent willingness to reach out and assist families or individuals in need.

Madam Speaker and colleagues, please join me in honor and recognition of Mayor Tom Longo, as he retires from the role of Mayor of Garfield Heights, reflecting 25 years of loyal and dedicated service to the city and residents of Garfield Heights, Ohio. I wish Mayor Longo, and his entire family, an abundance of health and happiness as he journeys onward from here.

**A PROCLAMATION HONORING  
BOBBY HALL FOR WINNING THE  
BOYS' DIVISION III STATE BASE-  
BALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Bobby Hall showed hard work and dedication to the sport of baseball; and

Whereas, Bobby Hall was a supportive team player; and

Whereas, Bobby Hall always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Bobby Hall on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

**TRIBUTE TO PASTOR CLEO O.  
ALBURY, JR.**

**HON. KENDRICK B. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to the late Pastor Cleo O. Albury

Jr., a beloved community leader, public servant and religious leader in my district. Pastor Albury was the pastor at Bible Missionary Baptist Church of Miami, Florida.

Pastor Albury, a Miami, Florida native, was an honor graduate of Booker T. Washington High School, attended Florida Agricultural & Mechanical University and graduated from the Southern Baptist Seminary Extension. Moreover, Pastor Albury was one of the first African-American Floridians to solo an aircraft in the United States Air Force.

Having dedicated his life to the church community, Pastor Albury began his pastoral career as pastor of the Mount Sinai Baptist Church from 1969 to 1973, and followed as pastor and charter member of the Bible Baptist Church until 1999.

As pastor of Bible Missionary Baptist Church, Pastor Albury organized a \$2 million dollar facility development program for the church and the community; instituted a food bank to combat hunger in Miami-Dade County; and created a contingency fund for the unemployed and needy in Miami-Dade County through the church. Pastor Albury's other community and religious involvement included: former member of Evangelism Task Force for Southern Baptist Convention, former board member of Direct Action and Research Training Center, D.A.R.T., former board member of People United to Lead the Struggle of Equality, P.U.L.S.E., and he led the 1983 missionary teaching and ministry program for the churches in Ghana, West Africa.

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Pastor Cleo O. Albury Jr. Pastor Albury's life was a triumph, and he was blessed with a loving family who took pleasure in every aspect of his life and his interests. I commend him for his dedication to both Bible Missionary Baptist Church and the Baptist community as a whole. He will be missed by all who knew him, and I appreciate this opportunity to pay tribute to him before the United States House of Representatives.

**ON THE RETIREMENT OF DR.  
MACK KING CARTER AS SENIOR  
PASTOR OF NEW MOUNT OLIVE  
BAPTIST CHURCH IN FORT LAU-  
DERDALE, FLORIDA**

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the life and career of Dr. Mack King Carter, Senior Pastor of New Mount Olive Baptist Church in Fort Lauderdale, Florida on the occasion of his retirement. New Mount Olive, founded in 1918, was extremely fortunate to receive Dr. Carter as co-pastor in August 1981. Dr. Carter has led the congregation since November 1982.

Dr. Carter, a native of Ocala, Florida, received a Bachelor of Arts degree from the University of Florida in 1970, a Master of Divinity degree in 1976 and a Doctorate of Ministry degree in 1978, both from Southern Baptist

Theological Seminary. He has done additional studies at Florida Memorial College and has received honorary doctorate degrees from Florida Memorial and Bethune Cookman College.

Dr. Carter is considered one of America's great African American "pulpiters." His travels have taken him throughout the United States and abroad, preaching, teaching and lecturing. A talented educator and popular speaker, his classes at the National Baptist Convention Congress of Christian Education are filled to capacity with preachers and lay persons who come to hear one of God's master teachers. The consummate theologian, he is considered a "preacher's preacher."

During his long career, Dr. Carter served three churches in Ocala, Florida and one in Prospect, Kentucky before coming to New Mount Olive. A great writer in addition to his other talents, he has authored four books: A Catechism for Baptists, To Calvary and Beyond, A Quest for Freedom and Interpreting the Will of God.

In his younger days, Dr. Carter was a huge fan of the New York Yankees. Everyone in the New Mount Olive family and visitors through the years fondly recall his greeting, "We're deliciously proud to have you." Since 1973, he has been the devoted husband of Patricia A. Thomas Carter and is the proud father of two wonderful daughters, Annalisa Robinson-Melton and Pamela Latrice Johnson. He is also the doting grandfather of Brittany N. Robinson and Carter Nathaniel Johnson.

Madam Speaker, it has been a great joy for me and this congregation to have Dr. Carter as a friend, supporter, comforter and mentor. I wish him the very best on his retirement.

**HONORING THE SERVICE OF THE  
LIBRARY OF CONGRESS POLICE**

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. BRADY of Pennsylvania. Madam Speaker, as Chairman of the Committee on House Administration in conjunction with Ranking Member DANIEL LUNGREN, we want to take a few moments to recognize and say thank you to the Library of Congress Police, who will be formally merged into the U.S. Capitol Police force on October 1, 2009.

The Library of Congress, founded by Congress in 1800, is not only the Nation's oldest federal cultural institution and research arm of the Congress, it is an unparalleled multimedia world resource containing more than 142 million items in its collections with more and more information in digital form, including numerous documents concerning the founding of the Nation and its history.

The Library's collections, buildings, and dedicated staff are widely known and respected and protecting these resources has been both the mission and achievement of the Library of Congress Police. Security at the Library, like other U.S. public institutions, includes protecting facilities, staff and visitors. Uniquely, the Library of Congress must also protect—for the present and future use of

Congress and the Nation—the largest, richest and most diverse collection of recorded knowledge ever assembled.

In the early days, Library of Congress buildings and grounds were policed by building guards commissioned as special policemen. In 1950 the Librarian of Congress was given statutory authority to designate Library of Congress special police as employees of the Library. In 1987 Congress authorized that the Library Police rank structure and pay be made comparable to the Capitol Police and began in the 1990s considering whether the two police forces should be merged. Over time, the Library Police became an integral and critical part of the Library's interlocking structure to protect not only people and buildings but the priceless collections from a variety of threats. With the Oklahoma City bombing in 1995, the 1998 shootings of the Capitol Police officers at the Capitol and especially after the September 11 terrorist attacks, Congress mandated significant security upgrades in the Capitol complex, including the Library of Congress. Finally, in the interest of security uniformity, the President signed into law PL 110–178 in 2008, formally merging the Capitol and Library of Congress police forces, providing, after a transition period, for completion by October 1, 2009.

Over many years, the Library Police have provided exemplary security and law enforcement for the Library of Congress. Library Police have demonstrated the highest level of dedication and excellence in both fulfilling their public safety mission and protecting the Library's irreplaceable collections.

As the force is now merged into the Capitol Police, it marks the end of the storied era of the Library of Congress Police as a distinct entity.

We ask our colleagues to thank them. We want every member of the force, past and present, to know how much we in the Congress have valued their service and professionalism.

IN HONOR AND REMEMBRANCE OF  
UNITED STATES NAVY ENSIGN  
MATTHEW RICHARD MCFARLAND

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of United States Navy Ensign Matthew Richard "Uncle Buck" McFarland, who courageously and selflessly rose to the call to duty and made the ultimate sacrifice in service to his country.

Matthew McFarland was born on April 1, 1922, the youngest of eight children. Affectionately known as "Uncle Buck" by his family, Ensign McFarland's parents, Hugh McFarland and Grace O'Reilly, and siblings, Hugh, Joseph, Katherine, Margaret, Mary Grace, John and Andrew, were a close family with a strong connection to the Catholic faith. At Holy Name Church, Ensign McFarland served Mass every morning as a child until the day before he entered the Navy. Before entering the Navy Reserves in 1943, he worked at Otis Steel in

Cleveland. In 1944, he earned the rank of Naval Aviator and trained for flight in a Fighting Squadron. In 1947, Ensign McFarland was posthumously awarded the WWII Victory Medal by the United States Navy Chief of Naval Personnel.

He died while serving our country on February 15, 1945 at the age of 22. Navy Ensign Pilots, McFarland and Lt. Battenfeld vanished from the sky during a routine flight from Sand Point Naval Air Station in Washington State. Seven months later the wreckage was discovered on the side of a mountain. For more than 60 years, the bodies of the young soldiers rested in a temporary grave, buried among rock and forestry, their names engraved on the flat surface of a boulder and a cross carved at the base of a tree nearby.

Members of the U.S. military's Joint POW/MIA Accounting Command Team led the effort to return Ensign McFarland and Lt. Battenfeld to their families and permanent places of rest. Members of the Army Reservists from the 737th Transportation Company volunteered in the effort. On September 25, 2009, the body of Navy Ensign Matthew McFarland returns home to Cleveland, Ohio, where friends and family will gather in his honor and memory.

Madam Speaker, and colleagues, please join me in honor and remembrance of Navy Ensign Matthew Richard "Uncle Buck" McFarland, whose service to our nation will be honored and remembered by the Cleveland community. Though sixty-four years have passed, the memory of Ensign McFarland will remain in the hearts of his many nieces, nephews, cousins and friends.

A PROCLAMATION HONORING  
BRENNAN SOKOWOSKI FOR WIN-  
NING THE BOYS' DIVISION III  
STATE BASEBALL CHAMPION-  
SHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Brennan Sokowoski showed hard work and dedication to the sport of baseball; and

Whereas, Brennan Sokowoski was a supportive team player; and

Whereas, Brennan Sokowoski always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Brennan Sokowoski on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

HONORING BISHOP T. GARROTT BENJAMIN, JR., D. MIN., SENIOR PASTOR OF LIGHT OF THE WORLD CHRISTIAN CHURCH FOR OVER 40 YEARS OF LEADERSHIP AND SERVICE

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor Bishop T. Garrett Benjamin, Jr., Deacon Minister and Senior Pastor of the Light of the World Christian Church in Indianapolis.

For the past 40 years, Bishop Benjamin has exhibited bold and charismatic leadership on behalf of his congregation and his community. His efforts on behalf of the World Christian Church have made his congregation one of the most active and well respected in the city. Through his dedicated service, Bishop Benjamin has earned a reputation as a formidable advocate on behalf of poor minorities, fighting unceasingly for racial justice across Indianapolis.

At a time when committed and compassionate leadership is much too rare in public life, Bishop Benjamin's indomitable spirit continues to inspire generations to improve our communities and serve their neighbors through Christian ministry. Thousands of local residents have been touched by Bishop Benjamin and his congregation, a number that continues to grow daily.

Today, I ask my colleagues to join me in honoring Bishop Benjamin for his 40 years of dedicated leadership and service as the esteemed Pastor of Light of the World Christian Church in Indianapolis, Indiana.

INTRODUCTION OF THE FEDERAL  
JUDGESHIP ACT OF 2009

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. JOHNSON of Georgia. Madam Speaker, today I am introducing the Federal Judgeship Act of 2009, which calls for the creation of additional federal judgeships in the courts of appeals and district courts.

The United States legal system is the envy of the world. Our legal system has historically provided fair, timely, and expert adjudication of civil disputes and criminal prosecutions for hundreds of years. There are, however, a number of challenges facing our federal legal system that must be addressed if it is to maintain the standard of service our citizens expect and deserve. One of these challenges is an overworked judiciary.

Many of our federal courts are in desperate need of new judges. It has been nearly 19 years since Congress has passed a comprehensive judgeship bill. In this time, caseloads for district courts have gone up 31 percent and the caseloads for appeals courts have gone up 38 percent, placing significantly increased demands upon our federal court

system. This unfairly burdens our judges and leads to delays in the administration of justice. If we are to avoid realization of the old adage, "justice delayed is justice denied," we must not delay in providing our judiciary with the resources it needs.

The Federal Judgeship Act of 2009 calls for 12 additional court of appeals judgeships and 51 additional district court judgeships. The number of judgeships called for in this legislation mirrors those called for by the Judicial Conference of the United States in its 2009 recommendations.

The Judicial Conference's recommendations are based on a comprehensive analysis of the workload of federal judges, which took into consideration not only the number, but also the nature and complexity of the cases before the various courts. According to this analysis, the average weighted case filings for the 25 district courts receiving additional judgeships under this bill were 573, while the target number of case filings is only 430. In other words, the workload before these courts is 133 percent of what is considered the normal capacity of these courts. Clearly, this is stretching our judiciary beyond reason.

In the interests of timely and effective administration of justice, we must pass comprehensive judgeships this Congress. I thank my colleagues Representatives JOHN CONYERS, SILVESTRE REYES, SHEILA JACKSON-LEE, and ROBERT WEXLER, who have worked with me on this very important piece of legislation. I also ask the rest of my colleagues in the House of Representatives to support rapid passage of this legislation.

#### CONGRATULATING CLARKSVILLE POLICE CHIEF GREG DONALDSON—

#### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. BOOZMAN. Madam Speaker, I would like to congratulate Clarksville Police Chief Greg Donaldson for his service to protecting the public, upholding the law and his vision for community involvement in helping find missing children. For his dedication and commitment, Chief Donaldson has been named the Arkansas Association of Chiefs of Police, AACP, 2009 Chief of the Year. Chief Donaldson shares this honor with the community, telling the Russellville Courier that "Without the employees here and the members of the community, I could have never been chief of the year," he said. "It would be easy for me to say, 'I have this award, and this award is about me,' but it belongs to the whole community."

Chief Donaldson is continuously putting the community first, as a police department employee for two decades, serving in a number of roles including dispatcher, patrol officer, investigator, supervisor, Sergeant and for the last 21 months as Chief.

At the helm of the department Chief Donaldson has implemented new and innovative programs including partnering with Morgan Nick Foundation for the "Picture Them Home Campaign" that puts pictures of missing children

on patrol cars. The Clarksville Police Department was the first to do this and since then several other law enforcement agencies have followed. In recognition of the department's efforts Chief Donaldson and the Clarksville Police Department was awarded the "2009 Morgan's Choice Award." Chief Donaldson is always looking for ways to make an impact on the community. "The day I walk out the door, I want people to be able to say 'he made a difference in the lives of children and grandchildren.' If they say that, I've done my job," he told the Russellville Courier.

It is clear he has done that and I am confident that will continue. I commend Chief Donaldson for his service as well as his good work and wish him continued success in the future. I ask my colleagues today to join with me in honoring Greg Donaldson, a wonderful public servant, who is and always will be dedicated to the people of Clarksville.

#### IN HONOR OF WALTER STRINE, SR.

#### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SESTAK. Madam Speaker, I rise to honor the remarkable life of Walter Strine, Sr., who passed away on September 22, 2009 at the age of 100.

A living example of the Horatio Alger ideal, Mr. Strine was trained as a bricklayer at the Williamson Free School of Mechanical Trades, from which he graduated in 1929. It was at Williamson—established in 1888 to provide financially disadvantaged young men with the opportunity to become productive and respected members of society—that the foundation of a very successful life was laid. From there Walter Strine embarked on a career that included teaching, real estate development, and philanthropy. In each aspect of his exceptional life he reflected very proudly on the virtues and skills he learned at Williamson. His work ethic, intellect, devotion to family and community were unmatched and left the most positive, lasting impression on everyone who knew him.

Married to the love of his life, Elizabeth Sterling Strine, for over 70 years and the father of Walter, Jr. and William—both talented and successful men in their own right—his life could not have been fuller. He was inordinately generous to Williamson—where he was responsible for the construction of the Strine Learning Center and he was a member of the Board of Trustees for 25 years.

His vision, basic decency, and business acumen shaped the Borough of Media, Pennsylvania into one of the most livable and prosperous communities in our Commonwealth. In addition to his work developing the area's commercial district, he also purchased the Media Theater and transformed it over time into a center for the Performing Arts that is a showcase for local talent and venue for residents from throughout Delaware County to gather in the company of one another.

I cannot imagine a better life than the one lived by Walter Strine, Sr. The results of his

work abound in his hometown, he made a great and better difference in the lives of thousands and he was loved and respected. He will be sorely missed.

#### A PROCLAMATION HONORING CHASE BURCHER FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

#### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Chase Burcher showed hard work and dedication to the sport of baseball; and

Whereas, Chase Burcher was a supportive team player; and

Whereas, Chase Burcher always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Chase Burcher on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

#### EARMARK DECLARATION

#### HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. BISHOP of Utah. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2265, the Magna Water District Water Reuse and Groundwater Recharge Act, 2009.

Requesting Member: ROB BISHOP

Bill number: H.R. 2265

Account: Title XVI of Public Law 102–575, the Reclamation Wastewater and Groundwater Study and Facilities Act

Legal name and address of requesting entity: Magna Water District, located at 8600 W. 2711 S., PO Box 303 1, Magna, Utah 84044

Description of project: \$12,000,000.00 to allow for the planning, design and construction of the Magna Water District water reuse and groundwater recharge project.

#### HONORING THE YALE WHIFFENPOOFS OF YALE UNIVERSITY ON THEIR CENTENNIAL ANNIVERSARY

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Ms. DeLAURO. Madam Speaker, it gives me great pleasure to rise today to extend my sincere congratulations to the Yale

Whiffenpoofs—the oldest continuous collegiate a cappella singing group in America—as they celebrate their centennial anniversary.

The Whiffenpoofs of Yale University were first formed at the old Mory's Bar on Temple Street in New Haven, Connecticut 100 years ago by 5 men, Denton Fowler, James Merriam Howard, Carl Lohmann, Meade Minnigerode, and George Pomeroy, where they performed weekly concerts. Thus began one of Yale University's most celebrated and hallowed traditions.

Each year, 14 men are selected to participate in this time-honored institution and are asked to make an international tour to U.S. embassies, foreign capitals, palaces, churches, and the smallest of villages on every continent. These outstanding songsters serve as ambassadors of song and goodwill on behalf of Yale University, college students, and the United States. The Whiffenpoofs also stand as a model for a cappella singing groups formed at colleges and universities across America.

The Whiffenpoofs are perhaps best known for the "Whiffenpoof Song"—an unpublished setting of Rudyard Kipling's "Gentlemen-Rankers." The "Whiffenpoof Song" was the adopted theme song of the brave men of the Black Sheep Squadron of the U.S. Army Air Force in World War II and, over the years, has been recorded by some of America's greatest artists including Bing Crosby, Ella Fitzgerald, Louis Armstrong, and Elvis Presley. We could not be more proud of all that this wonderful singing group has accomplished over its 100-year history.

For their many contributions to our community and for all the joy they have brought to audiences around the world, I am very proud to stand today to extend my heartfelt congratulations to the Yale Whiffenpoofs as they celebrate their 100th Anniversary. I wish them all the best for another century of song, tradition, fellowship, and friendship.

**A PROCLAMATION HONORING  
DUSTY BYERS FOR WINNING THE  
BOYS' DIVISION III STATE BASE-  
BALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Dusty Byers showed hard work and dedication to the sport of baseball; and

Whereas, Dusty Byers was a supportive team player; and

Whereas, Dusty Byers always displayed sportsmanship on and off of the field; Now, Therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Dusty Byers on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

**PERSONAL EXPLANATION**

**HON. CHRISTOPHER P. CARNEY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. CARNEY. Madam Speaker, on Tuesday, September 22, I was absent for three roll-call votes. If I had been here, I would have voted: "yes" on rollcall vote 720, "yes" on rollcall vote 721, and "yes" on rollcall vote 722.

**HONORING DIANE LYNCH**

**HON. WALTER B. JONES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. JONES. Madam Speaker, I rise today to pay tribute to Diane Lynch, a great North Carolinian and a great educator, upon the occasion of her August 31st retirement from the Public School System in my State.

All of us in Congress know, or should know, that educating our youth is key to insuring a prosperous future. Diane Lynch, of the Moss Hill Community of Kinston, North Carolina, dedicated her entire working life—some 36 years—to the ideal of imparting the very best education possible to young people.

For Diane, educating young people was an imperative that she fulfilled tirelessly every day, even when doing so was sometimes thankless and unappreciated. Diane Lynch is an example to all of us of the power of personal commitment. Her professionalism, dedication, perseverance and love served very well, not only her students and co-workers, but also the hundreds of families whose lives she touched and improved.

Starting as a teacher in 1973, and then rising to assistant principal, then principal and finally to associate superintendent, Diane's career spanned 36 years. Her energy and love of education will be sorely missed.

Congratulations to Diane Lynch for her long and valuable service.

Madam Speaker I ask that an article about Diane Lynch's retirement, which appeared in the August 18, 2009 edition of the Kinston Daily Free Press be submitted in its entirety.

[From the Kinston Daily Free Press]

SAYING GOODBYE

(By Chris Lavender)

Diane Lynch, long-time teacher and principal and current associate superintendent of Lenoir County Schools, will soon say goodbye to a career she has developed for the past 36 years.

Lynch will retire from the school district Aug. 31, after making a decision this summer to walk away. Lenoir County Schools Superintendent Terry Cline announced Tuesday that Lynch had decided to retire.

The announcement was made during a Lenoir County Schools opening ceremony for staff held at Kinston High School. A majority of those in attendance weren't aware Lynch was stepping down, Cline said.

Cline said the school board members were notified last Thursday of Lynch's retirement plan. On Monday, the school district's senior central staff and principals were notified. Lynch said there was no specific reason she decided to retire this month.

"It's just the right time," she said.

Lynch said she plans to stay active in the school district until her final day. Lenoir County schools open for students Tuesday. She said she plans to visit several schools during opening week.

Cline said he was reluctant to accept Lynch's retirement because of her value to the school district.

"I am happy for her but it's a sad day for Lenoir County Schools," Cline said. "I can't replace her because she is a very special lady."

Cline said he hasn't decided yet if the school district will hire an interim or full-time associate superintendent. A decision will come in the next few months. Cline said.

Lynch began her career during 1973 with Wayne County Schools, where she taught elementary school. After several years there, she continued her career at Moss Hill Elementary School in Lenoir County. She taught at Moss Hill for nine years.

Lynch later became assistant principal at La Grange Elementary School and then principal at Northwest Elementary School for 13 years. For the past three years, Lynch has served as associate superintendent.

During her career, Lynch said she strived to help students excel and reach their goals. The personal connections she made with her students will last forever, she said.

"I am always satisfied when I see my former students in the community and we talk about good times," Lynch said. "I was always fair and consistent and worked to earn the respect of my co-workers."

Lynch said she doesn't know what she will do during her retirement. She said she is looking forward to a break from the daily grind.

"I'm going to rest for a few months," Lynch said.

During their five years together, Cline said he developed a strong working relationship with Lynch.

"We cried and laughed together," Cline said. "There were things that I told her that I didn't tell my wife because I didn't want to get my wife involved in the politics. Superintendents have very lonely positions."

Lynch acknowledged she had a great working relationship with Cline. She thanked him for working to make Lenoir County Schools a better place for students.

**MINNIE LOUISE THOMPSON  
GARDNER**

**HON. BOB INGLIS**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. INGLIS. Madam Speaker, October 8, 2009 marks the 100th anniversary of Minnie Louise Thompson Gardner. She departed this life on Sunday, January 7, 2007. Her life was committed to God, service to family. Friends and community.

Early in her youth, she accepted Christ and united with Springfield Baptist Church, where she became active in the choir, Usher Board, Baptist Student Union and the Missionary Society. Minnie worked faithfully until the birth of her children and care of ailing parents curtailed her involvement. However, her dedication and faithfulness to the legacy and growth of the church during her more than 80 years of membership remained constant. Life led

Minnie toward employment within the field of hospitality. She retired from public service as the head cook of the Holiday Inn Chain of Greenville, South Carolina.

Minnie attended Greenville County public schools and was among the first graduating class of the Sterling Normal and Industrial Institute in 1927. During this time, she was a founding member and soloist of the Marian Anderson Music Club. Minnie was also a founding member of the Hattie Duckett Cultural Club. She was recognized in 1998 by the Phillis Wheatley Center and American Federal Bank for sharing her story as an outstanding member of the Phillis Wheatley basketball team. Following high school, Minnie continued her education at Benedict College, where she was awarded a Teacher's Certificate.

Minnie's lifelong commitment to family was evident in the foundation that she laid to promote personal and professional success of her children and children in the community. SHARE recognized Minnie as a community leadership icon and legendary human advancement advocate for her service to the antipoverty/Community Action movement in upstate South Carolina. In response to her long-standing dedication to the community, the Thompson-Gardner Park in the newly developed Viola Street Community was dedicated in her honor by the city of Greenville on July 11, 2005.

The Minnie Gardner College Fund for the CDC Agency for Toxic Substance Disease Registry Chapter of Blacks in government and the Minnie L. Gardner Scholarship have been established since her death.

#### IN RECOGNITION OF THE 40TH ANNIVERSARY OF AUBURN UNIVERSITY AT MONTGOMERY

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House today to pay recognition to an important educational institution in Montgomery, Alabama, as it celebrates 40 years of excellence in higher education.

In September 1969, the doors to Auburn Montgomery were formally opened to students. Since that time, the student population has grown by a factor of 9 and the areas of study from 16 to over 90. Through its 40 years, Auburn Montgomery has conferred more than 31,000 degrees.

Like so many of east Alabama's proud institutions of higher education, Auburn Montgomery has produced great leaders and thinkers who have made enormous contributions to our State and our Nation. We are all proud of AUM for achieving this important milestone, and look forward to its continued growth and prosperity in its next 40 years of academic excellence.

#### PERSONAL EXPLANATION

### HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. CARNEY. Madam Speaker, I was unable to be here to cast my vote in support for the Unemployment Compensation Extension Act, but I strongly support the targeted extension of unemployment benefits provided by H.R. 3548.

The 314,000 Americans set to lose unemployment insurance this month—and the more than 1 million who will exhaust their benefits by the end of the year—need help to avert an even bigger financial tragedy, such as the loss of their home or a medical bankruptcy, which would ripple out into our larger economy.

Extending these benefits is a cost-effective and efficient way to stimulate the economy. Every \$1 spent on unemployment benefits generates \$1.63 in new economic demand. Not only does it help the unemployed worker stay on top of their bills, it keeps capital flowing through small businesses and keeps the larger economy on the right track to recovery.

#### A PROCLAMATION HONORING JAMIE BURCHER FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Jamie Burcher showed hard work and dedication to the sport of baseball; and Whereas, Jamie Burcher was a supportive coach; and

Whereas, Jamie Burcher always displayed sportsmanship on and off of the field; Now, Therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Jamie Burcher on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

#### CRANIOFACIAL ACCEPTANCE MONTH

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. ROSS. Madam Speaker, I am pleased to share my support and acknowledgement of September as Craniofacial Acceptance Month.

Each year, approximately 100,000 children are born in the United States with some form of facial disfigurement. In many cases, reconstructive surgeons can correct these problems early—often while the children are still infants. In other cases, however, reconstruction is not as easy or even possible.

The Children's Craniofacial Association (CCA) is an organization that supports these children and their families. Nationally and internationally, CCA addresses the medical, financial, psychosocial, emotional, and educational concerns relating to craniofacial conditions. CCA's mission is to empower and give hope to individuals and families affected by facial differences. I am honored to acknowledge that 2009 marks their 20th anniversary and am pleased to share my support and thanks for their designation of September as Craniofacial Acceptance Month.

In 2001, my constituent Wendelyn Osborne brought the craniofacial disorders issue to my attention. At a young age, Wendelyn was diagnosed with Craniometaphyseal Dysplasia (CMD). CMD is a rare disorder that affects only 200 people worldwide. Specifically, CMD involves an overgrowth of bone which never deteriorates. In Ms. Osborne's case, this caused an abnormal appearance, bilateral facial paralysis, and deafness. Other cases can include those characteristics, as well as blindness and joint pain. Wendelyn has undergone many extensive reconstructive surgeries to counteract the medical difficulties that comprise her disorder.

Unfortunately, the majority of reconstructive surgeries, such as those Wendelyn has undergone, are not covered by insurance companies. Rather, many of them are treated as strictly cosmetic. As a result, individuals are forced to fight their insurance companies just to receive the life-saving surgeries they need. The fact that these surgeries have been grouped in the same "cosmetic" category as surgeries that simply make people look better or younger is a tragedy.

It is my hope that further education and understanding of craniofacial disorders will allow our nation to move forward and update existing laws to better meet the medical needs of those needing reconstructive, not cosmetic, surgery. I urge my colleagues—especially in a year focused on health care reform—to join in this effort and help recognize these conditions through Craniofacial Acceptance Month so that all Americans can access the care they need.

#### TRIBUTE TO THE CITY OF JONESBORO'S 150TH ANNIVERSARY

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to the city of Jonesboro on the 150th anniversary of its establishment. I stand to recognize this milestone in the city of Jonesboro's history and reflect on how far this community has progressed.

The city of Jonesboro is located in Craighead County, which was created in 1859. Despite the opposition of State Senator Thomas Craighead, the Arkansas Senate created the new county from parts of Greene, Mississippi, and Poinsett counties. In an effort of goodwill, State Senator William Jones, who represented St. Francis and Poinsett counties and was a proponent of the bill, named the

new county after Senator Craighead. In return, once the county seat of Jonesboro was established that same year, it was named in honor of Senator Jones.

In 1860, historical records indicate Jonesboro had a population of 50. Currently, the city is a bustling community approaching 60,000 people and has grown to become one of the strongest economic centers in the state. Jonesboro is known for award winning school districts, Arkansas State University, outstanding medical centers, and a regional destination for arts and entertainment. Jonesboro is an outstanding community to me and I am honored to represent all of the wonderful people who call Jonesboro their home.

Over the past 150 years Jonesboro has seen many changes but one thing remains the same—the people of this city, throughout good times and bad, have always come together to cherish, celebrate and support one another. This is what makes the community unique and it is their key to success. I am certain the City of Jonesboro has a bright future and will continue to be the cornerstone for prosperity in our state.

#### BILL OF RIGHTS FOR THE NEW MILLENNIUM

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. DUNCAN. Madam Speaker, Billy Stokes is the founder and senior partner of the law firm of Stokes, Williams, Sharp and Davies in Knoxville, Tennessee. He was one of the highest-ranking state officials during the administration of former Governor Don Sundquist.

Like most Americans today, he is worried about our Country's future. He has given a lot of thought to where we are and where we are headed as a nation, and he has written to me with a proposal for a "Bill of Rights for the New Millennium."

#### BILL OF RIGHTS FOR THE NEW MILLENNIUM

##### I. WE THE PEOPLE OF THE UNITED STATES:

This means all of us;

##### II. IN ORDER TO FORM A MORE PERFECT UNION:

We pledge to cooperate and communicate with members of the opposing party to address and to resolve issues affecting our Nation in a civil manner;

Communication and cooperation does not require abandoning our core principles;

The Federal Government will not impose its will on state and local governments;

##### III. ESTABLISH JUSTICE:

The right of the people to seek redress and remedy in the Courts will not be impeded;

Those who seek to demean or simply profiteer by abusing our judicial system through frivolous lawsuits will not be tolerated.

##### IV. INSURE DOMESTIC TRANQUILITY:

Lines of communication from the citizenry to the Government will be open and welcome;

Citizens will not be intimidated or insulted for petitioning the government through their elected representatives, to be heard;

##### V. PROVIDE FOR THE COMMON DEFENSE:

The greatest and most honorable military in the history of the world will be maintained and supported;

We will use our might to protect our freedoms and will protect the USA from enemies of such freedoms, state-sponsored or otherwise; foreign or domestic, by all means necessary;

##### VI. PROMOTE THE GENERAL WELFARE:

We will see that access to adequate healthcare is available to all Americans;

The helpless will be helped;  
Meaningful opportunities for success will be open to all who are willing to work;

##### VII. SECURE THE BLESSINGS OR LIBERTY TO OURSELVES AND OUR POSTERITY:

We will support the principles of hard work that this Nation is built upon;

While taxes are necessary, hard work and success will not be punished by attempts to redistribute wealth gained thereby;

We cannot and will not pile debt upon our children and grandchildren;

##### VIII. WE WILL DEFEND AND PROTECT THE CON- STITUTION OF THE UNITED STATES OF AMER- ICA AT ALL TIMES.

#### EMPLOYER-OWNED LIFE INSURANCE LIMITATION ACT

**HON. LUIS V. GUTIERREZ**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. GUTIERREZ. Madam Speaker, I rise today to announce the introduction of my bill, the "Employer-Owned Life Insurance Limitation Act." Every employee makes a commitment to his employer. He commits time, energy and creativity to the advancement of the company.

However, instead of making a commitment to their employees—their health, education and wellbeing—many companies are gambling on their lives by taking out employer-owned life insurance policies in which the company is the only beneficiary. The family and loved ones of a deceased individual should be the only beneficiaries of a life insurance policy, not a speculating company.

As highlighted in Michael Moore's new film, "Capitalism: A Love Story," a corporation is allowed to take out life insurance on its employees—often without their knowledge or consent—and cash in, in the event of their death. These policies are being taken out on everyone from the CEO to the janitor, and the only beneficiary of these countless policies is the company itself.

Every day, 14,000 people in this country lose their health insurance; but instead of investing in the health, life and longevity of its employees, much of Corporate America has adopted the practice of investing its resources in the demise of its employees. My legislation would prohibit the practice of taking out employer-owned life insurance except in the case where the death of an individual would incur a significant cost to the company—that is individuals making \$1 million or more in salary.

In addition, this legislation would require that the company disclose the policy to the covered individual within 30 days of taking out the policy. Also, should the employee move on to another job, the employer would have 30 days to cancel the policy. This will stop the practice of taking out policies without an employee's knowledge and maintaining the policy long after the employee has left the company.

Employees who find that their employer has taken out a policy in violation of this legislation would have the right to bring civil action against their employer to stop the company from holding the contract. Additionally, the employee could be awarded damages amounting to either \$500,000 or, in the case of a deceased employee, three times the amount of the benefit paid to the employer. In the case of a living employee, the employee would be awarded three times the benefit as it exists on the date of action, whichever is greater.

I believe that taking out employer-owned life insurance policies on non-executive level employees is criminal, and my legislation would punish it accordingly by establishing such a violation as a misdemeanor punishable by a \$500,000 fine and imprisonment for up to one year.

This legislation would also commission a GAO study to examine the prevalence of these policies and the number of violations under this bill to ensure that we have the most accurate information on this practice.

Madam Speaker, each year companies spend \$8 billion in premiums on these policies. That is \$8 billion that could be directed toward employee healthcare, pensions and educational opportunities. Instead, it goes to what is essentially a game of Craps, where an employer is betting and banking against the employee's life.

I ask my colleagues to join me in eliminating this unjust practice.

#### TRIBUTE TO THE MEMORY OF MAXINE JAMES

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise with a heavy heart to remember my long time Chief of Staff and friend, Maxine James. Maxine passed away on September 21, 2009, after a lengthy illness. Prior to her retirement last year, Maxine served as my Chief of Staff from the time of my inauguration in 1989. She was an integral part of my career and I credit much of my success to her capable skills. Maxine was the consummate professional who served as my personal advisor and as Staff Developer for my office.

Maxine James was born and raised in Newark, New Jersey. She was a long time resident of Newark until she purchased a home in East Orange 12 years ago. Maxine was always interested in being of service to the public at large. During her 15 years as a Community Affairs Department Staffer for Prudential Insurance Company, she served on the boards of directors of various community organizations including Second Chance, a program developed to help ex-offenders and the problem of recidivism; Newark House, a State run halfway house for prisoners and Newark Emergency Services for Families where she served the board as treasurer, vice president and president. During Maxine's tenure as president, NESF opened the first homeless shelter



for families. It was while I served an executive at Prudential that I had the opportunity to meet this talented and promising young woman.

Maxine was an extraordinarily gifted woman who volunteered her skills and resources to assist others. She was only the third woman and first African-American woman to join the Newark Jaycees. She used her limited knowledge of campaigns and elections to mount a campaign for the position of external vice president which she won handily. Maxine enjoyed a vast network of friends and associates who will all miss her tremendously. Maxine was a dedicated and caring mother to her two sons, Brian and Christopher as well as a devoted grandmother to Olivia and Malcolm.

Madam Speaker, I know my colleagues agree that the Greater Newark Community has lost a visionary and friend in Maxine James. Her family, friends and associates can all be proud of the legacy she leaves behind.

OPPOSING MOTION TO RECOMMIT  
H.R. 3221

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. KUCINICH. Madam Speaker, I rise to voice my concern over the recent motion to recommit the bill HR 3221, the Student Aid and Fiscal Responsibility Act of 2009, which passed the House on September 17, 2009.

The motion to recommit stated, in part, that no organization that has been indicted for any federal or state campaign finance or election law can be eligible for any federal government contract or grant. The motion specifically names the Association of Community Organizations for Reform Now (ACORN) as an organization covered by the bill.

Article I, Section 9 of the Constitution clearly states, "No Bill of Attainder or ex post facto Law shall be passed." Congress cannot legislatively punish an individual or specific class of people. The fact that the motion to recommit appears to meet both criteria for a bill of attainder—specificity and punishment—should give us pause. Legislation that could potentially violate the Constitution surely deserves more debate than twenty minutes.

The recent revelations regarding the conduct of some ACORN employees is disquieting and merits closer investigation; however it is not Congress' place to assign guilt and punishment. The Constitution affords all accused people the protections of the judicial system; Congress must allow the judicial branch to function properly. For this reason I opposed the motion to recommit, and I will oppose any legislation that attempts to punish an individual or specific class of people without the judicial protections afforded them by the Constitution.

PERSONAL EXPLANATION

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Ms. WOOLSEY. Madam Speaker, on September 23, 2009, I was unavoidably detained and was unable to record my vote for rollcall No. 732. Had I been present I would have voted:

Rollcall No. 732: No—on Motion to Adjourn.

HONORING MR. EDWARD C.  
YBARRA, JR.

**HON. CHARLES A. GONZALEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. GONZALEZ. Madam Speaker, Central Catholic High School has a long and glorious history in San Antonio. On March 25, 1852, it became the first boys' school to open in the city and it has served generations of San Antonio's young men. Now, one of Central's distinguished alumni, Edward C. Ybarra, Jr., is poised to become its 35th principal.

Mr. Ybarra first came to Central as a freshman in 1979 and, after graduating in 1983, went on to earn his degree from Texas Lutheran University. Central had clearly put its hold on him, however, and Ybarra returned to the school in 1987 to coach the basketball, football, track, and golf teams. He started teaching history the next year and, after earning his Master's Degree in Education from the University of Texas at San Antonio, became Assistant Principal for Student Development in 1997.

Over the years, he helped to forge Central into a second family and safe haven for its students and their families, efforts that earned him a nomination as Assistant Principal of the Year from the National Catholic Educational Association.

Edward Ybarra's successes stand as a testament to the strong foundation of his school-days at Central as the successes of his thousands of young charges reflect the quality of his leadership as a teacher and assistant principal. Both augur well for the successes to come to him and to Central under his leadership as president. The depth of his connection to the school over the past thirty years also speaks to the strength of community at Central Catholic High School.

Henry Adams once wrote, "A teacher affects eternity; he can never tell where his influence stops." Edward Ybarra has affected eternity, and the world is better for it.

HONORING MR. PAUL E. ATKINSON

**HON. JOE SESTAK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. SESTAK. Madam Speaker, I rise in honor of Mr. Paul E. Atkinson, who died Au-

gust 4, 2009 following a fall at his residence in Palo Alto, CA. He is survived by a son Paul E. Atkinson of Paris, France, a daughter Mary Hafner of Palo Alto, CA, and a son Peter Atkinson of Grand Junction, CO and seven grandchildren.

Mr. Atkinson was the long time President of Sun Ship, a leading shipyard nationally, and one of the largest employers in Delaware County, part of the District that I have the honor to represent. Very many of my constituents in Delaware County and in its surroundings worked at Sun Ship under the extraordinary leadership of Mr. Atkinson.

Among their many proud achievements were (1) the 590 foot HUGHES GLOMAR EXPLORER, built at the height of the Cold War for the CIA to secretly lift a sunken Soviet submarine from a three mile depth in the Pacific Ocean, (2) conversion of the tanker MANHATTAN into the largest icebreaker of all time, that successfully twice transited the Northwest Passage to Alaska and became the forerunner of the commercial commerce now beginning in the Arctic, and (3) construction of the largest solid rocket cases ever, begun in the period of President Kennedy's renowned reach into space.

With regret at Mr. Atkinson's passing but with thanks to him and those of my constituents who worked with him, I am pleased to add the following record of Mr. Atkinson's achievements.

Mr. Atkinson joined Sun Shipbuilding & Dry Dock Company in Chester, PA after graduating from the Webb Institute of Naval Architecture in May 1942. Mr. Atkinson undertook many varied assignments in both new shipbuilding and ship repair operations during those war years and helped to guide Sun Ship into the post-war era with employment in the 5000 range, introduction of unions and participation in the postwar prosperity with new shipbuilding some 70% of manpower, burgeoning ship repair work 10–20% from increased Delaware River traffic and outside sales (non marine) work 10–20% from wind tunnels, the largest solid rocket cases ever built, much nuclear work for reactors, Savannah River and the Fernald Plant, paper mills, and key components of the Verrazano Bridge.

During the Korean War, Mr. Atkinson became General Superintendent of all operations and in 1956 he became Vice President of Operations. Large shipyards in the United States began with the invention of riveting and Sun Ship was no exception. In 1957, Mr. Atkinson led the complete rebuilding of the shipyard with fewer but greatly enlarged shipways into a true welding shipyard with several pioneering attributes, among them the largest floating drydock then in the United States.

A keen business participant well versed in the involvement of government in marine shipbuilding contracts whether through subsidy or mortgage guarantee, Mr. Atkinson looked for a better way. He became Sun Ship President in 1961. In 1965 he saw a shipping need and a Navy budgetary impediment under Defense Secretary McNamara. Mr. Atkinson conceived the gas turbine propelled ADM. WM. M. CALLAGHAN, and with an established ship operator, Sun Ship formed a joint venture that built, chartered and operated the ship for decades for the Navy.

Building on that success, Mr. Atkinson, was an early pioneer in the development of roll-on/roll-off (ro/ros) vessels. During 1965–1977 Sun Ship constructed ten ro/ros, five 80,000 ton tankers, several 120,000 ton tankers, placing many of those ships in build and charter subsidiaries under the shipping diversification strategy he pioneered at Sun Ship. Among these was TOTE, a dry cargo roll-on/roll-off shipping company, wholly owned by Sun Ship, operating to Alaska. Today it is a leading successful, unsubsidized, American flag operator. During that period, under Mr. Atkinson the yard converted the MANHATTAN for her two pioneering ice-breaking voyages through the Northwest Passage to Alaska and built the legendary HUGHES GLOMAR EXPLORER to secretly lift a sunken Soviet submarine from three miles deep in the Pacific at the height of the Cold War.

Atkinson was a Trustee of Webb Institute for many years and a recipient of its coveted William Selkirk Owen Award. He was a member of the American Bureau of Shipping, and their Technical Committee. He also was a director of the Shipbuilders Council of America, and a member and technical representative of Lloyd's American Committee. He received the prestigious Sea Grant Association award and was active personally and through Sun Ship with the University of Delaware College of Marine Studies at Lewes, DE. He was Vice President of the Greater Philadelphia Chamber of Commerce and active in similar civic organizations.

#### TRIBUTE TO HON. RENEE JONES WEEKS

##### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to recognize the Honorable Renee Jones Weeks for her many years of service to the community and to congratulate her upon her retirement from the Chancery Division, Superior Court of New Jersey (Essex Vicinage). Appointed to the Bench on July 14, 1989, Judge Weeks has served in the Family Part, Criminal Part and Civil Part. She has also served in two counties, Essex and Union during her tenure.

Judge Weeks has been actively engaged in various organizations throughout her career. She was a Co-Incorporator of the Garden State Bar Association, Co-Founder and First President of the Association of Black Women Lawyers of New Jersey and Past Secretary of the Garden State Bar Association. She also served as Vice President of the National Bar Association, President of the Women's Division of the National Bar Association and Financial Secretary, Chair-Elect and Chair of the Judicial Council of the National Bar Association.

A graduate of Rutgers Law School in Newark, New Jersey and Ursuline College in Pepper Pike, Ohio, Judge Weeks has served on several committees of the New Jersey Supreme Court. She is the recipient of numerous

awards and was the first Black Trustee of the Essex County Bar Association. Judge Weeks is a member of Alpha Kappa Alpha Sorority, a past Board Member of the New Jersey State Opera and a former Court Liaison to CASA (the Court Appointed Child Advocacy Program).

Madam Speaker, I know my colleagues agree that Judge Weeks is an excellent role model for women and minorities in the legal profession. She will leave a lasting impact on those who were fortunate enough to benefit from her guidance. I am pleased to join all those in attendance at a Retirement Party in her honor in wishing her a wonderful retirement.

#### TRIBUTE TO THE LATE SERGEANT RONNIE O'NEAL BROWN

##### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to the life and legacy of the late Sergeant Ronnie O'Neal Brown, a nearly 20-year-veteran of the Polk County Sheriffs Office, who recently passed as a result of injury suffered in the line of duty. He worked tirelessly to provide the citizens of Polk County with safety and service.

Sergeant Brown was hired as a detention deputy in October 1989 and was promoted to the rank of Sergeant in April 1997. He was most recently assigned to the South County Jail in Frostproof, Florida as a supervisor in Delta Platoon.

Sgt. Brown was injured in the line of duty on Sunday, August 30, 2009, after responding to a disturbance in an unruly prisoner's cell in the South County Jail. On Monday, September 7, 2009, he passed away.

During his nearly 20-year career, Sgt. Brown was known for his professionalism, attention to detail, positive influence on those around him, and his excellent work ethic. His personnel file is filled with accolades and letters of recognition for his hard work and dedication to the agency and to his fellow agency members. In May 2007, he and two other detention deputies were awarded a Meritorious Service Medal for providing CPR to an unresponsive inmate in the jail. It is quite clear that Sgt. Brown demonstrated a passion for law enforcement and commitment to helping others, qualities that enabled him to become a respected and model member of the Polk County Sheriffs Office.

Sgt. Brown was a loving husband, proud father, and devoted friend. He is survived by his wife Albertina Brown, a detention deputy assigned to the inmate booking area in Bartow, Florida, and one daughter.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing Sgt. Brown's extraordinary life and many accomplishments within the Polk County Sheriffs Office. I appreciate this opportunity to pay tribute to him before the United States House of Representatives. Sgt. Brown was an outstanding American worthy of our collective honor and appreciation. It is with deep respect and admiration

that I commend him for his contributions to his community and the many lives that he touched while serving as a shining example of his legacy.

#### HONORING DENNIS L. MARTIRE

##### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Dennis L. Martire, Vice President and Regional Manager of the Laborers' International Union of North America. Throughout his career, Mr. Martire has shown exceptional leadership and has worked tirelessly for laborers.

In 1990 Mr. Martire began his career as an International Representative for the Laborers' International Union of North America, LIUNA, Jurisdictional Disputes Department. Since then, Mr. Martire has assumed various leadership positions within LIUNA. He became Assistant Director, and then Director, of the Laborers' Construction Department. In March 2000, Mr. Martire became Assistant Regional Manager of the Mid-Atlantic Region of LIUNA, and was elected Vice President and Regional Manager just 2 years later.

In addition to Mr. Martire's role within LIUNA, he also serves on various committees, boards, and organizations committed to advancing the laborers' cause. Mr. Martire serves as a Trustee on several organizations, such as the Laborers' Health and Safety Fund of North America, the LIUNA National Health and Welfare Fund, and the Laborers-AGC Education and Training Fund. Mr. Martire also serves as the Chairman of the Mid-Atlantic Laborers' Employers Cooperation and Education Trust, the Mid-Atlantic Regional Organizing Coalition, and the Mid-Atlantic Laborers' Political League.

In recognition of Mr. Martire's hard work and dedication, he will be presented with the Labor Man of the Year Award at the Friends of Labor Committee of Laborers' Local 332 Annual Black Tie Charity dinner.

Mr. Martire's impressive career with the Laborers' International Union of North America showcases his commitment and drive to promote the wellbeing of LIUNA and its members. His work clearly exemplifies his personal mission to improve working conditions and provide all laborers with well-paying, secure jobs.

#### TRIBUTE TO REVEREND BRANDO IBARRA

##### HON. BILL PASCHELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2009*

Mr. PASCHELL. Madam Speaker, I would like to call to your attention to the work of an outstanding individual, Reverend Brando Ibarra, who was recognized on Friday, September 25, 2009 for his ten years of dedicated service to the people of his community.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for he has been a true public

servant and someone whose spiritual commitment has enhanced countless lives.

Father Brando was born on November 14, 1970, in El Doncello, Colombia. He came to the United States and earned his Bachelor of Science degree from Seton Hall University. He went on to graduate with a Masters of Theology degree from the University of St. Mary of the Lake, Mundelien Seminary, in Illinois.

He was ordained into the priesthood by Bishop Frank J. Rodimer on September 25, 1999 at St. John's Cathedral in Paterson, New Jersey. He served his Deacon Internship as a Parochial Vicar and Temporary Administrator at Saint Margaret Parish in Morristown, New Jersey for the next seven years. In 2006, he was called on to serve as Parochial Vicar of

St. Gerard Majella Church in Paterson. In 2007, he was appointed Pastor of St. Anthony of Padua Church, where he remains. Father Brando became a citizen of the United States of America on January 14, 2009.

His dedication to his ministry and to helping others reaches far beyond the Parish of St. Anthony of Padua. He is a member of the Paterson Diocesan Liturgical Commission, Spiritual Advisor of Hispanic Cursillos de Cristiandad, and a member of the Diocesan Vocation Board. He is a Chaplain for the Morris County Jail, and is a member of the Pas-saic Alliance Advisory Board Committee.

Father Brando is committed to nurturing and supporting others in their work in ministry. He is a staff member and lecturer in theology for

the College of St. Elizabeth in Morristown. He serves as the President of the Association of Colombian Priests in the USA, and is a Board Member the National Association of Hispanic Priests.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of individuals like Reverend Brando Ibarra.

Madam Speaker, I ask that you join our colleagues, Father Brando's family and friends, all those who have been spiritually enriched by him, and me in recognizing the outstanding and invaluable service of Reverend Brando Ibarra.

**SENATE—Wednesday, September 30, 2009**

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal God, we have depended on our own strength long enough. Though we talk of Your greatness and might, we too often seek to tackle life's challenges and problems by leaning completely upon our limited power and understanding.

Remind us that every good and perfect gift comes from You and that we have no strength apart from You. In a world where evil seems so rampant, inspire our lawmakers to lead pure and unselfish lives that are worthy of Your name.

Lord, use them to create goodwill that will challenge the best in people and will usher in the reign of Your abiding peace. Draw them together in oneness in diversity, unity in patriotism, and loyalty in a shared commitment to You.

We pray in Your wonderful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, DC, September 30, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**CHANGES IN THE SENATE**

Mr. REID. Mr. President, I was thinking this morning after the prayer and pledge how things in the Senate, because of tradition, rarely change. But one of the things that has changed during the time I have been in the Senate is the Pledge of Allegiance. That wasn't done before. I don't know how many years ago the pledge was started, and it doesn't matter who the leader of the Senate is, it is something I think will be with us forever in the Senate. I think it is a good tradition we picked up.

As I recall—my friend is on the Senate floor, the Republican leader—this was started during—was it Senator Frist or Dole? When was that, do you recall? It was one of the Republican leaders.

Mr. MCCONNELL. If the majority leader will yield, I think it was 8 or 10 years ago. Interestingly enough, I believe who first suggested it was former Senator Bob Smith of New Hampshire, and it was widely recognized on both sides of the aisle that this is something we should have been doing for a long time.

Mr. REID. When I was president of the senate in Nevada, that was something we always did. Of course, I remember Bob Smith. I think it was a Republican leader, but, regardless, it is something that is a part of the tradition now, and I am glad we are doing it.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will be in morning business for 1 hour; Republicans will control the first 30 minutes and the majority will control the next 30 minutes. Following that morning business, the Senate will proceed to the consideration of the conference report to accompany H.R. 2918, the Legislative Branch appropriations bill and the continuing resolution, with the time until 4:30 equally divided and controlled between Senators NELSON of Nebraska and MURKOWSKI. Senators should expect a series of three rollcall votes. We hope there could even be more than that, to begin about 4:30 this afternoon.

The Senate will recess from 12:30 until 2:15 to allow for our weekly caucus luncheons.

I am sure Republican luncheons are packed with a lot of discussion. I know I had a meeting earlier this morning with a number of Senators, and we have a lot to talk about. We have the health care bill. We have to talk about

energy, which is something we need to do. Regulation reform, we are going to talk about that at our caucus. And we are going to spend a little bit of time on Afghanistan.

That brings us to the point that this afternoon there is going to be a Members-only, classified briefing at 5:30 with GEN Jim Jones, the National Security Adviser to the President. The issue of dealing with Afghanistan has heated up. That is going to be there—perhaps on this bill that is before us, if not shortly thereafter—as to what we are going to do on Afghanistan.

Briefly, on health care, the committee is making progress. I am happy about that. I would say that under the Republicans' plan, insurance companies can deny coverage for a pre-existing condition, because you are getting older or because you are a woman. Under their plan, insurance companies can take away your coverage when you need it the most.

Under our plan, if you like what you have, you can keep it; but if you don't, there will be affordable choices for you that cannot be taken away. We will protect Medicare, will not raise taxes on the middle class, and we are not going to add any money to the deficit.

Mr. President, I have been reminded to announce to the Senate—I talked to the Republican leader about this last week—Columbus Day is fast approaching. It is the week after next. With all the things going on here, it would not be right for us to take that week off.

What we are going to do, as I have explained to the Republican leader last week, we will be off that Monday—which is the holiday, Columbus Day—and the following Friday. To make it as convenient as we can for everyone, on Tuesday we will be in session and have a vote late that afternoon. I know that is inconvenient for others because we had indicated there would be that recess.

It is a long period of time, as I have announced on the Senate floor, 11 weeks from the time we started this work period until Thanksgiving. That is a long time when a number of us have families at home, and the work we want to try to do during the week rather than just on weekends. So I apologize to everyone.

Mr. MCCONNELL. If the majority leader will yield, which Tuesday was the leader referring to?

Mr. REID. Tuesday after Columbus Day. It is October 13.

Mr. MCCONNELL. We will be in. There would be a vote at what point on that Tuesday?

Mr. REID. We will vote at 5, 5:30. OK?

As I have indicated, I apologize to everyone for not being able to have that whole week off, but I think with health care, which is beginning to firm up, it would not be right for us to be gone that week. I think we should be able to start our health care work that week in the Senate.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Let me reiterate further for the Members on this side of the aisle, what the leader indicated is, the week that includes Columbus Day, which is on a Monday, we will have Monday and Friday of that week off, and he has indicated the first vote will be on the Tuesday after Columbus Day, late in the afternoon.

#### MCCHRYS TAL PLAN

Mr. MCCONNELL. Mr. President, the situation in Afghanistan is urgent, and we are told that action is necessary soon. But to better understand the need for action, the American people need to know all the details. And they should have those details explained to them by the man who knows them best.

It is hard to deny the urgency of General McChrystal's assessment, parts of which have already been made public. And it is impossible to ignore his depiction of a grave and deteriorating situation in the same part of the world where a group of terrorists plotted the 9/11 attacks. General McChrystal's assessment of Afghanistan should worry all of us. As the President told a Turkish audience in April, "The world has come too far to let this region backslide, and to let al Qaeda terrorists plot further attacks."

Earlier this year, President Obama expressed his confidence in General McChrystal by appointing him to his current post. Following the President's lead, the Senate expressed its confidence in General McChrystal by confirming him for his current mission without dissent. Now it is time for Congress to hear his detailed assessment of the mission that we confirmed him for, and to give him an opportunity to explain why he has concluded that additional troops are needed to avert failure.

#### HEALTH CARE WEEK XI, DAY I

Mr. MCCONNELL. Mr. President, Senators will continue to hash out a health care bill in committee today, and anyone who tunes in will hear a dizzying amount of detail about what is in and what is out.

But it is worth noting that the basic shape of this legislation is already clear: Any bill that makes it to the Senate floor will include a heavy dose of tax hikes. Any bill that makes it to the floor will include massive cuts to

Medicare. Any bill that makes it to the floor of the Senate will be about 1,000 pages long, cost about a trillion dollars, affect about one-sixth of the entire U.S. economy, and impact the health care of every single American, whether they like it or not.

And here is the other thing we know: Democrats don't want to give the American people the time they need to review all the details. We saw this last week when they rejected a request for a simple 72-hour review, which is hard for anyone who grasps the scope of this legislation to understand. Nor would they pledge to wait until we understand the full cost of this bill, before acting on it.

There is important work going on in the Finance Committee this week, but no one should lose sight of where the work is headed. What we know for sure is higher taxes when American families and businesses are struggling just to make ends meet, cuts to seniors' Medicare when the program is already going bankrupt, more spending and more debt when we are about to end the fiscal year just today with an annual deficit roughly equivalent to the deficits of the last 5 years combined—the deficit this fiscal year, ending today, will be roughly as much as the last 5 years combined—and a government intrusion into health care of every single American at a time when Americans are asking us to lower costs and lower premiums, not add new burdens to the system or wreck the care they already have and like.

We know the essentials of the health care bill already. Americans have every reason to be concerned.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee is recognized.

#### HEALTH CARE REFORM

Mr. ALEXANDER. I wonder, before the Republican leader leaves, if I could ask him a quick question? I ask unanimous consent that Senators BARRASSO, MCCAIN, and BENNETT, and the Republican leader, be permitted to engage in

a colloquy during our 30 minutes and that I be notified when we have about 4 minutes left.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. I ask the Senator from Kentucky, the Republican leader, is it not true that the Finance Committee Democrats voted down a Republican proposal to put the health care reform bill on the Internet for 72 hours so Americans could read it?

Mr. MCCONNELL. I would say to my friend from Tennessee that is absolutely correct.

Mr. ALEXANDER. I believe the Republican leader said the bill might be 2,000 pages long?

Mr. MCCONNELL. Certainly, well above 1,000 and probably 2,000.

Mr. ALEXANDER. If I am not mistaken, there are several versions of the bill in the House of Representatives that will come over here. Then there is a version that we did in the Health Committee here that will have to be integrated with that bill; is that not correct?

Mr. MCCONNELL. It is my understanding it is the intention of the majority leader and the administration to merge the bill that came out of the Health Committee on which the Senator from Tennessee serves and the bill that is in the Finance Committee now.

Mr. ALEXANDER. It is my understanding in the Finance Committee they are not even writing a bill yet; they are just working on concepts?

Mr. MCCONNELL. Apparently, the Finance Committee will actually go to a final vote on a concept paper, not an actual bill—which I think will inevitably produce a dilemma for the Congressional Budget Office in trying to assess the cost of a concept bill. Then, apparently, they will turn that into a bill, and then the Congressional Budget Office will have to score, once again, the final bill, and the number there may be different from the number of the concept paper.

Mr. ALEXANDER. How long do you suppose it would take, once the two bills are put together, for the Congressional Budget Office to tell us how much it costs?

Mr. MCCONNELL. I would think for an accurate score we would have to ask them. What a challenge that will be. But I assume it will take a while.

Mr. ALEXANDER. Well, I thank the Republican leader. In our discussion today, I see the Senator from Wyoming is here, it is almost embarrassing to say that—I mean, to people outside Washington, and maybe even to people inside Washington, the idea that we would not take 72 hours to read a 2,000-page bill that spends \$1 trillion or \$1.5 trillion that affects virtually every American and that may have a lot of unresolved questions in it.

It is hard to imagine people would not think that was common sense, that

we ought to read it before we vote on it.

Mr. McCONNELL. I think we can add, the American people, I think correctly, could only assume there is some effort to try to hide the true impact of this rush effort to reorganize one-sixth of our economy, a \$1 trillion bill, well over 1,000 pages that nobody has taken the time to read. It is not even produced in final bill language.

The American people begin to get the drift that this is a process that is going to, I think, enrage them. It enrages them already. I think the rage about it is only going to escalate in the coming weeks.

Mr. ALEXANDER. I thank the Republican leader for his time. I would think every civics class in America, if the teacher would give a test, would say: Should an elected representative read a bill before he or she voted on it? Yes.

Should he or she know how much it costs? Yes.

Even the President has said we cannot have a deficit. Well, how are we going to know if it creates a deficit if we do not read the bill and if the non-partisan Congressional Budget Office has not told us how much it costs?

I thank the Republican leader. The Republican leader mentioned there may be some questions we would want to know. There are some.

Governors across the country may want to know how much it is going to cost them and their budgets because, the other day, the chairman of the National Governors Association and the Republican Governors Association held a joint press conference and they said this: If you are going to expand Medicaid in our States, if the Federal Government is going to do it, the Federal Government ought to pay for it.

Medicaid is the largest government-operated health care program we have in the country. About 55 or 60 million Americans are there. The Federal Government pays about 60 percent of it and the State governments pay about 40 percent.

I noticed two articles in the newspaper. I ask unanimous consent to have these articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 29, 2009]

MAJORITY LEADER PROTECTS HOME STATE

(By Robert Pear)

WASHINGTON.—The Senate majority leader, Harry Reid of Nevada, has secured a special deal protecting his state against the costs of expanding Medicaid under one of the major health care bills moving through Congress.

Mr. Reid, a Democrat, complained about the impact on Nevada when the chairman of the Senate Finance Committee, Max Baucus, Democrat of Montana, unveiled his bill on Sept. 16.

Now Mr. Baucus has modified the bill to spare Nevada and three other states, and Mr. Reid, who faces a potentially difficult race

for re-election next year, is taking credit for getting a "major increase" in federal money for his state.

The Senate bill, like a companion measure in the House, would expand Medicaid to cover childless adults, parents and other people with incomes less than 133 percent of the poverty level, or \$29,327 for a family of four. The federal government would pay most of the new costs—anywhere from 77 percent to 95 percent, with a higher share in poorer states, in the first five years.

Under Mr. Baucus's original proposal, the federal government would have paid 87 percent of the new costs in Nevada. Under the modified version, the federal government would pay 100 percent of the new costs for the first five years. Severe financial problems have prompted Nevada and other states to cut spending and furlough workers, and some states have even considered releasing prison inmates to save money.

There is no guarantee that the provision will be retained as the legislation moves through Congress. Many other lawmakers are trying to influence its particulars to favor their states, but few have the power of the majority leader to get their way.

Mr. Baucus revised his bill to give extra help to certain "high-need states." The states were not named in the bill. But only four states meet the criteria: Michigan, Nevada, Oregon and Rhode Island.

The changes came at the expense of other states, including California, Florida and Illinois, which would see significant increases in state Medicaid spending under the new formula.

The Finance Committee resumes work on the legislation Tuesday, with some of the biggest fights still to come.

Many states worry that the expansion of Medicaid could saddle them with long-term financial obligations.

Representative Nathan Deal of Georgia, the senior Republican on the House Energy and Commerce Subcommittee on Health, said Mr. Reid "appeared to be playing politics to favor Nevada over other states."

"Senator Reid should know that this legislation is not only bad for Nevada, but it is bad for the rest of the United States," Mr. Deal said.

James P. Manley, a spokesman for Mr. Reid, brushed aside the criticism.

"Senator Reid makes no apologies for fighting for federal money for his constituents," Mr. Manley said. "Under Republican governors, Nevada has consistently underfunded programs such as Medicaid."

Mr. Baucus said other provisions of the bill would help all states—for example, by reducing what they spend on prescription drugs for Medicaid recipients and on the Children's Health Insurance Program.

About 220,000 people are on Medicaid in Nevada, and Charles Duarte, the state Medicaid director, said Monday that enrollment could double under the legislation being considered by Congress.

Many parents and childless adults would qualify for Medicaid for the first time, Mr. Duarte said. And many people who are eligible but not enrolled would sign up for Medicaid because, under the legislation, they could be required to pay financial penalties if they did not have insurance.

The Finance Committee has rejected several Republican amendments that would have blocked the expansion of Medicaid if it was found to impose additional costs on states.

"We have got to protect the states from the impact of one more federal mandate at a

time when states are in dire circumstances financially," said Senator Michael D. Crapo, Republican of Idaho.

But Senator Kent Conrad, Democrat of North Dakota, said states must share the cost of covering the uninsured.

"We are going to have a real hard time dealing with this problem," Mr. Conrad said, "if it is all supposed to be on the federal government, which has record deficits and record debt, and if the states just expect the federal government to write a check for 100 percent of everything."

All the major health care bills moving through Congress would expand Medicaid, adding perhaps 11 million people to the rolls, the Congressional Budget Office says.

The Democratic staff of the Finance Committee estimates that, under existing law, state spending on Medicaid will total \$1.7 trillion from 2013 to 2019. That figure could increase by \$33 billion under Mr. Baucus's bill. But when the new costs are combined with savings elsewhere in the bill, Democrats say, state spending would increase by only \$22 billion, or 1.3 percent, over the levels now projected.

A few states, like Arkansas, Colorado, Maryland and Virginia, could see increases of 4 percent or more, according to the data.

Maine and Vermont have led the way in expanding Medicaid. But Senator Olympia J. Snowe, Republican of Maine, said that after talking with the governors of those states, she had concerns about the burdens that would be placed on states under the bill.

[From the Wall Street Journal, Sept. 29, 2009]

#### STATES' QUARTERLY TAX REVENUE PLUNGES 17%

(By Conor Dougherty)

State tax revenue in the second quarter plunged 17% from a year earlier as rising unemployment and falling consumption dragged down sales- and income-tax collections, according to Census figures released Tuesday.

It was the sharpest decline since at least the 1960s. The biggest drop was in state income taxes, which were down 28% in the second quarter from a year earlier. Corporate income taxes, which tend to be volatile, increased 3%.

The numbers aren't adjusted for inflation or tax-rate changes.

The steep declines show how the recession continues to cripple state finances, despite support from the stimulus package and signs of a nascent recovery in economic activity. Falling revenue, combined with growing demand for social programs like food stamps or Medicaid, forced states to slash spending and scramble to raise revenue through measures from new taxes to slot machines and pricier fishing licenses.

"This brings really bad news for almost every single state and leaves them with an unprecedented budget crisis," said Lucy Dadayan, a senior policy analyst with the Nelson A. Rockefeller Institute of Government at the State University of New York.

States—which, unlike the federal government, are generally required to balance their budgets—have already responded to revenue declines with employee furloughs and higher taxes and fees. But with tax collections continuing to decline, many have been forced to reopen budgets midsession to push through even more drastic cuts to staffing and services. In Michigan, stalled budget negotiations between the governor and the legislature could force the state to shut down if a deal isn't reached by Wednesday at midnight local time.

With lower-than-expected revenue, the governor of Massachusetts cut that state's budget four times over the fiscal year that ended in June, including drawing down reserves from a rainy-day fund and eliminating unfilled jobs. With revenue still weaker than expected, the state may be forced to reopen the budget as early as next month, said a spokesman for the Executive Office for Administration and Finance.

Without a budget, Michigan state employees wouldn't report to work, and the governor would likely have to take emergency steps to keep essential services such as hospitals and prisons operating. "We remain optimistic that we will have a budget in place because everyone wants to avoid a shutdown," says Liz Boyd, a representative for Gov. Jennifer Granholm.

Some of the sharpest tax declines were in states that have been among the hardest-hit by the recession, in particular those with high concentrations of jobs in the battered housing sector. In Arizona, overall tax revenue fell 27% in the second quarter from a year ago. Tax revenue fell 12% in Florida and 14% in California.

States across the country saw drastic declines in personal income taxes, the largest source of state funding, representing about one-third of states' overall revenue. The largest decline was in New Mexico, where income taxes fell 59%. In 11 states—including California, New York and Wisconsin—personal income taxes fell more than 30%.

Mr. ALEXANDER. One is from the Wall Street Journal: State quarterly tax revenues plunge 17 percent. Talking about how budgets in California, Florida, other States are going down.

Then there is another article, September 29—actually these both appeared yesterday—in the New York Times entitled "Majority Leader Protects Home State."

Well, the majority leader, Senator REID, has done exactly what all the Governors hope would be done. He has said: If the Federal Government is going to expand Medicaid in my State, the Federal Government is going to pay for it.

But, I would say to the Senator from Wyoming, I wonder how citizens in Wyoming and California and Florida and other States will feel if they pay more in taxes so Nevadans can pay less in taxes? Is that not the kind of question Senators from virtually every State might want to be sure about by reading the bill and knowing what it costs before it comes to the floor?

Mr. BARRASSO. It seems to me the people of Wyoming have those very concerns, as does the Governor of Wyoming.

I served in the Wyoming State Senate for 5 years, and we know that one of the largest budgets is Medicaid, the aid we give to people in need of health care. But it is almost the same as what we are paying for K-12 education. In Wyoming, we sure do not want to pay for what is happening in the majority leader's home State.

I was home yesterday. Yesterday morning, getting on the plane to come back from Wyoming—I go home every weekend. I was at the Wyoming foot-

ball game, where we won, we beat the University of Nevada Las Vegas, the leader's home State. That was another great day for Wyoming football.

But when you go to a game like that in Wyoming, a lot of people come up to you and ask you questions. One of the questions that came up this past weekend was: Have you read the bill? What is in it? What is it going to cost? People of Wyoming say: Am I going to be able to read it? How do I read the bill? Is it going to be on the Internet? Will I be able to see it?

To try to explain: There is no bill. There is this concept paper. I have it here. It is called the chairman's mark. It is the concept paper of 220 pages. You look at this, this is not even in legislative language yet. So you are going to be asked to vote on legislation, not just a concept paper.

Mr. ALEXANDER. I think the Senator from Wyoming is making an awfully good point. He is a distinguished orthopedic surgeon, a doctor, one of two physicians in the Senate. Both of them happen to be on the Republican side of the aisle at this time, Senator COBURN, and I know, Dr. BARRASSO, since we are talking about Medicaid, which is a program that every State has that serves low-income people, that States pay typically roughly 40 percent for, one of the questions somebody might have who reads the bill is: How many more low-income people are going to be added to that bill?

Because it is my understanding that Medicaid reimburses physicians at such a low rate, that about 40 percent of physicians will not see Medicaid patients. So by dumping more low-income Americans into Medicaid, we are dumping them into a program where they have 40 percent of a chance of not seeing the doctor or getting the services they want to have. Have you had any experience with that?

Mr. BARRASSO. Absolutely. In my practice for 25 years in Casper, WY, I took care of a lot of people on Medicaid. I took care of anybody who needed to see me.

But you are right. Across the board, there are many people on Medicaid who do not—are not able to see a doctor. The number you quoted is exactly the one I have.

I have an article that I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 27, 2009]

#### MAX'S MAD MANDATE

The more we inspect Max Baucus's health-care bill, the worse it looks. Today's howler: One reason it allegedly "pays for itself" over 10 years is because it would break all 50 state budgets by permanently expanding Medicaid, the joint state-federal program for the poor.

Democrats want to use Medicaid to cover everyone up to at least 133% of the federal

poverty level, or about \$30,000 for a family of four. Starting in 2014, Mr. Baucus plans to spend \$287 billion through 2019—or about one-third of ObamaCare's total spending—to add some 11 million new people to the Medicaid rolls.

About 59 million people are on Medicaid today—which means that a decade from now about a quarter of the total population would be on a program originally sold as help for low-income women, children and the disabled. State budgets would explode—by \$37 billion, according to the Congressional Budget Office—because they would no longer be allowed to set eligibility in line with their own decisions about taxes and spending. This is the mother—and father and crazy uncle—of unfunded mandates.

This burden would arrive on the heels of an unprecedented state fiscal crisis. As of this month, some 48 states had shortfalls in their 2010 budgets totaling \$168 billion—or 24% of total state budgets. The left-wing Center for Budget and Policy Priorities expects total state deficits in 2011 to rise to \$180 billion. And this is counting the \$87 billion Medicaid bailout in this year's stimulus bill.

While falling revenues are in part to blame, Medicaid is a main culprit, even before caseloads began to surge as joblessness rose. The National Association of State Budget Officers notes that Medicaid spending is on average the second largest component in state budgets at 20.7%—exceeded only slightly by K-12 education (20.9%) and blowing out state universities (10.3%), transportation (8.1%) and prisons (3.4%).

In some states it is far higher—39% in Ohio, 27% in Massachusetts, 25% in Michigan, Rhode Island and Pennsylvania. Forcing states to spend more will crowd out other priorities or result in a wave of tax increases, or both, even as Congress also makes major tax hikes inevitable at the national level.

The National Governors Association is furious about Mr. Baucus's Medicaid expansion, and rightly so, given that governors and their legislatures will get stuck with the bill while losing the leeway to manage or reform their budget-busters. NGA President Jim Douglas of Vermont recently said at the National Press Club that the Baucus plan poses a "tremendous financial liability" and doesn't "respect that no one size fits all at the state level." He added: "Unlike the federal government, states can't print money."

Mr. Baucus hopes to use his printing press to bribe the governors, at least for a time. Currently, the federal government pays about 57 cents out of every dollar the states spend on Medicaid, though the "matching rate" ranges as high as 76% in some states. That would rise to 95%—but only for five years. After that, who knows? It all depends on which budget Congress ends up ruining. Either the states will be slammed, or Washington will extend these extra payments into perpetuity—despite the fact that CBO expects purely federal spending on Medicaid to consume 5% of GDP by 2035 under current law.

As for the poor uninsured, they'll be shunted off into what Democratic backbencher Ron Wyden calls a "caste system." While some people will be eligible for subsidized private health insurance, everyone in the lowest income bracket will be forced into Medicaid, the country's worst insurance program by a long shot. States try to control spending by restricting access to prescription drugs and specialists. About 40% of U.S. physicians won't accept Medicaid at all.

Why? One reason is that Medicaid's price controls are even tighter than Medicare's,



which in turn are substantially below private payers. In 2009 or 2010, 29 states will have either reduced or frozen their reimbursement rates to providers. Democrats love Medicaid because it is much cheaper than subsidizing private insurance, but that is true only because of this antimarket brute force. Of course, such coercion will be extended to the rest of the health market under ObamaCare.

The states aren't entirely victims here. Both Republican and Democratic state houses regularly game the Medicaid funding formula—which itself is designed to reward higher spending—to steal more money from national taxpayers. Then when tax collections fall during downturns, budget gaskets blow all over the place. This dynamic helps explain the spectacular budget catastrophes in New York and California. We'd prefer a policy of block grants, which would extricate Washington from state accounting and encourage Governors to spend more responsibly.

That's not going to happen any time soon, but the least Mr. Baucus can do is not make things worse. Instead, his Medicaid expansion is a disaster on every level—like the rest of ObamaCare.

Mr. BARRASSO. This as also from the Wall Street Journal from September 27, called: "Max's Mad Mandate." The first paragraph says: One reason this Finance Committee bill allegedly pays for itself is because it will break all 50 State budgets by permanently expanding Medicaid.

It says: They are going to expand Medicaid. The Senator was a Governor. The Senator had to deal with this in Tennessee: Using Medicare to cover everyone up to at least 133 percent of the Federal poverty level, that will add some 11 million new people to the Medicaid rolls, which is not going to help, if currently, as the article goes on, about 40 percent of U.S. physicians will not accept Medicaid at all.

Mr. ALEXANDER. I have thought for some time that any Senator who votes to expand Medicaid in the States without paying for it at the Federal level ought to be sentenced to go home and serve as Governor for 8 years and try to pay for it and raise the taxes and deal with the people who cannot do that.

But that is the kind of question I think a Governor would want: Read the bill and know what it costs. For example, I believe there is a question about the Finance Committee, in its concept papers, may say: Well, we will pay for it for 5 years—or we will pay 77 to 95 percent of it.

The Governors are saying—now these are Democratic Governors as well as Republicans—they are all saying to us: Do not do that to us. Our revenues are down 17 percent, 18 percent, 20, 35 percent in some of our States. If you are going to pass it, pay for it. That is a question governors should have a chance to ask and get an answer for. That is why we need to read the bill.

Mr. BARRASSO. That is why the National Governors Association is furious with this huge expansion of Medicaid. It quotes the Governor of Vermont,

who says: Unlike the Federal Government, States cannot print money. Many of us, such as Wyoming, live within our budgets. We live within our means. We balance the budget every year. For Washington, in its effort to take over health care in the country, to force the States to pay for it, in what is, to me, a trickery or a financial gimmick, to say they can make the books balance, is not a favor to the American people.

That is why people at home ask me every weekend: Can I read the bill? Have you read the bill? Can I read the bill? What is it going to cost? It ultimately gets down to people are very worried about a government takeover, very worried that at a time we are spending all this money as a nation, against my wishes, another trillion dollars for kind of an experiment that is going to fund a lot of it through Medicare. We have not even gotten into the discussion of Medicaid.

Mr. ALEXANDER. Let's talk about Medicare because many people, unless they follow health care every day, confuse Medicaid, which is the program for low-income Americans that States help administer—there are about 55 or 60 million Americans in that program—and Medicare, which is the program that about 40 million seniors have.

We have had a lot of talk about Medicare. The President says: There are no Medicare cuts. Then, on the other hand, he said: We are going to take up to  $\$1\frac{1}{2}$  trillion out of Medicare and spend it on a new program.

We are saying: You are going to cut one-quarter of the Medicare beneficiaries' Medicare Advantage payments. The other side is saying: No, that is not what we are doing. We are saying: How can you cut Medicare and spend it on another program when Medicare is going broke?

Well, I would think the American people would want to know the answer to those questions, and we should know the answer before we vote. Is that not another reason we should read the bill to find out who is telling the truth about Medicare?

Mr. BARRASSO. It is the reason that, No. 1, we should read the bill. It is the reason we should make sure the people all across the country have a chance to read the bill. The people of Wyoming want to read the bill. It is the reason we need some time for those people from all our home districts to get back to us.

As I say, all around Wyoming, the wisdom does not come from Washington, the wisdom comes from America, from your State and my State and the other States. I want those people to be able to read the bill, come up with better ideas or suggestions, and a lot of times folks at home will see what I call unintended consequences, something that is in the bill that you say: Well, I had not thought about that.

We have the hospitals across Wyoming, those people want to read it. The doctors, the nurses, the physicians assistants, and the patients, the people who are mostly going to be affected by this, they want to know what is in the bill, which is why I say that is the reason to put it on the Internet. People can read it ahead of time and then let them have time to comment back to us.

Mr. ALEXANDER. I see the Senator from Utah has come. Let me ask one more question to Dr. BARRASSO. Because we are told—and here is another reason to put the bill on the Internet for 72 hours and to wait a couple weeks or whatever it takes for the Congressional Budget Office to tell us how much it costs, because the President has said: There cannot be one dime added to the deficit, which we agree with.

In fact, we think the whole goal of this ought to be to reduce the cost of health care to you and then to your government but not one dime to the deficit.

But one of the assumptions of the bill coming through the Finance Committee has to do with what we elegantly call in the Senate the "doc fix," the fact that basically the government sets what doctors will be paid when they see a Medicare patient. What we do every year is change what is in the formula because it cuts the physicians.

So is not the assumption that we are going to continue to cut what we pay physicians, and if we come along and change that in the second year, will not we then be adding to the deficit?

Mr. BARRASSO. Well, you will be adding to the deficit. That is why seniors all across this country have great concerns about what is being proposed.

I am saying: Who is opposed to this? The No. 1 group is seniors, by 2 to 1. Seniors are opposed to what is happening because they know this is going to be paid for out of their own Medicare.

Just 10 or 15 minutes ago, we heard the majority leader on the floor of this Senate say—and I wrote it down. He said, talking about his plan, he said: If you like what you have, you can keep it. That is what he said.

But you and I both know there are 11 million Americans, seniors in this country, on Medicare Advantage, which is a program set to help people in cities and people in rural communities. They have both in Tennessee. We sure have the rural communities in Wyoming.

It says they cannot keep that if they like it—or 11 million, it is double the number on it in the last couple years because it is so popular, because it actually does what Medicare itself does not do, works with prevention, works with coordinated care. That is what our seniors want. That is why seniors across the country are so opposed to this.

Mr. ALEXANDER. I see the Senators from Utah and Arizona have come to the floor. We were talking, Senator BARRASSO and I, about how well the majority leader has done in helping to do what all of us would like to do in his home State.

He has noticed, I guess he has heard from his Governor, that the Finance Committee is saying we are going to expand Medicaid in the State, but the States are going to help pay for it. The majority leader has put something in the bill so Nevada does not have to pay for it.

I notice—to Senator MCCAIN—according to the New York Times, in Arizona overall tax revenues fell 27 percent in the second quarter of this year from a year ago.

I wonder how Arizonans are going to feel about paying for Nevada's Medicaid.

Mr. MCCAIN. I find it entertaining when our constituents ask: Have you read the bill? Of course we haven't been able to because there is no bill. If I could just quote what happened here. This says:

The Chairman's Mark will provide additional assistance that would be made available to high-needs states which are defined as states that (1) have total Medicaid enrollment that is below the national average for Medicaid enrollment as a percentage of state population as of the date of enactment . . .

It goes on and on for a few more sentences. What does it mean? It means they got a special deal for four States, one of them being the State of Nevada. Who pays? Who pays? The other States. So we have a complaint by the distinguished majority leader that his State of Nevada would have to pay an amount that they don't appreciate, so we shifted it so that three other States—I am sure my friend from Tennessee knows which ones. I believe one of them is Oregon. I am not sure what the other three are.

Mr. ALEXANDER. Michigan, Rhode Island, and Oregon are the three others.

Mr. MCCAIN. So our constituents who don't happen to live in those fortunate four are now going to pay additional funds because we put in the chairman's mark. Everybody wonders why people are so mad. They wonder why is it that there are these tea parties, why is it that there are people marching on Washington, what are they mad about? I hear the pundits and those who very seldom go outside the beltway or outside Manhattan say they are a bunch of crazies. It is this kind of thing. It is this kind of thing. We are going to do a legislative appropriations bill here that has \$500,000 in it so that Senators can send out postcards to announce townhall meetings. Has anybody had any trouble getting people to townhall meetings? We need to spend \$500,000 additional to notify people?

Getting back to the point of the Senator from Tennessee, this is what is

wrong. This is what is wrong with the way we do business. We cut special favors for special States, not based on need or requirements but on the influence of the individual Senator or Member of Congress. That is what they are mad about.

May I mention one other thing to my friend from Tennessee. Yesterday, there was a big vote in the Finance Committee that dominated the headlines. The so-called public option was voted down by a significant margin. And we hear rumors that finally the administration will come up with a proposal. Doesn't that mean the goal will be basically to get any bill through both the House and Senate and then go into conference behind closed doors and rewrite the bill? That is my greatest fear.

Mr. ALEXANDER. That is my fear. The danger is that they will put the bills together from these various committees and ram it through, and then we won't be able to ask the questions: Is my State going to pay more taxes for Medicaid? Is my Medicare benefit going to be cut, or is the national debt going to increase? These are important questions we have a right to know the answers to before we begin the vote on the bill.

I ask the Senator from Utah, what does he see coming down the pike?

Mr. BENNETT. Mr. President, I have said repeatedly that I would vote against my own bill, even if it were to pass the Senate unanimously, unless there were an ironclad guarantee—iron is not strong enough; carved in marble guarantee—from the President that he would veto a conference report that came back that did not have the kinds of protections I think my bill has.

I agree completely with the Senator from Arizona. The big fear is that we craft something in the Senate that is reasonable and then submit it to a conference and it comes back in a conference report that is not amendable and gets passed by a majority vote here and we are stuck with it.

As important as it is that we try to get the Senate bill right, we must recognize that there are two Houses of Congress. At the moment, the other body is not showing the degree of analysis we are trying to get going here in the Senate. The House bill is completely unacceptable.

If I could pick up on the comment about the consequences of what is being done with respect to Medicaid, I will add the experience from the State of Utah to the experience that has been referred to for other States.

In Utah, an expansion of Medicaid, as outlined in the Finance Committee bill, would mean anywhere from an additional \$150 million to \$248 million to Utah taxpayers. I realize that in a State such as California that is multiple billions of dollars in debt, an extra \$150 million to an extra quarter

of a billion is not a lot of money. But in Utah, it is a significant amount. We need to pay attention to the fact that every State is facing those kinds of significant increases.

I call the attention of the Senate to an analysis that is in today's Congressional Quarterly, dated September 30, talking about the bill as it is moving through the Finance Committee. I quote:

Under current law, taxpayers can deduct expenses that exceed 7.5 percent of their adjusted gross income. Under the Baucus original proposal, that floor would have been raised to 10 percent, starting in 2013.

Then further:

According to data from the Joint Committee on Taxation, 45 percent of the taxpayers affected and 53 percent of the revenue from the change would come from people 65 and over.

So for those who are asking—and we read about them in the paper all the time—why are the elderly upset, they have Medicare? The elderly are smarter than that, and they recognize that 53 percent of the increase that would come as a result of these proposed changes would come from them.

Mr. ALEXANDER. Would the Senator not agree that therefore older Americans who depend on Medicare might especially want to read the bill?

Mr. BENNETT. They certainly are going to want us to read the bill and be honest with them as to what is in it. They are going to want us to go into the managers' package, into the small details that usually are considered technical and get passed over, and be very specific in saying to our constituents: We know what is in the bill, and we are being very upfront with you in telling you what is in the bill.

One of the things we need to be upfront about is the amount of increase this will cost seniors and the amount of impact it will have on States. States will then have to turn around and raise their taxes, and seniors will pay twice, with the increase at the Federal level and the increase at the State level.

Mr. ALEXANDER. The Senator from Wyoming was home last weekend. I wonder if he is hearing especially from senior Americans who worry about the effect of this bill on Medicare.

Mr. BARRASSO. I heard that in Wyoming this past weekend. People who depend upon Medicare are rightly suspicious, very suspicious about this program. As they try to learn more about it, what they learn is that it is going to cut Medicare. They are learning it is going to increase taxes. They are learning it will limit what they have in terms of choices for their health care.

For all Americans, if you ask: What do you think, is this going to cost more or less, they think it is going to cost more. When I ask people at townhall meetings: Do you think you will have better or worse care, the show of hands is that they will have worse care.

Americans don't want to pay more and get less. People want value for their money.

People who depend on Medicare are rightly more suspicious than other folks because of the impact this is going to have on them. They understand \$500 billion is going to be cut from their health care.

Mr. ALEXANDER. We have 4 minutes left. I believe I will wrap up and leave the last minute to the Senator from Utah. Our point is a pretty simple one. We believe, we Republicans, that after this bill is put together, we ought to have ample time to read it, that it ought to be on the Internet for 72 hours, and that we ought to hear from the nonpartisan Congressional Budget Office how much it costs. Why would we do that? Because we have differences of opinion over whether it hurts people on Medicare, over whether States will have to raise taxes in order to pay for Medicaid, over whether the assumptions made will actually add to the debt, over how large taxes are on small businesses. We have differences of opinion. The only way we can intelligently debate those is if we can read the bill and know what it costs.

On the Republican side, we believe we should focus on reducing costs and go step by step to re-earn the trust of the American people by fixing health care in that way, starting with such ideas as permitting small businesses to pool their resources in order to offer insurance to a larger number of people. Another way to reduce cost would be to find ways to eliminate junk lawsuits against doctors.

The Senator from Utah may have other thoughts about the importance of reading the bill.

Mr. BENNETT. Mr. President, I will make this comment with respect to the remarks of the Senator from Tennessee with reference to the CBO. We need hard numbers, but we do have a preliminary understanding already.

The Director of the CBO, Mr. Elmen-dorf, was asked if it is true that the fees established in the bill would ultimately be passed on down to the health care consumer, and his response:

Our judgment is that the piece of legislation would raise insurance premiums.

If we go more deeply into the CBO analysis, we find that not only would premiums in the individual market be higher than under the proposed reform, but taxes on insurers and drugs and devices would be passed on to consumers in the form of higher premiums. Finally, CBO also says that the premiums would be extremely high even after the proposed reforms because taxpayers would be subsidizing expensive plans. We clearly need the kind of careful analysis that clothes these comments with actual numbers. Without those, how can we vote with any kind of clarity on the proposal before us.

Mr. ALEXANDER. I thank the Senator from Utah and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

#### HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I would like to debate the Republican plan for reforming health care. I would like to see the Republican plan for reforming health care. I would like to know what they stand for when it comes to reforming health care. They have been given adequate opportunity—

Mr. ALEXANDER. Will the Democratic leader yield?

Mr. DURBIN. Regular order, please.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has the floor.

Mr. ALEXANDER. He asked me what our plan is. I would be glad to tell him.

Mr. DURBIN. Mr. President, they have been given ample opportunity, to the point where they offered 160 amendments which were adopted in the HELP Committee when we were debating the bill, 160 Republican amendments. So they brought in their ideas, we put them in the bill, and then when the bill came up for final passage, not one Republican would vote for it. Over and over again, all they can do is criticize. They are just upset with the idea of changing the health care system.

I am particularly amused with the defense of Medicare by Republicans. This is a historic change for a party that used to call it socialized medicine, a party that said: Keep the government out of health care, when we created Medicare. Now they are coming to the defense of Medicare. The reason they are is because 45 million Americans count on Medicare every single day; 45 million seniors know that without Medicare, their family savings would be in danger if they had a catastrophic illness after they have reached retirement; 45 million Americans who know the fact that for the last 40 years we have improved the longevity, the life expectancy of seniors because of Medicare.

Let me tell the Senate what their real agenda is. When Republicans come here and talk about Medicare, it is all about health insurance companies. It is all about the health insurance companies that are turning down Americans when they want to have their basic coverage for medical care. It is all about health insurance companies that continue to raise the cost of their product and exclude people from coverage. It is all about health insurance companies that are seeing some of the greatest profits on Wall Street.

So how do you link up these two, Medicare and health insurance companies? In a program called Medicare Advantage. Pay close attention to this program. Here is what the health insurance companies said to the Republicans several years ago. They said:

The government doesn't know how to run health care. The government doesn't know how to run Medicare. We, the private health insurance companies, will show you how to do this. Let us offer Medicare benefits. We will call it Medicare Advantage and let the people decide, let seniors decide if they want to buy the private health insurance plan for Medicare or if they want to stay in the traditional government-administered Medicare.

About one out of four seniors decided to buy into the private health insurance plans for Medicare called Medicare Advantage. In fact, across America, more than 10 million Americans have enrolled in Medicare Advantage. Since 2003, the number of Medicare beneficiaries enrolled in private plans has nearly doubled, from 5.3 million to the 10.2 million I mentioned earlier. It is higher in urban areas than it is in rural areas, higher in some parts of the country than in others.

How did the experiment work? How did it work when the health insurance companies said: We can do it better than the government when it comes to Medicare? They failed. Not by my estimation, by MedPAC, a group that has stepped back and has said: Well, the premiums they are charging per Medicare recipient are higher than what people would be paying under Medicare—14 percent higher.

So these private health insurance companies have a sweet deal: 10 million Americans buying their private health plans instead of traditional Medicare, and they are overcharging them by 14 percent. Who pays the 14 percent? All the rest of Medicare recipients. The money is taken out of the Medicare Program. It means Medicare solvency is challenged because private health insurance companies have failed under Medicare Advantage.

President Obama and Members of Congress have said: This subsidy to private health insurance companies to try to offer Medicare at a lower cost, which has failed, has to come to an end. If it comes to an end, what is it worth over 10 years? It is \$180 billion. So when we say we are taking \$180 billion in savings in Medicare, we are closing down the failed experiment by private health insurance companies to offer Medicare as a private health insurance plan.

The Republicans are coming and complaining: Oh, they are taking money out of Medicare. Yes, we are. We are taking the subsidies to the private health insurance companies out of Medicare. So their complaints are basically complaints in defense of private health insurance companies. They can make all the case they want about private health insurance companies. I will take the case to the American people that private health insurance companies need to treat Americans a heck of a lot better than they are right now.

You know what I am talking about. Preexisting conditions. If you are unfortunate and have a preexisting condition and turn in a claim to a health insurance company, get ready for a battle. First, you are going to battle some faceless clerk in Omaha, NE; and the next thing is going to be your doctor calling that office saying: For goodness sakes, you are not going to cover this procedure, this surgery this person needs under health insurance?

That battle takes place every single day, thousands of times, when private health insurance companies say no or they wait until you are sick to cancel you or they will not let you take your health insurance from one job to another. Over and over again, people across America know what the private health insurance companies are up to.

Because, unfortunately, the Republicans do not have a plan in terms of health care reform, because they will not join us in trying to put one together, President Obama has reached out to them, we have reached out to them. We have asked them to join us in this conversation: Join us in this debate. They have refused to do it. They will not be part of it.

Only one Republican, a Senator from the State of Maine on the Senate Finance Committee, Senator SNOWE, is keeping an open mind on this. I appreciate that. All Americans should. She said: I want to see this final product. I am not ruling out voting for it. Senator BAUCUS, the chairman of the Finance Committee, spent months, literally months, in a room with three of our colleagues—Senator SNOWE was one, Senator ENZI of Wyoming, Senator GRASSLEY of Iowa—trying to come up with a bipartisan approach, and eventually the Republicans walked out of the room but for Senator SNOWE.

It is not as if we have not tried to engage them. But for reasons I cannot explain, they do not want to be part of this conversation about the future of health care in America. They come down to one or two issues or one or two theories, and then they take a walk.

Democrats want to protect consumers from health insurance companies and the abuses they have heaped on the American people. Unfortunately, whether it is Medicare Advantage or other health insurance reforms, the Republicans will not join us. They are on the side of the health insurance companies, not on the side of change to protect Americans from the abuses of health insurance companies.

We want to strengthen Medicare. We want to maintain the benefits, even expand them, to the point where, for example, we close the doughnut hole in the Medicare prescription program. That is a term of art that has come about on Capitol Hill that basically reflects the fact that if you are under Medicare Part D, having your prescriptions paid for, and you have a lot of

bills, you could reach a point during the course of the year where there is a gap, a percent where you have to put all the money in out of your own pocket, and then, after you spend up to another level, you get coverage again. They call it the doughnut hole. We would like to fill it. It is an uncertainty for seniors that needs to be taken care of.

We also would like to make sure seniors have preventive care, so whether they need a mammogram or a colonoscopy or some sort of procedure to find out if there is an illness at an early point, they can get it to be able to deal with it effectively. That ought to be part of it as well. But instead, what did we run into?

Senator JOHNNY ISAKSON is from Georgia. He is a conservative Republican and proud of it. He came into the HELP Committee, and here is what he said: We think we ought to provide, under our insurance plans, that patients can have a confidential meeting with their doctor to discuss one of the most delicate and difficult topics we can consider—end of life care—so the doctor would know: What is your wish, what do you want to have happen if you find yourself in a long-term illness and some important decisions have to be made about extraordinary care.

Senator ISAKSON of Georgia said: I think we ought to cover that under health insurance. We ought to at least give one appointment so the doctor and patient can discuss the possibilities and so the doctor knows what the patient feels will give peace of mind on both sides, should that terrible day ever come.

Do you know what happened to Senator ISAKSON's idea of that meeting? It turned into a Republican diatribe against death panels: Somebody is going to pull the plug on grandma. In fact, one of the Republican Congressmen took to the floor of the House of Representatives and actually said: This is a death panel. Sarah Palin, former Governor of Alaska, used that phrase too.

I can tell you Senator ISAKSON did not propose that. What he proposed is a sensible, commonsense approach. But it shows you the extremes in fear that are being spread by some who do not want to discuss health care in an honest and open way.

We want to make sure people are happy with the insurance they have. If they are, they can keep it. Republicans would put people's insurance at risk by allowing insurance companies to drop people's coverage or put artificial limits on what they will be paid when someone gets sick. We want to make sure insurance is affordable and available for people who have no coverage or if you lose your job or change your job or have a preexisting condition.

I am afraid the Republicans want to maintain the status quo. The status

quo is unsustainable. We cannot continue the health care system we have today. Let me give you one statistic which tells the story about the cost and, I guess, the danger when it comes to health care. In the last few years, the percentage of Americans filing for personal bankruptcy because of medical bills has doubled from 31 percent to 62 percent. That is almost 2 out of every 3 people filing for bankruptcy in America are filing for it because of medical bills.

I think an even more troubling statistic: 78 percent of those filing for bankruptcy because of medical bills have health insurance, health insurance that failed them, health insurance that was not there when they needed catastrophic protection, health insurance that was denied them because of a preexisting condition, health insurance that was not there at the moment when they needed it the most.

That is the reality. To ignore that and say, as some have said on the Republican side of the aisle: We have to go slow, we have to take this slowly and decide whether we need change. We need change. We have asked the Republicans to join us in this conversation about change. They have not done it.

Senator BENNETT from Utah is on the floor. He and Senator WYDEN are exploring an approach to health care which has a few sponsors on both sides of the aisle. It is the only effort I know of on his side to put up a constructive alternative. At least they have come forward with one. It is not one I think most Americans would immediately come to because it eliminates employer-based health insurance. It basically says we, as individuals, would be in a market for health insurance, trying to find the best policies and, under their plan, hope for the competition of that pool of people who would bring costs down.

But, unfortunately, when it comes to the Republican side of the aisle, that is the only offering. The Bennett-Wyden bill is the only offering. Unfortunately, as well, the Republicans have not engaged us and have not agreed to be part of the conversation that leads to a final bill.

Well, we have to deal with this in an honest and open way. We understand that doing absolutely nothing at all is unacceptable because every American, including those on Medicare, will be far worse off if we do nothing at all. Doing nothing at all for many Republicans is the answer. They have created these arguments.

Yesterday, there was an argument in the Finance Committee about government health care and the question of the public option. Should there be, in the choices available to Americans, one not-for-profit option that is trying to bring down costs? Well, I think there should be. Many of the Republicans do not. Some Democrats do not.

In the course of the debate yesterday, a question was asked of Senator GRASSLEY, who opposed the public option: Well, what do you think of Medicare? Isn't that a government-run health care program?

Yes, it is.

Would you eliminate Medicare?

He said: No. That has become part of the social fabric of America.

Why has it become part of it? Because it is reliable, it is affordable, and it changes lives for the better. Why wouldn't you want that option? If you do not want to take the public option under health insurance because you think it is socialism or communism or just plain wrong or you do not trust the government to run health insurance, you do not choose the option. But if you believe in keeping costs down in a program you can rely on that is administered by the government—a program such as, incidentally, the health insurance Members of Congress have—then you can make that choice. That, to me, is what we should be coming down to. But, unfortunately, that option is not open.

We want to hold down health care costs for Americans by attacking waste and fraud. Medicare Advantage, in my mind, is wasteful. Mr. President, 14 percent more the health insurance companies are charging for the same basic Medicare Program. Why in the world would we continue that subsidy to these profitable health insurance companies? Some want to. They argue that any change in Medicare or Medicare Advantage is going to cut basic Medicare benefits. That is just plain wrong.

This do-nothing approach we have heard from the other side of the aisle is going to mean costs are going to continue to skyrocket. As they do, we are going to find fewer and fewer Americans with coverage. We know what is happening with premiums across America. They are going up sky-high, and the wages of American workers are not, so workers are falling behind. Fewer companies are offering health insurance. Smaller businesses even have a more difficult time offering health insurance.

I put together a bill with Senator LINCOLN of Arkansas, Senator SNOWE, and Senator COLLINS of Maine that was supported by the National Federation of Independent Businesses and the realtors to give small businesses a chance to get into a pool to reduce their cost and their administrative overhead and to have health insurance available. I could not draw any more Republican support for that idea. Too much government, they said. Well, for a lot of small businesses that intervention in the marketplace could make a big difference.

I had a hearing back in my hometown of Springfield, IL, on Monday. It was not exactly a hearing. It was more

of a roundtable. I wanted it to be informal because I wanted to hear stories. I heard quite a bit.

I heard from Sandy Hill. Sandy is an interesting woman. She and her husband own an excavating company, a small business in central Illinois. They are proud of it. They work hard at it. She said: My husband is going to die on the job. He is the kind of guy who will never retire. He is a hard-working guy, proud of his business.

Sandy, unfortunately, has diabetes. As a result of that, they cannot afford health insurance. No health insurance for her or her husband, and Sandy is in a position in life where she needs it. Her doctor was there with us. Sandy talked about the fact—because she does not have health insurance, and can spend up to \$900 a month on insulin and other care for her diabetic condition—that sometimes she has had to make the decision to cut back on her medication. I looked over at her doctor, Dr. Albers, who was sitting next to me, and she winced when Sandy said that and thought that is the wrong thing to do. It is the wrong thing to do. But Sandy Hill has no choice. She does not have health insurance. She gets up and goes to work every single day, proud of the little business she and her husband have put together, and she cannot get health insurance.

In 2009, in the United States of America, a hard-working woman and her husband with no health insurance, with a medical condition that could be life-threatening if she does not receive basic care and protection. We have said to our Republican friends, and we have said to all the critics and detractors: Join us in solving this problem. Let us get costs under control. Let's start reducing the increase in the costs of health care. We have to do this. Let's also make sure health insurance companies treat people fairly, that they do not deny coverage to them when they need it the very most. Let's make sure as well that people like Sandy Hill who have no health insurance will have a choice, an option to turn to. That is only sensible. I think it should include a public option. She can decide whether she wants it. If she doesn't want it, she doesn't have to take it. She will have private health insurance companies and the public option—her choice to take one or the other.

Let's also start dealing with some fundamentals here. We need to focus more on prevention and wellness in America. Keeping people healthy and well is not only good for them and their families, it is good for the cost of health care in our country. I believe it is important that we focus more on that.

If you have a \$5,000 deductible—and a lot of people do because they have health insurance policies with expensive premiums, so they put a big deductible on it—let's assume you have a

\$5,000 deductible or copay. I just ran into a man with that. What does that do to you? Some people say: Well, it is an incentive not to overuse the system. That is true, but you have to watch out that it isn't a perverse incentive.

The man I met had been told by his doctor that he needed a colonoscopy. There were some worrisome signs that indicated he needed that procedure to find out if he, unfortunately, had polyps or colon cancer, and he needed to be treated right away. Because he had a \$5,000 copay, he asked: What does it cost?

They said: It is \$3,000.

He said: I can't afford it. I will try to get back to that later.

People with copays and deductibles that are very high turn down some very basic procedures, preventive procedures, that can catch something in an early stage and deal with it in an effective way. That is what we are trying to achieve here. We are trying to achieve this quickly so we can turn this around and move this forward and so we have real health care reform.

I agree with those who say the bill should be in writing and Members should have a chance to read it. That just makes sense, and it will be. But those who want to slow it down for weeks or months—maybe let's wait until next year; maybe it will take a few years—don't understand the pressing urgency of our dealing with this problem.

The President has committed himself to this like no other President since maybe President Clinton or President Lyndon Johnson. It has been years. Under the previous Republican President, there were no proposals when it came to health care reform—none. None that I can recall. The closest thing I can remember is the Medicare prescription drug plan which I mentioned earlier. An extension of the Children's Health Insurance Program, which we had to fight with the administration over, is one that I think has been good, to extend health care, with the help of the government, to a lot of kids who otherwise wouldn't be protected.

The Republican leader came to the floor today and talked about his concerns, and there were many.

He said it was going to raise taxes. Well, let's make it clear. When we talk about health care reform, first, President Obama has said he will not sign any health care reform bill that adds to the deficit. So, unlike the Medicare prescription drug program which added to the deficit dramatically, this approach cannot add to the deficit. We have to pay for it.

He said it would include tax hikes. Well, I don't know what is going to be included in the health care reform bill in terms of increases in revenue. If we are talking about taking the subsidy back from the health insurance companies under the Medicare Advantage

Program and the Republicans are objecting to that, they can, but I think most Americans would agree that the subsidy is something that shouldn't be sustained.

He argues that the bill is 1,000 pages long. It might be. We are talking about a change in our basic economy that affects \$1 of every \$6 spent. It, of course, is going to have a lot of sections to it to consider all of the possibilities.

He talks about the cost of \$1 trillion over 10 years. The Republican leader objects to that. This year, we will spend \$2.5 trillion on medical care and health care in America. Over the next 10 years, I am sure the total figure will be over \$35 trillion. So addressing it with a \$1 trillion program over 10 years is less than 3 percent of what we anticipate spending on health care if we do nothing. So \$1 trillion is a staggering figure until it is put into context.

He says it will impact a sixth of the economy. He is right.

He says it will impact every American. He is right about that. It is the biggest challenge we have faced. It is one that is going to be tough, politically difficult, but we have to do it. As the President said, if it were easy, some other President would have done it a long time ago, but we have to do it now.

I believe most people understand that the bottom line here is that failing to do this—do nothing, as some on the other side of the aisle would suggest—isn't going to solve this problem, it is going to make it much worse. It is going to reach a point where we are going to face even grimmer choices in the future. The American people will stand up and work together on a bipartisan basis for something that is truly good for the common good. There will be dissenters. There are people standing outside now with signs against the public option. That is part of the American way. But the fact is, if we do nothing, this situation will get dramatically worse.

I yield the floor.

THE PRESIDING OFFICER (Mr. BEGICH). The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the words of Senator DURBIN, especially his story about Sandy Hill from Illinois and what he said about her situation.

I come to the floor often to share letters I have received from people all over my State who oftentimes were very happy with their health insurance and then found out their health insurance, once they got sick, wasn't so good. Let me share a couple of these letters, and then I have some other comments I wish to make.

Susan from Stark County, in the Canton area, writes:

The cost of having health insurance is coming to a point where I may have to drop it because of the cost. I have three years until I can qualify for Medicare, but in that,

how high will my premiums increase? Right now my insurance costs almost \$500 a month and as of this November will increase another \$60 a month. The insurance companies dictate to the doctors what they can charge and to the patients how long hospital stays can be. This is not fair to those of us who have to try to pay our own way.

That is exactly what we are addressing in this bill. Many people have insurance. Many people are generally satisfied with their insurance, but they are seeing several things happen: The costs continue to go up; small businesses continue to be more burdened with the expense of covering their employees; and in too many cases, people who had decent insurance get denied care, perhaps because of a cap or a lifetime cap where they get very sick, they take biologic drugs, they go to the hospital for a long hospital stay, and all of a sudden they have busted their cap. In other words, the fine print in their insurance policy says: We are not covering you after we spend X number of dollars. They have lost their insurance, and bankruptcy is too often around the corner.

Jeanne from Dayton writes:

Last November I was laid off from my job and lost my benefits at the same time. My husband has health insurance through his employer, but he might lose his job soon. We're both in our mid 50s and have more than 10 years to go before we can get on Medicare. We've been frugal all our lives. We've got enough money in savings to pay off our mortgage, if necessary. We could even live on the pensions we've accumulated starting today if we had to. But that's assuming we have no health problems in the next 10 years. Please don't let greed take away what we have worked so hard for.

The assistant majority leader, Senator DURBIN, just spoke about insurance subsidies and how this legislation is going to be good for insurance companies. It is going to get a good bit of money to the insurance industry so they can cover people and bring their rates down. That is why the public option Senator DURBIN spoke about is so important.

The public option will make sure the insurance companies play by the rules. We are going to have insurance reform in this bill. We are going to outlaw pre-existing conditions, the game of community rating. We are going to outlaw those insurance companies putting a cap on costs for any individual patient, either an annual cap or a lifetime cap. We are going to outlaw discrimination based on geography or gender or disability or age in this legislation. We are going to enforce these rules because we have all seen the insurance companies game the system even when the rules were thought to be strong and tight and ironclad. We know the insurance companies will still try to game the system. That is why the public option is so important.

The public option is an option. You can choose CIGNA or Aetna; you can choose, in my State, Medical Mutual, a

not-for-profit headquartered in Cleveland; or you can choose the public option. The public option will make sure CIGNA and Aetna and those other for-profit insurance companies play by the rules. That is why it is so important.

Randolph is from Summit County. He says:

I have operated a small business in Ohio for 25 years. We have provided all of our employees health insurance from day one. It does hurt, it's the only area we can count on going up every single year—and not three or five percent, but double digit increases nearly every year for the past 27 years. These increases stop us from what we could do: Add more employees. This country needs health insurance reform now.

Randolph is exactly right. Almost every small businessperson I know wants to cover his or her employees. Those small businesses are getting so oppressed by these health insurance costs that it stops—in many cases, it means they have had to scale back the benefits they provide their employees, force their employees to pick up more of the cost. It also means, as Randolph points out, he would like to hire more people, grow his business more, expand, but he can't do it because of health care costs. That is why this legislation is so important.

The public option is important to keep the insurance companies honest. The assistance we are going to provide for small businesses with tax credits will allow them to pool their resources, with the opportunity, if they choose, to go into the public option. All of that will help those smaller employers in Mansfield and Gallipolis, in Fremont and all over my State, will help those small employers, those small businesses prosper, be able to provide insurance for their employees, and allow them to grow and do what they want to do as businesspeople.

#### PEDIATRIC CANCER RESEARCH

Mr. BROWN. On August 6, Alexa Brown, an 11-year-old from Clyde, OH, died of brain cancer. Alexa was an active, happy, and beautiful little girl. Her courage in the face of such tragic circumstances was inspiring.

Unfortunately, Alexa's battle with cancer is not an isolated case. Cancer is the No. 1 cause of nonaccidental death in children. It is responsible for more deaths from ages 1 to 19 than asthma and cystic fibrosis and AIDS combined.

In northwest Ohio and the area around Clyde, 19 other children have been diagnosed with a form of invasive cancer in the last decade. Public health officials are trying to get to the bottom of the environmental origins of this cancer cluster, as it is called, but in too many cases we simply don't know enough about the disease to reach any definitive conclusions.

It is this lack of knowledge and it is heartbreaking stories such as that of



Alexa Brown that persuaded us in Congress to unanimously pass the Caroline Price Walker Conquer Childhood Cancer Act last year. That bill, named after former Ohio Representative Deborah Pryce's 9-year-old daughter who died of cancer, established a national patient registry for pediatric cancer patients at the Centers for Disease Control and Prevention as well as authorized additional funding for pediatric cancer research at the National Institutes of Health. After passing that bill, it may have been tempting to just claim victory, but today, 14 months later, there is still much to be done to fully realize the goals of that legislation.

The Senate version of the Labor, Health and Human Services appropriations bill does not yet include the direct funding authorized by the Caroline Pryce Walker Conquer Childhood Cancer Act. The House bill does. That is why today, on the last day of Childhood Cancer Awareness Month, Senator VOINOVICH and I sent a letter to appropriators urging that the final Labor-HHS package include \$10 million specifically—specifically—for pediatric cancer research.

Currently, the National Cancer Institute spends less than 4 percent of its budget on pediatric cancer. An extra \$10 million would boost that percentage and help our effort to get to the bottom of this deadly problem. It would give hope to those in Clyde, OH, and northwest Ohio and across my State and across this great country who have seen cancer's destruction firsthand.

I had a chance to meet with Alexa's family just a few days after their daughter passed away. You can imagine, it was a very emotional time for them and for their neighbors and for their friends at church and for their friends throughout Clyde and that part of the State. But even in their state of mourning, Alexa's mom and dad stressed the importance of making sure other families don't have to go through the same thing. I think our colleagues couldn't agree more.

Thank you, Mr. President. I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2918, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by all the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of Thursday, September 24, 2009.)

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that upon disposition of the conference report to accompany H.R. 2918, the Senate then proceed to the consideration of H. Con. Res. 191, a correcting resolution; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I rise today to present the conference report on H.R. 2918, the Legislative Branch Appropriations Act of 2010.

I will start by thanking the ranking member of the subcommittee, Senator MURKOWSKI, for her help throughout the process of completing the bill. We worked very well together, and the result is a true bipartisan product.

I also thank Chairman INOUE and Vice-Chairman COCHRAN for their support and direction this year as well.

At the request of the full committee, a clean, 1-month continuing resolution has been attached to this conference report.

I believe the bill we have before us today is a good one. This bill will allow the legislative branch to continue to operate and move forward during the next year.

When Senator MURKOWSKI and I began our hearings this year, we both agreed we should lead by example in the legislative branch—being good stewards of the taxpayers' dollars. Fiscal year 2010 would be a year of "must haves" versus a year of "nice to haves." With one notable, important, and understandable exception, I think we have been successful.

The final conference report contains \$50 million for the renovation of the Cannon House Office Building. The conferees included this funding at the request of the House. As a matter of comity, the House and Senate defer to the other body on funding decisions related to their side of the Chamber. The \$50 million for the Cannon Building Historical Fund accounts for most of the new overall spending above the cost-of-living increases in our bill.

The conference report before us today totals \$4.65 billion, which is \$156 million, or 3.5 percent, over fiscal year 2009, \$386 million below the budget request.

The bill provides \$926 million for the operations of the Senate, which is \$31 million, or 3.4 percent, above fiscal year 2009, and \$83 million below the request. I am happy to say we were able to reduce the Senate funding by \$8 million from the Senate-passed bill. In addition, \$1.37 billion is included for the operations of the House in fiscal year 2010.

The bill also provides \$328 million for the Capitol Police, which is \$22 million, or 7 percent, above fiscal year 2009. This amount fully funds the current onboard strength of 1,799 officers and provides for an additional five civilian employees to assist with the implementation of the radio project. Congress made the decision earlier this year to move forward with this long-overdue project. So now it is critical that the Capitol Police has the personnel it needs to bring this project in successfully—on time and on budget. No excuses.

The Library of Congress is funded at \$643 million, an increase of \$36 million, or 6 percent, above current year, including full funding requested for the Library's information technology upgrades, which is a top priority of Dr. Billington.

The conference agreement includes \$602 million for the Architect of the Capitol. Setting aside the \$50 million for the renovation of the Cannon House Building, this mark represents a \$22 million, or 4 percent, overall increase for the Architect of the Capitol. The bill includes a very good balance of energy reduction, deferred facilities maintenance, and code compliance projects within the funding provided.

The Government Accountability Office is funded at \$557 million, an increase of \$26 million, or 5 percent, above fiscal year 2009. This funding supports additional staff to assist GAO in carrying out its vital role in the oversight of the Federal Government.

The Government Printing Office is funded at \$147 million, an increase of \$7 million, or 5 percent, above current year. This increase provides funding for several of GPO's high-priority information technology projects and much needed repairs to the elevator system of the GPO building.

The conferees included \$45 million for the Congressional Budget Office, which is an increase of \$1 million above fiscal year 2009. This will provide CBO with the support it needs to fulfill its mission serving Congress.

The Office of Compliance is funded at \$4.4 million, which is \$305,000, or 7 percent, over current year.

Finally, the conference report includes \$12 million for the Open World Leadership Fund. This represents a decrease of \$2 million below current year



and \$2.5 million below the Senate-passed fiscal year 2010 level.

Mr. President, in closing, I thank the staff members who have assisted us throughout this process. First, from Senator MURKOWSKI's staff, I thank Carrie Apostolou and Sarah Wilson for their hard work on this bill. From my staff, I thank Nancy Olkewicz, Kate Howard, and Teri Curtin for their assistance in producing this important legislation.

With that, I urge my colleagues to support this bill.

The PRESIDING OFFICER. The Senator in Hawaii is recognized.

Mr. INOUE. Mr. President, I rise to support the Legislative Branch conference report, which includes a continuing resolution allowing the government to maintain normal operations until October 31, 2009.

I thank Chairman NELSON and Ranking Member MURKOWSKI for their hard work on this bill. I believe the final product before us is fiscally responsible legislation that meets the essential needs of both the House and Senate. I applaud their efforts to urge its adoption by the Senate.

With regard to the continuing resolution, I note that today is September 30, the last day of the fiscal year. With our men and women in uniform fighting on two fronts, and with our economy at a critical stage in its recovery from the worst recession we have faced in several generations, it is inconceivable that we would allow for any disruption of the essential services provided by the Federal Government. We simply must pass this bill today and send it to the President for his signature.

The continuing resolution before us is clean and does not contain any controversial provisions. It increases funding for our veterans health care services in order to meet the needs of our wounded warriors returning from Iraq and Afghanistan.

The continuing resolution increases funding for the Census Bureau to allow that agency to continue to ramp up its necessary activities prior to the 2010 census.

Mr. President, I note that the continuing resolution prohibits any funding for ACORN, and it extends a number of necessary authorizations.

Finally, in order to cover a budget shortfall, the continuing resolution allows the Postal Service to reduce by \$4 billion a payment designed to prefund retiree health benefits.

Continuing the operations of this government should not be a partisan issue. I note to my colleagues that in both 2006 and 2007, the Congress attached a continuing resolution to an appropriations conference report.

In 2006, the Republican-led Congress passed the conference report and the attached continuing resolution by a vote of 100 to 0.

In 2007, the Democrat-led Senate passed the conference report and the continuing resolution by voice vote.

When I assumed the chair of the Appropriations Committee, my first priority was to work with my colleague and vice chair, Senator COCHRAN, to return the appropriations process to regular order. This is a tall order given that we did not receive the administration's budget until May.

Today, we have our second and third conferences scheduled with the House, and we expect to hold several more in the coming weeks. This short-term continuing resolution will give us time to consider a good number of appropriations bills under the regular order.

Mr. President, we have more work to do to pass all 12 bills. But I am proud of the committee's efforts thus far, and I look forward to reporting continued progress throughout the month of October.

With that, I urge my colleagues to vote in favor of the Legislative Branch conference report, which contains this short-term continuing resolution. I congratulate the chair and the ranking member.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I want to speak today once again concerning the really astounding, irresponsible, unjustified increases in spending we have seen in this Congress. I don't believe this Nation has ever seen anything like it in the non-defense area, and it is threatening this country's long-term financial health. So I am going to focus today on some of the appropriations bills considered in this Chamber as well as the next highway trust fund bailout, which is in the works.

I have some prepared charts, and my staff will bring those here in a minute, which will show the runup in appropriations spending we are seeing today, which is pretty much unprecedented in the history of this Congress.

Take for instance the agricultural appropriations over the past 8 years. They are dramatic. We passed that recently. Agricultural appropriations increases were 14.5 percent in this year's appropriations bill over last year's. That would double the agricultural budget in 5 years if we maintained those increases. That is a stunning number. The average increase in agriculture spending was 2.1 percent compounded over the 7-year period from

2003 to 2009. Yet we now jump up, in this time of unprecedented deficits and debt, to where we have a 14-percent increase. The 2.1-percent average we had from 2003 to 2009 was criticized by many as being excessive, but it was about the rate of inflation. As we know today, inflation is virtually nonexistent, and yet we end up with a 14-percent increase.

If you look at the Department of the Interior, those changes over the past 9 years are also dramatic. We just passed the Interior appropriations bill. Interior and EPA, the Environmental Protection Agency, have now been put together. Their increases were 16.6 percent in over the previous year in the 2010 Senate bill.

This chart just shows in graphic detail how agricultural spending has gone. I know my colleague from Nebraska believes in agriculture, and I do, too, but this is one of the few times I have not been able to support an agriculture bill. We don't have the money to increase spending 14 percent.

President Bush, they said you spent too much on agriculture. We heard that a lot, didn't we, I say to Senator NELSON. But it was pretty frugal over the years. Here we have, in 2009, a 15 percent increase, and in 2010 a 14.5 percent increase in spending. Our debt today is so much greater than what we had in those years, it makes us wonder how did we get here.

If you look at Interior, as I just mentioned, we see the same thing. The Environmental Protection Agency has not always been a part of this funding mechanism, but we worked hard to try to make sure we are comparing apples to apples, and you see less than 1 percent in 2002, 5.6, 1.6, a minus 1.3, minus 4.0, then 16 percent this year. I couldn't vote for that. I do not think our colleagues are listening to their constituents back home. They know something is going awry up here. They think we are detached from reality. Doesn't this chart suggest that they are correct?

I will just mention the Environmental Protection Agency. Their increase this year is 33 percent. That would double EPA's funding in 2 to 3 years.

Let me add, these funding levels do not count the largest appropriations bill in the history of America, which we passed in February—wait a minute. I hear my wife right now: JEFF, would you quit saying "we" passed, when you voted against it? The Senate passed \$800 billion. If you add the stimulus funding the Interior bill agencies received, that would add another \$11 billion to their spending and take it to over a 50-percent increase.

So Interior got a lot of money out of the stimulus bill. This chart is not including the stimulus spending; this is baseline spending. So next year, they will want an increase again and it will

be on a much higher baseline, a 16-percent higher baseline than the previous year.

I will get to this one next, the T-HUD appropriations, as we call it around here, Transportation, Housing and Urban Development.

Since the Transportation-HUD bill has only been around for 3 years in this configuration, together, this is what we have been able to graph out for those two bills. The average of all discretionary appropriations increases for all appropriations bills that we have had, from 1995 to 2009, 15 years, averaged 5.2 percent compounded. So when you see a 23-percent increase this year in the fiscal year 2010 bill, that is over four times the 15-year average of appropriations for discretionary spending in our cup. At a 23-percent rate, spending on T-HUD would double every 3 to 4 years.

Next, let's look at Commerce-Justice-Science. Although CJS has also only been around for the past three years, we were able to reconstruct the funding levels for all agencies going back to FY2003. What we discovered was surprising. The average spending increases from 2003 to 2009 for CJS was 4.4 percent. However, this year we have a 12.3-percent increase in the baseline funding for the CJS bill. At that rate, spending in that CJS—Commerce-Justice-State spending would double every 6 years, and that doesn't include the \$16.9 billion CJS accounts got from the stimulus legislation.

Finally, there is the State and Foreign Operations bill. The State and Foreign Operations has only been around together in this configuration for 3 years, and that is all we have been able to graph. However, we can once again compare it to the average of all appropriations increases for all the bills from 1995 to 2009, which I said was 5.2 percent.

So the 33-percent increase in the fiscal year 2010 State and Foreign Operations bill is over six times the 15-year average increase for discretionary spending. At a 33-percent rate, the spending would double every 2 to 3 years, at a time of unprecedented deficits.

This week, we are going to have the Legislative Branch appropriations bill, our budget. It increases spending at a 5.9-percent rate compared to fiscal year 2009. That is four times the rate of inflation excluding food and energy, which, according to the Bureau of Labor Statistics, is 1.4 percent for the last 12 months. So, excluding food and energy, we have inflation at the rate of 1.4 percent, and we are funding our own selves in the legislative branch at a 6-percent increase. If you include the cost of food and energy—and there is some good news here: inflation has gone down, actually. We are in a period of deflation. It has gone down 1.5 percent when you figure that over the en-

tire year, including food and energy prices, which have dropped considerably from the huge gasoline prices we remember not long ago. So if you add the stimulus and the supplemental funds from fiscal year 2009 to fiscal year 2010 instead, you come up with an 8.2-percent increase.

So what is wrong with spending 23.2 percent or 16 percent more on these bills than last year, or on the average? The simplest way to put it is, we don't have the money. We are going to have to borrow money to do this spending. We borrow the money. It is not free money. We don't have the power just to spend money. When we go into debt, we borrow the money, and people buy Treasury bills and notes, and we use that money to pay the debt, the shortfall between what we spend and what we take in in taxes. We are going to have to borrow money from a lot of people, but China is our biggest loaner of money. Other countries lend as well.

Shortly after President Obama's inauguration, he released a budget entitled "A New Era of Responsibility." Here are some quotes from his passage in that document:

Therefore, while our Budget will run deficits, we must begin the process of making the tough choices necessary to restore fiscal discipline, cut the deficit in half by the end of my first term in office, and put our Nation on sound fiscal footing.

That is a good statement. I just have to say that I am still looking to where those tough choices are going to be made. According to the Congressional Budget Office, our independent source of information, the President's budget doubles the debt in 5 years and triples it in 10. This is the Congressional Budget Office. This is a nonpartisan group, although our Democratic majority on the Budget Committee, of which I am a member, has the votes to select the Director. Since the history of the founding of this Nation, we ran up a total debt, national debt, of \$5.8 trillion. According to the Congressional Budget Office, the President's budget would double it in 5 years, by 2013, to \$11.8 trillion, and in 2019 it would be \$17.3 trillion, thus tripling the national debt in 10 years. I know people do not think that is true, but those are the numbers we have, and we are on track to get there. This does not include unprecedented increases in discretionary spending that we are seeing on the floor of the Senate. It also doesn't include health care. This number was scored before we talked about spending \$1 trillion or more on health care additions.

I have to mention interest on the debt because the numbers are so large that people have difficulty comprehending them. People tell me that all the time: A trillion dollars, I have difficulty understanding how large that is.

What about interest? We know what it takes when you pay your mortgage

interest or your credit card interest. You have to pay the underlying debt and then you pay the interest on top of that. Sometimes interest can put you in the poorhouse.

This year, 2009, the interest on our total national debt is \$170 billion. That is a lot of money. Alabama's State budget, including education, is about \$15 billion. We are about one-fiftieth of the Nation in size. Interest this year will be \$170 billion, and it will go up dramatically. CBO scores the annual payment of the United States to people we owe money to at the end of 10 years, as almost \$800 billion. If interest rates go up a little higher than they had projected, and many have projected interest rates will go up higher, particularly the Blue Chip Forecast, which is a highly respected group of economists who forecast various things, they forecast it would be \$865 billion because they forecast a higher interest rate. And if we have what some people fear will occur, which is a surge in interest rates, as we had in the late 1970s because of our irresponsible spending, it could hit \$1.29 trillion or \$1,290 billion in interest.

So we spend about \$40 billion a year on highways, we spend about \$65 billion in this Congress on aid to education, and we are going to see from \$170 billion to \$800 billion or more we have to pay in interest? There is no free lunch. You can't borrow your way out of debt. When you spend money you do not have, you borrow it and you have to pay interest on it.

We have low interest rates today. That seduced some of our masters of the universe to say: Let's run up a little debt right now. Running up a little debt is one thing, but the interest rates are going to go up, as CBO projects. They are pretty low today because of the slow economy.

I am very concerned about this. What I am concerned about is our spending in these appropriations bills indicates we are oblivious to this. This is reality. I am not making this up. This is reality, and the American people intuitively understand it and they are really worried about it. I think they should be. We are the ones who seem to be not connected to reality.

The President also stated these words in his budget submission documents:

Then there are the years that come along once in a generation, when we look at where the country has been and recognize that we need a break from the troubled past, that the problems we face demand that we begin charting a new path. This is one of those years.

It does seem apparent that we are having a break with our past. We are definitely seeing increases in spending, the likes of which we have never seen before in our basic baseline appropriations bills. Even the deficits I have mentioned assume not a recession in

the next 10 years but robust growth in the next few years and solid growth in the last 5 years. Basically, the projections on the deficit and the interest rate we are going to have to carry are greater.

And the deficits—let me share this with my colleagues. I get asked this at townhall meetings: Well, when do we pay back the debt? When do we pay it off? I am paying my mortgage. I pay principal and interest. When is the Federal Government going to pay back its debt? The answer is: We have no plan to do so. The only plan we have is to pay interest and increase the debt.

For example, this year the budget deficit has been estimated to be \$1.8 trillion, the largest ever. Last year it was \$450 billion. It is \$1.8 trillion this year. The CBO forecasts that the lowest deficit, annual deficit, we will have in the next 10 years is over \$600 billion.

How can you pay any debt down when the lowest deficit you are going to have is \$600 billion? The best year they are projecting, we increase the debt by \$600 billion. Indeed, what is even more troubling is in the outer years, years 8, 9, and 10, the deficit is growing. In the 10th year, they project that the deficit that will result from the President's spending policies would be over \$1 trillion.

So there is no plan to pay this back. It is only a plan to increase the total debt, which inevitably increases the interest burden that is going to fall on our children and grandchildren. We are reaching into the future to pour money into today to satisfy our current needs because some say we are in a crisis and we have to get out of this crisis; let's just spend money.

We are using that as an excuse to increase our legislative branch spending, our interior spending, our agriculture spending that, at baseline level, is higher than anything we have ever done in recent memory. Let's hope the scenarios I mentioned do not happen. I think it is possible. I have a lot of confidence in the American people that somehow, some way their voice is going to be heard. There are going to be some changes in Washington. If we do not do it ourselves, they are liable to send someone up here to replace us who will do it.

But it appears that some of our major creditors are taking note of the debt we are running up. Our creditors are looking at these numbers. They are not oblivious to what is going on. There is a special kind of Treasury Bond that we sell to get people to loan the government money called treasury inflation-protected securities or TIPS. Unlike regular bonds that would be at a certain interest rate and that could be devalued when inflation increases, TIPS adjust their value if inflation goes up. So if people with a lot of money looking at these numbers, are they betting that we will see inflation

go up or are they expecting inflation to go down? It is pretty clear that they expect inflation to go up because investor interest in the TIPS is soaring.

The Dow Jones Newswires reported September 13 that prices on TIPS have risen 8.7 percent this year; whereas, the prices of regular Treasury bonds have shrunk by 2.6 percent.

Smart Money magazine reported September 23 that investors poured \$8.5 billion into TIPS in the second quarter of this year alone, double the amount for the same period last year. The Wall Street Journal reported the same day that investors have poured \$17 billion into TIPS so far this year; whereas, they purchased only \$10 billion in TIPS all last year.

Meanwhile, the Chinese, who are some of our biggest creditors, with more than \$800 billion in Treasury bonds, have expressed concerns about inflation here and have shown a corresponding interest in buying TIPS. According to the Wall Street Journal, they discussed TIPS at high-level talks in Washington at the end of July.

The United Kingdom's Daily Telegraph, in an article entitled "China Alarmed by U.S. Money Printing," on September 6, even quoted a top Chinese Communist Party official lecturing the United States on spending and then quoting Benjamin Franklin to the Americans.

He said: "He who goes borrowing goes sorrowing." How ignominious is that, to be lectured on spending by Communists. Due to interest from both the Chinese and others, the spread in the interest rates between the 10-year TIPS and the regular 10-year Treasuries has grown from about zero—they both had about the same rate of interest at the beginning of this year—to nearly 2 percent.

That means one can get nearly a 2-percent better rate by buying regular Treasuries. But people still want TIPS. Why? Because they believe and are afraid that as the years go by, inflation is going to rise, and they will get more interest back by buying TIPS, even though it is 2 percent below the basic Treasury rate.

Meanwhile, the dollar is hovering at a 1-year low, partially because the Fed recently decided to have interest rates unchanged at basically zero percent, and decided to extend through March its timeframe for purchasing \$1.25 trillion in mortgage securities and \$200 billion in government agency debt.

The dollar has slid 6.2 percent this year on inflation fears, while gold has soared 15 percent. Gold goes up on inflation fears in the future.

Confidence in the dollar has sunk so low that the U.N. proposed replacing the dollar as the global reserve currency in its U.N. Conference on Trade and Development annual trade report, published September 7. China has also expressed interest in an alternative currency.

Not only that, because of all this borrowing, we are about to hit our \$12.1 trillion debt limit, which was last raised when? Not too many months ago, when we passed the \$800 billion stimulus package in February.

Our debt has increased by \$1.1 trillion just since President Obama was inaugurated. The Treasury Department has been holding record auctions of Treasury bills and notes to keep up with the deficit and the debt.

Another aspect of the continuing resolution that we will be considering this week is yet another bailout of the Postal Service. This is the third Postal bailout in 8 years. The Post Office was supposed to be completely self-funding by now. But they still refuse or are unable to pay for their outyear benefits and expenses.

According to the Congressional Research Service, they face about \$95 billion in total unfunded liabilities—\$95 billion—which is why they are supposed to make payments that are being suspended by the continuing resolution. They are scheduled to make \$5.1 billion in payments this year for the unfunded pension liabilities. But in this bill, we are letting them only pay \$1.1 billion.

There is nothing free here. OK? We will let them not pay the full amount. Those payments are to make their benefits actuarially sound. This \$4 billion in relief is in addition to the \$7.1 billion that was provided in 2003 and the \$1.5 billion that was provided in 2006.

CBO, our Congressional Budget Office, says this is costly because it shifts money from future accounts to current expenses. But if we keep doing this without structural reforms from the Postal Service, taxpayers will wind up on the hook for a good portion of those unfunded liabilities.

Why is the Post Office in such a financially poor position? In terms of efficiency, labor costs consume 80 percent of their revenue; whereas, UPS and FedEx spend 65 and 45 percent, respectively, on their labor costs.

The Postal Service is nearly insolvent despite not paying any taxes. They have to have some reform in the Postal Service. I am not going to go into detail now, but a recent Federal Times article pointed out some of the inefficiencies. We cannot continue this.

Let's turn to the highway trust fund. We are going to be asked to pass an extension of the trust fund spending. It struck me as perhaps coincidental that our highway trust fund keeps running out of money year after year after year. What is happening here? Why is it always running out of money? After all, the highway program is supposed to be funded by the gas tax and to be deficit neutral.

However, last year we were told we had to borrow \$8 billion from people who loan us money, including China and Saudi Arabia and others, to replenish the highway fund. This year, we

have already borrowed another \$7 billion to fix the shortfall.

Although the bill before us this week does not borrow additional money from the Treasury, it also does nothing to address the constant deficit the trust fund faces. I am told the fund has been facing and will face a deficit of about \$10 billion a year, which means this bill is just kicking the can down the road, and we are going to be asked for either another bailout or a tax hike in the future.

We cannot savage the highway budget. We have to maintain a reasonable spending level for our highway budget. But we have not been going about this responsibly. We are basically funding it by increasing our debt. That is no way to go.

Some make the point that people are driving less and they pay less gasoline taxes. There is some truth to that. But the most recent authorization bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act, contained a timebomb in it that created the crisis we are in today.

It appears to have been written with the objective of drawing down the highway trust fund rapidly to zero and perhaps beyond. The previous highway bill had some safety mechanisms built into it to prevent declines in our revenue from bankrupting the trust fund. But the SAFETEA-LU weakened both of them, one known as revenue aligned budget authority and one known as the Byrd test, to the point that they are basically irrelevant today.

The combination of constantly increasing spending and disabled safety mechanisms to contain spending means that a crisis was almost inevitable. As early as April of 2006, the Congressional Budget Office was predicting significant negative balances in the out-years of Transportation spending. But did we take any action to confront that looming shortfall?

No, no action was taken either in the authorizing committees or the appropriations committees. The predictable gap between authorized spending and predictable revenue, a prediction that the highway trust fund will soon go bankrupt, which is where the balances hit zero and the timebomb goes off. Despite predictions from CBO that this would happen, to this day, no action has been taken by either the authorizers or appropriators to rein in spending or create the kind of revenues necessary to sustain the program.

Instead we are supposed to keep borrowing, borrowing, debt, debt, debt. The excuses we keep hearing to justify these bailouts is that the highway trust fund has been raided at various times in the past. But that is not accurate.

It is inaccurate. According to the GAO, an independent agency, the general fund paid for \$39 billion in highway expenses from 1956 to 1996. Including

interest, these payments were worth \$164 billion. So it seems that at best, the highway trust fund isn't owed anything, and at worst, it perhaps actually owes money to the general fund. In fact, GAO determined in that report that as of 1998, if the highway trust fund had been forced to pay for all highway expenditures, it would have been in deficit \$152 billion. We are not raiding the highway fund. We have been putting in extra money. Where did we get it? By borrowing more money and increasing our debt.

Those transfers didn't stop in 1997 either. Before the current series of bailouts began, Congress already provided for \$31 billion in transfers over 10 years from the general fund to the highway trust fund as part of the 2004 American Jobs Creation Act.

As I mentioned before, we have before us this week a highway trust fund extension that does nothing to help with the constant deficit in the program except borrow more money to put into it. All it does is keep spending at levels we know we don't have the money to sustain. In fact, if we keep spending at the current levels, the highway trust fund will require \$87 billion in bailouts from 2010 to 2019. I remember a few weeks ago, in a stunning vote, Senator VITTER from Louisiana offered a fine amendment. We were told that the stimulus package that had to be passed so quickly in February to save jobs was going to rebuild our crumbling infrastructure and our highway programs, creating permanent improvements that would benefit the Nation for years to come.

Most people perhaps missed the fact that less than 4 percent of the \$800 billion that was appropriated in February went to highways. Hundreds of billions of dollars of the stimulus bill have still not been spent. Senator VITTER said: We said we were going to use this money for highways. We are having a shortfall in the trust fund. It is going to cause serious repercussions in the transportation industry. Let's take the money and fix it on a more permanent basis, 18 months, 2 years, and take the money from the stimulus bill that hasn't been spent.

I voted with Senator VITTER, but the amendment was voted down, the effect of which was to say that the Senate prefers to borrow the money necessary to fix the highway trust fund and increase our debt rather than using the money we basically told the American people we were setting aside for highways. That was a very irresponsible vote. It spoke volumes. Basically, with few exceptions, the Democratic majority made up their minds how they wanted to handle this shortfall which was increasing the debt. They refused to consider taking it from the already appropriated stimulus package.

Unfortunately, CBO scores are not the clearest when it comes to these

bailouts. I am not sure that is all CBO's fault or the Budget Committees'. One would think a bill that allows billions of dollars in additional deficit spending would score as much. But according to the CBO, highway spending is discretionary; therefore, what matters in terms of the deficit is what is appropriated not what is authorized. Of course, if we ask the appropriators, they will simply say they provide what is authorized. For fiscal 2010, the appropriators provided what they expected to be authorized by simply assuming that this extension of spending and eventual general fund transfer would happen. That is one of the reasons there was an incredible 23-percent increase in spending in the Senate-passed bill.

The committees are playing a shell game with taxpayer dollars. Somebody has to step up and start taking responsibility for the seriousness of the situation. If we look at how much transportation spending has increased over the last 10 years and where it is expected to go, the 2005 highway bill provided \$286 billion in spending over 5 years and allowed spending to increase 23 percent over that 5-year period. The 2007 spending it provided represented a 92-percent spending increase from 1997; 10 years, almost double. I offered an amendment in 2005 to reduce that spending and fund it properly. It failed 84 to 16.

The House Transportation Committee apparently wants the next major reauthorization to spend \$500 billion over the next 6 years. That is a per-year increase in spending of 46 percent.

One thing we are pretty unified on is that we need to adequately fund highways. I thought we had unanimous agreement that the stimulus bill would emphasize highways and bridges and roads and infrastructure, but it did not. But we still spent the money.

The reason we are not getting nearly as much jobs impact from this Federal stimulus package is too much of it is going to amorphous things that don't create positive benefits and jobs. Regardless, the number we show on this chart of the debt of the United States, projected to triple in 10 years, is unsustainable. Everybody says that, but when do we get serious? We are not getting serious in this year's budget. It is an unprecedented increase in spending.

The long-term budget the President submitted to us and what was essentially approved by this Congress shows it tripling in the next 10 years, based on what their projections are for spending. I am troubled by it. We have to keep talking about this. We need to listen to what the American people are telling us. If we do, we will be acting in a much more responsible way than we are today.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the 12:30 recess be extended so that I may finish a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. REID. Mr. President, on the Senate floor this morning, there has been some debate about one of the provisions in one of the proposals that will ultimately make up the health insurance reform bill, a bill that will finally make it more affordable to live a healthy life in America. I welcome such a debate. It is an important part of a democracy. It is how we do business in the Senate. I would like to take a little time to respond.

My Republican colleagues made two primary points this morning. The first is that they were upset that we are helping the hardest hit States in the country. It is hard to comprehend, but that is what they were saying. The second is, they were upset that we want to address an urgent national problem such as the health insurance crisis.

Let's talk about them one at a time. First, Republicans are upset that we are helping the hardest hit States. The specific section they mentioned would look at all States in the Union and see which are suffering the most in our troubled economy, which citizens are suffering the most from an unhealthy health care system, and make sure these States' Medicaid Programs get the support they need to make people's lives a little easier. The four States affected are Michigan, Oregon, Rhode Island, and the State where I was born, Nevada.

Were these four States selected at random? No. Were they just picked out of a hat in the Finance Committee? No. Were they chosen to intentionally exclude 46 other States? Of course not. These States are suffering more than most, and that is an understatement. Three of the four are the top three in unemployment, and as national legislators, we know our job is to help States in precisely that position.

First, Michigan. Time magazine this week: "The Tragedy of Detroit." Look at this picture. I was in Detroit a few months ago. I am not an expert on Detroit. I have been there a few times, but I was stunned by the buildings boarded up, the streets in distress. "How a Great City Fell." That is what

it says in Time magazine, a major feature article. Who can say that Michigan is not bleeding? Who can say its Medicaid Program doesn't need a hand? The cover of Time magazine shows a dilapidated city, dilapidated streets with debris covering the road and windows knocked out of abandoned buildings. It looks like a ghost town.

I am pulling for Detroit. I know I am going to upset everybody here, but I was glad they beat the Redskins. They have lost so many games in a row, they needed a lift. It is not going to hurt the Redskins to be on the losing side of playing the Detroit Lions. I am pulling for the Detroit Tigers. They are a game or two ahead, and they might make it to the playoffs. Detroit needs a little boost.

If we look at this cover—windows knocked out, debris covering the roads—it is like a ghost town. The cover reads: "The Tragedy of Detroit." The State of Michigan is in trouble. Even Sports Illustrated put Detroit on its cover this past week and wrote about how the city is trying to cope with its unparalleled plight. The cover stories in both these national magazines tell the distressing tale of the largest city in our most populous States, a State where unemployment is more than 15 percent. Do Senators want to come here and say Michigan doesn't need a little shot in the arm? That is higher than any State in the country. That is why we are supporting Michigan's Medicaid Program. That is what this legislation is all about in the Finance Committee that people complained about today.

Second, Oregon. Oregon's unemployment is more than 12 percent. In March the unemployment rate was 12.1 percent, and many economists said that was as bad as it could possibly get. Guess what. It got worse. Not only did the unemployment rate rise, but the rate of underemployed people in Oregon, those looking for full-time jobs who can only find part-time work, went up also. Together the unemployed and the underemployed in the great State of Oregon is almost 23 percent. Yet people are coming to the Senate floor saying Oregon doesn't deserve this little shot in the arm they get from Medicaid. Almost a quarter of the people in that State cannot find the work they want. That is why we are supporting Oregon's Medicaid Program.

Third, Rhode Island. Unemployment in that State is 12.8 percent. It has been hit very hard by job losses, foreclosures, and evictions. In fact, last month a record number of Rhode Island residents sought emergency shelter. At no month in the 219-year history of that State did more citizens seek emergency shelter than in August of this year. That is tragic, and that is why we are supporting Rhode Island's Medicaid Program. People should be embarrassed to come and complain about try-

ing to help Michigan and trying to help Rhode Island with their Medicaid Programs.

Let's talk about Nevada. We have talked about Michigan, we have talked about Oregon, and we have talked about Rhode Island. Let's talk about my State, I repeat, where I was born, a State that was on a financial uptick for more than two decades. Well, there is not a single State in the Nation now that has felt the full force of the foreclosure crisis like Nevada. We have led the Nation in foreclosures for 31 months in a row. Let people come and complain about trying to help Medicaid recipients in Nevada.

In the nationwide housing crisis that has been both a cause and an effect of the global economic crisis, Nevada has been hit the hardest. We lead. It is nothing we are proud of, but it is true. On top of that, our unemployment rate is more than 13 percent. The people of Nevada are hurting, and I make absolutely no apologies, none, for helping people in my State and our Nation who are hurting the most.

Let me repeat, Mr. President, I make absolutely no apologies for helping Michigan, Rhode Island, Oregon, and my State of Nevada. That is why we are supporting Nevada's Medicaid Program.

In fact, that is what our entire health care debate is all about: helping those who are hurting. That is what our jobs are all about—yours, Mr. President, and mine—looking out for our constituents who give us the incomparable honor of representing them and serving their interests.

I said this before, but it bears repeating: The price of living a healthy life in America is simply unaffordable with many people. Those with health insurance are at the whim of insurance companies that look out only for their bottom line and drop patients left and right, even when they need coverage the most.

Those without health insurance are forced to file foreclosure, go into bankruptcy, or simply succumb to curable diseases because of exorbitant costs and abusive policies. Those fortunate enough to have health insurance are already paying a hidden tax to cover those who do not. Surely, that is no way for the wealthiest and greatest Nation in the history of the world to treat its citizens. We should not do that. We have to do better.

I said I wanted to comment on two points my Republican colleagues made on the floor this morning. I have done one. The second is their objection to how this bill is moving through the Senate. They are complaining it is moving too fast. That is a subject for a Jay Leno comedy spot.

Since May 2008, the Senate Finance Committee has held 20 roundtables, summits, and hearings on their proposal for fixing our health care system.

They are complaining the process is going too slowly?

If I told you the Senate Finance Committee held more than 50 meetings on their proposal for fixing our health insurance system—including more than a dozen member meetings, hundreds of hours of negotiations with the bipartisan group of six members of that committee—we have watched that on national television over the last several months—well, you could be excused, I guess, for thinking the other side is complaining that this process is moving too slowly.

If I told you the Senate Finance Committee is adding to that number as we speak, since it is now in its second week of marking up their proposal for fixing our health insurance system, you might assume the complaints are that the process should be sped up.

I could go on, Mr. President. If I told you when the HELP Committee drafted its own proposal to fix our health care system, it held 14 bipartisan roundtables, 13 bipartisan committee hearings, and 20 bipartisan walk-throughs, you might think they are complaining that this process is going too slowly. Hard to comprehend.

If I told you that committee accepted more than 160 Republican amendments on the HELP bill, you might say the same.

If I told you we have known our health care system is headed for disaster since Harry Truman was President, you might think the complaint is that we are taking too much time.

But here is the surprise: Republicans think this process is going too fast, not that it is moving too slowly. We have talked about all these hearings. Republican Senators are on the record saying they will vote against health insurance reform, even though they admit they do not need to read the bill to draw that conclusion. Pretty good. But it is just another excuse.

They have all these diversions. They come up with them: death panels, frightening people who are old in America, which is absolutely untruthful. Not a scintilla of evidence that is true. Then they came up with one: All these Democrats want to do is give insurance to illegal immigrants. Absolutely false. And there are many other red herrings they have thrown up along the way. It is just more evidence that for some on the other side there will never be a good time for health care reform—never. It is just more proof they want to defend the status quo, refuse to take care of their suffering and struggling constituents, and ignore the will of the American people. Their accusations are false, their complaints are disingenuous, and their rhetoric is dangerous.

Under the Republicans' plan, insurance companies can deny you coverage for a preexisting condition, because you are getting old or you are a

woman. Under their plan, insurance companies can take away your coverage when you need it the most. They want the status quo. That is what that is.

Under our plan, if you like what you have, you can keep it, but if you do not, there will be affordable choices for you that cannot be taken away. We will protect Medicare, we will not raise taxes on the middle class, and we will not add a dime to the deficit.

Mr. President, debates are great. But the reason—my being a trial lawyer—you have a judge determining what happens in a trial is because the judge makes sure what takes place is honest from both parties. Here we do not have that kind of a judge. So people can come to the floor and make the most false accusations, and it is up to us to explain to the American people whether what they are saying is true. Just because someone comes to this floor and says something, it does not mean it is true. And the complaint of my friends on the other side of the aisle about Michigan and Rhode Island and Oregon and Nevada getting special consideration is false.

Mr. President, I ask the Chair to put the Senate in recess at this time.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President Pro Tempore.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010—CONFERENCE REPORT—Continued

The ACTING PRESIDENT pro tempore. The Senate will come to order.

The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I rise today in support of the rule XXVIII point of order to be raised by Senator MCCAIN against the Legislative Branch appropriations bill.

I voted against this bill the first time it came through the Senate and now it is even worse. In fact, we violated one of our new ethics rules we talk so much

about in the Senate and in the House where these conference bills cannot contain a provision that was not part of either the House or Senate bill. We call that "air dropping." But we air-dropped some significant things into this bill, violating our own ethics rule.

First, we added a 1-month continuing resolution that funds our government since we haven't finished our work here in the Congress, but we also added a \$4 billion bailout for the Postal Service into this conference report bill, again, violating our own ethics rule. The air-dropped provisions are undemocratic. There was no debate or transparency. Like earmarks, it is another tactic politicians use to have an end run around our constitutional limits.

It is also wrong for Congress to fund itself while allowing all other government agencies to operate under a short-term continuing resolution. In 1995, President Clinton vetoed the legislative branch bill for this reason:

Congress should not take care of its own business before it takes care of the people's business.

If we are going to pass a continuing resolution, it should cover the entire government until we can have a transparent process that the American people can see. The only reason these tricks are pulled is that politicians don't want people to see what we are doing.

Even worse than the process that has been used for this legislation are the policies contained within it. Around the country, families and businesses are having to tighten their belts because of the recession. Many are out of work. At the same time, we are increasing our budgets dramatically here. This legislative branch bill itself has increased nearly 6 percent versus last year, despite the growing debt and the serious economic problems we are having as a country.

Just a couple of statistics from the bill: We have increased spending 128 percent for the House office buildings; a 155-percent increase for the Government Printing Office; a 6.2-percent increase for the Senate whip offices; a 4.3-percent increase for Senate leader offices; a 4.1-percent increase for Speaker PELOSI's office; a 4.3-percent increase in the Vice President's office; and don't forget a \$200,000 earmark for a museum in Nebraska.

If we were in prosperous times and had plenty of money, surpluses, then perhaps some of these increases would make sense, but not at a time when we see all Americans hurting and having to tighten their belts.

This is one of the smaller increases compared to the ones that have gone through in the last couple of weeks. We are spending our Nation into bankruptcy. Our debt is almost as large as our entire economy, and growing by \$1 trillion every year. Long-term deficits for Medicare and Social Security are



more than \$100 trillion. We have no idea how we are going to keep our promises to seniors. When will all this end?

The head of the World Bank, a former U.S. Trade Representative, is questioning whether the U.S. dollar will long remain the world's reserve currency because of our spending and because of our debt. A few weeks ago I noted that some officials in Zimbabwe were concerned about America, our spending and our debt, and what could happen to our currency. They have good reason to. A friend of mine who returned from Zimbabwe brought me one piece of their currency. This is a 100 trillion dollar bill from Zimbabwe. It is so worthless he gave it away as a souvenir. They are worried about our debt. We need to be worried about it too.

This bill also includes a \$4 billion bailout for the Postal Service, the third bailout they have gotten in 8 years. But the money is not contingent on any reforms within the Postal Service, so the underlying waste will continue and require another bailout in the next year or two. Why would we bail out the Postal Service without any requirement that they reform their policies, the policies that have led to this mess? There are some very obvious things we could do. We could save \$50 million by stopping paying employees an average of 45,000 hours of standby time. We could close unnecessary post offices. There is a long list of things we could do to reform the Post Office so that we don't continue to bail them out with taxpayer money, but there is nothing in this bill about doing that. It is only another bailout, another giveaway. So simply bailing them out will only prolong the problems and cost the taxpayers more money.

In sum, if we look at the legislative branch bill, it is bad policy, it has followed a bad process, and it continues this out-of-control spending and debt for our country. It does not deserve our vote.

I thank you, Mr. President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I note the absence of a quorum.

Mr. COBURN. Mr. President.

The ACTING PRESIDENT pro tempore. Does the Senator from Nebraska withdraw his request?

Mr. NELSON of Nebraska. Without objection, yes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to spend a little bit of time today talking to my colleagues and the American people about where we are. I don't know of a better description of where we are than this sign. The President said and some in the House have said

that certain facts about health care reform are indisputable, but nobody will dispute this one: Forty-three cents out of every dollar we spend this year, we borrow against the future of our children; 43 cents out of every dollar the Federal Government spends. What does that come to per family? What that comes to is \$15,603 per family—every family in this country—we borrowed against this year.

The reason I came down to the floor—I have a lot of problems with both the CR and this bill, but I want to know where the leadership is in America today. We are in tough times, and if there ought to be one bill the Congress passes with no increase in spending, it ought to be the bill that pays for the things we do. The reason it ought to be that bill is because we ought to lead by example. What we are saying with this legislative branch bill is that, you know what, there is just not 5 percent to cut in our efficiency. Nothing could be further from the truth.

Every year I have been here, I have been allocated a certain amount of money for my office. In no year have I turned back less than 18 percent of that money, 460-some thousand bucks. We didn't spend it because we know how to run things efficiently and effectively.

That is a misnomer for the Federal Government, as led by the Senate, as exemplified by this bill.

So what have we done so far this year? Here is what we have done. Here is where the 2009 increases were, and here is what we are proposing this year. This doesn't take into account any of the money we spent in the stimulus or any of the money in the emergency appropriations we passed or that we wanted to increase the baseline.

Last year, we increased our own budget by 10.88 percent. Inflation was minus last year; there was a negative inflation. So we had an infinity, as far as recognizing the increase of our own budgets, because, in fact, the costs actually went down in America. CPI declined. This year, we are at a 1.4-percent CPI increase year over year, from September 30 to September 30.

Legislative branch is almost three times what inflation is; Homeland Security, four times inflation; Energy and Water—because they got such a large bump with the stimulus bill, we only increased it 1.41 percent. Every other bill, such as Agriculture, is 12.68 percent; but if you look at it, it is almost 22 percent. The THUD bill is 22.54 percent. Interior is 16.28 percent. Here is the inflation rate, 1.6 percent.

Where is the leadership? That is what the American people ought to ask. I don't fault the chairman. He is given a number and he is supposed to meet it. I fault our leadership. Things are never going to change until we model the behavior that will set the example to cause everything else to change. When

we don't have the self-discipline and the courage to make hard choices in the running of our own offices and our own facilities, how can we ever expect anybody else in the rest of the government to do that?

You heard Senator DEMINT talk about what kind of shape we are in. Our debt today is \$11.790 trillion. That is going to double in the next 5 years. It is going to triple in the next 10 years. Medicare is an unfunded liability. For Medicare alone, it is \$89 trillion. What are we doing? Why are we not—Democrats and Republicans alike—saying the problem is in our leadership? The problem is the example we set. We can't even hold our own expenses flat at a time when the rest of the country is making the most difficult choices. Every family and every business is in tough times, and we are flying through it because we don't have to lead by example. We don't want to make hard choices.

There is something lacking in America today. It is sorely lacking. The trouble we are in isn't partisan. It is not one party or the other. It is the combined leadership of this country that fails to recognize the depth and severity of the problems before us, and then it is compounded by not making the hard choices and leading by example to give us a result that will change that path. No other appropriations bills have passed Congress. There have been no conference reports passed for this year. The one that we are going to pass is the one for us. That doesn't fit with any sense of reality to the average family in this country.

Today, it was released that we have a 16-percent approval rating. That is way too high. That is way too high. Leadership is about sacrifice, giving up something so somebody else can gain. We have none of it in any of these appropriations bills we have passed. But they have not gone to the President because we don't have conference reports. Then we have the gall to bring in our budget at three times the inflation rate for us and pass it as the only one. Everybody else will be frozen, with minor exceptions, in the CR. Everybody else—the rest of the government—cannot plan. They don't know what they can do. But we are going to make sure we take care of us. That is exactly why we have a 16-percent approval rating.

I struggled a long time with whether I would seek my seat in the Senate again. Quite frankly, I came down to the fact that, other than three or four of us, nobody in the Senate is speaking about the real long-term problems. Nobody is thinking long term. What we are thinking about is short-term parochial instances such as the \$200,000 the chairman put in for his own State. It may be a great project, but now is not the time to do that. It sends a signal to the rest of America that I am going to take care of me and the heck with you.



It is the wrong message. Yet we are going to do it anyway. We are going to say: Oh, well, never mind. It is a good cause, \$200,000 doesn't matter.

When we are growing up, our parents try to teach us a lot of things. It becomes the small things that are important. This legislative branch bill is a small bill compared to all the others we are going to pass. But it is big on symbolism because this is never going to change until we change. The symbolic act of passing this bill, where we are increasing our own expenses three times the rate of inflation, when most people in this country are spending less money on everything they do, some by choice, some out of fear, and some out of absolute circumstances that they have no control over—yet we pass a bill for us that makes us look absolutely foolish in Americans' eyes. America gets it. We don't. This is an embarrassing time for us as a country. The reason is because there is a difference between what the American people expect and want out of Congress and what we are delivering. It is not about Republicans or Democrats. People are scared. What is the future going to be like? I can tell you. If, in fact, we don't reestablish frugality and common sense in how we fund our expenses and every other aspect of the Federal Government, what we will see is the diminishment of the greatest magnitude of freedom this country has ever seen. We are starting to see it. Where do you think we got the 43 percent we are borrowing? We got most of it from people outside this country. They now have an influence over our ability to remain free because they control the money strings.

This isn't just a rhetorical statement. We know—and I put it on the floor 10 times—nobody disputes that there is at least \$350 billion worth of waste, fraud, and duplication in the Federal Government. Not one time in any of the bills that have come through this Chamber have we addressed the significant causes of those problems or addressed fixing it to right them. When we make amendments, they are defeated but not on party-line votes; they get defeated by the appropriators. The greatest power in the Senate is not Senator HARRY REID, it is the Appropriations Committee.

Consequently, when we try to fix the problem, we have a united front that says parochialism and short-term thought is much more important than the long-term future of the country, and our political positions are more important than the health of this Nation. Consequently, tonight, even after points of order will be raised—and I plan on raising some myself—we will pass this. Everybody will say the show-er from COBURN is over and we can keep on doing what we have done.

America, don't let us get away with this. Don't let us lead by this poor ex-

ample. Don't let us not sacrifice in our own offices so we can create the kind of leadership that is necessary to right this ship. This is the worst display I have seen in my years of service in the Congress. It is not about the details. It is the very fact that we have the audacity to take care of us before we take care of the rest of America. We have the audacity to increase our own budgets, which are fat.

If I can turn back the large amount of money I turn back every year, and every office could do the same thing, we could cut significant moneys from this bill. But we don't have the courage, the spine or the backbone that every American family has today—the actual guts to make hard choices. So we ignore them because it is so easy to take the credit card and say charge it to the next generation.

Yesterday, I heard Senator SCHUMER go after several members on the Finance Committee over Medicare. He said: You can't be against this. You are for Medicare, aren't you? Sure, Medicare is great.

The only problem is, the unfunded liabilities with Medicare are going to cripple our economy starting in 2017. Alexander Tyler said all republics die, all republics fail. They fail at that moment in time when the vast majority of the citizens of the republic figure out they can vote themselves something from the Public Treasury.

Is it morally acceptable for us to continue to steal from our children? Is it morally acceptable to take opportunity away in this great land of freedom? Or will we sit back some day and tell our grandchildren about what it used to be like to be free in this country? All republics fail because all republics become deficit ridden.

It does not have to be that way for our country. Real leadership, real courage, real clarity of character says that now is the time, whether you are a Democrat or a Republican, to lead on the issues that will solve the problems in front of this country. This bill doesn't do it. As a matter of fact, this bill conditions more apathy and less confidence in the country and rightly so. We are not going to see that level of confidence come back to the Congress until we start paying attention to the long-term needs of this country and making those decisions in a way that doesn't have any consideration of our political position whatsoever, but every consideration about the truth, welfare, and long-term viability of our country. This bill doesn't do it.

The fact that this bill is used as a vehicle to fund the rest of the government, and we put us ahead of everybody else, to me, sends a very clear message to America: It is time to change who is here. It is time to send new people here. It is time to have people who are more interested in the country than their political careers or their party.

We example the worst of Washington politics and the worst of parochialism when we put us first and our desires first and our careers first, rather than the long-term viability of this country.

The CR contained in this bill violates the budget resolution—violates 311 of the Budget Act. It is all over the place. Even though we will raise points of order, we probably will not win. But when we don't win on that, America, you ought to ask why didn't we win. It will be because the Members of this body think more about their budgets than they do yours. They think more about their comfort than they do yours. They think more about their future than they do yours. It is very easy to solve this situation. What should happen is the legislative branch should be frozen like everybody else in the country, and we should pass bills coming out of conference committee as soon as we can, and we ought to work hard on doing that. Then we ought to pass a CR tonight that is free of this, that doesn't violate the Budget Act.

I want to make one more point talking about the \$4 billion and the postal provisions. There are a lot of great people who work for the U.S. Postal Service. There is no question about it. They are a victim of technology today more so than anything else. The fact is we use electronics rather than the mail, and the first-class mail volume and the volume for second and third-class items is going to go down. There is nothing the post office is going to be able to do to turn that revenue around. There is nothing. And that is not the average postal worker's fault. But the postal portion that came out of the Homeland Security Committee contained a very key component that has been ignored in this CR, and that was this: the negotiation of labor rates in this next round. Heretofore, they have never taken into consideration the financial health of the post office. Some of us find that kind of strange, but they never have. But there was an amendment that was agreed to in the committee that said: This time, when you arbitrate the language for the postal service employees, you have to consider the health of the post office, because that is where the revenue comes. Well, that has been conveniently left out of this CR. It passed out of committee. Yet we didn't put it here.

What does that mean for the post office? That means when we go to negotiate the labor agreements, the fact the post office is going to lose \$8 billion or \$10 billion next year—they will lose at least \$8 billion this year, maybe even \$12 billion or \$14 billion next year—there won't be any consideration given in evaluating the labor contracts. Any other business whose revenue is declining rapidly that ignores the revenue side and ignores expense increases is sure to fail.

As Senator DEMINT said, this is the third time in 5 years we have tried to put a patch on the U.S. Post Office, and this patch is only going to last for 1 year. It is not going to solve anything. We are going to ignore the hard choices that need to be made both by the postal employees and the post office in order to fix this so it is not a drain.

That is what I am talking about—the failure to lead. We duck the hard problems. We don't want to offend anybody. What we have to do is to start thinking long term. We have to start being about a vision of America that is financially healthy, and we have to swallow the hard, tough medicine of getting there.

We are setting an example with this bill that says we don't care; it doesn't matter. So America is disgusted. And that is what it is when 16 percent have confidence in us. I guarantee a large percentage don't—84 percent. A good portion of that is disgust with us. You know what. I am disgusted too. I know the individuals in this body. They are great people. But there has to be a change in the dynamics of the thought and the reasoning or we are going to suffer the consequences. Actually, we are not; our kids are. They are going to suffer the consequences.

I will end with this point. If you were born today—September 30, 2009—in this country, the first present you get for your birthday is an IOU for \$400,000. Because when you take all our unfunded liabilities and apply to it the living segment of Americans over the next 70 years, their portion of our indiscretion is \$400,000. It just takes simple math: Take 5 percent interest—and none of us can probably borrow any money at 5 percent interest—and that is \$20,000 a year for the first 20 years of their life they are going to have the pay the interest on. So what does that come to, 20 years times \$20,000? Now we are at \$800,000 before they are out of college.

How in the world will they ever own a home? How will they ever send their kids to college carrying that kind of load? There is one of two answers to it: We either enter into the real world and start making the hard decisions and fixing the programs that are broken and eliminating the waste, fraud, and abuse, or we devalue our currency and everybody's assets in this country are going to shrink by about another 30 percent in terms of their real value.

That is the answer.

But those are inconvenient truths. We don't want to talk about them. We don't want to talk about the consequences of our actions. A former President said: Freedom is a precious thing. It's not ours by inheritance alone. It is never guaranteed. It has to be fought for and defended by each and every succeeding generation.

How do you fight for freedom when you owe \$800,000 and you are not out of college yet? How do you do that? When

will we start to take the shackles off the next two generations? When will we start to eliminate the burden of our excesses on our children?

We are not far from a time when it is going to be too late to reverse this course. The international financial market is signaling that now. Wouldn't it be wise for us to lead with courage, to make tough choices, and truly secure the freedom of our children and grandchildren?

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided between the majority and the minority.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

#### SOUTH PACIFIC EARTHQUAKE AND TSUNAMI

Ms. MURKOWSKI. Mr. President, before I turn to the Legislative Branch appropriations bill and the continuing resolution that is under discussion, I wish to take a couple of brief moments to speak about the very devastating earthquake and tsunami that hit American Samoa, also Samoa, Tonga, and the other islands that are in the region, and offer my thoughts and prayers to those who have lost loved ones in this disaster.

As we saw yesterday, an earthquake in the range of 7.9 to 8.3 in magnitude occurred about 120 miles from American Samoa. It was followed by three aftershocks, all of about 5.6 in magnitude. These are incredible earthquakes we are seeing. Even the aftershocks are enormously significant. When we think back to the earthquake that hit Alaska in 1964, it was about 7.9 on the Richter scale. We in Alaska remember that most vividly.

To appreciate what American Samoa and the islands in the region have been hit with—it is incredible. According to the media reports, these earthquakes caused four tsunami waves approximately 15 to 20 feet high. They struck

the island 25 minutes after the quake, reaching up to 1 mile inland. There are reports from residents on the island that the quake lasted 2 to 3 minutes. That is an eternity when the earth is rocking underneath you, and then to know that these tsunamis came in so quickly after those earthquakes. I understand that as of this morning there are 24 confirmed deaths in American Samoa and many more in Samoa, Tonga, and the other islands. This number is likely to rise as many individuals remain missing and unaccounted for. The President has declared American Samoa a major disaster area, and we have FEMA teams that are heading to the area now.

To those who have family members and loved ones in American Samoa, the White House and FEMA will be holding a teleconference this evening at 7 o'clock p.m. eastern time. Hopefully, we will have more information available at that time. I understand that few landlines are working and getting updates has been difficult. As far away as Alaska is from American Samoa, we have a surprisingly large Samoan and Tongan population in my State, so I know there are people at home in Alaska who are worried about their families and their loved ones. Hopefully, we will have more updates on that.

Again, my thoughts and my prayers go out to those who have lost loved ones and to those in American Samoa affected by this terrible event.

Mr. President, I want to speak this afternoon on the conference report that is accompanying H.R. 2918, the Legislative Branch appropriations bill, as well as the continuing resolution for fiscal year 2010.

Before I speak to the specifics of the legislative branch agreement, I would like to make clear my very strong objection that this continuing resolution that will be part of this was made part of the legislative branch conference report. This was done at the last minute. It was done at the direction of the House majority. It precludes amendments and careful consideration of all the issues.

The conferees were not offered an opportunity to concur in this process. This is what is known around here as air-dropping, where new material, new matter is inserted into a conference agreement that has not been considered by either body. We didn't take it up in the Senate. They didn't take it up in the House. What we have in front of us is a pretty onerous example. We have rules here in the Senate against air-dropping. I think we have good reason for those rules.

While it has been said that this is a clean CR, certainly there are items that are contained within this CR that represent important policy decisions and go beyond simply funding the Federal Government for another month. Provisions in this so-called clean CR

include one relating to the Postal Service. This is Postal Service reform. The authorizing committee has been working on this for some time. There is another example related to the extension of surface transportation reauthorization.

We had time a week ago to take a freestanding continuing resolution through the normal process in both the House and in the Senate. We would have been able to present that bill to the President before the end of today, before the end of our fiscal year. I am very disappointed that normal process was not followed.

As I understand it, the reason this occurred was the House majority's desire to prevent its minority from offering motions to recommit the bill.

So here we are, last day of the fiscal year, and we clearly have to continue the critical operation of the Federal Government. But I do want to make clear this was not the right process for us to follow.

I have enjoyed the opportunity I have had to work with my chairman on the Legislative Branch Appropriations Subcommittee. We worked hard to produce an appropriations bill that we believed was reasonable and fair and balanced. We greatly reduced the scope of the budget, and we finished our work in a timely manner. We had some very substantive committee hearings. It was a good process. I was pleased in that process.

So it seems more than a little bit troublesome that we, with a very small appropriations bill coming out of the Legislative Branch Subcommittee, working quite concertedly to make sure we did work the committee process in an appropriate manner, should be hung with the continuing resolution at the very end. It is more than just a bit ironic.

At this time I would like to speak to the Legislative Branch portion of this conference report. Again, I want to thank my chairman, Senator NELSON, for his work. I also want to recognize and thank the full committee chairman, Senator INOUE, and our ranking member, Senator COCHRAN, for the support they provided in getting the Legislative Branch conference put together.

Aside from the continuing resolution I just mentioned, I think it is fair to say our conference was without controversy. The final agreement meets the high priority needs of our legislative branch.

Now, Senator NELSON and I are both new to the Appropriations Committee, and we worked well together on this. We did our best to see that the legislative branch served as a model for others within the Federal Government. We worked to tighten our belt wherever possible. We funded only the highest priority initiatives.

In looking at the appropriations bill itself, funding for the legislative

branch totals \$4.65 billion, and while the agreement is \$44 million over the level the Senate passed, the increase is due to items that the House had included. We were able to make reductions below the Senate-passed level in certain areas, such as our Senate office budgets.

The bill is about 4 percent over fiscal year 2009. This is a big improvement, considering that when they came to us initially with the request for the legislative branch it was about a 15-percent increase. So we were able to scale it back.

The conference agreement enables us to meet the highest priorities that have been identified by the Architect of the Capitol, in looking at health and safety, building improvements, particularly in the Library building and the projects that reduce the deferred maintenance in our buildings.

We recognize if we do not address deferred maintenance, it does not go away; it continues and, unfortunately, that pricetag continues as well.

The bill continues the efforts of the Architect of the Capitol to improve energy efficiency with over \$14 million in funding designated for this purpose. Also, within the Library of Congress, we managed to include funding to begin to update the agency's information technology infrastructure.

For about a decade, there have been no increases to IT within the Library. Yet most of the users of the Library are virtual users. I had an opportunity, a couple of weeks ago, to meet with Dr. Billington, the Librarian of Congress. He was showing me some of the incredibly historical documents, old maps from the 1800s from Russia where they were mapping Alaska. Some documents we looked at, the only way I would ever have an opportunity to view them is if I were able to visit the Library of Congress.

Well, now, most of that, much of that incredible history is available through the Internet. So Alaskans, in a classroom thousands of miles away, can access the treasures we have within our Library of Congress.

The information technology infrastructure was clearly Dr. Billington's highest priority. I believe this investment will ensure that millions of people who access the Library through its Web site will be able to find what they are looking for. It is phenomenal.

Similarly, within GPO, the Government Printing Office, we funded the final increment for updating GPO's Web site to ensure that government publications can also be easily accessed and searched.

Also, the bill provides the final increment of funding to complete the merger of the Library of Congress Police into the Capitol Police. This is a project that was initiated years ago by Senator BENNETT when he was chairman of the subcommittee about a dec-

ade ago. It has been promoted by each of the successive chairs and ranking members to improve the security of the Capitol Complex. Today, the Library of Congress Police officially join with the Capitol Police in a ceremony that is taking place this afternoon at the Library.

So this is good news for them. Congratulations need to go out to the men and women of the Capitol Police and the Library Police who worked very hard to ensure that this initiative happened relatively seamlessly.

So there are good initiatives within Legislative Branch appropriations. I am pleased to have been able to work with Senator NELSON closely on these, and I am pleased with the product we have moved through our subcommittee.

Were it not for the add-on that we had just last week, I would be standing before you and saying this is almost a perfect product. We recognize we must deal with the ongoing funding of our Federal Government. It is the last day of the fiscal year, and a continuing resolution must advance.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEFENSE APPROPRIATIONS

Mrs. FEINSTEIN. Mr. President, I come to the floor essentially to oppose the McCain amendment to the Defense appropriations bill, which would stop production of the C-17 Globemaster III Airlifter.

The McCain amendment would cut funding approved by the Appropriations Committee to maintain an important national asset in the C-17 program.

Without the inclusion of this funding, the production line would begin to shut down this year, and the last plane would roll off the line in mid 2011, as opposed to mid 2012 if these additional 10 planes, which are in the Defense bill, are, in fact, funded.

I believe the funding is important, and the risk of losing the production line without filling the C-17 need is real. The concern is timing. If this amendment passes, suppliers will be notified within months that their contracts have been terminated. It will become virtually impossible to restart production.

By then it will be too late to take into account the impending Quadrennial Defense Review, the QDR, and a Mobility Capabilities Requirement Study which will assess whether, in fact, we truly have enough C-17s in the fleet. It is my view that failure to fund this aircraft would be a tremendous blow to the future readiness of the military.

Now, why do I say that? The C-17 has been essential to our combat operations in Iraq and Afghanistan, as well as humanitarian missions worldwide.

It is the most flexible and versatile transport in the U.S. military today and the only one capable of flying troops and cargo directly from air bases here to the front lines of Afghanistan and Iraq.

Even more important is what the C-17 carries on the way back from the front line. It is a vital component of aeromedical evacuations of our troops to Ramstein Air Force Base in Germany.

Finally, it should not be forgotten that the C-17 contributes to peacekeeping and humanitarian relief missions worldwide. It has become a welcome site to victims of the tsunamis in Asia and the victims of hurricanes along the gulf coast. But that alone is not enough to justify it. Simply put, as former Air Force Chief of Staff, GEN Mike Moseley, has said: "The C-17 is worth its weight in gold."

With so many capabilities and so many complimentary things said about it, it is no surprise the Air Force has been "flying the wings off the C-17."

To make this point, let me read from the House committee report for the 2010 Defense appropriations bill.

The C-17 is the workhorse of the theater, flying 50 percent of all sorties for the U.S. Transportation Command over the last 24 months. While the aircraft is designed to fly 1,000 hours per year over 30 years, over the last 10 years the C-17 fleet has averaged 1,250 hours per aircraft, with some aircraft flying in excess of 2,400 hours in a single year.

That is over 200 percent more. This heavy usage is reducing the expected service life of the aircraft.

So what does this mean? It means C-17s are being utilized much more than anticipated. It means the C-17 is carrying more of the workload than expected. It means C-17s flown today may not be available for as long as we thought they would.

This brings us to the second issue. If not the C-17, what are the other options available?

The C-17 is a complement to a decades-old military transport, the C-5. The oldest C-5As are an average of 39 years old and will require literally billions of dollars in engine and avionics upgrades to keep flying. We don't yet know the exact cost, but as with many modernization programs, it will likely only go up.

The GAO clearly stated last year that DOD would need to fully mod-

ernize seven C-5s to attain the equivalent capability achieved from acquiring one C-17 and the cost would be three times more. So we need to modernize seven C-5s at three times the cost of a new C-17 to get the equivalent capability of one C-17. This makes no sense to me.

The C-5A has been unreliable, with a readiness rate barely over 50 percent. The Air Force has been asking for years for authorization to retire some of the aircraft. As those aircraft are retired, the C-17 will be expected to cover the gap left behind.

So we have to ask: How are taxpayer dollars better spent? Are they better spent maintaining and upgrading a 40-year-old, unreliable aircraft at three times the cost, or are they better spent adding C-17s to an already overtaxed fleet? I believe the answer is clear.

Those in Congress who advocate for shutting down the line are doing so prematurely.

Later this year, a Mobility Capabilities Requirements Study will be released that will address the future airlift needs of the military. One thing we know this country lacks is strategic lift. By that I mean to rapidly move troops and equipment to wherever those troops and equipment are needed. The staging of a military operation takes time because we lack strategic lift.

The Department of Defense is also actively working on the next Quadrennial Defense Review which will take a comprehensive picture of what tools our forces will need in the coming years.

Previous studies that have analyzed our airlift needs did not take into account planned increases in the number of Army and Marine Corps personnel.

We have more troops that need to be moved, including 30,000 additional personnel authorized by the Senate during consideration of the Defense authorization bill in July. These studies also did not take into account new combat vehicle programs for the Army as well as the needs of the new Africa command.

All of this has to be figured into this mobility review. In fact, the GAO has expressed concern about the calculations used by the Defense Department's previous studies and recommended significant changes for the next mobility capabilities study.

The GAO also found that because the Department of Defense did not identify specific airlift requirements in its previous mobility capabilities study, it could not determine how the DOD concluded that the current number of C-5s and C-17s was adequate. That is the basis on which the Pentagon has weighed in saying we will do with what we have, in essence. The GAO is saying that no specific airlift requirements in the previous study were even considered on which one could base a recommendation such as "leave it as it is."

To me, this indicates we are not in a position to shut down the last strategic airlift production line in the country.

I understand this has been identified as a congressional jobs program. To a great extent, I disagree with that view. There are many of us who have followed the C-17 program for years. We know what a mistake it would be to end production of this aircraft prematurely.

The distinguished chairman of the Defense Appropriations Committee, Senator INOUE, agrees. Therefore, the committee has added these 10 planes, \$2.5 billion in the bill for these 10 additional C-17s.

In his introductory statement for this bill, he identified other times the Defense Department was wrong to determine a program termination, and he listed the F-117 stealth fighter, which was a great tool in fighting in the Gulf War and Bosnia; the V-22 Osprey, now a favorite of the Marine Corps; and Central Command, which the Department proposed eliminating.

It is clear the Department of Defense doesn't always get it right. Already we know we may be faced with a White House request to add another 40,000 troops that will need to be air lifted to Afghanistan. Whether that happens or not, I don't know. But I do know we have a remaining 8,000 to complement the 60,000 already there who need to get to Afghanistan before the end of the year.

Earlier this year, the administration fought hard against programs they felt were not necessary. This included aircraft such as the F-22 which, it was argued, was not being used in Iraq and Afghanistan. Instead they advocated for systems that support the current missions of the military. That is what the C-17 does.

The C-17 is being used at 125 percent of its anticipated flying hours in support of the wars in Iraq and Afghanistan. It is the only aircraft capable of flying many of the missions the Air Force is asked to fly. That is exactly the kind of system we need more of. It takes troops, supplies, equipment directly to the front lines where it can land on unpaved runways and on runways nearly half the length of those needed to land a C-5. That is a real asset because it means we get closer with the troops, the supplies, the equipment to where they need to go.

Finally, from a business perspective, keeping the line open preserves the option for several other countries to purchase C-17s of their own.

Other governments are actively pursuing contracts to buy C-17s. The opportunity to maintain good-paying U.S. jobs would be lost if the line is shut down. Ten planes, one plane a month, essentially keep the line open for approximately an additional year over when it would shut down otherwise.

When I think where our military investment should go, I agree it should go toward ensuring we have the capability to bring our troops and supplies to where they must fight and where they are needed, to bring our injured servicemembers to the medical care they require, and to maintain a program that sees heavy use in supporting the wars we are fighting today.

This is exactly the wrong time to remove these 10 C-17s which are already in the Defense appropriations bill. The future is uncertain. It is uncertain with respect to Afghanistan, with respect to Pakistan, with respect to Iran, with respect still to Iraq, with respect to a number of other places in the world.

Where we are short is strategic airlift. The most efficient, most effective airlifter we have is the C-17. I strongly support its inclusion in this bill, and I thank the chairman of the Appropriations Committee, the distinguished Senator from Hawaii, DANIEL INOUE.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRaising NICOLE NELSON-JEAN

Mr. KAUFMAN. Mr. President, I rise once again to recognize the service of one of America's great Federal employees.

In recent months, President Obama has spoken of his vision of a world free from the threat of nuclear weapons. While nuclear disarmament remains a long-term project, there are important steps already being taken right now toward that goal.

The public servant I will speak about today has already distinguished herself as a top-notch negotiator on nuclear proliferation issues for the Department of Energy.

When Nicole Nelson-Jean was just 28 years old, she led a delegation of Energy Department negotiators in an effort to secure Russian nuclear materials in Siberia. Based out of our Embassy in Tokyo, Nicole had to overcome the skepticism of her Russian counterparts, who were not accustomed to negotiating with someone her age. Remember, she was 28. But she quickly won their respect and developed a working relationship that enabled them to move forward on technical assistance and create a joint training and service center in the Russian Arctic for securing nuclear material.

After this achievement, Nicole was made director of the Department of Energy's Asia Office. She distinguished herself in that position for 2 years, also serving concurrently as energy attaché to our ambassador in Japan.

In 2006, Nicole was tapped to head the Global Threat Reduction Initiative for North and South America which runs projects in over 90 countries to remove radiological material from nuclear reactors and reconfigures them from processing weapons-grade highly enriched uranium to those processing the type used for peaceful purposes.

Following her success in that role, Nicole was appointed to serve as Director of the United States Mission to the International Organizations in Vienna, Austria. While there, she helped secure passage of the IAEA's Nuclear Security Resolution, which is now the central international statute used to prevent nuclear terrorism.

When asked about her work as a public servant, Nicole said: "Personally, I don't think that there's anything more important than the national security of our country," and that "service is in my blood."

Earlier this summer, Nicole returned to the United States to begin a 10-month program at the National Defense University as a counter-terrorism fellow.

She is just one of countless Federal employees who, even though they are highly educated and experienced, continue to immerse themselves academically in their career fields.

As I have stated before from this desk, our Federal employees combine great intellect and a passion for service. The result is a Federal workforce that excels.

Without Nicole and those like her, our government could not carry out the policies, such as nuclear arms control, that keep the American people safe and free.

I call on my fellow Senators to join me in thanking Nicole Nelson-Jean and all the outstanding men and women of the Department of Energy for their contribution to our Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, during the intervening time allowed that I have been allocated, I intend to speak on two issues. One is the point of order under rule XXVIII against the pending legislation, H.R. 2918, the Legislative Branch Appropriations Act for Fiscal Year 2010. The other issue I wish to

speak about is the amendment I have pending that calls for the \$2.5 billion that has been appropriated for the acquisition of unneeded and unwanted C-17 aircraft to be allocated to operations and maintenance which has been cut by some \$3 billion, which, obviously, is vitally important to the men and women who are serving in the military so they have the proper equipment and capabilities to defend our Nation in the two wars in which we are engaged and around the world.

First, I will raise a point of order—and I will formally raise it when the manager chooses for me to do so—so this legislation is not permitted to proceed to full consideration. Specifically, as is known, rule XXVIII is a rule that precludes conference reports from including policy provisions that were not related to either House or Senate versions of the legislation as sent to conference. This \$4.7 billion piece of legislation was bloated enough; however, conferees took this opportunity to airdrop into the bill's conference a "continuing resolution" to continue funding the operations of the government through October 31, having, obviously—certainly not according to the rules of the Senate—any relation to the appropriations bill. By including a CR or continuing resolution, we are precluded from offering amendments to modify it.

That is why we have the rule that you don't put these things in conference reports because it then inhibits and actually prohibits Members from trying to amend and perfect the legislation. So it is a direct assault on how we do business in the Senate, by adding a very mammoth piece of legislation to what is a very small piece of legislation designated to allow the legislative branch to receive the funding it needs.

It is particularly troublesome, since conferees are treating the resolution as a Christmas tree—reauthorizing and extending several programs; forgiving billions of dollars of the Postal Service's debt; increasing funding for the Census Bureau—and not simply just a stopgap measure to allow the government to continue operating at last year's levels. Specifically, the continuing resolution provides \$3.9 billion more than last year for the Census Bureau; \$3.85 billion more than last year for the Veterans Health Administration; it frees up funds for the Postal Service that is severely in the red by lowering the payment it must make into the trust fund intended for future retiree health benefits, which are obligations, to \$1.4 billion from \$5.4 billion last year. It extends the authorization for the highway program; intelligence program; stop-loss payments to U.S. troops; restrictions on funding to Guantanamo Bay; housing assistance programs; flood insurance programs; religious worker, physician, and investor VISA programs; use of e-verify and much more.

I wish to warn my colleagues: If we allow this kind of procedure to go forward in the Senate, it will deprive every single Member of the Senate of his and her right to amend legislation because, unless this point of order is upheld, we have only two choices: a "yea" vote or a "nay" vote, up or down. That flies in the face of the fundamentals upon which the Senate functions.

You may be in favor of all these programs. You may think we need, right away, \$3.9 billion more for the Census Bureau. You may think we need—and we probably do—more money for the Veterans Health Administration. Who is going to oppose more money for the Veterans Health Administration if it is brought up as a single bill? Certainly not this Member and not anybody I know. But what we are doing here, by putting the continuing resolution as part of the least controversial of all appropriations bills, is setting very dangerous precedence for this body. My colleagues should have no doubt about it.

There is a little book we give out all the time. We give it out all the time. We send it to schoolchildren all over America. It is called "How Our Laws Are Made." On page 43 it says:

The House conferees are strictly limited in their consideration of matters in disagreement between the two Houses. Consequently, they may not strike or amend any portion of the bill that was not amended by the other House. Furthermore, they may not insert new matter that is not germane to or that is beyond the scope of the differences between the two Houses.

Let me tell my colleagues what else we tell schoolchildren and young people all over America:

A report that contains any recommendations which extend beyond the scope of differences between the two Houses is subject to a point of order in its entirety unless that point of order is waived.

So why don't we—if I am defeated here—and I may be—why don't we change this book. Why don't we have a resolution from the Senator from Nebraska who put this in, along with his \$300,000 museum, to change this book so we don't mislead schoolchildren all over America in a pamphlet that says how our laws are made.

There is no reason why the majority can't bring the continuing resolution to the floor as a stand-alone piece of legislation. A Christmas tree of funding increases and authorizations deserves floor consideration and discussion, rather than a process by which the appropriators unilaterally decide how, when, and where what is deserving of getting a 30-day extension and which programs are able to expire. The American people deserve better.

Just this morning, *Politico*, a newspaper published here in Washington, wrote a story: Lawmakers jack up spending for themselves: \$500,000 for townhalls.

The article goes on to say:

Congress is on the verge of giving itself a bump in its annual budget—even as local governments, families, and businesses across the country are tightening their belts in the worst recession in decades.

The measure includes a hodgepodge of new funding for lawmakers: a \$500,000 pilot program for Senators to send out postcards about their town hall meetings—

Is there any Member of Congress in the Senate who needs to send out a postcard to tell our constituents that we are having a townhall meeting? Really: \$500,000.

—\$30,000 for receptions for foreign dignitaries and \$4 million for consultants.

There's \$15.8 million for salaries for the Senate Appropriations Committee—plus an extra \$950,000 for the committee's administrative expenses.

So here we are with people not—Americans can't have an office because they have lost their jobs, and conferees have included \$50 million to refurbish congressional offices. While millions of American families risk losing the roof over their head, appropriators have set aside millions to replace the roof of the Rayburn House Office Building. While millions of Americans have seen their income and household budgets decrease significantly this year, Congress has provided a 5.8 percent increase over last year to cover Congress's expenses and salaries. Millions of small businesses across America have been forced to shut down or severely cut expenses. Somehow, Congress sees fit to provide itself with a 5.8 percent increase. Incredible. Millions of Americans are seeing their hours cut or their salaries slashed. This conference report includes an 8.4 percent increase over fiscal year 2009 for salaries—for salaries.

According to the House committee report, this is to:

Allow for compensation improvements beyond inflation for the staff of Member offices, especially among younger staff where current salaries are often less competitive.

I have had no difficulty with people applying for work in my office. Maybe the managers of the bill have.

If this weren't enough, the conference report retains an earmark from the Senate bill of \$200,000 to support a photo exhibit at the Durham Museum in Nebraska. So people who are having trouble making mortgage payments and putting food on the table are probably a little bit surprised, although maybe they shouldn't be. National unemployment is at almost 10 percent, public debt is close to \$2 trillion, the deficit is projected to hit \$1.6 trillion this year, and we go on spending. We go on spending.

I ask my colleagues, in supporting this point of order, to block this bill from full Senate consideration and allow Congress to rethink its priorities.

So I raise a point of order that the legislation violates rule XXVIII.

Mr. NELSON of Nebraska. Mr. President, I move to waive all applicable

rule XXVIII points of order and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays are ordered.

The Senator from Arizona is recognized.

#### DEFENSE APPROPRIATIONS

Mr. MCCAIN. Mr. President, now I wish to make some final remarks about the amendment that cuts \$2.5 billion that the Defense Appropriations bill uses to fund 10 C-17 Globemaster aircraft, planes which the Secretary of Defense says the Pentagon doesn't need and that the President didn't ask for, and restores that money to the critical operations and maintenance accounts that support military training, readiness, flying and steaming hours and depot maintenance that is so crucial to our Armed Forces in wartime.

Let me make it clear to my colleagues what I am doing. We are taking the \$2.5 billion that has been appropriated for the purpose of procuring 10 additional C-17s and transferring that money back to the operations and maintenance account I described—training, readiness, flying, steaming hours, et cetera—to make up for the cuts—or at least mostly to make up for the cuts—that have been made in O&M funding.

I understand a budget point of order will be lodged against the amendment. Let me make it clear to my colleagues: We will have an up-or-down vote on this amendment. So if it fails, I will have two more amendments, separate amendments, one that cuts the C-17 and one that adds funding to operations and maintenance funding if this pending amendment of mine is challenged on a technical basis.

I agreed with Secretary Gates when he said the military has no more need to buy more C-17s. The fact is, the Air Force and the U.S. Transportation Command: "Have more than necessary [strategic airlift] capacity" for airlift over the next 10 years.

Mr. President, I received a letter from the Secretary of Defense. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,  
Washington, DC.

Hon. JOHN MCCAIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCAIN: The President's defense budget request has requested no additional C-17s. This position is based on the Department's firm judgment that we have acquired sufficient number of C-17s to meet the nation's military needs. The C-17 airlifter remains a valuable military asset that will serve as the backbone of the nation's strategic airlift fleet for decades to come. However, continuing to purchase C-17s in numbers beyond what is required simply diverts limited resources from other more pressing military needs. More specifically,



the \$2.5 billion it will cost to purchase 10 additional C-17s plus the \$100 million per year it will cost to operate them will invariably result in a reduction in critical warfighting capability somewhere else in the defense program.

Sincerely,

ROBERT M. GATES.

Mr. MCCAIN. Mr. President, I will quote partially from the letter:

The President's defense budget request has requested no additional C-17s. This position is based on the Department's firm judgment that we have acquired a sufficient number of C-17s to meet the Nation's military needs.

Let me point out what is really important about this letter:

More specifically, the \$2.5 billion it will cost to purchase 10 additional C-17s, plus the \$100 million per year it will cost to operate them, will invariably result in a reduction in crucial warfighting capability somewhere else in the defense program.

So the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, all of our military leaders, and the highly respected Secretary of Defense say not only that they don't want any more C-17s, but if we spend this \$2.5 billion and the \$100 million annually required to maintain them, there will be a reduction in critical warfighting capability somewhere else in the defense program.

We are in two wars. We have 68,000 young Americans in Afghanistan—and most likely more to come—and 120,000 in Iraq, and we are going to buy 10 more C-17s when they need their equipment maintained and they need to be replaced and they need to fly and they need to have the best capability in combat.

President Eisenhower warned us about the military industrial complex. It is not the military industrial complex anymore; it is the industrial complex. You cannot walk through the hallways without bumping into a lobbyist from Boeing. Of course, there are subcontractors all over America, absolutely. But this is really egregious because they have taken money from the operation and training capabilities and readiness capabilities—that is what operations and maintenance money is all about—and cut it below the request our military and the Secretary of Defense and the President think is vitally needed, and they added 10 additional aircraft that no one in the military—the Air Force included—believes is needed.

This is a young Presidency, and this will be a defining moment in the Presidency. If I am defeated by Boeing today, then it will be up to the President to decide whether to veto this bill. If we don't turn this down here, then we will be sending a signal to every lobbyist in this town—and there are thousands—that if you lobby hard enough and you have enough subcontractors, you can do anything.

This is a very important amendment at this particular time in our history, while we are fighting two wars and we

have a new administration. If we defeat this amendment, we will also be contradicting the opinion of perhaps one of the most highly regarded individuals in America, and, of course, that is our Secretary of Defense.

Mr. President, I have already asked for the yeas and nays on this amendment. I believe we can do a better job for the American people and the men and women in the military than what is being attempted by the Defense Appropriations Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise to associate myself with the comments of the Senator from Arizona on rule XXVIII and on the issue of planes. I also want to point out that we are violating the budget this body has with this bill.

I understand the situation in which the Senator from Nebraska finds himself. His bill is in the wrong place at the wrong time, and people threw a lot of baggage on it, and it was inappropriate that it was thrown on.

One of the most inappropriate things is a \$4 billion bill that is being sent to the taxpayers of America to bail out the Postal Service. This wasn't a surprise. This didn't come on as, oh, my gosh, we don't have \$4 billion to pay our pension funds. This occurs because of something that occurred in 2006, when we bailed out the post office the last time. Everybody knew it was coming. This train has been coming down the track, the track has been straight, and we have seen it for a long time. So suddenly this bailout, which the taxpayers will have to pay for, gets thrown on the Senator's bill. I regret that. It makes his bill out of whack relative to the budget.

This is the last day of the fiscal year. We have already spent all the money. In fact, we spent a little bit more too, but we spent all of the money in the budget. We are over outlays and all of the BA has been spent. Suddenly, out of the clear blue sky, on the last day of the budget, we are going to spend another \$4 billion.

We passed the budget, so let's stick with the budget. That is the idea. I think the American people are getting tired of us spending money we don't have, especially since it is theirs and their grandchildren's. It goes right on the debt, by the way. All I am asking this body to do is live by the budget we passed.

I intend to make a point of order under rule 311 of the Budget Act, which says you cannot exceed what you said you budgeted for. It is a simple Budget Act. We pass a budget, and if you go over it, there is a point of order that you should not waive. So we should not spend \$4 billion we don't have.

Again, this was not the doing of the Senator from Nebraska. He plays no

role in this other than being the unfortunate baggage car passing through Congress when somebody decided to stick this on his bill.

At this point, I will make a point of order that the pending conference report would cause the aggregate level of the budget authority and the outlays for fiscal year 2009 as set out in the most recently agreed to concurrent resolution on the budget, S. Con. Res. 13, to be exceeded. I raise a point of order under section 311(a)(2) of the Congressional Budget Act of 1974.

Mr. NELSON of Nebraska. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I will simply note that there were two other Budget Act points of order against this item in the bill. I presume he is asking on behalf of leadership to waive them all.

It is really inappropriate that we should waive the whole Budget Act and spend \$4 billion we don't have on the last day of the fiscal year. So I hope Members will look at this. This can be corrected in other ways. We can find ways to offset this money. It can be done on another bill with the proper offsets. Therefore, I hope my colleagues will sustain what they passed, which was the budget for this year, on the last day of the budget enforcement for the year.

I yield the floor.

Mr. NELSON of Nebraska. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I rise today to speak in support of the motion to waive the rule XXVIII point of order being made against the conference report for containing a continuing resolution provision allowing the government to maintain normal operations until October 31, 2009.

Today is the last day of the fiscal year. As I noted earlier, our men and women in uniform are fighting on two fronts. On the homefront, our economy is at a critical stage in its recovery.

Our Federal agencies provide essential services every day of the year to our men and women in uniform, to our veterans who have returned from war, to homeowners and workers struggling to recover from the downturn in our economy, and to businesses and maritime commerce reliant on weather



forecasts and data. These are just a few examples of a multitude of critical services we must maintain by passing this conference report with the continuing resolution provision included and having it sent to the President for his signature.

This point of order is made and raised against the conference report based on the fact that this continuing resolution was added to it without being included in either the House or Senate versions of the bill. While the vice chairman and I are not inclined to add provisions outside the scope of the conference, there are occasions when it is necessary. This is one of those times.

As chairman of the Appropriations Committee, I have worked diligently with my colleague and vice chair, Senator COCHRAN, to return the appropriations process to regular order.

When we finally received the administration's budget—and may I ask my colleagues to recall that it was in May of this year—we worked nonstop, holding budget hearings with the agencies, analyzing their budget proposals, and marking up and reporting out all 12 bills in 4 months. Eleven of them were reported out before the August recess. I might add that the Senate Appropriations Committee reported nine of these bills by a vote of 30 to 0—unanimous—and the other three by a vote of 29 to 1—one vote in opposition. The Senate is currently considering the Defense bill, the seventh appropriations measure to come to the floor.

We have made great progress in our efforts to return to regular order and pass individual bills, but we are not there yet. We need to pass this continuing resolution so that our agencies can continue to operate while we conclude our business. In fact, today we had our second and third conferences with the House, and I am happy to report that both conferences have concluded in harmony and a report will be forthcoming to the Senate floor. Several more are scheduled for the rest of the week. This short-term continuing resolution, which is clean and does not contain what I consider controversial matters, will give us time to consider a good number of appropriations bills under regular order.

For my colleagues who may be interested in specific details regarding the impact of a government shutdown, here are just a few examples:

For veterans who have served, all nonemergency health care, including elective surgeries, would be deferred. This means that those veterans whose medical needs are not life-threatening or an emergency would have to wait to see their doctors. The end result would be rationing health care, causing significant waiting times for appointments, which would, of course, spill over after the shutdown has ended.

A government shutdown would suspend much of the work Treasury staff

is doing to promote economic recovery and would impact transportation funding that also plays an important role in supporting the economic recovery and putting people back to work.

A government shutdown could derail the 2010 census, for example. Even a brief shutdown could jeopardize the accuracy and timeliness of the constitutionally mandated 2010 census, which everybody is depending upon for numbers. Specifically, the Census Bureau could be forced to abandon or delay the hiring of tens of thousands of temporary enumerators. Under a government shutdown, the census would be unable to continue setting up field operations needed to count our citizens.

A government shutdown would halt highway, transit, and motor carrier safety programs, which would disrupt State and local efforts to maintain and improve our Nation's transportation infrastructure, and would impact upon commuters and movers of goods.

A government shutdown would lay up NOAA's entire fleet of ships, including the hydrographic vessels, which would stop any current nautical charting operations for the purpose of navigation. Even navigation service conducted by the private sector under NOAA contracts would cease and any data processing would be put on hold.

Our Nation's physical oceanographic real-time system would not be maintained, eliminating live environmental information, such as tides and currents that coastal pilots rely on when safely guiding huge vessels in and out of our ports. Imagine what would have happened if this shutdown was in place at this moment. The knowledge that we have of the Samoan disaster would not be available to us, simply put.

Maritime commerce, which accounts for 90 percent of our Nation's imports and exports, would be dramatically slowed and the risk of an environmental disaster would be heightened.

Mr. President, I could continue on with other services being impacted by the shutdown, but I think you have got the gist of it.

Twice in the past 4 years—in 2006 and 2007—the Congress passed a similar type continuing resolution as a provision to a conference report. Yes, they had CRs in the conference report in 2006 and 2007. In 2006, the Republican-led Congress passed a continuing resolution provision by a vote of 100 to 0. In 2007, a Democratic-led Senate passed a conference report with a continuing resolution by a voice vote—unanimous. It is not a partisan issue and it should not be a partisan issue today.

With that, I urge my colleagues to vote to waive any point of order against the Legislative Branch conference report because of the continuing resolution.

Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the conference report which accompanies H.R. 2918 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, on behalf of the leader, I ask unanimous consent that upon disposition of the conference report to accompany H.R. 2918, the Senate then stand in recess until 6:30 p.m. today; that upon reconvening at 6:30 p.m., the Senate resume consideration of H.R. 3326 and there be 2 minutes of debate prior to a vote in relation to the McCain amendment No. 2558, with the time equally divided and controlled in the usual form; with no amendment in order to the amendment prior to the vote; that upon the use of the 2 minutes, the Senate then proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the agreement be modified so that after the first vote, the following votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the motion to waive any points of order under rule XXVIII. The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 61, nays 39, as follows:

[Rollcall Vote No. 300 Leg.]

#### YEAS—61

Akaka	Dodd	Lautenberg
Baucus	Dorgan	Leahy
Bayh	Durbin	Levin
Begich	Feinstein	Lieberman
Bennet	Franken	Lincoln
Bingaman	Gillibrand	McCaskill
Boxer	Hagan	Menendez
Brown	Harkin	Merkley
Burris	Inouye	Mikulski
Byrd	Johnson	Murray
Cantwell	Kaufman	Nelson (NE)
Cardin	Kerry	Nelson (FL)
Carper	Kirk	Pryor
Casey	Klobuchar	Reed
Cochran	Kohl	Reid
Conrad	Landrieu	Rockefeller

Sanders	Tester	Webb
Schumer	Udall (CO)	Whitehouse
Shaheen	Udall (NM)	Wyden
Specter	Voinovich	
Stabenow	Warner	

## NAYS—39

Alexander	DeMint	LeMieux
Barrasso	Ensign	Lugar
Bennett	Enzi	McCain
Bond	Feingold	McConnell
Brownback	Graham	Murkowski
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Collins	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	Wicker

The PRESIDING OFFICER. The yeas are 61, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. NELSON of Nebraska. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER (Mr. NELSON of Florida.) The Senator from New Hampshire.

Mr. GREGG. Mr. President, this is a very simple point of order. It simply says: A budget was passed. This is the last year of the budget. We have spent all the money under the budget. We should not add another \$4 billion to the budget that is going to go directly to the debt our children will have to bear.

So let's vote in favor of supporting the budget that we passed. Let's vote against adding \$4 billion of more debt to our children's backs. We can correct the problem this issue confronts without adding to the deficit and the debt, and we can correct it without doing violence to the budget which was passed by the majority.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, it is important that this motion pass just like the previous one. If we do not get this done, we are sitting with a continuing resolution that will not be in effect, and we will be in trouble moving forward.

So just as the other one, I ask my colleagues to vote aye on it as they have in the past.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, will the Senator from Nebraska yield the remaining time to me?

Mr. NELSON of Nebraska. I will yield.

Mr. GREGG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Nebraska has 20 seconds remaining.

Mr. GREGG. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 12 seconds remaining.

Ms. COLLINS. Mr. President, the Senator from New Hampshire is correct that this should not have been done this way and that the Postal Service needs fundamental reform. But the fact is, the Postal Service cannot afford to pay the \$5.4 billion that is due on October 1.

The CBO says this provision has no budget impact. So I urge a vote against the JUDD GREGG point of order.

Mr. GREGG. Mr. President, if it had no budget impact, the point of order would not lie. It actually does have a \$4 billion budget impact. That will be added to the debt. It can be corrected. We can still pass the continuing resolution by supporting this point of order.

I ask Senators to vote no on the motion to waive.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 61, nays 39, as follows:

[Rollcall Vote No. 301 Leg.]

## YEAS—61

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Kirk	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Warner
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Merkley	
Feinstein	Mikulski	

## NAYS—39

Alexander	Ensign	Lugar
Barrasso	Enzi	McCain
Bennett	Feingold	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	Voinovich
DeMint	LeMieux	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. NELSON of Nebraska. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is agreeing to the conference report to accompany H.R. 2918.

Mr. NELSON of Nebraska. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 302 Leg.]

## YEAS—62

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Kirk	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Dodd	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	

## NAYS—38

Alexander	DeMint	LeMieux
Barrasso	Ensign	Lugar
Bennet	Enzi	McCain
Bennett	Feingold	McCaskill
Bond	Graham	McConnell
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	

The conference report was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before we recess—I know there is an order—I ask unanimous consent that I have 1 minute and Senator INHOFE have up to 2 minutes to address the Senate on an issue unrelated to the conference report that was just adopted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I wish to let colleagues know on both sides of the aisle that Senator INHOFE and I are working very closely together as chair and ranking member of the Environment and Public Works Committee to resolve an issue which, if we do not resolve, is going to result in job losses. Senator INHOFE will expand on that.

We have to repeal a recision that was put into the last highway bill, SAFETEA-LU. We know what we want to do. We know how we are going to fund it. It will be deficit neutral. It will keep people working. It will help our States. If we do not do it, we are going

to see layoffs, and nobody wants to see layoffs when we are in this difficult economic time.

So I am very pleased to be here to inform colleagues we are working very hard, and we have very few objections, if any. We will get back to colleagues later in the evening on this issue.

Mr. President, I yield the floor and will listen with great interest to my colleague from Oklahoma.

**THE PRESIDING OFFICER.** The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me thank the chair of the Environment and Public Works Committee—a position I held at one time, but I am the ranking member for the minority. This is a huge issue. This is one we cannot let go unattended. Tonight at midnight this thing expires. So we have to do it. Let me compliment Senator BOXER in being willing to go to some extremes that, quite frankly, I did not know she would be able to agree to.

What is at stake right now is about \$500 million of projects that will have to be canceled. If you cancel these projects—these contracts have already been let—we are talking about lawsuits. We are talking about around 17,000 jobs being lost unless we are able to fix this recession thing and to get it offset. Well, that is what is going to happen.

We are drafting an amendment right now. I know the hour is late. I know we are going to come back for a vote at 6:30. But I think this absolutely has to be done, and I think it will be done. I am looking right now for any of the Republicans who might be objecting to this so I can talk to them. Quite frankly, I do not think there will be objection on our side.

The highway money at risk would put people to work, unlike much of the so-called stimulus. So I think we have an opportunity now to do this, and it is only going to be done because of the cooperation between the chairman of this committee and myself as ranking member.

So let's do everything we can. I say to the Senator, I think you have come up with a solution. We have, together, come up with a solution. Let's make it happen.

Mrs. BOXER. Thank you very much, Mr. President.

#### MAKING TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 2918

**THE PRESIDING OFFICER.** Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 191, which the clerk will report by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 191) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918.

Thereupon, the Senate proceeded to consider the concurrent resolution.

Mr. INOUE. Mr. President, one of the must-pass items in the continuing resolution regards the U.S. Postal Service.

Under current law, each year the Postal Service is required to cover the health care costs of retirees and provide an actuarially determined rate for future costs of health care.

These funds are required to be placed into a trust fund to be invested.

Because of the recession as well as the increased reliance on the Internet for personal communications, the Postal Service is experiencing financial difficulties.

Working with members of the authorizing committees of both Houses, the Committee crafted a short-term solution for this problem which would allow the Postal Service to reduce the amount it would otherwise be required to invest this year.

The impact of the amendment is it allows the Postal Service to retain \$4 billion to pay for its ongoing cost of operations.

Let me be clear, this provision will not provide any additional taxpayer dollars to the Postal Service.

It doesn't mean that current health benefits of our postal workers would be shortchanged.

It does assume that when the recession ends and profitability returns to the Postal Service the funding they would need to invest in future health care costs would probably increase.

Some might want to decry this amendment because it is scored by the congressional budget amendment as a net loss to the Treasury.

It should be noted that the proposal will not require additional discretionary funds to be expended.

The provision will, on the other hand, do a great deal to preserve the financial solvency of the Postal Service.

This amendment should not be controversial.

It does not add costs to the taxpayer.

It was an item that was in keeping with the needs of the Postal Service; and, it was an item that has the support of the chairman of the authorizing subcommittee with jurisdiction over the matter.

This needs to be done today and I would urge my colleagues to vote to waive any points of order that might be raised in relation to this matter.

Mr. LEVIN. Mr. President, currently the Nation's unemployment rate is higher than it has been since 1983. In my home State of Michigan, the unemployment rate is 15.2 percent—5.5 percent higher than the Nation's unemployment rate of 9.7 percent. Translated into real people, this means that 14.9 million Americans are unemployed, of which, more than 735,000 are living in my home State.

Michigan provides a little more than 450,000 individuals with unemployment

benefits. As of September 18, more than 26,000 Michiganders have exhausted much needed unemployment benefits and by the end of this year, this number will rise to more than 100,000 folks. Since the beginning of this year, Michigan has been losing on average of 27,000 jobs per month. Our people need help.

It is critical that we provide assistance to individuals who are straining to make ends meet by ensuring that their much needed unemployment insurance benefits do not run out. We need to provide support to those individuals who are struggling to find jobs so that they do not lose their homes and are able to put food on the table.

We must extend unemployment insurance benefits and swiftly pass an unemployment insurance extension, so the President can sign this bill into law quickly.

Mr. FEINGOLD. Mr. President, I am disappointed that we are about to begin the 2010 fiscal year having enacted just one appropriations bill. I am even more disappointed that we passed a continuing resolution, airdropped into the Legislative Branch appropriations bill, that provides money to continue the wars in Iraq and Afghanistan. While I am pleased that the President has committed to withdrawing our troops from Iraq by the end of 2011, this redeployment schedule is too long and may undermine our ability to combat al-Qaida while straining our Armed Forces unnecessarily. In addition, while the President is right to focus on Afghanistan and Pakistan, I remain concerned that his strategy for those countries does not adequately address, and may even exacerbate, the threats to our national security we face in Pakistan.

We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be providing funds to continue those wars without, at a minimum, engaging in a serious debate about their effects on our national security.

**THE PRESIDING OFFICER.** Under the previous order, the concurrent resolution is agreed to and the motion to reconsider is considered made and laid upon the table.

The concurrent resolution (H. Con. Res. 191) was agreed to.

#### RECESS

**THE PRESIDING OFFICER.** Under the previous order, the Senate stands in recess until the hour of 6:30 p.m.

Thereupon, the Senate, at 5:40 p.m., recessed until 6:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3326), making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

McCain amendment No. 2558, to strike amounts available for procurement of C-17 aircraft in excess of the amount requested by the President in the budget for fiscal year 2010 and to make such amounts available instead for operation and maintenance in accordance with amounts requested by the President in that budget and for Operation and Maintenance, Army, for overseas contingency operations.

AMENDMENT NO. 2558

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2558 offered by the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. Mr. President, I again quote from a letter from the Secretary of Defense:

The President's defense budget request has requested no additional C-17s. This position is based on the Department's firm judgment that we have acquired a sufficient number of C-17s to meet the Nation's military needs. . . . More specifically, the \$2.5 billion it will cost to purchase 10 additional C-17s plus the \$100 million per year it will cost to operate them will invariably result in a reduction in critical warfighting capabilities somewhere else in the defense program.

I understand there will be a budget point of order. I wish to tell my colleagues we will be voting up or down on this issue because if this is defeated, I will have another amendment simply to kill this unneeded, unnecessary porkbarreling exercise in the power of lobbyists in our Nation's Capital.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am prepared to go right to the heart of the underlying amendment rather than go through this point of order, but let me just point out that there are those who have supported a provision in the fiscal year 2010 Defense Authorization bill that would prohibit the Defense Department from retiring the 40-year-old C-5As. These are the people who are now promoting this amendment to kill the C-17. In effect, the proponents of the McCain amendment are tying the hands of the Air Force, by requiring the Pentagon to upkeep a fleet of C-5s—aircraft that are outdated, costly to operate, and are less capable than the C-17. The Air Force should be allowed to replace them with C-17s and not be forced to waste hundreds of millions of dollars to extend the life of the C-5.

It is less costly to build a C-17 than it is to repair a C-5. That is the reality.

If we are looking for cost savings and deficit reduction, then what the committee has advocated actually makes more sense fiscally to do. But instead, the McCain amendment in effect promotes a 40-year-old aircraft, getting older by the day, rather than an aircraft like the C-17 that has the capability of landing almost anywhere on the globe for that matter, highly versatile.

We have nearly 100,000 new troops who have been added to our armed services in 4 years. We need to have an airlift capacity that meets our larger force's needs. I urge the rejection of the McCain amendment.

Mrs. BOXER. Mr. President, I rise today to express my continued support for the C-17 cargo aircraft program and urge my colleagues to retain funding for 10 additional aircraft in the fiscal year 2010 Defense appropriations bill.

The C-17 is critical to our national security and our ability to efficiently carry out important missions around the world. Not only is this aircraft an indispensable asset in supporting military and humanitarian missions in countries like Iraq, Afghanistan and Sudan; it has a proven record of versatility and high performance, and it sustains jobs that are essential across 43 States—including my home State of California.

First, I would like to talk about the types of missions where we use the C-17. According to the Air Force's budget justification for 2010, the C-17 "is a major element of America's National Military Strategy and constitutes the most responsive means of meeting U.S. mobility requirements. . . . The C-17 will perform the airlift mission well into this century."

The C-17 is essential to our missions in Iraq and Afghanistan particularly because of its versatility. It is used to transport equipment, supplies and our service members. For example, the C-17 can land on a dirt runway to deliver needed supplies in remote regions of Afghanistan.

We also use the C-17 to evacuate our wounded men and women from Iraq to Germany, and then back to the United States for treatment. And in some instances, it has even been used to transport our service members across a combat zone, reducing the risks that they face when they travel on land by convoy.

And the uses don't stop there. The C-17 is used to deliver humanitarian supplies. In January of this year, a C-17 delivered 18,000 pounds of supplies to Nicaragua, one of the poorest nations in the Western Hemisphere.

The C-17 has also been used to bring relief to Americans, including during Hurricane Katrina. It can deliver a 100-bed, fully equipped hospital to nearly any area with an unimproved airstrip.

This is an amazing capability, and one we cannot afford to lose.

Second, the C-17 has a proven record of performance. Quite simply, it is the workhorse of our military. And we are using them at a much higher rate than the Air Force originally intended.

C-17s have flown over 1.3 million flight hours since 2002. Many are flown at 150-180 percent of their anticipated flight hours.

According to the Congressional Research Service, the C-17 was designed to fly 1,000 hours per year over 30 years, but the fleet has averaged 1,250 hours per aircraft over the last ten years. Some have even reached 2,400 flying hours in a single year.

And finally, the C-17 is the last strategic airlift production line in the Nation. Every day 30,000 employees from 43 states go to work in direct support of the C-17. In addition to those 30,000 direct jobs, over 100,000 workers depend on this production line. In my home State of California, 13,800 people work on the C-17. And 19,200 workers have an affiliation with this aircraft.

Too many American jobs depend on this vital program. Before we take any action to shut down the line, we must be absolutely certain that we have all of the aircraft we need.

We cannot take the chance that we "may" have enough aircraft, particularly without reviewing two studies that are due by the end of the year.

The Department of Defense Mobility Capabilities and Requirements Study and the congressionally mandated study being done by the Institute for Defense Analyses will determine if our airlift requirements are being met.

We expect these studies to be complete by the end of this year. Without the results of these studies, we cannot determine that our Nation's airlift capability has been met. It would be incredibly shortsighted to shut down this production line without that information.

I urge my colleagues to join me in maintaining funds for the C-17, and to defeat the McCain amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I make a point of order that the pending amendment violates section 302(F) of the Congressional Budget Act of 1974.

Mr. MCCAIN. Mr. President, I move to waive the applicable section of the Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The yeas and nays resulted—yeas 34, nays 64, as follows:

[Rollcall Vote No. 303 Leg.]

## YEAS—34

Alexander	Franken	Nelson (FL)
Barrasso	Gregg	Sanders
Bennet	Kaufman	Sessions
Cardin	Klobuchar	Specter
Carper	Kohl	Thune
Coburn	Kyl	Udall (CO)
Conrad	LeMieux	Vitter
Corker	Levin	Voinovich
Dorgan	Lugar	Warner
Ensign	McCain	Webb
Enzi	McConnell	
Feingold	Merkley	

## NAYS—64

Akaka	Durbin	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennett	Grassley	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Schumer
Burr	Isakson	Shaheen
Burr	Johanns	Shelby
Cantwell	Johnson	Snowe
Casey	Kerry	Stabenow
Chambliss	Kirk	Tester
Cochran	Lautenberg	Udall (NM)
Collins	Leahy	Whitehouse
Cornyn	Lieberman	Wicker
Crapo	Lincoln	Wyden
DeMint	McCaskill	
Dodd	Menendez	

## NOT VOTING—2

Byrd	Landrieu
------	----------

The motion was rejected.

The PRESIDING OFFICER. On this vote, the yeas are 34, the nays are 64. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## SIGNING AUTHORIZATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions for the remainder of today, Wednesday, September 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I wish to ask the managers this. I have three amendments I wish to have called up and placed in order. One is amendment No. 2580, one is amendment No. 2581, and the third is amendment No. 2575.

The first is to strike the amount for the C-17 aircraft, which is not subject to a point of order, I am told. The second is to add \$2.5 billion for operations and maintenance, which is also not subject to a point of order. The third one is to have testimony before Congress by General McChrystal and General Petraeus before the Congress of the United States.

I would be glad to agree to a brief debate on all three of those amendments, and I will be glad to enter into a time agreement or whatever their desires are on all three. On the first two, the issue has been debated pretty well. I would only need a few minutes. On the third, I think it is pretty straightforward, calling for the testimony of General McChrystal and General Petraeus before the Congress of the United States.

I call up those amendments and ask for their consideration in sequence.

The PRESIDING OFFICER. Is there an objection to considering the amendments en bloc?

Mr. MCCAIN. Not en bloc, in sequence.

The PRESIDING OFFICER. Is there objection to the amendments being brought up in sequence? Will the Senator specify the sequence?

Mr. MCCAIN. I ask unanimous consent that amendments Nos. 2580, 2581 and 2575—I call up those amendments. I think that is my right.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I inquire of the Senator from Arizona, who said the first two were in order because they strike and replace money, is the Senator saying the same about the third amendment? Is it in order on an appropriations bill?

Mr. MCCAIN. I believe it is in order. I will be glad to have a vote on whether it is a violation of any of the Senate rules.

Mr. DURBIN. I will not object to the first two. On the third, I will object until we have a chance to look at it more closely.

Mr. MCCAIN. I thank the Senator.

Parliamentary inquiry: Do I have the right to call up an amendment that is filed?

The PRESIDING OFFICER. Yes, one amendment at a time.

## AMENDMENT NO. 2575

Mr. MCCAIN. Mr. President, I call up amendment 2575 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2575.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for testimony before Congress on the additional forces and resources required to meet United States objectives with respect to Afghanistan and Pakistan)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) TESTIMONY BEFORE CONGRESS ON MEETING UNITED STATES OBJECTIVES ON AFGHANISTAN AND PAKISTAN.—The officials specified subsection (b) shall each be made available, by not later than November 15, 2009, to testify in open and closed sessions before the relevant committees of Congress regarding recommendations for additional forces and resources required to achieve the objectives of United States policy with respect to Afghanistan and Pakistan stated pursuant to section 1117(a) of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1907).

(b) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Commander of the United States Central Command.

(2) The Commander of the United States European Command and Supreme Allied Command, Europe.

(3) The Commander of United States Forces-Afghanistan.

(4) The United States Ambassador to Afghanistan.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I call up amendment No. 2580 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? The Senator from Illinois.

Mr. DURBIN. Reserving the right to object, it is my understanding—

Mr. MCCAIN. I am not seeking unanimous consent.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DURBIN. Sorry. I thought the Senator made a unanimous consent request.

Mr. MCCAIN. I just called up the second amendment.

The PRESIDING OFFICER. The Senate requires unanimous consent to consider an additional amendment.

Mr. MCCAIN. I see.

Mr. DURBIN. I say to the Senator from Arizona, our mutual friend, Senator LEVIN, asked to be on the floor when the first amendment was being considered. I have to say, on his behalf, that I will object to moving to another amendment until he has a chance to come to the floor and debate the Senator's first amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator. We will certainly accede to his request. I would like to tell my colleagues that I do not intend to conclude debate on this legislation until such time as we have straight up-or-down votes on the two amendments about which I talked. One is striking the funding for the C-17, \$2.5 billion and adding \$2.5 billion for operations and maintenance. I will be glad to discuss it with the managers of the bill how that sequence will take place, how much debate. I do not intend to hold up the bill in any way. I just wish to tell my colleagues I want consideration and recorded votes on both of those amendments.

What we have done tonight by not waiving the budget, the rule, is an outrage and is going to damage very badly the men and women who are serving this country because we are not giving them the equipment they need to operate in harm's way—120,000 of them in Iraq, 68,000 of them in Afghanistan. That is the opinion of the Chairman of the Joint Chiefs of Staff, General Petraeus, General McChrystal, and the Secretary of Defense. It is a remarkable moment—a remarkable moment—in the history of the Senate, although I have seen it happen before. Congratulations to the lobbyists from Boeing. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2555, AS MODIFIED

Mr. JOHANNES. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask that amendment No. 2555 be called up. With that, I am sending a modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

Mr. JOHANNES. Before we go to the reading, if I could send a modification to the desk.

The PRESIDING OFFICER. The clerk will report the amendment as modified.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNES] proposes an amendment numbered 2555, as modified.

Mr. JOHANNES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure the availability of not less than \$30,000,000 for High Priority National Guard Counterdrug Programs)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) HIGH PRIORITY NATIONAL GUARD COUNTERDRUG PROGRAMS.—Of the amount appropriated or otherwise made available by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE", up to \$30,000,000 shall be available for the purpose of High Priority National Guard Counterdrug Programs.

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the purpose specified in that subsection is in addition to any other amounts made available by this Act for that purpose.

Mr. JOHANNES. Mr. President, I rise briefly this evening to speak about this amendment. The amendment would help maintain, in fiscal year 2010, the current level of funding for the National Guard's counterdrug efforts throughout the United States. It is important legislation.

As a Governor, as a mayor, I can tell you what I think everybody knows. One of the toughest problems we face in this Nation is fighting drug abuse and addiction and putting the tools in place to deal with that.

We all know firsthand that drug addiction rips families apart and tears communities down. It is accompanied by an endless parade of violence.

Reducing drug abuse and crime was a top priority of mine as mayor and Governor. In part because of steps we took, we were able to bring crime numbers down. I am proud of that.

I know drugs are not a unique challenge to Nebraska. It is a national challenge. Meth distributors commonly commit violent crimes as they traffic in methamphetamine. Meth users often commit property crimes, burglary, and identity theft. This drug is an enormous burden on public health departments and treatment centers in our region. Meth-related violence and child abuse have also strained local foster care systems, not only in our State but in other States. Because of its highly addictive nature, it takes longer treatment programs and it has a very high recidivism rate. Treatment, needless to say, is enormously difficult.

In the face of this problem, we need to keep up our pressure on drug trafficking groups and work on providing more consistent funding to Federal, State, and local drug task forces. The National Guard's Counterdrug Support Program has been supporting law enforcement and community-based drug reduction coalitions now for 20 years. However, this program often faces considerable uncertainty over its funding, and that hampers operations. Consistent funding would allow police to keep many of the same officers in the drug task force. This would improve communication between multiple different law enforcement agencies, and it would increase their effectiveness.

Rural States are especially hurt by cuts and uncertainty in their counterdrug budgets, since they often have a great deal of territory to cover with very small departments.

To get to the crux of this amendment, my amendment would help address these problems by helping restore counterdrug funding back to its level last year. We are just asking for a level budget. Last year, Congress added \$22.5 million to the President's level of funding. The year before it added \$20 million. While the Defense authorization this year authorized an additional \$30 million in counterdrug support, it was not included in the appropriations bill.

This money goes across our country, all 50 States, and some of our territories. Our counterdrug operations depend on the funds.

If the current shortfall continues, the National Guard would not be able to effectively support law enforcement in their fight against drugs. Our law enforcement and National Guard personnel must be given the tools they need to carry on this battle.

Tonight, in a very large appropriations bill, I ask what I believe is a very necessary amount of money to help

fight this war on drugs in your State, Mr. President, in mine, and across this country. I urge my colleagues to support the amendment. My hope is there will be a very bipartisan, strong statement that we stand behind this very important piece of this budget.

For the record, if it is acceptable—and I don't know if there is an agreement on this or not—but I want to indicate for the record that I will be more than happy to move this amendment with a voice vote.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I congratulate the Senator for bringing to the attention of the Senate this suggested change. We have no problem with having this amendment adopted on a voice vote, if that suits the manager on the other side.

Mr. INOUE. No objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 2555, as modified.

The amendment (No. 2555), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wonder if the managers would allow me to make a unanimous consent request on a totally other issue, the issue dealing with the highway trust fund, at this time. I will take about 2 or 3 minutes; is that all right?

Mr. COCHRAN. I have no objection to the Senator discussing her suggestion.

UNANIMOUS CONSENT REQUEST—H.R. 3617

Mrs. BOXER. Mr. President, we are in a very bad situation with the highway trust fund. We are working very hard on both sides of the aisle to resolve it. Senator INHOFE and I are absolutely in agreement on what we should do. But yet still there is objection from the other side of the aisle, our Republican friends. I wish to explain where we are, and then I am going to make a unanimous consent request.

In the SAFETEA-LU program, which was the last highway bill, there was an \$8 billion rescission that was made. The promise at that time years ago was that we would fix it in the days, months, and years ahead. It was not fixed, and if we don't repeal the rescission tonight, what will happen immediately is that there will have to be layoffs, there will have to be cancellation of contracts, and the order will go out from here to our States. Mr. President, 17,000 jobs are on the line. We have to repeal this rescission. It translates into about \$300 million.

I have been working with Senator INHOFE, and we reached agreement and,

frankly, the leaders, I believe, reached agreement that what we ought to do is repeal this rescission and, as a paid-for, cut the TARP money because we know that a lot of those funds have been paid back, cut that program by the equivalent of \$300 million. We would repeal the rescission, everybody keeps working, the contracts are still going, and we pay for this repeal by cutting \$300 million from TARP, the Toxic Asset Relief Program, not very popular in the country, I might add.

I have to say I asked the administration for some other ideas and they had none. I believe in pay as you go. So I said to Senator INHOFE that I was with him on this. He and I are in agreement.

At this time, I am going to make this formal unanimous consent request to repeal this rescission and pay for it by cutting TARP.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3617, received from the House and at the desk; that the Boxer substitute amendment at the desk be considered; further, that the Boxer-Inhofe second-degree amendment with an offset be considered and agreed to, the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, passed, and the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nebraska.

Mr. JOHANNES. Mr. President, I rise to object. My understanding is there is an objection on our side of the aisle relative to this approach. Thus, I rise this evening to object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, let me say how, frankly, shocked I am at this objection. We have the chairman of the EPW Committee, the ranking member of the EPW Committee—this is an amendment that was brought to us by Senator KIT BOND of the other side of the aisle. I do not understand how the Republicans can take this position when we can see these contracts abrogated as a result of our lack of action.

I yield to the Senator from Illinois.

Mr. DURBIN. Mr. President, I ask if the Senator from California will yield for a question. If the objection of the Senator from Nebraska holds and if the Republican side of the aisle does not change its position, it is my understanding that there will be a rescission of some \$8 billion, which means cutting the highway funds going to Nebraska, the highway funds coming to Illinois, and the highway funds coming to California; is that what the outcome will be because of the objection from the other side?

Mrs. BOXER. I think, with due respect to the Senator from Nebraska,

that he is saying that several of his colleagues will not allow this to go through. I don't want to blame him for this. He is the messenger.

But the bottom line is, the \$8 billion in authorizing numbers translates to \$300 million in contracting authority. So as of tomorrow morning, unless this is reversed, we are going to see cuts to the highway program of \$300 million. And it has to be made from existing contracts, so people in your State, in my State, in Kentucky, in the State of the Senator from Nebraska—all of our States are going to suffer. There will be 17,000 people thrown out of work because the Republicans cannot agree with the chairman of the EPW, the ranking member, and both leaders.

Mr. DURBIN. If the Senator from California would further yield, so what the Republican side is objecting to is that we would take money out of the toxic asset relief program—money that was sent to the banks, if you will recall, to help them out of their troubles—and put it into the highway trust fund to save or create 17,000 jobs across America, and if we don't, we stand to lose those jobs—the Republican side is objecting to that?

Mrs. BOXER. The Republican side has objected to an agreement reached by myself and Senator INHOFE and I believe the two leaders that would say we are going to replenish the highway trust fund, we are going to repeal the rescission that was done and as a result the States will be shorted \$300 million, and it is my understanding that starting tomorrow morning a lot of these contracts will be canceled or delayed unless we fix this. We could fix it at a later date, but every day that goes by, it makes it more difficult because we are operating under a midnight deadline tonight.

Mr. DURBIN. If the Senator would yield for one last question, just so that I understand, the result of the Republican objection is that we are going to protect the TARP funds, the toxic asset relief program funds that were used to bail out banks, at the expense of jobs for people across America at a time of high unemployment? Is that the result of that objection?

Mrs. BOXER. My friend is right. But I want to give credit to Senator INHOFE. He is with us. There are many Members on his side of the aisle, however, who are letting this happen. But my friend has it exactly right. The Republicans who are objecting to this are protecting the toxic asset relief program and they are jeopardizing 17,000 jobs across America.

I am as stunned as you are, and I guess I am going to try one more time. If I hear another objection, we will leave it for another day. I will try it one more time. Maybe I have convinced my friend. Maybe my friend needs to leave the floor.

Mr. President, I ask unanimous consent that the Senate proceed to the

consideration of H.R. 3617, received from the House and at the desk, and that the Boxer substitute amendment at the desk be considered; further, that the Boxer-Inhofe second-degree amendment with an offset be considered and agreed to, the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the measure appear in the appropriate place in the RECORD as if read, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nebraska.

Mr. JOHANNES. Let me, if I might, through the Chair, inquire of the Senator from California if the Senator would renew her request with one change: to include a different second-degree amendment from Senator VITTER which would provide an offset from non-defense and non-veteran stimulus funds.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Well, that is easy. If you believe we have a recession, if you believe the unemployment rate is too high, why in God's green Earth would anyone recommend cutting the economic recovery fund, the fund that is providing stimulus and that is putting people to work? I absolutely would not agree to that. That particular fund is giving money back to taxpayers in tax breaks. It is fixing highways and bridges and all the other. Why on Earth would we cut that when we can cut the toxic asset relief program—the TARP money—that went to the wealthiest banks? Why on Earth would we take away jobs from working people and allow the bankers to keep their little fund up there?

No way. We will object to that approach.

Mr. JOHANNES. Mr. President, then I do raise an objection. And here is the point, in fairness to the process here. There are many who believe that the TARP money, which was originally designed to buy toxic assets, has drifted so far away from its original purpose that we haven't kept faith with the taxpayer who paid the bill for all this. On the other hand, the stimulus—which, incidentally, I did not support—had money in it to do highways and that sort of thing, and that is where the objection is coming from.

So I do stand to object, and I continue the objection.

Mr. DURBIN. Would the Senator yield for a question?

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Whether the Senator voted for the stimulus bill or not—and I know he did not—the stimulus bill provided tax breaks for working families, provided money for his State and



mine for infrastructure projects that will build highways and bridges and create jobs, and it is halfway through. They haven't really finished all the spending on that.

In the midst of this recession, you are suggesting that the way to save the 17,000 highway jobs is to cut the jobs that are being created by the stimulus package? Wouldn't it be better to take the money away from these banks that have received billions of dollars, that have been bailed out over and over, than to take it at the expense of working people in Nebraska and Illinois?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNES. I thank the Senator from Illinois for that question, but here is what I would say. You can restart the debate on the whole stimulus plan, and I can point to you the promises that were made of all the jobs that were going to be created, and I can point to you the evidence that in fact that has not occurred. But the argument tonight was, look, if we can just get our hands on some TARP money, then we can do all these things. And we are saying, well, look, if the promise of the stimulus was to create jobs, let's use the stimulus. Why not use that fund?

But fundamentally here is the problem. People came to the American people and said: Look, our credit is melting down, our financial system is in serious shape, and the solution to that problem is to buy toxic assets. And low and behold we bought car companies, we bailed out insurance companies, and it just goes on and on. And that is why the objection is coming from over here because this isn't anything near what TARP was intended to do.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I will be brief, but the Senator from Nebraska just made the argument against TARP. That is where we want to take the money from to protect these jobs. The Senator said the TARP money was misspent, and we are saying we agree with the premise; that this is a better place to take money rather than to take it away from tax cuts to working families in the stimulus or the infrastructure projects that generate jobs.

I don't know that the Senator from Nebraska wanted to assume this role this evening. Occasionally, many of us are cast in these roles where we are objecting on behalf of other people who are not here. But I think when he reflects on this debate tonight, he will understand why Senator BOXER's approach to this is the most reasonable one. We are trying to protect 17,000 jobs across America. We are going to take the money out of the TARP funds from banks, and I think it is money well spent to create jobs across the United States. But to take it away

from the stimulus program is to take away money that is going right now, today, into Nebraska for tax relief for your working families and into Illinois for the same.

I am sure most Republicans would agree that tax relief is a good thing. I myself think it is a good thing for working families. So I think what Senator BOXER has suggested is a much more responsible approach.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. DURBIN. I will yield.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I think sometimes these debates go off on tangents and they are hard to follow. They get caught up in a lot of rhetoric. But I think this one tonight says it all to me. We have to ask ourselves a question: Whose side are we on? Whose side are we on? Tonight, we know what side the Republicans are on.

We are ready to save 17,000 jobs and to do it by paying for it out of the money that was given to the biggest banks in this Nation—the banks that got away scot-free while Americans suffered, whether they were shareholders or workers, taxpayers all. We want to take that money from the big banks; they want to take it from the working people, the working families of America, the ones who are out there getting their hands dirty and building the roads and the bridges. That says more about the differences here than many of the other things we do, and I am stunned.

I particularly want to again thank Senator INHOFE for stepping up. He tried his best. He spoke to all his Republican friends, and he couldn't get this. But you know what, we are not going to give up. We will have this battle on the floor. We will. We will get time for this, and we will get agreement on offering these two offsets. You just had a taste of what the debate will be, and it will be a tough debate, and I look forward to it. But I am very stunned that tonight we couldn't cross the aisle that divides us tonight. We should have. We should have done that for all the States—the red States and the blue States, all the States, the United States—because all are going to lose these jobs. We can say we stood here at 7:30 on this night and we had a program that would easily stop those layoffs, easily stop them, but our colleagues on the other side wanted to protect the big banks. I will take that argument back to my home State, but I am not happy we couldn't resolve this.

Mr. DURBIN. I thank the Senator from California for yielding for a question, and I agree.

I yield the floor.

Mr. LEVIN. Mr. President, I am pleased the Senate is debating a short-term extension of the surface transpor-

tation bill SAFETEA-LU. With the fiscal year ending at midnight tonight this is an urgent matter. We cannot afford to let Federal highway programs authorizations expire. It would be a disaster if transportation projects across the nation were halted because we failed to extend their authority. Congress needs to rewrite the surface transportation bill, but that will take some time. This short-term extension allows the program authority to continue until a longer reauthorization bill can be passed.

Importantly, the Senate bill includes language to repeal the 2009 rescission contained in the SAFETEA-LU bill that required that on September 30, 2009—today—\$8.7 billion of apportioned contract authority provided to states for investment in infrastructure be rescinded. This rescission could require states to de-obligate projects in order to free up the rescinded contract authority if they don't have contract authority balances. This is critical to Michigan and all the other States across the Nation that cannot afford to have Federal infrastructure funding cut at a time of severe budget constraints. The rescission repeal language would ensure that Michigan and other States do not lose these needed Federal transportation funds. Michigan's share of the rescission is estimated to exceed \$260 million or roughly 25 percent of its fiscal year 2009 apportionments.

Congress has been strong in its support for transportation infrastructure funding as a way to create jobs and jump start an economic recovery during the severe economic downturn. For instance, Congress provided \$27 billion for highway projects in the American Recovery and Reinvestment Act. Congress also recently provided an additional \$7 billion to the highway trust fund in order to keep it solvent on top of the \$8 billion that it added to the trust fund last year. It would make no sense to undermine the recovery efforts and jeopardize the health of our surface transportation system by allowing an \$8.7 billion cut in highway funding to go through tonight.

Time is of the essence in restoring these needed transportation funds to every State in the Nation. I hope this important legislation will be adopted immediately by the Senate and the House of Representatives.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

2016 OLYMPICS

Mr. BURRIS. Mr. President, more than 100 years ago, four American cities competed to host the world's Columbian Exposition. Elected leaders and proud citizens traveled here to

Washington to make the case for their hometowns. After much debate, Congress decided that the exposition would take place in the center of the American heartland—Chicago, IL.

The Chicago delegation had made the strongest case and shown the most pride and conviction in their city. They bragged that their hometown on the beautiful banks of Lake Michigan was the perfect site for the Columbia Exposition and that no other city could compare. Folks from Chicago argued so long and so hard that a reporter referred to their hometown as “that Windy City,” and the nickname, of course, has stuck throughout the years.

The Columbian Exposition of 1893 was a resounding success. Almost one-fourth of the entire U.S. population came to Chicago, and the city overflowed with happy visitors from across the country and all over the world.

Today, Chicago remains an economic and cultural center of America. The city that hosted the Columbian Exposition has boomed into a world-class metropolis. And once again the proud citizens of the Windy City have stepped forward to make the case for our hometown.

In 2016, 10,000 athletes from more than 200 countries will come together to celebrate the human spirit. Tourists, visitors, and millions of dollars will flow into a single place as a part of the greatest spectacle on Earth.

The whole world will be watching the city that hosts the Olympic Games, and in 2016 that city should be Chicago, IL. From Lake Shore Drive to the West Side, it is a diverse and inclusive city that represents the very best of what it means to be American. It has always been a global leader in culture, art, architecture, commerce, sports, and even cuisine.

I know Chicago will shine on the world stage in 2016, just as it did more than a century ago. The Olympic and Paralympic Games are a powerful force for global unity. It is time to bring the games back to the United States.

President Obama understands what the Olympics will mean to our Nation and for Chicago. New construction and infrastructure improvement will revitalize the Midwest; tourist dollars from all over the world will begin flowing to American businesses once again; jobs will be created, revenue will increase, our local economy will be jolted back to prosperity as we prepare to host the games.

It doesn't stop there. This impact will also be felt at the national level. Foreign visitors who travel to the Olympics in Chicago will also stop in Los Angeles, New York, Baltimore, Miami, Seattle, New Orleans, and a dozen other cities during their stay in the United States. The international spotlight will be focused on America and it will bring prosperity and good

will. That is why I support President Obama's decision to travel to Copenhagen in support of our Olympic bid.

Some have criticized this trip. Some say it is an unnecessary distraction from the challenges we face. But I believe it is just the opposite. It shows that the President is more focused than ever on bringing economic prosperity and international prestige back to the United States.

A few days ago I was meeting with the mayor of Chicago and I told Mayor Daley that I thought the President and the First Lady would go to Copenhagen. There was some consternation as to whether he was going to appear, but because of the importance of the Olympics to Chicago and the Nation, I knew the President's decision was going to be made that would allow him to make an appearance in Copenhagen. I know they are proud Chicagoans, and I am pleased they have decided on strong support for their hometown. The trip will be a short one, but it could make a world of difference for Chicago and for America, because this is not just about Chicago or Illinois, it is about bringing the Olympic Games back to the United States of America. The Olympics will be a boon to our economy and they will strengthen our friendship with other nations.

By appearing before the International Olympic Committee in person, President Obama can make the case that America is ready to lead once again, ready to light the torch of cooperation and prosperity for all of the citizens of the world. He can show the committee that Chicago is by far the best choice among the four remaining finalist cities. For the athletes, world-class training facility and event locations would be very close together, allowing for convenience and ease. For visitors, outstanding public transportation and modern infrastructure would make all events easy to attend. For residents of the city and people all across the United States, Chicago would shine on the world stage and dollars would pour in from across the globe to make it clear it is alive and well in my hometown.

The Chicago 2016 Committee recognizes the importance of the games in renewing old friendships around the world as well as establishing new ones. Its ideals and the value of “friendship through sport” is at the heart of the city's Olympic bid.

Let us support President Obama as he travels to Denmark in hopes of bringing the Olympics and Paralympic Games back to the United States. They are a powerful, inspiring force for unity in a world divided. Let us come together once again to welcome the people of every continent to our shores. Just as the people of Chicago did more than 100 years ago, let us celebrate our Nation by sharing one of the greatest cities with all of the world, by sharing

its greatest city with the rest of the world, that great city on the lake—Chicago.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk with respect to the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010.

Daniel K. Inouye, Harry Reid, Sheldon Whitehouse, Patty Murray, Jon Tester, Jack Reed, Ben Nelson, Richard Durbin, Mark Begich, Bill Nelson, John F. Kerry, Edward E. Kaufman, Charles E. Schumer, Frank R. Lautenberg, Carl Levin, Byron L. Dorgan, Daniel K. Akaka.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the bill at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010.

Daniel K. Inouye, Harry Reid, Sheldon Whitehouse, Patty Murray, Jon Tester, Jack Reed, Ben Nelson, Richard Durbin, Mark Begich, Bill Nelson, John F. Kerry, Edward E. Kaufman, Charles E. Schumer, Frank R. Lautenberg, Carl Levin, Byron L. Dorgan, Daniel K. Akaka.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO AMY MEYER

Mr. DURBIN. Mr. President, I rise today to congratulate a distinguished Illinois resident, Amy Meyer. Ms. Meyer is this year's recipient of the Service to America National Security and International Affairs Medal. This award honors Federal employees who have made significant contributions to our Nation through their actions in the field of national security.

Since 2006, Ms. Meyer has served as the Director of the U.S. Agency for International Development's Office of Economic Growth in Pakistan. In this, her first Foreign Service assignment, Ms. Meyer has overseen an expansion of Pakistan's Office of Economic Growth from a small, two-person operation with a \$7 million budget into a \$200 million initiative.

Ms. Meyer has dedicated herself to leading the U.S. effort to foster economic growth in the country. Through her collaborative approach and the development of a wide range of programs, Ms. Meyer is bringing change to a country facing many problems, including a crippling energy crisis and the growing influence of the Taliban.

Of the many programs Ms. Meyer has developed, several focus on assisting the women of Pakistan. Among them is the Empower Pakistan: Agriculture Program. Through this program 1 million women will join dairy cooperatives where they will collect and store milk to be sold later at markets. Women who participate in this program will be able to earn income from these sales. Ms. Meyer also conducts focus groups for women in her own home and leads a yoga program which airs on Pakistani television.

As the 2009 Service to America National Security and International Affairs Medalist, Amy Meyer is honored for her commitment to working with the people of Pakistan to bring about economic growth and stability. I commend Ms. Meyer on her work in the Office of Economic Growth and congratulate her on receiving the National Security and International Affairs Medal.

#### FISCAL PRUDENCE

Mr. INOUE. Mr. President, I listened to the comments of the Senator from Alabama with interest.

I want to inform my colleagues that despite the rhetoric we have heard it is important to remember that the funds that we have recommended in the fiscal year 2010 appropriations bills are in accordance with the level provided to the committee in the budget resolution.

Second, each one of the bills that he mentioned was approved by the committee by unanimous, or near unanimous, votes.

Third, each of the bills considered by the Senate so far this year have been approved at the funding level that the Senator has noted.

In addition, in most cases—in the Transportation and Interior bills for example—the level of funding approved by the committee is lower than the amount requested by the administration.

We are all concerned about deficits and overspending, but the root cause of this problem is not in discretionary domestic spending.

The cause was the failed policies of the previous administration that ran up trillions in our national debt.

To remind my colleagues when President Bush was elected the country had a budget surplus. After 8 long years, the country inherited an unprecedented national debt.

What is even worse, the Obama administration and the Nation also inherited a fiscal crisis unseen since Herbert Hoover.

While I understand and share the concern of many of my colleagues over our Nation's debt, they have set their sights on the wrong target. The increases in discretionary spending will reverse the neglect which occurred in the previous administration and will help put people back to work.

The Appropriations Committee will continue to work in a bipartisan fashion to recommend bills which are fiscally prudent and within the amounts recommended by this Senate.

#### MEMBERSHIP AND JURISDICTION OF COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY. Mr. President, I ask unanimous consent that the membership and jurisdiction of the Committee on Foreign Relations, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### JURISDICTION OF THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

(Excerpted from Rules of the Committee)

##### RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j)(1), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.

9. International law as it relates to foreign policy.

10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

11. Intervention abroad and declarations of war.

12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

13. National security and international aspects of trusteeships of the United States.

14. Ocean and international environmental and scientific affairs as they relate to foreign policy.

15. Protection of United States citizens abroad and expatriation.

16. Relations of the United States with foreign nations generally.

17. Treaties and executive agreements, except reciprocal trade agreements.

18. United Nations and its affiliated organizations.

19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j)(2) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight.*—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that "... each standing Committee ... shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee."

(c) *"Advice and Consent" Clauses.*—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

#### COMMITTEE ON FOREIGN RELATIONS MEMBERSHIP AND JURISDICTION OF SUBCOMMITTEES

(July 21, 2009)

(The chairman and ranking member of the full committee are ex officio members of each subcommittee on which they do not serve as members.)

(Subcommittees are listed in the order of chairmen's seniority within the full committee.)

#### SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS

CHRISTOPHER J. DODD, *Chairman*; ROBERT MENENDEZ; BENJAMIN L. CARDIN; JIM WEBB; KIRSTEN E. GILLIBRAND; JOHN BARRASSO, *Ranking Member*; JOHNNY ISAKSON; JAMES E. RISCH; and JAMES M. INHOFE.

##### *Jurisdiction:*

This subcommittee deals with U.S. relations with the nations of the Western Hemisphere, including Canada and the nations of

the Caribbean. The subcommittee also deals with boundary matters, and U.S. policy with regard to the Organization of American States. This subcommittee's responsibilities include all matters within the geographic region relating to (1) terrorism and non-proliferation; (2) U.S. foreign assistance programs; and (3) the promotion of U.S. trade and exports.

This subcommittee also exercises general oversight over (1) all of the activities and programs of the Peace Corps; and (2) all U.S. foreign policy, programs and international cooperative efforts to combat the flow of illegal drugs or substances.

#### **SUBCOMMITTEE ON AFRICAN AFFAIRS**

RUSSELL D. FEINGOLD, *Chairman*; BENJAMIN L. CARDIN; JIM WEBB; EDWARD E. KAUFMAN; JEANNE SHAHEEN; JOHNNY ISAKSON, *Ranking Member*; JIM DEMINT; BOB CORKER; and JAMES M. INHOFE.

##### *Jurisdiction:*

The subcommittee has geographic responsibilities corresponding to those of the Bureau of African Affairs in the Department of State. It considers all matters concerning U.S. relations with countries in Africa, with the exception of countries bordering on the Mediterranean Sea from Egypt to Morocco, which are under the jurisdiction of the Subcommittee on Near Eastern and South and Central Asian Affairs.

This subcommittee's responsibilities include all matters within the geographic region relating to: (1) terrorism and non-proliferation; (2) crime and illicit narcotics; (3) U.S. foreign assistance programs; and (4) the promotion of U.S. trade and exports.

#### **SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND ORGANIZATIONS, HUMAN RIGHTS, DEMOCRACY, AND GLOBAL WOMEN'S ISSUES**

BARBARA BOXER, *Chairman*; RUSSELL D. FEINGOLD; ROBERT MENENDEZ; EDWARD E. KAUFMAN; JEANNE SHAHEEN; KIRSTEN E. GILLIBRAND; ROGER F. WICKER, *Ranking Member*; JIM DEMINT; JOHN BARRASSO; and JAMES M. INHOFE.

##### *Jurisdiction:*

The subcommittee's responsibilities include all matters involving international operations and organizations, human rights, democracy, and global women's issues. This jurisdiction includes the general oversight responsibility for the Department of State, the Broadcasting Board of Governors, the Foreign Service, and public diplomacy. It also includes oversight responsibility for United States participation in the United Nations, its affiliated organizations, and other international organizations not under the jurisdiction of other subcommittees. Finally, it includes general oversight responsibility for U.S. policy in promoting democracy and human rights abroad.

#### **SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND FOREIGN ASSISTANCE, ECONOMIC AFFAIRS, AND INTERNATIONAL ENVIRONMENTAL PROTECTION**

ROBERT MENENDEZ, *Chairman*; BARBARA BOXER; BENJAMIN L. CARDIN; ROBERT P. CASEY, JR.; JEANNE SHAHEEN; KIRSTEN E. GILLIBRAND; BOB CORKER, *Ranking Member*; ROGER F. WICKER; JIM DEMINT; and JAMES E. RISCH.

##### *Jurisdiction:*

The subcommittee's responsibilities include general oversight responsibility for U.S. development policy and foreign assistance programs. It includes U.S. bilateral hu-

manitarian, development, economic, trade and security assistance programs carried out by the U.S. Agency for International Development, the Millennium Challenge Corporation, and other U.S. agencies, and U.S. voluntary contributions to international organizations providing assistance to foreign nations.

It also includes matters related to: (1) international monetary policy, including U.S. participation in international financial institutions; (2) U.S. foreign economic policy, including export enhancement and trade promotion; and (3) international investment, protection of intellectual property, and technological transfer.

Finally, the subcommittee is responsible for matters relating to international energy security and international environmental protection, including the oceans and space.

#### **SUBCOMMITTEE ON NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS**

ROBERT P. CASEY, JR., *Chairman*; CHRISTOPHER J. DODD; RUSSELL D. FEINGOLD; BARBARA BOXER; BENJAMIN L. CARDIN; EDWARD E. KAUFMAN; JAMES E. RISCH, *Ranking Member*; BOB CORKER; JOHN BARRASSO; and JOHNNY ISAKSON.

##### *Jurisdiction:*

This subcommittee deals with all matters concerning U.S. relations with the countries of the Middle East and Arab North Africa. This subcommittee's geographic responsibilities also encompass U.S. relations with the countries of South and Central Asia, corresponding to the jurisdiction of the Bureau of South and Central Asian Affairs in the Department of State.

This subcommittee's responsibilities include all matters within the geographic region relating to: (1) terrorism and non-proliferation; (2) crime and illicit narcotics; (3) U.S. foreign assistance programs; and (4) the promotion of U.S. trade and exports.

#### **SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS**

JIM WEBB, *Chairman*; CHRISTOPHER J. DODD; RUSSELL D. FEINGOLD; BARBARA BOXER; ROBERT P. CASEY, JR.; KIRSTEN E. GILLIBRAND; JAMES M. INHOFE, *Ranking Member*; JOHNNY ISAKSON; JOHN BARRASSO; and ROGER F. WICKER.

##### *Jurisdiction:*

The subcommittee has geographic responsibilities corresponding to those of the Bureau of East Asian and Pacific Affairs in the Department of State and considers all matters concerning U.S. relations with the countries of that region. It also considers matters related to regional organizations such as the Association of South East Asian Nations and the Asia-Pacific Economic Cooperation.

This subcommittee's responsibilities include all matters within the geographic region relating to: (1) terrorism and non-proliferation; (2) crime and illicit narcotics; (3) U.S. foreign assistance programs; and (4) the promotion of U.S. trade and exports.

#### **SUBCOMMITTEE ON EUROPEAN AFFAIRS**

JEANNE SHAHEEN, *Chairman*; CHRISTOPHER J. DODD; ROBERT MENENDEZ; ROBERT P. CASEY, JR.; JIM WEBB; EDWARD E. KAUFMAN; JIM DEMINT, *Ranking Member*; JAMES E. RISCH; BOB CORKER; and ROGER F. WICKER.

##### *Jurisdiction:*

The subcommittee deals with all matters concerning U.S. relations with the countries on the continent of Europe (except the states of Central Asia that are within the jurisdiction of the Subcommittee on Near Eastern

and South Asian Affairs), and with the North Atlantic Treaty Organization, the European Union and the Organization for Security and Cooperation in Europe. Matters relating to Greenland and the northern polar region are also the responsibility of this subcommittee.

This subcommittee's responsibilities include all matters within the geographic region relating to: (1) terrorism and non-proliferation; (2) crime and illicit narcotics; (3) U.S. foreign assistance programs; and (4) the promotion of U.S. trade and exports.

#### **SAME-SEX MARRIAGE RECOGNITION IN VERMONT**

Mr. LEAHY. Mr. President, the U.S. Constitution, the document by which we define ourselves as a nation, emphasizes freedom and equality. Its words have inspired generations of Americans to create a society that sustains those values: one that preserves our freedom and reminds its citizens that we are all created equally. Among those who are leading the fight to protect this constitutional guarantee of equality are the people of Vermont, who I have been proud to represent for the past 34 years.

Vermonters have consistently led the charge to perfect our Union and to support the fight for equality and social justice. Vermont was the first State in our Union to outlaw slavery, and was also the first to adopt voting rights, regardless of property ownership. Vermont demonstrated its commitment to social justice years ago with the passage of inclusive hate crimes and employment nondiscrimination legislation. I hope our Federal Government will follow Vermont's lead with regard to these essential protections.

Vermonters have led the Nation by protecting families and by ensuring that children are in stable, loving environments. This is because Vermonters believe that parents should be allowed to strengthen their commitments to one another. In 2000, Vermont took a crucial step when it became the first State in the Nation to allow civil unions for same-sex couples. Recently, Vermont took another step to help sustain the relationships that fulfill our lives by becoming the first state to adopt same-sex marriage through the legislative process without a court mandate to do so.

I commend the Vermont State Legislature for its actions, and for setting aside partisan differences to serve the people of Vermont and to serve as an example for the Nation. Throughout the tumultuous debate on this issue, both chambers considered each side's viewpoint, and all points of view were heard. This was a real testament to our democratic process. Yet despite that debate, the Governor vetoed the legislation that was approved by the legislature.

The Vermont State Legislature has the distinction of being a part-time body. They work within the very communities they represent on a daily

basis. During the debate, these legislators listened to their neighbors, their friends, and their constituents. During this process, they realized that marriage equality was something the people of Vermont wanted. Some members of the State legislature ultimately decided to put aside their personal views. They did not want to have such an important issue decided by a single vote. They did not believe that one person should be able to prevent what Vermonters were seeking—equality for all its citizens. In the end, several of the legislators who originally voted against the bill cast their vote to override the Governor's veto. I believe that the actions of those legislators and the entire Vermont Legislature deserve our admiration.

As a Vermonter who has been married for 47 years, I am a great fan of the institution of marriage. I believe it is important to encourage and to sanction committed relationships, and to provide for stable, supportive families. When Vermont passed legislation on same-sex marriage, it reaffirmed my fundamental belief we should not create second-class families who do not enjoy the protections other families have. Unfortunately this is still not the case in our Federal Government. With laws like the Defense of Marriage Act in effect, Vermont same-sex marriages are still treated differently. I believe it is time to repeal it, so that all Vermonters can be treated equally under the law.

Vermont's State motto is depicted clearly on our State flag: "Freedom and Unity." Today, same-sex couples in Vermont are now able to enjoy the same freedoms that opposite sex couples in Vermont enjoy. Same-sex couples now have the freedom to create and to preserve family unity, and to bring happiness and stability to their children and loved ones. I am proud to represent the people of Vermont and I commend them for having reached yet another milestone in the march toward equality.

#### RECOGNIZING THE CAPITOL HILL SCREENING OF "THE WAY WE GET BY"

Ms. SNOWE. Mr. President, today I commemorate the Capitol Hill screening of "The Way We Get By", a deeply moving and powerful documentary film about the iconic Troop Greeters of Bangor in my home State of Maine. On this wonderful occasion, I join with my colleagues in the Maine Delegation—Senator COLLINS, and Representatives MICHAUD and PINGREE—in expressing my tremendous gratitude not only to the USO—the indispensable "home-away-from-home" for our more than 2.5 million men and women exceptional enough to wear our Nation's uniform, so admirably led by USO president and CEO Sloan Gibson—but also to Oper-

ation Homefront as well as HandsOn Network—cofounded by Michelle Nunn—who is forging her own path within the longstanding, Nunn family history of commitment to service as CEO of Points of Light Institute.

A part of President Obama's United We Serve initiative, all three of these stellar organizations are presenting this magnificent film in the U.S. Capitol at the wonderful Capitol Visitor Center, and we couldn't be more grateful to them—as well as to the Professional Services Council and the Corporation for Public Broadcasting—and others too numerous to mention for helping bring this documentary to fruition. And I would like to especially thank Simon Kilmurry, executive director of American Documentary, and Aron Gaudet, the film's director, for their stalwart leadership and dedication on this exemplary project.

And it couldn't be more fitting to have Dr. Jill Biden, the wife of Vice President BIDEN, introduce this well-deserved tribute to the Bangor Troop Greeters at today's screening—especially as Beau, the Vice President's son and Delaware's attorney general, has just returned from his deployment in Iraq as a member of the Delaware Army National Guard's 261st Signal Brigade. We commend Beau and all of those returning in his brigade, and we cannot thank them enough for their courageous service and heroic sacrifice to our Nation.

And of course, expressing our admiration and thankfulness to those who have placed themselves in harm's way on our behalf is the driving impetus behind this superb endeavor to capture on film the incredible generosity of spirit and good will unflaggingly exemplified by the Bangor Troop Greeters. For these extraordinary individuals, three of whom are showcased in the movie and attended today's screening, meeting our service men and women at the Bangor International Airport is an undeniable labor of love and a heartfelt expression of their devotion to our country and all who defend her.

In chronicling the selfless, patriotic and frankly larger-than-life actions of three amazing Mainers—Bill Knight, Joan Gaudet, and Jerry Mundy, director and Old Town native, Aron Gaudet—in tandem with Gita Pullapilly, the film's producer and interviewer, deftly brings to this undertaking the venerable tradition of extending handshakes and hugs to our brave soldiers, dating back to the first gulf war and Operation Desert Storm. And to document the humanity underpinning this monumental outpouring of support for our troops—which occurs 24 hours a day, 365 days a year, rain or shine—is a marvelous achievement and one which instills enormous pride in us all.

On a personal note, I can't tell you how many of our soldiers I have en-

countered who have expressed their immense appreciation to the world-renowned Bangor Troop Greeters. In fact, I well recall one soldier coming up to me specifically to convey just how remarkable the troop greeters were and that fellow soldiers shared the same sentiment. We echo that very sensibility today.

Congratulations to all who have been involved in the continuing success of this highly-acclaimed film documenting a phenomenal story of giving back to those who have given us all so much—our service men and women!

#### TRIBUTE TO FRANK D. STELLA

Mr. LEVIN. Mr. President, today I pay tribute to a pillar of my community, Detroit businessman and philanthropist Frank D. Stella.

Born in Pennsylvania, the son of Italian immigrants, he founded the F.D. Stella Products Company in Detroit in 1946, shortly after he returned from military service during World War II. Frank has built the company into a nationwide network of food-service suppliers, forming the backbone of his business and civic involvement in Michigan. And that involvement is extensive. From business to health care to the arts to charity work, there is little that happens in Detroit that doesn't involve Frank Stella in some way. Frank has long been active in the city's most important business groups, including the Detroit Regional Chamber of Commerce and Detroit Economic Club. A patron of the arts, he has served on governing boards for the Detroit Symphony Orchestra, Michigan Opera Theatre, and Detroit Discovery Museum. He has demonstrated a long-time commitment to health care, serving on the boards of the Detroit Medical Center, Mount Carmel Mercy Hospital, Sacred Heart Rehabilitation Center, and Grace Hospital of Detroit. Education has been another focus: He has served on the boards of the University of Detroit-Mercy, his alma mater, as well as the Wayne County Community College Foundation.

The breadth and depth of his accomplishments and involvement has drawn the notice of many. Organizations as diverse as the Detroit Urban League, the Rehabilitation Institute of Michigan, and the American Institute of Architects have honored him for his contributions. In 1995, he received an Ellis Island Medal of Honor, an award recognizing the importance of the immigrant experience in American life. The Italian Government has bestowed numerous awards upon him, as have four U.S. Presidents. His support of his Roman Catholic faith has earned the thanks of popes.

On Oct. 30, many of Frank's friends will gather to honor his 90th birthday. Fittingly, the celebration will serve as a fundraiser for four more of Frank's

causes: the National Italian American Foundation Scholarship Fund, Orders of the Sons of Italy in America, Italian Language Inter-Cultural Alliance, and Boys' Town of Italy. I thank him for his years of service to our city and State and wish him continued health and success in his many community endeavors.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE PARKS AND PEOPLE FOUNDATION

• Mr. CARDIN. Mr. President, today I congratulate the Parks and People Foundation of Baltimore, which is celebrating its 25th anniversary. Community activist Sally Michel founded Parks and People in 1984. Since then, Parks and People has grown from Sally's kitchen counter to a planned, eco-friendly, LEED Platinum-certified headquarters.

Today, Parks and People Foundation, under the leadership of Jackie Carrerra and the creative energy and advocacy of Sally Michel, is working hard to make Baltimore green, to educate and enable our communities to get involved in that effort, and to make sure that our children grow up knowing about the importance of the environment and their role in protecting it, whether as a landscaper, arborist, scientist, a business owner, or homeowner.

Parks and People also has become a leader in enriching the lives of Baltimore-area children. Its Kids Grow program provides afterschool environmental curriculum and instruction. SuperKids Camp has become a national model for summer learning, providing rising 2nd and 3rd graders in the public schools an opportunity to sharpen reading and math skills as well as experience the cultural and academic resources in the Baltimore area. Sports Leagues provide coaches, equipment, transportation, and referees for volleyball, lacrosse, soccer, and baseball teams in public middle schools without athletic programs. Participants are required to have good school attendance and grades.

In the 1980s, when support for Baltimore's parks was waning due to budget cuts and lack of leadership, the Parks and People Foundation took up the challenge and worked to establish and financially support groups interested in maintaining and creating parks throughout the city. Partnership for Parks provides grants for projects ranging from garden bed improvement and planting to new fences and benches. Watershed 263 is an ambitious experiment to improve the quality of surface water runoff on 930 acres in 13 urban communities. Parks and People works with residents to reduce litter, clean streets, increase recycling, cre-

ate community gardens, install storm water management facilities and clean and green vacant lots and plant trees. Improvement here will lead to a cleaner, healthier Chesapeake Bay and serve as a model for other urban watershed areas.

I know the entire Senate will join me in congratulating the Parks and People Foundation on celebrating its 25th anniversary and in thanking the foundation for its work to improve the quality of life in Baltimore for future generations.●

##### TRIBUTE TO VIRGINIA SCOTTY GOUGH

• Ms. MIKULSKI. Mr. President, today I honor a group of women who have made a lasting contribution to American history. They are the Women Airforce Service Pilots, or WASP.

Who are the WASP?

They were the first women trained in American military aircraft. They were trailblazers and true patriots. They are women like Virginia Scotty Gough. They came from all walks of life. They were students, secretaries, nurses, daughters, wives. One was a nun. They shared the same goal: to contribute to the American war effort.

Between 1942 and 1944, the 1,102 WASP trained in Texas, then went on to fly noncombat military missions so that all their male counterparts could be deployed to combat. These women piloted every kind of military aircraft, and logged 60 million miles flying missions across the United States. Thirty-eight of them died in the line of duty.

These intrepid women served their country with courage and valor. But for too long, their country did not serve them. They were never awarded full military status and were ineligible for officer status. They faced strong cultural and gender bias and received unequal pay. Following the war, they were told to pay their own way home. It was not until 1977—more than 30 years later—that the WASP were granted veterans' status.

Thirteen of these brave women hail from Maryland. Four are still alive today: Virginia Scotty Gough, Florence Marston, Elaine Harmon, and Nancy Magruder. I am proud to honor them today.

Virginia Bradley Gough, known as Scotty, grew up in California. She learned to fly at age 16 and has avidly pursued that dream for many years. In 1943, when she learned about the WASP program, she was eager to join. But her young age prevented her from immediately enrolling in the training. As is so indicative of the WASP, she didn't waste the year. Instead, she earned money to continue flying by making parachute jumps to attract people to the airport.

After completing her WASP training as part of the class of 44-7, Scotty was

stationed in the engineering department at Williams Army Air Base in Chandler, AZ. There she served as an engineering test pilot, testing aircraft after major engine overhauls and other major repairs. She served as a check pilot to the aircraft, ensuring repairs and fixes were safe before an aircraft was released to combat. It was dangerous work, requiring a devoted and precise pilot.

After the WASP were unceremoniously disbanded in December 1944, Scotty Gough returned to Los Angeles and flew Luscombe aircraft from the factory to west coast distributors, making the most of her well-honed piloting skills.

Many years later, Scotty Gough and another WASP established the WASP exhibit at Dover Air Force Base in Delaware. I am proud that Virginia "Scotty" Gough now calls Maryland home.

Like the other WASP, Scotty Gough was a trailblazer and true patriot. She paved the way for the armed services to lift the ban on women attending military flight training in the 1970s, and eventually led to women being fully integrated as pilots in the U.S. military. We owe her our "thank you"—not in words, but in deeds. Her story should have never been a forgotten chapter in American history. It will no longer be.

I was proud to fight for legislation to award the WASP the most distinguished honor Congress can give: the Congressional Gold Medal. I am proud the bill passed quickly and has now been signed into law. The process of designing, casting, and presenting these medals has begun. I look forward to the day, very soon, when I can present Scotty Gough and all the other WASP this medal they have earned and so long deserved.●

##### TRIBUTE TO ELAINE HARMON

• Ms. MIKULSKI. Mr. President, today I honor a group of women who have made a lasting contribution to American history. They are the Women Airforce Service Pilots, or WASP.

Who are the WASP?

They were the first women trained in American military aircraft. They were trailblazers and true patriots. They are women like Elaine Harmon, from Baltimore. They came from all walks of life. They were students, secretaries, nurses, daughters, wives. One was a nun. They shared the same goal: to contribute to the American war effort.

Between 1942 and 1944, the 1,102 WASP trained in Texas, then went on to fly noncombat military missions so that all their male counterparts could be deployed to combat. These women piloted every kind of military aircraft, and logged 60 million miles flying missions across the United States. Thirty-eight of them died in the line of duty.



These intrepid women served their country with courage and valor. But for too long, their country did not serve them. They were never awarded full military status and were ineligible for officer status. They faced strong cultural and gender bias and received unequal pay. Following the war, they were told to pay their own way home. It was not until 1977—more than 30 years later—that the WASP were granted veterans' status.

Thirteen of these brave women hail from Maryland. Four are still alive today: Elaine Harmon, Nancy Magruder, Florence Marston, and V. Scotty Gough. I am proud to honor them today.

Born in Baltimore, Elaine Harmon began flying at College Park Airport while attending University of Maryland. An ad in the local college newspaper for the Civilian Pilot Training Program piqued her interest. The program required a parent's consent. Knowing her mother would never agree to it, she sent the form to her father instead. He signed it and mailed it back to her with the \$40 tuition fee. The family never spoke of it again.

After Pearl Harbor, Elaine and her husband supported the war efforts in ways they could. Her husband desperately wanted to join the Army Air Force, but wasn't able to due to a constriction in his aorta. He learned to repair aircraft instruments and moved to Biak Island, West Papua, to locally repair the instruments, thus saving several weeks in repair for transit.

Nearly 5 years after learning to fly, Elaine's husband suggested she join the WASP. She earned her wings as a WASP in the class of 44-9. After completing her WASP training, Elaine was stationed at Nellis Air Force Base, near Las Vegas, NV. There she flew BT-13s and B-17s. BT-13s were used to allow pilots to practice instrument flying. Elaine would pilot the aircraft, freeing her male counterparts to practice their instrument flying.

It was a daunting task. The technology was different then. The men had to sit in the backseat, under a dark hood which obscured their view of everything but the instruments in front of them. They could only do it because they had a great pilot in the front ensuring their safety.

After the WASP were disbanded in December 1944, Elaine made her way back to Baltimore. She didn't stay long. Her mother was embarrassed, ashamed that Elaine would participate in what was seen at the time as an unlady-like endeavor. So Elaine scraped together what skimpy savings she had and bought a one-way ticket to California. With her husband still overseas and with less than \$30 in her pocket, she eventually found a job as an air traffic controller in Oakland.

Thirty years passed before Elaine Harmon was offered veterans' status.

Thirty years before her service to the nation was recognized. But like the other WASP, Elaine Harmon believed in the cause she served. She knew the obstacles, but chose her own way. In the end, she paved the way for the armed services to lift the ban on women attending military flight training in the 1970s, and eventually led to women being fully integrated as pilots in the U.S. military. Today women can fly every type of aircraft and mission, from fighter jets in combat to the shuttle in space flight. Women like Elaine Harmon made this possible.

The WASP were trailblazers and true patriots. We owe them our "thank you"—not in words, but in deeds. For their courage, service and dedication to our nation, the WASP have earned the most distinguished honor Congress can give: the Congressional Gold Medal.

Now the bill to give WASP Congress' top award has been passed and signed into law. The process of designing, casting, and presenting these medals had begun. I look forward to the day, very soon, when I can present Elaine Harmon and all the other WASP this medal they have earned and so long deserved.●

#### TRIBUTE TO NANCY MAGRUDER

● Ms. MIKULSKI. Mr. President, today I honor a group of women who have made a lasting contribution to American history. They are the Women Airforce Service Pilots, or WASP.

Who are the WASP?

They were the first women trained in American military aircraft. They were trailblazers and true patriots. They are women like Nancy Magruder. They came from all walks of life. They were students, secretaries, nurses, daughters, wives. One was a nun. They shared the same goal: to contribute to the American war effort.

Between 1942 and 1944, the 1,102 WASP trained in Texas, then went on to fly noncombat military missions so that all their male counterparts could be deployed to combat. These women piloted every kind of military aircraft, and logged 60 million miles flying missions across the United States. Thirty-eight of them died in the line of duty.

These intrepid women served their country with courage and valor. But for too long, their country did not serve them. They were never awarded full military status and were ineligible for officer status. They faced strong cultural and gender bias and received unequal pay. Following the war, they were told to pay their own way home. It was not until 1977—more than 30 years later—that the WASP were granted veterans' status.

Thirteen of these brave women hail from Maryland. Four are still alive today: Nancy Magruder, Florence Marston, Elaine Harmon, and V. Scotty Gough. I am proud to honor them today.

Iola "Nancy" Clay Magruder earned her wings as part of class 44-7. After graduation, she was stationed at Enid Army Air Base in Oklahoma. Her mission was to train aviation cadets to become pilots and commissioned officers, an honor that would not be extended to the WASP during WWII. While at Enid Army Air Base, Nancy flew utility missions, or testing missions, to ensure the aircraft were safe for the cadets. She also flew ferrying missions of the BT-13s and BT-15s. In all, Nancy would fly five different aircraft variants: the BT-13; BT-15; PT-17; and the B-18 "Bolo," the most numerous long range bomber of WWII.

Like the other WASP, Nancy was unceremoniously disbanded in December 1944. The promise that she would be militarized and become part of the Army was not kept. Still, Nancy wanted to serve. She would join the U.S. Air Force Reserve and earned the rank of second lieutenant.

Nancy's story is a story of dedication to this country. She risked her life in service to our nation so that the rest of us may live in freedom. She did so without the promise of recognition or pay. And she paved the way for the armed services to lift the ban on women attending military flight training in the 1970s, and eventually led to women being fully integrated as pilots in the U.S. military. We owe her our "thank you"—not in words, but in deeds.

For too long, the WASP story of service and sacrifice has been left untold. I'm proud to have fought to right this wrong by sponsoring legislation to award Nancy Magruder and her fellow WASP the most distinguished honor Congress can give: the Congressional Gold Medal.

Now the bill has been passed and signed into law. The process of designing, casting, and presenting these medals has begun. And I look forward to the day, very soon, when I can present Nancy Magruder and all the other WASP this medal they have earned and so long deserved.●

#### TRIBUTE TO FLORENCE MARSTON

● Ms. MIKULSKI. Mr. President, today I honor a group of women who have made a lasting contribution to American history. They are the Women Airforce Service Pilots, or WASP.

Who are the WASP?

They were the first women trained in American military aircraft. They were trailblazers and true patriots. They are women like Florence Marston. They came from all walks of life. They were students, secretaries, nurses, daughters, wives. One was a nun. They shared the same goal: to contribute to the American war effort.

Between 1942 and 1944, the 1,102 WASP trained in Texas, then went on to fly noncombat military missions so



that all their male counterparts could be deployed to combat. These women piloted every kind of military aircraft, and logged 60 million miles flying missions across the United States. Thirty-eight of them died in the line of duty.

These intrepid women served their country with courage and valor. But for too long, their country did not serve them. They were never awarded full military status and were ineligible for officer status. They faced strong cultural and gender bias and received unequal pay. Following the war, they were told to pay their own way home. It was not until 1977—more than 30 years later—that the WASP were granted veterans' status.

Thirteen of these brave women hail from Maryland. Four are still alive today: Florence Marston, Elaine Harmon, Nancy Magruder, and V. Scotty Gough. I am proud to honor them today.

Florence Niemiec Marston, born in Buffalo, NY, volunteered to enter WASP training at an early age. She paid her own way to get to the training site in Texas, and earned her wings as part of the class of 43-6. After graduation, her talents and bravery were needed in several duty locations: South Plains Army Air Base, Dodge City Army Air Base, and Pueblo Army Air Base.

At South Plains, Florence flew B-25s and C-60s, and trained to tow CG-4 gliders mostly at low altitude and at night. It was a risky and arduous mission. Later, Florence was selected to transfer to Dodge City Army Air Base and fly the B-26.

The B-26 was a difficult aircraft to fly. It was called the "widowmaker," for it was notorious for its number of early accidents. Only about 100 WASP would learn to fly this aircraft. Florence Marston was one of them.

While stationed at Dodge City, Florence Marston flew B-26s on tow-target missions. This intense mission meant towing a target behind the aircraft, a target that training aerial gunners would practice shooting using live ammunition. It was one of the most dangerous missions the WASP would be asked to perform. Florence mastered it with courage, skill and dedication.

Later, after being transferred to Pueblo Army Air Base, Florence would pilot B-24s, B-25s, UC-78s, and L-5s, primarily in administrative piloting duties. In all, Florence Marston piloted ten different aircraft types as a WASP.

Like the other WASP, Florence Marston was a trailblazer and true patriot. She paved the way for the armed services to lift the ban on women attending military flight training in the 1970s, and eventually led to women being fully integrated as pilots in the U.S. military. We owe her our "thank you"—not in words, but in deeds. Her story should have never been a forgotten chapter in American history. It will no longer be.

I was proud to fight for legislation to award the WASP the most distinguished honor Congress can give: the Congressional Gold Medal. Now the bill has been passed and signed into law. The process of designing, casting, and presenting these medals has begun. And I look forward to the day, very soon, when I can present Florence Marston and all the other WASP this medal they have earned and so long deserved.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 685. An act to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes.

H.R. 905. An act to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

H.R. 2950. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

H.R. 3123. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 186. Concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month.

At 3:57 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2997) making appropriation for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and

for other purposes, and agrees to the conference asked by the Senate on disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House: Ms. DELAUNO, Mr. FARR, Mr. BOYD, Mr. BISHOP of Georgia, Mr. DAVIS of Tennessee, Ms. KAPTUR, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. OBEY, Mr. KINGSTON, Mr. LATHAM, Mrs. EMERSON, Mr. ALEXANDER, and Mr. LEWIS of California.

#### ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, previously signed by the Speaker of the House:

H.R. 3607. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3614. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### ENROLLED BILLS SIGNED

At 6:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2131. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 3593. An act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

#### ENROLLED BILL SIGNED

At 6:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2918. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

The enrolled bills were subsequently signed by the Majority Leader.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 685. An act to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2950. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District; to the Committee on Energy and Natural Resources.

### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 905. An act to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

H.R. 1129. A bill to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans (Rept. No. 111-84).

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

\*George H. Cohen, of Virginia, to be Federal Mediation and Conciliation Director.

\*Alexa E. Posny, of Kansas, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

\*Brenda Dann-Messier, of Rhode Island, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN (for himself, Mr. KYL, Mr. CRAPO, Mr. INHOFE, Mr. MCCAIN, Ms. MURKOWSKI, and Mr. RISCH):

S. 1727. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States to 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCASKILL (for herself and Mr. MERKLEY):

S. 1728. A bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case of members of the Armed Forces and certain other Federal purposes, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 1729. A bill to establish driver education curriculum for teenage drivers and to provide grants to States and tribal governments to carry out driver education training for licensed teenage drivers; to the Committee on Commerce, Science, and Transportation.

By Mr. FRANKEN (for himself, Mr. ROCKEFELLER, Mr. WHITEHOUSE, and Mr. SANDERS):

S. 1730. A bill to provide for minimum loss ratios for health insurance coverage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, and Mr. MERKLEY):

S. 1731. A bill to require certain mortgagees to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUE (for himself and Mr. AKAKA):

S. 1732. A bill to amend the Public Health Service Act to provide for health data regarding Native Hawaiians and other Pacific Islanders; to the Committee on Indian Affairs.

By Mr. KERRY (for himself and Mrs. BOXER):

S. 1733. A bill to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy; to the Committee on Environment and Public Works.

By Mr. KYL (for himself and Mr. CORNYN):

S. 1734. A bill to reduce the cost of health care and ensure patient access to doctors by ending excessive malpractice verdicts through common-sense lawsuit reform; to the Committee on the Judiciary.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. Res. 294. A resolution commending the Louisiana State University Tigers men's baseball team for winning the 2009 National Collegiate Athletic Association College World Series; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. LUGAR, Mr. DURBIN, Mr. INOUE, Mr. SCHUMER, Mr. SANDERS, Mr. RISCH, and Mr. FEINGOLD):

S. Res. 295. A resolution designating October 13, 2009, as "National Metastatic Breast Cancer Awareness Day"; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Mr. CRAPO, and Mr. KOHL):

S. Res. 296. A resolution designating October 2009 as "National Work and Family Month"; to the Committee on the Judiciary.1A

### ADDITIONAL COSPONSORS

S. 213

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 346

At the request of Mr. WICKER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 346, a bill to implement equal

protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

S. 435

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 664

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 664, a bill to create a systemic risk monitor for the financial system of the United States, to oversee financial regulatory activities of the Federal Government, and for other purposes.

S. 694

At the request of Mr. DODD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1197

At the request of Mr. VOINOVICH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1197, a bill to establish a grant program for automated external defibrillators in elementary and secondary schools.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1382

At the request of Mr. DODD, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1472

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1472, a bill to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

S. 1523

At the request of Mr. BURR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1523, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes.

S. 1524

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. KAUFMAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1632

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1632, a bill to require full and complete public disclosure of the terms of home mortgages held by Members of Congress.

S. 1640

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1640, a bill to amend title XVIII of the Social Security Act to provide coverage of intensive lifestyle treatment.

S. 1647

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1647, a bill to provide for additional emergency unemployment compensation, and for other purposes.

S. 1675

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1675, a bill to implement title V of the Nuclear Non-Proliferation Act of 1978 and to promote economical and environmentally sustainable means of meeting the energy demands of developing countries, and for other purposes.

S. 1678

At the request of Mr. CARDIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1683

At the request of Mr. BENNETT, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1688

At the request of Mr. BENNETT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1688, a bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States.

S. 1699

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1699, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

AMENDMENT NO. 2259

At the request of Mr. SANDERS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2259 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2555

At the request of Mr. JOHANNES, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2555 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2567

At the request of Mr. BARRASSO, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 2567 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2574

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 2574 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Mr. ROCKEFELLER, Mr. WHITEHOUSE, and Mr. SANDERS):

S. 1730. A bill to provide for minimum loss ratios for health insurance coverage; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRANKEN. Mr. President, I am pleased today to introduce the Fairness in Health Insurance Act. This bill will hold health insurance companies accountable by requiring that at least 90 percent of your premium dollars go toward health services, not profits or administrative waste. As we move forward in health reform, it is essential that health insurance companies know that their top priority must be serving beneficiaries, not taking care of shareholders or CEOs.

This bill is inspired by the unique culture of health care in Minnesota, which includes the Mayo Clinic, cooperative models like HealthPartners,

and visionary public health leadership from State legislators. Health care in our State is also distinguished by the fact that 90 percent of Minnesotans are served by a nonprofit health plan. These plans outperform their national peers and are able to put 91 cents of every premium dollar toward actual health care services.

In other plans throughout the nation, though, you may find less than 60 percent of your premium is put toward health care; the rest is for overhead, marketing and profits. By taking the profits out of the health insurance industry, Minnesota health plans do a better job helping our residents to live healthier, longer lives. The Fairness in Health Insurance Act will help us hold all health plans to the same standards we've set in Minnesota by requiring that 90 percent of premium dollars actually pay for health services.

But while millions of Americans struggle to pay for health care, insurance executives continue to make obscene salaries. Last year, three top health insurance executives saw boosts in their total compensation—some of them making almost \$10 million. I believe in fair competition but I do not support companies making obscene profits off of health care. The Fairness in Health Insurance Act will force insurance companies to prioritize health services for beneficiaries over bonus packages for CEOs.

In fact, the current reality is that most of us don't know where our health insurance premiums go. It's challenging enough to understand a billing statement from your health insurance company, much less track where your money is being spent. The Fairness in Health Insurance Act also requires transparent reporting of how health insurance companies are spending your money. This transparency is especially important as we move to cover all Americans in health reform. Clear reporting will help us hold insurance companies accountable for every dollar we invest in health insurance.

Now, although Minnesota outperforms most states in health care, I know we can continue to do better as well. When I talk with Minnesotans, I hear again and again that people are living in fear about health care. They are afraid of losing their health insurance, or worried about getting sick and going bankrupt. The reality is that 50 percent of bankruptcies today are caused by health costs and 80 percent of these Americans actually have health insurance.

Passing national health reform this year is my top priority because I have listened to Minnesotans across the State. They have told me, loud and clear, that the current health insurance system is not working for them. The Fairness in Health Insurance Act of 2009 is an important part of my health reform strategy that also in-

cludes cost containment, simplifying paperwork, focusing on prevention, pushing for a public option and making sure that all Americans have access to affordable, secure health insurance.

I urge my colleagues to work with me to ensure that these commonsense strategies are included in our health reform bill when it comes to the floor. Taken together, these elements will bring our country into a new era in which high-quality—and affordable—health care is a reality for all Americans.

Mr. President, I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1730

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness in Health Insurance Act".

#### SEC. 2. REQUIREMENT OF MINIMUM LOSS RATIO OF 90 PERCENT FOR HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—A health insurance issuer shall not offer health insurance coverage unless the issuer demonstrates that such coverage has a medical loss ratio of at least 90 percent.

(b) MEDICAL LOSS RATIO.—

(1) IN GENERAL.—In this section, the term "medical loss ratio" has the meaning given such term by the Secretary of Health and Human Services. The Secretary shall establish a uniform definition of medical loss ratio and methodology for determining how to calculate the medical loss ratio. Such methodology shall take into account the circumstances of different plans and activities related to health services such as chronic disease management and quality assurance.

(2) REPORT.—Not later than December 31, 2010, the Secretary of Health and Human Services shall publish a report that describes the definition developed under paragraph (1) and the elements with respect to such definition.

(c) TRANSPARENCY.—

(1) SUBMISSION OF DATA.—Beginning in plan year 2011, a health insurance issuer shall provide the Secretary of Health and Human Services with data to enable the Secretary to determine whether the issuer is in compliance with subsection (a) with respect to health insurance coverage offered by such issuer.

(2) DEVELOPMENT OF ELEMENTS AND DEFINITIONS.—Not later than December 31, 2010, the Secretary of Health and Human Services shall develop, publish in a report, and implement the standardized data elements and definitions to be used by health insurance issuers in the reporting of data necessary for the calculation of the medical loss ratio under paragraph (1).

(d) REBATES.—Each health insurance issuer that offers health insurance coverage shall provide that for any plan year in which the coverage has a medical loss ratio below 90 percent, the issuer shall provide, in a manner specified by the Secretary, for rebates to enrollees of payments sufficient with respect to such loss ratio.

(e) ENFORCEMENT.—The Secretary shall promulgate regulations for enforcing the

provisions of this section and may provide for appropriate penalties.

(f) DEFINITION.—In this section, the terms "health insurance coverage" and "health insurance issuer" shall have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91).

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, and Mr. MERKLEY):

S. 1731. A bill to require certain mortgagees to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Preserving Homes and Communities Act of 2009. I thank Senators DURBIN, WHITEHOUSE, and MERKLEY for joining me as original cosponsors of this bill. In the last year the Federal Government has taken decisive action and devoted substantial financial resources to shoring up financial markets, averting a potential national and global financial meltdown. However, the current foreclosure crisis continues to pose a threat to the wellbeing of individual families, local communities, and the broader economy. We must take similarly aggressive actions to stabilize the housing markets.

Despite efforts to forestall the current crisis, the number of foreclosures is alarming. A reported 1.5 million properties were in the foreclosure process during the first 6 months of 2009, on pace to surpass last year's foreclosure filings by more than a third. Meanwhile, economist Mark Zandi suggests that the number of mortgages in default could rise to 4 million this year.

The situation in my own State of Rhode Island is particularly dire. Moody's Economy.com reports that 22 percent of Rhode Island mortgages are underwater, and the State has the highest rate of foreclosure starts in New England. More than one in eight mortgages are at least one payment past due, suggesting that the situation may be getting worse. Indeed, as foreclosures dipped nationally in August, they continued to rise in Rhode Island.

These numbers are more than statistics. They represent children uprooted from schools, life savings evaporated, and families faced with the daunting prospect of starting over. For communities, these numbers can translate into cycles of blight, disinvestment, and crime that weaken neighborhoods and damage the property values of the families struggling to retain their homes.

This did not happen overnight. As we all know, during the past several years, housing prices in cities and States around the country far outpaced any increase in wages. Some families stretched themselves financially to become homeowners, but many others

were steered towards alternative or exotic mortgage loan products to purchase their homes. However, as home prices have declined, many people who took out these and other exotic loans are now finding they owe more than the value of their property and that they cannot sustain the sharp monthly payment increases their alternative mortgages require.

However, as unemployment has risen, so has the number of foreclosures among homeowners with more traditional mortgages. According to the Mortgage Bankers Association, more than a third of the overall increase in the start of foreclosures in the second quarter was attributable to prime, fixed rate loans. More and more households are finding that even with a fixed rate mortgage that they could afford in normal times, they are just one pink slip away from losing their biggest investment.

I am introducing the Preserving Homes and Communities Act to address this crisis. First, it establishes a new mortgage payment assistance program to help homeowners who, with temporary financial assistance, would be able to hold onto their homes. Specifically, it authorizes \$6.375 billion in formula funding to enable states to offer grants or subsidized loan funds to qualified families who have suffered significant decreases in income. My bill outlines requirements to ensure that states will carefully steward Federal dollars by evaluating applicants' prospects for future employment, targeting middle class homeowners, prohibiting payments that reward predatory lenders, and capping maximum loan or grant amounts. Yet the criteria are flexible enough that states can design programs that will most effectively meet local needs.

My bill also takes aim at the slow progress that servicers and lenders have made in implementing the administration's foreclosure prevention programs. A September report on the Home Affordable Modification Program indicated that just 12 percent of eligible homeowners with delinquent mortgages had been granted trial modifications. Too many homeowners are waiting too long—weeks, months, or longer—to get answers to their loan modification applications. In the meantime, they are still subject to costly foreclosure proceedings that can make it more difficult for them to eventually qualify for assistance.

The Preserving Homes and Communities Act creates an incentive for lenders to more quickly evaluate whether homeowners qualify for modifications by requiring that homeowners be evaluated for a loan modification that conforms with the Administration's programs before a bank can initiate foreclosure. It also states that homeowners who qualify must be offered a modification. My bill prevents

costly fees from piling up while qualified homeowners wait to be granted more affordable mortgages, and no longer will homeowners be left out in the cold if their particular loan servicer chooses not to participate in the government program. And if lenders fail to follow the rules, this bill will allow homeowners to use servicers' noncompliance as a defense to foreclosure. The bill also places prudent limits on the fees that homeowners can be charged—particularly foreclosure-related fees.

My legislation provides \$80 million as an incentive for more States and local governments to create strong mediation programs, an additional tool to help homeowners facing foreclosure. Mediation programs allow homeowners and servicers to meet, face to face, to try to find an alternative to foreclosure. These programs have shown promise in several state and local settings for helping homeowners avoid foreclosure, and this legislation will provide matching funds to help establish new mediation initiatives. This bill also sets aside \$5 million for the creation of a Federal database on defaults and foreclosures to improve oversight of public and private efforts to sustain homeownership.

Finally, we know that these tough economic times are impacting renters as well. Competition for already-scarce affordable housing has increased. With the poverty rate at its highest level in 11 years, more individuals and families with limited incomes are at risk of homelessness. For this reason, the Preserving Homes and Communities Act uses proceeds from the warrant provisions I crafted for the financial rescue package to capitalize the National Housing Trust Fund. These warrant provisions are allowing taxpayers to benefit from the upside of our investments in faltering financial institutions. My view is that some of these returns from providing a firmer foundation for our financial institutions would be put to good use by providing a firmer foundation for affordable housing in our country. The National Housing Trust Fund, which I worked to establish in the Housing and Economic Recovery Act, will enable the building, preservation, and rehabilitation of affordable housing.

I am introducing the Preserving Homes and Communities Act because when homes get foreclosed on, it does not just affect individual borrowers and lenders. Whole neighborhoods pay the price. Housing industry experts estimate that for every foreclosure within an eighth of a mile of a house, two and a half city blocks in every direction, the property value of surrounding homes drops by about 1 percent.

I believe that the Federal Government has a role to play in ensuring that millions of Americans, including neighbors who avoided risky loans and

have sacrificed and saved to pay their bills on time, are protected from further declines in property values and the blight of abandoned homes.

This legislation is targeted relief that will help more families keep their homes and protect communities from even greater losses. The Preserving Homes and Communities Act will set us on the path to stabilizing the housing sector as a foundation of lasting economic recovery. I hope my colleagues will join me and Senators DURBIN, WHITEHOUSE, and MERKLEY in supporting this bill and other foreclosure prevention efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1731

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving Homes and Communities Act of 2009".

#### SEC. 2. LOAN MODIFICATION REQUIREMENTS.

(a) DEFINITIONS.—In this section—

(1) the term "covered mortgagee" means—

(A) a mortgagee under a federally related mortgage loan; and

(B) the agent of a mortgagee under a federally related mortgage loan;

(2) the term "covered mortgagor" means an individual who is a mortgagor under a federally related mortgage loan—

(A) made by a covered mortgagee;

(B) secured by the principal residence of the mortgagor; and

(C) on which the mortgagor cannot make payments due to financial hardship, as determined by the Secretary;

(3) the term "federally related mortgage loan" has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602);

(4) the term "home loan modification protocol" means a home loan modification protocol that is developed under a home loan modification program put into effect by the Secretary of the Treasury or the Secretary;

(5) the term "qualified loan modification" means a modification to the terms of a mortgage agreement between a covered mortgagee and a covered mortgagor that is made pursuant to a determination by the covered mortgagee using a home loan modification protocol that a modification would produce a greater net present value than foreclosure to—

(A) the covered mortgagee; or

(B) in the aggregate, all persons that hold an interest in the mortgage agreement; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

(b) LOAN MODIFICATION REQUIRED.—

(1) IN GENERAL.—A covered mortgagee may not initiate or continue a foreclosure proceeding against a covered mortgagor that is otherwise authorized under State law unless—

(A) the covered mortgagee has determined whether the covered mortgagor is eligible for a qualified loan modification;

(B) in the case of a covered mortgagor who the covered mortgagee determines is eligible for a qualified loan modification, the covered mortgagee has offered a qualified loan modification to the covered mortgagor; and

(C) in the case of a covered mortgagor who the covered mortgagee determines is not eligible for a qualified loan modification, the covered mortgagee has made available to the covered mortgagor the note, deed of trust, or any other document necessary to establish the right of the mortgagee to foreclose on the mortgage.

(2) NO WAIVER OF RIGHTS.—A covered mortgagee may not require a covered mortgagor to waive any right of the covered mortgagor as a condition of making a qualified loan modification.

(3) SALE OF REAL PROPERTY SECURING MORTGAGE.—

(A) SALE.—A covered mortgagee may not sell the real property securing the mortgage of a covered mortgagor unless the covered mortgagee submits to the appropriate State entity in the State in which the real property is located, a certification that the covered mortgagee has made a determination under paragraph (1)(A).

(B) ACTION BY PURCHASER.—A person that purchases from a covered mortgagee the real property securing the mortgage of a covered mortgagor may not recover possession of the real property unless the covered mortgagee submits to the appropriate State entity in the State in which the real property is located, a certification that the covered mortgagee has made a determination under paragraph (1)(A).

(C) CERTIFICATION STANDARDS.—The Secretary shall establish minimum standards for the certification required under this paragraph.

(4) DEFENSE TO FORECLOSURE.—Failure to comply with this subsection shall be a defense to foreclosure.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent a covered mortgagee from offering or making a loan modification with a lower payment, lower interest rate, or principal reduction beyond that required by a modification made using a home loan modification protocol with respect to a covered mortgagor.

(C) FEES PROHIBITED.—

(1) LOAN MODIFICATION FEES PROHIBITED.—A covered mortgagee may not charge a fee to a covered mortgagor for carrying out the requirements under subsection (b).

(2) FORECLOSURE-RELATED FEES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a mortgagee may not charge a foreclosure-related fee to a mortgagor before—

(i) the mortgagee has made a determination under subsection (b)(1); and

(ii) the mortgage has entered the foreclosure process.

(B) DELINQUENCY FEES.—A mortgagee may charge a delinquency fee for late payment by the mortgagor.

(3) FEES NOT IN CONTRACT.—A mortgagee may charge to a mortgagor only such fees as have been specified in advance by the mortgage agreement.

(4) FEES FOR EXPENSES INCURRED.—A mortgagee may charge a fee to a mortgagor only for services actually performed by the mortgagee or a third party in relation to the mortgage agreement. For purposes of this paragraph, the term “third party” does not include an affiliate or subsidiary of the mortgagee.

(5) PENALTY.—The Secretary shall collect from any mortgagee that charges a fee in violation of this subsection an amount equal to \$6,000 for each such fee.

(d) REGULATIONS.—Not later than 3 months after the date of enactment of this Act, the Secretary shall issue by notice any require-

ments to carry out this section. The Secretary shall subsequently issue, after notice and comment, final regulations to carry out this section.

### SEC. 3. GRANTS TO STATES TO ASSIST HOMEOWNERS IN DEFAULT.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following:

“(g) GRANTS TO STATES TO ASSIST HOMEOWNERS IN DEFAULT.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible agency’ means a State housing finance agency or an agency designated by the State as an eligible agency;

“(B) the term ‘eligible homeowner’ means a mortgagor who—

“(i) is a permanent resident of the State in which the principal residence of the mortgagor is located;

“(ii) agrees to seek counseling from a counseling agency approved by the Secretary if the eligible homeowner receives a loan or grant made using funds under this subsection;

“(iii) is suffering from financial hardship which is unexpected or due to circumstances beyond the control of the mortgagor;

“(iv) is unable to correct any delinquency on any amounts past due on the home loan of such mortgagor within a reasonable time without financial assistance;

“(v) has requested a loan modification from the mortgagee;

“(vi) is unable to make full payment on any home loan payment due for all liens within the 30-day period following the date of the application by the mortgagor for a loan or grant using funds under this subsection;

“(vii) the eligible agency determines has a reasonable probability of resuming full payments due for all liens on the mortgage of such mortgagor not later than 15 months after the date on which the mortgagor receives a loan or grant using funds under this subsection; and

“(viii) has not previously received a loan or grant using funds under this subsection; and

“(C) the term ‘mortgagor’ means a mortgagor under a mortgage—

“(i) secured by a 1- to 4-family owner-occupied residence (including a 1-family unit in a condominium project and a membership interest and occupancy agreement in a cooperative housing project) that is used as the principal residence of the mortgagor;

“(ii) with an interest rate that does not exceed the prime rate of interest at the time of loan origination, as such prime rate is determined by not less than 75 percent of the 30 largest depository institutions in the United States; and

“(iii) for an amount that does not exceed the conforming loan limit for conventional mortgages, as determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)).

“(2) GRANT PROGRAM ESTABLISHED.—The Secretary shall award grants to eligible agencies, to enable eligible agencies to provide—

“(A) 1-time emergency grants or subsidized loans to eligible homeowners to assist such eligible homeowners in satisfying any amounts past due on their home loans;

“(B) grants or subsidized loans to eligible homeowners for a specified number of future mortgage payments by the eligible homeowners; and

“(C) stipends of not more than \$1,500 to assist with relocation expenses for homeowners not eligible for the program.

“(3) ADDITIONAL SERVICES PROVIDED BY ELIGIBLE AGENCY.—An eligible agency that receives a grant under this subsection shall provide—

“(A) a readily accessible source for information on, and referral to, public services available to assist a homeowner who is in default on their home loan;

“(B) a homeowner with referrals to counseling agencies approved by the Department of Housing and Urban Development that may be able to assist that homeowner, if that homeowner is in default on their home loan;

“(C) information to homeowners on available community resources relating to homeownership, including—

“(i) public assistance or benefits programs;

“(ii) mortgage assistance programs, including programs that help homeowners prepare documents for loan modification applications;

“(iii) home repair assistance programs;

“(iv) legal assistance programs;

“(v) utility assistance programs;

“(vi) food assistance programs; and

“(vii) other Federal, State, or local government funded social services; and

“(D) staff who—

“(i) are able to conduct a brief assessment of the situation of a homeowner; and

“(ii) based on such assessment, make appropriate referrals to, and provide application information regarding, programs that can provide assistance to such homeowner.

“(4) FORMULA.—Not later than 3 months after the date of enactment of the Preserving Homes and Communities Act of 2009, the Secretary shall develop a formula for the award of funds under this subsection that includes the following factors:

“(A) The population of the State, as determined by the Bureau of the Census in most recent estimate of the resident population of the State.

“(B) The rate of mortgages in the State that are delinquent more than 90 days.

“(C) The ratio of foreclosures to owner-occupied households in the State.

“(D) The change, if any, in the rate of unemployment in the State between 2007 and 2008.

“(5) PROGRAM REQUIREMENTS.—

“(A) SELECTION CRITERIA.—

“(i) IN GENERAL.—Each eligible entity that receives a grant under this subsection shall develop selection criteria for eligible homeowners seeking a grant or subsidized loan under this subsection.

“(ii) INCOME REPORTING.—A mortgagor that receives a grant or subsidized loan under this subsection shall be required, in accordance with criteria prescribed by the eligible agency, to report any increase in income.

“(B) LOAN REQUIREMENTS.—

“(i) INTEREST RATE.—Any loan made using a grant under this subsection shall carry a simple annual percentage rate of interest which shall not exceed the prime rate of interest, as such prime rate is determined from time to time by not less than 75 percent of the 30 largest depository institutions in the United States.

“(ii) COMPOUND INTEREST PROHIBITED.—Interest on the outstanding principal balance of any loan under this subsection shall not compound.

“(iii) BALANCE DUE.—

“(I) IN GENERAL.—The principal of any loan made under this paragraph, including any interest accrued on such principal, shall not be due and payable unless the real property securing such loan is sold or transferred.

“(II) DEPOSIT OF BALANCE DUE.—If an event described in subclause (I) occurs, the principal of any loan made under this subsection,



including any interest accrued on such principal, shall immediately become due and payable to the eligible agency from which the loan originated.

“(iv) PREPAYMENT.—Any eligible homeowner who receives a loan using a grant made under this subsection may repay the loan in full, without penalty, by lump sum or by installment payments, at any time prior to the loan becoming due and payable.

“(v) MAXIMUM AMOUNT.—The amount of any loan to any 1 eligible homeowner under this subsection may not exceed 20 percent of the original mortgage amount borrowed by the eligible homeowner.

“(vi) SUBORDINATION.—Any loan made using a grant under this subsection will be subordinated to any refinancing of the first mortgage, any preexisting subordinate financing, any purchase money mortgage, or subordinated for any other reason, as determined by the eligible agency.

“(6) SEPARATE ACCOUNT.—

“(A) SEPARATE ACCOUNT.—An eligible agency that receives a grant under this subsection shall establish a separate account in which to hold amounts received under this subsection.

“(B) REPAYMENT OF LOANS.—Any amounts repaid on a subsidized loan made under this subsection shall be deposited in the account established under subparagraph (A).

“(C) OTHER FUNDING.—Amounts donated or otherwise directed to be used for purposes of this subsection may be deposited in the account established under subparagraph (A) to help capitalize such account.

“(7) USE OF GRANT FUNDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), any amounts made available for purposes of this subsection may be used only for the purposes described in paragraph (2).

“(B) EXCEPTION FOR ADMINISTRATIVE COSTS.—An eligible agency may use not more than 5 percent of any funds received under this subsection for administrative costs relating to activities carried out under paragraph (2).

“(8) EXISTING LOAN FUNDS.—Any eligible agency with a previously existing fund established to make loans to assist homeowners in satisfying any amounts past due on their home loan or for future payments may use funds appropriated for purposes of this subsection for that existing loan fund, even if the eligibility, application, program, or use requirements for that loan program differ from the eligibility, application, program, and use requirements of this subsection, unless such use is expressly determined by the Secretary to be inappropriate.

“(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(A) \$6,375,000,000 for fiscal year 2010; and

“(B) such sums as may be necessary for each of fiscal years 2011 through 2013.”.

#### SEC. 4. MEDIATION INITIATIVES.

(a) DEFINITIONS.—In this section—

(1) the term “mortgagee” includes the agent of a mortgagee; and

(2) the term “Secretary” means the Secretary of Housing and Urban Development.

(b) GRANT PROGRAM ESTABLISHED.—The Secretary shall establish a grant program to make competitive grants to State and local governments to establish mediation programs that assist mortgagors facing foreclosure.

(c) MEDIATION PROGRAMS.—A mediation program established using a grant under this section shall—

(1) require participation in the program by—

(A) any mortgagee that initiates a foreclosure proceeding; and

(B) any mortgagor who is subject to a foreclosure proceeding;

(2) require any mortgagee or mortgagor required to participate in the program to make a good faith effort to resolve issues relating to foreclosure proceedings through mediation;

(3) if mediation is not made available to the mortgagor before a foreclosure proceeding is initiated, allow the mortgagor to request mediation at any time before a foreclosure sale;

(4) provide for—

(A) supervision by a State court (or a State court in conjunction with an agency or department of a State or local government) of the mediation program;

(B) selection and training of neutral, third-party mediators by a State court (or an agency or department of the State or local government);

(C) penalties to be imposed by a State court, or an agency or department of a State or local government, if a mortgagee fails to comply with an order to participate in mediation; and

(D) consideration by a State court (or an agency or department of a State or local government) of recommendations by a mediator relating to penalties for failure to fulfill the requirements of the mediation program;

(5) require that each mortgagee that participates in the mediation program make available to the mortgagor, before and during participation in the mediation program, documentation of—

(A) a loan modification calculation or net present value calculation made by the mortgagee in relation to the mortgage using a home loan modification protocol—

(i) developed under a home loan modification program put into effect by the Secretary of the Treasury or the Secretary; or

(ii) approved by the Secretary;

(B) the loan origination, including any note, deed of trust, or other document necessary to establish the right of the mortgagee to foreclose on the mortgage;

(C) any pooling and servicing agreement that the mortgagee believes prohibits a loan modification;

(D) the payment history of the mortgagor and a detailed accounting of any costs or fees associated with the account of the mortgagor; and

(E) the specific alternatives to foreclosure considered by the mortgagee, including loan modifications, workout agreements, and short sales;

(6) prohibit a mortgagee from shifting the costs of participation in the mediation program, including the attorney's fees of the mortgagee, to a mortgagor;

(7) provide that—

(A) any holder of a junior lien against the property that secures a mortgage that is the subject of a mediation—

(i) be notified of the mediation; and

(ii) be permitted to participate in the mediation; and

(B) any proceeding initiated by a holder of a junior lien against the property that secures a mortgage that is the subject of a mediation be stayed pending the mediation;

(8) provide information to mortgagors about housing counselors approved by the Secretary; and

(9) be free of charge to the mortgagor and mortgagee.

(d) RECORD KEEPING.—A State or local government that receives a grant under this section shall keep a record of the outcome of

each mediation carried out under the mediation program, including the nature of any loan modification made as a result of participation in the mediation program.

(e) TARGETING.—A State that receives a grant under this section may establish—

(1) a State-wide mediation program; or

(2) a mediation program in a specific locality that the State determines has a high need for such program due to—

(A) the number of foreclosures in the locality; or

(B) other characteristics of the locality that contribute to the number of foreclosures in the locality.

(f) FEDERAL SHARE.—The Federal share of the cost of a mediation program established using a grant under this section may not exceed 50 percent.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$80,000,000 for fiscal year 2010; and

(2) such sums as may be necessary for each of fiscal years 2011 through 2013.

#### SEC. 5. OVERSIGHT OF PUBLIC AND PRIVATE EFFORTS TO REDUCE MORTGAGE DEFAULTS AND FORECLOSURES.

(a) DEFINITIONS.—In this section—

(1) the term “heads of appropriate agencies” means the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Director of the Office of Thrift Supervision, and a representative of State banking regulators selected by the Secretary of Housing and Urban Development;

(2) the term “mortgagee” means—

(A) an original lender under a mortgage;

(B) any servicers, affiliates, agents, subsidiaries, successors, or assignees of an original lender; and

(C) any subsequent purchaser, trustee, or transferee of any mortgage or credit instrument issued by an original lender;

(3) the term “Secretary” means the Secretary of Housing and Urban Development; and

(4) the term “servicer” means any person who collects on a home loan, whether such person is the owner, the holder, the assignee, the nominee for the loan, or the beneficiary of a trust, or any person acting on behalf of such person.

(b) MONITORING OF HOME LOANS.—

(1) IN GENERAL.—The Secretary, in consultation with the heads of appropriate agencies, shall develop and implement a plan to monitor—

(A) conditions and trends in homeownership and the mortgage industry, in order to predict trends in foreclosures to better understand other critical aspects of the mortgage market; and

(B) the effectiveness of public efforts to reduce mortgage defaults and foreclosures.

(2) REPORT TO CONGRESS.—Not later than 1 year after the development of the plan under paragraph (1), and each year thereafter, the Secretary shall submit a report to Congress that—

(A) summarizes and describes the findings of the monitoring required under paragraph (1); and

(B) includes recommendations or proposals for legislative or administrative action necessary—

(i) to increase the authority of the Secretary to levy penalties against any mortgagee, or other person or entity, who fails to comply with the requirements described in this section;



(ii) to improve coordination between public and private initiatives to reduce the overall rate of mortgage defaults and foreclosures; and

(iii) to improve coordination between initiatives undertaken by Federal, State, and local governments.

(c) NATIONAL DATABASE ON DEFAULTS AND FORECLOSURES.—

(1) IN GENERAL.—The Secretary, in consultation with the heads of appropriate agencies, shall develop recommendations for a national database on mortgage defaults and foreclosures that—

(A) provides information to Federal regulatory agencies on—

(i) mortgagees that generate home loans that go into default or foreclosure at a rate significantly higher than the national average for such mortgagees;

(ii) the factors associated with such higher rates; and

(iii) other factors and indicators that the Secretary determines are critical to monitoring the mortgage markets; and

(B) provides information to Federal, State, and local governments on loans, defaults, foreclosure initiations, foreclosure completions, and sheriff sales that—

(i) is not otherwise readily available;

(ii) would allow for a better understanding of local, regional, and national trends in delinquencies, defaults, and foreclosures; and

(iii) helps improve public policies that reduce defaults and foreclosures.

(2) CONSIDERATIONS.—In developing the recommendations under paragraph (1), the Secretary shall take into consideration privacy concerns and legal issues relating to such concerns, including the advisability of establishing rules relating to access to information obtained under subsection (d).

(3) REPORT TO CONGRESS ON NATIONAL DATABASE.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains—

(A) the recommendations developed under paragraph (1); and

(B) an estimate of the cost of maintaining the database described in paragraph (1).

(d) PROVISION OF DATA.—

(1) DATA REPORT REQUIRED.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the heads of appropriate agencies, shall issue final rules that require each mortgagee or servicer that originates or services not fewer than 100 loans in a calendar year (or any other person that the Secretary determines can effectively provide the data described in paragraph (2)) to submit a report to the Secretary not less frequently than once each quarter that contains data the Secretary determines are necessary to carry out this section.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall contain data that—

(A) for each loan, use the identification requirements that are established under the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.) for data reporting, including—

(i) the year of origination;

(ii) the agency code of the originator;

(iii) the respondent identification number of the originator; and

(iv) the identifying number for the loan;

(B) describe the characteristics of each home loan originated in the preceding 12 months by the mortgagee or servicer (or, in the case of the first report required to be submitted under this subsection, all active loans originated by the mortgagee or servicer), including—

(i) the loan-to-value ratio at the time of origination for each mortgage on the property;

(ii) the type of mortgage, such as a fixed-rate or adjustable-rate mortgage; and

(iii) any other loan or loan underwriting characteristics determined by the Secretary to be necessary in order to meet the requirements of paragraph (1) and that are not already available to the Secretary through a national mortgage database;

(C) include the performance outcome of each home loan originated in the preceding 12 months by the mortgagee or servicer (or, in the case of the first report required to be submitted under this subsection, all active loans originated by the mortgagee or servicer), including—

(i) whether such home loan was in delinquency at any point in such 12-month period; and

(ii) whether any foreclosure proceeding was initiated on such home loan during such 12-month period;

(D) are sufficient to establish for each home loan that at any point during the preceding 12 months had become 60 or more days delinquent with respect to a payment on any amount due under the home loan, or for which a foreclosure proceeding was initiated, the interest rate on such home loan at the time of such delinquency or foreclosure;

(E) include information relating to foreclosures, including—

(i) the date of all foreclosures initiated by the mortgagee or servicer; and

(ii) the combined loan-to-value ratio of all mortgages on a home at the time foreclosure proceedings were initiated;

(F) for a home loan that is in foreclosure, include information on all actions, including loan modifications, taken to resolve the problem that led to the initiation of foreclosure proceedings and all actions undertaken prior to initiation of a foreclosure proceeding to resolve a delinquency or default;

(G) identify each home loan for which a foreclosure proceeding was completed in the preceding 12 months, including—

(i) foreclosure proceedings initiated in such 12-month period; and

(ii) the date of the foreclosure completion; and

(H) include any other information that the Secretary determines is necessary to carry out this section.

(3) COMPLIANCE PLAN AND REPORT.—The Secretary, in consultation with the heads of appropriate agencies, shall—

(A) develop a plan to monitor the compliance with the requirements established in this subsection by mortgagees and servicers; and

(B) submit to Congress a report on such plan.

(e) CONSOLIDATED DATABASE.—The Federal Financial Institutions Examination Council shall create a consolidated database that establishes a connection between the data provided under the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.) and the data provided under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$5,000,000 for fiscal year 2010; and

(2) such sums as may be necessary for each of fiscal years 2011 through 2013.

#### SEC. 6. HOUSING TRUST FUND.

From funds received by the Secretary of the Treasury from the sale of warrants under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.), the Secretary of the Treasury shall transfer and

credit \$1,000,000,000 to the Housing Trust Fund established under section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568) for use in accordance with such section.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 294—COMMENDING THE LOUISIANA STATE UNIVERSITY TIGERS MEN'S BASEBALL TEAM FOR WINNING THE 2009 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION COLLEGE WORLD SERIES

Ms. LANDRIEU (for herself and Mr. VITTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 294

Whereas, on June 24, 2009, the Louisiana State University Tigers men's baseball team won the 2009 National Collegiate Athletic Association College World Series with an 11-4 victory over the University of Texas at Johnny Rosenblatt Stadium in Omaha, Nebraska;

Whereas the Louisiana State University Tigers men's baseball team has won 6 national titles in 1991, 1993, 1996, 1997, 2000, and 2009;

Whereas the Louisiana State University Tigers men's baseball team ranks second in all-time College World Series titles;

Whereas, on May 24, 2009, the Louisiana State University Tigers men's baseball team won the 2009 Southeastern Conference Championship with a 6-2 victory over Vanderbilt University at Regions Park in Hoover, Alabama;

Whereas the Louisiana State University Tigers men's baseball team won 56 games during the 2009 season, the most wins by a national champion since 2005;

Whereas head coach Paul Maineri has won his first national title as a head coach in his third season at Louisiana State University;

Whereas outfielder Jared Mitchell was named Most Valuable Player of the 2009 College World Series;

Whereas second baseman D.J. LaMahieu, outfielder Jared Mitchell, outfielder Ryan Schimph, and pitcher Anthony Ranaudo were named to the College World Series All-Tournament Team;

Whereas pitcher Louis Coleman finished his senior year with 14 wins and was selected as a 2009 First Team All-American; and

Whereas by winning the sixth national championship in the history of the University, the Louisiana State University men's baseball team is once again the top-ranked men's college baseball team: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Louisiana State University Tigers men's baseball team for winning the 2009 National Collegiate Athletic Association College World Series and being crowned national champions;

(2) recognizes the achievements of all players, coaches, and support staff who were instrumental in helping the Louisiana State University men's baseball team during the 2009 season;

(3) congratulates the citizens of Louisiana, the Louisiana State University community, and fans of Tigers baseball; and

(4) requests the Secretary of the Senate to transmit a copy of this resolution to Louisiana State University.

SENATE RESOLUTION 295—DESIGNATING OCTOBER 13, 2009, AS “NATIONAL METASTATIC BREAST CANCER AWARENESS DAY”

Mr. BAYH (for himself, Mr. LUGAR, Mr. DURBIN, Mr. INOUE, Mr. SCHUMER, Mr. SANDERS, Mr. RISCH, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 295

Whereas metastatic breast cancer refers to stage IV breast cancer, when cancer cells travel from the breast, either through the bloodstream or the lymphatic system, to other parts of the body, including the bones, liver, lungs, or brain, and continue to grow in the new location;

Whereas in 2009, an estimated 192,370 women and 1,910 men in the United States will be diagnosed with invasive breast cancer, and 62,280 women will be diagnosed with in situ breast cancer;

Whereas nearly 30 percent of women diagnosed with early stage breast cancer will develop stage IV advanced or metastatic breast cancer;

Whereas in developing countries, the majority of women with breast cancer are diagnosed with advanced stage or metastatic disease;

Whereas the statistic that 155,000 women and men are presently living with metastatic breast cancer in the United States underscores the immediate need for increased public awareness;

Whereas there currently is no cure for metastatic breast cancer, and metastatic breast cancer frequently involves trying one treatment after another with the goal of extending the best quality of life as possible;

Whereas scientists and researchers are conducting important research projects to achieve breakthroughs in metastatic breast cancer research;

Whereas metastatic breast cancer is rarely discussed during National Breast Cancer Awareness Month, observed in October 2009, but those living with the disease should never feel isolated or ignored;

Whereas metastatic Breast Cancer Awareness Day emphasizes the urgent need for new, targeted breast cancer treatments that will provide a high quality of life and long life expectancy for patients by making stage IV cancer a chronic, but not fatal, disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of breast cancer: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 13, 2009, as “National Metastatic Breast Cancer Awareness Day”;

(2) encourages all people of the United States to become more informed and aware of metastatic breast cancer; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Metastatic Breast Cancer Network.

SENATE RESOLUTION 296—DESIGNATING OCTOBER 2009 AS “NATIONAL WORK AND FAMILY MONTH”

Mrs. LINCOLN (for herself, Mr. CRAPO, and Mr. KOHL) submitted the

following resolution; which was referred to the Committee on the Judiciary:

S. RES. 296

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers' jobs and the supportiveness of their workplaces are key predictors of workers' job productivity, job satisfaction, and commitment to employers and of employers' ability to retain workers;

Whereas, according to the 2008 National Study of Employers by the Families and Work Institute, employees in more flexible and supportive workplaces are more effective employees, are more highly engaged and less likely to look for a new job in the next year, and enjoy better overall health, better mental health, and lower levels of stress than employees in workplaces that provide less flexibility and support;

Whereas, according to a 2004 report of the Families and Work Institute entitled “Overwork in America”, employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feel resentment toward employers and coworkers;

Whereas, according to the “Best Places to Work in the Federal Government” rankings released by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of engagement and satisfaction for employees in the Federal workforce;

Whereas, according to a 2009 survey of college students by the Partnership for Public Service and Universum USA entitled “Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It”, attaining a healthy work-life balance was an important career goal of 66 percent of the students surveyed;

Whereas a 2008 study by the Partnership for Public Service entitled “A Golden Opportunity: Recruiting Baby Boomers into Government” revealed that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of workers in that age group find flexible work schedules “extremely appealing”;

Whereas finding a good work-life balance is important to workers in multiple generations;

Whereas employees who are able to effectively balance family and work responsibilities tend to feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of wage and salaried workers in the United States have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, in 2000, research by the Radcliffe Public Policy Center revealed that men in their 20s and 30s and women in their 20s, 30s, and 40s identified a work schedule that allows them to spend time with their families as the most important job characteristic for them;

Whereas, according to the 2006 American Community Survey by the United States Census Bureau, 47 percent of wage and salaried workers in the United States are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives and research demonstrates that paren-

tal involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas the 2000 Urban Working Families study demonstrated that a lack of job flexibility for working parents negatively affects children's health in ways that range from children being unable to make needed doctors' appointments to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas, from 2001 to the beginning of 2008, 1,700,000 active duty troops served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) were called up to serve in Iraq;

Whereas, because so many of those troops and National Guard and Reserve members have families, there needs to be a focus on policies and programs that can help military families adjust to the realities that come with having a family member in the military;

Whereas research by the Sloan Center for Aging and Work reveals that the majority of workers aged 53 and older attribute their success as an employee by a great or moderate extent to having access to flexibility in their jobs and that the majority of those workers also report that, to a great extent, flexibility options contribute to an overall higher quality of life;

Whereas studies show that 1/3 of children and adolescents in the United States are obese or overweight, and healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence children's health and development and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally;

Whereas unpaid family caregivers will likely continue to be the largest source of long-term care services in the United States for the elderly;

Whereas the Department of Health and Human Services anticipates that by 2050 the number of such caregivers will reach 37,000,000, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October is an appropriate month to designate as “National Work and Family Month”: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 2009 as “National Work and Family Month”;

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and to healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2576. Mr. DORGAN submitted an amendment intended to be proposed by him

to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2577. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2578. Mr. KAUFMAN (for himself, Mr. LUGAR, Mr. BAYH, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2579. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2580. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2581. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2582. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2583. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2584. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2585. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2586. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2587. Mr. KERRY (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2576.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) PROHIBITION ON USE OF FUNDS FOR CERTAIN CONTRACTS NOT INCLUDING HIRING PREFERENCES.—Subject to subsection (a), amounts appropriated or otherwise made available by this Act may not be obligated or expended on a contract for work within Iraq or Afghanistan unless such contract includes a preference on hiring for work under the contract in Iraq or Afghanistan, as applicable, for qualified citizens of the United States and qualified citizens of Iraq or Afghanistan, as applicable.

(b) WAIVER.—The Secretary of Defense may waive the application of the prohibition in subsection (a) to a contract if the Secretary determines that the waiver is in the national security interests of the United States.

**SA 2577.** Mr. CORKER submitted an amendment intended to be proposed by

him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the amounts appropriated or otherwise made available by this Act for procurement of C-17 aircraft may be obligated or expended as follows:

(1) Until the congressionally-mandated study conducted by the Institute of Defense Analyses and the Mobility Capabilities and Requirements Study 2016 (MCRS-16) have each been submitted to Congress.

(2) Unless the Secretary of Defense determines that the findings of the studies referred to in paragraph (1) support the procurement of additional C-17 aircraft to meet national defense requirements.

**SA 2578.** Mr. KAUFMAN (for himself, Mr. LUGAR, Mr. BAYH, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The Secretary of Defense shall, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, continue to support requirements for monthly integrated civilian-military training for civilians deploying to Afghanistan at Camp Atterbury, Indiana, including through the allocation of military and civilian personnel, trainers, and other resources for that purpose.

**SA 2579.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", \$1,000,000 may be available for the development of Next Generation Flame-Resistant Fabric Technology.

**SA 2580.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby reduced by \$2,500,000,000, the amount equal to the amount by which the amount available under that heading for the procurement of C-

17 aircraft exceeds the amount requested by the President in the budget for the Department of Defense for fiscal year 2010 for the procurement of such aircraft.

**SA 2581.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE GENERALLY.—The amount appropriated by title II for Operation and Maintenance is hereby increased by \$2,438,403,000, in accordance with amounts requested by the President in the budget for the Department of Defense for fiscal year 2010.

(b) AVAILABILITY FOR OPERATION AND MAINTENANCE, ARMY, FOR OVERSEAS CONTINGENCY OPERATIONS.—The amount appropriated by title IX under the heading "OPERATION AND MAINTENANCE, ARMY", is hereby increased by \$61,597,000.

(c) SOURCE OF INCREASES.—Amounts for the increases made by subsections (a) and (b) shall be derived from a reduction in amounts previously appropriated by this Act for the procurement of C-17 aircraft that was achieved by the adoption of Senate Amendment No. 2580.

**SA 2582.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR OVARIAN CANCER RESEARCH PROGRAM.—

(1) ADDITIONAL AMOUNT.—The amount appropriated or otherwise made available by this Act for the peer-reviewed Ovarian Cancer Research Program of the Department of Defense is hereby increased by \$10,000,000.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the program referred to in that paragraph is in addition to any other amounts available in this Act for that program.

(b) OFFSET.—The amount appropriated by title IV for Research, Development, Test, and Evaluation is hereby reduced by \$10,000,000.

**SA 2583.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) MARIAH HYPERSONIC WIND TUNNEL DEVELOPMENT PROGRAM.—The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" is hereby reduced by \$9,500,000, with the amount of the reduction to be allocated to amounts available for

the MARIAH Hypersonic Wind Tunnel Development Program.

**SA 2584.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE GENERALLY.—The amount appropriated by title II for Operation and Maintenance is hereby increased by \$2,438,403,000, in accordance with amounts requested by the President in the budget for the Department of Defense for fiscal year 2010.

(b) AVAILABILITY FOR OPERATION AND MAINTENANCE, ARMY, FOR OVERSEAS CONTINGENCY OPERATIONS.—The amount appropriated by title IX under the heading "OPERATION AND MAINTENANCE, ARMY", is hereby increased by \$61,597,000.

**SA 2585.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, beginning on line 22, strike "\$294,000,000" and all that follows through "\$236,000,000" and insert "\$194,000,000, the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$336,000,000".

**SA 2586.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$3,500,000 may be available for Integrated Chemical and Biological Detection System Technology.

**SA 2587.** Mr. KERRY (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$1,600,000 may be available for the Combined Mishap Reduction System/ Joint Safety Climate Assessment Survey.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 30, 2009, at 9:45 a.m. in room 328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 30, 2009, at 2:30 p.m., to conduct a hearing entitled "International Cooperation to Modernize Financial Regulation."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 30, 2009, at 10 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 30, 2009, at 10:15 a.m., to hold a hearing entitled "Exploring U.S. Policy Options towards Zimbabwe's Transition."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on September 30, 2009, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 30, 2009, at 10 a.m. to conduct a hearing entitled "Eight Years After 9/11: Confronting the Terrorist Threat to the Homeland."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the

Committee on the Judiciary be authorized to meet during the session of the Senate, on September 30, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Advancing Freedom of Information in the New Era of Responsibility."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 30, 2009, at 2:30 p.m., to hold a hearing entitled "U.S. Policy toward Burma: Its Impact and Effectiveness."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 30, 2009. The Committee will meet in room 412 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on September 30, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Responding to the Growing Need for Federal Judgeships: The Federal Judgeship Act of 2009."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on September 30, 2009, at 3 p.m. to conduct a hearing entitled, "A Prescription for Waste: Controlled Substance Abuse in Medicaid."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SPECIAL COMMITTEE ON AGING

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on September 30, 2009, from 11 a.m.-12:30 p.m. in room SD-106 of the Dirksen Senate Office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SICKLE CELL DISEASE AWARENESS MONTH

Mr. BEGICH. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 186, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 186) supporting the goals and ideals of Sickle Cell Disease Awareness Month.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BEGICH. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 186) was agreed to.

The preamble was agreed to.

#### ORDERS FOR THURSDAY, OCTOBER 1, 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, October 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 3326, Defense appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BEGICH. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:02 p.m., adjourned until Thursday, October 1, 2009, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

#### THE JUDICIARY

LOUIS B. BUTLER, JR., OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRED.

#### DEPARTMENT OF JUSTICE

SANFORD C. COATS, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE JOHN CHARLES RICHTER, RESIGNED.

MARY ELIZABETH PHILLIPS, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE JOHN WOOD, RESIGNED.

STEPHANIE VILLAFUERTE, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE TROY A. EID, RESIGNED.

JOHN LEROY KAMMERZELL, OF COLORADO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE EDWARD ZAHREN.

MARK ANTHONY MARTINEZ, OF NEBRASKA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS, VICE BRIAN MICHAEL ENNIS, RESIGNED.

STEPHEN JAMES SMITH, OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE JAMES THOMAS ROBERTS, JR.

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

##### *To be commander*

LADONN A. ALLEN  
KAREN R. ANDERSON  
ERICH J. BAUER  
AMY M. BEACH  
JAMES G. BELLAIRE  
CHERI BENIESAU  
RICHARD G. BOSTON  
GLENN A. BRUNNER  
CHRISTOPHER A. BUCKRIDGE  
KEVIN M. CARROLL  
KEVIN M. CARROLL  
MICHAEL S. CAVALLARO  
RICHARD F. CHRISTENSEN  
DWIGHT E. COLLINS  
TIMOTHY J. CONNORS  
DARCIE A. CUNNINGHAM  
MICHAEL J. DAVANZO  
ERIC D. DENLEY  
STEVEN M. DETTON  
MICHAEL B. DOLAN  
ANGELIC D. DONOVAN  
BRADY C. DOWNS  
PATRICK R. DOZIER  
BRIAN E. EDMISTON  
MATTHEW EDWARDS  
STEVEN M. FACHKO  
MICHAEL C. FARRELL  
CHRISTIAN A. FERGUSON  
PATRICK M. FLYNN  
DANIEL P. GAINOR  
MARIA G. GALMAN  
TONI N. GAY  
PAUL M. GILL  
AMY B. GRABLE  
MARK F. HAMMOND  
THOMAS J. HARRINGTON  
RICHARD A. HARTLEY  
JEFFREY J. HAUKOM  
MARC A. HAWKINS  
JOSEPH J. HEALY  
ROBERT E. HEMP  
PATRICK M. HILBERT  
BRIAN J. HOFFERBER  
MICHAEL A. HUDSON  
LANCE E. ISAKSON  
KEVIN L. IVEY  
KEITH A. JERNIGAN  
SCOTT L. JOHNSON  
JAMES M. KAMMEL  
PATRICK A. KNOWLES  
MATTHEW W. LAKE  
KELLY M. LARSON  
PAUL R. LATTANZI  
CYNTHIA A. LEDERER-SYDNOR  
STEFANIE A. LINCOLN  
STEVEN M. LONG  
MICHAEL C. MACMILLAN  
JONATHAN H. MAIORINE  
GLENN A. MARTINEAU  
LUIS E. MARTINEZ  
JOSEPH P. MCCONNELL  
PHILIP M. MCMANUS  
BRIAN L. MELVIN  
STACEY MERSEL  
KARIN E. MESSENGER  
GARY M. MESSMER  
DENNIS C. MILLER  
RICHARD D. MOLLOY  
JEFFREY R. MORGAN  
HEATHER L. MORRISON  
BETH A. NAFF  
MICHAEL F. NASITKA  
JEFFREY F. NEUMANN

KEITH O. PELLETIER  
ROBERT A. PHILLIPS  
CURTISS C. POTTER  
GREGORY L. PURVIS  
KEVIN P. QUILLIAM  
JOSE A. QUINONES-QUINTANA  
LISA A. RAGONE  
DANA B. REID  
KURT W. RICHTER  
WILLIAM A. RIMBACH  
JAMES V. ROCCO  
MONICA L. ROCHESTER  
GREGORY C. ROTHROCK  
LUIS C. SANDOVAL  
WILLIAM E. SASSER  
TANYA L. SCHNEIDER  
JOHN A. SCHUTZENHOFER  
DALE V. SHEPARDSON  
GERALD D. SLATER  
JOHN A. SMITH  
MARTIN L. SMITH  
JOSEPH H.D. SOLOMON  
TIFFANY M. ST. GEORGE  
SAM C. STEVENS  
GLENN D. STOCKS  
ERIC J. STORCH  
CAROL M. STUNDTNER  
THOMAS P. SULLIVAN  
JEFFREY S. SWANSON  
MICHAEL G. TAFPE  
JASON P. TAMA  
ROXANNE TAMEZ  
ROBERT F. TAYLOR  
RICHTER L. TIPTON  
WENDY M. TOMKO  
STEVEN J. TUCKER  
JACQUELINE M. TWOMEY  
ADAM J. TYNDAL  
PETER R. VANNESS  
JOHN D. WALLINGTON  
JAMES A. WILLIAMSON

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be general*

LT. GEN. MARK A. WELSH III

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be brigadier general*

COL. DAVID L. WEEKS

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be major general*

BRIG. GEN. MELVIN G. SPIESE

#### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be lieutenant colonel*

LEAR E. DUTTON  
ROBERT G. TROJANOWSKI  
MARK B. VARNEY  
TYRA Y. WHITE

##### *To be major*

BRIAN S. BLACKSTONE  
WILLIAM B. HUBER  
GREGORY T. ISBILL  
DEBORAH S. KARAGOSIAN  
PATRICIA A. PEELER  
ANDREA L. SAMPSON  
MARCUS C. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### *To be colonel*

DANIEL T. AMES  
SHERMAN W. BAKER, JR.  
MICHAEL E. BRAINERD  
JAMES R. CARTER  
MICHAEL D. CHARLES  
TIMOTHY B. EGGLESTON  
JONATHAN C. GIBBS III  
MATTHEW M. GOFF  
WARREN E. KIRBY, JR.  
JONATHAN A. MCGRAW  
WRAY B. PHYSIOC III  
KENNETH F. REVELL  
BARBARA K. SHERER  
GARY R. STUDNIEWSKI  
BRYAN J. WALKER

DAVID L. WATERS, SR.  
JAMES C. WATSON  
THOMAS C. WAYNICK  
THOMAS B. WHEATLEY

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

DONALD J. SHEEHAN, JR.

## DEPARTMENT OF STATE

JOHN F. TEFFT, OF VIRGINIA, A CAREER MEMBER OF  
THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-  
COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND  
PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA  
TO UKRAINE.

## HOUSE OF REPRESENTATIVES—Wednesday, September 30, 2009

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, as a Nation who believes in Your Divine providence, we have seen Your right hand guide us in the past. Time and time again our Union has been tested by economic threat, civil demonstration, war, natural disaster, misdeeds and negligence of the past, as well as foreign attacks.

During these days, we place our trust in You again. Humbled by the complexity and varied issues that face this Nation, we beg for Your wisdom to guide us, prudence to make good judgments, patience to deal with one another, perseverance toward the goal of justice, and compassion for those most in need.

By these virtues, Lord, manifest Your presence in our midst. This we ask now and forever.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kentucky (Mr. GUTHRIE) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTHRIE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### EMPLOYER-OWNED LIFE INSURANCE LIMITATION ACT

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Today I told my staff, I have good news and bad news.

The bad news is that I had to cancel their health insurance policy. It was just too expensive. But here's the good news. I'm taking out a huge life insurance policy on all of my employees. So if you get sick and die, I told them, Don't worry. I've got you covered.

Now, I didn't tell them that I made the insurance policies payable to me—LUIS GUTIERREZ. I didn't tell them that I'll use the benefits for myself and I'm just going to line my pockets.

Sound ridiculous? Sound wrong? Sound unfair? You're right. It is.

So today I'm introducing the Employer-Owned Life Insurance Limitation Act. All across America, companies take out life insurance policies on their employees. They spend \$8 billion a year on these premiums, but the benefits go to the employers—big companies like Winn-Dixie, Wal-Mart, Dow Chemical, Procter & Gamble, and even Disney—and the employees don't even know about it.

In a Nation where millions of full-time workers have no health insurance, corporate America is finding a way to line their pockets with life insurance, profiting from their deaths. Maybe if we prevent companies from betting on the death of their employees, they will invest in the health of their employees.

### H1N1 VIRUS

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute.)

Mr. GUTHRIE. As cold and flu season is quickly approaching, media reports in my district and around the country are reporting on the exposure to the H1N1 virus.

I recently met with the Kentucky Pork Producers, who raise concerns that the media and individuals referring to the H1N1 flu virus as the "swine flu" is having a negative effect on them.

Because it is referred to as the "swine flu," individuals may think that the H1N1 virus can be caught from eating or handling pork. However, Homeland Security Secretary Janet Napolitano and Agriculture Secretary Tom Vilsack have repeated on various occasions that this is not a food-borne illness, but a respiratory virus.

Secretary Vilsack said recently that the virus should not be called "swine flu" because there is no indication that any swine from the United States has been infected, nor is there any significant risk of transmission by eating pork.

Pork and pork products are safe, and H1N1 virus cannot be acquired from eating pork. There are a lot of hard-working families in my district and across the country whose livelihoods are harmed by this misconception.

### VICTIMS OF THE TSUNAMI

(Ms. BORDALLO asked and was given permission to address the House for 1 minute.)

Ms. BORDALLO. Mr. Speaker, I rise today to remember those who have lost their lives as result of the recent tsunami in American Samoa and the region and to also offer my condolences on behalf of the people of Guam. I ask that this Congress support our colleague, Congressman FALEOMAVAEGA, to ensure that all of the appropriate assets from the Federal Government are brought to bear to help the Samoan people recover from this disaster.

I also rise today to remember the 246 Filipino citizens who have lost their lives as a result of flooding caused by Tropical Storm Ketsana. This destructive storm rampaged through the northern Philippines, leaving tens of thousands of people displaced.

Many of my constituents have family members who were affected by this storm. I commend the Filipino community of Guam, who were the first to mobilize our larger Guam community to quickly come together to collect relief items and provide monetary contributions to those affected by this natural disaster.

I commend the efforts of those who are helping to meet the needs of the people of American Samoa, Samoa, Tonga, and the Philippines as they work toward a full recovery from these disasters.

### RURAL HEALTH CARE COVERAGE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, in the current health care debate we are overlooking access to health care in rural America. For families living in rural towns all across Kansas and America, access to quality health care is often the primary concern. In fact, right now, less than 10 percent of our physicians serve 25 percent of our population.

In order to improve access to quality medical care, we need to start with three basic reforms. First, we should



reimburse providers for the full cost of care so rural medical professionals can do their job of curing and healing. Second, we should repay enormous debt incurred through medical school so more young people enter general practice and practice care in smaller towns. Finally, the Federal Government should stop picking winners and losers with its coverage decisions in urban versus rural health care, because in every case, rural health care gets short-changed.

We should focus on reforms needed to solve the health care crisis in rural Kansas and in rural America, and, in doing so, we will improve health care delivery to the rest of the Nation. Without addressing these exploding costs or recognition that we need to focus on training new practitioners, the access problems plaguing rural America will only get worse.

#### THE WAY WE GET BY

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. I rise today to recognize a very important film called "The Way We Get By." It features dedicated and patriotic Mainers who make sure no soldier passes through Bangor, Maine, without receiving a handshake and a heartfelt thank you.

As part of the President's United We Serve initiative, the USO, Operation Homefront, and HandsOn Network are presenting the film at the Capitol Visitor Center tonight as part of their combined efforts to rally support for volunteer activities for our military families.

Dr. Jill Biden will introduce the film, and Maine filmmakers Aron Gaudet and Gita Pullapilly, along with several of the troop greeters, will discuss the film after the screening. "The Way We Get By" has been inspiring audiences across the country and will air on PBS on Veterans Day.

We Mainers are proud of our troop greeters and their profound contribution to our many soldiers.

□ 1015

#### IRAN IS GOING NUCLEAR

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Iran's rogue regime is getting closer and closer to going nuclear. And if we want to get their attention, we have to do something real: sanction Iran's gasoline imports. That's where Ahmadinejad is vulnerable. The tiny tyrant doesn't have enough oil refineries, and Iran imports 40 percent of its gasoline. We must make it pretty painful to be Iran's gasoline supplier. If we're waiting on the United Nations,

that's not going to happen. Russia and Iran are just too cozy, and Russia will probably veto any sanctions. Also, Ahmadinejad's twin terrorist tyrant Moammar Qaddafi and the Libyans have a temporary seat on the Security Council. Libya will never vote to sanction their terrorist buddies. U.N. sanctions are a hapless illusion.

While the world talks, Iran test-fires missiles that could hit Israel, and they soon will have missiles that could hit Europe and the United States. Iran is the number one supplier of terrorism worldwide. A nuclear Iran is not an option. Peace-loving nations should sanction Iran's gasoline imports and encourage the Iranian people to change their reckless regime.

And that's just the way it is.

#### MARIANAS CULTURAL HERITAGE MONTH

(Mr. SABLAN asked and was given permission to address the House for 1 minute.)

Mr. SABLAN. Mr. Speaker, remaining mindful of the heritage and tradition inherited from past generations is important to my people. Equally important is that we pass on these traditions to the generations that come after. For that reason, I rise today in recognition of Marianas Cultural Heritage Month from September 16 to October 12, 2009.

During this period, the people of the Northern Mariana Islands are actively demonstrating such local traditions as respect for our elders, indigenous methods for healing, the preparation of local foods, the wearing of traditional attire, the practice of sharing goods among neighbors and, of course, the remarkable navigational skills of our people, epitomized by Chief Aghurubw.

By demonstrating these traditions, we impart our knowledge of the legends and lore of our forefathers to future generations so they, in turn, will be able to transmit the unique culture and heritage of the people of the Northern Mariana Islands. I encourage my colleagues to learn about us and to appreciate the differences that make us unique and the commonalities that bind us.

#### MORE TROOPS ARE NEEDED IN AFGHANISTAN

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. As a former prisoner of war in Vietnam, I learned a lot about how not to fight a war. Specifically, you cannot run a war from the White House and win. General McChrystal declared that more troops are needed in Afghanistan. Meanwhile, this administration has backpedaled on its pledge to the region and now is

dragging its heels on the general's request. What must our young men and women in uniform think? How must their loved ones back home feel? The administration's waiting game torpedoes troop morale and begs mission failure.

Congress needs to hear directly from General McChrystal to ensure political motivations in Washington don't override the needs of our commanders and our troops. For America, ignoring the top general's request for more troops is not the way to run and win a war.

#### HEALTH CARE INNOVATION

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Finding a uniquely American solution to our Nation's health care challenges means expanding health access to health coverage, containing costs, improving quality, and achieving better health outcomes. To reach these goals, we have to be open to new ways to bridge the current system's fragmentation, encourage coordination, and promote collaboration.

As part of health care reform, we are demanding greater quality and value. We should challenge our health care providers and civic leaders around the country to implement delivery system innovations that work for their communities. We should push them to work together and take responsibility for the health of people in their area across a full spectrum of health services. They can best determine how to integrate their community's health care system to make it patient-centered, efficient and result in better care and improved health status.

We must establish clear expectations and accountability, offer financing flexibility and incentives to collaborate to meet patient and community needs, then monitor the results. I have introduced the Health Care Innovation Zone Program Act to spark these initiatives. Done right as part of health care reform, we will all benefit in saved lives and saved money.

#### IS AMERICA UNSINKABLE?

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, recent numbers from the White House Office of Management and Budget, featured in the ad behind me, predict a Federal deficit of \$9 trillion over the next decade. Do we really think America is unsinkable? I urge you to visit defeatthedebt.com and learn more about exactly how serious the mounting debt and deficits are to every American. A television ad being run by the same group features an elementary

school class citing the Pledge of Allegiance to America's debt and the Chinese Government that lends us money.

When will we wake up to how serious this problem is and take it seriously enough to deal with it? This Congress and this administration are failing the American people. We need to come together and sponsor the bipartisan Cooper-Wolf SAFE Commission bill.

#### THE TSUNAMI THAT HIT AMERICAN SAMOA

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, less than 2 months ago, Chairman NICK RAHALL and many of us on the House Committee on Natural Resources were with the wonderful people of the village of Leone, which is the home and family village of our colleague, ENI FALEOMAVAEGA, who represents American Samoa in this body. Despite the severe economic challenges they face, they lavished us with gifts, song, food, and lots of love.

Today, villages all over American Samoa and other parts of the region are devastated not only by the damage from the tsunami but, most tragically, by the loss of loved ones. Among them, I am sure, are some who sang and danced and welcomed us so warmly. We thank the President for immediately declaring a disaster. I also pledge that my community will do what we can to help them recover. Many of their fellow Americans will do the same.

Nearby Independent Samoa, which I also visited at another time, was also affected and needs our help as well. Our hearts and prayers go out to the people of American Samoa, Samoa and the region. If anything good can come out of this terrible tragedy, very importantly right now, perhaps it will remind everyone that the people of American Samoa and the other territories are Americans and deserve equitable treatment in health care reform.

#### IRAN IS A NUCLEAR THREAT

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, in the last few days, Iran has proven its threatening nature by conducting three rounds of missile tests, reminding us of the growing nuclear threat of Iran. Iran continues to show contempt towards the U.S. and the rest of the world through its nuclear development and the support of worldwide terrorism. Furthermore, it poses an existential threat to Israel, one of our most important allies.

Iran does not need to develop further nuclear fuel for energy, as it is a net exporter of oil even now. Rather than

prepare for and deter this threat, the President has chosen to appease Moscow and Tehran by disabling a missile defense initiative with no concessions in return.

This reckless decision comes on the heels of the administration's double-digit cuts to missile defense funding and F-22 development. A Commander in Chief's first priority should always be national security, yet this decision is appeasement of current and potential enemies.

#### HEROES TO HOMETOWNS GOLF CLASSIC

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Tomorrow the American Legion will host the second annual Heroes to Hometowns Golf Classic at Andrews Air Force Base. This event will benefit the American Legion Legacy Scholarship Fund, which was established to provide educational support to children who have lost a loved one in Iraq and Afghanistan. This year's golf classic will bring together 80 wounded warriors and veteran business owners in what I'm sure will be a resoundingly successful event.

As a member of the Armed Services Committee, I have seen the positive impact that events like this have on our wounded warriors. As a former college professor, I also know the impact that a college education makes in the lives of our children. This golf classic is just one more example of the incredible work that the American Legion does on behalf of our veterans and military families, and I wish all the participants a good day on the courses.

#### WATER ON THE MOON

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, this past spring on one of my visits to the Johnson Space Center, I visited the facility where they house the lunar samples that we collected during the Apollo missions to the Moon. At that time, we had every reason to believe that the Moon was as dry as west Texas. But it turns out that is not the case. Three different spacecraft have confirmed unambiguous evidence that there is, in fact, water on the Moon. These are not pools or rivers or oceans like we know, but there are water molecules present.

Two robot probes in the nineties, Clementine and Lunar Prospector, suggested that water ice is present in the cold, dark areas of the poles. Now we find that water is much more pervasive. Water is essential for our astronauts when Americans return to the Moon, just like it was for our Founding forebearers Lewis and Clark when they

immigrated west through the United States. Too many Americans closed the book on the Moon with our final Apollo mission in 1972. This finding tells us what we did know and, more importantly, what we don't know. There are still some things we don't know.

Our Nation needs to understand that it was the Apollo program that ended in 1972, not lunar exploration. This discovery proves that, in this regard, we have only just begun.

#### THE PEOPLE WILL LIKE HEALTH CARE REFORM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I rise today to thank one of our Republican colleagues. You see, I've been wondering how on the one hand the Republicans could try to scare our senior citizens with some nonexistent threat to their government program, Medicare, and on the other hand try to scare the rest of the American people about the threat of another government program, the public insurance option.

Well, yesterday Senator JOHN ENSIGN answered that question for me. Before the Senate Finance Committee, he said that he's opposing the public option because—get this—"People will like it." I kid you not. I wonder if, in fact, what he would rather do is give the American people a health care system they don't like. I know that many of our Republican colleagues would consider it a tragedy if we did something in this Congress that would actually restore confidence in government in the American people, but the real tragedy will be if we don't give the American people the health care system they want and deserve.

#### THE PRESIDENT'S ADMIRERS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, here is what some of the world's most notorious thugs, dictators and human rights violators have said about President Obama: Moammar Qaddafi, the president of Libya, who gave a hero's welcome to the terrorists who blew up the Pan American airliner, killing over 100 Americans: "We are content and happy if Obama can stay forever as the President."

Fidel Castro: "Everything he (President Obama) affirms is in contradiction with what the United States has done for 150 years."

Hugo Chavez, the dictator and human rights abuser of Venezuela: "Comrade Obama! Fidel, careful or we are going to end up to his right."

Let's hope the President is not known by his admirers. Rather, let's

hope that he will stand up to his admirers. Frankly, the world would be a safer place if he did.

#### HONORING 75TH ANNIVERSARY OF THE MOUNTAINSIDE PUBLIC LIBRARY

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker: Remembering the past; Part of the future. This is a theme to be celebrated on October 4 when the borough of Mountainside in my congressional district will commemorate the 75th anniversary of its public library. Since its founding in 1934 in the basement of the municipal building, the Mountainside Public Library has grown into a 10,000-square-foot facility. It provides informational, cultural, educational and recreational services to people of all ages in Mountainside and surrounding communities. Whether encouraging literacy and learning through numerous children's story and craft programs, assisting area senior citizens, or providing residents with a critical link to the digital world, the Mountainside library is providing outstanding community services to its residents. While much has changed at the Mountainside library during its 75 years, what has remained the same is the dedicated community that has generously donated time and resources to enhance the library's resources.

Mr. Speaker, I ask the House of Representatives to join me in congratulating the Mountainside Public Library for 75 years of rich and wonderful contributions to the entire community. This library is truly an important part of Mountainside's past, present, and future.

□ 1030

#### SUPPORT H.R. 3200, COMPREHENSIVE HEALTH CARE REFORM

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, even today we have come further than we ever have before on the path to achieving comprehensive health insurance reform. Now is not the time to take a step back. Now is the time to keep the momentum going.

The American people want access to affordable health insurance when the small business they work for can't provide it for them. The American people want to know they won't lose their health insurance if their company has to make another round of layoffs. The American people want more doctors and nurses in their communities so they know health care is always available.

Mr. Speaker, H.R. 3200 accomplishes all these goals and more. I urge my colleagues to step up and seize this moment. Support this legislation to bring affordable and quality care to all Americans. Join me in strong support of H.R. 3200.

#### HONORING BRIAN GRIMM, OKLAHOMA'S TEACHER OF THE YEAR, 2009

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SULLIVAN. Mr. Speaker, I rise today to honor an extraordinary individual from my district, Mr. Brian Grimm.

On Thursday, September 17, Brian Grimm was named Oklahoma's Teacher of the Year. After 13 years in education and with 6 years teaching at Will Rogers High School in my hometown of Tulsa, he was selected for this highly respected, much-deserved honor by a collection of education, business, and civic leaders.

Following his graduation from Sapulpa High School in a suburb of Tulsa, he went on to the University of Science and Arts of Oklahoma to pursue his lifelong dream of becoming a teacher. Brian currently teaches English and advanced placement English while pursuing his master's degree from the University of Oklahoma.

Mr. Grimm is the first teacher from Tulsa Public Schools to win this honor in over 45 years and is a true hero for the work he does for Tulsa's youth. The role teachers play in preparing our children for a successful future cannot be understated, and thanks to the highly dedicated educators like Brian Grimm, that future has never looked brighter.

I'm proud to honor him today and congratulate him on his achievement.

#### TEACHER EQUITY: EFFECTIVE TEACHERS FOR ALL CHILDREN

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, the Education and Labor Committee is holding a hearing later this morning on teacher equity and ensuring that all children have access to effective teachers.

The most important resource in every classroom is a caring, qualified, and competent teacher; yet highly effective teachers tend to be more concentrated in affluent communities. Children of the highest poverty and highest minority schools across the country are often taught by less experienced, less qualified teachers. These children are being shortchanged. Closing this "teacher quality gap" is a critical step in closing the achievement gap for these students.

We can do more here in Congress to support the important work teachers do and to help teachers access the professional development and support they need. We can do more to ensure that effective teachers are placed, and encouraged to stay, in the classrooms where they are most needed. By building on the work of this Congress, for example, we required States to provide assurance that they will take steps to address disparities in teacher equity as a condition of receiving Recovery Act funds.

#### ACORN

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Mr. Speaker, I applaud my colleagues in the House and Senate for recently voting to block ACORN from receiving any additional Federal funding. It is clear that ACORN is unable to use Federal money properly, and as our constituents face financial hardships of their own, the last place hard-earned taxpayers' dollars should be allocated is to an organization known for its blatant abuse of these funds.

Thanks to action by Republicans and Democrats alike, this House has passed legislation preventing this questionable organization from receiving another cent of America's taxpayers' money.

But our efforts must not stop here. There is a complex web of nonprofits that directly fund ACORN and its affiliates.

The American public has a right to know how ACORN is funded. After all, for years we have been the ones footing the bill.

#### GUANTANAMO BAY: STILL AN IMPORTANT ISSUE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, when President Obama and Senator McCain pledged to close our legal black hole known as Guantanamo Bay, they reaffirmed to the world that the United States is a Nation governed by the rule of law and defined by our embrace of universal human rights. Yet efforts to close this antithesis of the American justice system have stalled due to the administration's poor handling of the issue, not-in-my-backyard politics, and the difficulty in finding suitable locations for the 223 detainees remaining at Guantanamo. But the broader facts have not changed.

It's in our national security interest to shut down Guantanamo, to close this ugly chapter in American foreign policy once and for all. By continuing to imprison people without charge, we

violate the most basic principle of American justice known as habeas corpus, we undermine our international reputation, and we fuel terrorist recruitment and anti-American sentiment.

I hope our administration has learned from their early mistakes and will begin consulting with Congress on this issue. Keeping the legislative body in the dark on pertinent information related to the detainees and efforts to relocate them is a recipe for policy failure and risks the larger goal of keeping President Obama's promise to close this black hole of American injustice.

#### PRESIDENT OBAMA'S SPEECH TO WALL STREET AND THE G-20 SUMMIT

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, in his recent speech before Wall Street, President Obama was right to demand more responsibility from the American financial industrial complex. One year and \$16 trillion of taxpayer liability at risk later, the American people are still shouldering the burden of the reckless behavior of the companies deemed "too big to fail."

I am troubled, however, Mr. Speaker, by the presupposition espoused by international leaders during last week's G-20 summit that greater global consolidation of our financial systems is in our national or in the international community's best interest. Mr. Speaker, it is the global scale of the crisis of credit and confidence that should give us pause to consider that our profound economic connectedness might actually intensify our problems.

Local businesses and local financiers best know the needs of their communities and, in their very essence, are more transparent and accountable. Rather than risk becoming more intertwined in an internationalist financial industrial model, we should focus instead on encouraging the formation of strong local economies, which are the proper models for us to build economic strength in America as well as for the world's developing nations. This should be Wall Street's and the President's guiding principle. They owe it to the American people.

#### THE RECESSION AND TAKING NEVADA AND THE NATION IN A NEW, MORE PROSPEROUS DIRECTION

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, Nevada's families have been hard hit during this

recession. Since coming to Congress, I've made it a priority to address our economic slump, help create jobs, and put families in their homes for keeps.

In the past week alone, the House has taken important steps to help Nevadans during this challenging time. With the Silver State facing record unemployment, we passed legislation to extend unemployment benefits. For some, this can mean the difference between making that mortgage payment and losing their home.

We have also passed legislation that I was proud to introduce to protect seniors from higher Medicare premiums. With the recession taking a toll on retirement savings, many seniors cannot afford to pay higher Medicare costs that eat away at their Social Security benefits. My bill will protect seniors at a time when they are counting on every dollar to get by.

We didn't get into this recession overnight, and it will take some time to climb out, but I will continue working with my colleagues on both sides of the aisle to take Nevada and this country in a new and more prosperous direction.

#### THE TIME FOR COMPREHENSIVE HEALTH CARE REFORM IS NOW

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, the time for comprehensive health care reform is now. This picture says it all from the American Heart Association and the American Stroke Association. It shows a young boy in a doctor's waiting room. It says he's not a Democrat or a Republican; he's a patient.

We need to talk about the human face of health care reform like my nephew's son, Tucker Wright, who was 18 months when he was diagnosed with liver cancer. Both of his parents work. They have health insurance. But the enormous cost of the lifetime of health care that Tucker faces is not even close to being covered by his parents' insurance policy. When we have lifetime caps on medical policies and we have an inability to have portability from one job to another, we are not addressing the medical needs of America.

This Monday I met with a young woman, whose name is Hanna Rodriguez, who has a cleft palate, a birth defect. She's ready for the final surgery to repair that birth defect, but it's not covered by insurance, unlike other birth defects such as cystic fibrosis, because it's considered cosmetic surgery.

We are not doing the job for the American people when we have these obstacles, and that's why we need health care reform now.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 293

In the Senate of the United States, September 29, 2009.

Whereas, Henry Bellmon served as a United States Marine from 1942-1946, where he served as a platoon tank commander in the Pacific theater, and was awarded the Legion of Merit for his service in Saipan and the Silver Star for bravery in action on Iwo Jima;

Whereas, Henry Bellmon served as a Major in the Marine Corps Reserve until 1954;

Whereas, Henry Bellmon served two non-consecutive terms as governor of the State of Oklahoma from 1963-1967, when he was elected as the state's first Republican governor, and from 1987-1991; and

Whereas, Henry Bellmon served the people of Oklahoma with distinction for 12 years in the United States Senate from 1969-1981;

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Henry Bellmon, former member of the United States Senate,

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Henry Bellmon.

The message also announced that the Senate has passed without amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2131. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 3593. An act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

The message also announced that Mr. KIRK and Mr. LEMIEUX be added as conferees, on the part of the Senate, to replace the late Senator Kennedy and recently retired Senator Martinez, on the bill (H.R. 2647) "An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed

Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.”

# COMMENDING HOMELAND SECURITY DEPARTMENT EMPLOYEES AND ANTI-TERRORISM PARTNERS

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 731) expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 731

Whereas it has been 8 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas terrorists around the world continue to plot and plan attacks against the United States and its interests and foreign allies;

Whereas, as evidenced by a suicide bomb attack in Jerusalem that killed 22 people and wounded 140 on March 27, 2002, a car bomb that exploded outside a Marriott Hotel in Jakarta, Indonesia, on August 5, 2003, killing 10 people and wounding 150, 10 bombs that exploded on 4 commuter trains in Madrid on March 11, 2004, killing 191 people, a major anti-terrorist operation by British Police disrupts an alleged bomb plot targeting multiple airplanes bound for the United States flying through Heathrow Airport, near London on August 10, 2006, and the shooting and bombing attacks in Mumbai, India, on November 26, 2008, the thwarted terrorist attacks targeting the Brooklyn Bridge in March 2003, Herald Square in New York City in 2004, the PATH Tunnel trains in New York and New Jersey in 2006, the U.S. Army Base at Fort Dix, New Jersey in May 2007, JFK International Airport in June 2007, and the Air National Guard base in Newburgh, New York and synagogues in Riverdale and the Bronx, New York in 2009, citizens across the country and in the world should remain vigilant, prepared, and informed;

Whereas during the month of September, the Nation observes National Preparedness Month which is sponsored by the Department of Homeland Security, and encourages all citizens to prepare themselves and their families for possible emergencies by getting an emergency supply kit that will last 72 hours, making a family emergency plan, being informed, and getting involved in the community in organizations such as Citizen Corps, which actively involves citizens in making our communities and our Nation safer, stronger, and better prepared;

Whereas acts of terrorism can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to our Nation's critical infrastructure, and inflicting billions of dollars of costs on both our public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing grave threat of terrorism, Congress established the Department of Homeland Security in March 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing terrorism-related information analysis, infrastructure protection, and science and technology, and focusing their employees on the critical mission of defending our Nation against acts of terrorism;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal intelligence and law enforcement agencies and partners at all levels of Government to help secure our Nation's borders, airports, seaports, critical infrastructure, and communities against terrorist attacks;

Whereas our Nation's firefighters, law enforcement officers, emergency medical personnel, and other first responders selflessly and repeatedly risk their lives to fulfill their new mission of helping to prevent, protect against, and prepare to respond to acts of terrorism, major disasters, and other emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary citizens across the country have been working in cooperation with the Department of Homeland Security and other Federal Government agencies to enhance our ability to prevent, deter, protect against, and prepare to respond to acts of terrorism;

Whereas all people of the United States can assist in promoting our Nation's overall terrorism and emergency preparedness by remaining vigilant and alert, reporting suspicious activity to proper authorities, and preparing themselves and their families for potential terrorist attacks; and

Whereas all people of the United States should take the opportunity during National Preparedness Month in September 2009 to take steps at home, work, and school to enhance their ability to assist in preventing, protecting against, and preparing to respond to acts of terrorism: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends the public servants of the Department of Homeland Security and other Federal agencies for their outstanding contributions to our Nation's homeland security;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and citizens across the country for their efforts to enhance the Nation's ability to prevent, deter, protect against, and prepare to respond to potential acts of terrorism;

(3) expresses the Nation's appreciation for the sacrifices and commitment of our law enforcement and emergency response personnel in preventing and preparing to respond to acts of terrorism;

(4) supports the goals and ideals of National Preparedness Month as they relate to the threat of terrorism; and

(5) urges the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness to respond to acts of terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

New York (Ms. CLARKE) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

## GENERAL LEAVE

Ms. CLARKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE. Mr. Speaker, I rise in support of House Resolution 731, and I yield myself such time as I may consume.

I am proud that my resolution, House Resolution 731, is being considered by the full House on this, the last day of National Preparedness Month, 2009.

I thank Homeland Security Chairman Mr. BENNIE THOMPSON of Mississippi, along with Ranking Member PETER KING of New York, for cosponsoring House Resolution 731 and for their great help in moving this resolution through committee and to the House floor for consideration. I also want to thank the other cosponsors of this resolution too numerous to name at this time.

Our committee has come together in a bipartisan manner to show support for this important resolution. After all, emergency preparedness is not a partisan issue.

House Resolution 731 supports the goals and ideals of National Preparedness Month, a nationwide, coordinated effort held each September to encourage Americans to take simple steps in their homes, businesses, and schools to prepare for emergencies of all kinds.

This month marked the 6th year that the Department of Homeland Security has observed September as National Emergency Preparedness Month. In promoting the month, DHS partnered with over 2,400 organizations, including the American Red Cross and the Ad Council, to launch a series of Web, radio, television, and outdoor public service announcements. The PSAs highlight simple steps everyone can take to prepare for disasters. The campaign also utilizes new media resources such as Twitter and Facebook to reach up to over 80 percent of Americans.

One of the most important lessons from the tragic attacks on September 11, 2001, and Hurricane Katrina is that we all must be vigilant about preparing for an emergency. Recent wildfires, floods, tropical storms, and tornadoes have given us the opportunity to observe whether those lessons have since been corrected.

The dedicated employees of the Department of Homeland Security, under the new leadership of Secretary Janet Napolitano, and other Federal agencies

successfully coordinated with State and local officials, first responders, and the private sector to assist with the pre-positioning of lifesaving equipment, evacuation efforts, and search and rescue operations.

□ 1045

Similarly, we saw Americans donating their time and resources to assist communities in need.

House Resolution 731 also applauds the public servants at the Department of Homeland Security for their outstanding dedication to securing our Nation.

We know that terrorists across the world continue to target precious lives and critical infrastructure, as evidenced by various suicide bombings in recent years. Attacks in Mumbai, India, last year hit close to home for my constituents, with the loss of Rabbi Gavriel Holtzberg and his wife, Rivka, two pillars of the Crown Heights, Brooklyn, community and the Chabad-Lubavitch Hasidic movement of Orthodox Judaism.

Yet, while we are fortunate that DHS, their Federal intelligence partners, and law enforcement agents have successfully thwarted further attacks on American soil since 9/11, a flurry of recent arrests in New York City, Colorado, and Dallas relating to alleged terrorist plots reminds us that America is still vulnerable.

I must commend the New York City Police Department, especially Commissioner Ray Kelly; deputy commissioner for counterterrorism, Dr. Richard Falkenrath; and Captain Michael Riggio, for their unyielding commitment to protecting my constituents and all the residents of New York City.

Just this Saturday, President Obama praised New York's finest for their outstanding work in securing our city during the U.N. General Assembly session and their exceptional teamwork in their coordination efforts with other police departments and with Federal partners in an ongoing investigation of an alleged terrorist plot.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of House Resolution 731, sponsored by my committee colleague YVETTE CLARKE, my good friend, and of which I am an original cosponsor.

September is National Preparedness Month, and I think it is fitting that we are honoring the men and women at all levels of government who work every day to ensure our safety and security.

We recently commemorated the eighth anniversary of the September 11 terrorist attacks. It is not a coincidence that there has not been an attack on the United States in the 8 years since September 11. It is through

the efforts of the brave men and women at the Department of Homeland Security and their partners at all levels of government. We are thankful for the work of law enforcement and emergency response providers nationwide.

The recently foiled terrorist plots in New York, Dallas, and Illinois served to remind us that terrorists are still intent on attacking our country. We must remain vigilant and support our law enforcement and emergency response providers in their efforts. These hardworking men and women often work behind the scenes and do not receive the recognition they deserve for all of their efforts to prevent, prepare for, and protect against terrorist attacks, natural disasters and other emergencies.

Our constituents have a role to play as well. On the Federal level, the Department of Homeland Security's Ready Campaign works to increase awareness and preparedness for terrorist attacks, natural disasters, and other emergencies. The Ready Campaign encourages individuals and families to have a preparedness kit and a plan and to be informed of possible threats to their area.

In Florida, our Division of Emergency Management also encourages citizen and community preparedness. Through its Web site, [floridadisaster.org](http://floridadisaster.org), individuals and families can use a tool to develop a disaster plan that includes information on the necessary food and water to have on hand, evacuation points and other important checklists. This is an important resource and one that I urge my constituents to take advantage of to prepare their families.

Everyone has a role to play in the safety and security of our Nation. I want to thank subcommittee Chairwoman YVETTE CLARKE for introducing this legislation to honor the individuals working to secure our Nation and highlighting National Preparedness Month and the need for citizen preparedness.

Mr. Speaker, I urge all Members to join me in supporting this resolution.

I reserve the balance of my time.

Ms. CLARKE. Mr. Speaker, I have no more speakers. If the gentleman from Florida has no more speakers, then I'm prepared to close after the gentleman closes.

Mr. BILIRAKIS. I'm prepared to close. I have no other speakers.

Mr. Speaker, I believe that it is important to recognize the hard work that Federal Homeland Security employees, emergency response providers and all law enforcement personnel are doing to prevent, prepare for and respond to terrorism, natural disasters and other emergencies. This resolution is a small token of our appreciation for their efforts to keep us safe and secure.

I urge all of our colleagues to support this resolution, and I yield back the balance of my time.

Ms. CLARKE. Mr. Speaker, I yield myself such time as I may consume.

In closing, on this last day of National Preparedness Month 2009, I urge my colleagues to support H. Res. 731 and to also encourage their constituents to visit [www.ready.gov](http://www.ready.gov) where they can learn how to be vigilant, alert and prepared for an emergency.

Mr. CAO. Mr. Speaker, I rise today in support of H. Res. 731 to observe National Preparedness Month.

As a representative of a district that is prone to disasters and an original cosponsor of H. Res. 731, I speak on behalf of citizens who realize the significance of personal preparedness.

The second district of Louisiana contains one of the world's largest ports. Thus, security and protection from external threats is important to us.

It is imperative that all citizens are encouraged to prepare themselves and their families for possible emergencies by attaining supply kits, making a family emergency plan, and getting involved in the community in organizations such as Citizen Corps.

Through H. Res. 731, we honor the public servants, government officials, and private citizens who work hard to keep our families secure from disasters and prepared for response to potential acts of terrorism.

We express our appreciation for the commitment of law enforcement and emergency response personnel in supporting the goals and ideals of National Preparedness Month.

I urge my colleagues to vote in support of H. Res. 731.

Ms. RICHARDSON. Mr. Speaker, I rise in support of H. Res. 731, the "National Preparedness Month Resolution." September is National Preparedness Month and this resolution honors the public servants of the Department of Homeland Security and Emergency Response Personnel for their commitment to securing our Nation.

Mr. Speaker, I would like to thank my dear friend and colleague, Congresswoman YVETTE CLARKE, for calling on Members and the rest of the country to join her in commending and recognizing the men and women who dedicate their lives to preventing and preparing for any future terrorist attack.

The Department of Homeland Security was born out of the tragedy of September 11 and through the hard work and commitment of the employees of the Department of Homeland Security, our Nation has remained safe and secure from terrorist threats for the past 8 years. I want to take this opportunity to thank the Department of Homeland Security and other emergency response personnel for committing themselves to this noble and necessary cause.

Mr. Speaker, I would also like to recognize the employees of the Department of Homeland Security that work tirelessly in my district, the 37th Congressional District of California. These men and women can be seen hard at work in various local branches of the Coast Guard, Immigration Services, Law Enforcement, Army, and Navy. I appreciate the sacrifices and commitment of those men and women who work every day to secure the community of Long Beach, California.

As we celebrate National Preparedness Month, I urge all Members to take a moment to honor the men and women that dedicate their lives to emergency preparedness and protecting this country from another terrorist attack.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of House Resolution 731 and thank my colleague, Ms. CLARKE, for introducing it. This resolution applauds the public servants at the Department of Homeland Security, DHS, for their outstanding dedication to securing our Nation.

More importantly, House Resolution 731 encourages citizens to prepare themselves and their families to respond to any emergency—whether it is an act of terror, natural disaster, or other crisis.

Today marks the end of National Preparedness Month, NPM, which DHS has successfully promoted for the last 6 years. NPM is sponsored by the Ready Campaign and Citizen Corps program, and is designed to encourage Americans to take simple steps to prepare for emergencies in their homes, businesses, and communities. DHS has partnered with 2,400 coalition members across the country to promote the message that preparedness is a shared responsibility and that we all must do our part to be ready when disaster strikes.

As a former volunteer firefighter, I know that lives are saved when the public takes steps to prepare for the worst. And as the chairman of the Homeland Security Committee, I want the people of this Nation to take the necessary steps to prepare themselves in the event of an emergency. To be prepared, all individuals should visit [www.ready.gov](http://www.ready.gov) and take three simple steps. These steps are:

1. Get a Kit. All households should build a disaster supply kit that includes enough supplies for each family member for three days. The kit should include basic items such as water, food, medicine, batteries, flashlights, hygiene materials, and blankets.

2. Make a Plan. Every family should develop and communicate with each other their evacuation or sheltering plan. The plan should correspond to the school, work and community of every member of the family. All families are encouraged to practice this plan to ensure familiarity with evacuation or meeting routes, have cell phones charged and keep a charger in the car.

3. Be informed. We all need to know about the type of disasters or emergencies that may occur where we live, work and play. Every citizen should also learn about what to do in the event of a biological, chemical, explosive, nuclear or radiological attack.

In addition to getting a kit, making a plan, and being informed, citizens can also get involved in helping their neighbors prepare. To learn how you can contribute to the Citizen Corps program, which brings together communities in emergency preparedness, planning, mitigation, response and recovery efforts, visit the [www.citizencorps.gov](http://www.citizencorps.gov) website.

Mr. Speaker, an August 2009 survey commissioned by FEMA's Citizen Corps program shows we have a long way to go as a nation in preparing our communities for a disaster. According to the survey, just 56 percent of respondents reported having disaster supply kits in their home. Only 50 percent were familiar

with emergency alert and warning systems, and just 38 percent were familiar with local sources of public safety information.

We must close these gaps. National Preparedness Month is one such step toward doing just that. It is an important national public awareness campaign that promotes citizen and community preparedness.

Mr. Speaker, for these reasons, I support H. Res. 731 and urge adoption of this resolution.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 731. The Department of Homeland Security has worked diligently to keep us safe since the devastating attacks on 9/11.

And thankfully we've not had a successful attack since then—it's not because of luck, but due to the hard work of the men and women who work every day to secure the Homeland.

The over 200,000 employees of 22 agencies that make up the Department deserve our utmost gratitude for their steadfast resolve and commitment to prevent acts of terror against our citizens.

They have worked to increase cooperation between our intelligence and defense communities.

They have strengthened our preparedness and created partnerships among Federal agencies and local and state first responders.

These employees patrol our land and sea borders, secure our airports and Ports of Entry and safeguard critical infrastructure.

Theirs is truly a 24/7 job whose successes are rarely known or acknowledged.

As the recent arrest of Najibullah Zazi, the Afghan accused of plotting to plant bombs in New York shows, we still face many challenges to stop the threat of terrorism on our shores and in our cities and towns.

Border security must be enhanced; we must remain vigilant if we are to continue to disrupt plots and attacks on our nation. Complacency isn't an option because as we have seen over and over again, the intent to commit acts of terrorism remains strong.

Defending the homeland will take more than just a Federal effort—our fire fighters, law enforcement officers, emergency medical personnel, and other first responders selflessly and repeatedly risk their lives to fulfill their mission of helping to prevent, and prepare to respond to, acts of terrorism, major disasters, and other emergencies.

All Americans should take the opportunity during National Preparedness Month this September to take steps at home, work, and school to enhance their ability to assist in preventing, protecting against, and preparing to respond to acts of terrorism.

I commend the work of our first responders and the Department of Homeland Security. I offer my full cooperation in meeting our shared goals of keeping America safe and secure.

I urge my colleagues to support this resolution.

Mr. KING of New York. Mr. Speaker, I would like to express my support for the resolution introduced by my colleague from New York, Congresswoman CLARKE. House Resolution 731, of which I am a cosponsor, recognizing the month of September as National Preparedness Month, also commends the employees of the Department of Homeland Security; other federal agencies; state, local, and

tribal government officials; emergency response personnel; and law enforcement officers who defend our nation against acts of terrorism.

New York's 3rd Congressional District is home to many of the Department of Homeland Security's employees, including those who work at JFK and LaGuardia airports and in the Coast Guard. We are all grateful for the important work they carry out, in partnership with local law enforcement officers and other first responders, to protect our communities, particularly in light of several recently foiled terrorist plots.

Earlier this month, we commemorated the eighth anniversary of the terrorist attacks of September 11, 2001. In these times, we cannot afford to be complacent, or to forget what it means to prepare ourselves, our families, and our communities to respond to the threat of terrorism. All Americans can help promote emergency preparedness by taking steps such as assembling emergency supply kits, creating family emergency plans, and staying informed about possible emergencies in their area.

We have come a long way since September 11th, but there is still much more to do to keep America safe. House Resolution 731 helps remind all Americans of the steps they can take to be prepared, and honors those on the front lines who tirelessly work to keep our communities safe.

Mr. CARSON of Indiana. Mr. Speaker, over the last two days, we have considered and voted to pass legislation honoring all Department of Homeland Security employees for their service to the United States over the course of the War on Terror.

As a former Homeland Security official, I have seen first hand the sacrifices that each of these employees makes in the service of our country. These dedicated men and women spend years developing specialized skills and becoming experts on the most effective methods to prevent violence. They devote long hours away from their families, in potentially life threatening situations. And they do all of this to keep us safe from threats around the world.

These federal employees rarely make the news, but their success in the War on Terror is undeniable. Their unyielding efforts have saved lives and prevented billions in property damage. We may never hear of their successes, but they deserve our thanks just the same.

So, Mr. Speaker, I rise today to honor these men and women across our country, whose ongoing fight to protect us from terrorism has allowed all of us to enjoy the freedoms that make the United States great.

Ms. CLARKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the resolution, H. Res. 731.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CLARKE. Mr. Speaker, I object to the vote on the ground that a



quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### CONGRATULATING WOMEN'S COLLEGE WORLD SERIES CHAMPION WASHINGTON HUSKIES

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 517) congratulating the University of Washington women's softball team for winning the 2009 Women's College World Series.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 517

Whereas, on June 2, 2009, for the first time in school history, the Women Huskies won the NCAA National Softball Championship game with a 3-2 victory over the University of Florida;

Whereas University of Washington pitcher Danielle Lawrie was named the Women's College World Series MVP and the USA Softball National Collegiate Player of the Year;

Whereas the Huskies finished the 2009 season with an impressive record of 51-12;

Whereas the members of the 2009 University of Washington softball team are excellent representatives of a university that is one of the premier academic institutions in Washington State, producing many outstanding student-athletes and other leaders; and

Whereas the members of the women's softball have brought great honor to themselves, their families, the University of Washington, and the State of Washington: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the University of Washington for winning the 2009 Women's College World Series;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Washington win the championship; and

(3) respectfully requests the Clerk of the House to transmit an enrolled copy of this resolution to President of the University of Washington, Mark A. Emmert; the Director of Athletics of the University of Washington, Scott Woodward, and the Coach of the University of Washington softball team, Heather Tarr.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

##### GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 517 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself as much time as I may consume.

I rise today to congratulate the University of Washington softball team for their victory in the 2009 NCAA Division I tournament. On June 2, softball fans were treated to an exceptional game as the Washington Huskies defeated the Florida Gators and clinched their first national title. The close 3-2 win capped off a phenomenal season that saw the Huskies go 51-12.

I want to extend my congratulations to head coach Heather Tarr and assistant coaches Gina Carbonatto and Lance Glascoe. Coach Tarr played softball for the Huskies in 1988 when they placed second in the Women's College World Series. She returned to her alma mater in 2003 and delivered Washington their first women's softball national title.

Congratulations are also in order for pitcher Danielle Lawrie. Lawrie, a junior from Langley, British Columbia, led the Nation in strikeouts and wins. She was named the 2009 USA Softball National Player of the Year. In addition, Lawrie was one of five finalists for the prestigious Honda-Broderick Cup, which honors the top female athlete in collegiate athletics.

The Huskies showed incredible effort and ability during their run to the championship. Niki Williams set a Women's College World Series record with 10 RBIs and an unbelievable seven of them were in one game against the University of Georgia. During the College World Series, the Washington Huskies batted .304 and scored 32 runs over six games. This followed a two-game sweep of Georgia Tech in Atlanta and a dramatic 15-inning win over the University of Massachusetts to clinch a spot in the super-regionals.

The extraordinary achievement of this year is a tribute to the skill and dedication of the many players, coaches, students, alumni, families and fans that have helped to make the University of Washington a premier softball program. I know the fans of the University of Washington will revel in these accomplishments as they look forward to the 2010 series.

Mr. Speaker, once again, I congratulate the University of Washington softball team for their success and thank Representative McDERMOTT for bringing this resolution forward.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, I rise today in support of House Resolution 517, congratulating the University of Washington women's softball team for winning the 2009 Women's College World Series.

The University of Washington is a public research university founded in

1861. It is one of the oldest State-supported institutions of higher education on the west coast. UW is located in Seattle, Washington, and the university has two additional branch campuses in Tacoma and Bothell, Washington. The university offers over 250 degrees within 150 departments, programs across 18 colleges and schools and employs over 4,100 full-time equivalent faculty members. UW operates and manages two major medical centers, UW Medical Center and Harborview Medical Center.

The university receives more Federal research funding than any other public university in the country, and the second most Federal research funding of all the universities in the country.

The University of Washington's long history of excellence is reflected in its academic and athletic rankings and accomplishments. The university is considered a "public ivy," and the U.S. News and World Report ranked UW 41st out of 130 tier 1 national universities. The university has 20 graduate programs ranked in the top 20 by U.S. News and World Report. And in 2008, the school placed 16th in the world's top universities, according to the Academic Ranking of World Universities.

University of Washington's excellence and success extend to their athletics, as well as their academics. UW is a NCAA Division I-A school, and recent national championships include the softball team, the men's rowing team, NCAA Division I women's cross-country team, and the women's volleyball team.

This year, led by National Player of the Year Danielle Lawrie, a member of the 2008 Canadian Olympic team, Washington's women's softball team advanced to the NCAA finals for the third time in school history. The number three Huskies rallied from two runs down in the top of the first inning to sweep top-ranked Florida in the best-of-three NCAA championship series. Washington ended the championship with a 3-2 victory against the University of Florida.

I'm honored today to congratulate and recognize the University of Washington's women's softball team for their victory as national champions in the 2009 Women's College World Series.

I ask my colleagues to support this resolution, and I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I am pleased to recognize the gentleman from Washington, the sponsor of this legislation, Mr. McDERMOTT, for 3 minutes.

Mr. McDERMOTT. Mr. Speaker, I rise today to honor the University of Washington women's softball team for their winning of the 2009 Women's College World Series.

I appreciate my colleague's kind words about our wonderful university, and it sounds like he might have wished to go there maybe.

The road leading to the first NCAA National Softball Championship in the

University of Washington was very difficult and at times seemingly out of reach. At least that's what the pundits thought. But they didn't know these outstanding softball players and the extraordinary role models that they are. The Husky team never stopped striving to be the best, and no obstacle was too difficult to overcome, including sweeping the best-of-three championship series from top-seeded and top-ranked University of Florida.

The Huskies deserve to be recognized as a team and as individuals, so let me tell you their names: Alicia Blake, Ashley Charters, Jenna Clifton, Amanda Fleischman, Lauren Geer, Felicia Harris, Marnie Koziol, Danielle Lawrie, Alyson McWherter, Kimi Pohlman, Jennifer Salling, Taylor Smith, Bailey Stenson, Dani Stuart, Morgan Stuart, Ashley Tuiaosopo, Jessica Ventoza, Ashlyn Watson and Niki Williams.

□ 1100

Baseball is a team sport. There are many outstanding players one could talk about, but it's won as team. And they were led by Coach Heather Tarr and Assistant Coaches Gina Carbonatto and Lance Glasoe, and they had a volunteer assistant by the name of J.T. D'Amico and a student assistant by the name of Dru Hester.

Winning a national title is an achievement every college athlete and coach dreams about; yet sports is not just about athletic success, as important as that is. It's about dedication and hard work and teamwork, and it's about life, pursuing a dream and overcoming every obstacle to realize a dream. These young women had the chance to chase their dream, but that's because of the sacrifice of others.

None of the athletes on the UW softball team were born when Patsy Mink stood in the well of this House and wrote and worked to pass Title IX in 1972, but they all enjoy the benefits of Patsy's vision. As a result of Title IX, women and girls have had greater opportunities to participate in sports. Title IX has enabled more women to receive athletic scholarships and greater opportunity for higher education. Many female athletes credit Title IX for giving them an opportunity to attend college through athletic scholarships and to participate in sports. In addition, because of Title IX, the salaries of coaches of women's teams have increased.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. CHU. I yield the gentleman another 1 minute.

Mr. McDERMOTT. I congratulate the University of Washington women's softball team, but I also rise to honor every female athlete. Every time you compete, you remind us that all the sacrifice is worth it to make history and change history for generations to come.

Congratulations to the women of the University of Washington softball team.

Mr. ROE of Tennessee. A job well done, the University of Washington women's softball team, and I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 517.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SUPPORTING THE NATIONAL LEARN AND SERVE CHALLENGE

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 769) recognizing the benefits of service-learning as a teaching strategy to effectively engage youth in the community and classroom, and expressing support for the goals of the National Learn and Serve Challenge.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 769

Whereas service-learning is a teaching method that enhances academic learning by integrating classroom content with relevant activities aimed at addressing identified community or school needs;

Whereas service-learning has been used both in school and community-based settings as a teaching strategy to enhance learning by building on youth experiences, granting youth a voice in learning, and making instructional goals and objectives more relevant to youth;

Whereas service-learning has been identified as an effective tool in addressing the Nation's dropout epidemic by making education more hands-on and relevant, and has been especially effective in addressing the epidemic with respect to disadvantaged youth;

Whereas service-learning is proven to provide the greatest benefits to disadvantaged and at-risk youth by building self-confidence, which often translates into overall academic and personal success;

Whereas service-learning provides not only meaningful experiences, but a greater quantity and quality of interactions between youth and potential mentors in the community;

Whereas service-learning simultaneously empowers youth as actively engaged learners, citizens, and contributors to the community;

Whereas youth engaged in service-learning provide critical service to the community by

addressing a variety of needs in towns, cities, and States, including needs such as tutoring young children, elderly care, community nutrition, disaster relief, environmental stewardship, financial education, public safety, and a host of other needs;

Whereas far reaching and diverse research base shows that service-learning enhances the academic, career, cognitive, and civic development of kindergarten through 12th-grade students, and of higher education students;

Whereas service-learning strengthens and increases the number of partnerships among institutions of higher education, local schools, and communities, which strengthens communities and improves academic learning;

Whereas service-learning programs unleash a multitude of skilled and enthusiastic college students to serve in the communities surrounding their colleges;

Whereas service-learning programs engage students in actively addressing and solving pressing community issues and are strengthening the ability of nonprofit organizations to meet community needs;

Whereas Learn and Serve America, a program established under subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq.), is the only federally funded program dedicated to service-learning and engages over 1,100,000 youth in service-learning annually;

Whereas Learn and Serve America is a highly cost-effective program, averaging approximately \$25 per participant and leveraging \$1 for every Federal dollar invested; and

Whereas the National Learn and Serve Challenge is an annual event that is taking place this year from October 5 through October 11, 2009, that spotlights the value of service-learning to young people as well as schools, college campuses, and communities, encourages others to launch service-learning activities, and increases recognition of Learn and Serve America: Now, therefore, be it:

*Resolved*, That the House of Representatives—

(1) recognizes the benefits of service-learning in—

(A) enriching and enhancing academic outcomes for youth;

(B) engaging youth in positive experiences in the community; and

(C) encouraging youth to make more constructive choices with regards to their lives;

(2) encourages schools, school districts, college campuses, community-based organizations, nonprofits, and faith-based organizations to work towards providing youth with more service-learning opportunities; and

(3) expresses support for the goals of the National Learn and Serve Challenge.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 769 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself as much time as I may consume.

Mr. Speaker, I rise today to recognize the benefits of service-learning as a teaching strategy to effectively engage youth in the community and classroom, and to support the goals of the National Learn and Serve Challenge. I want to thank my colleagues from the National Service Caucus, Mr. PLATTS, Ms. MATSUI, Mr. EHLERS, Mr. PRICE, and Mr. KENNEDY, for introducing this important resolution.

Service-learning is an educational model that can be used from kindergarten to the university level across all subjects and disciplines. By integrating learning in the classroom with real world challenges in the community, service-learning can make school assignments come alive for typically disconnected students. By affording students the opportunity to apply their lessons to solving real problems in their surrounding communities, we are not only engaging our students, but we are also helping to improve our local neighborhoods.

Research has shown long-term positive impacts associated with service-learning, including increased academic achievement, enhanced school engagement, positive civic attitudes, and improved social and personal skills. Students who complete a service project that has a direct tie to their curriculum are able to develop better problem-solving skills and have a better understanding of cognitive complexities. Studies have also shown a connection between service-learning and higher grades and test scores.

Service-learning is also a successful strategy for keeping students engaged in school and makes students less likely to drop out. More than just community service, service-learning applies classroom skills by asking students to investigate a challenge in their community, plan solutions, take action through service, and then reflect on the experience and the results. Students who are engaged in this process become more involved in their studies and in their neighborhoods. In fact, studies have shown that service-learners have better school attendance and more acceptable school behaviors than their peers.

Service-learning also promotes positive civic attitudes and fosters involvement in our democracy. Research suggests that students involved in service-learning opportunities build self-confidence, leadership skills, and increase their tolerance of others. Further studies have also shown that high school students that participated in service-learning are more likely to vote 15 years after their experience than those that did not participate.

Finally, students who are exposed to service-learning build important social and personal skills. Service-learning

serves as an on-ramp to civic engagement for a lifetime. Students who are involved with service develop strong ethics and a sense of social responsibility. Participation in those programs has also been shown to reduce negative behaviors such as those that lead to arrest or pregnancy.

In order to call attention to the many benefits of service-learning, the National Learn and Serve Challenge will take place October 5–11. This week-long nationwide celebration of service will raise awareness of service-learning and foster collaborative partnerships between local schools, institutions of higher education, and their surrounding communities. The organization has set an ambitious goal of having 5 million college students and 50 percent of K–12 schools engaged in meaningful service by 2010.

Mr. Speaker, once again, I express my support for the National Learn and Serve Challenge, and I encourage more schools to take advantage of the many benefits service-learning can have on our students and our communities. I urge my colleagues to pass this resolution.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 769, a resolution recognizing the benefits of service-learning as a strategy to effectively engage youth in the classroom and community and expressing support for the goals of the Learn and Serve Challenge.

The National Learn and Serve Challenge is an annual event that takes place from October 5 to 11 and highlights the importance of engaging young people in community service. Through service-learning, students conduct community service projects which teachers then use to teach academic lessons in the classroom.

The challenge encourages young people to participate in special events and community outreach projects. It also encourages young people to develop and launch their own service-learning activities. These projects also help students see the real-life relevance of what they are learning in the classroom and apply their new knowledge in a practical manner.

I recognize the value of engaging youth in service in the community, and I honor the goals of the National Learn and Serve Challenge. I urge my colleagues to support this resolution, and also, Mr. Speaker, I think that young people learn to give back to their community and leave their community a little bit better than they found it through this project.

I yield the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 769.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING THE 100TH ANNIVERSARY OF THE STATE NEWS AT MICHIGAN STATE UNIVERSITY

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 487) recognizing the 100th anniversary of the State News at Michigan State University.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 487

Whereas, on March 10, 1909, the first edition of the Holcad was printed at Michigan Agricultural College;

Whereas the Holcad was founded to defend the student body of Michigan Agricultural College against criticism;

Whereas the Holcad eventually changed its name to the State News, and Michigan Agricultural College became Michigan State University;

Whereas in 1971, the State News became a 501(c)3 organization, independent from Michigan State University;

Whereas the State News employs hundreds of students and trains them in reporting, photography, design, web programming, and advertising;

Whereas for 100 years, the State News has connected students to each other and other members of the East Lansing community;

Whereas the State News provides an avenue for students and members of the East Lansing community to voice their opinions and report news; and

Whereas the State News has upheld a commitment to journalism and has created a more informed and unified citizen body: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes the 100th anniversary of the State News.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 487 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 487, which recognizes the 100th anniversary of the campus newspaper at Michigan State University, The State News.

The State News started in 1909 with the creation of the college's first newspaper, the Holcad News, named after an ancient Greek ship. In 1925, the Holcad changed its name to The State News, educating students, faculty, and alumni about local and national news.

Originally, The State News was created to defend Michigan State University students from the harsh criticism they were receiving from the local newspapers. Although it began with weekly editions, State News eventually progressed into a daily newspaper. With a circulation of 28,500 to approximately 280 locations on and off campus, The State News is now one of the Nation's largest student daily newspapers.

Today, continuing a tradition of serving the Michigan State University community, The State News collects distinguished honors, including several designations as the best college newspaper in the country, and sends their student employees to top national news organizations, such as The New York Times, the Associated Press and The Washington Post.

The accolades received by The State News are also a reflection of MSU's academic accomplishments. Michigan State University possesses a pre-eminent educational record. Today, MSU enrolls over 46,000 students and offers a wide range of courses. With over 100 undergraduate majors, 17 different colleges, and 29 online degree programs, MSU boasts a strong academic profile. In fact, MSU has produced more Rhodes Scholars than any other Big Ten school over the past 25 years. Both The State News and the MSU community have brought national acclaim to East Lansing, Michigan.

Mr. Speaker, I want to thank Mr. ROGERS for bringing this resolution forward. I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 487, a resolution to recognize the 100th anniversary of The State News, the campus newspaper at Michigan State University.

The State News was actually founded as the Holcad in 1909 when Michigan State University was still Michigan Agricultural College. It became the Michigan State News in 1925 when the college was renamed Michigan State University. In 1971, the paper separated from the university to become an independent, nonprofit organization.

Since that time, the paper has received many awards. It has won the Associated Collegiate Press Pacemaker award, an award that is considered the Pulitzer Prize of college journalism, 16 times. It has been ranked as one of the Nation's best daily college newspapers

by the Society of Professional Journalists and the Associated College Press. And it was ranked number 11 on a list of the best college newspapers in the country by the Princeton Review in 2008.

The paper has a number of noted alumni, including Pulitzer Prize winning journalist Jim Mitzfeld and Jerry ter Horst, President Gerald Ford's press secretary.

I would like to commend The State News on the occasion of its 100th anniversary and congratulate all of the students and former students that have dedicated their time to making this paper great.

I urge my colleagues to support this resolution.

I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 487.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1115

#### SUPPORTING NATIONAL CAMPUS SAFETY AWARENESS MONTH

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 90) supporting the goals and ideals of National Campus Safety Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 90

Whereas college and university campuses are not immune from the crime problems that face the rest of society in the United States;

Whereas a total of 37 homicides, 8,112 forcible-sex offenses, 8,923 aggravated assaults, and 3,071 cases of arson were reported on college and university campuses from 2004 to 2006, in accordance with the reporting requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f); Public Law 89-329);

Whereas criminal experts estimate that between 1/3 and 1/4 of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers, but fewer than 5 percent report the assault to law enforcement;

Whereas each year, 13 percent of female students enrolled in an undergraduate program at a college or university will be victims of stalking;

Whereas 1,700 college and university students between the ages of 18 and 24 die each year from unintentional alcohol-related injuries, including motor vehicle accidents;

Whereas Security On Campus, Inc. (hereinafter referred to as "SOC"), a national nonprofit group dedicated to promoting safety and security on college and university campuses, has designated September as National Campus Safety Awareness Month;

Whereas each September since 2005, SOC has partnered with colleges and universities across the United States to offer National Campus Safety Awareness Month educational programming on sexual assault, alcohol and other drug abuse, hazing, stalking, and other critical campus safety issues; and

Whereas National Campus Safety Awareness Month provides an opportunity for entire campus communities to become engaged in efforts to improve campus safety: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Campus Safety Awareness Month; and  
(2) encourages colleges and universities throughout the United States to provide campus safety and other crime awareness and prevention programs to all students throughout the year.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 90 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself as much time as I may consume. Mr. Speaker, I rise today in support of House Resolution 90, which recognizes the importance of safety on college campuses and promotes the idea of National Campus Safety.

As a community college professor for 20 years and the author of a California bill, the Campus Sexual Assault Safety Act, I understand firsthand how vital campus safety is to enhancing the learning experiences of its students, but more importantly, how raising awareness can serve to prevent campus violence.

We have witnessed this in several tragic cases, for instance, in the case of the death of Jeanne Clery in the late 1980s, who was a freshman at Lehigh University. On April 5, 1986, Jeanne was beaten, raped and murdered in her dormitory room. Jeanne's case brought college campus safety to the forefront when it exposed flaws in the reporting of crime information related to violence on colleges campuses.

At that time, both violent and non-violent incidents were reported to campus authorities, but administrators had

no legal obligation to disclose violent college crimes to the public. In the aftermath of Jeanne's murder, her parents, Connie and Howard Clery, founded Security on Campus, Inc., to end violence on all college campuses.

It is a nonprofit, grass-roots organization dedicated to making campuses safe. Partnering with over 150 colleges from 42 States, Security on Campus, Inc., offers educational programs on sexual assault, alcohol and drugs. Over the past few years, we have seen how important it is to pay attention to our students' safety on campus. It is unfortunate that it takes tragic events like those occurring at Virginia Tech and Northern Illinois for us to remember that crimes take place on college campuses all over the country.

More recently, Annie Le, a Yale University graduate student was allegedly murdered and found dead on campus the day she planned to marry her college sweetheart. The reauthorization of the Higher Education Act last year took new action to improve campus safety. It required each educational institution to clearly articulate a method to disseminate emergency notifications to the entire campus body in the case of an emergency. The law also includes measures to ensure that campus preparedness employees coordinate with local law enforcement and emergency management authorities to improve responses to campus emergencies.

Campus safety is relevant, important and necessary. Anyone can become a victim of a campus crime, and it is imperative that students are taught how to avoid dangerous situations. Congress must continue to encourage institutions to update their campus security plans and ensure systems are in place to deal with all types of emergencies. As we commemorate National Campus Safety Awareness Month in September, let us focus our efforts on educating our students about campus safety. Students need to be reminded every year about practical precautions to increase their safety.

Mr. Speaker, once again, I express my support for National Campus Safety Awareness Month and thank Representative SESTAK for bringing this resolution forward. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of House Resolution 90, a resolution supporting the goals and ideals of National Campus Safety Month. I would like to thank my colleague, Representative SESTAK, for introducing this important resolution recognizing the importance of safety on college campuses and the efforts of outside organizations to dedicate September to promoting greater public awareness of campus safety issues.

Unfortunately, over the past few years, we have seen how important it is to pay attention to our students' safety on campus. Sadly, college campuses are faced with the same crimes that plague many of our country's cities. Whether it be situations involving one individual, like the tragic murder of Annie Le at Yale University, or situations that involve the whole campus, like what occurred several years ago at Virginia Tech, colleges should continue to take steps to make sure the campus community is aware of activities on campus. A more informed population is often a safer population.

To that end, Congress took several steps in the Higher Education Opportunity Act last year to encourage institutions to update their campus security plans and ensure that they have steps in place to deal with all different types of emergencies.

Mr. Speaker, this resolution is especially timely this week as millions of students have left their homes and begun their fall semesters at colleges around the country. And I am pleased to support this resolution and urge my colleagues to do the same. And just as a sidebar—this didn't occur on a college campus—but one of the most distressing things that I have seen in my recent memory was the death of this young honor student in Chicago. And I think this just goes to safety on all campuses. I pray for that family and for that city with this terrible tragedy.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I am pleased to recognize the gentleman from Pennsylvania, the sponsor of this resolution, Mr. SESTAK, for 4 minutes.

Mr. SESTAK. Mr. Speaker, this month students will return to their colleges and universities with the anticipation that surrounds a new academic year. And yet we are reminded that these young people will not be immune from unique challenges that face all of us in every community throughout this Nation. The tragic shootings of two students last October at the University of Central Arkansas, the shootings at Virginia Tech which ended in the death of 32 people, and the shootings at Northern Illinois University, where 24 people were shot and six died, emphasize the importance of the issue of campus safety.

The Department of Education has found that between 2005 and 2007 there were not only 10,000 forcible sex offenses, 16,000 aggravated assaults, and 3,000 cases of arson, but also 117 homicides on the campuses of colleges and universities throughout this country. Between one-fifth and one-fourth of female students will become the victims of a completed or an attempted rape, usually by someone they know during their undergraduate careers, and yet less than 5 percent of the cases are ever reported.

Additionally, the National Advisory Council on Alcohol Abuse and Alco-

holism has found that each year there are over 1,700 college students between the ages of 18 and 24 who will die from unintentional alcohol-related injuries, including motor vehicle accidents. As we reflect on the significance of this data, we come to understand why this resolution is so important. Originally introduced by a colleague on the other side of this aisle in 2005, this resolution builds on the work of a nonprofit organization, Security on Campus, which is located in King of Prussia, Pennsylvania, in my district.

The organization was founded by the parents of a 19-year-old college freshman, Jeanne Clery, who was raped and killed in her college dorm in 1986. In 2008, thanks to the work of this organization, 350 colleges came together from 42 States and the city of Washington, D.C. to participate in programs on campus safety. Although this resolution is far from the final step to guarantee security on the campuses of our Nation's colleges and universities, it is an important step, along with establishing a National Center for Campus Public Safety towards addressing an issue that we all care about, the security of our children.

I urge all my colleagues to show their concern for the safety of the more than 15 million students throughout the country who are the true motivation behind this great resolution. And I appreciate all of the support and the ideas from the other side. I encourage my colleagues, throughout this great House, to support this resolution.

Mr. ROE of Tennessee. I yield back the balance of my time. I thank my colleagues on the other side of the aisle for this resolution.

Ms. CHU. Mr. Speaker, I am pleased to recognize the gentleman from Virginia (Mr. SCOTT) for 3 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlelady from California (Ms. CHU) and the gentleman from Pennsylvania (Mr. SESTAK) for their leadership on the issue of campus safety.

I rise in support of H. Res. 90, a resolution supporting the goals and ideals of the National Campus Safety Awareness Month. This resolution helps bring awareness to the issue of campus safety. Each year, college campuses across the Nation see a number of criminal offenses, including homicide, forcible sex offenses, aggravated assaults and arson occurring on their campuses. A recent example is the unfortunate murder that occurred at Yale University just a few weeks ago.

Additionally, over the past few years we have seen numerous tragedies occur at colleges and universities, including the disastrous events that occurred at Virginia Tech and Northern Illinois University. National Campus Safety Awareness Month provides an opportunity for campuses to evaluate their campus safety practices and engage in efforts to improve campus safety.

In addition to Campus Safety Awareness Month, one way in which we can improve campus safety would be to provide a one-stop shop for universities to obtain safety information. This is why I introduced the Center to Advance, Monitor and Preserve University Security, or the CAMPUS, Safety Act of 2009.

The purpose of this legislation is to enable our institutions of higher education to easily obtain the best information available on how to keep our campuses safe and how to respond in the event of a campus emergency. The CAMPUS Safety Act creates a National Center for Campus Public Safety, which will be administered through the Department of Justice. The center is designed to train campus public safety agencies in state-of-the-art practices to ensure campus safety, encourage research to strengthen college campus safety and security, and serve as a clearinghouse for the dissemination of relevant campus public safety information.

This bill passed the House of Representatives in February. It also passed last year, but it still awaits action from the Senate. Once the National Center for Campus Public Safety is established it, along with events like the National Campus Awareness Month, will be able to greatly assist schools in assessing their campus safety initiatives.

I commend the gentleman from Pennsylvania (Mr. SESTAK) for introducing this resolution to bring awareness to this issue and urge my colleagues to support this important resolution.

Ms. CHU. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 90.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### ACCEPTANCE OF STATUE OF HELEN KELLER PRESENTED BY THE PEOPLE OF ALABAMA

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 41) providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution as amended, is as follows:

S. CON. RES. 41

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. ACCEPTANCE OF STATUE OF HELEN KELLER FROM THE PEOPLE OF ALABAMA FOR PLACEMENT IN UNITED STATES CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller furnished by the people of Alabama for placement in the United States Capitol in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent persons.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue accepted under this section. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this resolution provides for the use of the Capitol rotunda on October 7, 2009, for a presentation and unveiling ceremony of the statue of Helen Keller. Since her story has been widely told, Helen Keller has been a lasting symbol of perseverance and bravery worldwide. Struck blind and deaf when she was a little over a year old, Helen Keller went on to lead a remarkable life.

□ 1130

She was the first blind person to receive a bachelor's degree. At the age of 22, she published her autobiography, "The Story of My Life" and went on to write 10 more books. She was an outspoken activist and proponent of women's rights as well as an advocate for people with disabilities.

Helen Keller is a superb addition to the already impressive National Statuary Hall collection. I am proud to support this resolution.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support this resolution, Mr. Speaker, to accept the statue of Helen Keller presented by the people of the great State of Alabama. I come here today not to honor a mere statue of marble or stone, but to honor a

woman of extraordinary courage, compassion and determination.

Helen Keller was born June 27, 1880, in Tuscumbia, Alabama. During only the 19th month of her young life, Helen lost not only her sight but also her hearing during an apparent bout of meningitis.

As many of us have seen in the award-winning play and the movie "The Miracle Worker," at age 7, with the help of her gifted teacher, Anne Sullivan, Helen ascertained the ability to communicate. During her young life, she worked strenuously and tirelessly to overcome her sensory impediments and help others do the same.

She attended the Perkins School for the Blind for 4 years; the Cambridge School for Young Ladies for 1; and Radcliffe College, a sister school to Harvard University, for 4 years. There she earned a bachelor of arts degree and graduated cum laude as our Nation's first deaf and blind college graduate.

Helen Keller worked tirelessly on behalf of her fellow men and women in this country and around the world: the blind, the deaf, the disabled, those seeking the right to vote, workers, and many others. A prolific author, one of her autobiographies, "The Story of My Life," has been translated into over 50 languages.

She provided vital support to organizations such as the American Foundation for the Blind, and was justly given honorary degrees from Temple University, the University of Glasgow, the University of Delhi, the University of Berlin, and the University of Johannesburg. In 1964, President Lyndon Johnson awarded her the highest possible civilian award, the Presidential Medal of Freedom. She was also honored with Brazil's Order of the Southern Cross, the Philippines' Golden Heart, and Japan's Sacred Treasure. In 1991, she was named by LIFE magazine as one of the 100 most important Americans of the 20th century.

Helen Keller will be the first person with disabilities enshrined here in our Nation's Capitol. This honor is long overdue. She was and is an inspiration to all of us regardless of our age, status, ethnicity, or background. To marvel at the dignity and beauty inherent in all human beings, to use the gifts and attributes that each of us possess to their full potential, to help our fellow citizens and human beings meet and overcome whatever fears, challenges and adversity they may face, these are the legacies of Helen Keller that will be so richly preserved by this statue in her honor.

During this time of important challenges in our country and at all times in which human beings embark and journey on the road of life, Helen Keller reminds us that "Although the world is full of suffering, it is full also of the overcoming of it" and "No pessimist ever discovered the secret of the



stars or sailed an uncharted land, or opened a new doorway for the human spirit."

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Alabama (Mr. GRIFFITH).

Mr. GRIFFITH. Mr. Speaker, I, too, rise in honor of the life and the experiences of Helen Keller.

Born in my district in Tusculumbia, the Helen Keller birthplace is a national shrine visited by thousands of Americans every year. She was a remarkable woman, had great courage, and, with the help of Anne Sullivan, learned to overcome both deafness and blindness. She said about her disability that the loss of sight separated her from objects but the loss of hearing separated her from people. She overcame these with great courage and determination, and her teacher and her constant companion, Anne Sullivan, were heroes for all of America and continue to be heroes today.

Always a constant role model for people with disabilities in America and around the globe, Mrs. Keller was a friend of many of our world leaders, recognized, as has been said, as one of the greats of the 20th century.

Soon we will celebrate her life and her experiences by unveiling a statue, and we believe that she will be permanently enshrined in the history of the life of America. Her great courage and great determination are qualities that we certainly admire and can use to this day.

I appreciate so much Governor Riley of Alabama and the entire State of Alabama in their dedication and their perseverance in getting the statue here and all the work that has gone into it. Our Alabama delegation here in the Congress as well as our Senators have taken part, and we appreciate that so much.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I now yield to the distinguished gentleman from Alabama, Congressman BACHUS, such time as he may consume.

Mr. BACHUS. The story of Helen Keller has inspired generations of Americans. It is especially meaningful for those of us from Alabama because Helen Keller is one of our own. Her statue will vividly remind us of a young girl from the rural south and how she overcame tremendous challenges to become a symbol of hope and determination for people throughout the world.

As my colleague, Mr. LUNGREN, described, Helen was not even 2 years old when illness left her unable to see or hear. That would be difficult enough for a child and for a father and mother to deal with today with all our advantages. Imagine how devastating it must have been for a family in the Deep South during the 1880s.

Some might have mistakenly assumed that Helen or a child who is blind and deaf may not aspire to do anything more than be cared for with compassion. But such is certainly not the normal mindset of children with physical limitations as many of us know. They have the same aspirations and hopes and dreams as their fellow children.

It certainly was not the case for Helen. Helen's parents also refused to accept limits on their child or on her life, just as Helen. When she grew older, they refused to be limited by her disabilities. They had a deep and strong faith that their daughter could be educated and live a full and rich life. And while Helen could not yet express that she had the same determination, ultimately this would bring them in contact with Anne Sullivan and lead to the scene which is depicted by the new statue: that miraculous moment when Helen Keller, with water running over her hands, finally understood what a word meant and that word was "water." Very few statues can tell such a moving story. This one does.

But, of course, it is only the beginning of the story of Helen Keller and what she chose to use her life for, and that was to help others. As an educator, as an advocate, as a humanitarian, she showed there is no obstacle that cannot be overcome. Her life reminds us to cherish every member of our society because each person has unique gifts and blessings from God.

The statue will be very popular, especially with children. It conveys the important message that whatever life's challenges, nothing should ever hold us back. We live in a country where you can overcome any obstacle and achieve your dreams if you work hard and possess the desire to succeed.

There were many people involved with this project that the Alabama delegation wishes to acknowledge. My colleague, PARKER GRIFFITH, has mentioned Governor Bob Riley and his wife Patsy. They were two of the guiding forces behind the statue that is such a great gift from the people of Alabama to the people of our Nation. Governor, I hope you and the First Lady look upon this as one of your proudest legacies.

Dr. Joe Busta from the University of South Alabama, who was co-chair of the Helen Keller Campaign, and his co-chair Elmer Harris, former CEO of Alabama Power.

Dr. Bob Morris and his team at the Helen Keller Foundation. Dr. Morris devotes weeks of each year to restoring sight of children who have lost their sight and is actually a miracle worker today giving the gift of sight.

Dr. Terry Graham, president of the Alabama Institute for the Deaf and Blind, and Lynne Hanner from the Institute.

Among the members who served on the Helen Keller Campaign and the

Artist Selection Committee, the Alabama delegation is honored to have three members of the Keller family: great nephew Bill Johnson, great nephew Warren Johnson, and great grand niece Keller Johnson Thompson.

And, of course, finally we recognize the outstanding work of the artist, Edward Hlavka.

We all look forward to the formal unveiling of the Helen Keller statue next Wednesday. It will be a powerful moment for those of us from the State of Alabama at our beautiful Capitol.

Let me thank Senator SESSIONS and Senator SHELBY for their support of this resolution.

Mr. BRADY of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I have no other speakers who are here, so let me just say that I rise in support of this resolution.

Helen Keller is not only a tremendous symbol of the State of Alabama and the United States, but it's not just her history that we reflect on today, it is her inspiration for those of us who are alive today.

There are some in our society—I remember Professor Peter Singer—who have suggested that some infants are not worthy of our support as human beings because they are less than the rest of us. I've often wondered if it is our failure to be able to unlock that vault in which some children find themselves where they're unable to communicate to us. And if we reflect back on Helen Keller's life, Helen Keller had that greatness within her at all times. It was the inability of the outside world to be able to communicate with her as much as it was her inability to communicate with the outside world. That should be a lesson for all of us that no child is unworthy in our society and that sometimes when we do not understand their worth, it may be our loss rather than theirs.

Think what would have happened if that great teacher of Helen Keller hadn't taken the time to be able to unlock that vault and be able to begin to communicate with that young girl. Not only how differently would Helen Keller's life had turned out, but how differently the plight of the disabled in this country and around the world would have been.

So let us not just think of Helen Keller as a historic figure for which we give her homage today and for which we will honor her with this statue, but let's think of her as a living memorial of the challenge to all of us to reach beyond that which is easy to find out the greatness that lies within every individual.

So I thank you, Mr. Speaker. I thank Chairman BRADY and the delegation of Alabama for taking up this resolution. I urge my colleagues to join me in support.



I yield back the balance of my time.

Mr. BRADY of Pennsylvania. I also thank the gentleman for his cooperation in everything we do in our committee. I do think that Helen Keller will be a great addition to Statuary Hall.

Some wise old lady told me years ago that when someone gives you lemons, you turn them into lemonade, and that's exactly what that lady did. That statue in Statuary Hall will be an inspiration to all of us.

With that, I support the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 41, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

□ 1145

#### SUPPORTING TAY-SACHS AWARENESS MONTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 692) supporting the goals and ideals of Tay-Sachs Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 692

Whereas Tay-Sachs disease is a rare, genetic disorder that causes destruction of nerve cells in the brain and spinal cord due to the poor functioning of an enzyme called hexosaminidase A;

Whereas there is no proven treatment or cure for Tay-Sachs disease, which is usually fatal in children;

Whereas the disorder was named after Warren Tay, an ophthalmologist from the United Kingdom, and Bernard Sachs, a neurologist from the United States, both of whom contributed to the discovery of the disease in 1881 and 1887, respectively;

Whereas Tay-Sachs disease often affects families with no prior history of the disease;

Whereas approximately 1 in 27 Ashkenazi Jews, 1 in 30 Louisianan Cajuns, 1 in 30 French Canadians, 1 in 50 Irish Americans, and 1 in every 250 people are carriers of Tay-Sachs disease;

Whereas approximately 1,500,000 Americans are carriers of Tay-Sachs disease;

Whereas these unaffected carriers of the disease possess the recessive gene that can trigger the disease in future generations;

Whereas if both parents of a child are carriers of Tay-Sachs disease, there is a 1 in 4 chance that the child will develop Tay-Sachs disease;

Whereas a simple and inexpensive blood test can determine if an individual is a carrier of Tay-Sachs disease, and screening for this disease should be available when clinically indicated; and

Whereas heightened awareness and public-private partnerships to find a treatment are effective ways to combat this horrific disease: Now, therefore, be it

*Resolved*, That the House of Representatives supports the goals and ideals of Tay-Sachs Awareness Month and supports a public-private partnership for education and research efforts with respect to Tay-Sachs disease.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 692, supporting the goals and ideals of Tay-Sachs Awareness Month. Tay-Sachs disease is a very rare genetic disorder that leads to the destruction of nerve cells in the brain and spinal cord. The disease is prevalent in Ashkenazi Jews, French Canadians, Louisianan Cajuns, and Irish Americans. One in 250 Americans are carriers of the disease. If both parents are carriers, there's a one in four chance that a child born will suffer from Tay-Sachs.

This is a terrible and unforgiving disease that strikes so early in life the victims don't have much of a chance. As young as 6 months old, children start presenting symptoms. They stop developing and start losing motor and mental skills, ultimately leading to paralysis and death. There's no treatment that can stop the progression of this disease. There's no cure. Because of this, Tay-Sachs is always fatal. Most children do not survive past the age of 4.

Prevention is the only remedy, and that can be accomplished through education and information. A simple blood test can indicate if a person is a carrier. With this knowledge, parents can be better prepared and aware of the chances that they have a child with this terrible disease.

The resolution before us today supports heightened awareness about and increased research on this disease. I'd like to thank my colleague, Representative ARCURI, for his work in raising this important issue. I urge my colleagues to pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 692, recognizing September as Tay-Sachs Awareness Month. Tay-Sachs disease affects the lives of almost 1.5 million Americans who are carriers of the disease.

Infants are the most vulnerable to this disease. They appear to develop normally for the first few months of life, but then, as nerve cells become distended with fatty material, a relentless deterioration of mental and physical abilities occurs. These helpless children then become blind, deaf, and unable to swallow. Muscles begin to atrophy. Paralysis sets in. Even with the best of care, children with Tay-Sachs disease usually die by the age of 4 from recurring infections.

A much rarer form of the disorder occurs in patients in their twenties and early thirties and is characterized by an unsteady gait and progressive neurological deterioration.

Unfortunately, the incidence of Tay-Sachs is particularly high among people of Eastern European and Ashkenazi Jewish descent. Patients and carriers of Tay-Sachs disease can be identified by a simple blood test. Parents of high-risk populations are encouraged to have their children screened for this gene.

Presently, there is no treatment for Tay-Sachs disease, but I would like to recognize the National Institute of Neurological Disorders and Strokes for their efforts to reduce the burden of this neurological disease. NINDS is part of the National Institutes of Health and conducts research on Tay-Sachs disease in laboratories at the NIH and also supports additional research through grants to major medical institutions across the country.

I encourage all of my colleagues to vote in favor of this resolution, Mr. Speaker, and reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the sponsor of this legislation, the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank the gentleman from New Jersey for recognizing me.

Mr. Speaker, I rise today in strong support of House Resolution 692, which recognizes this September 2009 as Tay-Sachs Disease Awareness Month. I'm proud to cosponsor this resolution, and I commend my friend from Ohio, Senator SHERROD BROWN, for spearheading a companion resolution in the Senate.

Tay-Sachs disease is a progressive neurological disorder for which there is no known treatment or cure. The most common form affects infants who appear healthy at birth and seem to develop normally at first, but at around 6 months the symptoms of the disease begin to appear. The baby gradually begins to regress, losing the ability to crawl, turn over, sit, or reach out. Eventually, as paralysis sets in, the child becomes blind, deaf, and unable

to swallow. Tragically, few infants born with Tay-Sachs live past the age of 5.

This terrible disease appears most often in families with no prior history because the Tay-Sachs gene can be carried through many generations without being expressed. However, when two carriers of the gene become parents, there is a one-in-four chance that any child they will have will be born with the disease.

While about 1.5 million Americans are carriers of the Tay-Sachs gene, certain populations are much more at risk. About 1 in every 30 American Jews and 1 in 50 Irish Americans is a carrier. French Canadians, Louisiana Cajuns, and Pennsylvania Dutch are also high-risk populations.

It is easy to reduce this terrible disease like Tay-Sachs to statistics, but there is a human story behind statistics that we must not overlook. My wife's son, Joey Deon, was born a happy, healthy baby. There was no warning he would be afflicted by this terrible disease, but at the age of 1, he began to show symptoms.

His mother, like many parents of children with Tay-Sachs, was the first to notice that something was wrong. She sat through many tests and the awful day they were told that Joey had Tay-Sachs. She was forced to watch a once active healthy, happy baby slowly lose sight, hearing, and muscle control.

Joey passed away in his sleep 1 month before his fifth birthday. We were thankful he died peacefully in his sleep shortly after his mother held him and fed him for the last time. Not all deaths from Tay-Sachs are peaceful. Some can be quite long and agonizing.

Mr. Speaker, a simple blood test can identify carriers of Tay-Sachs genes before they have children, but very few people, including those in high-risk populations, are aware of the availability of this test. This critical and relatively inexpensive test can identify carrier couples before the tragedy occurs. It is a test that my own health insurance, incredibly, did not cover, and I had to pay for myself. But it's a test that primary care physicians should be aware of and discuss with high-risk populations.

Raising awareness of this terrible disease is important, but it is critical that we also put words into actions. Millions of Americans suffering from rare diseases like Tay-Sachs, and more common diseases like cancer, stand to benefit from an expanded Federal commitment to stem cell research. We must also continue to increase funding for the National Institutes of Health. Federal support for cutting-edge biomedical research will make treatments and cures for diseases like Tay-Sachs a reality.

Mr. Speaker, I urge my colleagues today to support House Resolution 692 and Tay-Sachs Disease Awareness Month.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in strong support of H. Res. 692, supporting the goals and ideals of Tay-Sachs Awareness Month, and I thank my good friend from New York, Mr. ARCURI, for introducing this important resolution, as well as all of my colleagues who, like me, have added their name as a cosponsor.

Tay-Sachs disease is a rare, genetic disorder that lacks a proven treatment or cure. It attacks the nerve cells in the brain and spinal cord of children with fatal results. The deterioration starts at 6 months of age and usually ends with death by age four.

Everyone in this distinguished chamber would agree that this fate should never fall on a child or the parents. Yet this genetic disease disproportionately impacts specific ethnic groups. Approximately 1 in 27 Ashkenazi Jews, 1 in 30 Louisianan Cajuns, 1 in 30 French Canadians, and 1 in 50 Irish Americans are carriers of this gene. If the parents of a child are both carriers of Tay-Sachs disease, then the child has a 1 in 4 chance of developing the disease.

My wife, Dori, and her family were personally affected by this terrible disease. Both parents were carriers, and as a result, my wife's sister developed Tay-Sachs as a baby. It was a terrible tragedy to see a life so young taken from them, and it's a reminder to me that our work here in the United States Congress must include a long-term commitment to curing diseases like Tay-Sachs, so every child can have an opportunity to grow up and live the American Dream.

H. Res. 692 will help in this crusade by bringing important attention to Tay-Sachs disease and supporting the goals and ideals of Tay-Sachs Awareness Month. I thank the lead sponsor, Mr. ARCURI, again for introducing this important resolution and urge its passage.

Mr. TERRY. Mr. Speaker, we have no further speakers, and so I'm prepared to yield back the balance of our time.

Mr. PALLONE. Mr. Speaker, I, too, have no additional speakers, so I would yield back the balance of my time and ask for passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 692, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING HILLERICH & BRADSBY CO. ON 125TH ANNIVERSARY OF LOUISVILLE SLUGGER

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 314) honoring and

saluting Hillerich & Bradsby Co. on the 125th anniversary of the Louisville Slugger.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 314

Whereas John Andrew "Bud" Hillerich made the first Louisville Slugger, originally known as the "Falls City Slugger", for Pete "The Old Gladiator" Browning of the Louisville Eclipse in Louisville, Kentucky, in 1884; Whereas Hillerich & Bradsby Co. is a fifth-generation, family-owned company celebrating its 125th anniversary;

Whereas today the Louisville Slugger is the Official Bat of Major League Baseball, having had more than 8,500 professional baseball players under contract, beginning in 1905 with Honus Wagner, and including Hall of Fame members such as Ty Cobb, Babe Ruth, Lou Gehrig, Joe DiMaggio, Stan Musial, Mickey Mantle, Jackie Robinson, Roberto Clemente, Hank Aaron, and Louisville's own Pee Wee Reese;

Whereas Hillerich & Bradsby Co. has made over 100,000,000 Louisville Slugger bats in 125 years and currently makes approximately 1,800,000 bats, including souvenir bats, yearly;

Whereas 80 percent of National Baseball Hall of Fame hitters were under contract with Louisville Slugger;

Whereas 60 percent of today's Major League Baseball players use Louisville Slugger bats;

Whereas since 1884, Hillerich & Bradsby Co. has expanded production to include aluminum bats, the PowerBilt golf club, baseball and softball gloves and mitts, hockey sticks, and a variety of anatomical and ergonomic gloves;

Whereas in 1996, Hillerich & Bradsby Co. opened the Louisville Slugger Museum and Factory, the first museum devoted to hitters, including executive offices, wood bat plant, and a world class museum, in downtown Louisville, just 10 blocks away from where Bud Hillerich made the first Louisville Slugger in 1884; and

Whereas the Louisville Slugger name is synonymous with baseball, evoking excitement and nostalgia among ball players of all ages and skill levels: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates and salutes Hillerich & Bradsby Co. on the 125th anniversary of the Louisville Slugger; and

(2) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Hillerich & Bradsby Co. for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 314, honoring and saluting Hillerich & Bradsby Co. on the 125th anniversary of the Louisville Slugger. Louisville Slugger, as the company is more commonly known, is widely considered an American icon, with a long and treasured record throughout baseball history. But Hillerich & Bradsby Co. began as a little-known small business, just like many small businesses in America today. Only after many years of dedication and refined work did the Louisville Slugger become the cherished bat of countless Americans.

Since its inception, Hillerich & Bradsby has produced approximately 100 million Louisville Sluggers, and currently makes roughly 1.8 million bats a year. Today, the Louisville Slugger is the official bat of Major League Baseball and is used by 60 percent of today's Major League Baseball players. It has also been used by 80 percent of all National Baseball Hall of Fame hitters such as Babe Ruth, Mickey Mantle, Jackie Robinson, Roberto Clemente, and Hank Aaron. It's virtually impossible to witness a ball game and not see a Louisville Slugger bat in use.

I'm pleased to join my colleagues today in congratulating Hillerich & Bradsby Co. on the 125th anniversary of the Louisville Slugger.

I reserve the balance of my time.

Mr. TERRY. I yield myself such time as I may consume.

I rise today in saluting Hillerich & Bradsby Co. on the 125th anniversary of the Louisville Slugger. It has been 125 years since Bud Hillerich crafted the very first Louisville Slugger for Pete Browning of the Louisville Eclipse. Since that time, the Louisville Slugger has sold more than 100 million bats, making it without question the most popular bat brand in baseball history.

The Louisville Slugger continues to dominate the game in both wood and aluminum bat categories, with 60 percent of all Major League players currently using the Louisville Slugger. Because the average Major League Baseball player goes through more than 100 bats in a season, each year more than 1 million bats are made at its factory in Louisville. At the factory's peak production, they are able to produce 1,500 bats to a specific player's request per day.

The factory in downtown Louisville is much more than just your average factory and carries with it an air of tradition and nostalgia from Hall of Fame players like Ty Cobb, Babe Ruth, Lou Gehrig, and even today's pros like Kevin Youkilis and Derek Jeter.

In 1996, the Louisville Slugger Museum and Factory was opened to the public, and it's hard to miss the museum's 120-foot-tall Louisville Slugger

that leans onto the brick building. Once inside of the museum, tourists are able to witness the entire process of creating a wooden bat from northern white ash or maple, test different model bats in a batting cage, and read about the history of players from the past.

□ 1200

In recent years, Louisville Slugger has gone far beyond bats, providing performance technology in the form of fielding and batting gloves, helmets, catchers' gear, equipment bags, training aids and accessories. In addition to its on-field performance products, Louisville Slugger offers personalized, miniature, commemorative and collectible bats. Perhaps we'll see one here soon. I would like to commend the Hillerich & Bradsby Company on their 125th anniversary of the Louisville Slugger and applaud the great success they've had with on-field performance products.

I would also like to recognize Congressman YARMUTH of Kentucky for his work on this resolution and hope that many more vacationers will enjoy the museum and factory tour experience. I stand in support of this legislation and hope that my colleagues will join me.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the sponsor of the legislation, the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank the gentleman from New Jersey, and I also thank the gentleman from Nebraska for his kind remarks.

Mr. Speaker, I rise today in celebration of a genuine American icon, a piece of history that was instrumental in the development of the great American pastime, a tool that helped make ballplayers into folk heroes, and a treasure that gave every kid with a dream the chance to hold a piece of the big leagues in their very hands.

Today we consider H. Res. 314, a resolution to commemorate the 125th anniversary of the Louisville Slugger, the official bat of Major League Baseball, manufactured by Hillerich & Bradsby in their beautiful factory in downtown Louisville, Kentucky. The Louisville Slugger is synonymous with the crack of the bat on a summer afternoon, and it is forever linked to the greatest who ever played the game of baseball. Eighty percent of the inductees in the Baseball Hall of Fame swung a Louisville Slugger, 60 percent of all Major Leaguers do the same today.

On the label of every Louisville Slugger is the number 125 because the wood from white ash trees grown in Pennsylvania and New York, wood known for its strength and resiliency, is graded at 125. Now that number takes on additional significance, marking 125 years since the first Louisville Slugger was produced.

The story goes that back in 1884, Pete Browning, the star player on the Louisville Eclipse baseball club, broke his bat in the middle of a hitting slump. Then 17-year-old Bud Hillerich invited Browning back to his father's woodworking shop with a promise of a new hand-crafted bat. Hillerich's creation suited Browning perfectly, and Browning had three hits the very next game, bragging about his fortune to his teammates who soon swarmed Hillerich's woodworking shop to get a bat of their own. After a little persuading, Bud Hillerich convinced his father to focus on bat-making full time, and the company made the change from producing stair rails and butter churns to Louisville Sluggers.

Thousands of ballplayers of every age have since swung the Louisville Slugger at every level of the game, including many of the all-time greats: Ty Cobb, Babe Ruth, Joe DiMaggio, Mickey Mantle, Jackie Robinson, Roberto Clemente, Hank Aaron and Louisville's own, Pee Wee Reese.

Each player specified the measurements for the bat they wanted, and Louisville Slugger developed a unique model that was their own. Ted Williams, one of the greatest hitters of all time, personally traveled to the factory in Louisville throughout his career to pick out his bats. Not by coincidence, he broke the coveted .400 batting average barrier in three seasons and had a career average of .344. Ted acknowledged that he had a little help, famously saying, "I would have been a .290 hitter without Louisville Slugger."

This resolution is a commemoration of the legacy of the Louisville Slugger but also the success of Hillerich & Bradsby, a company that remains committed to Louisville after 125 years. That commitment translates into a lasting impact on our region, with the jobs the company creates at its factory and museum and the economic benefit that comes from thousands of visitors who travel to Louisville every year to see the place where the Slugger is made. Louisvillians take great pride in the fact that the slugger is created in our own backyard, and all of us should take great pride in a company that was built 125 years ago on the American spirit of entrepreneurship and is, itself, now one of our great American icons.

I am honored to celebrate the legacy of the Louisville Slugger and the Hillerich & Bradsby Company, and I urge my colleagues to join me in supporting this resolution.

Mr. TERRY. I think for the TV viewers, it's important to note that Mr. YARMUTH isn't that short. It's that the bat is that big.

Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. PALLONE. Having no additional speakers, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 314.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### DELAYING MEDICARE ACCREDITATION REQUIREMENT DATE

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3663) to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3663

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION OF MEDICARE DME ACCREDITATION DEADLINE FOR CERTAIN PHARMACIES.

(a) IN GENERAL.—Section 1834(a)(20)(F)(i) of the Social Security Act (42 U.S.C. 1395m(a)(20)(F)(i)) is amended by inserting before the semicolon the following: “, except that the Secretary shall not require under this clause pharmacies to obtain such accreditation before January 1, 2010”.

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w-3).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Presently under Medicare, pharmacies supply Medicare beneficiaries with durable medical equipment, or DME, such as canes, crutches and diabetes testing strips. Pharmacists not only provide access to these items but also provide critical services, such as counseling on patient compliance and adherence, which often results in improved health outcomes.

In spite of the important and positive role that many pharmacists play in the Medicare DME program, in the past there has been a lot of fraud and abuse that has occurred in the world of DME supply. Accordingly, Congress stepped in and imposed new requirements on DME suppliers that would help rout out fraud, waste and abuse. One of the requirements is to require suppliers of durable medical equipment to obtain quality accreditation by October 1, 2009, or this Thursday, tomorrow.

Requiring DME suppliers to be accredited would help ensure that the integrity of the Medicare program is protected and makes sure that beneficiaries have access to quality services and supplies. Unfortunately, as pharmacists have tried to comply with this new requirement, those charged with providing accreditation have been unable to keep up with the demand.

Accordingly, a backlog of applications now exists, and there is little hope of having them completed by this week's deadline. If we do nothing, Mr. Speaker, countless pharmacies across the country will be left in limbo, possibly causing problems for beneficiaries seeking to access the DME supplies that they need. Congress should do everything it can to avoid this kind of disruption. The health reform bill provides some relief in this area, but its details are still being worked out.

That's why I urge my colleagues on both sides of the aisle to support this commonsense measure which will temporarily delay the accreditation requirement from taking effect. Congress can fine-tune the health care reform legislation to address any remaining problems after January 1, which is the new deadline.

I want to thank my colleague on the Energy and Commerce Committee, Mr. SPACE of Ohio, for spearheading this effort, as well as Representatives JO ANN EMERSON, MARION BERRY and JERRY MORAN.

I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 3663, a bill to delay the date for accreditation of durable medical equipment suppliers for 90 days. I want to thank my colleague from Ohio (Mr. SPACE) for bringing this legislation to the floor today and to correct a provision in the Medicare Improvements for Patients and Providers Act of 2008. That law, which was approved by the House last year, required suppliers of durable medical equipment, DME, to get accreditation before applying to the Centers for Medicare & Medicaid Services to meet the quality standards before being awarded a contract under the Medicare DMEPOS competitive bidding program. The law carved out an exemption for certain physicians and other treating practitioners and also gave the Secretary of HHS the authority to exempt others.

By regulation, CMS determined that pharmacists would fall under this exemption and not be required to obtain accreditation in order to sell durable medical equipment to consumers. Brick and mortar pharmacies, however, would be subject to CMS accreditation under the CMS rules.

The bill would fix this problem and extend the period of time for CMS to complete the accreditation process for those pharmacies that have filed their paperwork. The bill also includes language clarifying that the 90-day extension would not apply to those suppliers wishing to participate in competitive bidding for certain durable medical equipment.

The issue that is facing us here today is that only about 43 percent of the pharmacies have actually had their inspection and review, leaving 50 percent of them out there dangling because of the backlog from the inspections. So hopefully within the next 90 days from this extension, we'll be able to get caught up, and all of them will be able to continue to sell durable medical goods to the patients who require such goods.

Therefore, I encourage all of my colleagues to vote “yes” for this. Again, I want to thank Mr. SPACE, Chairman WAXMAN, Ranking Member BARTON, and Mr. PALLONE for acting so quickly on this when Mr. SPACE and I brought it up last week for attention.

With that, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. SPACE), who is the sponsor of this legislation.

Mr. SPACE. Mr. Speaker, I rise in support of H.R. 3663, legislation that I introduced with my friend, Mr. TERRY from Nebraska, which will delay implementation of accreditation requirements imposed on America's pharmacies who offer service to Medicare beneficiaries. I think that my colleague from Nebraska as well as my colleague, Chairman PALLONE from New Jersey, have done an ample job explaining the predicament that we find ourselves in with regards to the accreditation and surety bond requirements that will be imposed effective tomorrow.

Certainly, I would like to extend my gratitude to Chairman WAXMAN, Ranking Member BARTON, of course Chairman PALLONE, and others as well for their assistance in providing us with a prompt forum for consideration.

What I would like to do is spend just a moment explaining what the implications of failure to act may be on the millions of Medicare beneficiaries across the country. Ohio's 18th Congressional District is an entirely rural part of the country. Some of our counties, Morgan County, Ohio, for example, is served by one pharmacist, one pharmacy in the entire county. If that

pharmacy, as an example, were to lose its ability to provide things like diabetic test strips to its patients, those patients would be required to drive up to an hour just to get to a pharmacy where they sell those.

The net effect of that would be that people will not be able to buy diabetic test strips, people that need them desperately. One of the issues that has been lost in the ongoing debate regarding health care reform in this country has been the challenges that rural America faces in accessing adequate health care.

As is the case with so many other issues, whether it be access to technology, access to education, access to infrastructure, we in rural America suffer from a lack of access to health care. We cannot afford to suffer any further, and this legislation will help overcome one of those challenges.

So I urge my colleagues on both sides of the aisle for prompt passage today. I think it's also worth noting that this issue is addressed in H.R. 3200; but because of this House's intent to thoroughly deliberate that legislation, we've not been able to see passage to this point. I look forward to working with my colleague from Nebraska and my colleagues on both sides of the aisle in resolving this issue promptly.

Mr. TERRY. I thank the gentleman from Ohio for his kind comments. I appreciate it very much, and I enjoyed working with him.

At this time I yield 4 minutes to the gentleman from Kansas (Mr. MORAN), one of the co-chairs of the House Pharmacy Caucus.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Nebraska and the gentleman from Ohio for this legislation. I am a supporter of H.R. 3663. In Kansas and across America, the relationship between pharmacists and patients is a vital part of the way we deliver health care. Patients depend upon pharmacists for information counseling to ensure that they receive quality products and medical services.

□ 1215

My mom and dad are 92 and 93 and still live in my hometown of Plainville, Kansas, a town of about 1,900 people. My dad can be stubborn about going to the doctor because the doc may tell him he's not 100 percent healthy. But my dad has morning coffee with Keith Unrein, our local pharmacist, and Keith keeps a watchful eye on my dad's health. Access to pharmacies and other health care services determines whether Plainville and other Kansas towns survive and flourish, and we must protect and foster these health facilities.

The Centers for Medicare and Medicaid Services has required pharmacies that provide diabetes testing supplies and other medical equipment to obtain accreditation by October 1, 2009, in order to dispense these important sup-

plies to Medicare patients. H.R. 3663, as we have heard, will extend this accreditation deadline to January 1 and give Congress the time it needs to better address this issue.

Many Kansans live in areas with too few doctors and nurses to meet their primary care needs. At the same time, the average age of Kansans is getting older. Often pharmacists are Kansans' most direct link for health information and counseling and the only place for miles that we can obtain much-needed medical equipment to keep us healthy.

However, according to CMS's own estimate, 25,000 medical equipment suppliers will exit the Medicare program due to this new accreditation requirement. We should be encouraging our pharmacies and other medical professionals to provide care to their communities, not burden them with cost-prohibitive regulatory requirements that do not increase patient safety or expand access for these patients.

In conclusion, Mr. Speaker, I urge passage of this bill to protect Medicare beneficiaries' access to their necessary medications and supplies from their trusted pharmacist.

Mr. TERRY. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. HERGER), member of the Ways and Means Committee, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3663, which very simply delays the quality accreditation requirements for pharmacies until no sooner than January 1, 2010. Without this legislation, accreditation requirements would go into effect tomorrow and many pharmacies would not be able to supply our Medicare beneficiaries with needed, durable medical equipment such as diabetes testing strips or canes.

I've heard from a number of independent pharmacies in my rural northern California district who have expressed serious concerns about the cost of complying with this new regulation. In many cases, these pharmacies are the only source of basic medical supplies for miles around and they are already strapped for cash because of reimbursement charges at the Federal and State level. Along with many of my colleagues on both sides of the aisle, I have taken the position that State-regulated pharmacies should be completely exempted from the accreditation requirement. At a minimum, I believe all Members can support a short delay in the deadline.

Certain eligible professionals, such as physicians, are exempt from the requirement for DME suppliers to be accredited as compliant with quality

standards. Although pharmacists themselves would be exempt for purposes of DME, it's the physical pharmacy that has the Medicare provider number, and the Centers for Medicare and Medicaid Services, CMS, did not exempt pharmacies from the accreditation requirement.

Mr. Speaker, we must make it a priority to reduce waste, fraud, and abuse in Medicare, and we need strong quality standards for DME suppliers. There are simply too many cases of fly-by-night suppliers who have defrauded the Medicare program and the taxpayers by submitting millions of dollars in fake claims for power wheelchairs and other high-end DME.

However, most pharmacies do very little DME business, mostly involving small items like diabetes testing supplies. In addition, pharmacies are regulated at the State level, so those that engage in questionable activities can be identified and prosecuted. I'm confident that the quality accreditation program, with a reasonable exemption for pharmacies, will greatly reduce the \$1 billion Medicare spent in 2007 in improper payments for medical equipment and supplies, and I will continue to support the program.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. I thank my friend from California for leading on the issue of health care and for yielding me time.

Mr. Speaker, as a physician, I have passionately worked, since the moment I began in public service and even before then, for positive solutions in the area of health care, solutions that allow patients to have the highest quality of care. And in debate here on the floor of the House especially in the area of health care, Americans are anxious for open and honest deliberation and discussion, which is why what occurred on the floor last night was so very, very troubling.

Mr. Speaker, as you may know, Representative GRAYSON from Florida came to the floor for a speech and said that the Republican plan for health care is for Americans to, and I quote, "die quickly." In fact, he concluded his remarks by saying, "Remember, the Republican plan: Don't get sick. And if you do get sick, die quickly."

Mr. Speaker, it's that type of presentation that debases and denigrates our proceedings here in the House and it does a disservice to all Americans.

I have a privileged resolution that I'm not going to introduce today, but it's a resolution that parallels the previous resolution that was handled here in the House, that calls on the House to

recognize that that kind of behavior is disapproved of by the House of Representatives. But in an effort to try to give the Representative from Florida, Mr. GRAYSON, an opportunity to recognize that his comments were, in fact, a breach of decorum, we respectfully request that he apologize to our leader. And I call on all Democrat Members of the House and all Democrat leaders to demand that he apologize, just as one of our Members did earlier.

Mr. Speaker, the American people want open and honest discussion, yes, but they want respectful discussion. We call on Mr. GRAYSON to apologize. Mr. Speaker, it's the right thing to do.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HERGER. Mr. Speaker, this is a good, commonsense bill with broad support from both Democrats and Republicans. This is an example of the way that health care policy should be handled in this Congress. I urge an "aye" vote.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, in closing, I just want to mention that my colleague Mr. STARK, from the Ways and Means Committee, wanted to speak in favor of this bill but was unable to be here. I also neglected to thank Mr. TERRY, who was the lead Republican sponsor of the legislation.

I urge passage of the bill.

Mr. POMEROY. Mr. Speaker, I rise in support of H.R. 3663, bipartisan legislation that I introduced with Congressmen ZACH SPACE (D-OH) and LEE TERRY (R-NE) which will delay implementation of flawed accreditation requirements imposed on America's pharmacies who offer service to Medicare beneficiaries.

Starting tomorrow pharmacies will be required to meet new accreditation requirements in order to participate in Medicare's Durable Medical Equipment Prosthetics, Orthotics and Supplies (DMEPOS) program. This program ensures that seniors covered under Medicare have access to critical medical supplies and Part B medications.

I have heard first hand from pharmacists across my state of North Dakota about the negative impact saddling these new costly and burdensome accreditation requirements will have on seniors' access to supplies and medications that pharmacists provide, especially diabetes testing strips. These local pharmacists have been faced with the tough choice of spending thousands of dollars they do not have to fulfill these accreditation requirements or leave seniors with no affordable access to the critical supplies and medications they need.

Both the House and Senate have included in their health care reform proposals important changes to these flawed regulations that will protect seniors' access to their medications and supplies. However, we have not yet been able to complete consideration of this legislation before the October 1st effective date.

By enacting H.R. 3663, which provides a three month extension of the DMEPOS accreditation requirement date for pharmacies, we will be providing Congress the additional time it needs to reform these important rules. Doing so will enable seniors to continue receiving valuable health care products at community pharmacies without disruption.

H.R. 3663 is important legislation that will protect America's Medicare beneficiaries. Leadership did the right thing bringing this important legislation to the House floor and I urge my colleagues to support it.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 3663.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### FOREIGN EVIDENCE REQUEST EFFICIENCY ACT OF 2009

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1289) to improve title 18 of the United States Code.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1289

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Evidence Request Efficiency Act of 2009".

#### SEC. 2. IMPROVEMENTS TO TITLE 18.

Title 18 of the United States Code is amended—

(1) in section 2703—

(A) in subsection (a), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction";

(B) in subsection (b)(1)(A), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction"; and

(C) in subsection (c)(1)(A), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction";

(2) in section 2711(3), by striking "has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation; and" and inserting the following: "includes—

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals that—

"(i) has jurisdiction over the offense being investigated;

"(ii) is in or for a district in which the provider of a wire or electronic communication service is located or in which the wire or electronic communications, records, or other information are stored; or

"(iii) is acting on a request for foreign assistance pursuant to section 3512 of this title; or

"(B) a court of general criminal jurisdiction of a State authorized by the law of that State to issue search warrants; and";

(3) in section 3127(2)(A), by striking "having jurisdiction over the offense being investigated;" and inserting the following: "that—

"(i) has jurisdiction over the offense being investigated;

"(ii) is in or for a district in which the provider of a wire or electronic communication service is located;

"(iii) is in or for a district in which a landlord, custodian, or other person subject to subsections (a) or (b) of section 3124 of this title is located; or

"(iv) is acting on a request for foreign assistance pursuant to section 3512 of this title;";

(4) in chapter 223, by adding at the end the following:

#### "§ 3512. Foreign requests for assistance in criminal investigations and prosecutions

"(a) EXECUTION OF REQUEST FOR ASSISTANCE.—

"(1) IN GENERAL.—Upon application, duly authorized by an appropriate official of the Department of Justice, of an attorney for the Government, a Federal judge may issue such orders as may be necessary to execute a request from a foreign authority for assistance in the investigation or prosecution of criminal offenses, or in proceedings related to the prosecution of criminal offenses, including proceedings regarding forfeiture, sentencing, and restitution.

"(2) SCOPE OF ORDERS.—Any order issued by a Federal judge pursuant to paragraph (1) may include the issuance of—

"(A) a search warrant, as provided under Rule 41 of the Federal Rules of Criminal Procedure;

"(B) a warrant or order for contents of stored wire or electronic communications or for records related thereto, as provided under section 2703 of this title;

"(C) an order for a pen register or trap and trace device as provided under section 3123 of this title; or

"(D) an order requiring the appearance of a person for the purpose of providing testimony or a statement, or requiring the production of documents or other things, or both.

"(b) APPOINTMENT OF PERSONS TO TAKE TESTIMONY OR STATEMENTS.—

"(1) IN GENERAL.—In response to an application for execution of a request from a foreign authority as described under subsection (a), a Federal judge may also issue an order appointing a person to direct the taking of testimony or statements or of the production of documents or other things, or both.

"(2) AUTHORITY OF APPOINTED PERSON.—Any person appointed under an order issued pursuant to paragraph (1) may—

"(A) issue orders requiring the appearance of a person, or the production of documents or other things, or both;

"(B) administer any necessary oath; and

"(C) take testimony or statements and receive documents or other things.

"(c) FILING OF REQUESTS.—Except as provided under subsection (d), an application for execution of a request from a foreign authority under this section may be filed—



“(1) in the district in which a person who may be required to appear resides or is located or in which the documents or things to be produced are located;

“(2) in cases in which the request seeks the appearance of persons or production of documents or things that may be located in multiple districts, in any one of the districts in which such a person, documents, or things may be located; or

“(3) in any case, the district in which a related Federal criminal investigation or prosecution is being conducted, or in the District of Columbia.

“(d) SEARCH WARRANT LIMITATION.—An application for execution of a request for a search warrant from a foreign authority under this section, other than an application for a warrant issued as provided under section 2703 of this title, shall be filed in the district in which the place or person to be searched is located.

“(e) SEARCH WARRANT STANDARD.—A Federal judge may issue a search warrant under this section only if the foreign offense for which the evidence is sought involves conduct that, if committed in the United States, would be considered an offense punishable by imprisonment for more than one year under Federal or State law.

“(f) SERVICE OF ORDER OR WARRANT.—Except as provided under subsection (d), an order or warrant issued pursuant to this section may be served or executed in any place in the United States.

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude any foreign authority or an interested person from obtaining assistance in a criminal investigation or prosecution pursuant to section 1782 of title 28, United States Code.

“(h) DEFINITIONS.—As used in this section, the following definitions shall apply:

“(1) FEDERAL JUDGE.—The terms ‘Federal judge’ and ‘attorney for the Government’ have the meaning given such terms for the purposes of the Federal Rules of Criminal Procedure.

“(2) FOREIGN AUTHORITY.—The term ‘foreign authority’ means a foreign judicial authority, a foreign authority responsible for the investigation or prosecution of criminal offenses or for proceedings related to the prosecution of criminal offenses, or an authority designated as a competent authority or central authority for the purpose of making requests for assistance pursuant to an agreement or treaty with the United States regarding assistance in criminal matters.”; and

(5) in the table of sections for chapter 223, by adding at the end the following:

“3512. Foreign requests for assistance in criminal investigations and prosecutions.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SCHIFF) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced the Foreign Evidence Request Efficiency Act in July with my colleague Representative DAN LUNGREN from California.

The bill before us today, S. 1289, is an identical companion bill introduced by Senators WHITEHOUSE, SESSIONS, and LEAHY, and passed by the Senate on July 10, 2010. I would like to commend Senator WHITEHOUSE for his leadership on this issue and thank him for the opportunity to work with him, given our shared experience as former Federal prosecutors, to address this matter.

Mr. Speaker, as we know, crime knows no borders. A fraud committed in France may involve banks and financial records located here in the United States. Modern technology links the countries of the world more and more, and the need for international cooperation in fighting crime increases.

The U.S. routinely assists foreign law enforcement agencies in the investigations in the same way that foreign law enforcement entities assist the United States with its investigations. When a foreign law enforcement agency makes a request for evidence in the United States, such as financial records or Internet records or other evidence, U.S. attorneys review the requests and, upon approval, seek warrants for the evidence. When the evidence is collected, it is then transmitted to foreign authorities.

The current process, though, is very cumbersome. Under existing law, international requests for evidence are processed under civil practice rules that require prosecutors to file in every district in which evidence or a witness may be found. For example, evidence sought for one criminal matter may involve financial records housed in banks in several different Federal judicial districts, in several different States, Internet records in more than one district, and other evidence spread over many districts and States. So, under current law, over a dozen different U.S. attorneys' offices could have to work on an evidence request for a single case. Several district courts would also have to be involved. This process is inefficient, it's burdensome, and makes little sense for Federal prosecutors across the country or for the interests of justice.

The Foreign Evidence Request Efficiency Act would rectify this situation by allowing foreign evidence requests to be handled centrally, ideally by one or two U.S. attorney offices. Specifically under the proposal, a legitimate request for assistance can be filed in the District of Columbia, in any of the districts in which any of the several records or witnesses are located, or in any district in which there is a related Federal criminal case already being

conducted. Courts will continue to act as gatekeepers to make sure that requests for foreign evidence meet the same standards as those required in domestic cases.

But by streamlining the evidence collection process, the U.S. will be able to more quickly respond to foreign evidence requests. These efforts will assist us with our investigations as foreign authorities will be urged to respond in kind to our evidence requests in a speedy manner.

In addition, the current authority to respond to foreign evidence requests is found in a patchwork of treaties, the inherent power of the courts, and analogous domestic statutes. This legislation would provide clear statutory authority in one place.

The legislation before us is strongly supported by the Department of Justice. The Department believes the changes in this bill will facilitate the ability of the United States to assist in foreign investigations, prosecutions, and related proceedings involving organized crime, trafficking in child pornography, intellectual property violations, identity theft, and all other serious crimes.

Mr. Speaker, the important changes in this bill will greatly improve our crime-fighting abilities and that of our allies. I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 1289, the Foreign Evidence Request Efficiency Act of 2009. I would like to commend Congressman SCHIFF and Congressman LUNGREN for sponsoring the companion bill in the House, H.R. 3133.

S. 1289 improves the ability of the United States to assist foreign governments with criminal investigations. Drug trafficking, organized crime and international child pornography rings utilize a complex web of bank accounts, Internet sites and other techniques to hide their illegal, criminal acts.

These foreign conspiracies often use financial institutions and Internet providers across the globe, including in the United States. Foreign governments enlist the assistance of Federal prosecutors to gather evidence from U.S. companies. These foreign governments routinely do the same for us in their countries.

Unfortunately, this process is not as easy as it may seem. Under current American law, foreign evidence requests must be processed in the district where the evidence resides. So an international fraud scheme that funneled money through a dozen banks across the United States would require assistance from a dozen U.S. Attorney's Offices and Federal courts. This imposes



an unnecessary and costly burden on our criminal justice system.

The Foreign Evidence Request Efficiency Act simplifies this process by allowing foreign evidence requests to be streamlined through one single U.S. Attorney's office or perhaps a few offices if necessary. The act amends the Federal criminal code to allow evidence requests to be processed through a court with jurisdiction over the evidence, including where a bank or a communication provider is located. Under current law, only courts with jurisdiction over the offense may grant an order for disclosure of records.

S. 1289 does not change the types of evidence that may be requested by foreign governments nor weaken the procedures for obtaining the evidence. The act reduces paperwork, red tape and bureaucracy for obtaining the evidence. The bill also allows prosecutors to process foreign evidence requests more quickly. Delays in evidence collection can mean the difference between shutting down a criminal enterprise or watching it fade into the shadows.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SCHIFF. Mr. Speaker, may I inquire of my colleague from Texas how many speakers he has remaining.

Mr. POE of Texas. We have one, Mr. LUNGREN, if he gets here, but other than that, he is the only other speaker.

Mr. SCHIFF. Mr. Speaker, I will reserve the balance of my time.

Mr. POE of Texas. Well, Mr. Speaker, I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, I would be happy to engage in a colloquy with my colleague if it would help Mr. LUNGREN. I appreciate his support on this legislation, and I have enjoyed the opportunity to work with Mr. LUNGREN on this. Of course, I want to particularly acknowledge my colleague in the Senate, SHELDON WHITEHOUSE, for his leadership as well as Senators SESSIONS and LEAHY. I'm hoping that this will take some of the burden off the U.S. Attorney's offices around this country and speed our ability to handle these foreign requests, and thereby I hope we will see reciprocity in our requests of these other countries that they act expeditiously.

I would be happy to yield to my colleague.

Mr. POE of Texas. I thank the gentleman for yielding. As a former judge, sometimes the bureaucracy gets in the way of justice because of the fact that there are so many entities involved. Streamlining the process in this legislation will allow foreign governments to help us on international organized crime rings, yet protect the dignity of the Constitution as well.

I do not expect that Mr. LUNGREN will be here, so I would yield back to the gentleman.

Mr. SCHIFF. I thank the gentleman for yielding, and I know if Mr. LUNGREN were here, he would make some unnecessarily gracious remarks in my direction. They are reciprocated. Once again, I thank him for his work.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today we live in a interconnected world where United States law enforcement agencies routinely help foreign law enforcement as they pursue criminal conduct outside their borders within the United States. I might add that U.S. law enforcement has an identical need for cooperation from their foreign counterparts. This cooperation is essential as we work together to build cases against international organized crime organizations, drug cartels, purveyors of child pornography on the Internet, and other criminal threats from outside our borders.

On a regular basis the United States receives requests for assistance in gathering evidence within our borders. For example, when French authorities collect relevant domestic evidence they may discover the likelihood of critical evidence within the United States. In such a case they would submit a request to us for financial records, Internet records, and various other kinds of evidence which they have determined to be relevant to making their case. U.S. Attorneys review the requests and then seek warrants for the evidence as appropriate. When the evidence is collected, the United States transmits it to French authorities, leading to prosecution in French courts.

Unfortunately, what should be a simple process is compounded by bureaucratic rules with unintended consequences. This is because under the existing rules, any foreign evidence request must be split up and sent to each district where the evidence exists. So take the French example I just gave, and imagine that the financial records sought are in banks in six different federal judicial districts, that the Internet records are in another five federal judicial districts, and that other documentary evidence is spread over another five districts. Under existing law, sixteen different U.S. Attorneys' Offices would have to work on the evidence request.

The Foreign Evidence Request Efficiency Act would address this problem by allowing such foreign evidence requests to be handled centrally, by a single or more limited number of U.S. Attorneys' offices as appropriate. Rather than sixteen U.S. Attorneys' offices being involved the entire operation would be coordinated by one United States Attorney's office.

S. 1289 would not alter the type of evidence which may be sought and would therefore have no adverse impact on civil liberties. This legislation would merely eliminate an entirely unnecessary paperwork burden currently imposed on United States Attorneys.

Finally, I would suggest that our ability to better assist foreign law enforcement agencies will serve the interests of reciprocity when we ask for their assistance. We need to establish standards of evidence collection here in the United States as an example of what we ourselves expect in our own requests for cooperation of foreign agencies in our criminal investigations which involve foreign jurisdictions.

I ask for your support of this important bipartisan legislation.

Mr. SCHIFF. Mr. Speaker, I urge passage of the bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SCHIFF) that the House suspend the rules and pass the bill, S. 1289.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### MANAGING ARSON THROUGH CRIMINAL HISTORY (MATCH) ACT OF 2009

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1727) to establish a national criminal arsonist and criminal bomber registry program and establish guidelines and incentives for States, territories and tribes to participate in such program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1727

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Managing Arson Through Criminal History (MATCH) Act of 2009".

#### SEC. 2. CRIMINAL ARSONIST AND CRIMINAL BOMBER REGISTRATION AND NOTIFICATION PROGRAM.

(a) NATIONAL CRIMINAL ARSONIST AND CRIMINAL BOMBER REGISTRY AND INTERNET SITE.—

(1) NATIONAL CRIMINAL ARSONIST AND CRIMINAL BOMBER REGISTRY.—

(A) IN GENERAL.—The Attorney General shall maintain a national database at the Bureau of Alcohol, Tobacco, Firearms and Explosives for each criminal arsonist or criminal bomber. The database shall be known as the National Criminal Arsonist and Criminal Bomber Registry and shall be referred to in this section as the "National Registry". Such registry shall be used for law enforcement purposes only and information maintained in such registry may only be disclosed in connection with such purposes.

(B) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the national registry or otherwise) that updated information about a criminal arsonist or criminal bomber is immediately available to all relevant jurisdictions.

(C) NOTIFICATION TO JURISDICTIONS.—The Attorney General shall provide notification to a jurisdiction in which the offender resides or will reside, is an employee, or is a student. Immediately after the Attorney General receives information (or updated information) under this section from a jurisdiction for inclusion in the National Registry, with respect to a criminal arsonist or criminal bomber, the Attorney General shall ensure that such information (or updated information), other than any information exempted from disclosure by the Attorney General, is provided to each jurisdiction in

which the offender resides or will reside, is an employee, or is a student.

(2) NATIONAL ARSONIST AND BOMBER INTERNET SITE.—

(A) IN GENERAL.—The Attorney General shall establish and maintain a national arsonist and bomber Internet site. The Internet site shall include relevant information for each criminal arsonist or criminal bomber. The Internet site shall allow law enforcement officers and fire safety officers to obtain relevant information for each criminal arsonist or criminal bomber by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

(B) USE FOR LAW ENFORCEMENT PURPOSES ONLY.—The Internet site established under subparagraph (1) shall include a warning that information on the site is to be used for law enforcement purposes only and may only be disclosed in connection with such purposes. The warning shall note that any action in violation of the previous sentence may result in a civil or criminal penalty.

(C) EXEMPTIONS FROM DISCLOSURE.—The Attorney General may exempt from disclosure on the Internet site established under this paragraph such information as the Attorney General deems appropriate.

(3) PROHIBITION ON ACCESS BY THE PUBLIC.—Information about a criminal arsonist or criminal bomber shall not be made available under paragraph (1) or (2) to the public.

(4) CORRECTION OF ERRORS.—The Attorney General shall establish guidelines for a process to seek correction of information included in the national database under paragraph (1) or the Internet site under paragraph (2) in the case that an individual contends such information is erroneous. Such guidelines shall provide for an adequate period for the individual to seek such correction of information.

(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the Attorney General, to carry out this subsection, such sums as may be necessary for each of the fiscal years 2010 through 2014.

(b) REGISTRY REQUIREMENTS FOR JURISDICTIONS.—

(1) JURISDICTION TO PARTICIPATE IN NATIONAL REGISTRY.—Each jurisdiction shall participate in the National Registry by providing information, with respect to criminal arsonists and criminal bombers, to the National Registry in accordance with this section. Such information, with respect to a criminal arsonist or criminal bomber, shall be provided by a jurisdiction—

(A) to the Attorney General for inclusion in the National Registry immediately after the criminal arsonist or criminal bomber provides information (or provides updated information), other than information exempted from disclosure by the Attorney General, to the jurisdiction under this section; and

(B) in an electronic format as specified by the Attorney General.

(2) GUIDELINES AND REGULATIONS.—The Attorney General shall issue guidelines and regulations to interpret and implement this section.

(c) REGISTRY REQUIREMENTS FOR CRIMINAL ARSONISTS AND BOMBERS.—

(1) IN GENERAL.—A criminal arsonist or criminal bomber shall provide information described in subsection (d)(1) to (and shall

keep such information current with) each jurisdiction where the criminal arsonist or criminal bomber resides, where the criminal arsonist or criminal bomber is an employee, and where the criminal arsonist or criminal bomber is a student. For the initial provision of information only, a criminal arsonist or criminal bomber shall also provide such information to the jurisdiction in which the arsonist or bomber was convicted if such jurisdiction is different from the jurisdiction of residence.

(2) INITIAL REGISTRATION.—The criminal arsonist or criminal bomber shall initially provide information described in subsection (d)(1)—

(A) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(B) not later than 5 business days after being sentenced for that offense, if the criminal arsonist or criminal bomber is not sentenced to a term of imprisonment.

(3) KEEPING THE REGISTRATION CURRENT.—A criminal arsonist or criminal bomber shall, not later than 10 business days after each change of name, residence, employment, or student status, appear in person in at least one jurisdiction involved pursuant to paragraph (1) and inform that jurisdiction of all changes in the information required for that criminal arsonist or criminal bomber for purposes of inclusion in the National Registry. That jurisdiction shall immediately provide the revised information to the National Registry.

(4) APPLICATION OF REGISTRATION REQUIREMENTS.—

(A) OFFENDER REGISTRATION REQUIREMENTS APPLICABLE ONLY PROSPECTIVELY AND WITH NOTIFICATION.—A criminal arsonist or criminal bomber is required to provide information to a jurisdiction, and to keep such information current, under this section for inclusion in the National Registry only to the extent—

(i) that such criminal arsonist or criminal bomber—

(I) was convicted of a criminal offense involving arson or bombing on or after the date of the enactment of this Act; and

(II) was notified of such requirements in accordance with subsection (g); and

(ii) the jurisdiction involved participates in the National Registry.

(B) JURISDICTION OF CONVICTION REQUIRED TO SUBMIT INFORMATION ON OFFENDERS CONVICTED BEFORE DATE OF ENACTMENT AND ON THOSE NOT NOTIFIED.—

(i) GUIDELINES.—The Attorney General shall establish guidelines, in accordance with the provisions of this subparagraph, under which each jurisdiction is required to provide to the National Registry information described in subsection (d)(2) with respect to—

(I) each criminal arsonist or criminal bomber who was convicted in such jurisdiction of a criminal offense involving arson or bombing during the 10-year period ending on the date of the enactment of this Act; and

(II) each criminal arsonist or criminal bomber who was convicted on or after the date of the enactment of the Act in such jurisdiction of such an offense and who has not been notified, in accordance with subsection (g), of the requirements to provide information, and to keep such information current, under this section.

(ii) NOTICE REQUIRED.—Under the guidelines established under clause (i), a jurisdiction shall be required to provide notice to each criminal arsonist or criminal bomber included in the National Registry pursuant to this subparagraph of such inclusion.

(5) ACTIONS TO BE TAKEN WHEN CRIMINAL ARSONIST OR CRIMINAL BOMBER FAILS TO COMPLY.—An appropriate official of each jurisdiction shall notify the Attorney General and appropriate law enforcement agencies of any failure by a criminal arsonist or criminal bomber to provide information, and keep such information current, under this section. The Attorney General shall revise the National Registry to reflect the nature of such failure. The appropriate official, the Attorney General, and each law enforcement agency involved shall take any appropriate action to ensure compliance.

(6) AUTHORITY TO EXEMPT CERTAIN PERSONS FROM REGISTRY REQUIREMENTS.—A jurisdiction shall have the authority to exempt a criminal arsonist or criminal bomber who has been convicted of the offense of arson or bombing in violation of the laws of the jurisdiction in which the offense was committed or the United States for the first time from the requirements to provide information, and keep such information current, under this section in exchange for the person's substantial assistance in the investigation or prosecution of another person who has committed an offense. The Attorney General shall ensure that any regulations promulgated under this section include guidelines that reflect the general appropriateness of exempting the person from the requirements of providing information, and keeping such information current, under this section.

(d) INFORMATION REQUIRED FOR INCLUSION IN NATIONAL REGISTRY.—

(1) PROSPECTIVE CONVICTIONS WITH NOTIFICATION.—

(A) PROVIDED BY ARSONIST OR BOMBER.—A criminal arsonist or criminal bomber convicted of a criminal offense involving arson or bombing on or after the date of the enactment of this Act shall provide the following information to the appropriate official of the jurisdiction involved for inclusion in the National Registry:

(i) The name of the person (including any alias used by the person).

(ii) The Social Security number of the person.

(iii) The address of each residence at which the person resides or will reside.

(iv) The name and address of any place where the person is an employee or will be an employee.

(v) The name and address of any place where the person is a student or will be a student.

(vi) The license plate number and a description of any vehicle owned or operated by the person.

(vii) Any other information required by the Attorney General.

(B) PROVIDED BY THE JURISDICTION.—The jurisdiction to which a criminal arsonist or criminal bomber described in subparagraph (A) provides information shall ensure that the following information, with respect to such arsonist or bomber, is provided to the National Registry:

(i) The information described in subparagraph (A), as provided by the arsonist or bomber.

(ii) A physical description of the person.

(iii) The text of the provision of law defining the criminal offense for which the person is required to be registered under this section.

(iv) A current photograph of the person.

(v) A set of fingerprints and palm prints of the person.

(vi) A photocopy of a valid driver's license or identification card issued to the person by a jurisdiction.

(vii) Any other information required by the Attorney General.

(2) PROVIDED BY JURISDICTION OF CONVICTIONS IN CASE OF CONVICTIONS BEFORE DATE OF ENACTMENT AND FAILURES TO NOTIFY.—Each jurisdiction in which a criminal arsonist or criminal bomber described in subclause (I) or (II) of subsection (c)(4)(B)(i) was convicted shall ensure that the following information is provided to the National Registry:

(A) The name of the criminal arsonist or criminal bomber (including any alias used by the person).

(B) The Social Security number of the person.

(C) The most recent known address of the residence at which the person has resided.

(D) A physical description of the person.

(E) The text of the provision of law defining the criminal offense for which the person is convicted.

(F) A set of fingerprints and palm prints of the person, if available to the jurisdiction.

(G) A photocopy of a valid driver's license or identification card issued to the person by a jurisdiction, if available.

(H) Any other information required by the Attorney General.

(e) DURATION OF REGISTRATION REQUIREMENT; EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINALS.—

(1) DURATION OF REGISTRATION REQUIREMENT.—A criminal arsonist or criminal bomber shall keep the registration information provided under subsection (d)(1)(A) current for the full registration period (excluding any time the person is in custody). For purposes of this subsection, the full registration period—

(A) shall commence on the later of the date on which the person is convicted of an offense of arson or bombing in violation of the laws of the jurisdiction in which the offense was committed or the United States, the date on which the person is released from prison for such conviction, or the date on which the person is placed on parole, supervised release, or probation for such conviction; and

(B) shall be—

(i) five years for a person who has been convicted of such an offense for the first time;

(ii) ten years for a person who has been convicted of such an offense for the second time; and

(iii) for the life of the person for a person who has been convicted of such an offense more than twice.

(2) EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINALS.—

(A) IN GENERAL.—In the case of a criminal arsonist or criminal bomber described in subparagraph (B), the Attorney General shall expunge the National Registry of information related to such criminal arsonist or criminal bomber as of the date that is 5 years after the last day of the applicable full registration period under paragraph (1).

(B) CRIMINAL ARSONIST OR CRIMINAL BOMBER DESCRIBED.—For purposes of subparagraph (A), a criminal arsonist or criminal bomber described in this subparagraph is a criminal arsonist or criminal bomber who—

(i) was a juvenile tried as an adult for the offense giving rise to the duty to register under this section; and

(ii) was not convicted of any other criminal felony during the period beginning on the first day of the applicable full registration period under paragraph (1) and ending on the last day of the 5-year period described in subparagraph (A).

(C) APPLICATION TO OTHER DATABASES.—The Attorney General shall establish a process to

ensure that each entity that receives information under subsection (1) with respect to a criminal arsonist or criminal bomber described in subparagraph (B) shall expunge the applicable database of such information as of the date that is 5 years after the last day of the applicable full registration period under paragraph (1).

(f) ANNUAL VERIFICATION.—Not less than once in each calendar year during the full registration period, a criminal arsonist or criminal bomber required to provide information to a jurisdiction under this section shall—

(1) appear in person at not less than one such jurisdiction;

(2) allow such jurisdiction to take a current photograph of the person; and

(3) while present at such jurisdiction, verify the information contained in the National Registry for such person.

(g) DUTY TO NOTIFY CRIMINAL ARSONISTS AND CRIMINAL BOMBERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.—

(1) IN GENERAL.—An appropriate official shall, shortly before release of a criminal arsonist or criminal bomber from custody, or, if the person is not in custody, immediately after the sentencing of the person for the offense giving rise to the duty to register under this section—

(A) inform the person of the duties of the person under this section and explain those duties in a manner that the person can understand in light of the person's native language, mental capability, and age;

(B) ensure that the person understands the registration requirement, and if so, require the person to read and sign a form stating that the duty to register has been explained and that the person understands the registration requirement;

(C) if the person is unable to understand the registration requirements, the official shall sign a form stating that the person is unable to understand the registration requirements; and

(D) ensure that the person is registered.

(2) NOTIFICATION OF CRIMINAL ARSONISTS AND CRIMINAL BOMBERS WHO CANNOT COMPLY WITH PARAGRAPH (1).—The Attorney General shall prescribe rules to ensure the notification and registration of criminal arsonists and criminal bombers in accordance with paragraph (1) who cannot be notified and registered at the time set forth in paragraph (1).

(h) DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.—

(1) DUTY TO DEVELOP AND SUPPORT.—The Attorney General shall develop and support software to enable jurisdictions to participate in the National Registry and the national Internet site established under subsection (a)(2).

(2) CRITERIA.—The software described in paragraph (1) should facilitate—

(A) immediate exchange of information among jurisdictions through the national Internet site established under subsection (a)(2);

(B) access over the Internet by authorized persons to appropriate information, including the number of registered criminal arsonists or criminal bombers in each jurisdiction on a current basis; and

(C) full compliance with the requirements of this section.

(3) DEADLINE.—The Attorney General shall make the first complete edition of this software available to jurisdictions not later than two years after the date of the enactment of this Act.

(i) PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.—

(1) DEADLINE.—To be in compliance with this section, a jurisdiction shall participate in the National Registry in accordance with this section before the later of—

(A) three years after the date of the enactment of this Act; or

(B) one year after the date on which the software described in subsection (h) is made available to such jurisdiction.

(2) EXTENSIONS.—The Attorney General may authorize not more than two one-year extensions of the deadline under paragraph (1).

(3) FAILURE OF JURISDICTION TO COMPLY.—For any fiscal year after the expiration of the deadline specified in paragraph (1) (and any extension under paragraph (2)), a jurisdiction that fails, as determined by the Attorney General, to substantially implement this section shall, at the discretion of the Attorney General, be subject to not more than a 10 percent reduction of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(j) ELECTION BY INDIAN TRIBES.—

(1) ELECTION.—

(A) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body, elect to carry out this section as a jurisdiction subject to its provisions.

(B) IMPLEMENTATION.—If a tribe does not, within one year of the enactment of this Act, make an election to take on these duties, it shall, by resolution or other enactment of the tribal council or comparable governmental body, enter into a cooperative agreement to arrange for a jurisdiction to carry out any function of the tribe under this section until such time as the tribe elects to carry out this section.

(2) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(A) NONDUPLICATION.—A tribe subject to this section is not required to duplicate functions under this section which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(B) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(i) arrange for the tribe to carry out any function of such a jurisdiction under this section with respect to criminal arsonists or criminal bombers subject to the tribe's jurisdiction; and

(ii) arrange for such a jurisdiction to carry out any function of the tribe under this section with respect to criminal arsonists and criminal bombers subject to the tribe's jurisdiction.

(3) LAW ENFORCEMENT AUTHORITY IN INDIAN COUNTRY.—Enforcement of this section in Indian country, as defined in section 1151 of title 18, United States Code, shall be carried out by Federal, tribal, and State governments under existing jurisdictional authorities.

(k) IMMUNITY FOR GOOD FAITH CONDUCT.—The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this section.

(1) CRIMINAL ARSONIST AND CRIMINAL BOMB-ER MANAGEMENT ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Attorney General shall, subject to appropriations, establish and implement a Criminal Arsonist and Bomber Management Assistance program (in this subsection referred to as the “Assistance Program”), under which the Attorney General shall award grants to jurisdictions to offset the costs of implementing the other provisions of this section.

(2) APPLICATION.—The chief executive of a jurisdiction desiring a grant under this subsection, with respect to a fiscal year, shall for each such fiscal year submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(3) INCREASED GRANT PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has substantially implemented the other provisions of this section not later than two years after the date of the enactment of this Act is eligible for a bonus payment in addition to the amount of grant funds available to such jurisdiction under paragraph (1). The Attorney General may, with respect to a jurisdiction, make such a bonus payment to the jurisdiction for the first fiscal year beginning after the date such determination is made. The amount of the bonus payment shall be as follows:

(A) In the case of a determination that the jurisdiction has substantially implemented this section by a date that is not later than the date that is one year after the date of the enactment of this Act, 10 percent of the total grant funds available to the jurisdiction under paragraph (1) for such fiscal year.

(B) In the case of a determination that the jurisdiction has substantially implemented this section by a date that is later than one year after the date of the enactment of this Act, but not later than the date that is two years after such date of enactment, 5 percent of such total.

(4) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the Attorney General, to be available to carry out this subsection, such sums as may be necessary for each of the fiscal years 2010 through 2014.

(m) DEFINITIONS.—For purposes of this section:

(1) CRIMINAL ARSONIST.—The term “criminal arsonist” means an individual who is convicted of any criminal offense for committing arson, attempting arson, or conspiracy to commit arson in violation of the laws of the jurisdiction in which such offense was committed or the United States. Such term shall not include a juvenile who is convicted of such an offense unless such juvenile was tried as an adult for such offense.

(2) CRIMINAL BOMBER.—The term “criminal bomber” means an individual who is convicted of any criminal offense for committing a bombing, attempting a bombing, or conspiracy to commit a bombing in violation of the laws of the jurisdiction in which such offense was committed or the United States. Such term shall not include a juvenile who is convicted of such an offense unless such juvenile was tried as an adult for such offense.

(3) CRIMINAL OFFENSE.—The term “criminal offense” means a Federal, State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note)) or other criminal offense.

(4) EMPLOYEE.—The term “employee” includes an individual who is self-employed or

works for any other entity, whether compensated or not.

(5) FIRE SAFETY OFFICER.—The term “fire safety officer” means an individual serving in an official capacity as a fire investigator, or other arson or bomber investigator, as defined by the jurisdiction for the purposes of this section.

(6) JURISDICTION.—The term “jurisdiction” means any of the following:

- (A) A State.
- (B) The District of Columbia.
- (C) The Commonwealth of Puerto Rico.
- (D) Guam.
- (E) American Samoa.
- (F) The Northern Mariana Islands.
- (G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of subsection (j), a federally recognized Indian tribe.

(7) LAW ENFORCEMENT OFFICER.—The term “law enforcement officer” has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796b).

(8) NATIONAL REGISTRY.—The terms “National Registry” and “arsonist and bomber registry” mean the registry of criminal arsonists and criminal bombers established under subsection (a)(1).

(9) RESIDES.—The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives.

(10) STUDENT.—The term “student” means an individual who enrolls in or attends an educational institution (whether public or private), including a secondary school, trade or professional school, and institution of higher education.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SCHIFF) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Managing Arson Through Criminal History Act, the MATCH Act, and am very proud to join Congresswoman MARY BONO MACK in sponsoring this important legislation and who has led the charge on this for several years now. I want to congratulate you on your perseverance. This, I think, will be a very important and powerful tool in bringing arsonists to justice.

Our collaboration on this issue stems from a painful understanding of the devastation that arson can cause and has caused in both of our districts. In fact, as we debate this bill today, firefighters are still mopping up the last vestiges of the Station fire which has burned thousands and thousands of

acres in the Angeles Forest in the past month and resulted in the tragic death of two firefighters. The fire was deliberately set, and the perpetrator is still at large. The bill before us today would create a nationwide registry of arsonists to help fire investigators find arsonists and prevent additional fires.

Because arsonists commit their crimes in secret, arson is among the most difficult of crimes to investigate. According to FBI statistics, only about 18 percent of arsons from 2008 have been “cleared” by an arrest. In the wake of a fire, investigators are faced with the daunting challenge of piecing together evidence from a scorched tract of land or a house. The Station fire, for example, is a 250-square-mile crime scene. Investigators have isolated where they believe the blaze originated, but there have been no arrests thus far, despite the offer of a \$150,000 reward.

I know from firsthand experience the difficulty of an arson investigation. When I was an Assistant U.S. Attorney in Los Angeles in the late 1980s and early 1990s, I prosecuted an individual who started fires in the San Bernardino Forest. The arsonist followed a pattern. He used a distinct incendiary device made from a cigarette with matches taped around it. He would drive through the forest and throw the cigarette with the matches taped around it into the brush. The cigarette would burn down to the matches, ignite the matches, which would ignite the brush. The cigarette was basically like a slow fuse. By the time the brush caught on fire, he was far away from the point of origin of the fire.

Catching someone like that who doesn’t have a traditional motive to set a fire or commit a crime is extremely challenging. Eventually, using video surveillance, law enforcement made an arrest.

We discovered in the course of the investigation that the suspect had a history of setting fires using the same distinct incendiary device made from a cigarette with matches taped around it. We didn’t discover that information in an electronic database or even in the suspect’s criminal record. The information was eventually found before the trial, stored in a box in his former parole officer’s basement.

If we had a national arsonist registry at the time, we would have known of convicted arsonists who lived in the region. We would have known of their modus operandi. We might have been able to stop him before he set several of the later fires. Keeping records in your basement is not a sound investigative law enforcement strategy. The national arsonist registry created by the MATCH Act is.

The MATCH Act would create a national registry of arsonists that is similar but more extensive than what three States have right now. Currently,

three States, including California, maintain such registries, but they are very limited. Arsonists can and do cross State lines to start fires. They don't necessarily contain updated information about the arsonist's current address, their place of employment, where they go to school and a myriad of other pieces of information that could be useful to investigators.

Under the MATCH Act, a convicted arsonist would be required to register with the State in which they reside and provide updated biographical information, along with a photograph and information on the cars that they own. No information in this registry would be publicly available. The information would only be accessible to law enforcement and fire investigators.

Last year, the Congressional Budget Office scored the cost of implementing the act at \$17 million over 5 years, that is, if we fully fund a small authorization to offset the costs to States in setting up the program. Given the millions and millions we spend fighting wildfires and the billions, literally billions, in property damage due to arson, this is a reasonable investment to save lives in the future.

The House passed this legislation overwhelmingly in 2007, but unfortunately it was never enacted. It didn't clear the Senate. As my constituents can attest, though, the problem of arson is not going away. And so we press on for this bill that will assist investigators and, we hope, prevent arson fires in the future.

I urge my colleagues to support the bill and reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1727, the Managing Arson Through Criminal History Act of 2009, referred to as the MATCH Act. I commend my colleagues from California, Congresswoman BONO MACK and Congressman SCHIFF, for their hard work on this legislation. My colleagues from California know better than anyone the devastation that arson causes.

The California Station fire has now burned over 160,000 acres, or 251 square miles. The cost for fighting this fire alone stands at \$82 million. The price tag is expected to go over \$100 million. Eighty-nine homes have been burned and, sadly, two firefighters have been killed. Investigators now believe this fire was intentionally set based upon evidence found near the fire's origin.

Many arsonists begin by starting small fires and then escalate to larger and larger fires to satisfy their excitement. Yet only 17.1 percent of arson offenses result in convictions nationwide. Unfortunately, the evidence needed to convict these arsonists is often destroyed by the fire itself. And as arsonists become more sophisticated in

their techniques, identifying and prosecuting them becomes more challenging. Each year, an estimated 267,000 fires are caused by arson. That's right, 267,000. In recent years, arson has been used to burn churches and used by violent activists to protest urban sprawl.

But the ongoing threat remains those who set fires to get a rush and to feed a compulsion. We call those folks "arsonists." Fires have not only caused recent property damage throughout the country and the taking of human lives, not only in California, but this year, two Houston firefighters have been killed fighting fires.

We may never be able to prevent wildfires, but we can implement tools to help prevent arsonists, particularly serial arsonists, from eluding law enforcement and escaping punishment. This will help in capturing them and sending them to prison when convicted.

The MATCH Act creates a national arson registry and requires criminal arsonists to report where they live, where they work and, yes, even where they go to school. In addition, the act requires the national database to include finger and palm print and an up-to-date photograph. The act limits access to information contained in the registry to only law enforcement and fire officials. It exempts juveniles who are adjudicated delinquent from the registry.

The MATCH Act will assist law enforcement officials with identifying and apprehending arsonists, particularly serial arsonists, and ecoterrorists.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SCHIFF. Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield as much time as she wishes to my colleague from California (Mrs. BONO MACK).

Mrs. BONO MACK. Mr. Speaker, I thank my colleague, Mr. POE, for the time. I am pleased also to rise in support of the Managing Arson Through Criminal History, or MATCH Act, H.R. 1727.

As a Member from California, I was heartened by the support that our delegation received from this House during the Station fire that recently swept through our State, tragically killing two heroic firefighters. As many of you know and have just heard, some of these fires are being investigated as arson.

In what is sadly becoming an annual occurrence, we are faced with the threat of catastrophic wildfires that cause millions of dollars in damage and threaten life. It is when we learn that the first sparks of these fires were caused by arsonists that our greatest fears are realized, that someone would maliciously and purposely start a fire.

□ 1245

These events are reminders of the urgency with which we need to act in passing H.R. 1727, as this legislation was inspired by events in my county, Riverside County, which I'm very proud to represent.

Nearly 3 years ago, my community was devastated by the Esperanza fire, also an arson-caused fire, that cost five heroic U.S. Forest Service firefighters their lives. I, like all of my colleagues in this House, am anxious to provide all of the tools and support we can to combat despicable acts like arson.

Multiple conversations and meetings with firefighters and chiefs in my district led to the creation of this bill. They told me how a central database would provide them with invaluable information in tracking arsonists, more especially serial arsonists. More help is needed in the tracking of this dangerous crime. Even though arson fires account for a majority of the fires in the U.S., the arrest and conviction rate is only 20 percent.

It is our duty as Members of the Congress to provide the tools and infrastructure we can to aid in both the prevention of this crime and speedy apprehension of those who choose to commit it.

It is my sincere belief that the MATCH Act will make a meaningful difference in the way that we approach and deal with arson offenders by establishing a registry for law enforcement.

I would like to especially thank Chairmen CONYERS and SCOTT and Ranking Members SMITH and GOHMERT of the Judiciary Committee. They worked to ensure that this legislation was expeditiously moved through the legislative process and that legitimate concerns were addressed.

I would also like to thank the House leadership on both sides of the aisle for their efforts and hard work in bringing the bill before us today.

And finally, I, too, would like to thank my fellow Californian, my dear friend, ADAM SCHIFF for his partnership on this important issue. I can think of no better colleague in the House of Representatives to work with than I found in ADAM SCHIFF.

So I thank you very much, and I urge passage of this critically important bill.

Mr. SCHIFF. Mr. Speaker, may I inquire how many more speakers my colleague from Texas has.

Mr. POE of Texas. We have no other speakers, and I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, I thank my colleague Representative BONO MACK for all of her work on this issue. It's been a pleasure working together.

I think when we had the bill come up in committee last session and the Burbank fire chief, Tracy Pancini, testified, he pointed out really how this bill will be of great service to investigators

by pointing to the case of someone who was a serial arsonist in New York, who set fire to many carports, for whatever reason, for whatever perverse thrill, as my colleague from Texas pointed out some of these arsonists seem to get by setting fires. He was well-known to authorities in New York and he moved to California where he was unknown, and when there were a series of carport fires in California, California authorities didn't necessarily connect it to what happened in New York.

With a national registry, we can connect these events and we can connect the dots, and not only, I hope, put away some of these arsonists, but maybe more importantly deter arsonists who, if they know that they are being tracked and are being followed by this registry, will think twice before they set additional fires.

So, with that, I want to once again thank my colleague and urge the House to support this bill.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SCHIFF) that the House suspend the rules and pass the bill, H.R. 1727, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SUPPORTING A REMEMBRANCE DAY FOR HOMICIDE VICTIMS

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 757) supporting the goals and ideals of a National Day of Remembrance for Homicide Victims.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 757

Whereas homicide is a devastating epidemic in this Nation, destroying families and communities;

Whereas women are disproportionately victims of homicide perpetrated by intimate partners;

Whereas intimate partner homicide is the leading cause of death for African-American women ages 15-45;

Whereas, on average, 3 women per day are murdered by their current or former husbands or partners and the Centers for Disease Control and Prevention finds that women experience 2,000,000 injuries from intimate partner violence each year;

Whereas according to the Centers for Disease Control and Prevention, the cost of intimate partner violence exceeded \$5,800,000,000 in 2003;

Whereas, for the years 1976 to 2005 combined, among all homicide victims, females were particularly at risk for intimate killings and sex-related homicides, with 64.8 percent of all female homicide victims during that time being murdered by an intimate partner;

Whereas one-third of all murdered females are victims of intimate partner homicide annually, with separated females having the highest homicide rate;

Whereas intimate partner violence resulted in 1,544 deaths in 2004, and of those deaths, 25 percent were males and 75 percent were females;

Whereas the time that a victim of domestic violence leaves a violent situation is the most dangerous time for a victim and increases his or her likelihood of becoming a victim of homicide;

Whereas homicide is the second leading cause of traumatic death for pregnant women and recently pregnant women, accounting for nearly 31 percent of maternal injury deaths;

Whereas numerous agencies across this country provide support to the families of homicide victims and the tireless work of agency staff and volunteers is worthy of acknowledgment; and

Whereas victims of domestic violence-related homicides should be remembered during the National Day of Remembrance for Homicide Victims to honor their memories: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of a National Day of Remembrance for Homicide Victims; and

(2) acknowledges the epidemic of intimate partner homicide in this Nation, its disproportionate impact on women, and the work of agencies across this country to address this epidemic and provide support and resources to all survivors of victims of homicide, including the families of intimate partner homicide.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SCHIFF) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

##### GENERAL LEAVE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. I yield myself such time as I may consume.

Mr. Speaker, this resolution expresses support for the goals and ideals of a National Day of Remembrance for Homicide Victims.

On Friday, September 25, 2009, the third annual observance of the National Day of Remembrance for Homicide Victims was held in Washington, D.C., and across the country. This year's observance was organized by the National Organization of Parents of Murdered Children, Mothers Against Drunk Driving, and the Maryland Crime Victims' Resource Center.

Every year, families lose loved ones to senseless acts of violence. Along with their loved ones, these families lose hopes and dreams for the future.

Not only are mothers, fathers, sisters, and brothers affected by the sudden loss of a family member, the lives of friends, coworkers, and neighbors can also be changed forever.

In 2008 alone, over 14,000 individuals lost their lives as a result of violent homicide. Over half of these murder victims were killed by acquaintances, such as a neighbor, friend, or boyfriend.

After the initial shock, as friends and neighbors resume their daily lives, family members are left to deal with their grief and loss and become overwhelmed with picking up the pieces of their lives.

The National Day of Remembrance for Murder Victims acknowledges the long-term trauma families and friends experience after a loved one is murdered and focuses on the importance of providing support, guidance, and counseling to survivors of homicide.

While families deal with their grief, they're also confronted with trying to find some sense of justice through the criminal justice system. The complexities and delays in resolving a criminal case frequently add to their feelings of anger and resentment.

The National Day of Remembrance sends a powerful message to these families and friends alike that we as a Nation remember their loss, honor their courage, and are committed to helping them move on with their lives.

The National Day of Remembrance reminds us that murder impacts each and every one of us and every community across the country. This day also reminds us to rededicate ourselves to working to prevent the violence that destroys lives and devastates families.

I'd like to thank the lead cosponsors of this resolution, DONNA EDWARDS of Maryland and TED POE of Texas, for their leadership in making sure that last week's National Day of Remembrance is honored by Congress.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 757 honors a National Day of Remembrance for Homicide Victims. Sadly, thousands of lives are lost due to homicide every year in our Nation. Surviving parents, spouses, family, and friends courageously rebuild their lives while searching for answers and closure for the tragic death of someone they cared about.

I want to commend my friend, the gentlelady from Maryland, DONNA EDWARDS, for introducing this resolution. She has a long-time history of working with victims and victims' families, even before she came to our institution, the House of Representatives.

This National Day of Remembrance for Homicide Victims honors the lives



of those who are lost to murder. It also commits communities, agencies, and other groups towards the goal of rebuilding the survivors' lives and preventing these tragedies in the future.

Since 2000, more than 114,000 Americans have been murdered in our Nation. It is important we remind survivors, family survivors, that we have not forgotten their loved ones and that they are not alone.

The broad bipartisan support for this day of remembrance demonstrates that we are united in our commitment to comfort sufferers and prevent the violence that leads to these tragedies.

This resolution also brings attention to the disturbing issue of spousal or partner abuse in homicides. On average, three women per day are murdered by their current or former husbands. From 1976 to 2005, more than 64 percent of female homicide victims in the United States were murdered by an intimate partner.

According to the National Institute of Justice, intimate partner homicide has declined significantly in the past 25 years. The NIJ cautions, however, that although these declines are truly significant, the statistics may mask the important fact that women are substantially more likely than men to be murdered by intimate partners.

Supporting the goals and ideals of a National Day of Remembrance strengthens the resolve of agencies, communities, and families and people in our country against homicides in our Nation.

I urge all my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SCHIFF. At this time, I'm happy to yield as much time as she may consume to the gentlewoman from Maryland, Donna Edwards, the lead sponsor of the bill.

Ms. EDWARDS of Maryland. Mr. Speaker, I thank the gentleman. I would like to thank also my dear friend and colleague Chairman JOHN CONYERS for bringing this important resolution to the floor.

House Resolution 757, a National Day of Remembrance for Homicide Victims, recognizes the loss and the courage of homicide victims across this country, not just in 1 year but for the many years in which families, community members, take the time to rebuild their lives.

I'd also like to thank my colleague TED POE of Texas for taking the lead with me in making this resolution truly bipartisan in nature because, as we know, the question of homicide is not one that is partisan.

This resolution is about honoring those lives that have been lost to homicide. I particularly want to focus on the women and children who have lost their lives to intimate partner homicide in our country.

In my State of Maryland, at least 48 women and children lost their lives to

intimate partner homicide in the period from July 2007 to July 2008. Nationally, the Centers for Disease Control and Prevention estimate that three women per day are murdered by their current or former partner, boyfriend, or spouse.

Statistically, the most dangerous time for a victim of domestic violence is when she attempts to leave a violent relationship. From working firsthand with victims of domestic violence in shelters, in service programs, and as cofounder and executive director of the National Network to End Domestic Violence, I know the statistic is true, and it's more than a statistic. It's reality for so many women and children.

So when people ask why doesn't she just leave, those of us who have done this work for a long time know exactly why, and it's because of the risk of death, not an imagined fear but a true risk.

Intimate partner violence is the second leading cause of traumatic death for pregnant women. The impact of witnessing domestic violence, especially the homicide of a parent, is devastating for children.

It is my hope that this resolution will begin a dialogue about intimate partner violence and progress to discussing and devising solutions to address this epidemic. Intimate partner violence is something that impacts all our communities, and I know there have been several cases of such violence where I live, and I am sure that's the case for every congressional district across this Nation.

This year, in my congressional district, a woman was shot, tragically, to death outside of her church in Silver Spring as she was going inside to worship on Sunday and other worshippers were gathered for the service.

In March 2003, Ernestine Bunn-Dyson, age 32, was shot to death in my hometown of Oxon Hill by her estranged husband less than 24 hours after he promised in court to leave her alone. Her sister is working hard to bring more attention to this epidemic so more people don't have to suffer and more sisters don't have to be victims.

It's so easy for people to think that intimate partner homicide is something that happens to someone else, someone who looks different, someone who has a different educational background, or someone who just fell in with the wrong person. But a victim of domestic violence and intimate partner violence and homicide can be anyone's sister, mother, aunt, friend, coworker, and of course, the other thousands of victims of homicide.

Our own Lieutenant Governor in Maryland, Anthony Brown, lost his cousin, Cathy Brown, to intimate partner violence just this past last summer. His cousin was shot and killed in her home by her abuser. Lieutenant Governor Brown has worked in Mary-

land along with Governor Martin O'Malley to make sure that our State laws were changed to prevent this kind of violent homicide.

So many survivors and their families in this country have turned their tragedy and pain to healing and advocacy. Our own Lieutenant Governor is an example of such tireless and selfless advocacy.

I ask all of us to take the time today to reach out to someone who may be in a violent situation and lend your support and friendship. It could save their lives. I also ask that we take this day to remember all victims of homicide, all victims of intimate partner homicide, and we must do what we can to stop this pattern at a young age. If other forms of abusive violence are included, from being threatened or emotionally abused, our young children suffer as well. We must be more aggressive in addressing the problem of violence so that it doesn't turn to homicide.

□ 1300

I'd like to thank all of our cosponsors, and I'd like to say that, Mr. Speaker, it's time for us to recognize the tragic cost of homicide to all of our families, and for this Congress and this Nation to turn our attention to their support.

I'd like to recognize the many organizations who have supported this resolution, including the National Network to End Domestic Violence, the Maryland Network Against Domestic Violence, the National Partnership for Women and Families, Legal Momentum, the Family Violence Prevention Fund, and our own local Anti-Violence Organization.

Mr. POE of Texas. I reserve the balance of my time.

Mr. SCHIFF. Mr. Speaker, may I inquire how many speakers my colleague from Texas has remaining.

Mr. POE of Texas. I am prepared to close. There are no other speakers.

Mr. SCHIFF. I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume. This is, Mr. Speaker, a very important recognition that we do, as an organization, as a body, to recognize the fact that throughout this country there are families that have suffered the loss of someone they love and they care about, and it's all because of violence.

As my friend and colleague from Maryland, Ms. EDWARDS, has pointed out, many times that violence occurs in the home. It starts with verbal abuse, then physical abuse, and then sometimes results in a homicide. And of all places where a person should be safe in our country, it's in their home, whether it's a spouse or whether it's a child. And because of the epidemic, in my opinion, of violence in the home, more and more Americans and spouses



especially, suffer those consequences and those consequences lead to their death by the hands of someone that claims they love them.

And it's important that we remember those people who are victims of crime. It's been said that when a murder occurs, the killer steals from the victim everything they were and everything they will be. That's the tragedy. And families of homicide victims never get over it. I know Mr. SCHIFF, in his experience in the U.S. Attorney's office, and my experience as a criminal court judge and prosecutor, families of homicide victims think about the death of their loved one every day. Not a day goes by that they don't think about it. And they think about it every day forever. That's the tragedy they live with.

So we, as a Nation, need to raise the awareness and the importance of these families and recognize that those people who have lost family members are Americans that need special recognition, special comfort from us.

So I commend my friend, Ms. EDWARDS from Maryland, for sponsoring this resolution. I am proud to be a coauthor of this resolution.

I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, I had the experience recently of being called up for jury duty in Los Angeles and called up for a criminal case and sat through really the entire voir dire process, which I hadn't done in many years. It was a murder case, and what was striking to me—I was not called into the box so I never became a juror—but what was striking to me is, during the voir dire process, they asked each and every juror whether they thought they could sit fairly on the case before them.

This particular case involved two victims, two people who were murdered, one who was a 16-year-old girl. And it was striking to me, both how many prospective jurors had a family member or close friend who'd been the victim of violence, who had been murdered or raped, how many also who could so relate to the circumstances that they felt they couldn't be fair and impartial. But it was extraordinary. There wasn't a single person really in the jury box that hadn't been touched in some way by violent crime.

And I want to thank the gentleman from Maryland for her leadership on this issue and getting us all to take some time to reflect on how violence has touched all of our communities, all of our lives and how we can rededicate ourselves to trying to attack this incredible waste of life. So I thank you.

I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentleman from California (Mr. SCHIFF) that the House suspend the rules and agree to the resolution, H. Res. 757.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### EXEMPTING FROM CERTAIN PROHIBITIONS SHIPMENTS OF EXPLOSIVES TO INDIAN TRIBES

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1333) to amend chapter 40 of title 18, United States Code, to exempt the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or an agency of such a tribe from various Federal criminal prohibitions relating to explosives, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1333

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXEMPTION OF THE TRANSPORTATION, SHIPMENT, RECEIPT, OR IMPORTATION OF EXPLOSIVE MATERIALS FOR DELIVERY TO A FEDERALLY RECOGNIZED INDIAN TRIBE OR AN AGENCY OF SUCH A TRIBE FROM VARIOUS FEDERAL CRIMINAL PROHIBITIONS RELATING TO EXPLOSIVES.

(a) IN GENERAL.—Section 845(a)(3) of title 18, United States Code, is amended by striking “to any agency of the United States or to any State or any political subdivision thereof” and inserting “to any agency of the United States, to any State or any political subdivision thereof, or to any federally recognized Indian tribe or agency thereof”.

(b) INDIAN TRIBE DEFINED.—Section 841 of such title is amended by adding at the end the following:

“(t) ‘Indian tribe’ has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SCHIFF) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. I yield myself such time as I may consume.

H.R. 1333 addresses the gap in the law governing the transportation of explosive materials by giving federally recognized Indian tribes the same status already given Federal, State and local governments. In 2002, Congress passed

the Safe Explosives Act, which prohibits the transportation, shipment, receipt and importation of explosive materials without specific Federal permits or licenses.

The act exempts Federal, State and local governments from this requirement, but due to an oversight, the exemption does not cover federally recognized Indian tribes and their agencies. This bill corrects that oversight. Fireworks can play an integral role in the religious and cultural ceremonies of many Indian tribes. This bill will facilitate those religious and cultural practices without compromising safety. This act does not exempt Indian tribes from complying with safe storage requirements. Like State agencies, tribes still will be required to comply with Federal explosives storage regulations.

H.R. 1333 enjoys bipartisan support. I thank the gentleman from Arizona, Mr. RAÚL GRIJALVA, for bringing this oversight to the attention of the House and for his hard work on this bill.

I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1333 makes a simple technical correction to Federal law regulating the transportation and shipment of explosives to provide federally recognized Indian tribes the same exemption as Federal, State and local governments. Under current law the Federal, State, and local governments are exempt from permitting requirements for the purchase or shipment of explosive materials, including commercial fireworks.

Indian tribes, however, are not afforded the same exemption under our law. Fireworks have been a part of the practices of the Pascua Yaqui Tribe and the Colorado River Indian Tribes of Arizona for many years. Some of these practices involve cultural and religious beliefs that are very important to the Pascua Yaqui Tribe, for example.

However, these practices in recent years have been inhibited by the requirements of the Safe Explosive Act of 2002, called the SEA Act. The Safe Explosives Act significantly expanded the Federal explosive laws to include requirements that a license or permit be obtained in order to receive explosives. The SEA Act established background checks and expanded the categories of persons prohibited from possessing explosives. H.R. 1333 ensures that Indian tribes across the country will be able to carry on their same cultural and religious practices that they enjoyed with fireworks celebrations prior to the enactment of the permitting requirements.

It's important to protect the rituals of Native Americans and afford Indian tribes the same treatment under the

law as Federal, State, and local governments currently enjoy.

So I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SCHIFF. Mr. Speaker, I have no further speakers and will reserve the balance of my time.

Mr. POE of Texas. I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, I want to thank my colleague from Arizona, Mr. GRIJALVA, for his leadership on this issue and urge passage of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SCHIFF) that the House suspend the rules and pass the bill, H.R. 1333, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### HONORING DR. NORMAN E. BORLAUG

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 739) honoring the life and achievements of Dr. Norman E. Borlaug for his many contributions to alleviating world hunger.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 739

Whereas the United States honors Norman E. Borlaug as an Iowan, humanitarian, and father of the "Green Revolution";

Whereas Dr. Borlaug was born on March 25, 1914, and grew up on a family farm outside Cresco, Iowa;

Whereas Dr. Borlaug attended the University of Minnesota, where he received B.A. and Ph.D. degrees and was also a star NCAA wrestler;

Whereas, for over 20 years, Dr. Borlaug was a member of the faculty of Texas A&M University;

Whereas Dr. Borlaug spent 20 years working in the poorest areas of rural Mexico where he made his breakthrough achievement in developing a strain of wheat that could exponentially increase yields while actively resisting disease;

Whereas Dr. Borlaug's "green revolution" uplifted hundreds of thousands of the rural poor in Mexico and saved hundreds of millions from famine and outright starvation in India and Pakistan;

Whereas Dr. Borlaug's approach to wheat production next spread throughout the Middle East, and soon his approach was adapted to rice growing, increasing the number of lives Dr. Borlaug has been credited to saving to more than a billion people;

Whereas in 1970, Dr. Borlaug received the Nobel Peace Prize, the only person working in agriculture to ever be so honored, and since then he has received numerous honors and awards, including the Presidential Medal of Freedom, the Public Service Medal, the National Academy of Sciences' highest

honor, the Rotary International Award for World Understanding and Peace, and the Congressional Gold Medal;

Whereas, up until his death on September 12, 2009, Dr. Borlaug continued to work to alleviate poverty and malnutrition throughout the world;

Whereas Dr. Borlaug created the World Food Prize in 1986, which is the "Nobel Prize for Food and Agriculture" and which has honored Laureates from Bangladesh, India, China, Mexico, Denmark, Sierra Leone, Switzerland, the United Kingdom, and the United States;

Whereas the headquarters of the World Food Prize is located in Des Moines, Iowa; and

Whereas Dr. Borlaug's humanitarian works have made him an American hero who will never be forgotten: Now, therefore, be it

*Resolved*, That the House of Representatives honors the life and achievements of Dr. Norman E. Borlaug for his many contributions to alleviating world hunger.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, on September 12, 2009, the world mourned the passing of a great humanitarian. Dr. Norman Borlaug, a world renowned plant scientist, dedicated his life to ending global hunger and improving the world's food supply. Known as the Father of the Green Revolution, Doctor Borlaug saved more than a billion lives through his pioneering research and scientific innovation. In fact, he has been credited with saving more lives than any other person in history.

During his 20 years working in the poorest areas of rural Mexico, he developed a strain of "miracle wheat" that drastically increased crop yields and moved the country to food self-sufficiency.

In recognition of his tireless efforts, Dr. Borlaug has received more than 150 international honors. In 1970 he was awarded the Nobel Peace Prize and in 1977 the Presidential Medal of Freedom. Two years ago he was presented with the Congressional Gold Medal, America's highest civilian honor. In his Nobel acceptance lecture, Dr. Borlaug stated, "The first essential component of social justice is adequate food for all mankind."

Regrettably, we remain far from achieving this ideal. While, in theory,

farmers produce enough food to feed every person on the planet, more people are hungry today than ever before. According to new estimates by the United Nations, over a billion people will go hungry every day in 2009, almost one-sixth of humanity.

We should take this opportunity not only to honor the extraordinary contributions of a true American hero, but to recommit ourselves to the goal of eradicating hunger.

I want to recognize and congratulate the sponsor of this resolution, my good friend from Iowa, Mr. BOSWELL, for introducing the resolution honoring Dr. Borlaug.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we gather today to honor the life and the accomplishments of Dr. Norman E. Borlaug, a pioneer in the field of the fight against world hunger. The world suffered a great loss with the recent passing of Dr. Borlaug, whose achievements in the field of agriculture have helped to feed millions of hungry people around the world. He passed from this world bearing the title of Father of the Green Revolution, his breakthrough advancement in wheat production and wheat adaptation having proven vital to those in need.

In rural areas around world, Dr. Borlaug's tireless efforts increased wheat output, helping to feed millions of starving people. Dr. Borlaug spent almost 30 years collaborating with scientists to alleviate world hunger through wheat development. In 1944 he accepted an appointment to the Cooperative Wheat Research and Production Program in Mexico, and it was there that he developed high-yielding, disease-resistant wheat, otherwise known as miracle wheat, opening the Green Revolution in global agriculture.

In 1970, Dr. Borlaug was awarded the distinguished Nobel Peace Prize for his work, the only person in the field of agriculture to be bestowed with such an honor.

□ 1315

He was later awarded such distinctions as the Presidential Medal of Freedom and the Congressional Gold Medal.

Dr. Borlaug's work was essential to those in need. He never wavered in this fight to fight world hunger, and he continued his efforts until his recent death. It is estimated that Dr. Borlaug's work helped to save over 1 billion people from starvation, but nevertheless, he warned that what he had helped to achieve was only a "temporary success in man's war against hunger and deprivation," and he leaves behind a world in which many people still struggle to find enough to eat.

Mr. Speaker, challenges remain before us, but we can indeed be proud of the humanitarian work that Dr.

Borlaug, an American patriot, demonstrated to the world. Today his Green Revolution stands as a singular success story for our efforts to assist those in dire need of our help around the world.

I am pleased to support this important resolution which honors the life of a true American hero, Dr. Norman Borlaug, whose incredible achievements in the fight against hunger should never be forgotten.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 4 minutes to the sponsor of the resolution, the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I rise in support of this resolution. On a personal basis, Dr. Borlaug was one of the most unusual people I met in my life. He was so impressive in so many ways.

On September 12, we lost one of the greatest humanitarians and scientists of our century. Dr. Borlaug has been credited to have saved more than 1 billion lives through his breakthrough work in agriculture. He was a truly remarkable man.

He was born on a small farm outside of Cresco, Iowa. After earning his Ph.D. from the University of Minnesota, he joined a research project in Mexico in 1944. Through this work he developed what was called "miracle wheat" that tripled grain output and helped move Mexico to agriculture self-sufficiency. He then shared this new breed of wheat with Pakistan and India and helped those nations to avert the mass famine and starvations that had appeared imminent.

In a recent article in the Washington Post on Dr. Borlaug, it was stated that "in India, Mexico and other nations susceptible to hunger and famine, he was known as one of the great Americans of modern times."

Not only was he a great scientist, he was a world renowned humanitarian. Dr. Borlaug was one of only five people in history to win the Nobel Peace Prize, the Presidential Medal of Freedom, and the Congressional Gold Medal. He is in the company of Nelson Mandela, Elie Wiesel, Mother Theresa, and Dr. Martin Luther King, Jr. He was also named by Time magazine in 1999 as one of the 100 most influential minds of the 20th century.

After Dr. Borlaug won the Nobel Peace Prize in 1970, the only time in its history the award was given for achievements in agricultural science, he set out to create an award dedicated for significant breakthroughs in food and agriculture. In 1986, Dr. Borlaug founded the World Food Prize to recognize lifesaving achievements that increased the quality, quantity or availability of food in the world. Then in 1990, the prize was moved to my district in Des Moines, Iowa. Now in its 23rd year, the award has recognized individuals from around the world and

has continued to promote global world security.

I mourn the loss of a great Iowan and American, yet I am also reminded of many wonderful memories. He was truly a great person who has had, and will continue to have, a profound impact on all of us. His contributions in the field of agriculture and his commitment to the human condition have fed so many around the world.

Mr. Speaker, I urge my colleagues to join me in honoring this true American hero and father of the Green Revolution with a "yes" vote on H. Res. 739.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield 3 minutes to the distinguished gentleman from Iowa (Mr. LATHAM), a member of the Committee on Appropriations and the ranking member on the Subcommittee on Transportation, Housing, and Urban Development.

Mr. LATHAM. I thank the gentlewoman from Florida for yielding me this time for an opportunity to remember a great American, a great Iowan, Dr. Norman Borlaug, and I am very pleased that the whole Iowa delegation has come together and written a letter to the Iowa State legislature and the Governor to ask that a statue of Dr. Borlaug be placed, representing Iowa, right here in our Capitol. I appreciate the cooperation of everyone.

Dr. Borlaug devoted his life to a historic campaign to save the lives of the world's neediest people using agricultural science for the feeding of those individuals. His innovative leadership in plant breeding and agricultural production gave birth to the Green Revolution, and he was credited with saving over a billion—that's with a "B"—a billion lives from starvation and the generations onward. It will be several billion as time goes on.

I think it's interesting that even in his final days at the age of 95, Dr. Borlaug pressed on with his mission to work for the good of all mankind. His accomplishments and his memory will live on continuing to improve the lives of countless people around the world for generations to come.

It was a great honor for me personally to call Dr. Borlaug a friend. I admired him for his vision and all of his accomplishments, but his modesty was every bit as extraordinary. He once described his work as "a temporary success in man's war against hunger and deprivation." Dr. Norman Borlaug proved that one person can save a billion lives with a powerful vision and a pair of hardworking hands. He will very, very much be missed.

I think a very fitting thing that happened here with Congress was to give Dr. Borlaug the Congressional Gold Medal. I was very proud to have worked together with my colleagues from Iowa to make that achievement. And I think the remembering of his last words is so fitting for the life of

achievement that he had and how he believed in basic science and having it actually relate to production agriculture. He was visiting with another scientist that he had taught on his deathbed. The scientist was telling about a new technology he had. Norman Borlaug, if I may try to quote what he said, he said, "Get it to the farmers. Get it to the people who can actually make use of this technology to feed more people to make it actually utilized in agriculture today for the feeding to stamp out this horrible thing we call starvation around the world."

Once again, I thank the gentlewoman from Florida for this chance and this opportunity to recognize once again a great American, Dr. Norman Borlaug.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Speaker, I thank the chairman for yielding.

I think most Iowans are modest by nature, and that certainly was Norman Borlaug. But there is no reason for modesty today.

The chairman mentioned in his opening remarks that Norman Borlaug was responsible for saving more lives than any other human being in history. Think about that. Why is it that not every school child in America knows who Norman Borlaug was? Why is it that we live in a culture that celebrates celebrity more than achievement?

The reason we are introducing this bill today is to give proper recognition to one of the greatest Americans who ever lived. That's the truth. That's why we were so honored to have the opportunity to honor Norman Borlaug with a Congressional Gold Medal after his other many important achievements. Those of us from the Iowa delegation had a wonderful dinner with him the night before and heard that amazing story about the time when another famous Iowa plant scientist, who happened to be Vice President of the United States, Henry Wallace, flew back to Des Moines and drove in his Plymouth automobile to Mexico City to attend the inauguration of the Mexican President. He stopped in Mexico to talk to his friend, Norman Borlaug; and together these two brilliant Americans who happened to be born in Iowa talked about charting a future for a plant revolution that changed the face of hunger in the world.

Our challenge is to build on his legacy and to continue his fight against global hunger, global poverty, and to give people around the world the same sense of hope that he brought to his work every day of his life. I am proud to call him someone that we are very honored to honor with this bill and ask for its support and passage.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 3 minutes to the

gentleman from Iowa (Mr. KING), a member of the Agriculture, Small Business, and Judiciary Committees.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlelady from Florida for yielding.

This is one of these privileges in serving in the United States Congress to come to the floor and join together as a State delegation, our entire Iowa delegation, to celebrate a life so well lived as that of Dr. Norman Borlaug. I believe all of us knew him in some capacity or another, and we certainly watched his career.

I want to say this about Dr. Borlaug. First, he did go to school at the University of Minnesota, and for my Minnesota friends, I can't even imagine what it would have been like if he would have had a full Iowa education. That's part of the banter that goes back and forth across the State lines.

He was also an NCAA wrestler, which is something that goes along with I can't imagine if he had actually wrestled for the Hawkeyes and what that might have been. However, where are the Aggies today? They've got some bragging rights, too. Minnesotans have bragging rights, Aggies have bragging rights. Dr. Borlaug was on the faculty of Texas A&M for 20 years. They all deserve credit for helping shape the life of Norman Borlaug: his birth and his upbringing in Iowa, his education in Minnesota, his faculty involvement at Texas A&M, and his global reach upon starting the Green Revolution; and, as a couple of Members have said, saved the lives of a billion people, a billion people with a "B."

Dr. Norman Borlaug swept aside the fears of the Malthusians and proved that this planet will produce a lot more food than was previously imagined, and that was before we got to this point of some of the genetic tools that we have within the laboratory today.

So, Mr. Speaker, I want to say that you cannot overemphasize the impact of Dr. Norman Borlaug's life. He is a treasure, and his life and his commitment is a treasure for the entire United States, for all of us. I join Mr. LATHAM, and I believe the Iowa delegation, in calling upon the State legislature and the Governor of Iowa to request that his statue be placed in the United States Capitol where it most rightfully belongs, and it would stand there in good stead with any other statue from any other State and the entire United States of America, a life well lived; and we are here celebrating that life of Dr. Norman Borlaug.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, one of the greatest privileges of my life was to have met Dr. Norman Borlaug several years ago because of his position as a distinguished professor at Texas A&M University, my

alma mater in my congressional district. It is also an honor for me today to rise in honor of Dr. Borlaug whose actions helped save the lives of a billion people and helped prevent untold conflicts across the globe.

To me, he is an inspiration. To others, he was a husband, father, grandfather, Nobel Peace Prize laureate and Congressional Gold Medal recipient. I believe it could be argued that he was America's greatest ambassador to the world. Most of us hope to make some difference for our communities. Dr. Borlaug made our world a better place.

Growing up on an Iowa farm, Dr. Borlaug went from cultivating fields to consulting global leaders all with the laudable, noble goal of feeding the hungry. Dr. Borlaug once said, "Peace cannot be built on empty stomachs."

For his accomplishments, he was rightfully awarded the Nobel Peace Prize in 1970 for the way in which he used agricultural productivity to help create stability and prevent conflict. In 1984, as has been mentioned, Dr. Borlaug joined my alma mater, Texas A&M, as a distinguished professor of international agriculture. His work at the university and around the world is recognized and continued on by those at the Norman Borlaug Institute for International Agriculture whose employees are currently working in conflict areas such as Iraq and Afghanistan to provide assistance and food to those in need.

Despite his unrivaled achievements, Dr. Borlaug maintained a genuine sense of humility. He is truly an American hero whose dedication to agriculture positively changed the landscape of our world.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to a member of the Foreign Affairs Committee, the gentlelady from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman and the ranking member and the proponent of this legislation, my good friend.

I rise in support of this recognition of Dr. Norman E. Borlaug for his many contributions, raising the bar, if you will, on the horrific impact of hunger in this world.

□ 1330

He engaged in groundbreaking scientific research and personal compassion to help save over a billion people from starvation across the world.

As a member of the Board of Directors of the Congressional Hunger Center, I am deeply saddened by his loss. But he deserves countless accolades—and none of these accolades do full justice to the greatness of his achievements in alleviating hunger.

Dr. Borlaug's work was extremely important to efforts of my former col-

league Congressman Mickey Leland, who represented my district until his untimely death, trying to alleviate the hunger in Ethiopia on the basis of the continuing drought. Both Dr. Borlaug and Congressman Leland dedicated their lives to fighting hunger around the world.

For 20 years, Dr. Borlaug was a distinguished professor of International Agriculture at Texas A&M University. I believe he had the thesis, Teach a Person To Fish Versus Giving a Person a Fish and It Will Allow Them To Eat Forever.

This particular university is located in my good friend Congressman EDWARDS' district, but it is well respected throughout the State and the Nation. It was the home of Dr. Borlaug's Institute for International Agriculture, which develops and promotes science-based solutions to international challenges to agricultural and food production.

Although Dr. Borlaug was honored throughout his career, I'm proud that he continued to research agricultural techniques to alleviate global hunger until his passing.

He will forever be known as the "Father of the Green Revolution." I believe that his work had to do with ending drought and finding out ways of intervention so that countries that suffered from this weather condition could still have the ability to grow crops.

The Green Revolution developed new strains of crops that could withstand environmental threats like the drought. He is, of course, a significant and respected individual who fought with all of his heart starvation around the world.

Mr. Speaker, I rise today in support of H. Res. 739, which honors the life and achievements of Dr. Norman E. Borlaug for his many contributions to alleviating world hunger. I support this resolution because Dr. Borlaug's ground-breaking scientific research and personal compassion helped to save over a billion people from starvation across the world.

As a Member of the Board of Directors for the Congressional Hunger Center, I am deeply saddened by the loss of Dr. Borlaug. His countless accolades do not do full justice to the greatness of his achievements in alleviating hunger. Dr. Borlaug's work was extremely important to the efforts of former Congressman Mickey Leland, who represented my district until his untimely death in 1989. Both Dr. Borlaug and Congressman Leland dedicated their lives to fighting hunger around the world. Without these great Americans more than a billion people around the world would have died from starvation or suffered from malnutrition.

For 20 years, Dr. Borlaug was a Distinguished Professor of International Agriculture at Texas A&M University, located close to my district. Texas A&M is home to the Norman Borlaug Institute for International Agriculture, which develops and promotes science-based solutions to international challenges to agricultural and food production. Although Dr.

Borlaug was honored throughout his career, I am proud that he continued to research agricultural techniques to alleviate global hunger until his passing. After he had gained international fame for his work he built upon his work to create the World Food Prize, known as the "Nobel Prize for Food and Agriculture."

Dr. Norman E. Borlaug will forever be known as the "Father of the Green Revolution" for his work developing new strains of crops that could withstand environmental threats. He developed a new strain of wheat that resisted disease while increasing productivity in the poorest areas of rural Mexico. The significant impact of his work in Mexico was noted around the world and his agricultural developments spread to South Asia where his wheat strain helped to feed millions in India and Pakistan. Dr. Borlaug's techniques were adopted in the Middle East and adapted to rice production. As Speaker of the House NANCY PELOSI said in 2007, "No person, before or since, has done more to answer the call to help liberate the world from hunger."

In 1970, Dr. Borlaug's significant achievement in agriculture was honored by the Nobel Peace Prize. In 1977 he was bestowed the Presidential Medal of Freedom and in 2006, he was awarded the Congressional Gold Medal. Dr. Borlaug has been honored in the places where his work had the greatest impact. The Government of India awarded Dr. Borlaug its second highest civilian honor. He has an agricultural research building named after him in Bolivia and a street named after him in Ciudad Obregon in the Mexican State of Sonora. Academic institutions and agricultural research centers in Iowa, Minnesota, and Texas bear his name as a tribute to his work combating hunger.

Mr. LOEBSACK. Mr. Speaker, I would like to take a moment to honor Dr. Norman Borlaug, a great Iowan, who passed away on September 12. I want to thank Congressman BOSWELL for introducing this resolution.

Dr. Borlaug was born and raised in Iowa but his work is well-known throughout the world. Most notably, Dr. Borlaug developed wheat varieties that were disease resistant and also adapted to various growing environments with increasing yields.

These developments helped feed over a billion impoverished people in Mexico, India, and Pakistan, in addition to Asia, South America, Africa and the Middle East.

For this, Dr. Borlaug was awarded the Nobel Peace Prize, and has also received the Presidential Medal of Freedom and the Congressional Gold Medal. Dr. Borlaug also created the World Food Prize, sometimes called the Nobel Prize for food and agriculture.

Dr. Borlaug's life and work allowed millions of the world's hungry to know a better and more secure life.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 739.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CALLING FOR RELEASE OF LIU XIAOBO

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 151) expressing the sense of Congress that China release democratic activist Liu Xiaobo from imprisonment, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 151

Whereas Liu Xiaobo has inspired untold numbers of Chinese people to stare down their government and demand change;

Whereas on December 9, 2008, a diverse group of more than 300 Chinese scholars, writers, lawyers, and activists issued Charter 08, a manifesto calling on the Chinese Communist Party to abandon authoritarian rule in favor of democracy, the guarantee of human rights, and the rule of law;

Whereas Liu Xiaobo was one of the original signers of Charter 08 and was taken into custody shortly before the manifesto was released, has been detained ever since, and now faces charges of "inciting subversion of state power";

Whereas Charter 08 documents the widespread failings of the Chinese Communist Party, calls for urgent and extensive political reforms in China, enumerates and endorses the ideas and principles of freedom, human rights, equality, Republicanism, democracy, and constitutional rule, and enumerates 19 recommendations for political reform within Communist China;

Whereas Charter 08 says that "the most fundamental principles of democracy are that the people are sovereign, and that the people select their own government";

Whereas Chinese authorities violated Chinese law in handling Liu Xiaobo's case, including keeping him under "residential surveillance" beyond the legal time limit and at an undisclosed location, denying him access to his family or lawyers, and refusing to allow a fellow Charter 08 signatory to represent him;

Whereas the signatories of Charter 08 represent numerous strata of Chinese society, including former members of the Chinese Communist Party;

Whereas the document which caused him to be confined to a windowless room, without access to books or writing materials, is as simple as those in the founding documents of this country which have inspired us all for over 200 years;

Whereas Liu Xiaobo signed his name to those simple but powerful words despite having already spent 20 months in prison for his part in the 1989 protests in Tiananmen Square, and three years in a re-education through labor camp for challenging China's one-party rule; and

Whereas Liu Xiaobo's leadership has inspired the Chinese people and the world: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of*

Congress that China's Government immediately release Liu Xiaobo and begin making strides toward true representative democracy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

##### GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

This resolution expresses the sense of Congress that China should immediately release democratic activist Liu Xiaobo from prison. I would like to thank my friend Mr. MINNICK of Idaho for sponsoring this important resolution that allows Congress to stand in solidarity with Mr. Liu and to express support for the democratic ideals he is fighting for.

Last December, Chinese police hauled away Mr. Liu, a writer, former university professor, and a veteran of the 1989 Tiananmen protests just hours after the circulation of an online petition he helped organize. Called Charter 08, this petition calls for greater development of human rights and reform of the Chinese political system.

Charter 08 has more than 300 original signers, representing a broad cross-section of Chinese society, including not only dissidents and public intellectuals, but also workers, farmers, entrepreneurs, professionals, local officials, and others. The petition was circulated widely online and accumulated more than 8,000 signatures throughout China before the Chinese Government shut down the Web site.

Charter 08 was conceived and written in conscious admiration of Charter 77, a document issued in 1977 by dissidents in Czechoslovakia. The Chinese document calls for an end to some features of China's current political system, including replacing one-party rule with a system based on human rights and democracy. The courageous Chinese citizens who have signed the charter are bravely declaring that the status quo in China is unacceptable and unsustainable.

Instead of thoughtfully addressing the ideas raised by the petition and responding to the dissidents, the Chinese Government has sought to silence their voices by harassing, intimidating, and arresting them.

Chinese authorities violated Chinese law in the handling of Mr. Liu's case, holding him incommunicado beyond the legal time limit at an undisclosed location and denying him access to his family or lawyers. In June, Mr. Liu was charged with subversion. He could face up to 15 years in jail.

The Chinese Government seems unaware of the irony of its actions, since its efforts to quash Charter 08 only underscore China's failure to uphold the very principles that the charter advances.

I strongly support this resolution and encourage my colleagues to do the same.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong and enthusiastic support of this resolution which calls for the release of one of the true heroes of the democracy movement in China. I want to thank our colleague from Idaho, Mr. MINNICK, for introducing this measure and for agreeing to include portions of the similar resolution that was introduced 4 months ago beforehand by my friend, the chairman of the Republican Policy Committee, Mr. McCOTTER.

As a young professor, Liu Xiaobo served bravely as an advisor to the students at Tiananmen Square. For his courageous stand, he was detained and imprisoned by the Chinese Communist authorities. Now he has been detained again.

What led to Mr. Liu's detention this time was his promotion of Charter 08, which he signed last December on the 60th anniversary of the Universal Declaration of Human Rights.

Mr. Liu's court sentencing awaits, however, another anniversary. A military extravaganza to be staged by China's Communist Party will take place tomorrow. Tanks will roll in once again and the sounds of the boots of PLA soldiers will echo once more in Tiananmen Square as they did on that fateful June night two decades ago when democracy in China was killed.

Tomorrow's holiday, October 1, is remembered as the day in 1949 when Chairman Mao stood atop the Gate of Heavenly Peace and declared victory for Communist forces. After that, things were neither heavenly nor peaceful in China. Mr. Liu saw the need for reform.

He and his associates took their inspiration for a charter calling for greater freedom of expression for human rights and for free elections from the Charter 77 movement in Czechoslovakia. One of the architects of that movement, democracy advocate and former Czech President Vaclav Havel, had this to say about Mr. Liu and his efforts. In a December 19, 2008, opinion piece in the Wall Street Journal, Mr. Havel wrote, "The Chinese Government should learn well the les-

son of the Charter 77 movement that intimidation, propaganda campaigns, and repression are no substitute for reasoned dialogue. Only the immediate and unconditional release of Liu Xiaobo will demonstrate that, for Beijing, that this lesson has been learned."

Our words should echo those of that greater fighter for democracy, Vaclav Havel. Beijing, open your eyes. That flashy new weapon that you will display in tomorrow's military parade is no substitute for the torch light of the Goddess of Freedom and the Goddess of Democracy torn down in Tiananmen Square.

Use the October 1 movement, that anniversary, to immediately release democratic activist Liu Xiaobo. That would be the best way to commemorate China's national day.

I urge all of my colleagues to join us in vigorous support for this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. I'm pleased to yield 4 minutes to the sponsor of this very important resolution, the gentleman from Idaho (Mr. MINNICK).

Mr. MINNICK. Mr. Speaker, I want to thank the chairman and ranking member for their leadership and for bringing this important issue to the floor.

On May 16, I delivered the commencement address to the 2009 graduates of the University of Idaho. During my speech, I challenged each of those college graduates to take up the cause of Mr. Liu Xiaobo, an intellectual and literary critic who has spent much of his adult life imprisoned or under house arrest by the Chinese authorities because he had the courage to speak and write that China should allow its citizens freedom of speech and urge that it should allow those citizens to select their government by free and open elections.

Today, on the eve of the 60th anniversary of the People's Republic of China, Mr. Liu's trial is set to begin any day on charges which could lead him to be sentenced for up to 15 years in prison. Mr. Liu has been held since officials took him into custody on December 8, 2008, a day before the release of Charter 08, a declaration he coauthored that calls for political reform, greater human rights, and an end to one-party rule in China.

Mr. Liu Xiaobo was formally arrested on June 23, 2009, by the Beijing Public Security Bureau and charged with "inciting subversion of state power." He has been held under criminal detention while Chinese authorities investigate his case.

In the months after taking Mr. Liu into custody, officials kept Liu in residential surveillance under conditions that violated Chinese laws, including denying Mr. Liu access to counsel and keeping him at an undisclosed location beyond the legal time limit.

I urge that the Chinese Government, as a much admired global power and important partner of my country on many issues important to the future of mankind, grant Mr. Liu a free and fair trial. It should be open to the public, including representatives of international news agencies, where the charges against him will be fairly decided by a judge free from political pressure and instructed to consider only the law and facts of the case.

I further urge that Mr. Liu be allowed to be represented by qualified counsel of his own choosing, have the right to face and cross-examine his accusers, and present witnesses and evidence to prove his innocence. If he is allowed to do so, I anticipate he will be cleared of all charges, and then urge that he be immediately set free and allowed to resume his peaceful pursuit of civil rights and a fully democratic government.

Mr. Liu's leadership has been an inspiration to me and to an untold number of people in China and around the world for his courage to stand up for civil liberties and to demand that his great and proud nation allow free elections at all levels of its government. His courage embodies the emerging global consensus that all people should be allowed to speak freely and have the right to demand that their country be governed by a true representative democracy.

By passing this resolution, the House of Representatives will be sending a strong message that the American people do not condone suppression of freedom of thought or expression.

I thank my colleagues and ask for their support.

□ 1345

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, it is fitting that we meet here today to consider this resolution, for tomorrow, as I said, will mark a day of infamy that has profoundly influenced the history of the world for the past 60 years. On October 1, 1949, Chairman Mao stood astride Tiananmen Gate in Beijing and declared a new communist China. That was the same square where 40 years later on a June 9 night in 1989, tanks and troops overran students, workers and the goddess of democracy, crushing their peaceful cries for democratic reform.

Tomorrow 200,000 PLA troops will march through Tiananmen Square. In a display worthy of the height of Stalinism in the former Soviet Union, Beijing's leader will show off the might of their latest military hardware. Foreign diplomats have been warned to close their windows and stay off their balconies as this parade passes by, however, for fear of being shot.

This is the new China which Mao proclaimed. Some say that we should hold



our tongues with regard to the Beijing regime's actions because that regime holds America's pocketbook. Others say that the day of accommodation has arrived.

But I believe that this is a wrong, misguided, and immoral stance. We should stand tall for American values and with the goddess of democracy and not remain silent in the face of systematic human rights abuses. Next week, that ambassador of peace and serenity, His Holiness the Dalai Lama, will visit us in Washington. Every President since George Herbert Walker Bush has met with the Dalai Lama during his Washington visits, despite vigorous protests from Beijing that he is a splittist. President Obama should do no less.

Tomorrow I will join my voice with that of Liu Xiaobo and the other signers of the Charter 08 whom we honor in this resolution in calling for a new, free and democratic China. This is what we should commemorate on October 1, rather than 60 years of repression by the Communist regime in China.

Mr. Speaker, I'm now pleased to yield such time as he may consume to Mr. CAO, a member of the Homeland Security and Transportation Committees.

Mr. CAO. I thank the gentlewoman from Florida.

Mr. Speaker, I rise today in support of House Concurrent Resolution 151. Today I urge Congress to demand that China release democratic activist Liu Xiaobo from imprisonment. Liu Xiaobo has inspired millions of people to stare down their government and demand change. For his stance on democracy, he has unjustly been put under house arrest with almost no contact with the outside world.

As the Chinese Government commemorates the 60th anniversary of the Communist Party's rule in China, we remember under Communist domination millions of innocent Chinese citizens were imprisoned and murdered. Liu Xiaobo once wrote that "the most fundamental principles of democracy are that the people are sovereign and that the people select their own government. I must ask that the United States, as a representative of the free world, stand with the Chinese people and people all over the world in fighting for freedom and the abolition of totalitarian governments in favor of democracy."

We must resolve to demand that the Chinese Government immediately release Liu Xiaobo and begin making strides toward a true representative democracy.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 151, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING 50TH ANNIVERSARY OF ANTARCTIC TREATY

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 51) recognizing the 50th anniversary of the signing of the Antarctic Treaty, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 51

Whereas the Antarctic Treaty was signed by 12 nations in Washington, DC, on December 1, 1959, "with the interests of science and the progress of all mankind";

Whereas the Antarctic Treaty was established to continue and develop international "cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year";

Whereas the Antarctic Treaty came into force on June 23, 1961, after its unanimous ratification by the seven countries (Argentina, Australia, Chile, France, New Zealand, Norway, and the United Kingdom) with territorial claims in the region and five other countries (Belgium, Japan, South Africa, the Soviet Union, and the United States), which had collaborated in Antarctic research activities during the International Geophysical Year from July 1, 1957, through December 31, 1958;

Whereas the Antarctic Treaty now has 47 nations as signatories that together represent nearly 90 percent of humanity;

Whereas Article IV of the Antarctic Treaty states that "no acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica";

Whereas the 14 articles of the Antarctic Treaty have provided a lasting foundation for maintaining the region south of 60 degrees south latitude, nearly 10 percent of the Earth's surface, "for peaceful purposes only";

Whereas the Antarctic Treaty prohibits "any measure of a military nature";

Whereas the Antarctic Treaty has promoted international nuclear cooperation by prohibiting "any nuclear explosions in Antarctica and the disposal there of radioactive waste material";

Whereas the Antarctic Treaty provides a framework for the signatories to continue to meet "for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recom-

mending to their Governments, measures in furtherance of the principles and objectives of the Treaty";

Whereas common interests among the Antarctic Treaty nations facilitated the development and ratification of the Convention on the Conservation of Antarctic Marine Living Resources;

Whereas the international cooperation represented by the Antarctic Treaty offers humankind a precedent for the peaceful governance of international spaces;

Whereas in celebration of the 50th anniversary of the International Geophysical Year, the Antarctic Treaty Parties in their Edinburgh Declaration recognized the current International Polar Year for its contributions to science worldwide and to international cooperation; and

Whereas the International Polar Year program has endorsed the Antarctic Treaty Summit that will convene in Washington, DC, at the Smithsonian Institution on the 50th anniversary of the Antarctic Treaty: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) recognizes that the Antarctic Treaty has greatly contributed to science and science cooperation worldwide and successfully ensured the "use of Antarctica for peaceful purposes only and the continuance of international harmony" for the past half century; and

(2) encourages international and interdisciplinary collaboration in the Antarctic Treaty Summit to identify lessons from 50 years of international cooperation under the Antarctic Treaty that have legacy value for humankind.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

##### GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in support of H. Con. Res. 51, a resolution introduced by the gentleman from Ohio (Mr. TIBERI), recognizing the 50th anniversary of the signing of the Antarctic Treaty. On December 1, 1959, 12 countries, including the United States and the former Soviet Union, signed the Antarctic Treaty here in Washington, D.C. The treaty, which was created to govern activities in Antarctica, has been widely seen as a success. The treaty's preamble states: "It is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord."

As a result of the treaty, the Antarctic was the first space in which the international community agreed to



preclude acts or activities to assert, support or deny a claim to territorial sovereignty. This exclusion led to the peaceful and scientific exploration of the continent without geopolitical competition. In celebration of the 50th anniversary, the Smithsonian Institution will host the Antarctic Treaty Summit between November 30 and December 2 in Washington. This gathering will raise awareness of the treaty's accomplishments, provide a forum for a broad cross section of civil society to examine lessons learned from the treaty and discuss how they can be applied globally.

I commend Mr. TIBERI for sponsoring this timely resolution. I urge my colleagues to support it.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

For half a century, the Antarctic Treaty has served as the indispensable element, allowing for the expansion of knowledge about that continent and its central role in the life of our planet. As stated in its preamble, the purpose of the treaty is to ensure that Antarctica shall continue forever to be used exclusively for peaceful purposes, the interests of science and the progress of all mankind.

That promise has been fulfilled, Mr. Speaker. The treaty is an enduring demonstration that international cooperation is not only possible across a broad and expanding range of subjects but also among an array of countries that in other areas have been strong competitors and even enemies.

The original seven signatories have since been joined by 40 more, which together represent the vast majority of the population of the world. The growing list of countries with active research efforts on the continent include the United States, Britain, France, Russia, China, and Argentina, among others, underscoring the welcoming setting the treaty has created.

Once a mysterious and far-off land of seemingly marginal relevance to the world in which we live, half a century of scientific research has resulted in the universal recognition of Antarctica's global role. Although cooperation is not mandated, the treaty's promotion of the exchange of research, joint endeavors and free access to all areas of the continent and surrounding waters has resulted in an extraordinarily productive outpouring of knowledge about the continent and its direct impact on the life of our planet.

The treaty has been a laboratory for more than just science and research, however. It has also demonstrated that cooperation across a broad and expanding range of interests can occur without the need for international bureaucracy, bureaucrats or tribunals. The treaty itself was only the beginning. A long list of agreements followed that

have promoted increasingly close cooperation and added additional protections for their continent, ranging from the convention for the conservation of Antarctic marine living resources to the protocol on environmental protection.

In this past half century, we have learned that although Antarctica can be an intimidating and even a harsh environment, it is also a fragile place which humans can easily degrade and even destroy. Thanks to the success of the Antarctic Treaty, we have gained countless benefits for all mankind, learned to care for a precious part of Earth and preserve this wonderful, irreplaceable inheritance for all generations to come.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 51, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1707) to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1707

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Enhanced Partnership with Pakistan Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Findings.

Sec. 4. Statement of principles.

#### TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

Sec. 101. Authorization of assistance.

Sec. 102. Authorization of appropriations.

Sec. 103. Auditing.

#### TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

Sec. 201. Purposes of assistance.

Sec. 202. Authorization of assistance.

Sec. 203. Limitations on certain assistance.

Sec. 204. Pakistan Counterinsurgency Capability Fund.

Sec. 205. Requirements for civilian control of certain assistance.

#### TITLE III—STRATEGY, ACCOUNT- ABILITY, MONITORING, AND OTHER PROVISIONS

Sec. 301. Strategy Reports.

Sec. 302. Monitoring Reports.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term “appropriate congressional committees” means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term “counterinsurgency” means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through violent means.

(3) COUNTERTERRORISM.—The term “counterterrorism” means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

(4) FATA.—The term “FATA” means the Federally Administered Tribal Areas of Pakistan.

(5) FRONTIER CRIMES REGULATION.—The term “Frontier Crimes Regulation” means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) IMPACT EVALUATION RESEARCH.—The term “impact evaluation research” means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(7) MAJOR DEFENSE EQUIPMENT.—The term “major defense equipment” has the meaning given the term in section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)).

(8) NWFP.—The term “NWFP” means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(9) OPERATIONS RESEARCH.—The term “operations research” means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(10) SECURITY FORCES OF PAKISTAN.—The term “security forces of Pakistan” means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(11) SECURITY-RELATED ASSISTANCE.—The term “security-related assistance”—

(A) means—

(i) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(ii) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et. seq); but

(B) does not include—

(i) assistance authorized to be appropriated or otherwise made available under any provision of law that is funded from accounts within budget function 050 (National Defense); and

(ii) amounts appropriated or otherwise available to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32).

#### SEC. 3. FINDINGS.

Congress finds the following:

(1) The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) Since 2001, the United States has contributed more than \$15,000,000,000 to Pakistan, of which more than \$10,000,000,000 has been security-related assistance and direct payments.

(3) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule, reversing years of political tension and mounting popular concern over military rule and Pakistan's own democratic reform and political development.

(4) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past seven years.

(6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—the FATA, parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, the Terikh-e Taliban and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) The security forces of Pakistan have struggled to contain a Taliban-backed insurgency, recently taking direct action against those who threaten Pakistan's security and stability, including military operations in the FATA and the NWFP.

(8) On March 27, 2009, President Obama noted, "Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the United States homeland from its safe-haven in Pakistan."

(9) According to a Government Accountability Office report (GAO-08-622), "since 2003, the [A]dministration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA" and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 22 U.S.C. 2375 note).

(10) During 2008 and 2009, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with 3% of the population living on less than \$2 a day and 1/3 of the population living below the poverty line accord-

ing to the United Nations Development Program.

(11) Economic growth is a fundamental foundation for human security and national stability in Pakistan, a country with more than 175,000,000 people, an annual population growth rate of two percent, and a ranking of 136 out of 177 countries in the United Nations Human Development Index.

(12) The 2009 Pakistani military offensive in the NWFP and the FATA displaced millions of residents in one of the gravest humanitarian crises Pakistan has faced, and despite the heroic efforts of Pakistanis to respond to the needs of the displaced millions and facilitate the return of many, it has highlighted the need for Pakistan to develop an effective national counterinsurgency strategy.

#### SEC. 4. STATEMENT OF PRINCIPLES.

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and economic development of Pakistan.

(2) United States assistance to Pakistan is intended to supplement, not supplant, Pakistan's own efforts in building a stable, secure, and prosperous Pakistan.

(3) The United States requires a balanced, integrated, countrywide strategy for Pakistan that provides assistance throughout the country and does not disproportionately focus on security-related assistance or one particular area or province.

(4) The United States supports Pakistan's struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,900 soldiers and police since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(5) The United States intends to work with the Government of Pakistan—

(A) to build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, including strengthening Pakistan's parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) to promote sustainable long-term development and infrastructure projects, including in healthcare, education, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;

(D) to ensure that all the people of Pakistan, including those living in areas governed by the Frontier Crimes Regulation, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(E) to support the strengthening of core curricula and the quality of schools across Pakistan, including madrassas, in order to improve the prospects for Pakistani chil-

dren's futures and eliminate incitements to violence and intolerance;

(F) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan, including support for institutions of higher learning with international accreditation;

(G) to expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(H) to encourage the development of local analytical capacity to measure program effectiveness and progress on an integrated basis, especially across the areas of United States assistance and payments to Pakistan, and increase accountability for how such assistance and payments are being spent;

(I) to assist Pakistan's efforts to improve counterterrorism financing and anti-money laundering regulatory structure in order to achieve international standards and encourage Pakistan to apply for "Financial Action Task Force" observer status and adhere to the United Nations International Convention for the Suppression of the Financing of Terrorism;

(J) to strengthen Pakistan's counterinsurgency and counterterrorism strategy to help prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan or elsewhere;

(K) to strengthen Pakistan's efforts to develop strong and effective law enforcement and national defense forces under civilian leadership;

(L) to achieve full cooperation in matters of counter-proliferation of nuclear materials and related networks;

(M) to strengthen Pakistan's efforts to gain control of its under-governed areas and address the threat posed by any person or group that conducts violence, sabotage, or other terrorist activities in Pakistan or its neighboring countries; and

(N) to explore means to consult with and utilize the relevant expertise and skills of the Pakistani-American community.

### TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

#### SEC. 101. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance to Pakistan—

(1) to support the consolidation of democratic institutions;

(2) to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights;

(3) to promote economic freedoms and sustainable economic development;

(4) to support investment in people, including those displaced in on-going counterinsurgency operations; and

(5) to strengthen public diplomacy.

(b) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (a) include the following:

(1) To support democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen Pakistan's institutions, including the capacity of the National Parliament of Pakistan, such as enhancing the capacity of committees to oversee government activities, including national security issues, enhancing the ability

of members of parliament to respond to constituents, and supporting of parliamentary leadership;

(B) support for voter education and civil society training as well as appropriate support for political party capacity building and responsiveness to the needs of all the people of Pakistan; and

(C) support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities at the national, provincial, and local levels.

(2) To support Pakistan's efforts to expand rule of law, build the capacity, transparency, and trust in government institutions, and promote internationally recognized human rights, including assistance such as—

(A) supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector;

(B) support for police professionalization, including training regarding use of force, human rights, and community policing;

(C) support for independent, efficient, and effective judicial and criminal justice systems, such as case management, training, and efforts to enhance the rule of law to all areas in Pakistan;

(D) support for the implementation of legal and political reforms in the FATA;

(E) support to counter the narcotics trade;

(F) support for internationally recognized human rights, including strengthening civil society and nongovernmental organizations working in the area of internationally recognized human rights, as well as organizations that focus on protection of women and girls, promotion of freedom of religion and religious tolerance, and protection of ethnic or religious minorities; and

(G) support for promotion of a responsible, capable, and independent media.

(3) To support economic freedom and economic development in Pakistan, including—

(A) programs that support sustainable economic growth, including in rural areas, and the sustainable management of natural resources through investments in water resource management systems;

(B) expansion of agricultural and rural development, such as farm-to-market roads, systems to prevent spoilage and waste, and other small-scale infrastructure improvements;

(C) investments in energy, including energy generation and cross-border infrastructure projects with Afghanistan;

(D) employment generation, including increasing investment in infrastructure projects, including construction of roads and the continued development of a national aviation industry and aviation infrastructure, as well as support for small and medium enterprises;

(E) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders;

(F) access to microfinance for small business establishment and income generation, particularly for women; and

(G) countering radicalization by providing economic, social, educational, and vocational opportunities and life-skills training to at-risk youth.

(4) To support investments in people, particularly women and children, including—

(A) promoting modern, public primary and secondary education and vocational and technical training, including programs to assist in the development of modern, nationwide school curriculums for public, private, and religious schools; support for the proper

oversight of all educational institutions, including religious schools, as required by Pakistani law; initiatives to enhance access to education and vocational and technical training for women and girls and to increase women's literacy, with a special emphasis on helping girls stay in school; and construction and maintenance of libraries and public schools;

(B) programs relating to higher education to ensure a breadth and consistency of Pakistani graduates, including through public-private partnerships;

(C) improving quality public health to eliminate diseases such as hepatitis and to reduce maternal and under-five mortality rates;

(D) building capacity for nongovernmental and civil society organizations, particularly organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations; and

(E) support for refugees and internally displaced persons and long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(5) To strengthen public diplomacy to combat militant extremism and promote a better understanding of the United States, including—

(A) encouraging civil society, respected scholars, and other leaders to speak out against militancy and violence; and

(B) expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State designed to promote mutual understanding and interfaith dialogue and expand sister institution programs between United States and Pakistani schools and universities.

(c) ADDITIONAL AND RELATED ACTIVITIES.—

(1) AVAILABILITY OF AMOUNTS FOR PAKISTANI POLICE PROFESSIONALIZATION, EQUIPPING, AND TRAINING.—Not less than \$150,000,000 of the amounts appropriated for fiscal year 2010 pursuant to the authorization of appropriations under section 102 should be made available for assistance to Pakistan under this section for police professionalization, equipping, and training.

(2) AVAILABILITY OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Up to \$10,000,000 of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 may be made available for administrative expenses of civilian departments and agencies of the United States Government in connection with the provision of assistance under this section. Such amounts shall be in addition to amounts otherwise available for such purposes.

(3) UTILIZING PAKISTANI ORGANIZATIONS.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contracts, and to work with local leaders to provide assistance under this section.

(4) USE OF DIRECT EXPENDITURES.—Amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(5) CHIEF OF MISSION FUND.—Of the amounts appropriated for each fiscal year pursuant to

the authorization of appropriations under section 102, up to \$5,000,000 may be used by the Secretary of State to establish a fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under this title or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes of this section, or for purposes of humanitarian relief. The fund established pursuant to this paragraph may be referred to as the "Chief of Mission Fund".

(6) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence in Pakistan and support international efforts to coordinate assistance to refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(B) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, health, education, infrastructure development, and environmental restoration in identified parts of the country where Afghan refugees have lived; and

(C) the United States should have a coordinated, strategic communications strategy to engage the people of Pakistan and to help ensure the success of the measures authorized by this title.

(d) NOTIFICATION.—For fiscal years 2010 through 2014, the President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of the Government of Pakistan and shall include in such notification a description of the purpose and conditions attached to any such budgetary support.

## SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under this title and to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), up to \$1,500,000,000 for each of the fiscal years 2010 through 2014.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the amounts appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

(A) none of the amounts appropriated for assistance to Pakistan may be made available after the date that is 60 days after the date of the enactment of this Act unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees pursuant to section 301(a); and

(B) not more than \$750,000,000 may be made available for assistance to Pakistan unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during such fiscal year—

(i) a certification that assistance provided to Pakistan under this title or the Foreign Assistance Act of 1961 to date has made or is making reasonable progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report; and

(ii) a memorandum explaining the reasons justifying the certification described in clause (i).

(2) **MAKER OF CERTIFICATION.**—In the event of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification and memorandum described under paragraph (1)(B) may be made by the Secretary of State.

(c) **WAIVER.**—The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to do so.

(d) **SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.**—It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to \$1,500,000,000 for each of the fiscal years 2015 through 2019 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

#### SEC. 103. AUDITING.

(a) **ASSISTANCE AUTHORIZED.**—The Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the inspectors general of other Federal departments and agencies (other than the Inspector General of the Department of Defense) carrying out programs, projects, and activities using amounts appropriated to carry out this title shall audit, investigate, and oversee the obligation and expenditure of such amounts.

(b) **AUTHORIZATION FOR IN-COUNTRY PRESENCE.**—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient staff from each of the Offices of the Inspector General, respectively, to carry out subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated under section 102 for each of the fiscal years 2010 through 2014, up to \$30,000,000 for each fiscal year is authorized to be made available to carry out this section.

(2) **RELATION TO OTHER AVAILABLE FUNDS.**—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

### TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

#### SEC. 201. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to support Pakistan's paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests;

(2) to work with the Government of Pakistan to improve Pakistan's border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to help strengthen the institutions of democratic governance and promote control of military institutions by a democratically elected civilian government.

#### SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) **INTERNATIONAL MILITARY EDUCATION AND TRAINING.**—

(1) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded international military education and training (commonly known as "E-IMET").

(2) **USE OF FUNDS.**—It is the sense of Congress that a substantial amount of funds made available to carry out this subsection for a fiscal year should be used to pay for courses of study and training in counterinsurgency and civil-military relations.

(b) **FOREIGN MILITARY FINANCING PROGRAM.**—

(1) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) **USE OF FUNDS.**—

(A) **IN GENERAL.**—A significant portion of the amount made available to carry out this subsection for a fiscal year shall be for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan.

(B) **SENSE OF CONGRESS.**—It is the sense of Congress that a significant majority of funds made available to carry out this subsection for a fiscal year should be used for the purpose described in subparagraph (A).

(3) **ADDITIONAL AUTHORITY.**—Except as provided in sections 3 and 102 of the Arms Export Control Act, the second section 620J of the Foreign Assistance Act of 1961 (as added by Public Law 110-161), and any provision of an Act making appropriations for the Department of State, foreign operations, and related programs that restricts assistance to the government of any country whose duly elected head of government is deposed by military coup or decree, and except as otherwise provided in this title, amounts authorized to be made available to carry out paragraph (2) for fiscal years 2010 and 2011 are authorized to be made available notwithstanding any other provision of law.

(4) **DEFINITIONS.**—In this section, the terms "defense articles", "defense services", and "military education and training" have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should facilitate Pakistan's establishment of a program to provide reconstruction assistance, including through Pakistan's military as appropriate, in areas damaged by combat operations.

(d) **EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.**—

(1) **IN GENERAL.**—The Secretary of State is authorized to establish an exchange program between—

(A) military and civilian personnel of Pakistan; and

(B)(i) military and civilian personnel of countries determined by the Secretary of State to be in the process of consolidating and strengthening a democratic form of government; or

(ii) military and civilian personnel of North Atlantic Treaty Organization member countries,

in order to foster greater mutual respect for and understanding of the principle of civilian rule of the military.

(2) **ELEMENTS OF PROGRAM.**—The program authorized under paragraph (1) may include conferences, seminars, exchanges, and other events, distribution of publications and reimbursements of expenses of foreign military personnel participating in the program, including transportation, translation and administrative expenses.

(3) **ROLE OF NONGOVERNMENTAL ORGANIZATIONS.**—Amounts authorized to be appropriated to carry out this section for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under paragraph (1).

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 to carry out the program established by this subsection.

#### SEC. 203. LIMITATIONS ON CERTAIN ASSISTANCE.

(a) **LIMITATION ON SECURITY-RELATED ASSISTANCE.**—For fiscal years 2011 through 2014, no security-related assistance may be provided to Pakistan in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(b) **LIMITATION ON ARMS TRANSFERS.**—For fiscal years 2012 through 2014, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(c) **CERTIFICATION.**—The certification required by this subsection is a certification by the Secretary of State, under the direction of the President, to the appropriate congressional committees that—

(1) the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks;

(2) the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups, consistent with the purposes of assistance described in section 201, including taking into account the extent to which the Government of Pakistan has made progress on matters such as—

(A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

(B) preventing al Qaeda, the Taliban and associated terrorist groups, such as Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan, including carrying out cross-border attacks into neighboring countries, closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets; and

(C) strengthening counterterrorism and anti-money laundering laws; and

(3) the security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.

(d) CERTAIN PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), none of the funds appropriated for security-related assistance for fiscal years 2010 through 2014, or any amounts appropriated to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be obligated or expended to make payments relating to—

(A) the Letter of Offer and Acceptance PK-D-YAD signed between the Governments of the United States of America and Pakistan on September 30, 2006;

(B) the Letter of Offer and Acceptance PK-D-NAP signed between the Governments of the United States of America and Pakistan on September 30, 2006; and

(C) the Letter of Offer and Acceptance PK-D-SAF signed between the Governments of the United States of America and Pakistan on September 30, 2006.

(2) EXCEPTION.—Funds appropriated for security-related assistance for fiscal years 2010 through 2014 may be used for construction and related activities carried out pursuant to the Letters of Offer and Acceptance described in paragraph (1).

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State, under the direction of the President, may waive the limitations contained in subsections (a), (b), and (d) for a fiscal year if the Secretary of State determines that is important to the national security interests of the United States to do so.

(2) PRIOR NOTICE OF WAIVER.—The Secretary of State, under the direction of the President, may not exercise the authority of paragraph (1) until 7 days after the Secretary of State provides to the appropriate congressional committees a written notice of the intent to issue to waive and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

**SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.**

(a) FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—For fiscal year 2010, the Department of State’s Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32), hereinafter in this section referred to as the “Fund”, shall consist of the following:

(A) Amounts appropriated to carry out this subsection (which may not include any amounts appropriated to carry out title I of this Act).

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) PURPOSES OF FUND.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to

be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) TRANSFER AUTHORITY.—

(A) IN GENERAL.—The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense’s Pakistan Counterinsurgency Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32) and such amounts may be transferred back to the Fund if the Secretary of Defense, with the concurrence of the Secretary of State, determines that such amounts are not needed for the purposes for which initially transferred.

(B) TREATMENT OF TRANSFERRED FUNDS.—Subject to subsections (d) and (e) of section 203, transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense’s Pakistan Counterinsurgency Fund.

(C) RELATION TO OTHER AUTHORITIES.—The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) NOTIFICATION.—The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees in writing of the details of any such transfer.

(b) SUBMISSION OF NOTIFICATIONS.—Any notification required by this section may be submitted in classified or unclassified form, as necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

**SEC. 205. REQUIREMENTS FOR CIVILIAN CONTROL OF CERTAIN ASSISTANCE.**

(a) REQUIREMENTS.—

(1) IN GENERAL.—For fiscal years 2010 through 2014, any direct cash security-related assistance or non-assistance payments by the United States to the Government of Pakistan may only be provided or made to civilian authorities of a civilian government of Pakistan.

(2) DOCUMENTATION.—For fiscal years 2010 through 2014, the Secretary of State, in coordination with the Secretary of Defense, shall ensure that civilian authorities of a civilian government of Pakistan have received a copy of final documentation provided to the United States related to non-assistance payments provided or made to the Government of Pakistan.

(b) WAIVER.—

(1) SECURITY-RELATED ASSISTANCE.—The Secretary of State, in consultation with the Secretary of Defense, may waive the requirements of subsection (a) with respect to security-related assistance described in subsection (a) funded from accounts within budget function 150 (International Affairs) if the Secretary of State certifies to the appropriate congressional committees that the

waiver is important to the national security interest of the United States.

(2) NON-ASSISTANCE PAYMENTS.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) with respect to non-assistance payments described in subsection (a) funded from accounts within budget function 050 (National Defense) if the Secretary of Defense certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(c) APPLICATION TO CERTAIN ACTIVITIES.—Nothing in this section shall apply with respect to—

(1) any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.);

(2) any assistance to promote democratic elections or public participation in democratic processes;

(3) any assistance or payments if the Secretary of State determines and certifies to the appropriate congressional committees that subsequent to the termination of assistance or payments a democratically elected government has taken office;

(4) any assistance or payments made pursuant to section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as amended;

(5) any payments made pursuant to the Acquisition and Cross-Servicing Agreement between the Department of Defense of the United States of America and the Ministry of Defense of the Islamic Republic of Pakistan; and

(6) any assistance or payments made pursuant to section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4578).

(d) DEFINITIONS.—In this section—

(1) the term “appropriate congressional committees” means the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the term “civilian government of Pakistan” does not include any government of Pakistan whose duly elected head of government is deposed by military coup or decree.

**TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS**

**SEC. 301. STRATEGY REPORTS.**

(a) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan under this Act. The report shall include the following:

(1) A description of the principal objectives of United States assistance to Pakistan to be provided under title I of this Act.

(2) A general description of the specific programs, projects, and activities designed to achieve the purposes of section 101 and the respective funding levels for such programs, projects, and activities for fiscal years 2010 through 2014.

(3) A plan for program monitoring, operations research, and impact evaluation research for assistance authorized under title I of this Act.

(4) A description of the role to be played by Pakistani national, regional, and local officials and members of Pakistani civil society and local private sector, civic, religious, and

tribal leaders in helping to identify and implement programs and projects for which assistance is to be provided under this Act, and of consultations with such representatives in developing the strategy.

(5) A description of the steps taken, or to be taken, to ensure assistance provided under this Act is not awarded to individuals or entities affiliated with terrorist organizations.

(6) A projection of the levels of assistance to be provided to Pakistan under this Act, broken down into the following categories as described in the annual "Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance":

- (A) Civil liberties.
- (B) Political rights.
- (C) Voice and accountability.
- (D) Government effectiveness.
- (E) Rule of law.
- (F) Control of corruption.
- (G) Immunization rates.
- (H) Public expenditure on health.
- (I) Girls' primary education completion rate.
- (J) Public expenditure on primary education.
- (K) Natural resource management.
- (L) Business start-up.
- (M) Land rights and access.
- (N) Trade policy.
- (O) Regulatory quality.
- (P) Inflation control.
- (Q) Fiscal policy.

(7) An analysis for the suitable replacement for existing Pakistani helicopters, including recommendations for sustainment and training.

(b) COMPREHENSIVE REGIONAL STRATEGY REPORT.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the achievement of United States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan's long-term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

(2) COMPREHENSIVE REGIONAL SECURITY STRATEGY.—The President shall develop a comprehensive interagency regional security strategy to eliminate terrorist threats and close safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas of Pakistan and Afghanistan, including the FATA, the NWFP, parts of Balochistan, and parts of Punjab.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the comprehensive regional security strategy required under paragraph (2).

(B) CONTENTS.—The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term "appropriate congressional committees" means—

(i) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(c) SECURITY-RELATED ASSISTANCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a plan for the proposed use of amounts authorized for security-related assistance for each of the fiscal years 2010 through 2014. Such plan shall include an assessment of how the use of such amounts complements or otherwise is related to amounts described in section 204.

#### SEC. 302. MONITORING REPORTS.

(a) SEMI-ANNUAL MONITORING REPORT.—Not later than 180 days after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), and every 180 days thereafter through September 30, 2014, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the assistance provided under this Act during the preceding 180-day period. The report shall include—

(1) a description of all assistance by program, project, and activity, as well as by geographic area, provided pursuant to title I of this Act during the period covered by the report, including the amount of assistance provided for each program or project, and with respect to the first report a description of all amounts made available for assistance to Pakistan during fiscal year 2009, including a description of each program, project, and activity for which funds were made available;

(2) a list of persons or entities from the United States or other countries that have received funds in excess of \$100,000 to conduct projects under title I of this Act during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;

(3) with respect to the plan described in section 301(a)(3), updates to such plan and a description of best practices to improve the impact of the assistance authorized under title I of this Act;

(4) an assessment of the effectiveness of assistance provided under title I of this Act during the period covered by the report in achieving desired objectives and outcomes as guided by the plan described in section 301(a)(3), and as updated pursuant to paragraph (3) of this subsection, including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

(5) a description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;

(6) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;

(7) any incidents or reports of waste, fraud, and abuse of expenditures under title I of this Act;

(8) the amount of funds authorized to be appropriated pursuant to section 102 that were used during the reporting period for administrative expenses or for audits and pro-

gram reviews pursuant to the authority under sections 101(c)(2) and 103;

(9) a description of the expenditures made from any Chief of Mission Fund established pursuant to section 101(c)(5) during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any expenditures from the Chief of Mission Fund in excess of \$100,000;

(10) an accounting of assistance provided to Pakistan under title I of this Act, broken down into the categories set forth in section 301(a)(6);

(11) an evaluation of efforts undertaken by the Government of Pakistan to—

(A) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;

(B) eliminate the safe havens of such forces in Pakistan;

(C) close terrorist camps, including those of Lashkar-e-Taiba and Jaish-e-Mohammed;

(D) cease all support for extremist and terrorist groups;

(E) prevent attacks into neighboring countries;

(F) increase oversight over curriculum in madrassas, including closing madrassas with direct links to the Taliban or other extremist and terrorist groups; and

(G) improve counterterrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and take steps to adhere to the United Nations International Convention for the Suppression of Financing of Terrorism;

(12) a detailed description of Pakistan's efforts to prevent proliferation of nuclear-related material and expertise;

(13) an assessment of whether assistance provided to Pakistan has directly or indirectly aided the expansion of Pakistan's nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan's financial resources that would otherwise be spent for programs and activities unrelated to its nuclear weapons program;

(14) a detailed description of the extent to which funds obligated and expended pursuant to section 202(b) meet the requirements of such section; and

(15) an assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.—

(1) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(A) a review of, and comments addressing, the Pakistan Assistance Strategy Report;

(B) recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of this Act;

(C) a detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to



the Foreign Military Financing program); and

(D) an assessment of the impact of the assistance on the security and stability of Pakistan.

(2) CERTIFICATION REPORT.—Not later than 120 days after the date on which the President makes the certification described in section 203(c) for a fiscal year, the Comptroller General of the United States shall conduct an independent analysis of the certification described in such section and shall submit to the appropriate congressional committees a report containing the results of the independent analysis.

(c) SUBMISSION.—The Secretary of State may submit the reports required by this section in conjunction with other reports relating to Pakistan required under other provisions of law, including sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1906 and 1907).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself 3 minutes.

I rise in strong support of the bill. The United States has an enormous stake in the security and stability of Pakistan. We can't allow al Qaeda or any other terrorist group that threatens our national security interests to operate with impunity in the tribal regions or any other part of Pakistan, nor can we permit the Pakistani state and its nuclear arsenal to be taken over by the Taliban.

To help prevent this nightmare scenario, we need to forge a true strategic partnership with Pakistan and its people, strengthen Pakistan's democratic government, and work to make Pakistan a source of stability in a volatile region.

I'm pleased to bring to the floor S. 1707, the Enhanced Partnership With Pakistan Act of 2009, a bicameral, bipartisan compromise between H.R. 1886 and the original Senate version of this legislation. As in the House bill we passed in June, S. 1707 provides funding

to strengthen the capacity of Pakistan's democratic institutions, including its Parliament, judicial system and law enforcement agencies. It calls for increased assistance to Pakistan's public education system with an emphasis on access for women and girls.

S. 1707 also provides critical security assistance to help the Government of Pakistan in its fight against the extremists that threaten the national security of both Pakistan and the United States. Finally, the compromise text requires that beginning in fiscal year 2011, military assistance may only be provided to Pakistan if the President determines that the Government of Pakistan is continuing to cooperate with the United States in preventing a proliferation of weapons of mass destruction and has both demonstrated a sustained commitment to combating terrorist groups and has made significant efforts towards that end.

Mr. Speaker, I would like to quote from the letter from Secretary of Defense Gates and Admiral Mullen in reference to this legislation. This is a letter sent last Friday: “This bill would support U.S. national security interests in Afghanistan and Pakistan. The Department of Defense strongly supports moving this bill to final passage by the House and Senate as expeditiously as possible.” Or as Secretary Clinton said just yesterday, this bill “will be an essential tool in support of our national security interests.”

I want to congratulate Senators KERRY and LUGAR, the sponsors of this bill, for their hard work and determination in passing it. And I thank them for the open and cooperative spirit that they and their staff showed in crafting this bicameral, bipartisan compromise. I also want to thank my good friend from Illinois (Mr. KIRK) and my good friend from my home State of California (Mr. ROYCE) for their support in crafting this legislation and supporting the compromise. I particularly want to thank the ranking member of the committee, Ms. ROS-LEHTINEN, for her contributions and her help in reaching this point in passing this legislation.

Following is an explanation of the S. 1707, the Enhanced Partnership with Pakistan Act of 2009. The text reflects an agreement reached by the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations on the text of S. 962, based on the text contained in the bill as passed by the Senate, and the text of H.R. 1886, as contained in titles I to III of Division B of H.R. 2410 and passed by the House of Representatives.

#### SUMMARY

S. 1707, the Enhanced Partnership with Pakistan Act of 2009, establishes a legislative foundation for a sustained partnership between the United States and Pakistan, based on a shared commitment to strengthening democracy and the rule of law, improving the living conditions of the people of Pakistan through sustainable economic development, and combating terrorism and violent

extremism. S. 962 seeks to transform the relationship between the United States and Pakistan into a deeper, broader, long-term strategic engagement. The legislation aims to properly balance the relationship between United States and Pakistan by acknowledging and supporting the national security interests of the United States as well as Pakistan's economic and geopolitical interests. United States assistance for Pakistan enhances our mutual security while helping to build economic and political stability in a country that is both regionally and strategically important. Economic assistance is as critical an element to stabilizing Pakistan as strengthening the capacity of the Pakistani military to counter terrorism, especially for projects that provide direct and concrete benefit to Pakistani citizens as a whole. The overall level of economic assistance authorized would be raised substantially by this legislation, with the bulk of this aid intended for projects such as schools, roads, medical clinics, and infrastructure development.

#### SECTION-BY-SECTION ANALYSIS

##### SEC. 1. SHORT TITLE; TABLE OF CONTENTS

The Amendment maintains the title of S. 962 as the Enhanced Partnership with Pakistan Act of 2009 and contains an amended table of contents.

##### SEC. 2. DEFINITIONS

Section 2 contains definitions for the Act, drawing from provisions in both S. 962 and Division B of H.R. 2410.

##### SEC. 3. FINDINGS

Section 3 combines findings from both S. 962 and Division B of H.R. 2410.

##### SEC. 4. STATEMENT OF PRINCIPLES

Section 4 maintains the structure of Division B of H.R. 2410's Section 4, Declaration of Principles, and draws upon S. 962's Statement of Policy. The Section is intended to describe the principles for which the U.S.-Pakistan relationship is governed. It includes the expectations of Congress with regard to the bilateral relationship.

Title I—Democratic, Economic, and Development Assistance for Pakistan

##### SEC. 101. PURPOSES OF ASSISTANCE

Subsection (a) provides for the purposes of assistance until title I. The central purpose of assistance under title I is to demonstrate unequivocally the long-term commitment of the United States to the people of Pakistan. The specific purposes in section 101 draw from both S. 962 and Division B of H.R. 2410: (1) to support the consolidation of democratic institutions; (2) to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights, including building the capacity of law enforcement forces in Pakistan to combat terrorism and violent militancy and expeditiously investigate, arrest, and prosecute alleged criminals, consistent with the rule of law and due process; (3) to promote economic freedoms and sustainable economic development in order to improve the living conditions of the people of Pakistan, especially in areas of direct interest and importance to their daily lives and to strengthen regional ties by offering assistance for issues of mutual and social concern; (4) to support investments in people, including increasing literacy, expanding opportunities for vocational training as well as broad-based general baccalaureate education, helping achieve an appropriate national curriculum for schools across Pakistan, increasing access to basic health care, including services



for women to address Pakistan's high maternal mortality rates, providing assistance to those displaced in ongoing counterinsurgency operations; and (5) to strengthen public diplomacy, including expanding people-to-people engagement between the United States and Pakistan through increased educational, technical, and cultural exchanges and other methods.

Subsection (b) includes further detail regarding programs which Congress believes should be implemented to satisfy the purposes described in subsection (a). In the area of fortifying democratic institutions, programs should include support for the establishment of constituency offices and support for efforts by the Government of Pakistan to promote local experimentation with methods of transition from the Frontier Crimes Regulation, considered outdated by most Pakistanis, to other governing codes. In the area of enhancement and strengthening of the judicial system and law enforcement, programs should include support for a more responsive and sufficiently staffed bench and professional training of judges, public defenders, and prosecutors; support for strengthening the role of civilian law enforcement agencies, such as the Intelligence Bureau in the Ministry of Interior, with enhanced coordination with judicial processes, enhanced forensics capability, data collection and analysis, financial intelligence functions, and maintenance of data systems to track terrorist or criminal activity; support for the development of an elite rapid reaction police force; and support for the improving counterterrorism and counterinsurgency coordination between local government officials, the police, paramilitary, and military leaders.

In the area of support to increase local capacity, programs should include support to governmental institutions at all levels through providing technical assistance to all ministries to improve transparency and the ability to respond to the needs of the people of Pakistan; support for the promotion of fiscal and personnel management, including revenue tracking and expenditure systems; support for training and education to local nongovernmental and civil society organizations on ways to identify and improve the delivery of services to the people of Pakistan; and support for promoting local ownership and participation, including encouraging communities to contribute a percentage of the value of United States projects and activities carried out under this title in the form of labor, in-kind materials, or other provisions.

In the area of supporting economic freedom and economic development and supporting investments in people, the Department of State should work with the Department of Labor to provide educational remediation to victims of the worst forms of child labor. In addition, programs on microfinance and microenterprise activities should include programs to improve the lives of women aimed at addressing the root causes of exploitative child labor and to enable their children to attend school.

In the area of public education more generally, programs should include support for schools that incorporate basic subjects, such as math, science, literature, and history; important additional training in human rights awareness, and where appropriate basic agricultural education and training as well as support for civic education programs focused on political participation, democratic governance and institutions, and tolerance of diverse ethnic and religious groups; where ap-

propriate funding to the Government of Pakistan to use to improve teacher salaries and to recruit and train teachers and administrators, as well as develop formalized salary scales with merit-based increases; construction and maintenance of libraries and public schools, including water and sanitation, perimeter walls where necessary, and consideration for recreation areas; provision of textbooks and other learning materials as well as food assistance for student meals where warranted; and provision of software to educational institutions and students at the lowest possible cost, specifically targeting universities that specialize in information technology, liberal arts, and women's colleges and women's secondary schools. It is intended that programs continue to enable and expand institutions of higher education in partnership with the Pakistan government and other private-public partnerships, specifically for non-sectarian, co-educational institutions such as Forman College in Lahore. It is further intended that an assessment of American Universities abroad be made to determine the value and opportunity for such an institution in Pakistan at this time.

In the areas of support for human rights, programs should include support for programs designed to end traditional practices and punishments that are inconsistent with internationally recognized human rights' norms and protections, such as honor killings and other forms of cruel and unusual punishments; and technical, legal, and law enforcement assistance for the investigation of past disappearances of individuals in Pakistan and the development of national database of such individuals. In the area of support for healthcare efforts, programs should include support for the repairing and building of healthcare infrastructure, including purchase of equipment and training of health professionals, to ensure adequate access to healthcare for Pakistan's population, especially among poor, marginalized, and disadvantaged segments; and promotion of efforts by the Government of Pakistan to reduce maternal mortality, including through the provision of maternal and newborn health services and development of community-based skilled birth attendants.

Subsection (c) provides that no less than \$150,000,000 should be made available for police professionalization, equipping, and training for fiscal year 2010; authorizes up to \$10,000,000 for each fiscal year for administrative expenses of civilian department and agencies in the U.S. Government in connection with title I assistance; encourages the President to use Pakistani organizations, including the use of host country contracts, to work with local leaders to provide assistance associated with this section; requires direct expenditures be paramount in providing assistance; provides that a Chief of Mission Fund of up to \$5,000,000 for each fiscal year may be made available to address the urgent needs or opportunities on the ground, as determined by the Secretary of State; and expresses the Sense of Congress that counterinsurgency operations being carried out by the Government of Pakistan should be designed to minimize civilian casualties and collateral damage to the people of Pakistan and to provide security for the delivery of humanitarian assistance to the affected population, that the Administrator of the United States Agency for International Development should support the development objectives, and that the United States should have a coordinated strategic communications strategy.

Subsection (d) mandates the President to notify Congress no later than 15 days before obligating any assistance under title I to budget support.

#### SECTION 102. AUTHORIZATION OF APPROPRIATIONS

Subsection (a) authorizes \$1,500,000,000 of assistance to Pakistan for fiscal years 2010 through 2014.

Subsection (b) restricts the availability of such funds to the submission of the Pakistan Assistance Strategy Report no later than 60 days after the enactment of this Act to Congress. It further restricts that no more than \$750,000,000 of the amounts appropriated pursuant to the authorization in subsection (a) may be available each year thereafter until the President's Special Representative to Afghanistan and Pakistan certifies that there is reasonable progress achieved in the principal objectives of the United States assistance, as outlined in the Pakistan Assistance Strategy Report.

Subsection (c) allows the Secretary of State to waive the limitations of subsection (b) if the Secretary determines and certifies that it is in the national security interests of the United States to do so.

Subsection (d) expresses the Sense of Congress that there should be authorized to be appropriated up to \$1,500,000,000 for each fiscal years 2015 through 2019 for the purpose of providing assistance to Pakistan, contingent upon an improving political and economic climate in Pakistan.

It should also be noted that bilateral assistance is not the only mechanism for supporting Pakistan's economic and political situation. To the extent that Pakistan continues to evolve toward civilian control of the government and to develop and implement comprehensive economic reform programs, the President should take the lead in mobilizing international financial institutions, in particular the International Monetary Fund and affiliated institutions in the World Bank group, to provide timely and appropriate resources to help Pakistan. The President should also, in conjunction with other governments and international financial institutions (including the International Monetary Fund), support the implementation of a plan by the Government of Pakistan to attack structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Pakistan. Finally, the President should provide leadership in supporting multilateral agreements to provide government-to-government loans for currency stabilization in Pakistan if the loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

#### SECTION 103. AUDITING

Subsection (a) explains that the Inspectors General of the Department of State, the United States Agency for International Development, and other federal departments other than the Department of Defense, shall audit, investigate, and oversee the obligation and expenditure of such amounts in this title. It is appropriate and essential that the significant increase in assistance be matched with sufficient oversight and accountability. The Inspectors General of the respective agencies are expected to achieve a higher level of coordination and cooperation in their oversight. Congress expects the Secretary of State in consultation with other U.S. government agencies to ensure oversight efforts and support for those efforts are

no less robust than those for the Special Inspectors General created for Iraq and Afghanistan.

Subsection (b) authorizes the aforementioned Inspectors General to establish in-country presence through field offices in Pakistan, as necessary.

Subsection (c) authorizes up to \$30,000,000 for each fiscal year to be made available for auditing, in addition to amounts otherwise available for such purposes.

#### Title II—Security Assistance

Title II draws from title II of Division B of H.R. 2410 and sections 5 and 6 of S. 962.

#### SEC. 201. PURPOSES OF ASSISTANCE

Section 201 declares the purposes for which U.S. security assistance to Pakistan is to be used. It provides that U.S. security assistance to Pakistan be used (1) to support Pakistan's paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests; (2) to work with the Government of Pakistan to improve Pakistan's border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere; (3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and (4) to help strengthen the institutions of democratic governance and promote control of military institutions by a democratically elected civilian government.

#### SECTION 202. AUTHORIZATION OF MILITARY ASSISTANCE

Subsection (a) authorizes such sums as may be necessary for fiscal years 2010 to 2014 for International Military Education and Training (IMET) programs for Pakistan, including expanded IMET. Subsection (a)(2) provides that a "substantial amount" of such funds should be used to pay for courses of study and training in counterinsurgency and civil-military relations. For this purpose, a substantial amount should be considered approximately 30 percent.

Subsection (b)(1) authorizes such sums as may be necessary for fiscal years 2010 to 2014 for Foreign Military Financing (FMF). Subsection (b)(2)(A) provides that a significant portion of such amounts shall be used for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan. For purposes of this subsection, such articles, services and education and training may include, but are not limited to, the following:

Aviation maintenance and logistics support for United States-origin and United States-supported rotary wing aircraft and upgrades to such aircraft to include modern night vision and targeting capabilities.

Intelligence, surveillance, and reconnaissance (ISR) ground and air manned and unmanned platforms, including sustainment.

Command and control capabilities.

Force protection and counter improvised explosive device capabilities, including protection of vehicles.

Protective equipment, such as body armor and helmets, night vision goggles, and other individual equipment, including load-bearing equipment, individual and unit level first aid equipment, ballistic eye protection, and cold weather equipment.

Appropriate individual and unit level medical services and articles for the Pakistan Army, the Pakistan Frontier Corps, and other appropriate security forces.

Assistance to enable the Pakistani military to distribute humanitarian assistance and establish a tactical civil-military operations capability, including a civil affairs directorate.

Subsection (b)(2)(B) provides that it is the Sense of Congress that a significant majority of funds made available to carry out this subsection for a fiscal year should be used for the purpose described in subparagraph (A). For this purpose, a significant majority should be considered approximately 70 percent of the amounts made available pursuant to the authorization.

Subsection (b)(3) provides that FMF can be provided in fiscal years 2010 and 2011 notwithstanding any other provision of law other than sections 3 and section 102 of the Arms Export Control Act and annual restrictions relating to assistance to a country that has had a duly-elected head of government deposed by a military coup. The purpose of this provision is to allow greater flexibility in the delivery of FMF in FY2010 and 2011 to Pakistan. This authority complements flexibility provided in the Pakistan Counterinsurgency Fund and the Pakistan Counterinsurgency Capability Fund, both of which will allow the United States in fiscal years 2009 and 2010 to provide urgent counterterrorism and counterinsurgency assistance to Pakistan. The Department is encouraged to use the flexibility in FMF to likewise ensure rapid delivery of counterterrorism and counterinsurgency assistance.

Subsection (c) provides that the United States should facilitate Pakistan's establishment of a program to provide reconstruction assistance, including through Pakistan's military, as appropriate, in areas damaged by combat operations.

Subsection (d) establishes a new exchange program to foster civilian rule of military institutions. This program would have civilian and military officials from NATO governments and from governments determined by the Secretary of State to be going through a transition to democracy to provide insight and experience to their counterparts in Pakistan.

#### SECTION 203. LIMITATION ON ASSISTANCE

Subsection (a) provides that beginning in fiscal year 2011, no security-related assistance may be provided to Pakistan in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

Subsection (b) provides that beginning in fiscal year 2012, no Letter of Offer and Acceptance to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

Subsection (c) provides for a certification by the Secretary of State, under the direction of the President, to the appropriate congressional committees on three separate matters. Paragraph (1) requires a certification that the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks.

Subsection (c)(2) requires a certification that the Government of Pakistan during the

preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups. In making this certification, the Secretary shall take into account the extent to which the Government of Pakistan has made progress on matters described in subparagraphs (A), (B), and (C).

Subsection (c)(3) requires a certification that the security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.

Subsection (d) provides none of the funds appropriated for security-related assistance for fiscal year 2010 and each fiscal year thereafter, or any amounts appropriated to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be obligated or expended to make payments relating to certain contracts described in paragraphs (A), (B), and (C) of subsection (d)(1), which the Government of Pakistan has committed to pay for using its own national funds. Subsection (d)(2) provides for an exception related to certain construction costs related to such contracts.

Subsection (e) provides that the Secretary of State, under the direction of the President, may waive the limitations contained in subsections (a), (b), and (d) for a fiscal year if the Secretary of State determines that is important to the national security interests of the United States to do so, and provides for a notification prior the exercise of the authority under this subsection.

Subsection (f) includes definitions for this subsection.

#### SECTION 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

This section authorizes the Pakistan Counterinsurgency Capability Fund (PCCF) and applies to any funds in the PCCF. It provides, in part, that funds transferred to the Pakistan Counterinsurgency Fund (PCF), which resides in the Department of Defense, be merged with the funds in the PCCF, except that the funds would still be subject to the limitations in section 203.

#### SECTION 205. REQUIREMENTS FOR CIVILIAN CONTROL OF CERTAIN ASSISTANCE

This section provides that any direct cash security-related assistance or non-assistance payments by the United States to the Government of Pakistan may only be provided or made to civilian authorities of a civilian government of Pakistan. It also provides that the Secretary of State, in coordination with the Secretary of Defense, shall ensure that civilian authorities of a civilian government of Pakistan have received a copy of final documentation provided to the United States related to non-assistance payments provided or made to the Government of Pakistan. The purpose of this provision is to support Pakistan's democratic civilian government and to ensure the increased transparency of such assistance or payments by requiring that the civilian authorities have the documentation related to such assistance or payments and that civilian authorities actually receive the funds related to such assistance or payments. It should be noted that subsection (c), which contains a number of exceptions to the application of this section, was added in an abundance of caution to ensure that certain programs were not interpreted to be included as being affected by subsection (a). This subsection should not be construed in any way as defining the meaning or scope of "security-related assistance" (a defined term under the Act) or "non-assistance payments."

Title III—Strategy, Accountability,  
Monitoring, and Other Provisions

Title III draws from title III of Division B of H.R. 2410 and section 5 and 8 of S. 962.

SEC. 301. STRATEGY REPORTS

S. 962 contained a provision that would require not later than 45 days after the enactment of this Act the Secretary of State to submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan. Division B of H.R. 2410 contained no such requirement. Reflecting the approach in S. 962, section 301(a) requires that not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit a report describing United States policy and strategy with respect to assistance to Pakistan. The report shall include, among other items, a description of principal objectives of United States assistance to Pakistan to be provided under title I of this Act; a general description of the specific programs, projects, and activities designed to achieve the purposes of section 101 and the respective funding levels for such programs, projects, and activities for fiscal years 2010 through 2014; and a plan for program monitoring, operations research, and impact evaluation research for assistance authorized under title I of this Act. The purpose of this report is to ensure proper oversight and accountability over economic assistance to Pakistan.

H.R. 2410 contained a provision (section 302) that would require the President to establish and implement a program to assess the effectiveness of assistance provided under title I of this Act through impact evaluation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance. S. 962 contained no such provision. That requirement has been included in the reporting requirement of subsection (a). The monitoring requirement in the Pakistan Assistance Strategy Report is intended to encourage the President to establish a monitoring program. The President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the Government of Pakistan.

Subsection (a)(7) requires an analysis for the suitable replacement for existing Pakistani helicopters, including recommendations for sustainment and training. The purpose of this reporting requirement is to identify and formulate plans to replace the AH-1F and AH-1S Cobra attack helicopters currently used by the Government of Pakistan for counterinsurgency operations.

Subsection (b) requires the President to develop a comprehensive interagency regional strategy to eliminate terrorist threats and close safe havens in Pakistan and submit a report on the strategy to Congress. The report is premised on the belief that coordination among India, Pakistan, and Afghanistan, along with countries neighboring or closely aligned with the region such as Iran and Saudi Arabia, where appropriate, will be necessary if the United States is to create a viable strategy for sustainable peace and security in this critical region. Subsection (c) requires the President to submit to Congress a report on the strategy not later than 180 days after the enactment of the Act. Subparagraph (3)(B) provides that the report shall include specification of goals and pro-

posed timelines and budgets for implementation of the strategy.

Subsection (c) mandates that not later than 180 days after the date of the enactment of the Act, the Secretary of State shall submit a plan for the proposed use of amounts authorized for security-related assistance for each of the fiscal years 2010 through 2014, as well as how funds in the PCCF fit into such a plan. The purpose of this requirement is to encourage long-term planning regarding security assistance to Pakistan and to facilitate Congressional oversight over such assistance.

SECTION 302. MONITORING REPORTS

Subsection (a) provides that not later than 180 days after the submission of the Pakistan Assistance Strategy Report and every 180 days thereafter, the Secretary of State shall submit a report that describes the assistance provided under title I of the Act, along with related assessments of the extent to which the Government of Pakistan exercises effective civilian control of the military; whether assistance provided to Pakistan has directly or indirectly aided the expansion of Pakistan's nuclear weapons program; and the counterterrorism efforts undertaken by the Government of Pakistan.

Subsection (b) provides that the Comptroller General of the United States shall submit reports that contain a review of, and comments addressing, the Pakistan Assistance Strategy Report; recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of the Act; a detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act; and an assessment of the impact of the assistance on the security and stability of Pakistan. Subsection (b) further requires the Comptroller General to conduct an independent analysis of the certification described in section 203(c) and submit a report containing the results of the independent analysis to Congress.

Subsection (c) provides that the Secretary of State may submit the reports required by this section in conjunction with other reports relating to Pakistan required under other provisions of law. The intent of this provision is to streamline the numerous reporting requirements of this Act and other Acts, including sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111-32). Reports under these and other provisions of law may be combined and submitted together as long as all elements of each report are included, and the timelines for each provision of law requiring such a report are respected.

I urge all my colleagues to support this bill, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 1707, the Enhanced Partnership With Pakistan Act of 2009.

□ 1400

The text before us is the result of negotiations between the House Foreign Affairs and the Senate Foreign Relations Committees with substantial input from the Armed Services Committees and other committees of interest as well as the Departments of State and Defense.

Last week, the consensus text was introduced as a new bill, which passed the Senate by unanimous consent on September 24. While the Senate may have felt it appropriate to rush the bill through the process, many of our colleagues and I feel that a bill of this magnitude both in terms of its policy impact and the financial cost should have been considered under regular order, affording the opportunity for robust discussion, rather than being added to the suspension calendar.

Nevertheless, our focus is and must be on providing our civilian and military personnel the necessary resources and authorities to succeed in implementing a U.S. strategy in Afghanistan and Pakistan. The bill before us addresses half of that equation: Pakistan.

Like its predecessor, it attempts to focus more U.S. resources and attention to rebuilding and making more professional the civilian institutions in Pakistan by authorizing \$1.5 billion annually in nonmilitary assistance through fiscal year 2014.

Reminiscent of the House Republican substitute to the House version of this bill, which passed in June, the new text requires, before any economic assistance to Pakistan can be released, that the administration submit a Pakistan Assistance Strategy Report, including a description of the principal objectives of U.S. assistance, a detailed spending plan, and a plan for program monitoring. It further stipulates that no more than half the assistance may be released until the Congress receives a certification from the administration that this significant expenditure of taxpayer dollars is materially contributing to our multifaceted goals related to Pakistan. If need be, these limitations are subject to a national interest waiver.

Perhaps the most significant changes in the text relate to security assistance. As Members will recall, the version considered by the House in June prompted a letter from Secretary of Defense Gates and Admiral Mullen, Chairman of the Joint Chiefs of Staff, and an associated letter from General Petraeus, the head of U.S. Central Command, objecting to the degree of conditionality and limitations on security assistance to Pakistan which they felt would unduly constrain their efforts given the fluid and the dynamic environment that exists in Pakistan. I'm pleased to note, however, that Secretary Gates and Admiral Mullen write that they now feel that the revised text "addresses the key concerns" that they had raised in their April 28, 2009, letter.

Specifically, Mr. Speaker, in section 202 the Department of Defense concerns with inflexibility, being overspecific, and conditionality with respect to funding for the International Military Education and Training and the Foreign Military Financing have been addressed through the use of "such sums"

instead of specific numbers and “a sense of Congress” language instead of the binding percentage limitations.

In section 203, DOD concerns about inflexibility, conditionality, and potential counterproductive effects of certain limitations on security assistance have been addressed with more balanced language on nonproliferation issues as well as counterterrorism. Issues relating to the F-16 program of Pakistan have also been addressed.

In section 204, DOD concerns about the consistency of language authorizing the Pakistan Counterinsurgency Capabilities Fund with the fiscal year 2009 Supplemental and the State/DOD agreement on transfer of funds, these issues have been addressed. The language is now consistent with that bill and prior understanding.

In section 205, DOD concerns about inflexibility and conditionality with respect to a requirement for civilian control of certain assistance have been addressed through better language and strong dual key waiver authority for Secretary of State and Defense.

I thank all of the authorities for making these changes. I thank Mr. BERMAN for his flexibility.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 4 minutes to one of the key partners in working through this legislation, the chairman of the Middle East and South Asia Subcommittee, vice chair of the committee, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I rise to speak on the resolution before the House. I want to commend the chairman for his strong efforts particularly on the bill as we adopted it in the House in July. The bill before us today had to satisfy other parties and is, in my view, a lesser product for it.

The fundamental question this legislation attempts to answer is: How can we best ensure the full cooperation of the Government and the people of Pakistan in our struggle against al Qaeda, the Taliban, and other sources of violence, terror, and regional instability? In the text authored by Chairman BERMAN, the answer to this question was to propose a long-term partnership, one in which both sides had both interests and responsibilities, a partnership of equals who were expected to constantly and appropriately judge whether or not the relationship was succeeding.

The compromise bill before us today, however, is not a blueprint for a partnership; it is a recipe for disappointment followed by disillusionment.

Pakistan is too big and too complex to be a proper subject for the Senate's preferred Pygmalion-like approach. Even if Pakistanis sought such a relationship, which they very definitely do not, Pakistan is simply beyond our shaping.

Pakistan's interests and our own are not very closely aligned. We see India as a major ally. They see India as unalterably rapacious and inherently dangerous. We see the Afghan Taliban as a wicked, oppressive, and violent group intent on returning Afghanistan to primitive theocratic darkness. They see it as a useful insurance policy. We see Pakistan's ongoing relationship with radical Islamic terrorist groups as utterly illegitimate. They see these groups as both fundamentally just and as essential leverage. They see it as an unwarranted foreign imposition and potentially a violation of their rights. And the list of contradictions could go on across a range of subjects from madrassas to arms sales, from state enterprise corruption to feudal land reforms.

Setting aside the differences we have with the Government of Pakistan, I think we should all be very circumspect about the ability of our own government to carefully spend \$1.5 billion a year in Pakistan. The history of our assistance programs with Pakistan does not inspire confidence in either the rectitude of our partners or our own ability to spend the taxpayers' money effectively.

The response to such concerns is predictable: Shall we do nothing? No, of course not. Pakistan is a country we can ignore only at our own peril. Only a fool could pretend that what happens there is not and will not become our concern. This bad neighborhood will definitely come to visit us if we choose not to visit it.

But our success will depend chiefly on reforms taken in Pakistan by Pakistanis. I see little in the bill to provide any assurance that such changes are on the way. I fear again we are choosing to be Pakistan's patron rather than its partner. In the end, Pakistan will absorb what we offer and remain the same Pakistan, and, worst of all, they will claim once again that we have failed them.

But we have no choice but to pass this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROYCE), the ranking member on the Subcommittee on Terrorism, Nonproliferation and Trade, who has been working hard on this bill from the very beginning.

Mr. ROYCE. Mr. Speaker, I rise in support of this legislation, and I commend Chairman BERMAN for his Pakistan assistance legislation, which is the basis of the Senate bill that we are considering here. I also want to thank Ranking Member ROS-LEHTINEN for pressing the important issues that have made this a better bill.

There is no doubt that Pakistan is critical to America's security. Having made several trips to Pakistan, I observed that large parts of that country

are a hotbed of radical jihadism. It's a country, of course, with a nuclear arsenal. And while its security situation has improved since last spring, Pakistan very much remains a country in crisis.

Pakistan is a partner, too. Any country receiving this amount of U.S. aid had better be one. But there can be no *carte blanche*. This bill's conditions on aid reflect years of bad experiences. It's only right that Pakistan not be proliferating, or covertly aiding militants, as an aid condition. It's only right that those positions are in that underlying bill that Chairman BERMAN has brought forward here. We should also proceed with the understanding that aid has the potential to worsen economic and political conditions.

Operating in Pakistan is very difficult. U.S. aid workers are limited in their in-country travels because of security. I have concerns about establishing too big a footprint in Pakistan, in other words, the so-called diplomatic surge. The fact is that if the U.S. isn't welcomed in much of Pakistan, it may not be the case that this addition of personnel on the ground is helpful. So I think a balance is needed in that, and that's an issue that I hope and trust that the State Department will reflect on.

I am pleased that the trade position, the provision on trade, that was added to this bill when it passed the House was dropped in the Senate. And the reason I am pleased with that is that that provision, allegedly a development-plus for Pakistan, was at best a do-nothing provision. Some argue it would actually decrease U.S./Pakistan trade. It's a shame that this Congress can't muster the will to liberalize trade with Pakistan, which would do far more for its development than development aid.

Finally, I would like to second my colleague's concerns about neighboring Afghanistan. Trends there aren't moving in our direction. It's past time for decisive action.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of S. 1707, the Enhanced Partnership With Pakistan Act of 2009.

Mr. Speaker, this is a national security bill. It authorizes military assistance to help Pakistan disrupt and defeat al Qaeda and insurgent elements, and requires that the majority of such assistance be focused on critical counterinsurgency and counterterrorism efforts. Additionally, the bill requires that all military assistance flow through the democratically elected Government of Pakistan.

The legislation authorizes \$1.5 billion each year for development and economic assistance. In order for complete release of these funds, the President's

Special Representative must certify that Pakistan is making progress towards achieving the principal objectives of U.S. assistance. The legislation also authorizes funding for military education and training and \$150 million to equip, train, and professionalize the Pakistani police.

The military funding in this bill has a specific purpose, that Pakistan improve its border security and fight the counterinsurgency within its own borders. There's a new provision that specifically bars the use of foreign military financing for any new F-16 purchases or upgrades.

I understand the concerns about Pakistan's commitment to fighting terrorism. I myself have concerns about its nuclear arsenal and its past history of proliferation. That is why the bill states that no security-related assistance may be provided to Pakistan until the Secretary of State certifies that the Government of Pakistan is continuing to cooperate with the United States. Moreover, Pakistan must demonstrate a sustained commitment toward combating terrorist groups.

With these protections, Mr. Speaker, I believe this is a very useful bill. I thank the chairman for his leadership.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), the ranking member on the Subcommittee on International Organizations, Human Rights and Oversight.

□ 1415

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to spending billions more of our people's money and sending it to Pakistan. As the bill states: "The United States has contributed more than \$15 billion since 2001 in military and economic assistance to Pakistan." The bill before us commits the American people to another \$15 billion. That is \$30 billion, \$30 billion that we don't have. The Federal budget this year is \$4 trillion, and \$2 trillion of that is deficit spending. We are borrowing in order to cover it.

President Obama right here in this Chamber said that we are losing an average of 750,000 jobs a month. Our economy is as weak as it has ever been. Our people are in need. The debt we are creating will break their backs and destroy our economy. The proposition before us today would have us borrow another \$15 billion from China in order to give to Pakistan. We need to focus on the jobs for the American people, not for the Pakistanis. We need to have the discipline to be responsible, and borrowing billions more from China to give to Pakistan is not responsible.

What we have here is \$15 billion that we have already spent. Well, where has it gotten us? After 9/11 and spending all of this money, our military reports

right now indicate that the ISI, that is the Pakistani intelligence service, still provides support for the Taliban. We have given aid to Pakistan in the past, and they have used their money to build nuclear weapons. And when we complained about it, President Musharraf from Pakistan said his people were willing to eat grass in order to have a nuclear weapon.

Pakistan's government still works hand in glove with the enemy factions in Saudi Arabia and in China. American soldiers still die every day because our diplomats won't face reality, and they keep telling us that Pakistan is just coming around, while it's clear they are just playing us like a fiddle. We've heard this for years.

Pakistani and Chinese leaders, however, during that time transferred nuclear technology to North Korea, Iran and Libya. And to this day, Pakistan won't give our intelligence services a chance to actually talk to that nuclear conduit, Dr. Abdul Khan, who actually transmitted nuclear secrets to these other countries. The Pakistani Government buys its weapons from China with money that they borrow from us. It is a twisted, ludicrous logic for us now to borrow money from the Chinese to give to the dictators in China who will then sell weapons to the Pakistanis.

Pakistan was with us in the Cold War. We remember that. But the Cold War is over. Pakistan is now with China. And both governments, Chinese and the Pakistanis, plot and maneuver against our interests all the time. Well, the threat of radical Islam is real, but it's not going to be solved by our being irresponsible with \$15 billion of taxpayers' money.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to a member of the committee, the chair of the Congressional Pakistan Caucus, and the colleague whom I had the privilege of traveling to Pakistan with earlier this year, Ms. SHEILA JACKSON-LEE of Texas.

Ms. JACKSON-LEE of Texas. Let me thank the chairman very much for his work, very hard work, I might add, Chairman BERMAN, and to the ranking member for the opportunity to support this legislation that has the Senate title. I also support the House bill, which we worked very hard on. But I support the idea that this bill provides for enhanced monitoring, evaluation, and auditing of U.S. assistance. It requires a Presidential report on Pakistan, including an evaluation of Pakistan's progress on counterterrorism and an assessment of whether assistance provided to Pakistan is in any way facilitating the expansion of Pakistan's nuclear weapons program and requires that all assistance to Pakistan be provided through a civilian government.

We are treading water if we keep going back over and over again on

what was. Yes, we have to acknowledge that Pakistan was our friend in the Cold War, and we have to know the Pakistan people in fact want democracy. They are strong and resilient people. When they had the tragedy in the Swat territory, those individuals that went to refugee camps did not stay long. Why? Because they wanted to go back and restore their lives and work.

We need to establish friends with those who want to be friends. We know for sure that the Pakistan military has lost and shed blood on the border of Afghanistan and Pakistan. Yes, there are problems which we can fix with this legislation, \$1.5 billion a year that will help them on their economic recovery.

I am disappointed that the legislation that Congressman VAN HOLLEN had, that we have not been able to work that through. We worked it in the House bill on the investment zones, if you will, which I think is a positive step. But what we did do is we provided opportunity for schooling and an opportunity to ensure that young Pakistani men are not drawn to the teachings of those who would do harm, the violent teachings that have gone on, giving them alternatives in terms of promoting education.

My friends, don't throw the baby away with the bath water. We have friends in Pakistan. That government needs to know that we are an ally, but oversight is imperative. A regional plan is imperative, and recognizing a friend when you see it. Fight the Taliban. Fight Osama bin Laden. Recognize your friends, and pass this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas, Dr. PAUL.

Mr. PAUL. I thank the gentlelady for yielding.

Mr. Speaker, I rise in opposition to this bill. Sometimes I wonder how we can, with a straight face, bring a bill up like this with the conditions of this country, especially financially. I oppose this bill for two reasons. One, we don't have the money. That would be a pretty good reason not to support it. And the other reason is I do not believe it's in our national security interests. I know this is being promoted as benefiting our national security, but I do not believe it helps us one bit. This bill was essentially voted on in June, and the vote was 234-185, which means that it is assumed at least 56 or more individuals in the Congress have switched their votes.

Now they say they have tinkered with the bill and changed it a little bit, but it's an authorization that could be \$15 billion. So it hasn't had that much of a change. But today it is expected that these individuals will change and vote for this bill not really asking the questions.

Now, the bill is defined as fortifying democratic institutions. That is a good

goal. But it never, never works. We are in 130 countries, we have 700 bases around the world, and we pursue this, and we are bankrupting our country by trying to maintain this empire. I have often made the point that the way we treat our fellow countries around the world is we tell them what to do, and if they do it we give them money. If they don't do it, we bomb them. Under this condition, we are doing both. We are currently dropping bombs in Pakistan. The CIA is dropping bombs, and innocent people get killed.

If you want to promote our good values and our democratic process, you can't antagonize the people by literally killing people over there, because if bombs were falling on this country, we wouldn't be all that happy with that. So this does not improve our conditions whatsoever.

I would suggest another proposal for our foreign policy, not using bombs and bribes, but what about neither one? What about just talking to people? What about reducing tariffs? What about trading with them? Instead, it is this form of foreign policy that will not serve our interests.

Mr. BERMAN. Mr. Speaker, I'm very pleased to yield 2 minutes to the gentleman from Maryland, the author of important legislation that was part of the House bill and unfortunately is not part of the final compromise, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank the chairman of the committee, Mr. BERMAN, and congratulate him and Ranking Member ROS-LEHTINEN on bringing this important bill to the floor.

We have to learn from our past mistakes. And the fact is that the economic and political stability of Pakistan is essential to U.S. security interests, and we know what has happened in the past when we have ignored that fact. Because when the Soviet Union withdrew its forces from Afghanistan in 1989, the United States lost interest in Afghanistan, and we reduced our commitment to Pakistan at the same time. And we all know the consequences. The consequences we saw on September 11, 2001. Because what happened in that power vacuum in Afghanistan was that Taliban took power. They invited al Qaeda in, and the result is the horrible attacks that we saw September 11, 2001.

We must not repeat those mistakes. We must provide a substantial and solid foundation to our relationship with Pakistan which includes not only military assistance but economic assistance and also should require a trade relationship. And I am disappointed that the reconstruction opportunity zones provisions were dropped from this bill. They were supported by the President of Pakistan who thought they were important to economic de-

velopment there. They were part of President Obama's security strategy with respect to Pakistan and Afghanistan which he announced in March. Ambassador Holbrooke in a letter to the Speaker of the House said that the ROZs, reconstruction opportunity zones, are a vital component of our policy towards Pakistan in a moment of great challenge, indeed crisis, for that critically important nation.

I hope, Mr. Chairman, we can continue to work on this. Thank you for your leadership here. I thank Representative LEVIN, as well, and other Members, because I think that the Pakistani President is a good judge of what the economic impact would be. And I do find it curious when sometimes Members of this Congress substitute their judgment as to what would be in the economic interests of Pakistan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. Mr. Speaker, I will yield the gentleman 1 additional minute.

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

We just heard from the previous speaker that we should focus on trade more than aid. And I do think we need to move forward on trade because we do know that that provides for more sustainable foundation to long-term economic growth in Pakistan. And the idea behind the reconstruction opportunity zones was to create more incentive for businesses to operate out of some of the troubled regions in Pakistan and provide alternatives to taking up a gun or joining the Taliban or joining the insurgency. So I think this is a very important part of our strategy.

I'm very hopeful that we can move forward on this with the Senate. I'm disappointed again that the Senate has decided not to go forward at this time. And I just want to underscore again the statements made by Secretary Clinton as well as Ambassador Holbrooke and the President of the United States that we should move forward on this on an expeditious basis.

Again, I thank the chairman for his leadership.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. KIRK), a valuable member of the Committee on Appropriations.

Mr. KIRK. Mr. Speaker, foreign assistance works best when we accomplish with treasure what we would have otherwise had to do with blood. We have 68,000 Americans in uniform in Afghanistan. And they are helping our NATO allies and the Afghan Government to fight al Qaeda and the narco-Taliban. The narco-Taliban rests and rearms in Pakistan, in Quetta and the frontier area. This legislation gives us leverage and resources to encourage Pakistani resistance to the Taliban,

the murderers of their own prime minister. By weakening the narco-Taliban, we improve chances for the Afghan Government to expand its authority on both sides of the border.

Now last year I served with ISAF's Regional Command South in Kandahar, Afghanistan, and we had regular reports of men and material moving from Quetta and Spin Boldak into Afghanistan to attack Afghan and NATO positions. This legislation enables us to work on both sides of this border against the narco-Taliban.

I commend our ranking member, Ms. ROS-LEHTINEN, and Chairman BERMAN for making this a bipartisan bill, because that's the way our troops would want it. When the Taliban shoots at our guys, they are not shooting at Republicans or Democrats. They are shooting at Americans. And we are responding with unity.

We have no failure option in Afghanistan. If we ignore this problem, we risk repeating the mistakes so clearly described in the 9/11 Commission Report. And with North America's tallest building located in Chicago, I believe it's our duty to absolutely prevent an attack from Pakistan or Afghanistan from ever happening again to the people of the United States. And I thank both of our leaders for bringing this legislation to the floor.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from California (Ms. HARMAN), who is very much the moving party in the language that insists on Pakistani cooperation and on dismantling nonproliferation networks in the final version of this legislation.

□ 1430

Ms. HARMAN. I thank the gentleman for yielding and salute his leadership on this committee and our long, long, long friendship as southern California Representatives.

I rise in support of this legislation and again thank the committee leadership and committee members for including language in the original House bill and the original committee's report reflecting many of the concerns I have about nuclear proliferation in Pakistan. Regrettably, some of that language is not in this compromise, though I applaud section 203's limitations.

Mr. Speaker, Pakistan poses one of the most complex foreign policy challenges facing the United States today. It sits at the intersection of vital security interests, from terrorism to nuclear proliferation to the war in Afghanistan.

A secure and stable Pakistan is of critical importance to the United States, and yet, with a large al Qaeda presence, a vibrant Taliban insurgency, and widespread political unrest, that stability is anything but guaranteed.

Recent news reports suggest that the city of Quetta is becoming the new



stronghold for the Taliban. Our extremely capable Ambassador to Pakistan, Anne Patterson, says that "our intelligence on Quetta is vastly less, we have no people there, no cross-border operations, no predators."

The stakes are truly high. Pakistan's nuclear stockpile cannot be allowed to fall into the wrong hands.

In March, I worked with Chairman BERMAN to incorporate language that would guarantee U.S. investigators access to individuals suspected of proliferation activities. While that language is not in this bill, this bill does limit security-related assistance contingent upon Pakistan's help dismantling proliferation networks and combating terrorist groups.

A few weeks ago, a Pakistani court lifted the requirement that A.Q. Khan, the mastermind of the most notorious nuclear smuggling ring ever, remain under police escort when traveling around the country. Just recently, Khan boasted to the press that the Government of Pakistan was complicit in his past activity.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield an additional 1 minute to the gentlelady.

Ms. HARMAN. I thank the gentleman.

Mr. Speaker, it is my hope that the aid authorized by this bill will persuade President Zardari and his government to do more to crack down on proliferation offenders and become better partners with the world community in stabilizing their country.

Mr. Speaker, this bill is a very large, 5-year down payment on long-term success in Pakistan. We need to be clear-eyed about the opportunities and to embrace them, but also clear-eyed about the risks.

Ms. ROS-LEHTINEN. Mr. Speaker, I'd like to yield myself such time as I may consume.

I'm pleased that in this bill overly prescriptive reporting and related requirements have been replaced by more appropriate and time-limited provisions for Pakistan strategy reports, for accountability, and for monitoring of assistance.

Robust accountability provisions are included and are vital to reassure the American taxpayer that their moneys are being well-spent, and this is particularly the case for Pakistan, where many Pakistanis and groups, like Transparency International, are deeply concerned about the integrity of high-level officials in that country.

Mr. Speaker, of all the foreign policy challenges facing the United States, stabilizing and transforming and reforming Pakistan may be one of the most daunting. The good news is that leaders in Islamabad have shown increased willingness to confront those militants who have targeted the Paki-

stani State from bases in the Northwest Frontier Province and from South Waziristan.

A number of militant leaders have been killed or captured, most prominently the leader of the Pakistani Taliban.

SWAT and other conflict-affected areas of the Northwest Frontier Province are stabilizing. Although some progress has been achieved, much remains to be done.

Pakistan and Afghanistan are part of a wider theater of operations and, despite important differences, must be considered jointly, as the administration itself suggested following the conclusion of a comprehensive strategic review of Af-Pak policy this March.

Suddenly, however, President Obama has apparently decided to rethink the entire strategy in Afghanistan after his hand-picked new commander there, General Stanley McChrystal, warned that the war could be lost if he doesn't get more troops in the next 12 months.

The stunning magnitude of this reversal was highlighted in an article, an op-ed in *The Wall Street Journal* of September 22.

The author Leslie Gelb, a former Pulitzer Prize-winning reporter, columnist and president emeritus of the Council on Foreign Relations, wrote:

"I'm lost on President Barack Obama's Afghanistan policy, along with most of Congress and the U.S. military. Not quite 8 months ago, Mr. Obama pledged to 'defeat' al Qaeda in Afghanistan by transforming that country's political and economic infrastructure, by training Afghan forces and adding 21,000 U.S. forces for starters.

"He proclaimed Afghanistan's strategic centrality to prevent Muslim extremism from taking over Pakistan, an even more vital Nation because of its nuclear weapons. And a mere 3 weeks ago, he punctuated his commitments by proclaiming that Afghanistan is a 'war of necessity,' not one of choice. White House spokesmen reinforced this by promising that the President would 'fully resource' the war."

Leslie Gelb goes on, "Yet less than 1 week ago, Mr. Obama said the following about troop increases: 'I'm going to take a very deliberative process in making those decisions. There is no immediate decision pending on resources, because one of the things that I'm absolutely clear about is you have to get the strategy right and then make a determination about resources.'"

Gelb points out, "Americans are now confused and caught somewhere between remembering the President's insistence on Afghanistan's importance to U.S. security and rapidly rising pressure from his party to bring the troops home."

Mr. Speaker, if the U.S. is going to prevail against al Qaeda and the

Taliban and win in Afghanistan, the administration must take immediate steps to fully implement the strategy without any further vacillating or delays.

Thus, while today we prepare to vote strongly in support of S. 1707 and, in the words of Secretary Gates and Admiral Mullen, "strongly signal to the Pakistani people our long-term commitment to partnering with them to combat terrorism and extremism," I must ask: What about Afghanistan? How much more time will pass before General McChrystal is provided the resources and the personnel that he deems necessary to succeed in Afghanistan?

As for Pakistan, we join with the executive branch on a bipartisan basis to support policies that will help our friends there transform their country into a stable and prosperous democracy that will support U.S. interests in the region, that opposes militancy within and outside its borders, commits to a secure Afghanistan, and will maintain responsible controls over its nuclear weapons capability.

This bill helps us to achieve those objectives, and I urge its support.

And with that, I yield back the balance of our time.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from Washington, a former member of the Foreign Affairs Committee, Mr. SMITH.

Mr. SMITH of Washington. I rise in support of this legislation.

I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their hard work in crafting this compromise and getting a bill that the House and Senate can agree on.

We need to strengthen our relationship with Pakistan. This is a very, very difficult part of the world, and this is a very, very difficult relationship. But none of that overcomes the basic fact that we need a strong relationship with Pakistan for our own national security interests. The threat is real, as has been described by a large number of my colleagues. The threat from Islamic extremism, through al Qaeda and other groups, comes from this region in large part through al Qaeda, in large part through the Taliban, and threatens us.

To defeat that, we need partners in the region. We need a partner in Afghanistan. We need a partner in Pakistan. And the good news is Pakistan is taking steps in the right direction. As has been mentioned, they have stepped up and confronted the violent extremists that threatened them and pushed back against them. They are working with us to train their forces in counter-insurgency tactics so they can better do this, and they have also taken the first basic steps in getting a lasting democracy in place. This has been a lengthy challenge for them as they



have dealt with governance and economic issues, but they have made progress.

They need our help to build on that progress, because if they cannot provide a decent government, a decent governance, it makes it all too easy for the violent extremists to prey on their failures and recruit Pakistanis to their cause. With our support, they can build a better economy. They can build the basics of government to provide for their people. Without it, they're going to have a very, very difficult time accomplishing that task. That will be a threat to the region and that will be a threat to us.

This bill shows a commitment from the United States to a long-term relationship. For too long, the Pakistanis have felt that we only used them for our own interests and then walked away and have been reluctant to embrace us, reluctant in some ways to confront the Taliban for fear that we will not be there to help them when it is truly needed.

This bill shows the long-term commitment to the partnership that we must have with a Pakistani Government that seems increasingly willing to have that partnership.

I urge support for this legislation.

Mr. BERMAN. Mr. Speaker, I yield myself the remaining time.

First, I would like to just pick up on the theme the gentleman from Washington just stated. This truly is a bill that is in the interests of the American people and the Pakistani people. That's why we're talking about authorizing these kinds of funds.

I can assure you, in the context of a failed state, in the context of a victory by the insurgency in Pakistan, the sum total of this bill is peanuts compared to the costs to America and to the rest of the world in terms of international instability and conflict and war.

We've come a long way on this legislation. I think we've built a broad base of support on a bipartisan basis and with both Houses.

I particularly want to thank some key people on my staff who have worked on this legislation: Jasmeet Ahuja and Daniel Silverberg, as well as the other staff members, David Abramowitz and others who have worked so hard, and on the minority side, Yleem Poblete. And to Jamie McCormick and the others, thank you for all your cooperation and help to get to this point.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 1707, an act to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people. S. 1707 establishes a new, more positive framework for U.S.-Pakistan relations. This bill is a bipartisan, bicameral compromise and is crucial to the success of a wide range of U.S. national security and foreign policy interests, while ensuring accountability and account-

ability for the assistance we give. I was an original cosponsor of H.R. 1886 an earlier version of this legislation. H.R. 1886, was passed by this body with bipartisan support on June 12th, and I remain unwavering in my support for this assistance package to Pakistan.

Like its predecessor, S. 1707 establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship. The bill is comprised of three titles.

The first title provides Democratic, Economic and Development Assistance for Pakistan; the second Title provides Security Assistance for Pakistan; and the third Title requires the President to develop a regional security strategy; provides for enhanced monitoring, evaluation, and auditing of U.S. assistance; requires a Presidential report on Pakistan, including an evaluation on Pakistan's progress in counterterrorism and an assessment of whether assistance provided to Pakistan is in any way facilitating the expansion of Pakistan's nuclear weapons program; and requires that all assistance to Pakistan be provided through a civilian government in Pakistan established by free and fair elections.

Pakistan is a critical ally of the United States. For too long, however, our relationship with Pakistan has been one of fits and starts, depending on events in the region and who happens to be in power in Pakistan. It is time for us the United States to forge a truly strategic partnership with Pakistan, one that goes beyond our mutual interest today in counterinsurgency and counterterrorism and speaks to the everyday needs of the average Pakistani.

S. 1707 accomplishes these objectives. The legislation would significantly expand economic, social and democracy assistance to help lay the foundation for a stronger, more stable Pakistan. As requested by President Obama, this legislation triples the authorization for U.S. economic, social, and democratic development assistance to Pakistan to \$1.5 billion a year. This assistance promotes democratic institutions in the short term. In the short term, it provides immediate funding for democratic institutions such as Pakistan's parliament and judicial institutions. For the long term, this legislation enables Pakistan's next generation by funding educational and vocational opportunities for women and girls and religious minorities.

As much as we must focus on the internal conflicts in Pakistan, we must not forget the external issues affecting the region as a whole and the need for stabilization.

Over the years, U.S. assistance to Pakistan has fluctuated with political events, sending mixed messages and leading most Pakistanis to question both our intentions and our staying power. Today, many Pakistanis believe the United States will cut and run when it serves our purpose, a belief which undermines our longterm efforts to defeat extremists, foster democratic change, and support transparent and accountable institutions that promote security and stability in Pakistan.

However, the status quo is not working: many in the United States believe we are paying too much and getting too little—and most

Pakistanis believe exactly the opposite. Without changing this baseline, there is little likelihood of drying up popular tolerance for anti-U.S. terrorist groups or persuading Pakistani leaders to devote the political capital necessary to deny such groups sanctuary and covert material support.

The bill helps bridge a sustainable U.S.-Pakistan partnership through an increased focus on public diplomacy and engagement. S. 1707 authorizes a new exchange program for Pakistani civil servants and military officers in order to foster greater respect for and understanding of the principle of civilian rule in Pakistan's military. By building bridges to Pakistan and its people, the legislation is intended to provide a new, more positive framework for U.S.-Pakistan relations. Finally, the bill authorizes an extensive increase in military assistance to help Pakistan wage an effective counterinsurgency campaign against those forces that threaten Pakistan's national security.

This legislation establishes a new, more positive framework for U.S.-Pakistan relations. The legislation establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship.

Although, I believe that this bill is crucial and will be effective, it is only one piece of a greater strategy. This bill did not, as I have proposed, create a militant rehabilitation program to specifically prevent youth from turning to militancy from the onset. Financial support and job opportunities would be provided to graduates of the rehabilitation programs as incentives for steering insurgents away from militancy. This amendment would have greatly fostered counterterrorism efforts, and I hope that some of the many outstanding groups working in Pakistan will take the initiative in implementing this proposal.

I have been to Pakistan many times. My belief in this country and its relationship with the United States drove me to co-chair the Pakistan Caucus.

Benazir Bhutto, shortly before her death said that "The next few months are critical to Pakistan's future direction as a democratic state committed to promoting peace, fighting terrorism and working for social justice. Democracy is necessary to peace and to undermining the forces of terrorism." I had the pleasure of knowing the late Benazir Bhutto and losing her was truly a tragedy felt beyond Pakistan. She made this statement over two years ago, yet it is relevant today more than ever.

On May 19, 2009, Secretary of State Hillary Clinton announced \$110 million in emergency assistance for the South Asia nation of Pakistan, including aid for civilians fleeing a military offensive against Taliban militants in the northwest. The United Nations refugee agency issued a report stating that more than 1.4 million people in the North West Frontier Province (NWFP) have been registered as displaced since May 2, describing the flood as the largest and swiftest to take place anywhere in the world in recent years.

The newly-registered internally displaced persons (IDP) took the total number of those who have fled their homes in the SWAT valley and surrounding areas to two million.

I am hopeful that the \$110 million in emergency assistance will get to the people on the ground and will be of assistance to them. It is important that the people of Pakistan see that the aid is coming from America to give a face to this aid. It is essential to global security and the security of the United States.

The surge of IDPs followed the launch of a military offensive in late April. President Asif Ali Zardari acted after U.S. officials stepped up warnings that Islamabad's willingness to tolerate and negotiate peace deals with the militants was endangering both Pakistan and the wider region. The Taliban fighting spread to NWFP districts and SWAT.

President Obama's new approach to Pakistan is different than anything that has been tried before. America has expressed that it will support the democratically-elected government and it will have a clear and transparent relationship. This bill has the support of the President, Secretary Clinton, Secretary Gates, Admiral Mullen, and Senators KERRY and LUGAR.

In conclusion, I urge you to support S. 1707, which seeks to and effectively establishes a new, more positive and enduring framework for U.S.-Pakistan relations. This legislation is timely. It is bipartisan. It is accountable. It is effective.

Mr. AL GREEN of Texas. Mr. Speaker, I rise in strong support of S. 1707, the Enhanced Partnership with Pakistan Act of 2009, a bipartisan bill designed to forge a true strategic partnership with Pakistan and its people, strengthen its democratic government, and support Pakistan so it may become a force for stability in a volatile region.

This legislation triples the authorization for U.S. economic, social, and democratic development assistance to Pakistan to \$1.5 billion a year for fiscal years 2010 through 2014. The bill provides that this aid be provided with a particular focus on strengthening democratic institutions, promoting economic development, and improving Pakistan's public education system.

The bill also authorizes military assistance to Pakistan to help it disrupt and defeat al Qaeda and relevant insurgent elements, and requires that such assistance be focused primarily on helping Pakistan with its critical counterinsurgency and counterterrorism efforts.

The security of Pakistan and the United States is closely linked. We cannot succeed in defeating al Qaeda by ourselves. Therefore, it is critically important that we develop a robust, long-term relationship with our strategic partners to prevail against those who threaten our national security.

S. 1707 is an essential tool in our efforts to dismantle terrorism and underscores the United States' long-term commitment to the people of Pakistan.

I urge my colleagues to join me in supporting S. 1707, the Enhanced Partnership with Pakistan Act of 2009.

Mr. BERMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, S. 1707.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2442, by the yeas and nays;

H.R. 1771, by the yeas and nays;

H.R. 1053, by the yeas and nays.

Remaining postponed questions will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### BAY AREA REGIONAL WATER RECYCLING PROGRAM EXPANSION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2442, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2442, as amended.

The vote was taken by electronic device, and there were—yeas 240, nays 170, not voting 22, as follows:

[Roll No. 743]

YEAS—240

Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccheri  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Cardoza  
Carnahan  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver

Cohen  
Connolly (VA)  
Cooper  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge

Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur

Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeback  
Lofgren, Zoe  
Lujan  
Lynch  
Maffei  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Minnick  
Mitchell  
Mollohan  
Moore (KS)

Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff

Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Tanner  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Townes  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Wittman  
Woolsey  
Wu  
Yarmuth

NAYS—170

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggart  
Blibray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.

Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)

Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce

Ryan (WI) Smith (NE) Tiberi  
 Scalise Smith (NJ) Turner  
 Schmidt Smith (TX) Upton  
 Schock Souder Walden  
 Sensenbrenner Stearns Wamp  
 Sessions Sullivan Westmoreland  
 Shadegg Terry Wilson (SC)  
 Shimkus Thompson (PA) Wolf  
 Shuster Thornberry Young (AK)  
 Simpson Tiahrt

## NOT VOTING—22

Abercrombie Costa Rangel  
 Barrett (SC) Jackson-Lee Slaughter  
 Becerra (TX) Sutton  
 Burgess Lowey Teague  
 Capuano Maloney Waxman  
 Carney Miller, George Whitfield  
 Clyburn Myrick Young (FL)  
 Conyers Neugebauer

□ 1507

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 743, had I been present, I would have voted "yea."

Mr. GEORGE MILLER of California. Madam Speaker, I was unavoidably detained and missed rollcall vote No. 743 on passage of the Bay Area Regional Water Recycling Program Expansion Act. Had I been present, I would have voted in favor of this important legislation to provide 2.6 billion gallons of water per year for drought-stricken California.

Stated against:

Mr. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Rollcall vote 743, on motion to suspend the rules and pass the bill, as amended—H.R. 2442, Bay Area Regional Water Recycling Program Expansion Act of 2009—I would have voted "nay."

# CHESAPEAKE BAY SCIENCE, EDUCATION, AND ECOSYSTEM ENHANCEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1771, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1771, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 338, nays 78, not voting 16, as follows:

[Roll No. 744]

YEAS—338

Ackerman Baldwin Bilbray  
 Aderholt Barrow Bishop (GA)  
 Adler (NJ) Bartlett Bishop (NY)  
 Altmire Barton (TX) Bishop (UT)  
 Andrews Bean Blumenauer  
 Arcuri Becerra Blunt  
 Austria Berkley Bocieri  
 Baca Berman Boehner  
 Bachus Berry Bono Mack  
 Baird Biggart Boozman

Boren Boren Higgins  
 Boswell Boswell Hill  
 Boucher Boucher  
 Boyd Boyd  
 Brady (PA) Brady (PA)  
 Braley (IA) Braley (IA)  
 Brown, Corrine Brown, Corrine  
 Buchanan Buchanan  
 Butterfield Butterfield  
 Calvert Calvert  
 Camp Camp  
 Cantor Cantor  
 Cao Cao  
 Capito Capito  
 Capps Capps  
 Cardoza Cardoza  
 Carnahan Carnahan  
 Carson (IN) Carson (IN)  
 Cassidy Cassidy  
 Castle Castle  
 Castor (FL) Castor (FL)  
 Chaffetz Chaffetz  
 Chandler Chandler  
 Childers Childers  
 Chu Chu  
 Clarke Clarke  
 Clay Clay  
 Cleaver Cleaver  
 Kilburn Kilburn  
 Cohen Cohen  
 Cole Cole  
 Connolly (VA) Connolly (VA)  
 Cooper Cooper  
 Costa Costa  
 Costello Costello  
 Courtney Courtney  
 Crenshaw Crenshaw  
 Cuellar Cuellar  
 Cummings Cummings  
 Dahlkemper Dahlkemper  
 Davis (AL) Davis (AL)  
 Davis (CA) Davis (CA)  
 Davis (IL) Davis (IL)  
 Davis (TN) Davis (TN)  
 DeFazio DeFazio  
 DeGette DeGette  
 Delahunt Delahunt  
 DeLauro DeLauro  
 Dent Dent  
 Diaz-Balart, L. Diaz-Balart, L.  
 Dingell Dingell  
 Doggett Doggett  
 Donnelly (IN) Donnelly (IN)  
 Doyle Doyle  
 Dreier Dreier  
 Driehaus Driehaus  
 Edwards (MD) Edwards (MD)  
 Edwards (TX) Edwards (TX)  
 Ehlers Ehlers  
 Ellison Ellison  
 Ellsworth Ellsworth  
 Engel Engel  
 Eshoo Eshoo  
 Etheridge Etheridge  
 Fallin Fallin  
 Farr Farr  
 Fattah Fattah  
 Filner Filner  
 Forbes Forbes  
 Fortenberry Fortenberry  
 Foster Foster  
 Frank (MA) Frank (MA)  
 Frelinghuysen Frelinghuysen  
 Fudge Fudge  
 Gallegly Gallegly  
 Gerlach Gerlach  
 Giffords Giffords  
 Gingrey (GA) Gingrey (GA)  
 Gonzalez Gonzalez  
 Goodlatte Goodlatte  
 Gordon (TN) Gordon (TN)  
 Grayson Grayson  
 Green, Al Green, Al  
 Green, Gene Green, Gene  
 Griffith Griffith  
 Grijalva Grijalva  
 Guthrie Guthrie  
 Gutierrez Gutierrez  
 Hall (NY) Hall (NY)  
 Halvorson Halvorson  
 Hare Hare  
 Harman Harman  
 Hastings (FL) Hastings (FL)  
 Hastings (WA) Hastings (WA)  
 Heinrich Heinrich

Herseth Sandlin Herseth Sandlin  
 Higgins Higgins  
 Hill Hill  
 Himes Himes  
 Hinchey Hinchey  
 Hinojosa Hinojosa  
 Hirono Hirono  
 Nye Nye  
 Oberstar Oberstar  
 Obey Obey  
 Olson Olson  
 Olver Olver  
 Ortiz Ortiz  
 Pallone Pallone  
 Pascrell Pascrell  
 Pastor (AZ) Pastor (AZ)  
 Paulsen Paulsen  
 Perlmutter Perlmutter  
 Perriello Perriello  
 Peters Peters  
 Peterson Peterson  
 Petri Petri  
 Pingree (ME) Pingree (ME)  
 Pitts Pitts  
 Platts Platts  
 Polis (CO) Polis (CO)  
 Pomeroy Pomeroy  
 Posey Posey  
 Price (GA) Price (GA)  
 Price (NC) Price (NC)  
 Putnam Putnam  
 Quigley Quigley  
 Rahall Rahall  
 Rangel Rangel  
 Reichert Reichert  
 Reyes Reyes  
 Richardson Richardson  
 Rodriguez Rodriguez  
 Rogers (AL) Rogers (AL)  
 Rogers (KY) Rogers (KY)  
 Rogers (MI) Rogers (MI)  
 Rohrabacher Rohrabacher  
 Rooney Rooney  
 Ros-Lehtinen Ros-Lehtinen  
 Roskam Roskam  
 Ross Ross  
 Rothman (NJ) Rothman (NJ)  
 Roybal-Allard Roybal-Allard  
 Ruppberger Ruppberger  
 Rush Rush  
 Ryan (OH) Ryan (OH)  
 Ryan (WI) Ryan (WI)  
 Salazar Salazar  
 Sanchez, Linda Sanchez, Linda  
 T. T.  
 Sanchez, Loretta Sanchez, Loretta  
 Lowey Lowey  
 Sarbanes Sarbanes  
 Schakowsky Schakowsky  
 Schauer Schauer  
 Schiff Schiff  
 Schock Schock  
 Schrader Schrader  
 Schwartz Schwartz  
 Scott (GA) Scott (GA)  
 Scott (VA) Scott (VA)  
 Serrano Serrano  
 Sessions Sessions  
 Sestak Sestak  
 Shea-Porter Shea-Porter  
 Sherman Sherman  
 Shuler Shuler  
 Shuster Shuster  
 Simpson Simpson  
 Sires Sires  
 Skelton Skelton  
 Slaughter Slaughter  
 Smith (NE) Smith (NE)  
 Smith (NJ) Smith (NJ)  
 Smith (TX) Smith (TX)  
 Smith (WA) Smith (WA)  
 Snyder Snyder  
 Space Space  
 Speier Speier  
 Spratt Spratt  
 Stark Stark  
 Stupak Stupak  
 Tanner Tanner  
 Taylor Taylor  
 Thompson (CA) Thompson (CA)  
 Thompson (MS) Thompson (MS)  
 Thompson (PA) Thompson (PA)  
 Tiberi Tiberi  
 Tierney Tierney  
 Titus Titus  
 Tonko Tonko  
 Towns Towns  
 Tsongas Tsongas

Turner Turner  
 Upton Upton  
 Van Hollen Van Hollen  
 Velázquez Velázquez  
 Visclosky Visclosky  
 Walden Walden  
 Walz Walz  
 Wamp Wamp

## NAYS—78

Alexander Alexander  
 Bachmann Bachmann  
 Billakis Billakis  
 Blackburn Blackburn  
 Bonner Bonner  
 Boustany Boustany  
 Brady (TX) Brady (TX)  
 Bright Bright  
 Broun (GA) Broun (GA)  
 Brown (SC) Brown (SC)  
 Brown-Waite, Ginny Brown-Waite, Ginny  
 Burgess Burgess  
 Burton (IN) Burton (IN)  
 Buyer Buyer  
 Campbell Campbell  
 Carter Carter  
 Coble Coble  
 Coffman (CO) Coffman (CO)  
 Conaway Conaway  
 Culberson Culberson  
 Davis (KY) Davis (KY)  
 Deal (GA) Deal (GA)  
 Duncan Duncan  
 Emerson Emerson  
 Flake Flake  
 Fleming Fleming  
 Fomella Fomella  
 Foxx Foxx  
 Franks (AZ) Franks (AZ)  
 Garrett (NJ) Garrett (NJ)  
 Gohmert Gohmert  
 Granger Granger  
 Graves Graves  
 Hall (TX) Hall (TX)  
 Harper Harper  
 Heller Heller  
 Hensarling Hensarling  
 Herger Herger  
 Hunter Hunter  
 Inglis Inglis  
 Issa Issa  
 Johnson, Sam Johnson, Sam  
 Jordan (OH) Jordan (OH)  
 King (IA) King (IA)  
 Kingston Kingston  
 Kline (MN) Kline (MN)  
 Lamborn Lamborn  
 Latta Latta  
 Linder Linder  
 Luetkemeyer Luetkemeyer  
 Lummis Lummis  
 Mack Mack  
 Manzullo Manzullo  
 Marchant Marchant

## NOT VOTING—16

Abercrombie Abercrombie  
 Akin Akin  
 Barrett (SC) Barrett (SC)  
 Capuano Capuano  
 Carney Carney  
 Conyers Conyers  
 Crowley Crowley  
 Dicks Dicks  
 Maloney Maloney  
 Moore (KS) Moore (KS)  
 Neugebauer Neugebauer  
 Payne Payne

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1514

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. AKIN. Madam Speaker, on rollcall No. 744, had I been present, I would have voted "nay."

# CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1053, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1053, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 13, as follows:

[Roll No. 745]

## YEAS—418

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocchieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)

Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)

Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebuck  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)

Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skeltton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder

Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Tanner  
Taylor  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)

## NAYS—1

Paul

## NOT VOTING—13

Abercrombie  
Barrett (SC)  
Buyer  
Capuano  
Carney  
Conyers  
Doyle  
Maloney  
Neugebauer  
Sutton  
Teague  
Whitfield  
Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1521

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on September 30th, due to personal reasons, I was unable to cast the three votes that were called on that day. Had I been present, I would have voted "yes" on rollcall votes 743 (H.R. 2442); 744 (H.R. 1771) and 745 (H.R. 1053).

## PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, on the vote H.R. 2442, Bay Area Regional Water Recycling Pro-

gram Expansion Act of 2009, I was unavoidably detained in the Transportation and Security Subcommittee. I'd like to register the vote for "yea."

## MAKE HEALTH CARE AFFORDABLE

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. The health care debate we're having right now is complex. It's personal. It will affect every single American. And it will affect our Nation's financial stability for years. We must get this right.

It appears the current House proposal is not what Americans are asking for. Just yesterday, a Senate committee rejected the so-called "public option" on a bipartisan vote.

Republicans have solutions that I believe most Americans agree on—solutions to root out waste, fraud and abuse; solutions to provide care regardless of preexisting conditions; solutions to help families access affordable care; solutions to reduce the cost of defensive medicine; solutions to fix the system without destroying it.

This debate must be thorough and the solution bipartisan. It's time to come together and to make health care affordable.

## IN TRIBUTE TO DR. VASCO SMITH

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. I rise today to honor the life and legacy of a great Memphian and a great American, Dr. Vasco Smith. Dr. Smith was one of the stalwarts of civil rights in our city of Memphis and in the Nation. He served on the county commission with me from 1978 to 1980, but he served on the county commission in Shelby County from 1973 until 1994. He and his fellow county commissioner, Jesse Turner, Sr., were known as the Freedom Fighters.

Jesse Turner, Sr., was the national treasurer of the NAACP. Dr. Vasco Smith's wife, Maxine Smith, was the national secretary of the NAACP. Vasco Smith and Jesse Turner worked on all things in civil rights in Memphis and stood up when others did not and were always a voice of conscience and reasonableness and morality in my community.

Dr. Smith was a great county commissioner. He worked with me and others to build the Regional Medical Center, our general hospital in Memphis that serves the people that need health care. He was a dentist who served his community as a physician. He served in the Air Force and served our Nation.

He was a special man to me because he showed moral rectitude of the type that's rarely seen. He knew justice beyond color. He will be remembered in

Memphis as a great civil rights leader, as a husband, a father, a professional, and a great Memphian.

He'll be buried Friday. I'll be there with him. His was a life well lived.

#### NET NEUTRALITY

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute.)

Mr. GINGREY of Georgia. Madam Speaker, on Monday, The Washington Post published an editorial criticizing SEC Chairman Julius Genachowski's net neutrality proposal. This proposal would call for the Federal Government to introduce unnecessary regulation that would inherently slow down the Internet for all users.

Unfortunately, H.R. 3458, the so-called Internet Freedom Preservation Act, mirrors Chairman Genachowski's proposal and is currently pending in the House.

Today, the Internet runs smoothly and networks balance your email, music downloads, and streaming video because the Internet runs without government interference or regulation. Yet, net neutrality would destroy this model of service that consumers have come to expect and that already works—and works well.

Madam Speaker, in this case, The Washington Post got it right. Implementing net neutrality will stifle the very technological growth we need to continue to stay competitive in the global marketplace, and it needs to be defeated.

#### WORKING TO END HUNGER IN AMERICA

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I rise to recognize my colleague and fellow Hunger Caucus co-Chair, Congressman JOHN BOOZMAN of Arkansas, for his leadership in the fight to end hunger. On Monday, Congressman BOOZMAN hosted a hunger relief and nutrition roundtable to address hunger in his district, an issue that affects one in seven Arkansas residents.

Joined by Dr. Janey Thornton, deputy under secretary of Agriculture for Food, Nutrition and Consumer Services, this forum brought together local antihunger leaders to coordinate efforts and discuss innovative ways to eliminate hunger in Arkansas' Third Congressional District. Today, more American than ever struggle to put food on their tables. Hunger is getting worse here in America, and we should do more to combat it. I encourage my colleagues to follow Congressman BOOZMAN's example and host forums to address the problem of hunger in their congressional districts. We owe it to

our constituents to come together and to put an end to hunger in America once and for all.

I would like to insert into the RECORD the following article from The Morning News:

[From The Morning News]

#### LACK OF TRANSPORTATION WORSENS HUNGER, EXPERTS SAY

(By Doug Thompson)

ROGERS.—A full food bank does a hungry person no good if it's miles away and he cannot drive there, hunger experts agreed.

Janey Thornton, deputy undersecretary for Food, Nutrition and Consumer Services for the U.S. Department of Agriculture, met Monday with directors of local food relief agencies and charities along with 3rd District Rep. John Boozman, R-Rogers. At least 50 people attended the forum at the Center for Nonprofits in Rogers.

"Do you have problems with 'food deserts?'" Thornton asked soon after the question and answer portion began. "There are large areas across the country where people don't have a big chain store nearby for a variety of reasons." Attendees replied that poor people, particularly the elderly, lack transportation. They go to convenience stores that sell a few groceries. That's a trend nationwide, Thornton said.

"There's little or no fresh fruits and vegetables," at these small stores, Thornton said. "They're also a whole lot more expensive. Milk and other basics can cost two times the amount that you'd find at a chain store."

"Transportation is a huge, huge problem among seniors," said Marge Wolf, director of the Northwest Arkansas Food Bank in Bethel Heights. Wolf added that a lack of basic cooking skills has also become a problem.

"Since the recession began, we're having more and more people who don't know how to cook," Wolf said. "We have food at the bank where, if we give it to someone, they do not know how to cook it."

That is a national trend also, Thornton said. Many could buy food that was at least partly prepared, requiring only heating or some simple preparation to eat when they were employed, she said. "There are some food banks across the country that are installing kitchens to give basic cooking lessons," she said.

It would also help if more people learned to garden, Thornton added. This skill is of great value to the poor, she said. Her home state of Kentucky has a program where seniors show students how to plant gardens in the spring, then tend the gardens while students are away during the summer. The food is harvested in the fall and served in school cafeterias, she said.

□ 1530

#### SPECIAL ORDERS

The SPEAKER pro tempore (Ms. KILROY). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### WE, THE SUBJECTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, the United States Constitution starts out with the words "We the People." It's right there at the beginning, written large so folks don't miss it. It means that we are a self-governing people. It means that the Constitution is an agreement between the people and the government. It's not an outline of what the government will give people. It's designed to keep government in a box, to keep it under control. Its purpose is to limit what government can do to the people, not the other way around. The Constitution does not live. It does not breathe. It's not an evolving document with constant change of its true meaning. It says the things it says in plain, simple language.

A current Supreme Court Justice told me recently that the Constitution means what five of the nine Justices says it means. Well, that elitist statement may be true as a practical matter, but the writers of the Constitution never wanted five Justices in a dark, damp, secret room to make the Constitution mean what the Judges wanted it to mean. It seems many of the Supreme Court opinions are so twisted with outcome-based decisions that they are the result of the ebb and flow of political and social opinion. The Constitution is not some elusive ideal that changes with time but was written to prevent government, or Judges, from making it mean different things at different times or different things depending on who is in charge, whether it be Judges, Congress, or even Presidents.

There are simple rules for adding to or taking away from the Constitution. There is a high threshold on that process for good reason. The people have to agree to change the Constitution by the complicated amendment process. The Constitution is a self-governing people's agreement with our government, an agreement that says to government that government must stay within these limits or the government violates its contract with the people by disregarding its duty to stay within those bounds of the Constitution.

Now the question to be asked is: Is our government out of control?

As the Constitution is the framework, the Declaration of Independence is our Nation's heart. The Declaration of Independence gave us the justification for establishing this new Nation. The Constitution is the foundation of this new Nation. The Declaration proclaims that our rights come from the Almighty God. They are inalienable. That means our rights cannot be stolen from us by government. We must make sure government recognizes our individual rights. Government can't change what our God-given rights are, and government doesn't give people rights. Government has no rights. Government has power, power that comes from the people because we give our government that power.

Even though it's seldom taught in our Nation's Ivy League law schools, rights are from the Almighty, not from government. If rights are from government, then government can take them away at its whim. Millions of Americans over the centuries have shed blood and even died to put government power in its box, in its place. We are to control government. Government was not established in this country to run roughshod over the people.

There seems to me, now, to be an attack on individual rights by our own government. America's founding as a Nation put an end to the centuries-long notion of "might and power make right." Today, some in this country want to forget about that. Our Founding Fathers called these elites princelings—elite power-grabbers who want to be able to tell us how to live and run our own lives. Some are at the levers of government right now. Might and power does not make right.

Some want government to have the power to control every aspect of our lives. Those that urge a government takeover of health care are a prime example. Government should not have the power over our health, who our doctors are, or what medical procedures are allowed. Government should not have abusive power over our individual lives. It's really not about health or health care. It's about power, and it's about control, government dictating how we live.

In the name of "saving the planet," government wants to tell us what kind of light bulbs we use or how much water is in our toilets or what type of energy we may or may not use. It doesn't matter if those intentions are good; government does not have that authority or right. It's abusing the power we granted to it.

Our government, in my opinion, is out of control, borrowing and spending and taxing and taxing, doing things it has no business doing for us that it has turned into doing things to us. The American people know that their freedom and liberty are being crushed. Has government broken free of its constitutional restraints?

In town hall meeting after town hall meeting across the country, Americans have made it clear: Leave us alone to live our lives. Liberty over tyranny. Stop spending money we don't have. Government is taking our money in the name of government power. The people have had enough. They do not want to be treated like subjects of government control.

And that's just the way it is.

#### WISHING MRS. RUTH LINCOLN A HAPPY 112TH BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. Madam Speaker, today, September 30, is the birthday of Mrs. Ruth Lincoln. I say today is her birthday because, unfortunately, she passed away 2 weeks ago, but she had been looking forward to turning 112 years old today.

This is a picture I took of her about a year ago. This is my son Penn Snyder. This is Mrs. Ruth Lincoln. She was born in 1897 as Ruth Myers. What I like about this picture is Mrs. Lincoln, born in 1897, spans the 20th century with my little boy who was born in 2006. It's a 21st century little boy connecting with the 19th century.

She was born in a log cabin in Oklahoma in 1897. She married Ben Lincoln. Her first vote, her first Presidential election vote was the election in which women in this country were allowed to vote for the first time, and despite her efforts, President Warren Harding was elected President over her vote for Mr. James Cox.

She graduated from college from Oklahoma A&M, which became Oklahoma State. I had visited several times with Mrs. Lincoln in the last several years. She loved growing old. She told me how she loved growing old, and it became very important to us to find out exactly how old she was growing; meaning, was she the oldest person in Pulaski County? Was she the oldest person in Arkansas? Would, at some point, she become the oldest person in the United States? She loved that aspect of growing old.

She loved Bridge and was an avid player until late in her life. She had loved her family, and she had a lot of family. In fact, many of you know Senator BLANCHE LINCOLN, who is married to Mrs. Lincoln's grandson Steve.

It is difficult to say that someone who was 2 weeks short of turning 112 died unexpectedly, but a lot of us in central Arkansas looked forward to Mrs. Ruth Lincoln's birthday. She would always do something special. I remember one a couple of years ago. I think it was her 110th, when she prided herself on going out in the middle of a bridge we call, in Arkansas, the Big Dam Bridge that crossed the Arkansas River and had quite a festivity out there when she walked some on the bridge after being helped out of her wheelchair.

In the last few months, she had been dwindling. Her daughter was quoted as saying that she knew it was her time, but I know Mrs. Lincoln well enough to know she was hoping that her time would be several years from now. She was proudly hoping that perhaps she could become the oldest person in the world. Today we celebrate the memory of Mrs. Ruth Lincoln on what would have been her 112th birthday.

#### CONGRATULATING DARREN ZHU FOR BECOMING A DAVIDSON FELLOW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, today I had the privilege to meet Darren Zhu, an exceptional student from North Carolina's Fifth Congressional District who is a freshman at Yale University. Darren is in Washington today to receive a prestigious scholarship from the Davidson Institute for Talent and Development.

At the age of 17, he has already made impressive contributions to his community and in the fields of science and math. Darren is a resident of Winston-Salem and a 2009 graduate of the North Carolina School of Science and Mathematics, where he pursued his interests and developed his skills in math and science.

After meeting him today, I understand why he was honored as a Davidson Fellow by the institute. The project that helped him win this scholarship award struck me as the sort of work you would find graduate students doing. In his research, he worked to develop more efficient data storage technology by exploring nanofabrication methods for spintronics, which are a type of powerful electronics. I'm told that his work has applications in the nanotech industry, especially in the field of nanolithography.

The scholarship he won comes from the Davidson Institute. I would be remiss if I didn't highlight their program, the Davidson Fellows program that recognizes the accomplishment of gifted students like Darren.

The Davidson Institute seeks to nurture and support extremely gifted young people through its many programs and scholarships. The Davidson Fellow Scholarship that Darren received recognizes students under the age of 18 for making significant contributions to society in either science, technology, mathematics, music, literature, philosophy, or any other graduate-level work considered outside the box. Since 2001, the institute has awarded \$3.1 million in scholarships to 127 students.

The institute also runs a public school in Nevada for profoundly gifted middle and high school students. In addition, the institute provides a wealth of resources for teachers and parents of highly gifted students. This organization is to be commended for its strong commitment to helping our Nation steward one of our most precious resources, our young people.

I congratulate Darren Zhu for the amazing work that helped him win this important scholarship from the Davidson Institute. I look forward to hearing how he continues to develop his gifts as he pursues his college education.

HONORING THE LIFE, SERVICE  
AND SACRIFICE OF PRIVATE  
FIRST CLASS WILLIAM "LEE"  
MEREDITH OF VIRGINIA BEACH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. NYE) is recognized for 5 minutes.

Mr. NYE. Madam Speaker, I rise today to honor the life, service, and sacrifice of Private First Class William L. Meredith of Virginia Beach, Virginia, who was killed in action while serving our country in Afghanistan on September 21, 2009.

Private Meredith, or Lee as his friends called him, grew up in Virginia Beach where he attended Ocean Lakes High School. Lee was a kind and thoughtful young man who was close to his friends.

As the oldest of three brothers in a military family, he often spoke of joining the military himself. In April of 2008, Lee enlisted in the Army and was assigned to the 569th Engineer Company, 4th Engineer Battalion, stationed at Fort Carson, Colorado.

The mission of the 4th Engineers is both critically important and highly dangerous. They specialize in locating and disposing of bombs in order to keep supply routes open. With IED attacks continuing in Iraq and on the rise in Afghanistan, their skills are in high demand.

In February of this year, Lee's unit shipped out to Iraq, but in April they were redeployed to Afghanistan as part of the renewed effort to defeat the Taliban.

Last Monday, just weeks after his 26th birthday and 10 days before he was scheduled to return home on leave, Private Lee Meredith was tragically killed in action in Kandahar when a roadside bomb detonated near his vehicle.

Lee was proud to be in the Army and to wear our country's uniform. In the 7 months that he served overseas, Lee earned both the Afghanistan and Iraq Campaign Medals, the Combat Action Badge, the Bronze Star, and the Purple Heart.

As a soldier, a brother, a son, and a friend, he made a lasting impact on those who knew him, and as an American hero, his service and sacrifice will always be remembered.

GOVERNMENT NEEDS TO BE  
ACCOUNTABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Madam Speaker, when you travel around the country today, one of the things that we see is that a lot of people are divided over different issues. But one thing that they all seem to be in unison about is the need for our government to be accountable, the administration to be accountable

to the House and to the Senate and for us to be accountable to the people that we represent.

Oftentimes, we spend hours on this floor debating just how we're going to bring about that accountability, and that's why it's so disappointing at the end of the day to realize it doesn't really matter what we put in the statutes because the administration is determined that they're just not going to comply with it.

This year, Madam Speaker, when we're looking at one of the largest budgets we have, the defense budget, the Secretary of Defense issued a gag order prohibiting hundreds of members of the Pentagon from doing what they do every year, and that is to just communicate with Members of Congress, to tell them where cuts were being made and where moneys were going to various programs. It's one thing if they want to stop them from talking to Members of Congress, but then when they failed to comply with the statutes that dictate that they send us information so that we can make those independent assessments, Madam Speaker, that's where it becomes even more frustrating.

The statute that's passed by this Congress, signed by the President, says that the Secretary of Defense, when he sends his budget over, has to give the Armed Services Committee a shipbuilding plan. It makes common sense. It makes good sense that we know how many ships we were going to build, how many ships we were going to have so we could compare them with other nations. And then he has to certify that the budget he sends over meets that plan.

He has to do the same thing with an aviation plan, required by law that he submits to us an aviation plan telling us which planes we are going to build, how many planes we're going to have, and a certification that the budget complies with that aviation plan.

□ 1545

This year he just refused to do it. When we asked him about it, he responded with no information at all. So the Armed Services Committee, on a bipartisan basis with every member of the Armed Services Committee agreeing, every Democrat, every Republican, passed a congressional inquiry mandating that the Secretary of Defense comply with the law and send us the shipbuilding plan and the aviation plan by September 15 so we would have those figures before the conference committee came back on the Defense authorization bill. And, Madam Speaker, to date he has refused to submit those plans to the Armed Services Committee.

So, Madam Speaker, the difficulty we have is this: How do you as the Secretary of Defense look at our men and women in uniform across the world

who are defending this country and say to them, You need to comply with the law, you need to comply with the regulations that we send out of the Pentagon, but it does not apply to him and he continues to skirt the law?

Madam Speaker, the American people deserve better, and we're going to continue to fight until we get that information to hold the accountability that we think they need.

URGING SUPPORT FOR H. RES. 782,  
A RESOLUTION DEMANDING  
IRAN DISCLOSE FULLY AND  
ALLOW UNFETTERED INSPEC-  
TION OF ITS NUCLEAR PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. JOHNSON) is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today in support of H. Resolution 782. This is a resolution that I have introduced and which demands that Iran fully disclose its nuclear facilities, its nuclear development facilities, and also allow unfettered international inspection of its nuclear program.

The elimination of nuclear weapons is an issue that is certainly very close to my heart, and I would like to see that nuclear weapons actually are removed from the face of the planet. So it certainly goes in the wrong direction were we as a Nation to tolerate another nation, especially Iran, acquiring the technology to develop nuclear weapons.

What's troubling is last week the whole world learned that Iran has concealed construction of an enrichment facility near the city of Qom. And they did that without knowing that our intelligence community already knew that the facility was over there. It just had not been publicly disclosed, as it was last week. I guess one of the motivations for not disclosing it prior to last week was to just see how deep in the bad faith bucket would Iran pull its water from. They had no intention of revealing it. It was secret. They exercised deception to conceal it. So our country's announcement last week I'm sure was not a happy time for the Iranian leadership.

Having set the model for how they will deal with the international community insofar as nuclear enrichment and from that acquiring or building a nuclear weapon, we have to make sure that we reverse that bad faith into good faith if at all possible. One of the ways of doing that is through continued tightening of sanctions and to isolate the country of Iran for continuing to be deceptive about its nuclear intentions and its nuclear program.

So while my resolution, H. Res. 782, does not impose sanctions, it just merely puts the House of Representatives on record, as we approach the Geneva talks coming up on Thursday,



that we want to have disclosure immediately, immediate international inspections, and immediate access by inspectors to its nuclear facilities. That's what this resolution does.

My friend Chairman HOWARD BERMAN of the Foreign Affairs Committee has a number of options that he is considering with respect to sanctions. So in no way would I want this bill to interfere with other measures that will be coming forward out of his committee. But this is necessitated by haste because of the approaching deadline for the Geneva talks to begin.

We have got wide bipartisan support, and I hope my colleagues will join the 39 Members from both sides of the aisle who have already cosponsored it.

**THE AMERICAN PEOPLE DESERVE BETTER THAN A HEALTH CARE REFORM BILL DRAFTED IN SECRECY, AND THEY WILL DEMAND IT**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Madam Speaker, I have a message from the citizens of Georgia: don't dare bring a bill before this House that spends one dime of taxpayer money to provide health care for illegal aliens.

During the month of August, the citizens of my State and the country spoke out on health care reform. Their outcry was unlike anything we have seen in recent years. Town hall meetings, TEA parties, freedom rallies, they all became the forum in which the public protest was intended to send a message to this House.

But here we are 2 months later, and none of the concerns of August have been addressed. In particular, no version of the health care reform that is before the House includes the language that I offered that would require proof of citizenship before receiving taxpayer-funded health care. Now it appears that the House is in a holding pattern. Media reports indicate that Speaker PELOSI is drafting her own version of health care reform. Other reports suggest that President Obama and the White House are drafting another bill.

What appears very clear is that these bills are being drafted in secret and behind closed doors and that there is no intention to submit them to the House committees for hearings or for mark-ups.

I call on the Speaker and the President to open up the process, allow Republicans such as me, the ranking member of the Health Care Subcommittee of the Energy and Commerce Committee, to participate in the drafting of this bill. It's time for the law to clearly state that those who want taxpayer-funded health care must

prove and must verify that they are citizens. I have language that will make that happen. But thus far it has been rejected along a party-line vote. Today the other body rejected a similar proposal along a party-line vote.

If health care is to be written in secret, if the normal committee processes are bypassed, if illegal aliens are allowed to receive taxpayer-funded health care, if a bill is rushed through this House with no opportunity to read it, if any of these things happen, I predict that the historic outcry of the American people during August will pale in comparison to the voices of concern that they will raise as a result of that abuse.

Madam Speaker, this issue is too big, it is too important to our people, it is too destructive of our free market enterprise system to be cloaked in secrecy and rushed through this body in a partisan wheelbarrow. If that happens, the Members of this House should be outraged. But, more importantly, the American people will be outraged.

Tyranny by whatever name it bears and whatever iron fist it raises is still tyranny. The American people deserve better and they will demand it.

**EXTOLLING THE U.S. ARMY CORPS OF ENGINEERS**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Speaker, times of crisis make or break reputations. My home State of Georgia experienced such a crisis in the past 2 weeks, with rainfall and floods believed to set the benchmark for a 500-year period.

Last week President Obama declared parts of Georgia a disaster area, opening up Federal aid, and the House of Representatives paid tribute to both the victims of the flood and the courageous emergency workers who put their own lives on the line to protect lives and property.

Tragically, despite our best efforts, at least 10 Georgians died in those floods. Seven of those deaths were in Douglas County, part of which I represent. The State of Georgia estimates that 20,000 homes suffered extensive damage, thousands were at least temporarily homeless, and damages have reached \$500 million and could rise from there.

The worst destruction occurred in the upper Chattahoochee River basin. Because the rising water flowing down the river could have easily snowballed and ravaged areas south of West Point Dam, we're fortunate that areas of west Georgia didn't experience devastation on the scale seen in north Georgia and metro Atlanta.

While areas southwest of Atlanta did see some inevitable flooding during the

heaviest rainfalls on record, counties south of West Point Lake benefited from the excellent management of the lake by the U.S. Army Corps of Engineers.

In recent years the Corps of Engineers has battled both extremes from divvying up sacred water resources during a painful drought in 2007 to taming raging floodwaters in recent weeks.

The Corps has performed important water management tasks that most Americans take for granted. The Corps takes abuse when it has to issue tough decisions, but its many good works go unnoticed.

I want to correct that oversight today. The Corps management of the basin and specifically West Point Lake during the floods unquestionably saved lives and property. The Corps has acted with foresight and skill, and my constituents in west Georgia benefited from the actions immensely.

When heavy rains began to fall in north Georgia and metro Atlanta, the Corps prepared early for the deluge of water heading downstream and strategically released water from the lake to create more storage capacity. A leading expert on West Point Lake, Joe Maltese of LaGrange, called the Corps' early maneuvering "brilliant."

"Throughout the week of the floods, the Corps used the water storage capacity it had been given to its fullest and held nature's fury back to protect as much and as many as they could downstream below West Point Dam," Maltese said.

□ 1600

The Corps walked a tightrope trying to assure the dam held back all it could against a mighty surge, and they succeeded.

Even though this year's flood set the 500-year benchmark, the Corps managed to keep the dam below record levels set in 2003 while at the same time regulating releases to prevent massive flooding below the dam.

Residents of Troup County, the county where West Point Lake is, have stood united in their praise of the Corps of Engineers. The LaGrange-Troup County Chamber of Commerce West Point Lake Committee gave the Corps a sincere thank you. And the city of West Point, which did suffer some flooding, is grateful that the Corps of Engineers prevented the worst from happening. "The Corps did an excellent job controlling the river," said West Point police chief David Kerr.

To that, I would like to add my gratitude and congratulations to the fine men and women of the Corps of Engineers for their efforts during a trying time for Georgia. When crisis hit, these public servants stood ready and able. When reputations could be made or broken, they made theirs. We will never know how many lives were saved

by their actions, and for that we're all grateful. And the people of west Georgia want to commend the Army Corps of Engineers.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Last night here in this Chamber I gave a speech. I'm not going to recount every single thing that I said, but I will point out that immediately after that speech, several Republicans asked me to apologize. Well, I would like to apologize. I would like to apologize to the dead. And here is why. According to this study, "Health Insurance and Mortality in U.S. Adults," which was published 2 weeks ago, 44,789 Americans die every year because they have no health insurance. That's right, 44,789 Americans die every year according to this Harvard study called Health Insurance and Mortality in U.S. Adults. You can see it by going to our Web site, grayson.house.gov.

That is more than 10 times the number of Americans who have died in the war in Iraq. It's more than ten times the number of Americans who died in 9/11. But that is just once. This is every single year. That's right, every single year. Take a look at this. Read it and weep. And I mean that. Read it and weep because of all the Americans who are dying because they don't have health insurance.

Now I think we should do something about that. And the Democratic health care plan does do something about that. It makes health care affordable to those who can't afford insurance, and it saves these people's lives. Let's remember that we should care about people even after they are born. So I call upon the Democratic Members of the House, I call upon the Republican Members of the House, and I call upon all of us to do our jobs for the sake of America, for the sake of those dying people and their families. I apologize to the dead and their families that we haven't voted sooner to end this holocaust in America.

#### VOTING RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, I have now written Attorney General Eric Holder on four occasions asking for an explanation of the dismissal of an important voter intimidation case, *U.S. v. New Black Panther Party*. To date, the answers provided are scant and, in at least one important regard, factually inaccurate.

In 1981, I was the only member, Republican or Democrat, of the Virginia

delegation in the House to vote for the Voting Rights Act and was harshly criticized by the editorial page of *The Richmond Times Dispatch*. And when I supported the act's reauthorization in 2006, I was again criticized by editorial pages. My commitment to voting rights is unquestioned. It is imperative that we protect all Americans' right to vote. This is a sacrosanct and inalienable right of any democracy.

This New Black Panther Party case was brought in January by career attorneys in the Department of Justice's Civil Rights Division against the party and several of its members for deploying uniformed men to a polling station in Philadelphia on Election Day last November to harass and intimidate voters, one of whom brandished a nightstick to voters. The public, and every Member, if they care, can view the video of the incident as well as other examples of the party's intimidation in a clip from the National Geographic Channel documentary entitled "Coming to a Polling Place Near You" posted on the Web. And it can be seen at [www.electionjournal.org](http://www.electionjournal.org).

One of the witnesses of the Election Day incident, Bartle Bull, a veteran civil rights activist who served as Bobby Kennedy's New York campaign manager in 1968, has publicly called this "the most blatant form of voter intimidation" he has ever seen. He also reminded us that "Martin Luther King did not die to have people in jackboots with billy clubs block the doors of polling places, and neither did Robert Kennedy. It's an absolute disgrace."

In July, *The Washington Times* reported that improper political influence by Associate Attorney General Thomas Perrelli led to the dismissal of the case, a politicizing of career employees.

This inexplicable dismissal came over the objections of the career attorneys on the trial team as well as the department's own appeal office, which advised that the complaint was "sufficient to support the injunctions" sought by the career lawyers, and that the "government's predominant interest is preventing intimidation, threats and coercion against voters."

Despite this guidance urging that the department pursue a judgment in this case, it was dismissed in May over the career attorneys' objections. However, this unjustified dismissal has not gone unnoticed. I have worked with the Judiciary Committee Ranking Member LAMAR SMITH to demand answers from Attorney General Holder.

I am pleased that the U.S. Commission on Civil Rights has also taken note of this case. The Commission has an important statutory responsibility to "investigate voting rights deprivation and make appraisals of Federal policies to enforce Federal voting rights laws."

Congress instilled this independent oversight responsibility of the Com-

mission in statute, and it says: "All Federal agents shall fully cooperate with the Commission to the end that it may effectively carry out its functions and duties."

The Commission wrote to Attorney General Holder on June 16, June 22 and August 10 requesting answers on the dismissal of this case. It also voted at its September meeting to make its review of this case the primary focus of its 2009 independent report.

Earlier today, the Commission sent a fourth letter to Attorney General Eric Holder, which I submit for the *RECORD*, reiterating its request for information and asking him to respond no later than October 14 or it will proceed with an investigation using its statutory authorities.

I applaud the Commission. I call on Attorney General Holder to answer the questions posed in my letters dated June 8, July 17, July 22 and July 31, as well as comply with the Commission's request for information so it may complete its report. I also urge the Attorney General to allow Members of Congress to meet with the career attorneys in the trial team and appeal the body so that they may answer legitimate questions.

Again, if Members of Congress want to see the case that Eric Holder has dropped, just go to [www.electionjournal.org](http://www.electionjournal.org). It's the National Geographic channel. And you will see Eric Holder has to start answering the letters that the Civil Rights Commission sends and Members have sent.

Finally, the trial team should be allowed to bring the case again—per the guidance I obtained from the Congressional Research Service's American Law Division in its July 30 memo—to allow our nation's justice system to work as it was intended: impartially and without bias.

U.S. COMMISSION ON CIVIL RIGHTS,  
Washington, DC, September 30, 2009.

Hon. ERIC H. HOLDER, Jr.,  
Attorney General, U.S. Department of Justice,  
Washington, DC.

Re: U.S. Commission on Civil Rights Review  
and Report on the Implications of Enforcement Actions in *United States v. New Black Panther Party for Self-Defense*, Civ.  
No. 09-0065 SD (E.D. Pa.) (NBPP case)

DEAR ATTORNEY GENERAL HOLDER: The Commission requests that you instruct Department officials to fully cooperate, as 42 U.S.C. 1975b(e) requires, with our overdue information requests in the above-referenced matter. To that end, we also ask you to identify an individual who will exercise the substantive authority to coordinate the Department's responses to our current and future requests.

Pursuant to formal proceedings, the Commission initiated an inquiry into the implications of the Department's enforcement actions in the NBPP case as reflected in our letters to DOJ of June 16 and 22. We received a largely non-responsive letter from Portia Roberson in late July and none of the documents we requested. On August 7, the Commission voted 6-0, with two members abstaining, to expand its investigation by sending a follow-up letter to the Department. On

August 10, the Commission addressed its letter to you, explaining our need for the information. For example, we stressed our need for information on previous voter intimidation investigations so that we could determine whether the Department's action in the NBPP case constitutes a change in policy and, if so, what the implications of that change might be.

At our most recent meeting on September 11, 2009, the Commission voted to make its review of the implications of the NBPP matter the subject of its annual enforcement report. The Commission was aware that the Department's Office of Professional Responsibility (OPR) had initiated an inquiry into some aspects of the NBPP case to determine whether further review is warranted. Although a letter from Ms. Roberson of September 9 expresses the Department's desire to delay any response to the Commission until the OPR investigation is complete, you may rest assured that the Commission will be sensitive to OPR's internal ethics review as we move forward with our own inquiry. As the discussion at our recent meeting indicates, the Commission will work to accommodate any legitimate concerns the Department may have regarding specific requests for information once the Department begins its production.

The Commission has a special statutory responsibility to investigate voting rights deprivations and make appraisals of federal policies to enforce federal voting rights laws. The Commission must form an independent judgment regarding the merits of the NBPP enforcement actions (regardless of how the decisions were made) and the potential impact on future voter-intimidation enforcement by the Department. Accordingly, Congress has provided, in a provision with no statutory exceptions, that, "All Federal agencies shall fully cooperate with the Commission to the end that it may effectively carry out its functions and duties." 42 U.S.C. § 1975b(e).

It is important to note that many aspects of the Commission's inquiry have no connection with the matters subject to OPR's jurisdiction. As set forth in our August 10 letter, the Commission will seek to determine:

- 1) the facts and the Department's actions regarding prior voting intimidation investigations;
- 2) the underlying conduct in Philadelphia giving rise to the NBPP case;
- 3) whether the decision in the NBPP case is consistent with departmental policy or practice in prior cases or amounts to a change in policy or practice;
- 4) the extent to which current policy or practice as reflected in the NBPP case may encourage voter intimidation; and
- 5) whether that policy or practice is consistent with proper enforcement of section 11(b) of the Voting Rights Act.

The Commission may also seek to determine whether any decisions in the case were induced or affected by improper influences. Thus, there may be some areas of potential overlap with OPR's internal review, including an examination of the decision-making process in the case. With regard to these questions, if there are concerns as to the timing or content of specific discovery requests, the Commission will work with the Department to resolve them in a prompt and satisfactory manner. In addition to my personal availability to speak with your representatives, the Commission has appointed a subcommittee of commissioners to focus on any discovery issue that might arise in our investigation.

Accordingly, please identify the individual with substantive responsibility for the production of documents, scheduling of interviews and any possible depositions. If you have not done so by October 14th, however, it will be necessary for us to propound our interrogatories and interview requests directly on the affected Department personnel.

Thank you in advance for your cooperation and prompt reply to these requests.

Sincerely,

GERALD A. REYNOLDS,  
*Chairman.*

#### DEFUNDING ACORN

The SPEAKER pro tempore (Mr. MINNICK). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, recently this body moved to cut off all funding, all Federal funding, from the Association of Community Organizations for Reform Now, or ACORN.

By now we have all seen reports of several recent videos revealing ACORN employees coaching two young individuals on how to obtain government-subsidized housing to set up an underground prostitution house with underage girls brought into this country illegally.

But this is only the beginning of ACORN's criminal activities, Mr. Speaker. ACORN is under investigation in at least 14 States for voter registration fraud. And ACORN workers have consistently employed criminal tactics, including establishing an illegal quota system and illegally compensating canvassers. ACORN has repeatedly reported false information to the IRS and to the Department of Labor. And to cap it off, Mr. Speaker, ACORN and its affiliates have received more than \$53 million in Federal funds from 1994 to 2008 and were eligible for up to \$8.5 billion more from the economic stimulus bill and the 2010 Federal budget.

Mr. Speaker, I believe one of the most overlooked and astounding trophies in ACORN's criminal hall of fame is its role in fighting for policies that led to the mortgage crisis and ultimately catalyzed our current economic recession. ACORN fought vigorously for regulatory reform of the Community Reinvestment Act, a 1977 bill that drastically weakened mortgage lending standards. The result of the new regulations ACORN lobbied for was that banks were no longer rated because they made good loans or their standard of equitable lending, but rather, they were rated based on the number of loans they made, regardless of the ability of the borrower to pay back the loan or to qualify for a loan in the first place.

Banks were hit with large fines if they refused to dole out these toxic loans, the majority of which they knew would not be repaid. And if they still

dared resist the government's mandate, ACORN would publicly picket them or threaten to hit these banks with lawsuits to force them to comply.

Mr. Speaker, although the mainstream media has been largely silent on the ties between ACORN and President Obama, it was actually during this time in the early part of President Obama's career when he was working with ACORN that President Obama was part of the lawsuit to force Citibank to abandon its time-tested lending standards and disperse millions and millions of dollars in high-risk loans. Now this isn't speculation, Mr. Speaker. His name is listed on the records of the lawsuit. President Obama played a significant role in helping to shape the mortgage debacle that caused America's recent and ongoing economic crisis.

The result of the lawsuits like the one filed by Mr. Obama and ACORN has been that millions of dollars in toxic loans were made as a result of ACORN and its subsidiaries using the CRA regulations to bludgeon America's financial institutions into making loans they never should have and otherwise never would have made. As we all know now, those toxic loans were packaged and resold on Wall Street, and the entire system began to crumble.

If those original loans, Mr. Speaker, that were sold to Wall Street had been made under the traditional, financially sound practices based on income, down payments and credit histories, rather than the politically correct and financially fatal criteria that Barack Obama sued to achieve, the entire financial meltdown might have been avoided.

But how many Americans know that, Mr. Speaker? How many Americans are aware of the role that ACORN and one of their lawyers and close allies by the name of Barack Obama played in creating the housing and financial crisis?

Mr. Speaker, the ironic reality now is that President Barack Obama is put in the schizophrenic position of signing a bill to defund the very organization that helped to launch his career and ultimately helped get him elected. And the silence from the Obama administration on the ACORN issue has been unbelievable, Mr. Speaker.

The Obama administration and liberal Democrats in Congress now have a choice. They can take a sincere stand against corruption by launching investigations into ACORN and work with Republicans to pass the Defund ACORN Act to stop all Federal funding for ACORN, or they can throw their supposed commitment to transparency and accountability out the window for good.

Mr. Speaker, let us hope that they will choose to stand against allowing ACORN or any other corrupt organization to receive one more dime of taxpayer dollars now or ever again.

□ 1615

## JOBS, JOBS, JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, well, Washington, D.C., is focused on a lot of things these days. The debate over health care continues outside of committee hearings, and we hear news reports that health care reform is being rewritten in the back hallways of this building somewhere.

We also heard today that leading Members of the Senate on the Democratic Party introduced a national energy tax, the so-called cap-and-trade legislation, that will raise the cost of utilities on working families and small businesses across this country by dramatic amounts. And of course, the President is making plans to travel to Copenhagen later this week on an economic development mission for the city of Chicago.

But I've got to tell you, as a constituent of mine from Alexandria, Indiana, that's with us today, Mr. Speaker, might well attest, when I'm back home, folks aren't talking about how we can pass legislation that raises utility rates or how we can pass legislation that will lead to a government takeover of health care paid for by hundreds of billions of dollars in new taxes and individual mandates, and they're not much talking about the Olympics. What folks back in Alex are talking about is jobs. They're talking about what in the world this Congress is going to do to put America back to work.

Now, back in February when Congress passed the so-called stimulus bill, Speaker NANCY PELOSI stood on this floor and said, This bill is about jobs, jobs, jobs. The administration suggested that if we didn't borrow nearly \$1 trillion from future generations of Americans and spread it out in the so-called stimulus spending, that unemployment would reach 8 percent.

In fact, this very useful chart illustrates the point. The Obama administration said that without passing the stimulus bill, unemployment would go from 7.5 percent upwards over 8 percent. They said, with the stimulus bill being passed, that unemployment would not exceed 8 percent.

Now, as people are looking in from the gallery and around the country can see for themselves, the reality is a little bit different. Since the passage of the so-called stimulus bill back in January, not only has unemployment exceeded the high water mark the administration projected at 8 percent, but now it's almost 9.7 percent, and I say with a heavy heart, it might be rising as soon as this Friday.

You know, look, we need a strategy for energy independence in this coun-

try, a strategy that begins to take us in the direction of new resources and exploiting our current reserves. Our American Energy Act does that.

We need health care reform in this country that will lower the cost of health insurance for working families and small businesses and lowers the cost of health care in the long term without a government takeover. Chicago might even need the Olympics in 2016.

But more than anything else, we ought to be willing to set all those enterprises aside and work on this. We ought to be willing to do what has always worked to get this economy moving again, and that is fiscal restraint in Washington, D.C., and tax relief for working families, small businesses, and family farms. You combine that with a pro-growth trade policy, you combine that with policies that will result in a stable dollar, you combine that with rational regulatory reform, and you have a prescription for economic renewal and growth. In a word, to borrow the Speaker's phrase, you have a prescription for jobs, jobs, jobs.

And I have to tell you, Mr. Speaker, apart from providing for the common defense and apart from, I believe, standing up for the values that make this country great, we have no higher calling in this institution than to pursue policies that will create conditions to create growth in this country.

And so I challenge my colleagues as we find ourselves talking about government takeovers of health care with their higher taxes, as now the Senate begins in earnest to work on passing a cap-and-trade bill in the name of climate change that will result in a massive national energy tax, why don't we all just do what they're doing back in Alex, Indiana? Let's take a breath. Let's have those debates in the cool of the day, after first and foremost we come together in a bipartisan way, we do what President Kennedy did, we do what President Reagan did, we do what President George W. Bush did after the tower fell, and we pass fast-acting tax relief for working families, small businesses, and family farms this year, and we begin to practice fiscal restraint on Washington, D.C. That combination of traditional American principle applied to this economy will create nothing short of jobs, jobs, jobs, and that's still job one on Capitol Hill.

## HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it's a pleasure to be able to join you and my colleagues today and those who are in the gallery to talk about something that

has been the talk of the town now for a number of months and is an intensely personal and important subject to all of us, and that is the health care of the bodies that we have to live inside.

A great deal has been said and a great deal more needs to be said in clarifying exactly where we are on this issue because of its tremendous importance, its importance to us in an economic sense as a Nation, its importance to us as close to 20 percent of our entire gross domestic product, but also, as I said, because of the importance that each of us have to live inside our own bodies and are much attached to our health care system.

Now, one of the great concerns about what's being proposed is is that the government will not immediately but indirectly and inevitably take over health care. Just as we saw earlier this year, the president of General Motors is being fired by the President of the United States. That's a unique situation. Usually we separate our private industry from the Federal Government, and what is being proposed here is, over time, the government takeover of one-fifth or so of our economy; that is, health care.

Now, when the government does too much, we have come over time to recognize certain consequences. First of all, it becomes very expensive because the government, with its \$500 hammers, is not the most efficient. In fact, you could sometimes talk about a health care system with the efficiency of the post office and the compassion of the IRS.

The inefficient allocation of resources is legendary, particularly in other countries that have had the government try to run the health care system. The quality is degraded, and we will talk about those in hard statistics, particularly with people who have, for instance, cancer. We will take a look at what the cancer survival rates are in some of the European countries that have socialized medicine as opposed to the American medical system that we have in this country today.

And then, of course, to me, perhaps one of the more frightening things is bureaucratic rationing. That is, decisions not by a doctor and the patient, but decisions made by some bureaucrat that gets in the way.

Now, the first thing that the people have commented sometimes is, if health care is expensive now, just wait until it's free. That seems to be the experience for, particularly, people of Canada and other Nations.

We have heard that this is a system that's being proposed by our President that's going to be simple, that it's going to save money. In fact, he said if it were going to cost us one dime more, then he wouldn't even support it. And yet we take a look at the simplicity of the organization—this is the Democrats' bill. It's an organization chart

for the Democrats' bill. It's complicated. This is trying to put a 1,000-page bill onto one poster, which obviously it is going to look a little bit complicated. But you have here a tremendous maze of interlocking organizations and groups trying to replace a fifth of the U.S. economy. Obviously, it's going to be somewhat complicated. The question is, in this maze, can the patient find their way to their doctor. That is a good question.

Well, what are we talking about in terms of costs here? Is there some way that we could try to decipher when the President tells us this isn't going to cost us much, in fact, the efficiency is going to be such that we can do this whole thing without spending any more money, what sort of a way can we get a handle on that?

Well, one of the things we have already is Medicaid and Medicare and Social Security. Those, of course, are the three huge entitlement programs that have been running for some period of time, and we have here cost projections as to the rate of increase in the expenses for Medicare and Medicaid. And when you take a look at these over time, what you realize is that if nothing is changed in Medicare or Medicaid, Social Security, that the U.S. Government at a certain point out here, at 2052, for instance, that there will be nothing else in the Federal budget. They will absorb the entire Federal budget.

We have a certain tax rate that we're running, and what we found in terms of tax policy is you can raise people's taxes but it doesn't raise the amount of money the government is pulling in. You can raise taxes so much it stalls the economy and you end up taking the same thing in in taxes as you did when your tax rate was lower.

So this is kind of our historic tax rate, and when you project that out, you realize that Medicare and Medicaid, at least a big portion of this blue chart, is going to gobble up all of the Federal revenues. That means we won't spend any money, not just on food stamps or welfare, not just on art, not just on sort of ancillary things, but there will be no money for defense or anything else with the way that these programs are going.

So the President, when he says this is going to be very efficient, it's going to save a whole lot of money, and you say, well, what do we have as an example of that sort of government efficiency, you've got Medicare and Medicaid. Those are not very comforting examples as to what's going to happen to our GDP.

In fact, the President's made a lot of promises. He complained, as he came in to give his talk here about 3 weeks ago on health care, that he had inherited a \$1 trillion deficit. In fact, he had not. It was about a \$250 billion deficit, which is bad, shouldn't have inherited that,

and yet what we have here proposed in the last 6 months, you can see the level of spending at \$3.6 trillion that we've spent in 6 months on all of these—here's the Wall Street bailout. That's \$250 billion. That was started in the previous administration, but half of it was spent by our current President.

Then you've got the economic stimulus. I would call it the porkulous bill, didn't have much to do with stimulus at all. There goes \$787 billion more. And then you have got SCHIP and then the appropriations. You've got an IMF.

This cap-and-tax, the House has passed this one. This is the biggest tax increase in the history of our country. The President made the promise that if you're making less than \$250,000, don't worry, we're not going to tax you, except a little detail. Anytime you flip your light switch, you are going to get taxed, with this \$846 billion which is, of course, the biggest tax hike in our history. And then, of course, the government health care that's being proposed, it even dwarfs that.

So we're talking about a pattern in history of a tremendous rate of spending. In fact, if you were to take a look at all of the deficits from George Washington to George Bush, that comes out about five-something trillion. We're looking at \$8 trillion for this administration.

So we have a promise that this isn't going to cost very much. We don't have very much historical data to give us any sense that this is going to be a financially responsible package.

Now, one of the things that goes to the heart of health care, and I think probably if a bunch of just plain old Americans were going to stand around and say, you know, let's talk about what are you going to do to health care, one of the things you'd say, well, one thing we know for sure is that we want to make sure that the relationship between the doctor and the patient is left alone. We don't like this deal where the insurance company comes in and gets between the doctor and the patient, and so one of the things we want is to leave that sacrosanct. If you like your doctor or health care provider, you can keep them. If you like your health care plan, you can keep that, too. This is what the President told us in July. He's repeated it. Is that true, though?

He's also said it's not going to cost anything. He also said you're not going to be taxed anything if you make less than \$250,000. So what is the truth of this statement? Can you really keep what you currently have, because this is a very important question because 100 million Americans have health care policies and relations with doctors that they like just fine right now. And we've probably got, when you sort through it, about 15 million people who are not insured. And so the question is: Are we going to basically take apart

entirely and try to rebuild the system for 100 million people in order to deal with a problem 15 million? That's the question.

So here's the promise that comes from the President, but is that really true? Well, here's MIT health care economist Gruber. He says, with or without reform, that won't be true.

□ 1630

His point is that the government is not going to force you to give up what you have. But that's not to say that other circumstances won't make that happen. In fact, what's going to happen, and that's what this MIT professor was going to talk about, is that when the government jumps in to this entire equation and starts to have a government option, what it tends to do is crowd out the private provider. So over a period of time, your employer is going to say, I'd rather pay the fine and just dump your health insurance on the government; and more and more people do that until, guess what, there is only the government left, the single provider.

Now, you can say, well, do you have any evidence that that's going to go on? Well, we did. It was a week before last, we just voted in a way to make the student loans in America—almost all of them are all going to be provided now through the government. Originally, the government came in just to help the student loan process. But now what's happened over a period of time, the government can easily forgive a student that doesn't pay their loans, whereas the private companies can't.

So the government has an advantage because they keep soaking the taxpayer. And so the question then is, that's what this is, that Jonathan is saying here, what his point is, that what's going to happen inevitably is that we're going to end up with a government-driven system and, therefore, you will not be able to keep your insurance or your health care provider.

And so what is being said is not, in fact, true. Along the same lines, and of particular importance, is this entire question about whether we are going to allow government agents or bureaucrats or people working for the government to make health care decisions. Is the government going to jump into the middle of the doctor/patient relationship? Well, that's not the kind of amendment that's allowed on this House floor. The Democrat Party does not allow us to make amendments that we might like to make. It has to go through Rules Committee. They control the Rules Committee, and if they have an amendment that would be embarrassing or they don't want, they just say you can't have it in the rules to offer that amendment.

But in committees, we do offer amendments. This is an amendment that was offered by Dr. GINGREY. Dr.

GINGREY is a good doctor from Georgia, been a medical doctor a long time, now joining us here in Congress. And he said a very simple sentence: nothing in this section shall be construed to allow any Federal employee or political appointee to dictate how a medical provider practices medicine. In other words, this amendment would guarantee the doctor/patient relationship. It would say that that doctor/patient relationship is not going to be interfered with by some government bureaucrat. Well, how did this amendment fare in NANCY PELOSI's committee that was putting together the House health care bill? Well, here's how it came out. The Republicans, 23 Republicans voted "yes." We want to keep that doctor/patient relationship sacrosanct, and none of them were against it. If you take a look at the Democrats, however, 32 Democrats voted against this, which, if you say you're against this, then it suggests that you're going to be in favor of letting bureaucrats control costs. And only one Democrat voted for it.

So what happened? Well, this amendment failed. When this amendment failed, it, again, raises a serious question whether what the President says is really true, Are you going to be able to keep your doctor? Are you going to be able to keep your health insurance? Will you get your health insurance through the same place you get it now, or is it all going to be provided by some government? Now, I have had either the fortune or misfortune of being in public office for a number of years. And one of the experiences that those of us who are public servants have is we get phone calls. We get phone calls from our constituents and they say, hey, Congressman AKIN, I've got a problem with this, that and the other government agency. Can you help out? Or I've had really a hard time with this, this, and this. Can't you do something about this? And so we, in a sense, then go to bat for our constituents with different either State or Federal agencies.

I recall one of my earliest experiences as a State rep, and there was a bad intersection where there had been some accidents in my district, and we needed to get a left-turn arrow put in at a traffic light. I would bet that I made over 100 phone calls over a 2- or 3-year period to the highway department in our area trying to talk them into putting one lousy left-turn arrow into a traffic light signal. There was already a lane painted for the left turn, so all they had to do was to change the traffic light. It took me several years to talk the highway department into putting one silly left-turn arrow in.

Now, can you imagine what goes on if we're Members of Congress and we get phone calls saying, the government that you represent has told my wife that she can't get that heart bypass. They've told my mother that she can't

get that heart bypass. They've given her a bottle of aspirin and told her to go home and wait to die. Is that the sort of thing that we want to deal with with the bureaucrats getting in the way of health care decisions? I don't think so. This amendment should not have failed. If the American public knew that this amendment were being offered, they would have called their Congressman and said, don't you mess with the relationship between me and my doctor, or between our family and our doctor. That's what's at stake.

Now, from my point of view, this becomes personal. I was elected to Congress in the year 2000, came here in 2001 to serve. And one of the things I found out about this Congress is the fact that there are some Navy doctors in this building in a clinic. So sometimes if somebody's walking around in the summer and they have a stroke or this or that, they've got an ambulance, then the first place they go is to the little clinic right here in the Capitol Building. It's almost like a little mini-city for a certain number of blocks. There are some medical professionals that are there. And those medical professionals also offer physicals, your yearly physical. So I had not had a physical because I had been in the State of Missouri in the Missouri legislature, and basically, what happened there was my insurance had a health care provider that there was no way you could go see your primary care doctor, and so the insurance company was getting between me and some potential doctor that I could never even figure out who the doctor was. They said my primary care physician is so and so. You call them and you could never see them. So I walked into the clinic downstairs in this building feeling bullet-proof, about 52 or 53 years old, and they told me my health was great except for one little detail. Congressman AKIN, you have cancer. Now that's the sort of word that gets your attention when somebody tells you that you've got cancer. And so it was that because I was here and I had access to health care, I was able to get the cancer treated.

But if you take a look, when it talks about cancer, let's talk about the survival rates between men and women in the United States. In men it's 62 percent, 66 percent in women in the U.S. Take a look at where it is with socialized medicine in the United Kingdom: 44 percent. For women it's not 66, but it's 52. So in other words, your chances of survival in America are a whole, whole lot better with our free enterprise system. So all of this talk about how bad American health care is, boy, that's a lot of hooey. We still have a very, very good health care system; and to try to destroy what 100 million people enjoy just to try and take care of 15, that doesn't seem to make sense.

I have been joined by my good colleague. Did you want to join us on the

health care discussion? Please jump in. I yield.

Mr. MCCLINTOCK. I thank the gentleman for yielding. Mr. Speaker, I wanted to address a matter of the health care debate that was brought up by none less than the President of the United States in this very Chamber just several weeks ago where he assured us that it was not going to add a penny to the deficit. I don't think we can fully appreciate the magnitude of the health care debate without also recognizing the magnitude of the Nation's deficit, and I'd have to call into question the accuracy of the President's assurances to this House several weeks ago.

I brought along a chart. This represents, both as a percentage of GDP as well as total dollars, our deficit over the past 40 years, from 1970 to 2010. As you can see, we've not done a very good job of managing our Nation's finances, except for 4 years during the Clinton administration. I might add, there was a Republican Congress, but give credit where credit's due. Bill Clinton produced 4 years of surplus budgets. We then go into the Bush years which was the most fiscally irresponsible that we've seen in peace time. The last budget deficit taking nearly 3 percent of the gross domestic product of our country.

Mr. AKIN. So let's just go along. So you're saying the worst we had up through Bush was 3 percent of GDP.

Mr. MCCLINTOCK. That's this bar and this point right here.

Mr. AKIN. Right.

Mr. MCCLINTOCK. Now, this red line, that red line is this year's budget deficit ending today, September 30. That's the full fiscal year deficit. You can see it's on a magnitude completely unprecedented in the history of our Nation.

Mr. AKIN. That number is incredible to me. Let me just try and put that in context, what you're saying. When the President started his speech on health care in this Chamber, he complained about inheriting a \$1 trillion deficit or something, when it was I guess, 250 billion, so he magnified—

Mr. MCCLINTOCK. Well, actually, fiscal 2008 was about \$450 billion.

Mr. AKIN. He said it was \$1 trillion.

Mr. MCCLINTOCK. Bush added another 700 billion with the bailout which of course Obama supported. So he can't just blame Bush for that. He supported that bailout, adding another 700 billion. The point is today this year's budget deficit exceeds \$1.6 trillion and that is absolutely catastrophic. We all know that if you live beyond your means today, of necessity, you're going to have to live below your means tomorrow and that's the tomorrow that we're creating for our country.

Mr. AKIN. So just to reclaim my time a minute, what you're saying, gentleman, is we've got a big financial



problem with this promise that this health care system isn't going to cost anything.

Mr. McCLINTOCK. Exactly right. I mean, as we know—

Mr. AKIN. And you're saying that red line that you showed, was that about three times more deficit than what he had inherited from President Bush?

Mr. McCLINTOCK. Actually nearly four times more than last year's deficit.

Mr. AKIN. So the President that stood here and told us he had inherited a deficit didn't mention the fact that he had four times more that he'd spent in 6 months or 8 months than the deficit that he inherited.

Mr. McCLINTOCK. He has dramatically increased that deficit beyond anything that we've seen in the peacetime history of our Nation.

Mr. AKIN. Anything in the peacetime history, so that'd be a combination of all of these things. Did you count the biggest tax hike in history, the cap-and-tax?

Mr. McCLINTOCK. We're just looking right now at what we've spent in fiscal 2008 and what we expect to spend by the end of midnight tonight. That's a nearly fourfold increase in a single year.

Mr. AKIN. And that's not even including the biggest tax hike in the history of our country passed by the House that means every time you flip your light switch on you're going to pay taxes on that.

Mr. McCLINTOCK. This is on the spending side, not on the tax side. In fact, the deficit is the difference between what we spend and what we take in. That's what we're talking about with the deficit. And that's four times larger than it was last year. And as I said, that is being taken out of the future economic prosperity of our country. That's being taken from our kids.

Now we have before us the health care measure which is nearly \$1 trillion more. But we are told, don't worry, that won't add a dime to the deficit. Well, pardon my skepticism but—

Mr. AKIN. A trillion dollars won't add a dime to the deficit? That is a stretch.

Mr. McCLINTOCK. This is the same President who recently announced that he'd underestimated the current deficit projection by \$2 trillion. But he assures us this isn't going to add anything more, we're going to pay for it. Well, my problem with that is we've got plenty of experience with government health plans, both in this country and abroad. They've produced very consistent results. They've produced massive cost overruns, followed by an absolutely brutal rationing of care. Now, the point I wanted to make in coming down to the floor today is that when this health bill was considered by the House Committee on Labor and Education, I offered a simple amendment

to take the President at his word, to take the Democrats at their word that this is not going to add to the deficit. So the amendment simply said that we're going to suspend the cost components of the bill if the Congressional Budget Office determines that it will be adding to the deficit.

Mr. AKIN. So you basically just took the President's words and just put an amendment to say, okay, we're going to hold your feet to the fire. You said it's not going to add one dime to the deficit so we're going to put an amendment on the bill—

Mr. McCLINTOCK. We've been assured from the outset that this was not going to add to this catastrophic deficit. So when H.R. 3200 was taken up before the House Committee on Labor and Education, that's exactly the amendment that I offered. If the Congressional Budget Office says this is adding to the deficit, we'll suspend the cost provisions of the bill. Well, perhaps not surprising to you or to those who follow this carefully, but I think surprising to a lot of folks who believed the President, that amendment was defeated on a straight party-line vote.

□ 1645

Mr. AKIN. Let me just highlight what you said then.

What you're saying was the President said this is not going to add a dime to the deficit or that he wouldn't support it.

Mr. McCLINTOCK. Yet just a few months before that on a straight party-line vote, his supporters in this House defeated an amendment that would have protected the Treasury against this measure adding to our deficit.

Mr. AKIN. And that was your amendment then?

Mr. McCLINTOCK. It was.

Mr. AKIN. Congressman McCLINTOCK from California simply taking what the President said, offering it as an amendment, and in a straight party-line vote, it was defeated.

Does that leave you with any comfort that we're not going to add a dime to the deficit?

Mr. McCLINTOCK. No, it leaves me with a great deal of confidence that the supporters of this bill don't believe that claim. And that's the point I came down here to make. If the President's supporters actually believed this bill would not add to the deficit, they should have had no problem with the amendment. Obviously, they don't have that confidence.

Mr. AKIN. They don't believe that's going to happen.

How are they going to pay for this whole thing, anyway? The Congressional Budget Office says it's a trillion-dollar bill for this basically having the government take over all of this health care, and, of course, that's just for openers.

Mr. McCLINTOCK. Well, we know what H.R. 3200 says. About a half a tril-

lion dollars is going to be from raising the taxes of the very wealthy individuals who earn over \$250,000 a year. Well, we get paid pretty well by the taxpayers for our jobs, but that doesn't affect us. It doesn't affect most people. What a relief, right? Until you scratch the surface and you realize that more than half of those taxpayers aren't very wealthy and they aren't even individuals. They are small businesses filing as subchapter S corporations that are barely holding on by their fingernails right now. Those are the people who will be bearing that.

Mr. AKIN. So now we're going to increase your taxes, right? Is that what you're saying? We're going to increase the tax on small business, is that right, what we're doing?

Mr. McCLINTOCK. If H.R. 3200 is passed, that's precisely what it proposes.

Mr. AKIN. Let's take a look at the logic of that.

If we increase taxes on small business, they have less money to invest. Small businesses create 80 percent, or 79 percent of the new jobs in our country. We've got unemployment now, not at 8 but 9-something percent. And so what we're going to do is we're going to tax small businesses, which is going to make it even harder for them to put in new pieces of equipment or new processes to hire new people, so we're going to kill jobs even more by going to this socialized medicine.

Mr. McCLINTOCK. Not necessarily. It will still be very easy to build a successful small business in America. All you'll have to do is start with a successful large business.

Mr. AKIN. I guess that doesn't help us do much in terms of the unemployment. So a piece of it is going to be we're going to tax small business.

My understanding is, though, that some of this is going to come out of the hide of people that are on Medicare.

Mr. McCLINTOCK. No doubt of that. We've seen the proposals. And the attack particularly on Medicare Advantage.

Mr. AKIN. My understanding that was \$500 billion—isn't that close to half of that trillion—is going to come out of Medicare.

Mr. McCLINTOCK. That's what the authors are proposing.

Mr. AKIN. I am kind of scratching my head because every year we've got a problem that Medicare, they keep trying to automatically ratchet down how much we're spending on it, and then they don't pay the doctors anything, and the doctors are not going to take anybody in Medicare anymore. So we quick-quick do a patch.

I know you have really been keeping an eye on the numbers here, and we very much appreciate your leadership. The people of California did a good job of sending you here.

But how in the world—you're a good numbers man—how in the world are we



going to cut \$500 billion out of Medicare and not expect to feel that somehow?

Mr. MCCLINTOCK. The fact is ultimately I think the supporters of the bill realize that their numbers don't add up. That's why they have opposed every attempt to actually enforce the fiscal integrity of this measure by amendment. The question I think all of us should be asking right now is if the authors of this plan have no faith in its fiscal integrity, why should the rest of us?

Mr. AKIN. That is really a good question.

And the thing that's disturbing for my good friend from California, the thing that's disturbing is that you're not the only guy that's offered amendments in committee on this bill.

Mr. MCCLINTOCK. Quite right.

Mr. AKIN. The amendment that I just mentioned a moment ago—which I think to me, it's personally scary—and this is a medical doctor, and what he's saying in this bill is nothing in this section shall be construed to allow any Federal employee or political appointee—that is a bureaucrat—no bureaucrat can dictate how you and the doctor, how that medicine is going to be delivered.

In other words, the doctor and the patient make the decisions. And again, just like your amendment, this thing goes down in flames on a straight party-line vote.

How can you stand there and vote that you want bureaucrats to ration health care? I don't understand it. But I do understand why Americans would be strenuously opposed to this.

Mr. MCCLINTOCK. While we're on the subject of amendments that have already been offered to H.R. 3200, there are two others we ought to mention. One, making it very clear that illegal aliens will not be entitled to care under this plan. That was voted down on a straight party-line vote. So obviously the intent of the authors of the bill is something quite a bit different than the President assured us was the intent on the floor several weeks ago.

Mr. AKIN. Just to reclaim my time for a minute, this is the President. I've got the actual flip of his quote on that subject:

"There are also those who claim that our reform effort will insure illegal immigrants. This, too, is false. The reforms I'm proposing would not apply to those who are here illegally."

Now, that's pretty plain what the President said, but is it true?

Mr. MCCLINTOCK. Yet an amendment that made that clear was voted down on a straight party-line vote in committee.

Another amendment that was offered, as you know, was to require Members of Congress to take the public option.

Mr. AKIN. Well, there's a poison pill.

Mr. MCCLINTOCK. And interestingly enough, that amendment was killed on a straight party-line vote in the Ways and Means Committee.

Mr. AKIN. Here is actually the text of this amendment. This is the Heller amendment, one of our colleagues. Bright fellow. He offers this amendment in committee: In order to utilize the public health insurance option, an individual must have his or her eligibility determined and approved under the income and eligibility verification system—that's this—and the systemic alien verification for entitlements, SAVE programs, under section 11.

In other words, what they're saying is if you want to get this free health care from the government—which is going to be very expensive for your free health care—you've got to prove you're here legally.

Now, this amendment also was offered in committee. Republicans gave it 15 "yes" votes and zero "noes," no one voted against it, and yet the Democrats had 26 people saying, No, we don't want this in the bill. That means, in other words, that there is no enforcement mechanism for these illegals, that they're just going to come in and we're supposed to pick up the tab for all of these other people.

In fact, it was interesting to note that this very question was sent to the Congressional Research, which is a nonpartisan group, and they point the same thing out. The President is just flat wrong.

It says here, under 3200—that's Speaker PELOSI's bill—health insurance exchange would begin operation in 2013 and would offer private plans alongside a public option. Does not contain any restrictions on noncitizens, whether legally or illegally present.

This is just a bunch of researchers who read the bill. Which is, of course, when you've got a thousand-page bill and all of this—but that's what they came up with.

You've given us a number of examples: One, it's not going to add a dime to the deficit. We know that's not true because you offered the amendment. And then the other one is that you get to keep your doctor and you get to keep your insurance. And then there's this thing that it's not going to fund illegals.

I can see why the American public would be upset because they're getting very conflicted information.

Mr. MCCLINTOCK. You mentioned the researchers reading the bill. The big problem for supporters of this government takeover of our health care system is very simple: the American people are reading the bill and are realizing the impact that it will have on their lives and are now rejecting it by a substantial margin.

Mr. AKIN. That raises another question, that the American public has a

chance to read the bill. Because what's being proposed by those of us who are Republicans is that we want to make sure that there are 72 hours for people to be able to read something before they pop it up for a vote.

You and I sat here on this floor, and we find out that 300 pages of amendments were passed at 3 o'clock in the morning, and the next day we're supposed to vote on a thousand-page bill with 300 pages of amendments. And the usual policy is there's a copy of the bill here in this Chamber. Well, there wasn't any copy of the bill, on that cap-and-tax bill. They were still busy trying to collate the amendments when they were taking the vote.

And the American public thinks, hey, maybe it's a good idea if you guys read the bills before you pass them. We have a proposal to allow for 72 hours so people could read the bill.

Mr. MCCLINTOCK. I come from the California legislature, and I thought that was a process that had deteriorated. But the California legislature in its constitution requires that a bill be in print for 30 days before any action; even a committee changing a punctuation mark. Thirty days.

Mr. AKIN. I thought California was the land of the fruits and the nuts. All of us in Missouri, we kind of worry about California out there. And yet you are so much more sober than the way this institution is.

Mr. MCCLINTOCK. California still has a few last vestiges of sobriety in its process, that being one of them. A proposal that a bill should be in print 72 hours before final passage doesn't sound so radical.

Mr. AKIN. Doesn't sound radical to me at all. I don't think our constituents, gentleman, would think that's radical that we would have 72 hours at least to look over some proposal before we're going to be voting on it.

And yet what we saw in that huge bill—I guess it was 1,300 pages when you put the 300 with the thousand—the biggest tax increase in history. Snap, bam, we passed it right out of the House here.

Mr. MCCLINTOCK. And don't forget the so-called stimulus bill.

Mr. AKIN. Oh, that was a piece of work.

Mr. MCCLINTOCK. \$787 billion, more than three-quarters of a trillion dollars, the biggest spending bill in the history of this country, introduced at 11 o'clock at night and taken up for debate at 10 o'clock the next morning.

Mr. AKIN. And did that have some ACORN funding in it?

Mr. MCCLINTOCK. And if you want to know why it is that the Federal Government would end up sending out 4,000 stimulus checks to incarcerated felons at various penitentiaries, there's your answer.

Mr. AKIN. That was another piece of efficiency and government at work, especially when you do things in the mid-night hour and try to hide things under the basket that way.

Mr. MCCLINTOCK. As you know, there's a lot of concern among the Members of Congress, particularly on this side of the aisle, that the intention of the majority is to suddenly emerge with a new health care bill in the same manner that we saw the stimulus jammed through. That's why we're seeing so much resistance among Democratic Party leaders to the discharge petition that requires the bill be in print for 72 hours and bring it to the House floor for a vote.

Why would they be resisting?

Mr. AKIN. Just think a minute. Let's say that you were the Speaker, Speaker PELOSI, and you had a bill that was going to do these things: one, it's going to take \$500 billion from Medicare. So that doesn't mean that your older people in America are going to be too happy with it. Two, it's quite clear that it will provide abortions over time, free abortions for people using taxpayers' money. That doesn't make the pro-life community too happy.

So they've got the older people on Medicare, you've got the pro-life people upset. Then if you're a small business person—small business employs about 80 percent of the people in America—they're going to get a huge tax increase to help pay for this government takeover. Well, the small business people aren't going to be too happy with it.

Let's see what else you've got.

You've got a hundred million people who have insurance policies, and those insurance policies, they're pleased with because they have a good relationship with their doctor. So they're getting good health care currently. And that whole system is going to be completely rewritten. They've been promised they can keep what they have, but they're not going to be able to. So they're not going to be very happy either.

When you start putting all of those things together, you're going to have illegal immigrants being able to get free health care on the back of the U.S. taxpayer, you start putting that all together and you're Speaker PELOSI, that's a hard bill to pass. So you've got to do something tricky to get that thing through.

Mr. MCCLINTOCK. Justice Brandeis long ago told us that sunlight is the best of disinfectants, sunlight on this bill that the majority seems so frightened of. And that's why it's so important to get that 72 hours' notice, not just for the Members of Congress who are being asked to vote on it but for the people of the United States who are being asked to live under it ought to have some chance to know what bills are being proposed and being adopted by this Congress in their name that di-

rectly affects the quality of their lives and their families' lives.

Mr. AKIN. I was just talking a little bit earlier. Did you serve in the California House as well?

Mr. MCCLINTOCK. Yes.

Mr. AKIN. I'm sure that you've gotten phone calls from your constituents and they're saying, Hey, Congressman, I'm having trouble with this, that, or the other part of the Federal Government, I'm trying to get my passport or this or that. And you or your office goes to bat for those people trying to talk to different Federal agencies to help them with their problem.

Now, I'm just trying to picture in my mind. Let's say that the Democrats jam this thing down everybody's throats. Can you picture getting a call from somebody from your district and they say, The bureaucrat that you're in charge of in that Federal Government just told my mom she couldn't have a heart bypass.

How are you going to deal with a constituent like that?

Mr. MCCLINTOCK. That's a story that we hear all the time out of those nations that have allowed their governments to take over their health care system. There's an article I believe in the Wall Street Journal today telling the story of a Canadian from Calgary who had a hip problem. It was going to be more than a year before they would allow her the surgery. Of course they're not allowed to have private insurance in Canada. As the bumper sticker says, The government hates competition.

□ 1700

She traveled to Montana and paid \$50,000 out of her own pocket so that she could get that hip surgery done in a timely manner.

Mr. AKIN. I think The Wall Street Journal had another guy—I remember, because he was in his late fifties—and the Canadian system said, Sorry, you're too old. You can't get a hip replacement. Well, I'm 62 and my hip has been giving me trouble. I'm probably going to have to get a hip replacement. I fell on some ice when I was jogging 10 years ago. They basically tell me, Take some aspirin and suck it in, buddy, because you're not allowed to have that.

Mr. MCCLINTOCK. You may remember the story of the Calgary mother a few years ago. It was a big story at the time. I think she had identical quintuplets. The odds of that are something like one in a zillion.

Mr. AKIN. Winning the lottery.

Mr. MCCLINTOCK. So a great deal of publicity. What didn't get a lot of publicity was the fact that that Calgary mother had her baby in Great Falls, Montana.

Mr. AKIN. Are those all U.S. citizens now?

Mr. MCCLINTOCK. By the way, she wasn't just visiting Montana. She had

to be rushed more than 300 miles south to an American hospital to have those babies, just as the woman with the hip surgery, also from Calgary, had to travel to Montana to have her hip surgery done. And the question occurs: If we allow the same thing to happen to the American health care system, where are we going to go for necessary surgery when all of us end up on a waiting list?

We all know that a common hallmark of the bureaucracy is long waiting lines, whether it's at the DMV or the post office. Long waiting lines at the DMV and the post office are inconvenient and they're annoying, but a 6-month waiting list for needed heart surgery can be downright fatal.

Mr. AKIN. Well, Congressman MCCLINTOCK, you just brought up a little bit of a tender subject for me. Just about 6 or maybe it was 8 weeks ago, my father, who's 88, in the State of Missouri, went to a new heart doctor. His new heart doctor took a look at the medicines his previous doctor had prescribed and said, What did the doctor do for your heart? My dad said, Well, I don't know what you mean. He just gave me these medicines.

So you can see this troubled look in his new doctor. The new doctor says, Well, you need to come in tomorrow, and we're going to give you a chemical stress test. I don't know how exactly that works, but it's like a stress test of being on a treadmill, except it's for older people. They do it chemically, somehow.

He didn't go very far and the doctor said, Stop, that's good enough. He said, You need to come in the beginning of next week for this heart catheterization, or whatever it is. So he comes in and they put him out and they take a camera and go up through his leg and look at his heart.

He wakes up—and they said they might put some stents in or something—and they said, Well, we didn't do anything. And I was at the meeting with the doctor. The doctor said, Your heart is in too bad a shape to put in stents. You need open heart surgery.

This is, mind you, about a week and a half elapsed, or so. So I'm at the meeting on Monday and he says, Here's the numbers. First of all, if you have open heart surgery at 88 years old, because it should have been done earlier, you've got about a 10 percent chance of a major complication. But if you don't get it this next year, you've got a 50 percent chance of a major heart attack. So you take a look at the numbers and you go, Okay, he explained it so I understand it.

So the doctor said, Well, you can come in tomorrow or Thursday. It's Monday. My father goes in Tuesday, has a seven-way heart bypass and by Saturday he's back home again, and he's doing well now.

Now people want to say that the American health care system is broken, but I would suggest that that being done in less than 3 weeks, a seven-way heart bypass and the technology involved in that, that's the kind of thing that you're never going to see with a government-run health care system.

Mr. MCCLINTOCK. Fortunately, there is a better alternative. It can be summed up in a word: Freedom. We have the ability through the tax system to provide a refundable, prepaid tax credit; a health voucher, if you will, on a sliding income scale that would bring within the reach of every American family a basic health plan that they could choose according to their own needs; that they could own, regardless of who their employer is; and that they could change if it failed to suit their needs.

Mr. AKIN. So the government wouldn't have to run the whole thing at all.

Mr. MCCLINTOCK. Correct. It would be the individual owning their own policy.

Mr. AKIN. That's something about freedom, isn't it?

Mr. MCCLINTOCK. You can tell a nonresponsive insurance company, You're fired—I'll take my business elsewhere. You know, in all the years I've held public office, I've never had anybody write a letter to me and say, My grocery store stopped carrying Wheaties this month, and you need to pass a law to force them to do so.

Why don't I get those letters? Because it's a lot easier to take your business to the next supermarket that does have what you want at a price that's competitive.

Mr. AKIN. That's called freedom, isn't it?

Mr. MCCLINTOCK. The problem is, today in this country, unless you're self-employed, chances are you don't own your own health plan. Your employer owns it or the government owns it. And you don't control it and can't tell a nonresponsive health plan or a nonresponsive company, You're fired, because you don't own the plan to begin with.

If we can use the tax system to bring within the means of every family that basic health plan that they will own, they will then have the same power over their health plan, over their health insurance company, that they have right now over their grocery store—to take their business elsewhere if it fails to meet their needs.

Mr. AKIN. Gentleman, what you're talking about is you're talking about one of a whole series of different Republican proposals of what can be done to health care. Our position in being very critical of socialized medicine is not to say that there aren't things that are constructive or positive that should be done with our current health

care system. In fact, a lot of the problems in our health care system were put there because we already have the government with its big nose in about half of it.

But there are some things that can be done. As you say, one of the things is you own your own health care policy. People sometimes use the word "portability." That is, if you own it, you can take it with you as you go from job to job. It also means if you're insured, you're not going to get uninsurable because you already have the health care plan.

Mr. MCCLINTOCK. And if you have that voucher that brings within your reach that basic health plan and then have the freedom to shop around for that plan that best meets your needs, you are in a controlling position that will protect you against nonresponsive insurers, nonresponsive health plans.

But that's going to require a couple of other things, which is also included in Republican legislation. One of those things is the freedom to shop across State lines for that plan that might give you better services at a lower cost. I know in California we don't have that freedom. We don't require Californians only to shop at California retailers or only to bank at California banks.

Mr. AKIN. You just don't buy your groceries in California. You can go across State lines to buy groceries.

Mr. MCCLINTOCK. Exactly. We don't allow the freedom of Californians—and this is true of most States—to go across State lines to buy a better health plan.

Mr. AKIN. That makes a whole lot of sense, doesn't it?

Mr. MCCLINTOCK. Of course it does.

Mr. AKIN. And the way that works is that of course you've got different States that have their own requirements for health care, but if a plan meets the requirements of a given State, and that company wants to sell their health plan to someone over a State line, now you've got a chance for shoppers to get a better price on their product. And it tends to break up the monopolies that an insurance company can generate in a particular State market.

I picture, gentleman, that that's going to be particularly effective where you've got basically large metropolitan areas that span several States. You can go back and forth and kind of shop for what's better for you. Is that your impression?

Mr. MCCLINTOCK. Exactly right. You remember what Will and Ariel Durant wrote. This was before the government took over our automobile manufacturers. They asked the question, What makes Ford a great car? Chevrolet. Competition.

We restrict competition in the health care field. And that's one of the reasons why people have such restrictions on their choices.

Another of the restrictions on their choices, of course, are the endless number of mandates that are imposed by State governments and the Federal Government. Every one of those mandates require you to pay for coverage you might not want, you might not need, but you're being forced to pay for.

Mr. AKIN. Or you might not be able to afford.

Mr. MCCLINTOCK. I tell you another thing that needs addressing—and that's where this debate is so healthy; there are things that have to be changed—and that's the question of preexisting conditions.

I had a fellow come to me a few years ago. He had left his job and therefore lost his insurance. So he was now trying to get insurance as a private individual. He couldn't find it anywhere. Why? Preexisting condition. He had bursitis.

He says, Look, I don't care about the bursitis. I'll take care of that myself. I'm concerned about a catastrophic disease or a catastrophic illness. Just write me a policy for all of that and I'll take care of the bursitis myself.

The response was, We'd love to write you such a policy, but we can't.

Mr. AKIN. Why would that be, gentleman?

Mr. MCCLINTOCK. It's against the law.

Mr. AKIN. Against the law federally?

Mr. MCCLINTOCK. In California. I actually introduced legislation in the California legislature that would allow health plans to provide coverage and write out that preexisting condition. Also, by the way, legislation to allow Californians to shop across State lines. Both of those were killed on straight party-line votes in the California legislature, and now we're watching the same reforms being defeated here by the Democrats in this Congress.

Mr. AKIN. It's interesting that we seem to—as a political party system, the Democrats seem to be wedded to trying to copy what did not work well in the United Kingdom or in Canada. You can take a look at these cancer statistics and other measures of quality and they're really bad.

If you look overall at cancer in the United Kingdom, you're looking at a 50 percent survival rate. Whereas in America, the numbers are so much higher. So why do we want to repeat something that doesn't work? Why do we want to mess up something that 100 million Americans have got a good system going, and we want to just turn it over to the government?

It's almost like we've got these blinders on. Regardless, we know the government should do it all. And so half the Democrats want to go that way, the other half are kind of dragging their feet—and I'm thankful for them.

Mr. MCCLINTOCK. But Americans know better. There's a certain degree

of skepticism that the same government that pays \$400 for a hammer and \$600 for a toilet seat and is currently running a \$1.6 trillion annual deficit is somehow going to keep our health care costs down. There's a great deal of skepticism that the same government that runs FEMA is going to somehow bring efficiency to our doctors' offices. And there is a great deal of skepticism that the same government that runs the IRS is going to bring compassion and understanding to our insurance companies.

Mr. AKIN. You know, that's the thing that I find hard, the amount of faith that's required, when you take a look at the performance of government agencies, to turn our physical bodies over to those government agencies to take care of us. It's kind of a hard thing to swallow.

As you say, the compassion of the IRS, the efficiency of the post office. FEMA, we've seen that—legendary. But we've got other ones. You've got the Department of Energy.

Do you know why the Department of Energy was created? To make sure we weren't dependent on foreign oil. Aren't you glad that we've got all those employees making sure we're not dependent on foreign oil?

And then you've got the CIA; the cloak and dagger stuff. Well, that would be great, but they're the ones that gave us a report in Gulf War I that the Iraqis were 10 years away from making a bomb, a nuclear device. When we got in there, they were about a year to a year and a half away from making it in Gulf War I. So we go to Gulf War II, they tell us, Oh, within a year, year and a half, they'll have a bomb. We get in there, and they weren't doing anything.

And we want to trust our health care to these agencies? It's one thing if it's the post office or something, a letter gets missed. What happens—that's what I'm asking you my friend—what happens when we get the call and somebody says, Congressman MCCLINTOCK, they're not letting my mom get the heart bypass, and I don't have any other alternative. How are we going to deal with that? How can we explain that?

Mr. MCCLINTOCK. We've seen it time and again, every single time, whether it's in Britain or Canada or in places like Tennessee and Massachusetts that have tried the same thing. Very consistent results. Every time. Massive cost overruns that must be then followed by a brutal rationing of care.

Mr. AKIN. That's the other thing that's interesting. America, such a great country, and we have these fifty States. And the States, to some degree, were like little laboratories. People could try stuff in the States and see how it worked. And then, if it worked really well, perhaps you might want to

bring it to the Federal level. But why would we want to repeat the failed experiment of Massachusetts and Tennessee?

□ 1715

Mr. MCCLINTOCK. I just want to thank you, Congressman, for organizing this discussion today and for including me in on it. I know you have some remarks to conclude with, so I will yield back.

Mr. AKIN. I very much appreciate your taking some time to join with us. This is such an important discussion. Your experience in California with the great amendments that you offered both in California but now, I understand, in committee are making it clear that the promise, we are not going to spend one dime of deficit, and yet it gets defeated on a straight party-line vote. It took some courage to offer that amendment, but at least it defined where we are in this entire situation. And I'm very thankful that you came out and joined with us today on a very important discussion.

The talk is that sometime in the next couple of weeks, this whole thing may come down to a vote. Once again, I go back to my own personal experience with having been a survivor of cancer, coming into this very building, having medical doctors tell me, Congressman AKIN, you are fit as a fiddle except for the fact you have cancer. That's a sobering kind of thing. So what had happened to me was the insurance companies had discouraged my getting a physical. I should have. If I had been smart, I would have forced myself to get a physical and line up and wait for it all, but I didn't do it until I got here in Congress.

Well, here's what happens, one step worse than an insurance company getting between you and your doctor, and that's when the Federal Government gets in between and starts to ration and dictate what's going to happen. We have this experience in the United Kingdom with what happens in cancer there, and in Italy and Spain. Then you take a look at the U.S. results, and in spite of the complaints about American health care, if you're some well-to-do sheik from Bahrain and you have got unlimited billions of dollars or millions of dollars to spend and you're sick, guess where you come. You come to the good old USA for our health care because we still have a lot of good things going on with the level of services we provide.

There are changes that need to be made, but the change doesn't need to be socialized medicine. It doesn't need to be a government system which will crowd out all of the privates. It doesn't need to be a system which is going to create an incentive for private companies to dump their employees on the government. It doesn't need to be a system which is going to take \$500 bil-

lion of Medicare funds away from people who are on Medicare. It doesn't need to be a system that basically guarantees that illegals can get health care at the public trough. It doesn't need to be a system that says that we're going to use Federal money to provide free abortions for anybody who wants those. And it doesn't need to be, above all, a system that is driven by bureaucrats getting between the patient and the doctor. Those are things that we don't need in America.

Americans, in spite of the fact that a great preponderance of media have not been giving all the facts and pointing out that these quotations are not true, in spite of that fact, Americans across the board, whether they're liberal or conservative or whatever, they're saying, Please, don't take our one-fifth of the economy and completely redesign it to fit 15 million people who may not have insurance when 100 million people are comfortable with what they have.

We need some reforms. We need some changes, and there are some very good things we can do. We haven't even mentioned tort reform, the high cost of defensive medicine. That's one thing that's needed to be fixed for a long time. That will drive health care costs down. We haven't even mentioned here today the fact that people that work for big companies or the government get to buy their health insurance with pretax dollars; whereas, a small business or self-employed person has to pay for their health insurance with after-tax dollars. That is not just. It should not stand. We should not tolerate this.

There are changes we need to make, but socialized medicine is certainly not one of them. All you need is a little common sense to look at the foreign countries or the two States in America that tried this Pelosi-type plan and you will see that this is not the direction we need to go.

### 30-SOMETHING WORKING GROUP ON HEALTH CARE

The SPEAKER pro tempore (Mr. BOCIERI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. I thank you, Mr. Speaker. This is our traditional 30-something hour. We will be talking about health care and try to rebut some of the claims that have been made earlier here tonight. But before we do this, we have had several situations going on in the Pacific, and we wanted to yield as much time as the gentlelady from Guam may consume to talk about the circumstances that are going on in her district.

I gladly yield to Ms. BORDALLO.

TSUNAMI IN AMERICAN SAMOA

Ms. BORDALLO. Mr. Speaker, thank you very much, and I want to thank

the gentleman from Ohio for giving me some time to discuss the very serious disaster that just happened in one of the U.S. territories in the Pacific.

I come to the House floor this evening in the wake of a tsunami that struck yesterday on the shores of the Samoan Islands, resulting from an earthquake centered in the Tonga Trench of the Pacific Ocean. The epicenter of this earthquake is estimated to have been about 120 miles south of the islands of Independent or Western Samoa and from American Samoa, which is represented in this body by our distinguished colleague Mr. FALEOMAVAEGA.

The strength of this earthquake was measured by the United States Geological Survey at 8.0 magnitude on the Richter scale. Eyewitness accounts indicate that the tsunami triggered by this earthquake brought four back-to-back series of waves, ranging from 15 to 20 feet in height, to the shores of American Samoa and that these powerful waves penetrated up to a mile inland upon impact.

Given the gravity of the situation at hand, I convey on behalf of my constituents, the people of Guam, our deepest condolences and sympathies to the Governor and the first lady of American Samoa, to our colleague Mr. FALEOMAVAEGA, and to their entire community on this tragedy. Our hearts and our prayers are with the families who have lost loved ones or who have been injured as a result of the disaster.

Mr. Speaker, our island communities in the Pacific stand in solidarity with the people of Samoa, as do our fellow Americans from all across our country. When disaster strikes, we pull together as Americans and as a country, and in the Pacific, we do so as fellow islanders.

The people of American Samoa are no strangers to the course of nature and to the forces of the sea. The Samoan culture has survived over centuries. Living in harmony with the sea is rooted deep in their culture and way of life. They are a great seafaring and resilient people with a strong sense of family and community. We know that they are pulling together at this time to comfort and to console each other and to begin to rebuild and recover. Their spirit has not been diminished or dampened. Rather, it is being tested, and they are answering the call tremendously.

The fatality rate for this disaster continues to rise, as does the number reported to have been injured, and we grieve with our fellow Americans. The President this morning issued a major disaster declaration for American Samoa, and the Federal Emergency Management Agency, FEMA, under the leadership of its administrator, Mr. Craig Fugate, is marshaling and coordinating the relief resources as we speak. An AC-130 aircraft and a U.S.

Navy frigate have been dispatched to deliver the first line of Federal relief. The arrival in American Samoa of other assets will follow in the coming hours, bringing critical food, water, medicine, medical supplies, and personnel. All branches of our military, including the National Guard, are organizing their contribution to this humanitarian mission as we speak.

Our allies and friends in the region have already reached out, extending invaluable diplomatic lines of support and important messages of encouragement. Governor Tulafono, Congressman FALEOMAVAEGA, and other island leaders have been in around-the-clock communications with Federal officials and leaders of neighboring islands as to the situation on the ground and the status of recovery efforts. Mr. FALEOMAVAEGA, we know, would be with us today as we continue our legislative duties here in Congress, but recognizably is on his way home.

I know several of my other colleagues intended to join me tonight in commenting on this tragedy and in sending words of condolence and encouragement to Mr. FALEOMAVAEGA's constituency. I am facilitating this Special Order as the chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife. The chairman of the Natural Resources Committee, Mr. RAHALL of West Virginia, is unable to join us in person tonight, but his remarks will be entered into the RECORD, and he has asked me to speak to this matter.

Before yielding, however, I want to also emphasize the importance that this tragedy has underscored for the network of Federal disaster and natural hazard resources and partnerships spanning the Pacific region. The United States Geological Survey of the Department of the Interior has provided real-time data on the earthquake. The Pacific Tsunami Warning Center at the National Oceanic and Atmospheric Administration's National Weather Service issued the watches, the warnings and the advisories for the region with respect to the tsunami and continues to stand watch. The National Ocean Service and other components of NOAA have been working in the region and with local officials in recent years to improve natural hazard planning and to map the coastal areas for their vulnerabilities.

FEMA's National Response Coordination Center and the Regional Response Coordination Center for Region IX have been critical to these early response efforts, as has the incident management assistant team and the planning and response team that they have deployed to provide direct support in American Samoa. The Coast Guard and other components of the Department of Homeland Security have also set in motion important services supporting these recovery efforts.

Every branch of the armed services under the Pacific Command is also to be recognized for the humanitarian missions that they have put underway for the people of American Samoa, Western Samoa, and the Kingdom of Tonga. Personnel at the Office of Insular Affairs at the Department of the Interior and the Department of State are also initiating response efforts within their respective agencies and with the governments of the affected islands.

And most importantly are the first responders and the civilian defensive authorities and personnel of the Government of American Samoa, including those working at the LBJ Tropical Medical Center, caring for the many, many injured. They are to be commended for the outstanding job that they are performing in this time of urgent need.

Ultimately, after recovery, we will review and examine the sequence of steps leading up to and immediately following this natural disaster. We will do so for the purpose of further bolstering our defense and to improve our capability to prepare for and respond to such disasters. I know Mr. FALEOMAVAEGA has long been a leader in Congress for strengthening FEMA and NOAA's capabilities in the Pacific region, and I have joined him in working to protect such disaster assistance and weather forecasting services for the freely associated States under the terms of the compact.

We have also worked to build these resources in the territories. Four years ago, in the aftermath of the devastating tsunami which hit Indonesia and affected more than 12 other countries in Southeast Asia, Mr. FALEOMAVAEGA introduced legislation to specifically provide for the establishment of a tsunami hazard mitigation program for all the United States insular areas. Mr. FALEOMAVAEGA's legislation was ultimately incorporated into an act of the 109th Congress, Public Law 109-424, which improved tsunami detection, forecasting, warnings, notification, preparedness, and mitigation for the entire United States, and is a basis for the United States leadership toward the development of a global integrated tsunami warning and education system.

Mr. Speaker, we will have challenges before us in terms of preparing our island and coastal communities for tsunamis and other natural disasters, but we have come a long way, especially since the Federal Government established the Pacific Tsunami Warning Center in Hawaii in 1948.

On Guam, we have weathered many, many supertyphoons and earthquakes, among other natural disasters. We recognize the tremendous lift that is provided to a community when our brothers and our sisters reach out to lend a helping hand and words of encouragement. When backup resources are sent

and leaders work together in time of need, we pull together and we recover. This is the American way. But it is also deeply rooted in the values of the indigenous people of the Pacific, including our Samoan friends.

Again, I know Mr. FALEOMAVAEGA, his constituents, and Governor Tulafono have the support of this body with respect to recovery from this disaster. We look forward to working with them in the coming days and weeks to ensure the lines of relief are there for their community.

I want to again, Mr. Speaker, thank Mr. RYAN of Ohio for his indulgence in allowing me to utilize some of his time tonight. Mr. Speaker, I want to thank my colleagues for keeping the people of American Samoa, Western Samoa, and the Kingdom of Tonga who have been impacted by this tragedy in their thoughts and in their prayers.

□ 1730

Mr. RYAN of Ohio. Mr. Speaker, we also have the Representative here from the Northern Mariana Islands, Mr. SABLAN.

I yield to the gentleman.

Mr. SABLAN. I would like to thank the gentleman from Ohio for yielding to me.

Mr. Speaker, people in the Pacific Islands may be separated by thousands of miles, but we all feel that we are part of one family.

The tragedy that is unfolding now in American Samoa is not remote to us in the Northern Mariana Islands. We feel the horror and the pain, as if it were happening to us.

I am not speaking metaphorically. Some in my own family have relatives from American Samoa and our islands are home to many American Samoans. They are school principals. They are program administrators. They are utility engineers. They are neighbors. They are friends. They are family. And they fill a vital and much-appreciated role in the life of the Northern Mariana Islands.

So today we are terribly, terribly saddened by the loss of life in American Samoa, by the images of homes washed away, by the knowledge that it will not be days or months but truly years before the people and life of American Samoa can be said to be recovered.

I come to the floor today hoping to raise the awareness of this House to the challenges our fellow Pacific Islanders and fellow Americans now face in American Samoa, and I hope that this House and the Federal Government as a whole will respond as Americans traditionally respond when community in our Nation is struck by natural disaster, with every possible aid and assistance to help American Samoans rebuild.

I placed a call late yesterday afternoon to our colleague and friend, Con-

gressman ENI FALEOMAVAEGA, just when this tragedy was taking place. He and his staff were already on the phone calling Federal and territorial offices to respond to this horrible tragedy. He is now on his way to American Samoa to do what he has to do for his people and the islands.

I want to commend President Obama, Homeland Security Secretary Janet Napolitano, Interior Secretary Ken Salazar, and the new Assistant Secretary for Insular Affairs, Anthony Babauta, who have already responded with the appropriate speed.

Even as the earthquake struck yesterday and the series of tidal waves began to sweep across the heavily populated coastal areas of American Samoa, the Interior Department was keeping the Speaker's Office and the rest of this House informed of events. The President has promptly issued a disaster declaration, and the Federal Emergency Management Administration is taking all appropriate response actions. The Coast Guard is on hand, and other elements of the U.S. military are assisting in bringing personnel and supplies as quickly as they can to American Samoa.

But the distances to cover are vast. The logistical difficulties are very great. A disaster of this magnitude only serves to highlight the particular vulnerability of islands to natural disasters and, indeed, to any disruption to the normal day-to-day life.

Island communities, because of their isolation, do not have the same resilience that communities on the continent take for granted. The people of American Samoa cannot drive away from the devastation to seek shelter with friends and families in other parts of the United States. There are but a few air flights a week in and out of Pago Pago, and the cost is prohibitive for a community with income levels way below the national average.

FEMA cannot drive in with trailers to provide emergency housing, or tarps and tents to provide temporary shelter. There are no highways across the ocean. Power plants are stand-alone, not connected to some continental network. Fuel supplies are not replenished by pipeline but depend on long-distance tankers. Food stocks on-island are limited. Few people can afford to keep much in reserve. And now the thin line of supply for food is also no doubt disrupted.

Mr. Speaker, I hope I have made the point. Americans in American Samoa need the help of the rest of America. In the days of sorrow ahead for American Samoa, throughout the long days of recovery American Samoa now faces, I urge my colleagues to open their hearts and support every effort to give comfort and aid to a people who are truly in need.

Mr. RYAN of Ohio. Reclaiming my time, I thank the gentleman and ex-

tend the condolences from the people of my district in Ohio and the rest of the House. Tsunamis and hurricanes and all of the natural disasters that we watch on TV, I think it's important that the Representatives come here today and share with us kind of the human side of it, and we realize that these are human beings that have been hurt and families that have been displaced. And we want to just extend our condolences to the gentleman and the gentlewoman and also the gentleman who couldn't make it here from American Samoa.

Our hour tonight, Mr. Speaker, what is left of the hour, is to talk about an issue that is pressing for the country. It has been the topic of conversation here in the United States Congress for several months. It's been a topic in the country for decades going back to Teddy Roosevelt, Franklin Roosevelt, upward and onward to Truman and Johnson and as of late, in recent history, President Clinton in the early 1990s and now President Obama to try to deal with the situation of health care in the United States of America.

This is an issue that we hear as elected Representatives day in and day out where we get letters from constituents who have problems with the insurance industry, who have been hurt, displaced, not covered. The coverage that they have doesn't necessarily work.

I think this whole debate breaks down into two separate categories. There's the financial aspect of health care reform and bending the cost curve and making sure that our country doesn't go belly up because we keep going down the same road and we don't muster up the courage to have change. And then the other track is the social justice track, the idea that the way that human beings, the way that American citizens are now getting treated by insurance companies is unfair, not right, cruel, and something that needs to stop.

So collectively as a country in the past election, the country overwhelmingly voted for change, and they overwhelmingly voted for health care change. And one of the major planks in President Obama's platform was health care, health care reform, bringing some justice to the system, and helping to bend the cost curve in the system.

I think everybody recognizes the social justice side. I think everyone has heard stories. It has happened to them. It has happened to family members. It may happen to somebody that they know where someone is denied coverage because they have a preexisting condition or a family goes bankrupt because of a health care catastrophe in their family.

And what this reform does is it eliminates those two major problems that we have in our health care system, where we are collectively as a country saying it is not right for a human

being, a United States citizen to have to file for bankruptcy because they got sick or someone in their immediate family got sick. Now, I hope we can all agree upon that.

When some of our friends on the other side talk about liberty and freedom and they cue up the patriotic music to try to destroy health care reform in the United States, I would like to ask the question, How free is the person that just had to file bankruptcy because they got sick? How liberated is the person who has to file bankruptcy because they got sick? Is that their idea of freedom, Mr. Speaker? Is that the TEA baggers' idea of liberty, Mr. Speaker? I don't believe that it is. But that is the great debate we are having in this country.

There are people in this country who will end up on one side of that fence or the other. And the side that President Obama and the Democrats have been pushing is to say that when you go bankrupt because you got sick or someone in your family got sick, you are less free. You have fewer options.

There are others who are trying to kill health care reform, who say if you go bankrupt, tough luck. We'd rather have the concept of liberty, the concept of freedom.

But our job when we come to Washington and make laws and reforms is to actually take these ideas that the Founding Fathers have given us that are written all over these buildings, all over Washington, D.C., in State capitals all over the country, and that our kids read about in the history books and on the computer that when they are implemented, those definitions mean something. And this health care reform will make American citizens more free. It will allow them more opportunity, more options. It's bad enough you've got to deal with being sick and you're sick enough that you have to spend so much money that you go bankrupt; then you've got to be bankrupt, which is not a pretty process. It strangles your ability to be free.

So I have to laugh, if it wasn't so sad, when we hear about people in this debate talk about liberty and freedom. You're doggone right it is. And we are trying to enhance liberty, enhance freedom, actually make it work for people. In my congressional district, if we do nothing, we will have 1,600 families go bankrupt because of health care concerns, 1,600 just in my district.

Half of the bankruptcies in the United States of America are because of health care issues. Now, to me that doesn't sound like the principal of freedom. And we're going to fix it.

The same with preexisting conditions. So you're in a job and you have health care and you or your spouse has some kind of condition that you know if you get out of the current pool that you're in, you're going to end up in the shark tank, basically, right now and

you're not going to be able to get health care coverage. So you want to start a business or you want to go somewhere else where maybe you could make more money or you could express more of your talent, more of your ability. You could grow. You could learn new things and maybe provide more for your family. But you don't do it because you know if you leave your job that you won't be able to get health insurance.

Now, I ask my friends who talk about freedom and liberty, is that person more free? Is that person liberated to pursue happiness? I don't think they are.

So I will have the debate all day long, Mr. Speaker, with the TEA bag groups and the TEA baggers and everybody else who wants to have this debate about freedom and liberty because this reform bill and the insurance reform components of this are about increasing people's freedom. It's about protecting them in a market in which they need some consumer protections in order for them not to be strangled, not to be strapped, not to be forced to go bankrupt.

I yield to my friend from right across the border in Pennsylvania.

□ 1745

Mr. ALTMIRE. I thank the gentleman from Ohio.

I sat with the gentleman for a while and listened to one of the groups that came before us, and I couldn't help but think about the fact that they seem to miss the fact that I would agree: The worst possible thing we could do in health care reform, as a Congress, is to pass a bill that makes the system worse. We are capable of doing that. We are not going to do that, but that would be the worst possible outcome.

But a very close second is to do nothing. The gentleman from Ohio said that businesses and families in this country struggle every day with the decisions relating to the cost of health care. I, in visiting my district recently, had an opportunity to speak to a Rotary Club in my district. A business owner came up to me afterwards, and he showed me his health care statements for the past 4 years, his annual increases. The lowest increase on an annual basis that that small business owner had experienced, he had 12 employees, was 28 percent. That was the smallest increase he had. He told me, I can't do this anymore. I can't afford health care. I'm going to have to tell my 12 employees this week that I have to drop them. He couldn't offer health care any more.

Well, that is unacceptable in America. And that is what is going to continue to happen if we sit back and do nothing while the cost of health care continues to rise two and three times the rate of inflation every single year.

I had a woman come up to me at one of my meetings who was one of these

people who had attended one of the TEA parties that the gentleman refers to. She was very angry, and she was telling me all the reasons why she opposed what she perceived us to be doing on health care and everything else that was getting under her skin. She was really getting herself worked up. She looked at me, and she said, Don't you dare take my money to pay for those people who don't have health care. Because, she said, I have worked hard for everything I have, and my family is covered, and if those people aren't, well, that's too bad. That's their problem. I'm not worried about them. I have worked to put myself in a position to provide for my family. She said, forget about those people. That's not my problem. I'm not paying for them.

I said, Well, here is the issue: You are paying for them, because they show up at the hospital, they get treated, and the hospital sends the bill to us. That's how that works. And this woman who came to this event to fight, she wanted to take me on. When I said that, she softened. And she said, You know, it's so funny that you say that because I just had a procedure done at the hospital in February, and the insurance company denied part of my claim, and I had to pay \$18,000 out of pocket. So she went through the bill very closely because she was the one paying the money. She called the hospital, and she said, Why does everything on this bill cost more than it should? Why does an aspirin cost \$10?

And the hospital told her, Well, that is because we have so many people who come through our doors that can't pay at all, we have to shift those costs to the people who can pay. So therefore, everything on the bill costs five times more than it should.

Similarly, I had a gentleman tell me about all the reasons why he didn't want to do health care reform. He said that we have the best system anywhere in the world and everything worked fine, and even if you don't have insurance, you get treated, and everything is free, and it's great. He said, I have a nephew who is 15 who had a hip problem, and he showed up at Children's Hospital of Pittsburgh and he got the best care anywhere in the world. And he is great, and he is fine now. I stopped him. I said, wait a minute. You said he didn't have insurance. How did he pay for this great care that he got? He said, well, I guess Children's Hospital paid for it. And I said, well, no, that is not what happens. We paid for it, because Children's Hospital eats those costs, and then they transfer the loss to the people who have insurance. That's the way that works. And he got it.

The point of this story is we can hear all the examples on the other side politically of why it's better to do nothing, and we should make everybody very afraid of reform. But everybody in



the country, every family and every business and every individual in the country, regardless of their political affiliation, has had an experience in the health care industry that shows them that we can do better. They have had to spend a half hour on the phone haggling with an insurance claims adjuster who has just denied their claim. There is that small business owner who has to make the heart-wrenching decision to drop coverage for his 12 employees. There is someone who had to wait 9 months for an appointment with the dermatologist or had a bad quality experience with a grandparent in a nursing home. Everybody has had something happen that shows we can do better.

Yes, we have to preserve what works in our system. I'm one who believes as much as anybody in this Congress that we do have the best health care system anywhere in the world. Our innovation, our medical technology, our research, our quality of care at the high end exceeds anything available anywhere else in the world. There is no question about that. And we need to preserve that. But that doesn't mean we don't pay too much, costs go up too much, we are pricing our small businesses out of the market.

And if you get sick or injured and that insurance company is able to drop you, well, what is the point of having health care insurance to begin with if you only have it until you get sick or until you get injured?

So what we are saying in the legislation that we are considering is, insurance companies won't be able to drop you as soon as you get sick or injured after you have paid premiums for years and years. They won't be able to do preexisting condition exclusions. They won't be able to set your rates based on your individual health status. They will have to take all comers, no lifetime caps or annual caps on out-of-pocket expenses for people with chronic diseases, which is a big problem in the insurance industry. These are the problems we are trying to solve.

We are going to help small businesses afford health care by helping business owners like the one I talked about in that Rotary Club to be able to qualify for tax credits to help him afford coverage for his employees. We are going to give more information to health care consumers in the country so they can compare based on cost, based on quality, and based on access to provider, all the plans that are available to them. We're going to squeeze out the inefficiencies of the current system and apply those savings to bringing more people into the system, those who are outside the health care system that simply can't afford health insurance now. These are the reforms that we're talking about.

So when you see the charts and graphs on the other side of the big bu-

reaucracy identical to what those charts were in 1993 and they recycled them from 16 years ago, that's not what we're talking about. And we can come down here and have a discussion on the merits of the Canadian health care system or what they do in Great Britain. And that's interesting. That's an interesting discussion to have. But it has nothing to do with what we're talking about. That's not what we are doing in our bill. It's completely unrelated. But in order to scare people and gin up political support to foist a failure upon this Congress and this administration so that they can use it for political purposes, they make things up.

Mr. RYAN of Ohio. If the gentleman would yield. The issue coming from the other side is interesting, because just a couple of years ago, our friends had control of the entire government. They had control of the House, and they had control of the Senate. Your class came in, and we had a great year. But prior to 2006, there were 6 years that President Bush, the Senate and the House were all Republican. They could have implemented some kind of health care reform. It didn't have to be necessarily what we are doing, but really, not to do anything to try to bring some justice to the system and, in the process, spend \$2.5 trillion over 10 years on the Bush tax cuts that went to primarily the top 1 percent of the people in the country.

Now we're talking about a bill here that is deficit neutral, that will be paid for, that is \$900 billion over 10 years, a little more than a third of what they spent on tax cuts, and we'll start bending the cost curve and bring some justice to end these stories. I think it's important to talk about that, because we all run into the business person you talk to who says they don't have health care any more, from the example you used earlier.

So let's track those 12 families. Now they are out, and they are swimming with the sharks. Hopefully no one has a preexisting condition so when they go out now on their own, out of the plan that they were in, and they try to get some coverage, hopefully they don't have a preexisting condition. But what if they do?

And I bet that there is somebody in that group, some family, some spouse, some worker there that probably does, and they are not going to be able to get insurance or they are going to have insurance that is going to cost so much that it is going to be really not helpful. And so they may go without. Now, not having gotten any treatments, they may go 1 year, they may go 2 years, but now all of a sudden a very small problem turns into a very, very big problem, so that at some point, this person ends up in the emergency room. If they are older they end up in the Medicare program. In both instances, they cost us a heck of a lot more

money than they would have if they were able to stay in that plan, get preventative care and get consistent treatment. They could have dealt with a sickness that they may have had so it doesn't become chronic and costly.

That's what's happening all over the country. Our friends are scratching their heads saying, How in the heck does this get so expensive? Well, it happens every day. We see these situations happening all the time. A lady called in to one of my telephone town halls about a month ago. She is 60 years old. She makes \$32,000 a year. She works. And her company, same situation, just dropped her health care. She basically said on the call, I may just wait until I get into Medicare. So here you have someone that is working, 60 years old, and can't get health care in the United States of America.

That is a whole other topic of how bad and wrong and cruel that is, but just from the sheer numbers standpoint, this person is going to go 5 years without health care? And then when she goes into the Medicare program, she will have how many different problems that could have been prevented in those 5 years? You wonder why Medicare is going to go belly up.

Well, part of the reform is to make sure that those people that are that age, all Americans, but people that age will have some basic level of health care.

Mr. ALTMIRE. I would just say before turning it over to the gentleman from Connecticut, on that point, as I said, we are already paying for the people who don't have health care. So to our colleagues listening here tonight and to those who may be paying attention to this debate, we are trying to bring people into the system so that we can spread out the risk pool and bring insurance costs down for everybody by bringing more people into the risk pool. So if somebody gets sick and they have insurance, they can show up and get an antibiotic in the first place, so it doesn't evolve into pneumonia where they spend 6 days in the hospital 2 months later, and then we have to pay their bill.

That's the point. We are trying to rationalize the system so that we bring down costs so people who have insurance today, that's the point here. We can have a philosophical argument about what our moral obligation is as a society on offering coverage to everybody and should everybody who lives in the United States of America have access to health insurance. That's not the debate we are having. The debate we are having is, we need to get them their health care in the most appropriate, cost-efficient setting, and that's not the emergency room. That's not the appropriate setting for them, and that's only going to drive up costs.

So by getting them into the system, we are bringing down insurance costs

for everybody, and we are getting them their care in a way that is more appropriate and more cost effective.

I yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I just was in a meeting with some of my hospital CEOs, and they are talking about having a tough year this year. And they said that they were hopeful, though, that they might see some increases from their private providers, from their private insurance companies that send them obviously a lot of money. And they said that because they were making the case to their private insurers right now, Mr. RYAN and Mr. ALTMIRE, that because they had had so many more people coming in without insurance because the number of people that no longer have coverage has increased, and the number of people coming through their doors that don't have any source of payments has gone up, they are hopeful that they will be able to convince the private insurance companies to raise their rates by 5 percent or so to compensate for all those people that are coming in the door without insurance.

That happens every day out there in the negotiations between hospitals and doctors and private insurers. The pressure is on private insurance companies to make up for all the people that show up without insurance. The insurance companies don't eat that money. They pass that along in higher premiums. So everybody out there who is on private insurance today, the 70 percent of individuals who are happy with their current coverage, need to know that your premiums are higher so that those insurance companies can help compensate and keep in business the hospitals and physicians that are caring for all the people that don't have insurance.

Now to your point, Mr. RYAN, about how Medicare is taking on the cost of all these folks that are uninsured from age 55 to 65 and then show up at the door of Medicare with all sorts of problems—let me share this story. In Connecticut, our major insurer, Blue Cross Blue Shield, is walking around with a chart trying to sort of push back, as far as I can tell, on health care reform. And their chart shows, as they claim, that the cost of taking care of a Medicare or Medicaid patient is comparable or a little bit more than the cost of taking care of somebody that has no insurance today.

□ 1800

Apparently, the reason they're showing that chart is to make an argument that you should just leave these people uninsured, because if you put them on insurance, it will actually cost you more.

We know that's not true. We know that by giving insurance to people, by allowing them access to their primary

care physician to get them preventative care, that's going to cost less than leaving them uninsured. But they make a totally unfair comparison. They're comparing the cost of someone who is uninsured to the cost of the Medicare and Medicaid system which have the sickest, the most expensive people on their rolls.

And so I think it's a caution for all of our colleagues who look at our current government health care program, Medicare and Medicaid, and say, ooh, if you really look at the per patient cost there, those are pretty expensive programs. Well, they're pretty expensive programs because Medicare and Medicaid insure the most expensive people out there, insure the sickest of the sick, the old and the frail and the elderly. All of the end-of-life care is paid for by that.

Mr. RYAN of Ohio. And why do the programs even exist? Because you can't make money off of sick people. I mean, how disingenuous to walk around saying, boy, look how expensive Medicare is. No kidding. Everybody is 65 and older. Yes, that's expensive, but no one was doing it. So we decided as a country that it may be a good idea to protect those senior citizens and provide them a little bit of dignity.

Mr. MURPHY of Connecticut. And you know what the insurance companies call the money that they spend on health care? They call it medical loss. Medical loss, that's what it is to an insurance company. To you, it's a medical benefit. It is care that you get that keeps you alive. To an insurance company, it is called medical loss. It is a bad thing to spend money on you.

That doesn't mean that there are bad people running insurance companies. It just means that in the end, if the motivation is profit, if the motivation is to return as much money to your shareholders as you can, then every dollar that you're spending on care is less money that you're getting as a return on your investment, which is why so many of us believe that there is just an inherent conflict between good business and good medicine. It doesn't mean that the two can't coexist. It means that government has to step in and try to set a set of rules to make sure that in every instance good business doesn't trump good medicine, and let me give you an example of why that is.

Every insurance company executive will tell you, yeah, listen, if it was up to me, I wouldn't deny care for all these people that have preexisting conditions. But if I stop doing that, then I'm going to be at a disadvantage against all my competitors. If I start accepting in all of these patients with cancer and hypertension and lupus and whatever it may be, well, then I'm going to get all the sick people, my premiums are going to go up, and I'm not going to be able to compete with everybody else.

And so they tell you, listen, if it was up to me, I would do it, but you need to set the playing field even between all of us. Insurance companies, listen, we might be fighting them on a lot of things, but they'll actually come in and tell you that if the government comes in and says that we should all take patients with preexisting conditions and we're all living by the same rules, well, then that's fair; we can live with that in the end.

The fact is that I listen over and over again to our Republican friends say that, yeah, we're for that, too. We think that we should stop people with preexisting conditions from being excluded from insurance. Well, they had control of this Congress for 12 years. They had the House. They had the Senate. They had the Presidency. They had everything. They didn't do it. They didn't do it. They would have had insurers with them on that. They would have the public with them on that, but they didn't do it.

So it just is beyond me how we can listen to so many of our colleagues on the Republican side of the aisle come down here and tell us that they were for this all along, that they were for trying to stop these discriminations against people with preexisting conditions, because they could have done something about it. They could have done something about it.

And for all those people out there that say, listen, government should stay out of health care, this is a prime example of where government needs to come in and set fair rules that insurance companies need to play by, because if you leave it up to the private sector, they're going to push sick people off of their rolls, push sick people off to the side.

I don't want a government takeover of health care, you don't want a government takeover of health care, but there are some places that government needs to step in and fix it.

Mr. RYAN of Ohio. Well, you think about how a game started like basketball or football or just of any sport; right? At some point, you know, Naismith puts up the peach basket and starts throwing a ball and they decide, well, we'll cut a hole and the ball will fall through. That will be good. But then you start getting teams, and at some point someone threw an elbow at somebody's face and hit them with an elbow in the face and they couldn't play anymore. And the people organizing the game said, you know what, that's not really fair. That's not what the game is. So that's illegal because here's the game. You each get five people. You put it in the thing, but whatever the rules are, and then rules consistently evolve to make the game more fair.

And so here we are in the United States, well, we're saying that government is not going in to run anything.

What we're going to do is create new rules, and one of the rules is you can't be denied for a preexisting condition because it's unfair. We are all agreeing as a country, and our friends on the other side, we will see how they vote when they have an opportunity to vote for this, because it's unfair. Going bankrupt in the United States for a health care reason is unfair. We want to change that rule. That rule no longer applies. And so what we're trying to do is make the game of health care more fair.

But there's a point that I wanted to just touch on for a minute. One of the points I wanted to touch base on that Mr. MURPHY just made is how the insurance industry has acknowledged that this will be a level playing field for all the different insurance companies, and if we do preexisting condition, making sure that no one can pay any more than a certain percentage of their income out of pocket per year to prevent bankruptcies, those kinds of things. There's an important point that I think we need to acknowledge and talk about more.

If insurance companies have to cover everyone, if they can't play the game that they're playing now—the game now is how do I get sick people off of my rolls so they don't cause me a medical loss and how do I not get people on my rolls that I know are going to cost me money, and those people are going to be diabetics and heart disease and cancer patients.

And I had one cancer patient come to a roundtable I had who said, you know, she had cancer and then she lost her job and then was out with another job trying to get insurance on her own. She was denied. Her cancer had been gone for years and years, but it hadn't been gone 10 years, so insurance companies would continue to deny her coverage.

And so what we're saying here, if everybody is covered, if insurance companies can't deny anybody coverage, they will have to take you. There is a new business model that will be created within the insurance industry, because the game of keeping people off your rolls, or getting sick people off your rolls, is over. The new game for the insurance company is going to be how do we keep the people that are in our pool under our coverage healthy.

So you are going to see them investing money into wellness, prevention. They're going to be very interested in what the kids are eating at schools. They're going to be very interested in the pesticides that we're putting on our food that may cause cancer. They're going to be very, very interested in obesity rates. They're going to be very interested in what physical education programs look like in our schools.

We can have a real ally among the insurance industry to partner with us, with nutritionists, with dietitians,

with, you know, preventative and wellness groups. We will now have an ally. Instead, the insurance companies are now the enemy because they don't want to make these investments.

Now they're slowly starting to be—because I think they're reading the tea leaves here is that they're going to be slapped down and they're going to have to cover everybody, and because of that, they are going to be able to make investments, and I think it's going to end up being a very, very good thing.

Mr. MURPHY of Connecticut. I agree, and as I said, I think that's why, on this issue of setting a level playing field amongst insurers, where they're not allowed to keep out people who are sick, where they're also not allowed to price people who get sick at an exorbitantly higher rate than other people, you know, insurers want to be part of that change because it does allow them to get back to trying to be about wellness and about health care rather than trying to be about moderating risk.

So I think in this fight we have allies. Now, listen, insurers may not like other parts of this bill. They may not want the public option to put pressure on their rates to come down, but there are a lot of other pieces here that they're partners on.

I want to just present one other example of where it's appropriate for the government to come in here and set new rules, and you said it right here. You know, if you don't want the government regulating health care, well, then you've got to dial the clock back about 50 years or so, because the government right now not only is paying about 55 percent of all health care dollars in this country, but we're heavily regulating health care insurance today.

It happens mostly at the State level, but every single State has a pretty well staffed insurance department that's regulating health care today. It just doesn't do it very well, in large part because if you're an individual buying health care insurance or you're a small business purchasing on behalf of you and maybe five others, you're getting a pretty raw deal. It's pretty simple economics. You are negotiating on behalf of one or five versus large employers who can either bear the risk themselves and they just self-insure or they have enough employees so that when they're trying to cut a deal with the insurance company they can get a pretty good deal. But for that one guy out there that's just buying an individual policy, he's paying the highest rate. He's paying the highest rates because he's got no purchasing power.

So we're just trying to change the rules for him. He would still go out and purchase insurance, but he would be able to purchase insurance in an exchange that this legislation sets up, where he would be joined with everybody else in his State or in his region

who is looking for an individual policy, and we would join their forces together and negotiate on their behalf. We'd have insurance companies bid into the exchange to bid to have the right to offer coverage to all of those individuals, and we would leverage the purchasing power of thousands of individuals.

Now, health insurance companies would still be regulated, just like they are today, but rather than operating in a market in one State at a time, rather than operating in a market where they are allowed to essentially negotiate with one person and one person and one person, they would now be negotiating with a pool of individuals, which would lower the costs for those people. Just a different way to structure the market. Still a regulated insurance market. It's just a different set of regulations.

It's another example of where government, by setting a more fair set of rules for insurance companies and individuals, can lower prices. That's what this legislation is talking about doing; not taking over the health care system, but establishing a different set of rules that benefits our constituents, individuals, and small businesses who have gotten the short end of the stick so far.

Mr. RYAN of Ohio. And so you go to this exchange that's going to be—there will be an essential benefits package that will be set by the Surgeon General and a group of experts who will decide what the essential benefits package would be, you know, dental, maternity, hospital, all the basics, and every insurance company that goes into this exchange, that will be the bare minimum. So there won't be any of this, I'm paying a lot of money out of pocket but my coverage is terrible, or, I don't have any to begin with. There will be this essential benefits package which will be the baseline coverage for every single private insurer that comes to the exchange.

Then they can build on that with premium plans, Cadillac plans, however high they want to go, so people who have a lot of money, there are still going to be plans up there because insurance companies will be making money.

What we're asking here in the House side now is, in addition to all of these private insurers, we put in, basically, a Medicare program, a Medicare program that will compete with all of the other private insurers. Everyone, 80 percent of the people who have Medicare like it. Sixty-five percent of the American people say this is a good idea. But that Medicare that would be in the exchange with all the other insurance companies would compete with all of them, but they wouldn't have to put money into marketing. They wouldn't have to pay a CEO \$100 kajillion a year or, turns out, like \$200,000 a minute or an hour, whatever it is nowadays and

would compete. And by not having to put all that money into advertising and all those other things could help bring costs down, and everyone else in the exchange would now have to compete with that.

So you want to talk about choice, that public option and the way we're setting up the exchange is all about choice. And if you're a family of four making less than \$89,000 a year, you're going to qualify for some health care credits, some subsidies. So you will get the subsidy from the government based on your income, and then you go to the exchange and pick any plan you want. No government bureaucrat's telling you what—no, you've got to pick this plan; no, I mean that one; you pick this one. There's none of that.

□ 1815

You get the credit and then you go to the exchange. And if you want the public option, you could pick it. If you don't want it, you don't have to pick it.

Mr. MURPHY of Connecticut. Mr. RYAN, I think for those of our colleagues who are against this exchange, they've got to go to their constituents and the American people and explain to them why they don't believe that individuals should be able to join together and negotiate for lower rates.

If they're against the public option, they have to make the argument to their constituents why they don't think their constituents should have the choice to choose the same kind of health care that Members of Congress and Medicare beneficiaries and soldiers and veterans and public employees have. This is about banding people together to get lower rates, giving people more choice. And the reason why both of those ideas, Mr. RYAN, and I'll wrap up, have broad public support, every single poll that comes back says 60, 70 percent support the idea of the insurance exchange and a public option within it is because that's what they want. That's what they want, the ability to negotiate together and the ability to have more choice.

Mr. RYAN of Ohio. And how do our friends who talk about freedom and liberty want to deny the ability to basically buy into a Medicare-type program? That seems to me like it's limiting the consumers' choice, limiting freedom. And what we're saying is they have all got to compete. They have all got to be there. We're going to help you pay for it because we know if you don't get insurance you're going to go cost us a heck of a lot more money in the emergency room and this is all about choice.

And you know, if you like what you have, you keep it. That's fine. So you know, this is good. I think about the 1,600 families in my district that go bankrupt because of health care. I think of the people that will have opportunity and options because of what

we're trying to set up here and reform this system.

But as we close, Mr. Speaker, I would just like to say, if you look at what we have tried to do and what we have done over the course of the last 7 or 8 months, we've taken on the oil industry; we're taking on the insurance industry. Since we've been here, we've raised the minimum wage, increased money for Pell Grants, taken the banks out of student loans so that people can afford to go to college, make investments back into the middle class, infrastructure money, stimulus money, thousands of teachers are at school right now because of stimulus money that is coming out, invested in the green technologies, green energy.

If you look, issue by issue by issue by issue, everything that we have done has been sticking up for the middle class and taking on the special interests that have been driving down wages, driving up health care costs, making it difficult for small businesses, making it difficult to go to college, cutting every business in on the deal, no matter what; and it's important to recognize that this reform proposal and this reform bill is all about giving the middle class consumer protections, choice, and affordable health care in a system that has justice.

So I want to thank my friend from Connecticut, I want to thank our friend from Pittsburgh, western PA, who was here. And, again, our condolences out to people in the Pacific who are going through a very, very difficult time who shared with us earlier in the hour.

With that, we yield back the balance of our time.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 191. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2918) "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes."

#### NATIONAL HEALTH CARE

The SPEAKER pro tempore (Mr. SCHAUER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, it is an honor and a privilege to address you

here on the floor of the House of Representatives. And having listened to the dialogue that was presented by my colleagues, often I will be able to see them on C-SPAN and then I'm inspired to come over here and take up the other side of the argument. They have inspired me for a number of years now, especially the gentleman from Ohio, who has headed up some of the dialogue that has brought, I think, significant philosophical disagreement, although personal disagreement seems to be nonexistent, at least from my part.

And the strong sales pitch that they've given on the government option compels me to lay out the facts on this case; and I'll say present it to you, Mr. Speaker, from a different perspective. The first perspective is this: this is, this perspective, Mr. Speaker, is the old HillaryCare perspective. This is the flow chart that is the basis of the facts on the original national health care act bill that was put together as a result of President Bill Clinton's speech here in the well on September 22, 1993.

And out of that came sometimes closed-door meetings, some would say secret. I really just think they were just closed-door meetings that were headed up by Hillary Clinton, now Secretary of State. And as that plan to take over the entire health care system in the United States in 1993 and '94 took shape, this is the flow chart that grows from it. This is the flow chart, this is actually out of *The New York Times*, Mr. Speaker, is the source of this document. But I had a similar one that I hung in my office for quite a long time.

And to see this government that was created by that proposal back in '93 and '94 was enough to scare me out of the private sector and into politics to try to engage in saving Americans from this disaster that was coming, that was delivered to us and served up by at that time President and Mrs., I'll say the first man and the first lady of America, for that period of time in the early nineties.

Now, when you have the living day-lights scared out of you and you're scared out of the private sector and into politics, it's kind of good to be in a position to seek to, let me say, put the brakes on such a disastrous policy. This is a black and white policy, Mr. Speaker. It was back in those days when we didn't have newspapers that were in full color. The Internet was just forming in a way, but we see all of these new government agencies that are shaped here. And we have some of the things that stand out on it.

Let me say, two cases of ombudsmen that are there to be liaisons between people and government because government is so impossible to deal with we have to give them ombudsmen. And then each one of these is a government agency. The acronyms, many of them I don't recognize anymore. I knew most

of them, probably not all of them at the time because this is such a maze and a menagerie. HMO provider plan is one of them. And the accountable health plan. Accountable. So this, black and white, not full color version, is a pretty scary proposition; and Harry and Louise and others scared this right out of the United States Congress.

When Senator Phil Gramm stepped out on the floor of the Senate right down that hallway and he said, this legislation will pass over my cold, dead political body, he meant it. A lot of people thought that it wouldn't hold up to be true and that Phil Gramm would get run over. Instead, the American people stood with Phil Gramm and many others and they rejected this national health care plan.

Well, fast forward 15 years, Mr. Speaker. Here's the black and white version, rejected. Here is the modern technicolor version. And I expect that we will have an opportunity to defeat this scary legislation. It's scarier because we can see it now in full color. In the black and white are existing government agencies and programs. And so we can see as we look across here, these are existing Departments, Treasury, Veterans, Defense Department. Here are existing, well, let me say government-run operations. Here are CMS, Congressional Medicaid Services, here is Medicaid. There's SCHIP. Big debate we've had on that. Here's Medicare.

Down here are where I'd bring your focus. Let me predict also that we have a chance to kill this, and in about 15 years we'll see the 3-D color version of this. It will come up and it will be you'll put on your 3-D glasses and there will be the display, and government will be so big and complicated you can't understand it in two dimensions. It's multiple dimensions. But this is for us to be able to understand. And anybody that read the bill and didn't look at the flow chart is a brilliant person if they can track all of this. If you read the bill, follow the flow chart you have to still be a brilliant person to understand what they're doing.

But I'd direct your attention down to the private insurers, Mr. Speaker. This is 1,300 companies today. The President has said there are two principles that we need to address and fix in this health care in the United States. One of them is that we don't have enough competition among health insurance companies. So we have 1,300 health insurance companies. The gentleman from Ohio said we just need to have the government option, one more. I haven't quite heard the President say; 1,301 companies selling insurance is the magic number. In fact, he would cringe if he had to be confronted with such an idea that adding one more, it being government, to 1,300 companies is somehow constructive. It's not. It's de-

structive to the private sector and the American people know it.

But these are the private insurers in this little white box existing. And they would be, under this bill, forced into—all of their health insurance policies would have to meet the traditional health insurance plans. In order to qualify, these traditional health insurance plans would have to meet the new government standards. There are approximately 100,000 different varieties of health insurance policies available in the market across the 50 States. Now, you can't buy them from State to State. We need to be able to buy health insurance across State lines. That would put all 1,300 companies in competition with each other, and it would put all 100,000 policies within reach of any American.

But instead, they want to shut that down and set up a government-run option, government regulated health insurance company, and that is these two purple circles here to bring your focus, Mr. Speaker. The qualified health benefits plans. And this would be these 1,300 companies, 100,000 policies that would have to be approved by the new government agency called the Health Choices Administration. Yeah, they're all about choice and all about change.

Health choices administration commissioner. The commissioner, he's not called a czar. He's called a commissioner. The reason he's called a commissioner is because we're full up to here with czars. And so he would be the central planner for all public health insurance and private health insurance in America. A czar, a commissioner, a "commissar," I call him a "commi-czar-issioner." He would be the guy with all the juice that could make all the rules if he could just direct his new Health Choices Administration that would be empowered by legislation proposed by the people on this side of the aisle that the President will find he gets anything in it, a title that looks like a national health care plan of any kind, a path to his goal, which is single-payer, and we know it and we've seen the video tape. The videotape doesn't lie. It might get edited slightly, but the President's for a single-payer plan.

That is the socialized medicine model. We know that. Why don't we just be honest about it? I mean, if the President would step up and say I think that the United States of America can actually run socialized medicine better than any other country in the world, better than any country ever has, then he could make his case as to why. But instead they want to say it's not socialized medicine, just the same way they wanted to argue that amnesty wasn't amnesty. Well, even if you're the President of the United States, you don't get to redefine the English language.

□ 1830

This is about the health choices commissioner calling these shots, Mr. Speaker, and the very idea that socialized medicine could be called something else. In fact, when we declared it to be the House Democrats' health plan, the public option—they want to call it the public option plan, we want to call it the government plan. The government plan is the government health insurance plan that would eventually replace most, if not all, of the private health insurance in America. They wanted to censor that.

In fact, this chart was banned from being mailed out under our franking mailing privileges because it was deemed to not be accurate because it called it the "organizational chart of the House Democrats' health plan." So I just posted it on my Web page and said, Come and take it. This is the truth.

By the way, this has been clearly and carefully vetted. Congressman KEVIN BRADY of Texas on the Ways and Means Committee, he went down and carefully examined every component of this bill, put his staff on it, and challenged them to make sure it was all correct. This chart has withstood all criticism. This is a chart that shows what's going on with health care here in the United States.

The points that come from the President are health care in America costs too much money, and we have too many that are uninsured, and that we need more competition in health insurance.

I think I pointed out that competition is not what we need more of, but if he's right on that, we can provide the maximum amount if we just simply allowed everybody to buy health insurance in America wherever they choose and simply go around these State mandates.

So, for example, a similar policy in New Jersey that would cost a young man, 25 years old, \$6,000 a year can be bought in Kentucky for \$1,000 a year, and that's the difference in the mandates.

So yes, vote with your feet. Surely you'd think about moving to Kentucky. Business will go there. They need to come to Iowa, too, by the way, Mr. Speaker. But we can solve a lot of this health insurance competition simply by allowing insurance to be purchased across State lines by providing for the portability so people can take it with them. That solves the problem of competition in a far more effective way than the President's proposal of starting up and running and putting taxpayer dollars into a Federal health insurance policy.

The best example I know of to describe what will happen if we have a Federal health insurance policy can be what happened with the flood insurance in America. In 1968, this Congress

passed a National Flood Insurance Act, and what it did was it put the Federal Government in competition with the property and casualty companies that were selling flood insurance at the time. And then the Federal Government decided we need to be able to compete in this marketplace and so we'll keep low premiums and we'll require the loans on real estate that are given through national banks to include Federal flood insurance. That was 1968.

This is 2009. There is no private property and casualty flood insurance property available in America because the Federal Government has crowded out all the competition, and now they own the flood insurance in the United States. It has been nationalized, and the flood insurance program has a \$19.2 billion deficit—in the red. The only way to get that back—well, they can't get it back. They just simply borrow money from the Chinese or the Saudis and drive us further into debt and pay the deficit of a bad business model. That's what's going on with health insurance.

Now I'm going to make just one more brief point, and I see that the gentlelady from Minnesota has arrived to add her dynamics to this debate.

These are the uninsured in America, Mr. Speaker. I have to edit this a little bit because my numbers aren't all the way I'd like them: 47 million uninsured. I have 44 to 47 million. So I simply start out with a high number, 47 million of those uninsured, and then said, Let's break this down. Let's break this down and find out who really are these people? And do we really want to provide for a government plan out of the taxpayers' dollars to fund this universe of 47 million who don't have health insurance?

So we start around the top. These are the illegals. That number is 6 million in this chart; it was 5 million in my other chart. These are the people that were here under the 5-year bar. Non-citizens who were barred by law from public benefits, that number was 5.2 million. But they add up to 10, 10 million people, the legal and illegal who are disqualified by law from public benefits.

Then you go to those who are earning more than \$75,000 a year. That's 9 million. Presumably they could write a check for a premium for their own health insurance but they've opted not to.

Then you have those eligible for health insurance under their employer, roughly 10 million—9.7 is the number I recall. They've opted out, perhaps. They're eligible and didn't sign up, or they opted out.

Then we have those that are eligible for government benefits. That's generally going to be Medicaid people. And that's actually the 9.7 million, and it's 6 million that are eligible by employers but don't sign up.

Now, take all of these numbers that come pretty fast, Mr. Speaker, and I can just tell you what the math is: 47 million minus those that are disqualified for the reasons that I've given leaves us this number: It's actually 12.1 million people that are Americans without affordable options. That's the universe of people that really we're trying to address.

Here's the real chart. This is all of the American people right here, 306 million people, and here are all of the categories of folks that I've listed that I don't believe we should be subsidizing their health insurance: the immigrants, the illegals, those that are already qualified under Medicaid and don't bother to sign up, those that are making over \$75,000 a year, those that qualify for an employer plan and opt out. That's all of these people along this spectrum from blue to yellow.

Then we have all of these covered Americans here which are 84 percent of the American people. Who are we really trying to address? Americans without affordable options. Here they are. Less than 4 percent. And for less than 4 percent, the proposal from the people on this side—and I am not going to accuse them of being rational, Mr. Speaker—the proposal is that we tear asunder the entire health insurance industry in America and the entire health care delivery system in America—the best in the world by many standards—in order to get at this less than 4 percent that are Americans without affordable options.

There would not be a rational person that would declare that to be rational behavior, Mr. Speaker.

I would be happy to yield to the gentlelady from Minnesota to pick up from wherever it is I might have left off.

Mrs. BACHMANN. I thank the gentleman from Iowa, and I thank you for clearly laying out what the problem is and what some of the solutions are that are being offered by the Democrat majority that controls both the House and the Senate and the White House.

As the gentleman stated, we're looking at about 85 percent of the American people who have health care who, in survey after survey, have demonstrated that they are happy with their health care; they have no desire to change that system that they're currently able to receive. They're very worried, though, because they know that the Federal Government very likely will cause their current insurance system that they have to go away. And they're right.

President Obama has made three things abundantly clear: one is that if we have current insurance, we won't lose it; we will be able to hold on to it. We know that's patently false from the legislation that the House has taken up, H.R. 3200. It states quite clearly that within 5 years, insurance programs would all have to conform with

the Federal Government. And that's individual insurance plans, which are only 8 percent of all outstanding insurance plans. Other programs are employer-sponsored plans. So overwhelmingly within 5 years, all insurance plans will have to come under the one-size-fits-all option.

And isn't it interesting with the proposal of the public option, pretty soon that will be like the blob that ate New York City. The public option will be the only option for the American people.

It happened with the student loan situation 2 weeks ago. The last vote we took was to have the Federal Government take over the student loans in this country. Twenty-five years ago, all student loans were private. Then the government introduced a public option. Well, that one choice, just as Representative KING of Iowa said, adding that one choice to 1,300 insurance companies was like having the Federal Government add one choice to multiple hundreds of banks across the country that were already making loans privately to students.

But here's the problem. Let's be serious and let's be honest with the American people. The government doesn't like competition. It didn't like competition when it came to the student loans that were offered. It wanted all of the revenue that potentially could come out of that, and it thought it could do a better job, even though on the private sector more people chose to go with private student loans than the public student loans. It didn't matter. The Federal Government wanted to have the whole market to itself, and it captured that market.

It's the same thing now with health care. The President of the United States is suggesting that he wants a public option. As a matter of fact—and this shouldn't shock anyone—during the course of his campaign when he was running for President, he clearly stated that he wanted to see the Federal Government have a single-payer plan where the Federal Government would be the provider of all of the health insurance in the United States.

Knowing that, it's no shock that this is the direction that this body wants to go. We know that. Let's be honest. Let's not dance around this. Members within this body on the other side of the aisle—meaning the Democrats in this body—numbers of them have said they want a single-payer plan. What's that? Government takeover of health care. That's the ultimate goal, Mr. Speaker, to have the government take over health care.

What's the result? Health care will cost far more than it ever did in the past. It will be more expensive to individuals, more expensive to businesses, and it will provide less services. We know that. We know that's exactly what's going to happen despite the fact

that the President has said if you have health care, you will get to keep it. Wrong.

Then the President said each American would be able to save about \$2,500 a year. In other words, we'd see cost savings of about \$2,500 a year. There is no estimate anywhere that has ever verified that wild statement that the President made.

Then the final statement that the President has made over and over and over again, people making \$250,000 a year or less would not see any tax increases. Well, that's verifiably false. We know exactly that Americans will see tax increases.

But there's something that hasn't been talked about much, and it's the whole idea of school-based clinics in schools all across America. And that's in H.R. 3200.

Now, this would raise the hackles on the necks of school parents all across this country when they understand section 2511 of H.R. 3200. The House government takeover of health care bill has a section called school-based health clinics. It would allow a non-profit health agency—just say Planned Parenthood because that's what this is written for. Again, we need to be serious. Planned Parenthood is an organization that is the largest abortion provider in the United States. And written into this bill is a provision whereby Planned Parenthood could become the proprietor for school-based clinics in every school across the United States. These have been more accurately called school sex clinics.

One of the very first school sex clinics that was put into this country was in St. Paul, Minnesota. And it was told to the families and the parents that this would actually reduce pregnancy. Of course we knew it wouldn't reduce pregnancy. It increased pregnancy. It increased sexually transmitted diseases. It was a disaster for young women in St. Paul public schools.

The greatest, kindest, most compassionate gift we could give to our young people—whether it's young girls or young boys—is to teach them and tell them the travesty that they can encounter with early onset of sexual activity. It really is an epidemic now in this country.

For so many girls across this country now, 25 percent of girls have sexually transmitted diseases, potentially life-threatening sexually transmitted diseases. Boys as well.

This isn't the kind of country that we grew up in, but today where we have almost a patting on the back of telling young people, It's your choice; do whatever you want to do. Now the Federal Government is going the final step, and they're saying, Let's put sex clinics in our schools.

Can you believe this, Mr. Speaker? Let's put sex clinics in our schools, and let's put Planned Parenthood in charge

of these sex clinics, because the bill requires under this provision, Planned Parenthood would be authorized to serve as a sponsoring facility for the Nation's schools. As a matter of fact, the bulk of this health care bill is scheduled to go into effect in 2013. Remember, all the taxes will start this coming January, Mr. Speaker. Right away, at the time we can least afford it, the taxes will go into place, but the provisions of this bill actually go into effect in 2013.

Not the school-based sex clinics. They would go into effect next summer so that these clinics would appear in public schools next fall, and it would require that the school-based sex clinic would provide on-site access during the school day when school is in session and have an established network of support and access to services with back-up health providers when the school is closed. Can you imagine what this would cost, Mr. Speaker, if every school in the United States had a built-in health clinic? And this health clinic, parents won't have access to.

How do we know that? Parents are going to be excluded from Planned Parenthood as they write these clinics because the bill orders that these clinics protect patient privacy in student records.

□ 1845

What does that mean? It means that parents will never know what kind of counsel and treatment that their children are receiving. As a matter of fact, the bill goes on to say what's going to go on—comprehensive primary health services, physicals, treatment of minor acute medical conditions, referrals to followup for specialty care. Is that abortion?

Does that mean that someone's 13-year old daughter could walk into a sex clinic, have a pregnancy test done, be taken away to the local Planned Parenthood abortion clinic, have their abortion, be back, and go home on the school bus that night? Mom and dad are never the wiser. They don't know any different.

As a matter of fact, the bill also provides for mental health planning. This is very concerning. In our State in Minnesota we've done a lot of research on this. Mental health; mental health assessments; crisis intervention; counseling; treatment; referral to a continuum of services, including emergency psychiatric care, and mom and dad can't know what's going on?

Mr. Speaker, I am almost without words to think that we have come to the time when the Democrats that control Washington, D.C.—and, make no mistake, they control every level of power in this city. Now they want the taxpayers, if they haven't been beleaguered enough, to pay for sex clinics all across the United States.

Planned Parenthood, which takes in a billion dollars a year, \$300 million of

which is taxpayer subsidies—hey, that was just the prologue. This is the gravy train. Because now it would be billions and billions and billions on into the future.

What did the President say earlier this week or last week? He wants America's schools to have longer school days and longer school years. Where in the Constitution does it say that the President decides how long the school day is or how long the school year is? And now we're going to have the sex clinics in the schools and they're essentially going to take over the health care services of our kids?

I don't know about you, Representative KING, but this is highly offensive to me as a parent to think the audacity—the audacity of the President and of this Congress stepping into this area of privacy of family life.

Mr. KING of Iowa. Reclaiming my time, I just so appreciate the analysis that's been delivered, Mr. Speaker, by the gentlelady from Minnesota. I think about what this is like to be a parent and to deliver your child to a public education system that had this kind of a Federal mandate laid out.

I think back to the days when education was actually local. I often think about where I live. There's a country school just across the road from my house. I actually missed going to the country school by about 5 weeks because of the circumstances involved. And I regret I didn't have that experience. But I grew up around people that did—many of them.

At that time, it was about four miles by four miles, the school district, and the people that owned the land paid the taxes and they hired the teacher and they approved the curriculum. And they bought the coal and hauled it in and carried the ashes and clinkers out. And if they didn't like the job the teacher was doing, they fired her and hired a new one. And if they weren't happy with the curriculum, they changed it. That was local control. And it reflected the values—the moral, academic, and religious values of the people that were paying the taxes.

Today, we have a growing Federal reach that reaches way down into the heart of our educational system from K through 12 and wanting to get into preschool—and is, in some ways—and they want to go clear back to the womb and they want to inject themselves into the unborn children as well with Planned Parenthood, to set them up as somehow the protectors of young children, when they're the people that abort little babies.

We had a debate and a vote here on the floor of the House, and it was an amendment offered by Congressman PENCE of Indiana that would have unfunded Planned Parenthood. And that's what this Congress has an obligation to do. We've got to get there. We've got to get there eventually. No organization



that provides abortion services or counseling should have Federal taxpayer dollars involved.

\$300 million, as Mrs. BACHMANN has said, \$300 million out of a billion in receipts, fungible money, poured into, you might as well say, one pot of money and sets them up with clinics in our schools so the young girls can go in and out of there and be recruited in the hallways by an organization that's vested in what? Promiscuity. Promiscuity is what Planned Parenthood is invested in.

If you doubt that, Mr. Speaker, I would just submit this proposal. Pull promiscuity out of the equation and see what's left of Planned Parenthood? See what they call for services that are there. There's very little that's left. Without promiscuity, you don't have a birth control program and you don't have an abortion problem and you don't have all of this counseling that goes on with it either.

They are a destructive purpose in this society, and it is something that no taxpayer should be compelled to fund, whether it's in this country or whether it's overseas.

I yield to the gentlelady.

Mrs. BACHMANN. If the gentleman would yield, Planned Parenthood has a real problem on their hands—a big problem on their hands—almost on the level of ACORN and the problems that ACORN has had. It's simply this. There's a case that's been filed in California, and Planned Parenthood apparently, allegedly, has been overcharging the Federal Government tens of millions of dollars, because what is alleged is that Planned Parenthood has fraudulently marked up the birth control pills that they have been giving out to people.

So they have been giving out birth control pills free to people in California and charging the Federal Government for those pills. They aren't charging the going rate, allegedly, according to this complaint. They've overcharged the Federal Government.

Well, the President stood in this Chamber and said that he was planning to pay for this big health care extravaganza by getting rid of waste, fraud, and abuse in the health care system. Easily, Planned Parenthood can be considered a part of "the health care system." Why? The President considers abortion part of health care. He considers abortion, what he calls reproductive rights, which is a code word for abortion, he considers that essential health care. Well, by the President's own definition, Planned Parenthood is a part of his essential care.

And this is the payoff. This is the payoff to Planned Parenthood. They would be given free access to our kids all day long, and this is an organization that allegedly has overcharged the Federal Government tens of millions of dollars.

Here's another opportunity for the IRS; here's another opportunity for them to go after a 501(c)(3) organization. Again, they brought in a billion dollars last year. They received probably \$300 billion worth of benefits, meaning they didn't pay any taxes, but they received \$300 billion of taxpayer money. This is an organization that should be investigated by the IRS; very, very likely should lose its 501(c)(3) status, as should ACORN; and they should have all taxpayer subsidies pulled everywhere across the United States.

Mr. KING of Iowa. Reclaiming my time, I agree with the gentlelady from Minnesota. I regret that I didn't bring a similar sign for Planned Parenthood, but I did bring one for ACORN.

As we talk about 501(c)(3)s, not-for-profit organizations, ACORN might claim that they are filed as some kind of a not-for-profit organization. That was one of their reports. We see at least 45 of their affiliates that are filed as 501(c)(3)s, not-for-profit organizations. We see that ACORN's money flows into a central account, and then it's distributed from that central account out to the entities as ACORN needs them.

One big pot of money, one big cookie jar with a lot of Federal dollars involved, State dollars involved, donor dollars involved, tax avoidance dollars involved, and what is ACORN involved in? Other enterprises that are—I'll call them unethical and immoral, Mr. Speaker. And I will go down the list of some of the things that I recall that ACORN has been involved in.

By the way, the linkage with some of what's coming out of Planned Parenthood I think is useful. And I think that's a constructive linkage to make. This segue from Planned Parenthood to ACORN is one that is a natural segue.

Never was it envisioned by a limited government to be funding such huge, behemoth national and international organizations for the purposes of breaking down the core of our society and turning it into an immoral mass of people. They have attacked our institutions, and they have worked within our schools and the educational institutions and the institutions of government and the institutions also of the media.

Mrs. BACHMANN. If the gentleman would yield, just to add to that, Planned Parenthood was one of the organizations that gave money to ACORN for the purpose of voter registration before this last election. And it wasn't just Planned Parenthood. It was also the teachers' union.

We've seen videos coming out in these last 2 weeks of little schoolchildren, kindergarten schoolchildren, on videos, they're all across the Internet, where little children are being taught praise of the United States almost in a personality cult-like worship in video after video after video.

Again, this is concerning because we have a teachers' union—there's nothing wrong with unions—but we have a teachers' union that came out and gave money to ACORN for the purpose of voter ID.

It's interesting how you can link Planned Parenthood with ACORN, with the President. And there's a lot of questions that need to be answered.

Mr. KING of Iowa. I did happen to bring my poster of the President and ACORN to help add some clarity to this matter. As critical as the United States Senate, the United States House of Representatives, and the public has been of ACORN—and they deserve every bit of it and a lot more, Mr. Speaker—there hasn't been enough focus on the involvement of the President with ACORN.

His political start was with ACORN. That's by his own self-admission. He said, You've been here from the very beginning. I've been with you from the beginning. Some of the statements from the leader of ACORN ties that back in. I believe her first name is Madeleine, the last name is Talbot, the head organizer of ACORN in Chicago; she has said that she and Obama were working together in this cause from the beginning.

President Obama headed up Project Vote. Project Vote is indiscernible from ACORN. They are one in the same. And that's ACORN's position on it as well as any objective analysis that's taken place.

So he made his reputation with ACORN. ACORN was "Get Out the Vote for President Obama." He paid them to get out the vote even though they registered it as—let's see—as production and lighting.

Mrs. BACHMANN. Staging materials. That was a big problem for the President during, of course, the election because he had falsely listed on his FEC report that money that was given was for staging materials. That was very concerning. That was brought to the attention of the campaign. They changed that once they found out about that. But, again, this is over \$800,000 that was transferred from the Obama campaign to ACORN.

But you were correct when you went back in history, and actually the President back in 1991 took time off from his law firm to run a voter registration drive for Project Vote and an ACORN partner that was soon fully absorbed under the ACORN umbrella.

This is in a Wall Street Journal article written by John Fund: The drive registered 135,000 voters. It was considered a major factor in the upset victory of Democrat Carol Moseley Braun over incumbent Democrat Senator Alan Dixon in the 1992 Democrat Senate primary.

Congressman KING, I wonder if you can comment on this. This is something I don't understand. Why in the

world would ACORN have a tax-exempt status? Why in the world would ACORN be receiving taxpayer money when they worked consistently in election after election to elect one political party—the Democrat Party? Why are the taxpayers paying allegedly for the election of Democrats?

Mr. KING of Iowa. Clearly, according to law, they cannot be a 501(c)(3) not-for-profit organization if they advocate for candidates in a partisan fashion. One might argue that some of the activities were not partisan.

I will make this argument. This is a picture I took at ACORN's headquarters in New Orleans; 2609 Canal Street in New Orleans. This is the weekend before the Fourth of July. I stood across the street with a 300-millimeter lens.

Mrs. BACHMANN. Was this prior to the election?

Mr. KING of Iowa. It was this year. It was after the election in the fall of 2008. So this would be on or about July 1st or 2nd, 2009. I took this shot of the window. This is about the second floor of this most fortified building in the neighborhood in New Orleans, the ACORN headquarters, and in the window is this huge—we call them barn signs—this huge campaign poster: Obama for President '08. Easily it can be seen right here.

This no Photoshop, Mr. Speaker. I mean I'm here on the floor of the United States Congress. I took the picture personally.

Hanging over on this side is the ACORN banner that one can easily see. This is ACORN's headquarters. The doors are barred, the windows are barred, but you can see through the bars to see that they're still advertising for the election of 2008, and that is a violation of their not-for-profit status.

That picture itself, Mr. Speaker, should be enough to get the IRS to go in and do a complete forensic examination and audit of ACORN and all of their 361 identified and other unidentified affiliates if we're going to have any integrity in this country.

□ 1900

When you are a partisan organization and you are collecting donation dollars, Federal tax dollars and political subdivision grants that are coming in, and they are coming in to a series of affiliates, maybe as many as 361 different ones, you commingle that into accounts, and you deploy thousands of people across the country to register voters and you brag about it—an issue in a press release that ACORN did says that they registered 1.3 million new voters when, in fact, the number of actual legitimate voters was closer to 450,000.

Mrs. BACHMANN. If the gentleman will yield, in my home State of Minnesota, it was 41,000 voters who were

registered by ACORN. And of course we know year after year, election after election, State after State, the polls' rolls are flooded with false and fraudulent voter registrations, and there's a reason for that. If you have that many, it is very difficult for those who are in charge of the voter registration polls to be able to make accurate counts. Plus, once a person casts their vote—let's say you register the day before you cast your vote—that vote stands. That vote isn't thrown out. So there is method in the madness for ACORN.

Again, you take a look at tax money going in, tax-exempt status, and you see one political party being benefited. How is this allowed? I don't understand it. And what's amazing to me is there hasn't been one investigation yet, not from the Department of Justice. We haven't seen one from the Department of Housing. ACORN, after all, was the organization that was literally shaking down banks, shaking down mortgage companies. This was also at the behest—our President, again, was involved in ACORN during this time.

All of this agitating was going on for the purpose of relaxing lending standards, lowering lending standards. But for the work of ACORN lowering those lending standards, would we have had the disaster in housing that we have today? I mean, these are very serious questions. And nobody's investigating? Not the IRS, not the Department of Justice, not the Department of Housing. We've been hearing that the IRS will be investigating ACORN, but there have been no investigations.

As a matter of fact, as you and I stand here, has there even been a defunding of ACORN? There have been votes, but has one dime been cut off from that? That's why the American people know that something doesn't smell right now, and they have to continue to call their Member of Congress. They have to continue to call their Senator and demand a full and complete investigation.

Has an audit occurred? Does the gentleman know? Has any audit occurred? I believe the gentleman told me that there is something like 361 affiliate organizations under the ACORN umbrella. Has a full audit occurred?

Mr. KING of Iowa. If the gentlelady will yield, I will lay out the picture of this of the way I think it is in America with the ACORN investigation.

There have been investigations going on within some States for voter registration fraud primarily. Now, those States string up to—we used to have a total of 12, then 14, and now as many as 20 States over time. In only one case do we have an investigation of ACORN as an entity.

Mrs. BACHMANN. Do we have a Federal investigation? These are Federal dollars that are going in. Again, ACORN has received \$53 million from 1994 forward. But since the President of

the United States, Barack Obama, came in, a former employee under ACORN with Project Vote, he now has given access to this organization of \$8.5 billion, an unheard of amount of money. Certainly the taxpayer has the right to demand that investigation occur.

Yet when George Stephanopoulos did an interview with the President and asked him about ACORN, the President didn't seem to know. He didn't seem to know much about the votes we took in the House and the Senate. He didn't know much about ACORN. Maybe it's because he's working on going to Copenhagen to get the Olympics in Chicago. I don't know, but he certainly didn't seem to know much about ACORN.

Mr. KING of Iowa. Let me reclaim and capture the breadth of what is going on here in America, and then I will yield to the gentleman from Texas.

Mr. Speaker, it's this: In over a cumulative period of time from about 1990 until today, which is coming to be almost two decades, there have been a string of smaller investigations that took place within the States. As we speak, though, ACORN is under trial in Nevada for direct violations of Nevada's voter registration laws that prohibits paying commissions for registering voters.

So, for the first time, ACORN, as an entity, is on trial in a State. It looks like there is a very strong case on the part of the prosecution. There have also been as many as 70 convictions of ACORN employees, for election fraud, mostly.

There are new indictments in Florida, 11 individuals indicted that worked for ACORN; six were arrested, five were on the loose. I haven't heard if they collected them or not. Those are some of the things that are taking place.

But now this Congress fully understands, having voted twice in the United States Senate and once on the floor of the House to reject funding to ACORN, fully understand that ACORN is a corrupt, criminal enterprise, almost an economy unto itself that draws in money from many different sources, the fungibility of it poured into usually a central account and distributed out to the active entities of the 361 affiliates of ACORN to conduct partisan political exercises, shake down lenders.

Madeline Talbott has bragged about that, who is the mentor of President Obama as he went into ACORN and Chicago politics back in the early nineties, as the gentlelady from Minnesota said. So they have been involved in shaking down lenders and using the Community Reinvestment Act, which was written to prohibit lenders from drawing a red line around certain districts that they didn't want to loan money into.

And ACORN has been involved with red-lining themselves and shaking

down bankers to force them to loan money into their red-lined districts. They contributed significantly to the mortgage lending meltdown that we had. They have been corrupting the election process. They're promoting child prostitution. In five cities, we have them on videotape.

And by the way, \$1 million of embezzlement covered up for 8 years by Wade Rathke, whose brother was the embezzler in-house. And when the board rose up to make an issue of it, they fired the board of directors. This is a completely corrupt, criminal enterprise.

Mrs. BACHMANN. Let alone the charitable organizations, large, well-known charitable organizations that have put money into ACORN. It's time these charitable organizations and the trustees of those organizations be held responsible for putting money into the account of a corrupt organization.

Mr. KING of Iowa. And I'm advised that the Catholic Church has ceased their contributions into ACORN. I'm very happy about that. It's easier for me to put money in the collection plate on Sunday.

I would be happy to yield to the gentleman from Texas, who always has a unique and accurate viewpoint, my friend LOUIE GOHMERT.

Mr. GOHMERT. I appreciate my friend from Iowa and my friend Mrs. BACHMANN. I was able to listen to some of the argument that you've been providing and debate that's been put forth. I know you were discussing health care earlier and now ACORN. I would like to tie the two things together, actually, because I haven't heard a lot of people point this out.

Despite the President, during his joint session of Congress as an invited guest in this House, coming in and saying that we have not—those critics of the Democratic plan, he said we are not engaged in honest debate, that we were using scare tactics, that we have been using bogus claims, wild claims, demagoguery, distortion, acrimony, cynical and irresponsible, facts and reason are thrown overboard, that we're robbing the country of opportunity, killing the President's good bill. Then he actually used the "L" word and said something that was a lie, plain and simple. But it's hard for me to appreciate that because the only bill we had to go from was H.R. 3200.

And as my friends here have been doing, you take the bill—and this is just the first half of it—and you read from the bill. It's kind of hard to distort or not engage in honest debate when you are reading from the bill. But I would like to direct you to page 99, the subsection, Consumer Assistance with Choice.

Mrs. BACHMANN. What is the section number?

Mr. GOHMERT. It's on page 99 of the bill. This is section 205, entitled, Outreach and Enrollment of Exchange-Eligible

Individuals and Employers in Exchange-Participating Health Benefits Plan. That is on page 95. Well, we get over here to Consumer Assistance with Choice: To provide assistance, to exchange eligible individuals and employers, the commissioner shall—not "may," but "shall"—and it includes things like assist exchange-eligible individuals in selecting exchange-participating health benefits plans and obtaining benefits through such plans. So that's one of the things that the commissioner shall do.

You go down to subsection 3, two-thirds of the way down page 100, Use of Other Entities. In carrying out this subsection, the commissioner may work with other appropriate entities to facilitate the dissemination of information under this subsection and to provide assistance as described in paragraph 2, which included assisting exchange-eligible individuals in selecting exchange-participating health benefit plans and obtaining the benefits in those plans.

Well, if you recognize this language, this is the kind of language that has normally been used to hire ACORN to go out and do the work. This is what it says: You may work with other appropriate entities to facilitate the dissemination of information and to sign these people up to the Federal health plan.

So that is a potential source—like my friend Mrs. BACHMANN was pointing out—of not millions or hundreds of millions, but potentially billions of dollars for these people who obviously have been engaged in political efforts, but to go and evangelize the world, or at least this Nation, for the Democratic health care plan. That is there, and I don't see how you deny that is another source of revenue for ACORN.

Mr. KING of Iowa. Mr. GOHMERT, can you draw a distinction between this language that you read in H.R. 3200 in the health care bill and the language that would perhaps enable ACORN to be the ones that are counseling on, let me say, mortgage loans for houses of prostitution, or how to avoid taxes by underreporting income that might come in as cash by the work of a prostitute, or an ability to file a tax return that would qualify someone who underreports their income for their earned income tax credit, or the ability to claim child prostitutes as dependents? Do any of those things seem to also fit in this similar authorization language that allowed ACORN to do all those things that I listed that might also qualify them to be the loan counselor as well as now the health insurance counselor under this exchange that is here?

Mrs. BACHMANN. I would also add to the gentleman, if we look at the legislation that came before us, the very beginning of this year, it was the expansion of AmeriCorps. Remember, that

was a \$5 billion bill. Part of that bill were volunteers—of course they're all paid—but these volunteers were also going to be health workers. So it would be curious to look at that language as well to see if they also paid money to community organizations to be workers under AmeriCorps, kind of to also link together with this particular provision, and then work with an ACORN as these volunteers under AmeriCorps all for the effort of putting together this plan.

It really reminds me of the poster that the gentleman from Iowa has of the President with ACORN stitched onto his shirt with the windmills in the background. We're looking at a complete dominance and takeover of American society. Remember, it was just 1 year ago that we had the \$700 billion bailout. Prior to that bailout, 100 percent of business profits were private.

After that time, today, 30 percent of all private business profits today are owned or controlled by the Federal Government. And if the President gets his dream to come true and takes over 18 percent of health care, that means he will have taken over and controlled 48 percent of our private economy.

And if his national energy tax, the cap-and-trade global warming tax, goes through, that's another 8 percent, or 56 percent of our private economy that he plans to take over. That is something that should give pause to every American. It's stunning. It's stunning, and it's frightening.

Mr. KING of Iowa. I will pick up on that. This part that I think is not understood by the White House is that this economy that we have is not simply a giant chain letter that is generated by government borrowing and government spending. A chain letter is a Ponzi scheme, and underneath it there's not substance there.

We have an economy that's based upon our natural resources and adding value to our natural resources, and the intellectual basis that contributes to the value that we add to our natural resources, you have to produce things that have value. The most essential ones are the things that are necessities for life, and the services that build around that are the services that make it more efficient to produce the necessities for life.

The recreational spending is disposable income. All of this is real, and it's founded on production. But government, government has no ability to do that. Government obstructs production, and they add a weight on to the legitimate economy.

We have two sectors of the economy: the productive sector, which is the private producing sector I have described, and then in my less charitable moments I describe it as the parasitic sector, the sector of the economy that sucks the lifeblood out of the producers.

I yield to the gentleman from Texas.

□ 1915

Mr. GOHMERT. In answer to the gentleman's question about the language, having seen some of the videos of the propositions that were put literally to ACORN workers in different cities about bringing in illegal immigrants under-age for prostitution, I have to say that this language on page 100 would fit. They were assisting them in obtaining benefits, and "obtaining benefits" is the language in this bill, but just, unfortunately, we are assisting them in obtaining benefits for activity that was illegal and immoral.

I mean, to have under-age kids engaged in prostitution, the damage that that does to those young kids is just deplorable. But this is language that specifically would allow them to assist and to obtain benefits through these plans. So it fits right into their efforts.

Mrs. BACHMANN. I would ask the question of the gentleman from Iowa, didn't the President say to us at the very beginning of this debate in early August that we needed to pass this health care bill, or I guess I should say in July, that we had to pass this bill by August 1 so we could hurry up and start saving money? Do you remember that? We are going to save money if we have the government take over health care in the United States.

I'm wondering, to the gentleman from Texas and the gentleman from Iowa, how in the world does paying people ACORN, for instance, to do all of this assistance, how does that save money?

Mr. GOHMERT. Let me just say he also said, as the gentlewoman had mentioned, that his plan would save all this money and nearly pay for the whole plan by eliminating waste, fraud, and abuse; and yet we're not going to eliminate the waste, fraud, and abuse unless we pass his bill.

But, now, in the days of my being a judge, what we saw was if you knew that fraud was going on and you allowed it to continue and you had a duty or an obligation to do something about the fraud and you did nothing, you were an accomplice to that fraud. So it just staggers the imagination that somebody would know where the waste, fraud, and abuse is, know exactly the amount of waste, fraud, and abuse or potentially very close to the amount of waste, fraud, and abuse and we're not going to do anything until we pass his bill? That's a little tough to swallow.

Mr. KING of Iowa. And that is as if it's a bargain. And there are some better ways of saying that out there, and they don't come to me immediately, but if it has to be the bargain that we have to adopt a national health care act in order to get the waste, fraud, and abuse cleaned up, if the American people's demand that Congress clean up

corruption, waste, fraud, and abuse has to be held hostage to somebody's government medical plan, I think that tells you what's going on.

This operation has got to go. That is the ACORN logo. And this man has been part and parcel of it for nearly 20 years. And his political life, his public life cannot be separated from ACORN and from Project Vote and from the full continuum of history of his political life, including having been hired by ACORN, worked for ACORN, done so as a pro bono attorney for ACORN, been a trainer of ACORN's workers, having hired ACORN to get out the vote but it was misrepresented in his document and, additionally, having hired ACORN, move the Census to the White House from the Commerce Department, then back from the White House to the Commerce Department when the public outcry got so great, but left a link and a liaison so that they have oversight in the White House anyway. And twice now the Census Bureau has said, well, we're not going to use ACORN with our census workers.

I didn't believe them the first time. I don't know that I believe them the second time. But it's certain that they must have confessed they weren't telling the truth the first time or they wouldn't announce the second time that they were going to sever their relationship. The U.S. Treasury has now said that they don't want to use ACORN to counsel them for the tax services that are out there. The list goes on and on and on.

ACORN and all their affiliates are a pariah. This is their logo on the shirt of the President of the United States. He is part and parcel. And we've got to dig through this all the way. This United States Congress and four to six committees in the House and committees in the Senate have to launch complete investigations and hearings. The IRS has to do this. The Department of Justice has to do this. The American people demand it, and so do I, Mr. Speaker, and so do the speakers here on this floor.

I thank the gentlewoman from Minnesota and the gentleman from Texas for their contribution.

#### CONFERENCE REPORT ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. PASTOR of Arizona (during the Special Order of Mr. KING of Iowa) submitted the following conference report and statement on the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes:

CONFERENCE REPORT (H. REPT. 111-278)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R.

3183), making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:*

#### TITLE I

##### CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL

*The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.*

#### INVESTIGATIONS

*For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$160,000,000, to remain available until expended.*

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

*For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$2,031,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Markland Locks and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: Provided, That \$1,500,000 of the funds appropriated under this*

heading in title I of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 601-609) is transferred to the Investigations account and, in addition to funds appropriated by this Act, applied toward the cost of carrying out the Seven Oaks Water Conservation Study, California: Provided further, That the Chief of Engineers is directed to use \$12,594,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Chief of Engineers is directed to use \$1,417,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and initiate construction of the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008: Provided further, That the Federal and non-Federal shares shall be determined in accordance with the ability-to-pay provisions prescribed in section 103(m) of the Water Resources Development Act of 1986, as amended: Provided further, That the Chief of Engineers is directed to use \$4,000,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use \$2,750,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$9,500,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: Provided further, That not less than \$3,000,000 of the funds provided for the Levisa and Tug Forks in Kentucky shall be used for the project in the Town of Martin, Kentucky.

#### MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$340,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: Provided, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$9,661,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

#### OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and labora-

tories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,400,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 460l-6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104-303) shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate; and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

#### REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$190,000,000, to remain available until expended.

#### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$134,000,000, to remain available until expended.

#### EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$185,000,000, to remain available until expended, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

#### OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

#### GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: Provided, That for a base level less than \$100,000, the reprogramming limit is \$25,000: Provided further, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: Provided, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: Provided further, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount a limit of \$5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: Provided further, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15

percent of the base of the receiving project is permitted.

(b) **DIMINIMUS REPROGRAMMINGS.**—In no case should a reprogramming for less than \$50,000 be submitted to the House and Senate Committees on Appropriations.

(c) **CONTINUING AUTHORITIES PROGRAM.**—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. None of the funds in this Act, or previous Acts making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in the Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99-662) is enacted.

SEC. 105. The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), and modified by section 3101 of the Water Resources Development Act of 2007 (121 Stat. 1133), is further modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of execution of a partnership agreement for the project.

SEC. 106. Section 154(h) of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A-254) (as enacted into law by Public Law 106-554) is amended by striking "\$40,000,000" and inserting "\$60,000,000".

SEC. 107. The Secretary is directed to use such funds as are necessary, from amounts made available in this Act under the heading "Construction", to expedite acquisition of those properties located in the vicinity of Martin, Kentucky, that were damaged by the floodwaters in the May 2009 flood event and that fall within Phases 3 and 4 of the mandatory and voluntary acquisition elements identified in Plan A of the Chief of Engineers, Town of Martin Non-structural Project Detailed Project Report, Appendix T, Section 202 General Plan, dated March 2000.

SEC. 108. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 109. (a) **IN GENERAL.**—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) **EXISTING REALLOCATIONS.**—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 110. Section 592(g) of Public Law 106-53 (113 Stat. 380), as amended by section 120 of Public Law 108-137 (117 Stat. 1837) and section 5097 of Public Law 110-114 (121 Stat. 1233), is further amended by striking "\$110,000,000" and inserting "\$200,000,000" in lieu thereof.

SEC. 111. The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3666), is modified to authorize the Secretary to construct the project at an estimated total cost of \$53,500,000, with an estimated Federal cost of \$37,700,000 and an estimated non-Federal cost of \$15,800,000.

SEC. 112. Section 595(h) of Public Law 106-53 (113 Stat. 384), as amended by section 5067 of Public Law 110-114 (121 Stat. 1219), is further amended by—

(1) striking the phrase "\$25,000,000 for each of Montana and New Mexico" and inserting the following language in lieu thereof: "\$75,000,000 for Montana, \$25,000,000 for New Mexico"; and

(2) striking "\$50,000,000" and inserting "\$100,000,000" in lieu thereof.

SEC. 113. The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines Iowa, authorized by section 1001(21) of the Water Resources Development Act of 2007 (121 Stat. 1053), is modified to authorize the Secretary to construct the project at a total cost of \$16,500,000 with an estimated Federal cost of \$10,725,000 and an estimated non-Federal cost of \$5,775,000.

SEC. 114. The project for flood damage reduction, Breckenridge, Minnesota, authorized by section 320 of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2605), is modified to authorize the Secretary to construct the project at a total cost of \$39,360,000 with an estimated Federal cost of \$25,000,000 and an estimated non-Federal cost of \$14,360,000.

SEC. 115. Section 122 of title I of division D of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7; 117 Stat. 141) is amended by striking "\$10,000,000" and inserting "\$27,000,000" in lieu thereof.

SEC. 116. The Secretary of the Army is authorized to carry out structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities: Provided, That the non-Federal share of any project carried out pursuant to this section shall be no more than 35 percent of the total cost of the project and shall be subject to the ability of the non-Federal interest to pay, as determined in accordance with 33 U.S.C. 2213(m).

SEC. 117. Section 3111(1) of the Water Resources Development Act, 2007 (Public Law 110-114; 121 Stat. 1041) is amended by inserting after

the word "before", the following: ", on and after".

SEC. 118. The flood control project for West Sacramento, California, authorized by section 101(4), Water Resources Development Act, 1992, Public Law 102-580; Energy and Water Development Appropriations Act, 1999, Public Law 105-245, is modified to authorize the Secretary of Army, acting through the Chief of Engineers, to construct the project at a total cost of \$53,040,000 with an estimated first Federal cost of \$38,355,000 and an estimated non-Federal first cost of \$14,685,000.

SEC. 119. Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking "subclause (II)" and inserting "subclauses (II) and (III)"; and

(2) by adding at the end the following:

"(III) **TEN MILE CREEK WATER PRESERVE AREA.**—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed \$25,000,000 by an amount equal to not more than \$3,500,000, which shall be used to pay the Federal share of the cost of—

"(aa) the completion of a post authorization change report; and

"(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013."

SEC. 120. As soon as practicable after the date of enactment of this Act, from funds made available before the date of enactment of this Act for the Tampa Harbor Big Bend Channel project, the Secretary of the Army shall reimburse the non-Federal sponsor of the Tampa Harbor Big Bend Channel project for the Federal share of the dredging work carried out for the project.

SEC. 121. Notwithstanding any other provision of law, including section 103(c)(4) of Public Law 99-662 (33 U.S.C. 2213(c)(4)), the cost of any work carried out heretofore or hereafter on construction of the trail system authorized for the J. Percy Priest Dam and Reservoir, Tennessee by section 5132 of Public Law 110-114 (121 Stat. 1249) shall be a Federal cost, the total of which may not exceed \$10,300,000.

SEC. 122. Section 3112(1) of the Water Resources Development Act, 2007 (Public Law 110-114; 121 Stat. 1041) is amended by inserting after the word "before", the following: ", on and after".

SEC. 123. Section 805(a)(2) of Public Law 106-541 (114 Stat. 2704) is amended by striking "2010" each place it appears and inserting "2013".

SEC. 124. The Secretary of the Army is authorized to carry out the project for storm damage reduction, Kahuku, Oahu, Hawaii, at a total cost of \$6,700,000, with an estimated Federal cost of \$4,360,000 and an estimated non-Federal cost of \$2,340,000.

SEC. 125. The Secretary of the Army is authorized to acquire 24 parcels of land consisting of approximately 235 acres located within Township 21 South, Range 28 East, Sections 25, 26, 27, 34, 35 and 36, and township 22 south, Range 28 East, Section 3 in Tulare County, for the Dam Safety Seismic Remediation project at Success Dam on the Tule River in the State of California, authorized by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 901); Provided, That the lands shall be available for use in connection with any activity carried out at the Success Dam Reservoir.

SEC. 126. during the 1-year period beginning on the date of enactment of this Act, the Secretary of the Army shall implement measures recommended in the efficacy study, or provided in interim reports, authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121), with such modifications or emergency measures as the Secretary of the



Army determines to be appropriate, to prevent aquatic nuisance species from bypassing the Chicago Sanitary and Ship Canal Dispersal Barrier Project referred to in that section and to prevent aquatic nuisance species from dispersing into the Great Lakes.

## TITLE II

### DEPARTMENT OF THE INTERIOR

#### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$40,300,000, to remain available until expended, of which \$1,500,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,704,000, to remain available until expended. For fiscal year 2010, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

##### BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

##### WATER AND RELATED RESOURCES

###### (INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$951,158,000, to remain available until expended, of which \$48,740,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$17,256,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That \$4,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106-554: Provided further, That \$3,500,000 of the funds appropriated under this heading shall be available for the "Power Program Services" to implement the Bureau of Reclamation's hydropower facilities installations identified under section 1834 of the Energy Policy Act of 2005: Provided further, That the funds provided herein for the St. Mary Storage Unit facilities, Milk River Project, Montana, shall be used on a nonreimbursable basis: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis.

##### CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$35,358,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

##### CALIFORNIA BAY-DELTA RESTORATION

###### (INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$40,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

##### POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$61,200,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

##### ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed seven passenger motor vehicles, which are for replacement only.

##### GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.



SEC. 205. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106–382; 114 Stat. 1457) is amended by striking “over a period of 10 fiscal years” each place it appears in subsections (a)(1) and (b) and inserting “through fiscal year 2015”.

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268), is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(C) by striking “(a)(1) Using” and inserting the following:

“(a) ACTION BY SECRETARY.—

“(1) PROVISION OF FUNDS.—

“(A) IN GENERAL.—Using”;

(D) in subparagraph (A) (as so redesignated)—

(i) in the matter preceding clause (i) (as so redesignated), by inserting “or the National Fish and Wildlife Foundation” after “University of Nevada”;

(ii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out—

“(I) under clause (i); and

“(II) in conjunction with willing landowners.”; and

(E) by adding at the end the following:

“(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—

“(i) DATE OF PROVISION.—The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount—

“(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

“(II) as soon as practicable after that date of enactment.

“(ii) REQUIREMENTS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

“(II) EXCEPTIONS.—Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “paragraph (1)(A)” and all that follows through “beneficial to—” and inserting “paragraph (1)(A)(i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to—”; and

(B) in subparagraph (A), by striking “paragraph (1)(B)” and inserting “paragraph (1)(A)(ii)”.

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.”.

SEC. 208. (a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, subject to subsection (b), \$66,200,000 to establish the Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate—

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, \$2,000,000, to remain available until expended, for—

(i) the acquisition of land surrounding Independence Lake; and

(ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;

(B) \$5,000,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101–618; 104 Stat. 3294);

(C) \$1,500,000, to be divided equally by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities;

(D) \$1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin; and

(E) \$45,000,000 to implement the 1996 Truckee River Water Quality Settlement Agreement by acquiring water rights for the benefit of the Truckee River and Pyramid Lake.

(b)(1) The amount made available under subsection (a)(1) shall be—

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) \$25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation—

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

(II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.

(ii) \$25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268).

(iii) \$1,000,000 for activities relating to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and

agreements pertaining to the exercise of water rights and leases acquired under the program.

(iv) \$10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.

(v) \$5,000,000 to the University of Nevada, Reno, and the Desert Research Institute—

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268);

(II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and

(III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) \$200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon and Mineral Counties, Nevada, that promote water conservation in the Walker River Basin.

(2)(A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation—

(i) in an advance payment of the entire amount—

(I) on the date of enactment of this Act; or

(II) as soon as practicable after that date of enactment; and

(ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).

SEC. 209. Notwithstanding the provisions of section 11(c) of Public Law 89–108, as amended by section 9 of Public Law 99–294, the Commissioner is directed to modify the April 9, 2002, Grant Agreement Between Bureau of Reclamation and North Dakota Natural Resources Trust to provide funding for the Trust to continue its investment program/Agreement No. 02FG601633 to authorize the North Dakota Natural Resources Trust Board of Directors to expend all or any portion of the funding allocation received pursuant to section 11(a)(2)(B) of the Dakota Water Resources Act of 2000 for the purpose of operations of the Natural Resource Trust whether such amounts are principal or received as investment income: Provided, That operational expenses that may be funded from the principal allocation shall not exceed 105 percent of the previous fiscal year's operating costs: Provided further, That the Commissioner of Reclamation is authorized to include in such modified agreement with the Trust authorized under this section appropriate provisions regarding the repayment of any funds that constitute principal from the Trust Funds.

SEC. 210. Title 1 of Public Law 108–361 is amended by striking “2010” wherever it appears and inserting “2014” in lieu thereof.

SEC. 211. (a) Section 3405(a)(1)(M) of Public Law 102–575 (106 Stat. 4709) is amended by striking “countries” and inserting “counties”.

(b) A transfer of water between a Friant Diversion contractor and a south-of-Delta CVP agricultural water service contractor, approved during a two-year period beginning on the date of

enactment of this Act shall, be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102-575 (106 Stat. 4709) if the transfer under this clause—

(1) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111-11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act); and

(2) is completed by September 30, 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (*Thamnophis gigas*).

### TITLE III DEPARTMENT OF ENERGY ENERGY PROGRAMS

#### ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,242,500,000, to remain available until expended: Provided, That funds provided under this heading in this and prior appropriation Acts are available for on-site and off-site improvements for the Ingress/Egress and Traffic Capacity Upgrades project at the National Renewable Energy Laboratory: Provided further, That, of the \$80,000,000 provided under the wind energy subaccount under Energy Efficiency and Renewable Energy, up to \$8,000,000 may be competitively awarded to universities for turbine and equipment purchases for the purposes of studying turbine to turbine wake interaction, wind farm interaction, and wind energy efficiencies, provided that such equipment shall not be used for merchant power production: Provided further, That, of the amount appropriated in this paragraph, \$292,135,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Energy Efficiency and Renewable Energy Projects" in the joint explanatory statement accompanying the conference report on this Act.

#### ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$171,982,000, to remain available until expended: Provided, That, within the funding available funding the Secretary shall establish an independent national energy sector cyber security organization to institute research, development and deployment priorities, including policies and protocol to ensure the effective deployment of tested and validated technology and software controls to protect the bulk power electric grid and integration of smart grid technology to enhance the security of the electricity grid: Provided further, That within 60 days of enactment, the Secretary shall invite applications from qualified entities

for the purpose of forming and governing a national energy sector cyber organization that have the knowledge and capacity to focus cyber security research and development and to identify and disseminate best practices; organize the collection, analysis and dissemination of infrastructure vulnerabilities and threats; work cooperatively with the Department of Energy and other Federal agencies to identify areas where Federal agencies with jurisdiction may best support efforts to enhance security of the bulk power electric grid: Provided further, That, of the amount appropriated in this paragraph, \$13,075,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Electricity Delivery and Energy Reliability Projects" in the joint explanatory statement accompanying the conference report on this Act.

#### NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 36 passenger motor vehicles, including one ambulance, all for replacement only, \$786,637,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, \$2,500,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Nuclear Energy Projects" in the joint explanatory statement accompanying the conference report on this Act.

#### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including de-feasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$672,383,000, to remain available until expended: Provided, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: Provided further, That, of the amount appropriated in this paragraph, \$36,850,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Fossil Energy Projects" in the joint explanatory statement accompanying the conference report on this Act.

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, \$23,627,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

#### STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$243,823,000, to remain available until expended.

#### NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$11,300,000, to remain available until expended.

#### ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$110,595,000, to remain available until expended.

#### NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$244,673,000, to remain available until expended.

#### URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$573,850,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

#### SCIENCE

##### (INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, \$4,903,710,000, to remain available until expended: Provided, That \$15,000,000 appropriated under this heading under prior appropriation Acts for the Advanced Research Projects Agency—Energy is hereby transferred to the "Advanced Research Projects Agency—Energy" account: Provided further, That, of the amount appropriated in this paragraph, \$76,890,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Science Projects" in the joint explanatory statement accompanying the conference report on this Act.

#### NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended (the "NWPAA"), \$98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: Provided, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 2.54 percent shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPAA: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPAA, 0.51 percent shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of the NWPAA: Provided further, That

of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 4.57 percent shall be provided to affected units of local government, as defined in the NWPA, to conduct appropriate activities and participate in licensing activities under Section 116(c) of the NWPA: Provided further, That of the amounts provided to affected units of local government, 7.5 percent of the funds provided for the affected units of local government shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada affected units of local government: Provided further, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 0.25 percent shall be provided to the affected federally-recognized Indian tribes, as defined in the NWPA, solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPA: Provided further, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: Provided further, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: Provided further, That 4.57 percent of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities shall be provided to Nye County, Nevada, as payment equal to taxes under section 116(c)(3) of the NWPA: Provided further, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada, each affected federally-recognized Indian tribe, and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: Provided further, That of the funds made available in this Act for Nuclear Waste Disposal, \$5,000,000 shall be provided to create a Blue Ribbon Commission to consider all alternatives for nuclear waste disposal: Provided further, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

#### TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section

1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That for necessary administrative expenses to carry out this Loan Guarantee program, \$43,000,000 is appropriated, to remain available until expended: Provided further, That \$43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than \$0: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

#### ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$20,000,000, to remain available until expended.

#### DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$288,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total \$119,740,000 in fiscal year 2010 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2010, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$168,944,000.

#### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$51,927,000, to remain available until expended.

#### ATOMIC ENERGY DEFENSE ACTIVITIES

##### NATIONAL NUCLEAR SECURITY

##### ADMINISTRATION

##### WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance; \$6,384,431,000, to remain available until expended: Provided, That \$357,800,000 is provided to Stockpile Systems activities including \$91,956,000 for the B61 Stockpile Systems activities: Provided further, That upon completion of the Nuclear Posture Review

and confirmation of the requirement for the B61-12, the NNSA is authorized to reallocate an additional \$15,000,000 within the Stockpile Systems activities to support the continuation of the B61-12 non-nuclear upgrade study, with notification to cognizant congressional committees within 15 days of the implementation of this action: Provided further, That no funds may be obligated or expended for B61-12 nuclear components without prior approval by the Appropriations Committees of the House and Senate: Provided further, That, of the amount appropriated in this paragraph, \$3,000,000 shall be used for the projects specified under the heading "Congressionally Directed Weapons Activities Projects" in the joint explanatory statement accompanying the conference report on this Act.

#### DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$2,136,709,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, \$250,000 shall be used for the projects specified under the heading "Congressionally Directed Defense Nuclear Nonproliferation Projects" in the joint explanatory statement accompanying the conference report on this Act.

#### NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$945,133,000, to remain available until expended.

#### OFFICE OF THE ADMINISTRATOR

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$420,754,000, to remain available until expended: Provided, That \$10,000,000 previously appropriated for cleanup efforts at Argonne National Lab shall be transferred to "Non-Defense Environmental Cleanup": Provided further, That, of the amount appropriated in this paragraph, \$13,000,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Office of the Administrator (NNSA) Projects" in the joint explanatory statement accompanying the conference report on this Act.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

##### DEFENSE ENVIRONMENTAL CLEANUP

##### (INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement

only, \$5,642,331,000, to remain available until expended, of which \$463,000,000 shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund": Provided, That, of the amount appropriated in this paragraph, \$4,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Defense Environmental Cleanup Projects" in the joint explanatory statement accompanying the conference report on this Act.

#### OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, \$847,468,000, to remain available until expended: Provided, That of the amount appropriated in this paragraph, \$3,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Other Defense Activities Projects" in the joint explanatory statement accompanying the conference report on this Act.

#### DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$98,400,000, to remain available until expended.

#### POWER MARKETING ADMINISTRATIONS

##### BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2010, no new direct loan obligations may be made.

##### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$7,638,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to \$70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided fur-

ther, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

##### OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$44,944,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$13,076,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to \$38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

##### CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$256,711,000 to remain available until expended, of which \$245,216,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to

\$147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$109,181,000, of which \$97,686,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, \$7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding 31 U.S.C. 3302, up to \$349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That of the amount herein appropriated, up to \$18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: Provided further, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

##### FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$2,348,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$220,000: Provided further, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended, and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to

the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

**FEDERAL ENERGY REGULATORY COMMISSION  
SALARIES AND EXPENSES**

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$298,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed \$298,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$0.

**GENERAL PROVISIONS—DEPARTMENT OF  
ENERGY**

SEC. 301. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 302. None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users.

When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 307. Of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: Provided, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

SEC. 308. (a) In any fiscal year in which the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than 1 percent from each appropriation made available in this and subsequent Energy and Water Development Appropriation Acts to any other appropriation available to the Secretary in the same Act for such reimbursements.

(b) Where the Secretary recovers the costs of defined benefit pension plans for contractor employees through charges for the indirect costs of research and activities at facilities of the Department of Energy, if the indirect costs attributable to defined benefit pension plan costs in a fiscal year are more than charges in fiscal year 2008, the Secretary shall carry out a transfer of funds under this section.

(c) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer, and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for the Power Marketing Administrations, the title XVII loan guarantee program, and the Federal Energy Regulatory Commission, shall not be subject to this requirement.

(d) Each January, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on the state of defined benefit pension plan liabilities in the Department for the preceding year.

(e) This transfer authority does not apply to supplemental appropriations, and is in addition to any other transfer authority provided in this or any other Act. The authority provided under this section shall expire on September 30, 2015.

(f) The Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate in writing not less than 30 days in advance of each transfer authorized by this section.

SEC. 309. (a) Subject to subsection (b), no funds appropriated or otherwise made available by this Act or any other Act may be used to record transactions relating to the increase in borrowing authority or bonds outstanding at any time under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.) referred to in section 401 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 140) under a funding account, subaccount, or fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol.

(b) Funds appropriated or otherwise made available by this Act or any other Act may be used to ensure, for purposes of meeting any applicable reporting provisions of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115), that the Bonneville Power Administration uses a fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol solely to report accrued expenditures of projects attributed by the Administrator of the Bonneville Power Administration to the increased borrowing authority.

(c) This section is effective for fiscal year 2010 and subsequent fiscal years.

SEC. 310. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

"(k) WAGE RATE REQUIREMENTS.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by a loan guaranteed under this title shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code."

SEC. 311. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of the Department of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued.

SEC. 312. (a) ULTRA EFFICIENT VEHICLES.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "an ultra efficient vehicle or" after "means"; and

(B) by adding at the end the following new paragraph:

"(5) ULTRA EFFICIENT VEHICLE.—The term 'ultra efficient vehicle' means a fully closed compartment vehicle designed to carry at least 2 adult passengers that achieves—

"(A) at least 75 miles per gallon while operating on gasoline or diesel fuel;

"(B) at least 75 miles per gallon equivalent while operating as a hybrid electric-gasoline or electric-diesel vehicle; or

“(C) at least 75 miles per gallon equivalent while operating as a fully electric vehicle.”;

(2) in subsection (b)—

(A) by inserting “, ultra efficient vehicle manufacturers,” after “automobile manufacturers”;

(B) in paragraph (1)—

(i) by striking “or” at the end of subparagraph (A);

(ii) by striking “and” at the end of subparagraph (B) and inserting “or”; and

(iii) by adding at the end the following new subparagraph:

“(C) ultra efficient vehicles; and”;

(C) in paragraph (2), by inserting “, ultra efficient vehicles,” after “qualifying vehicles”;

(3) in subsection (g), by inserting “or are utilized primarily for the manufacture of ultra efficient vehicles” after “20 years”; and

(4) in subsection (h)(1)(B), by striking “automobiles” the first place it appears and inserting “ultra efficient vehicles, automobiles.”;

(b) RECONSIDERATION OF PRIOR APPLICATIONS.—The Secretary of Energy shall reconsider applications for assistance under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) that were—

(1) timely filed under that section before January 1, 2009;

(2) rejected on the basis that the vehicles to which the proposal related were not advanced technology vehicles; and

(3) related to ultra efficient vehicles.

SEC. 313. (a) Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this title for the Strategic Petroleum Reserve may be made available to any person that as of the enactment of this Act—

(1) is selling refined petroleum products valued at \$1,000,000 or more to the Islamic Republic of Iran;

(2) is engaged in an activity valued at \$1,000,000 or more that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) is selling, leasing, or otherwise providing to the Islamic Republic of Iran any goods, services, or technology valued at \$1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

(b) The prohibition on the use of funds under subsection (a) shall not apply with respect to any contract entered into by the United States Government before the date of the enactment of this Act.

(c) If the Secretary determines a person made ineligible by this section has ceased the activities enumerated in (a)(1)–(3), that person shall no longer be ineligible under this section.

SEC. 314. Section 132 of the Energy and Water Development Appropriations Act of 2006 (119 Stat 2261) is amended—

(1) in subsection (a)(3), by striking “Corps of Engineers” and inserting “Southwestern Power Administration”;

(2) by adding at the end of subsection (a) the following new paragraph:

“(5) PAYMENT TO NON-FEDERAL LICENSEE.—Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 pursuant to paragraph (3) using receipts collected from the sale of Federal power and energy related services. Pursuant to paragraph (6), Southwestern Power Administration will begin collecting receipts in the Special Receipts and Disbursement account upon the date of enactment of this

paragraph. Payment to the licensee of Federal Energy Regulatory Commission Project No. 2221 shall be paid as soon as adequate receipts are collected in the Special Receipts and Disbursement Account to fully compensate the licensee, and in accordance with paragraph (2), such payment shall be considered non-reimbursable.”;

(3) by adding at the end of subsection (a) the following new paragraph:

“(6) The Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 in annual payments of not less than \$5,000,000, until the licensee of Federal Energy Regulatory Commission Project No. 2221 is fully compensated pursuant to paragraph (3). At the end of each fiscal year subsequent to implementation, any remaining balance to be paid to the licensee of Project No. 2221 shall accrue interest at the 30-year U.S. Treasury bond rate in effect at the time of implementation of the White River Minimum Flows project.”;

(4) by adding at the end of subsection (a) the following new paragraph:

“(7) ESTABLISHMENT OF SPECIAL RECEIPT AND DISBURSEMENT ACCOUNTS.—There is established in the Treasury of the United States a special receipt account and corresponding disbursement account to be made available to the Administrator of the Southwestern Power Administration to disburse pre-collected receipts from the sale of federal power and energy and related services. The accounts are authorized for the following uses:

“(A) Collect and disburse receipts for purchase power and wheeling expenses incurred by Southwestern Power Administration to purchase replacement power and energy as a result of implementation of the White River Minimum Flows project.

“(B) Collect and disburse receipts related to compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.

“(C) Said special receipt and disbursement account shall remain available for not more than 12 months after the date of full compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.”; and

(5) by adding at the end of subsection (a) the following new paragraph:

“(8) TIME OF IMPLEMENTATION.—For purposes of paragraphs (3) and (4), ‘time of implementation’ shall mean the authorization of the special receipt account and corresponding disbursement account described in paragraph (7).”.

#### TITLE IV

#### INDEPENDENT AGENCIES

##### APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$76,000,000, to remain available until expended.

##### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

##### SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$26,086,000, to remain available until expended.

##### DELTA REGIONAL AUTHORITY

##### SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections

382C(b)(2), 382F(d), 382M, and 382N of said Act, \$13,000,000, to remain available until expended: Provided, That no funds in this Act shall be expended for the relocation of the Delta Regional Commission headquarters.

##### DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

##### NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$1,500,000, to remain available until expended.

##### SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$250,000, to remain available until expended.

##### NUCLEAR REGULATORY COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,056,000,000, to remain available until expended: Provided, That of the amount appropriated herein, \$29,000,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$902,402,000 in fiscal year 2010 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$153,598,000: Provided further, That of the amounts appropriated, \$10,000,000 is provided to support university research and development in areas relevant to their respective organization's mission, and \$5,000,000 is to support a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$10,860,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,774,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$1,086,000.

##### NUCLEAR WASTE TECHNICAL REVIEW BOARD

##### SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.



OFFICE OF THE FEDERAL COORDINATOR FOR  
ALASKA NATURAL GAS TRANSPORTATION  
PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$4,466,000 until expended: Provided, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110-140 in fiscal year 2010 in excess of \$4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISIONS

NUCLEAR REGULATORY COMMISSION REPORTING  
REQUIREMENT

SEC. 401. The Nuclear Regulatory Commission shall, not later than 60 days after the date of enactment of this Act, provide a report to the Committees on Appropriations of the House of Representatives and the Senate identifying barriers to and its recommendations for streamlining the issuance of a Combined Construction and Operating License for qualified new nuclear reactors.

SEC. 402. Section 382B of the Delta Regional Authority Act of 2000 is amended by deleting (c)(1) and inserting in lieu thereof the following: “(1) IN GENERAL—VOTING.—A decision by the Authority shall require the affirmative vote of the Federal cochairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.”.

AUTHORITY OF NUCLEAR REGULATORY  
COMMISSION

SEC. 403. The Nuclear Regulatory Commission may use funds made available for the necessary expenses of the Nuclear Regulatory Commission for the acquisition and lease of additional office space provided by the General Services Administration in accordance with the fourth and fifth provisos in the matter under the heading “Salaries and expenses” under the heading “Nuclear Regulatory Commission” under the heading “Independent agencies” of title IV of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 629).

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

LIGHT BULB RESTRICTION

SEC. 502. To the extent practicable funds made available in this Act should be used to purchase light bulbs that are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

SEC. 503. Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by adding at the end of the title, the following new section 411:

“SEC. 411. Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: Provided, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: Provided further, That funds set aside under this section shall remain available for obligation until September 30, 2012.”.

AGENCY ADMINISTRATIVE EXPENSES

SEC. 504. (a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term “administrative expenses” has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term “agency” —

(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch and receives funding under this Act; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administrative expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 506. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111-203) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 507. (a) The Continuing Appropriations Resolution, 2010 is amended—

(1) in subsections (a) and (b) of section 158, by striking “section 158” each place it appears and inserting “section 157”; and

(2) in section 162, by striking “sections 158 through 162” and inserting “sections 157 through 161”.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Continuing Appropriations Resolution, 2010.

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2010”.

And the Senate agree to the same.

DAVID R. OBEY,  
PETER J. VISLOSKEY,  
CHET EDWARDS,  
ED PASTOR,  
MARION BERRY,  
CHAKA FATTAH,  
STEVE ISRAEL,  
TIM RYAN,  
JOHN W. OLVER,  
LINCOLN DAVIS,  
JOHN T. SALAZAR,  
RODNEY P.

FRELINGHUYSEN,  
ZACH WAMP,  
MICHAEL K. SIMPSON,  
RODNEY ALEXANDER,

Managers on the Part of the House.

BYRON L. DORGAN,  
ROBERT C. BYRD,

PATTY MURRAY,  
DIANNE FEINSTEIN,  
JACK REED,  
FRANK R. LAUTENBERG,  
TOM HARKIN,  
JON TESTER,  
DANIEL K. INOUE,  
ROBERT F. BENNETT,  
THAD COCHRAN,  
MITCH MCCONNELL,  
RICHARD C. SHELBY,  
LAMAR ALEXANDER,  
GEORGE V. VOINOVICH,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF  
THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3183) making appropriations for energy and water development for the fiscal year ending September 30, 2010, and for other purposes, submit the following joint statement to the House and Senate in explanation of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 111-203 and Senate Report 111-45 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. Report language included by the House which is not contradicted by the report of the Senate or the conference, and Senate report language which is not contradicted by the report of the House or the conference is approved by the committee of conference. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House report and Senate report are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate amendment. The conference agreement includes a revised bill.

Funds for the individual programs and activities within the accounts in this Act are displayed in the detailed table at the end of the explanatory statement for this Act. Funding levels that are not displayed in the detailed table are identified in this explanatory statement.

TITLE I

CORPS OF ENGINEERS—CIVIL  
DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The summary tables included in this title set forth the dispositions with respect to the individual appropriations, projects, and activities of the Corps of Engineers. Additional items of the Act are discussed below.

INVESTIGATIONS

The conference agreement provides \$160,000,000 for Investigations, instead of \$142,000,000 as proposed by the House and \$170,000,000 as proposed by the Senate.

The allocation for projects and activities within the Investigations account is shown in the following table:



CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE		
	SURVEYS	PED	RECON	FEAS	PED
ALASKA					
HOMER HARBOR NAVIGATION IMPROVEMENTS, AK	---	---	---	134	---
KOTZEBUE SMALL BOAT HARBOR, AK	---	---	---	90	---
MATANUSKA RIVER WATERSHED, AK	100	---	---	90	---
VALDEZ NAVIGATION IMPROVEMENTS, AK	---	---	---	---	157
WHITTIER HARBOR, WHITTIER, AK	---	---	---	---	134
YAKUTAT HARBOR, AK	450	---	---	90	---
ARIZONA					
LITTLE COLORADO RIVER, WINSLOW, AZ	---	---	---	224	---
PIMA COUNTY (TRES RIOS DEL NORTE), AZ	275	---	---	233	---
RIO SALADO OESTE, SALT RIVER, AZ	---	---	---	---	1,500
VA SHLY'AY AKIMEL SALT RIVER RESTORATION, AZ	---	658	---	---	363
ARKANSAS					
LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT, AR, IL, KY, LA, MS, MO, & TN	---	---	---	112	---
MAY BRANCH, FORT SMITH, AR	---	---	---	---	179
PINE MOUNTAIN DAM, AR	---	---	---	---	381
SOUTHWEST ARKANSAS, AR	---	---	---	170	---
WHITE RIVER BASIN COMPREHENSIVE, AR & MO	---	---	---	103	---
WHITE RIVER NAVIGATION TO NEWPORT, AR	---	---	---	359	---
CALIFORNIA					
ARROYO SECO WATERSHED, CA	---	---	---	224	---
BALLONA CREEK RESTORATION, CA	---	---	---	224	---
BOLINAS LAGOON ECOSYSTEM RESTORATION, CA	---	---	---	90	---
CALIFORNIA COASTAL SEDIMENT MASTER PLAN, CA	900	---	---	762	---
CARPINTERIA SHORELINE STUDY, CA	---	---	---	---	202
CENTRAL VALLEY INTEGRATED FLOOD MANAGEMENT STUDY, CA	---	---	---	314	---
COYOTE AND BERRYESSA CREEKS, CA	---	950	---	540	---
COYOTE DAM, CA	---	---	---	90	---
DESERT HOT SPRINGS, CA	---	---	---	---	100
ESTUDILLO CANAL, CA	---	---	---	112	---
GRAYSON AND MURDERER'S CREEKS, CA	---	---	---	90	---
HAMILTON CITY, CA	---	400	---	---	341
HUMBOLDT BAY LONG TERM SHOAL MANAGEMENT, CA	---	---	---	90	---
LONG BEACH BREAKWATER STUDY, CA	---	---	90	---	---
LOS ANGELES COUNTY DRAINAGE AREA (LACDA) WATER CONSERVATION AND SUPPLY, WHITTIER NARROWS DAM, CA	---	---	---	134	---
LOS ANGELES RIVER ECOSYSTEM RESTORATION, CA	---	---	---	717	---
LOS ANGELES RIVER WATERCOURSE IMPROVEMENT, HEADWORKS, CA	---	---	---	332	---
LOWER CACHE CREEK, YOLO COUNTY, WOODLAND AND VICINITY, CA	---	---	---	117	---
LOWER MISSION CREEK, CA	---	---	---	---	99
MALIBU CREEK WATERSHED, CA	---	---	---	90	---
MIDDLE CREEK, CA	---	---	---	99	---
PAJARO RIVER, CA	---	---	---	---	583
REDWOOD CITY HARBOR, CA	---	---	---	90	---
RIVERSIDE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	---	---	---	198	---
SAC-SAN JOAQUIN DELTA, DELTA ISLANDS AND LEVEES, CA	468	---	---	394	---
SACRAMENTO RIVER FLOOD CONTROL (GRR), CA (SYSTEM EVALUATION)	---	---	---	314	---
SAN CLEMENTE SHORELINE, CA	---	---	---	---	90
SAN DIEGO COUNTY SHORELINE, CA	---	---	---	---	134
SAN DIEGO COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	---	---	---	152	---
SAN FRANCISCO CREEK, CA	---	---	---	179	---
SAN JOAQUIN RIVER BASIN, FRAZIER CREEK, CA	---	---	---	90	---
SAN JOAQUIN RIVER BASIN, LOWER SAN JOAQUIN RIVER, CA	---	---	---	897	---
SAN JOAQUIN RIVER BASIN, WEST STANISLAUS COUNTY, ORESTIMBA CREEK, CA	---	---	---	310	31
SAN JOAQUIN RIVER BASIN, WHITE RIVER AND DRY CREEK, CA	---	---	---	90	---
SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA	---	---	---	269	---
SANTA ANA RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, CA	---	---	---	550	---
SANTA ANA RIVER AND TRIBUTARIES, BIG BEAR LAKE, CA	---	---	---	577	---
SANTA ANA RIVER, PRADO BASIN ECOSYSTEM RESTORATION, ORANGE COUNTY, CA	---	---	39	---	---
SANTA CLARA RIVER WATERSHED, CA	---	---	---	381	---
SEVEN OAKS DAM WATER CONSERVATION STUDY, CA	---	---	---	672	---
SOLANA-ENCINITAS SHORELINE, CA	278	---	---	305	---
SOUTH SAN FRANCISCO SHORELINE, CA	---	---	---	2,800	---

CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE		
	SURVEYS	PED	RECON	FEAS	PED
ST. HELENA-NAPA RIVER, CA	---	---	---	90	---
SUN VALLEY WATERSHED, CA	---	---	---	314	---
SUTTER COUNTY, CA	339	---	---	628	---
UPPER PENITENCIA CREEK, CA	386	---	---	323	---
WEST SACRAMENTO, CA	---	---	---	448	---
WESTMINSTER, EAST GARDEN GROVE, CA	---	---	---	426	---
COLORADO					
BOULDER CREEK, CO (SOUTH BOULDER CREEK FLOODPLAIN PROJECT)	---	---	74	---	---
CACHE LA POUDE RIVER BASIN, GREELEY, CO	---	---	---	45	---
CONNECTICUT					
CONNECTICUT RIVER ECOSYSTEM RESTORATION, CT, MA, NH & VT	---	---	---	359	---
DELAWARE					
RED CLAY CREEK, CHRISTINA RIVER WATERSHED, DE	---	---	---	237	---
FLORIDA					
FLAGLER COUNTY, FL	---	---	---	209	---
INDIAN RIVER LAGOON NORTH, FL	150	---	---	126	---
LAKE WORTH INLET, FL	---	---	---	90	---
MIAMI HARBOR CHANNEL, FL	---	---	---	---	475
MILE POINT, FL	---	---	---	90	---
PORT EVERGLADES HARBOR, FL	510	---	---	341	---
SARASOTA, LIDO KEY BEACH, FL	---	---	---	---	305
ST. LUCIE COUNTY, FL	---	---	---	448	---
WALTON COUNTY, FL	---	---	---	---	90
GEORGIA					
AUGUSTA, GA	---	278	---	157	---
OCMULGEE RIVER BASIN WATERSHED MANAGEMENT, GA	100	---	---	---	---
SAVANNAH HARBOR EXPANSION, GA	---	1,000	---	---	---
SAVANNAH RIVER BASIN COMPREHENSIVE STUDY, GA & SC	---	---	---	493	---
TYBEE ISLAND, GA	206	---	---	179	---
GUAM					
HAGÄTÑA RIVER FLOOD DAMAGE REDUCTION, GUAM	200	---	---	---	---
HAWAII					
ALA WAI CANAL, OAHU, HI	175	---	---	408	---
BARBERS POINT HARBOR MODIFICATIONS, OAHU, HI	---	---	---	13	---
MAALAEA HARBOR, MAUI, HI	---	---	---	---	181
WAIKAEA-PALAI STREAMS FLOOD DAMAGE REDUCTION, HAWAII, HI	---	---	---	---	45
WAILUPE STREAM, OAHU, HI	---	---	---	---	157
WEST MAUI WATERSHED, MAUI, HI	---	---	---	90	---
ILLINOIS					
DES PLAINES RIVER, IL (PHASE II)	500	---	---	421	---
ILLINOIS RIVER BASIN RESTORATION, IL	400	---	---	336	---
INTERBASIN CONTROL OF GREAT LAKES-MISSISSIPPI RIVER AQUATIC NUISANCE SPECIES, IL, IN, OH, WI	300	---	---	269	---
PEORIA RIVERFRONT DEVELOPMENT, IL	---	---	---	---	45
PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT AND FISH LAKE DRAINAGE AND LEVEE DISTRICT, IL	---	---	---	209	419
SOUTH FORK, SOUTH BRANCH, CHICAGO RIVER (BUBBLY CREEK), IL	---	---	---	90	---
UPPER MISS RIVER COMPREHENSIVE PLAN IL, IA, MO, MN & WI	---	---	---	269	---
UPPER MISSISSIPPI RIVER - ILLINOIS WW SYSTEM, IL, IA, MN, MO & WI	---	---	---	---	6,276
INDIANA					
INDIANA HARBOR, IN	---	300	---	---	500

CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE		
	SURVEYS	PED	RECON	FEAS	PED
IOWA					
HUMBOLDT, IA	---	---	---	121	---
KANSAS					
BRUSH CREEK BASIN, KS & MO	---	---	---	217	---
MANHATTAN, KS	---	---	---	134	---
TOPEKA, KS	---	100	---	---	143
UPPER TURKEY CREEK, KS	---	---	---	---	90
KENTUCKY					
GREEN RIVER WATERSHED, KY	200	---	---	---	---
GREENUP LOCKS AND DAM, KY & OH	---	---	---	---	448
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	---	---	---	103	---
NORTHERN KENTUCKY RIVERFRONT COMMONS, KY	---	---	---	112	---
OHIO RIVER SHORELINE, PADUCAH, KY	---	---	---	39	---
LOUISIANA					
BAYOU SORREL LOCK, LA	---	1,239	---	---	986
BOSSIER PARISH, LA	---	---	---	278	---
CALCASIEU LOCK, LA	1,000	---	---	852	---
CALCASIEU RIVER AND PASS NAVIGATION, LA	---	---	---	269	---
CALCASIEU RIVER BASIN, LA	---	---	---	90	---
CROSS LAKE, LA	---	---	---	90	---
LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA	25,000	---	---	17,930	---
LOUISIANA COASTAL PROTECTION AND RESTORATION, LA	3,000	---	---	2,510	---
PORT OF IBERIA, LA	---	---	---	---	538
SOUTHWEST COASTAL LOUISIANA HURRICANE PROTECTION, LA	---	---	---	628	---
ST. CHARLES PARISH URBAN FLOOD CONTROL, LA	---	---	---	157	---
WEST SHORE - LAKE PONTCHARTRAIN, LA	---	---	---	170	---
MARYLAND					
ANACOSTIA RIVER AND TRIBUTARIES, MD & DC (COMPREHENSIVE PLAN)	---	---	---	288	---
CHESAPEAKE BAY SHORELINE EROSION, MARYLAND COASTAL MANAGEMENT, MD	---	---	---	90	---
CHESAPEAKE BAY SUSQUEHANNA RESERVOIR SEDIMENT MANAGEMENT, PA, MD & VA	---	---	90	---	---
EASTERN SHORE, MID-CHESAPEAKE BAY ISLAND, MD	---	250	---	---	314
MIDDLE POTOMAC COMPREHENSIVE PLAN, MD, VA, PA, WV & DC	---	---	---	585	---
MIDDLE POTOMAC RIVER, GREAT SENECA/MUDDY BRANCH, MD	---	---	---	269	---
SUSQUEHANNA RIVER BASIN ENVIRONMENTAL RESTORATION AND LOW FLOW MANAGEMENT, NY, PA & MD	---	---	---	90	---
MASSACHUSETTS					
BOSTON HARBOR (45-FOOT CHANNEL), MA	---	500	---	---	426
PILGRIM LAKE, TRURO & PROVINCETOWN, MA	100	---	---	90	---
MICHIGAN					
GREAT LAKES NAVIGATION SYSTEM STUDY, MI, IL, IN, MN, NY, OH, PA & WI	400	---	341	---	---
GREAT LAKES REMEDIAL ACTION PLANS & SEDIMENT REMEDIATION, MI, IL, IN, MN, NY, OH, PA & WI	---	---	---	3,407	---
LANSING GRAND RIVER WATERFRONT RESTORATION, MI	---	---	---	90	---
MINNESOTA					
MINNEHAHA CREEK WATERSHED, MN	---	---	---	305	---
MINNESOTA RIVER WATERSHED STUDY, MN & SD	350	---	---	296	---
WILD RICE RIVER, MN (RED RIVER OF THE NORTH BASIN)	271	---	---	243	---
MISSISSIPPI					
PEARL RIVER WATERSHED, MS	---	---	---	100	---
MISSOURI					

CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE		
	SURVEYS	PED	RECON	FEAS	PED
KANSAS CITYS, MO & KS	224	---	---	350	36
MISSOURI RIVER DEGRADATION, MO & KS	600	---	---	556	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L-455 & R 460-471, MO & KS	---	---	---	---	291
RIVER DES PERES, MO	---	---	---	---	40
ST. LOUIS, MO (WATERSHED)	400	---	---	---	---
MONTANA					
YELLOWSTONE RIVER CORRIDOR, MT	200	---	---	179	---
NEVADA					
TRUCKEE MEADOWS, NV	---	---	---	---	6,724
NEW HAMPSHIRE					
MERRIMACK RIVER WATERSHED STUDY, NH & MA	200	---	---	170	---
NEW JERSEY					
DELAWARE RIVER BASIN COMPREHENSIVE, NJ	290	---	---	296	---
HUDSON-RARITAN ESTUARY, HACKENSACK MEADOWLANDS, NJ	200	---	---	224	---
HUDSON-RARITAN ESTUARY, LOWER PASSAIC RIVER, NJ	200	---	---	170	---
LOWER SADDLE RIVER, NJ	---	---	---	---	327
NEW JERSEY SHORE PROTECTION, HEREFORD INLET TO CAPE MAY INLET, NJ	---	---	---	90	---
NEW JERSEY SHORELINE ALTERNATIVE LONG-TERM NOURISHMENT, NJ	---	---	---	90	---
PASSAIC RIVER MAIN STEM, NJ & NY	---	---	---	90	---
PASSAIC RIVER, HARRISON, NJ	---	---	---	---	90
PECKMAN RIVER AND TRIBUTARIES, NJ	---	---	---	314	---
RAHWAY RIVER BASIN, NJ	---	---	---	238	---
RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NJ	---	---	---	238	---
RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ	---	---	---	---	22
RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NJ	---	---	---	---	90
SHREWSBURY RIVER BASIN AND TRIBUTARIES, NJ	511	---	---	458	---
SOUTH RIVER, RARITAN RIVER BASIN, NJ	---	---	---	---	314
STONY BROOK, MILLSTONE RIVER BASIN, NJ	---	---	---	152	---
WRECK POND, MONMOUTH COUNTY, NJ	---	---	90	---	---
NEW MEXICO					
ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM	---	---	---	224	---
RIO GRANDE BASIN, NM, CO AND TX (SECTION 729)	---	---	---	103	---
SANTA FE, NM	---	---	---	134	---
NEW YORK					
BRONX RIVER BASIN, NY	---	---	---	269	---
BUFFALO RIVER ENVIRONMENTAL DREDGING, NY	100	---	---	197	---
FORGE RIVER WATERSHED, NY	---	---	---	117	---
GREENWOOD LAKE, NY & NJ	---	---	---	90	---
HASHAMOMUCK COVE, SOUTHDOLD, NY	---	---	---	90	---
HUDSON-RARITAN ESTUARY, GOWANUS CANAL, NY	---	---	---	134	---
HUDSON-RARITAN ESTUARY, NY & NJ	200	---	---	157	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY	200	---	---	---	170
LAKE MONTAUK HARBOR, NY	---	---	---	269	---
MONTAUK POINT, NY	---	---	---	193	---
NIAGARA RIVER WATERSHED, NY	---	---	---	90	---
NORTH SHORE OF LONG ISLAND, ASHAROKEN, NY	---	---	---	121	---
ONONDAGA LAKE, NY	---	---	---	197	---
UPPER DELAWARE RIVER WATERSHED, FLOODPLAIN RECONNECTION, NY	---	---	---	90	---
UPPER DELAWARE RIVER WATERSHED, LIVINGSTON MANOR, NY	---	---	---	90	---
UPPER SUSQUEHANNA RIVER BASIN COMPREHENSIVE FLOOD DAMAGE REDUCTION, NY	---	---	90	---	---
NORTH CAROLINA					
BOGUE BANKS, NC	---	---	---	24	---
CURRITUCK SOUND, NC	150	---	---	126	---
NEUSE RIVER BASIN, NC	---	200	---	---	170
NORTH CAROLINA INTERNATIONAL TERMINAL, NC	---	---	93	---	---

CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE		
	SURVEYS	PED	RECON	FEAS	PED
SURF CITY AND NORTH TOPSAIL BEACH, NC	---	---	---	17	73
NORTH DAKOTA					
MISSOURI RIVER, ND, MT, SD, NE, IA, KS & MO	---	---	---	4,483	---
RED RIVER OF THE NORTH BASIN, ND, MN, SD & MANITOBA, CANADA	150	---	---	3,000	---
OHIO					
HOCKING RIVER BASIN, MONDAY CREEK, OH	---	---	---	---	56
WESTERN LAKE ERIE BASIN, OH, IN, & MI	---	---	---	134	---
OKLAHOMA					
ARKANSAS RIVER CORRIDOR, OK	---	---	---	90	---
GRAND (NEOSHO) RIVER BASIN WATERSHED, OK, KS, MO & AR	---	---	---	90	---
GRAND LAKE COMPREHENSIVE STUDY, OK	---	---	---	90	---
OOLOGAH LAKE WATERSHED, OK & KS	---	---	---	90	---
SOUTHEAST OKLAHOMA WATER RESOURCE STUDY, OK	---	---	---	233	---
WASHITA RIVER BASIN, OK	---	---	---	171	---
OREGON					
AMAZON CREEK, OR	---	---	---	134	---
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	300	---	---	251	---
WALLA WALLA WATERSHED, OR & WA	203	---	---	14	156
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	---	---	---	381	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	---	240	---	137	---
PENNSYLVANIA					
BLOOMSBURG, PA	---	---	---	---	90
DELAWARE RIVER BASIN, PINE KNOT, PA	---	---	---	90	---
DELAWARE RIVER DREDGED MATERIAL UTILIZATION, PA, DE & NJ	---	---	90	---	---
DELAWARE RIVER WATERFRONT, PA	---	---	---	90	---
SCHUYLKILL RIVER BASIN, WISSAHICKON WATERSHED, PA	---	---	---	90	---
UPPER OHIO NAVIGATION SYSTEM STUDY, PA	---	---	---	1,255	---
SOUTH CAROLINA					
CHARLESTON HARBOR, SC	---	---	90	---	---
EDISTO ISLAND, SC	167	---	---	67	---
REEDY RIVER, SC	---	---	---	90	---
SOUTH DAKOTA					
JAMES RIVER, SD	---	---	---	150	---
WATERTOWN AND VICINITY, SD	---	---	---	---	359
TENNESSEE					
MILL CREEK WATERSHED, DAVIDSON COUNTY, TN	50	---	---	45	---
TEXAS					
ABILENE, TX (BRAZOS RIVER BASIN-ELM CREEK)	---	---	---	175	---
BRAZOS ISLAND HARBOR, BROWNSVILLE CHANNEL, TX	526	---	---	538	---
BUFFALO BAYOU AND TRIBUTARIES, MAIN STEM, TX	---	---	---	---	90
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	---	---	---	90	---
CYPRESS VALLEY WATERSHED, TX	---	---	90	---	---
DALLAS FLOODWAY, DALLAS, TX	---	---	---	1,345	---
FREEPORT HARBOR, TX	675	---	---	574	---
GIWW, HIGH ISLAND TO BRAZOS RIVER REALIGNMENTS, TX	200	---	---	170	---
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	423	---	---	359	---
LOWER COLORADO RIVER BASIN, TX	425	---	---	484	---
MIDDLE BRAZOS RIVER, TX	---	---	---	224	---
NUECES RIVER AND TRIBUTARIES, TX	250	---	---	368	---
RIO GRANDE BASIN, TX	304	---	---	260	---
SABINE PASS TO GALVESTON BAY, TX	200	---	---	170	---

CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE		
	SURVEYS	PED	RECON	FEAS	PED
SABINE-NECHES WATERWAY, TX	---	---	---	90	---
SPARKS ARROYO COLONIA, EL PASO COUNTY, TX	---	---	---	90	---
UPPER TRINITY RIVER BASIN, TX	---	---	---	269	---
VERMONT					
WINOOSKI RIVER, MONTPELIER, VT	---	---	---	179	---
VIRGINIA					
CHOWAN RIVER BASIN, VA & NC	---	---	130	---	---
CLINCH RIVER WATERSHED, VA	---	---	---	90	---
DISMAL SWAMP & DISMAL SWAMP CANAL, VA	---	---	---	70	---
FOUR MILE RUN, VA	---	---	---	112	---
GATHRIGHT DAM AND LAKE MOOMAW, VA	---	---	---	233	---
JOHN H. KERR DAM & RESERVOIR, VA & NC (SEC 216)	300	---	---	251	---
LYNNHAVEN RIVER BASIN, VIRGINIA BEACH, VA	112	---	---	95	---
MIDDLE POTOMAC RIVER - CAMERON RUN/HOLMES RUN, VA	---	---	---	291	---
NEW RIVER, CLAYTOR LAKE, VA	---	---	---	81	---
UPPER RAPPAHANNOCK RIVER BASIN, VA	---	---	---	90	---
VICINITY AND WILLOUGHBY SPIT, NORFOLK, VA	---	---	---	---	218
WASHINGTON					
CENTRALIA, CHEHALIS RIVER, LEWIS COUNTY, WA	---	---	---	---	672
CHEHALIS RIVER BASIN, WA	---	---	---	672	---
ELLIOTT BAY SEAWALL, WA	---	---	---	462	---
GRAYS HARBOR, WA	---	---	---	269	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	400	---	---	341	---
PUYALLUP RIVER, WA	250	---	---	368	---
SKAGIT RIVER, WA	---	---	---	359	---
SKOKOMISH RIVER BASIN, WA	---	---	---	430	---
STILLAGUAMISH RIVER BASIN, WA	---	---	---	---	90
WEST VIRGINIA					
CHERRY RIVER BASIN, WV	---	---	---	538	---
HARRIS RIVERFRONT, HUNTINGTON, WV	---	---	90	---	---
OHIO RIVER BASIN COMPREHENSIVE STUDY, WV, KY, OH, PA, IL, IN, VA, AL, TN, NY, MD, NC, MS & GA	---	---	---	1,793	---
UPPER GUYANDOTTE RIVER, WV	---	---	---	269	---
WELLS LOCK AND DAM, LITTLE KANAWHA RIVER, WV	---	---	---	36	---
WISCONSIN					
ST. CROIX RIVER BASIN, MN & WI	---	---	---	154	---
ST. CROIX RIVER RELOCATION OF ENDANGERED MUSSELS, MN & WI	---	---	---	350	---
SUBTOTAL - PROJECTS LISTED UNDER STATES	44,468	6,115	1,397	80,820	25,810
NATIONAL PROGRAMS					
COLLECTION AND STUDY OF BASIC DATA					
AUTOMATED INFORMATION SYSTEM SUPPORT TRI-CADD	350	---	---	296	---
COASTAL FIELD DATA COLLECTION	1,400	---	---	4,483	---
COASTAL DATA INFORMATION PROGRAM & SOUTHERN CA BEACH PROCESSES STUDY, CA	(15)	---	---	(897)	---
PACIFIC ISLAND LAND OCEAN TYPHOON EXPERIMENT	(15)	---	---	(897)	---
SURGE AND WAVE ISLAND MODELING STUDIES, HI	(10)	---	---	(1,121)	---
ENVIRONMENTAL DATA STUDIES	75	---	---	64	---
FLOOD DAMAGE DATA PROGRAM	220	---	---	188	---
FLOOD PLAIN MANAGEMENT SERVICES	8,000	---	---	8,059	---
WHITE CLAY CREEK, NEW CASTLE, DE	---	---	---	(200)	---
HAWAII TECHNICAL SERVICES, HI	---	---	---	(40)	---
HURRICANE EVACUATION STUDIES, HI	---	---	---	(1,000)	---
IOWA RESERVOIRS DAM SAFETY STUDY, IA	---	---	---	(37)	---
LITTLE SIOUX WATERSHED, IA	---	---	---	(50)	---
MON-MAQ DAM REMOVAL STUDY & LOCAL FLOODPLAIN MASTER PLANNING, MONTICELLO, IA	---	---	---	(250)	---
WICHITA AREA DRAINAGE MASTER PLAN, KS	---	---	---	(550)	---
CHITIMACHA TRIBE OF LOUISIANA, LA [GIS]	---	---	---	(250)	---
CITY OF ALEXANDRIA, LA [GIS]	---	---	---	(200)	---

CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE		
	SURVEYS	PED	RECON	FEAS	PED
EAST BATON ROUGE PARISH, LA [GIS]	---	---	---	(600)	---
LIVINGSTON PARISH, LA [GIS]	---	---	---	(175)	---
FLOODPLAIN MAPS FOR MANALAPAN AND MATCHAPON, NJ	---	---	---	(500)	---
BUCKS COUNTY, PA	---	---	---	(250)	---
HYDROLOGIC STUDIES	250	---	---	211	---
INTERNATIONAL WATER STUDIES	200	---	---	170	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	225	---	---	188	---
REMOTE SENSING/GEOGRAPHICAL INFORMATION SYSTEM SUPPORT	150	---	---	126	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	50	---	---	43	---
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	600	---	---	511	---
TRANSPORTATION SYSTEM	350	---	---	296	---
COORDINATION WITH OTHER AGENCIES					
ACCESS TO WATER DATA	750	---	---	417	---
COMMITTEE ON MARINE TRANSPORTATION SYSTEMS	100	---	---	85	---
OTHER COORDINATION PROGRAMS					
CALFED	100	---	---	90	---
CHESAPEAKE BAY PROGRAM	75	---	---	67	---
COORDINATION WITH OTHER AGENCIES	200	---	---	90	---
GULF OF MEXICO	100	---	---	72	---
INTERAGENCY AND INTERNATIONAL SUPPORT	700	---	---	448	---
INTERAGENCY WATER RESOURCE DEVELOPMENT	955	---	---	448	---
INVENTORY OF DAMS	400	---	---	359	---
LAKE TAHOE	100	---	---	448	---
NATIONAL ESTUARY PROGRAM	50	---	---	22	---
NORTH AMERICAN WATERFOWL MANAGEMENT	50	---	---	22	---
PACIFIC NW FOREST CASE	50	---	---	22	---
SPECIAL INVESTIGATIONS	1,550	---	---	1,408	---
PLANNING ASSISTANCE TO STATES	7,000	---	---	7,161	---
HAWAII DOT GIS, HI	---	---	---	(100)	---
HAWAII WATER RESOURCES MANAGEMENT, HI	---	---	---	(270)	---
SOUTH MAUI WATERSHED, HI	---	---	---	(300)	---
STATE OF HAWAII GENERAL FLOOD CONTROL PLAN UPDATE, STATE OF HAWAII AND PACIFIC TERRITORIES, HI	---	---	---	(1,000)	---
STATE OF HAWAII RAINFALL ANALYSIS, HI	---	---	---	(100)	---
WAIMANALO WASTEWATER EFFLUENT REUSE PLAN, STATE OF HAWAII AND PACIFIC TERRITORIES, HI	---	---	---	(67)	---
LAKE COUNTY WETLAND PRESERVATION, PROTECTION AND RESTORATION PLAN, IL	---	---	---	(200)	---
WILLOW CREEK/BOYER RIVER BASIN, MISSOURI VALLEY, IA	(45)	---	---	(81)	---
CHOCTAW COUNTY RESERVOIR, MS	---	---	---	(100)	---
DELAWARE ESTUARY SALINITY MONITORING STUDY, NJ, DE & PA	---	---	---	(200)	---
OKLAHOMA COMPREHENSIVE WATER PLAN, OK	---	---	---	(500)	---
STORM WATER MANAGEMENT PLAN FOR COASTAL COMMUNITIES, VA	---	---	---	(220)	---
CEDAR LAKE WATER QUALITY STUDY, WI	---	---	---	(65)	---
OTHER					
FLOOD RISK MANAGEMENT (FEMA/MAP MOD COORDINATION)	2,000	---	---	1,703	---
INDEPENDENT PEER REVIEW	1,000	---	---	852	---
NATIONAL SHORELINE STUDY	375	---	---	471	---
PLANNING SUPPORT PROGRAM	2,100	---	---	1,793	---
TRIBAL PARTNERSHIP PROGRAM	1,000	---	---	852	---
NEW MEXICO	---	---	---	(179)	---
WATER RESOURCE PRIORITIES STUDY	2,000	---	---	---	---
RESEARCH AND DEVELOPMENT	---	---	---	20,508	---
BASIC RESEARCH	1,689	---	---	(1,514)	---
ECOSYSTEM MANAGEMENT AND RESTORATION	2,597	---	---	(2,328)	---
FLOOD AND COASTAL SYSTEMS	2,714	---	---	(2,433)	---
NAVIGATION SYSTEMS RESEARCH	3,439	---	---	(3,083)	---
SUBMERGED AQUATIC VEGETATION, MD & VA	---	---	---	(897)	---
SYSTEM-WIDE WATER RESOURCES	6,083	---	---	(5,454)	---
URBAN FLOOD DEMONSTRATION PROGRAM, DRI, NV	---	---	---	(1,793)	---
WATER RESOURCE INFRASTRUCTURE (FLD & CSTL SYS)	370	---	---	(332)	---
SUBTOTAL - NATIONAL PROGRAMS	49,417	0	0	51,973	0
TOTAL	93,885	6,115	1,397	132,793	25,810



*Red River of the North Basin, Minnesota, North Dakota, and South Dakota.*—The conference agreement includes \$3,000,000 to continue various flood damage reduction studies in North Dakota and Minnesota. Studies are ongoing under this authority in the Fargo, North Dakota-Moorhead, Minnesota Metro area, Pembina, North Dakota, and the area upstream of Fargo, North Dakota. Additional studies of the Sheyenne River are to be undertaken to evaluate solutions to the 2009 spring flood.

*Coastal Field Data Collection.*—The conference agreement includes \$4,483,000 for this nationwide program. The Wave Data Study should also be continued within this overall funding amount. The conferees have included a portion of the climate change funding requested in the Operation and Maintenance account in this line item to ensure that this data collection effort continues.

*Flood Plain Management Services Program.*—The conference agreement includes \$8,059,000 for this nationwide program. The conferees

have provided a listing in the table of projects that should be given priority if cost-sharing funds are available from the local sponsors. However, the Corps should view these amounts as guides and reprogram funds within this line item as appropriate to move these studies forward as rapidly as possible.

*Planning Assistance to States.*—The conference agreement includes \$7,161,000 for this nationwide cost-shared program. The conferees have provided a listing in the table of projects that should be given priority if cost-sharing funds are available from the local sponsors. However, the Corps should view these amounts as guides and reprogram funds within this line item as appropriate to move these studies forward as rapidly as possible.

*Research and Development.*—The conference agreement includes \$20,508,000 for the Corps' nationwide research and development programs. Some of the additional funds provided should be utilized for climate change re-

search to be conducted in concert with the Coastal Data Information Program.

#### CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$2,031,000,000 for Construction, instead of \$2,143,679,000 as proposed by the House and \$1,924,000,000 as proposed by the Senate.

The conferees direct the Administration to report, not later than March 31, 2010, on an updated detailed accounting of receipts into and obligations and expenditures from the Inland Waterways Trust Fund. The report shall include a list of priority projects eligible for additional funding, including the cost-benefit ratio, life-safety information, total lifecycle cost remaining, and incremental information for each project.

The allocation for projects and activities within the Construction account is shown in the following table:

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ALABAMA		
PINHOOK CREEK, HUNTSVILLE, AL	---	100
TUSCALOOSA, AL	---	7,500
ALASKA		
ALASKA COASTAL EROSION, AK	---	921
ST. PAUL HARBOR, ST. PAUL, AK	3,000	2,834
UNALASKA HARBOR, AK	---	1,453
ARIZONA		
NOGALES WASH, AZ	---	1,502
RIO DE FLAG, FLAGSTAFF, AZ	---	3,003
TRES RIOS, AZ	---	15,000
TUCSON DRAINAGE AREA, AZ	---	5,000
ARKANSAS		
RED RIVER BELOW DENISON DAM, AR, LA & TX	---	2,035
RED RIVER EMERGENCY BANK PROTECTION, AR, LA, OK, & TX	---	1,986
CALIFORNIA		
AMERICAN RIVER WATERSHED (COMMON FEATURES), CA	6,700	6,330
AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), CA	66,700	63,016
AMERICAN RIVER WATERSHED (FOLSOM DAM RAISE & BRIDGE), CA	600	567
CALFED LEVEE STABILITY PROGRAM, CA	---	4,844
CITY OF INGLEWOOD, CA	---	100
CITY OF SANTA CLARITA, CA	---	533
CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CA	---	100
CORTE MADERA CREEK, CA	---	472
FARMINGTON RECHARGE DEMONSTRATION PROGRAM, CA	---	484
GUADALUPE RIVER, CA	---	140
HAMILTON AIRFIELD WETLANDS RESTORATION, CA	14,250	14,250
HARBOR/SOUTH BAY WATER RECYCLING PROJECT, LOS ANGELES, CA	---	484
KAWEAH RIVER, CA	640	605
LLAGAS CREEK, CA	---	242
LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA	885	836
LOS ANGELES RIVER DEMONSTRATION PROJECTS, CA	---	100
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	---	1,211
MURRIETA CREEK, CA	---	1,890
NAPA RIVER, CA	5,000	1,000
NAPA RIVER, SALT MARSH RESTORATION, CA	6,750	100
OAKLAND HARBOR (50 FOOT PROJECT), CA	1,000	1,000
PETALUMA RIVER, CA	---	727
PLACER COUNTY, CA	---	921
SACRAMENTO DEEPWATER SHIP CHANNEL, CA	10,000	2,000

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	15,000	14,171
SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA	---	230
SAN FRANCISCO, CA	---	4,700
SAN LORENZO RIVER, CA	---	242
SAN LUIS REY RIVER, CA	---	1,453
SAN RAMON VALLEY RECYCLED WATER, CA	---	170
SANTA ANA RIVER MAINSTEM, CA	52,193	49,310
SOUTH SACRAMENTO COUNTY STREAMS, CA	2,500	2,500
STOCKTON METROPOLITAN FLOOD CONTROL REIMBURSEMENT, CA	---	484
SUCCESS DAM AND RESERVOIR, CA (DAM SAFETY)	10,000	2,500
TAHOE BASIN RESTORATION, CA & NV	---	3,000
UPPER GUADALUPE RIVER, CA	---	921
WEST SACRAMENTO, CA	2,955	---
YUBA RIVER BASIN, CA	---	1,938
DELAWARE		
DELAWARE BAY COASTLINE, ROOSEVELT INLET TO LEWES BEACH, DE /1	---	331
DELAWARE COAST PROTECTION, DE	---	368
DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND, BETHANY BEACH TO SOUTH BETHANY, DE	---	969
DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND, REHOBOTH BEACH AND DEWEY BEACH, DE	---	969
DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DE, NJ & PA	---	4,844
DISTRICT OF COLUMBIA		
WASHINGTON, DC & VICINITY	6,790	100
FLORIDA		
BREVARD COUNTY, FL	---	521
CEDAR HAMMOCK, WARES CREEK, FL	5,565	5,565
FLORIDA KEYS WATER QUALITY IMPROVEMENTS, FL	---	242
HERBERT HOOVER DIKE, FL (SEEPAGE CONTROL)	130,000	122,819
JACKSONVILLE HARBOR, FL	---	922
LEE COUNTY, FL (REIMBURSEMENT)	---	645
MANATEE COUNTY, FL	---	100
MANATEE HARBOR, FL	---	100
MARTIN COUNTY, FL	350	331
PALM BEACH COUNTY, FL (REIMBURSEMENT)	---	581
PANAMA CITY BEACHES, FL	---	230
PINELLAS COUNTY, FL	6,000	10,657
PONCE DE LEON INLET, FL	---	969
PORT EVERGLADES HARBOR, FL	---	727
SOUTH FLORIDA EVERGLADES ECOSYSTEM RESTORATION, FL	214,357	180,064
ST. JOHNS COUNTY, FL	---	339
TAMPA HARBOR, FL	---	472

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
GEORGIA		
ATLANTA ENVIRONMENTAL INFRASTRUCTURE, GA	---	1,429
RICHARD B. RUSSEL DAM & LAKE, GA & SC	1,615	1,526
SAVANNAH HARBOR EXPANSION, GA	---	1,429
HAWAII		
HAWAII WATER MANAGEMENT, HI	---	2,000
IAO STREAM FLOOD CONTROL, MAUI, HI	---	250
KAHUKU, HI	---	100
IDAHO		
LITTLE WOOD RIVER, GOODING, ID	---	100
RURAL IDAHO, ID	---	3,875
ILLINOIS		
ALTON TO GALE ORGANIZED LEVEE DISTRICT, IL & MO (DEF CORR)	300	283
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	6,500	6,141
CHICAGO SANITARY AND SHIP CANAL, DISPERSAL BARRIER, IL	5,000	5,826
COOK COUNTY, IL	---	194
DES PLAINES RIVER, IL	3,300	4,729
EAST ST. LOUIS AND VICINITY, IL	---	249
EAST ST. LOUIS, IL	2,000	500
MADISON AND ST. CLAIR COUNTIES, IL	---	165
MCCOOK AND THORNTON RESERVOIRS, IL	25,000	19,376
NUTWOOD DRAINAGE AND LEVEE DISTRICT, IL	---	138
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	109,790	101,521
UPPER MISSISSIPPI RIVER RESTORATION, IL, IA, MN, MO & WI	20,000	16,470
WOOD RIVER LEVEE, IL	1,170	1,105
INDIANA		
CALUMET REGION, IN	---	4,000
INDIANA HARBOR, CONFINED DISPOSAL FACILITY, IN	---	13,500
INDIANA SHORELINE, IN	---	800
INDIANAPOLIS, WHITE RIVER (NORTH), IN	---	3,875
LAKE MICHIGAN WATERFRONT, IN	---	3,000
LITTLE CALUMET RIVER, IN	20,000	20,000
MT. ZION DAM, FULTON COUNTY, IN	---	374
OHIO RIVER GREENWAY PUBLIC ACCESS, IN	---	969
IOWA		
DES MOINES AND RACCOON RIVERS, IA	---	2,701
DES MOINES RECREATIONAL RIVER AND GREENBELT, IA	---	4,062
MISSOURI RIVER FISH MITIGATION, IA, KS, MO, MT, NE, ND & SD	70,000	56,686

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
MISSOURI RIVER LEVEE SYSTEM (UNIT L-385), IA, NE, KS, MO	---	1,151
KANSAS		
TURKEY CREEK BASIN, KANSAS CITY, KS & MO	2,500	2,822
KENTUCKY		
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY	1,000	945
MARKLAND LOCKS AND DAM, KY (MAJOR REHAB)	1,000	945
SOUTHERN AND EASTERN KENTUCKY, KY	---	969
WOLF CREEK DAM, LAKE CUMBERLAND, KY (SEEPAGE CONTROL)	123,000	116,206
LOUISIANA		
ASCENSION PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	---	460
COMITE RIVER, LA	---	4,844
EAST BATON ROUGE PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	---	230
EAST BATON ROUGE PARISH, LA	---	1,381
J. BENNETT JOHNSTON WATERWAY, LA	7,000	6,613
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	1,200	5,800
LIVINGSTON PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	---	230
MARYLAND		
ASSATEAGUE ISLAND, MD /1	---	500
ATLANTIC COAST OF MARYLAND, MD	---	2,906
CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION, MD, VA & PA	---	630
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA	---	2,000
POPLAR ISLAND, MD /1	---	8,078
MASSACHUSETTS		
MUDDY RIVER, MA	4,000	5,208
MICHIGAN		
GENESEE COUNTY, MI	---	518
GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION, MI	---	2,471
HAMILTON DAM, FLINT RIVER, FLINT, MI	---	242
NEGAUNEE, MI	---	727
SAULT STE. MARIE (REPLACEMENT LOCK), MI	---	969
ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN, MI	---	100
MINNESOTA		
BRECKENRIDGE, MN	---	5,000
NORTHEASTERN MINNESOTA, MN	---	969
ROSEAU, MN (RED RIVER OF THE NORTH BASIN)	---	1,938

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
MISSISSIPPI		
DESOTO COUNTY, MS	---	8,000
MISSISSIPPI ENVIRONMENTAL INFRASTRUCTURE, MS	---	10,000
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO	---	709
BLUE RIVER CHANNEL, KANSAS CITY, MO	5,600	5,291
BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MO	---	1,938
CAPE GIRARDEAU (FLOODWALL), MO	---	183
CHESTERFIELD, MO	3,331	3,147
CLEARWATER LAKE, MO (SEEPAGE CONTROL)	40,000	37,791
KANSAS CITYS, MO & KS	700	100
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	---	993
MISSISSIPPI RIVER BETWEEN THE OHIO AND MISSOURI RIVERS (REG WORKS), MO & IL	580	548
MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT, MO	---	460
ST. LOUIS FLOOD PROTECTION, MO	566	535
STE. GENEVIEVE, MO	---	242
SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	---	1,938
MONTANA		
FORT PECK CABIN CONVEYANCE, MT	---	969
RURAL MONTANA, MT	---	4,844
NEBRASKA		
ANTELOPE CREEK, LINCOLN, NE	5,697	5,382
NEVADA		
RURAL NEVADA, NV	---	15,000
NEW JERSEY		
BARNEGAT INLET TO LITTLE EGG HARBOR INLET, NJ	---	4,844
BRIGANTINE INLET TO GREAT EGG HARBOR INLET, ABSECON ISLAND, NJ	---	1,890
BRIGANTINE INLET TO GREAT EGG HARBOR INLET, BRIGANTINE ISLAND, NJ	---	80
CAPE MAY INLET TO LOWER TOWNSHIP, NJ /1	---	189
GREAT EGG HARBOR INLET AND PECK BEACH, NJ	6,500	6,141
GREAT EGG HARBOR INLET TO TOWNSEND INLET, NJ	---	1,853
HACKENSACK MEADOWLANDS, NJ	---	230
JOSEPH G. MINISH PASSAIC RIVER WATERFRONT, NJ	---	2,350
LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NJ /1	---	378
PASSAIC RIVER BASIN FLOOD MANAGEMENT, NJ	---	5,000
RAMAPO RIVER AT MAHWAH, NJ AND SUFFERN, NY	---	100
RARITAN & SANDY HOOK BAY, PORT MONMOUTH, NJ	---	921
RARITAN BAY AND SANDY HOOK BAY, NJ	---	921

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	7,000	6,613
SANDY HOOK TO BARNEGAT INLET, NJ	---	1,890
TOWNSEND INLET TO CAPE MAY INLET, NJ	---	1,066
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM	---	2,422
ALAMOGORDO, NM	---	2,902
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NM	---	756
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE, NM	800	756
SOUTHWEST VALLEY, FLOOD DAMAGE REDUCTION, ALBUQUERQUE, NM	---	2,810
NEW YORK		
ATLANTIC COAST OF LONG ISLAND, JONES INLET TO EAST ROCKAWAY INLET, LONG BEACH ISLAND, NY	700	904
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT, NY	3,000	3,000
EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY, NY	---	242
FIRE ISLAND INLET TO MONTAUK POINT, NY	5,800	5,480
NEW YORK AND NEW JERSEY HARBOR, NY & NJ	64,716	90,000
NEW YORK CITY WATERSHED, NY	---	945
NEW YORK STATE CANAL SYSTEM, NY	---	460
ORCHARD BEACH, BRONX, NY	---	945
NORTH CAROLINA		
BRUNSWICK COUNTY BEACHES, NC	---	947
CAROLINA BEACH AND VICINITY, NC	1,500	1,417
WEST ONSLOW BEACH AND NEW RIVER INLET TOPSAIL BEACH, NC	400	378
WILMINGTON HARBOR, NC	1,800	1,701
NORTH DAKOTA		
GARRISON DAM AND POWER PLANT, ND (REPLACEMENT)	8,620	8,144
GRAND FORKS, ND - EAST GRAND FORKS, MN	---	2,535
MISSOURI RIVER RESTORATION, ND	---	138
NORTH DAKOTA ENVIRONMENTAL INFRASTRUCTURE, ND	---	15,000
OHIO		
DOVER DAM, MUSKINGUM RIVER, OH	18,500	17,478
HOLES CREEK, WEST CARROLLTON, OH	---	1,005
OHIO ENVIRONMENTAL INFRASTRUCTURE, OH	---	5,000
CITY OF HILLSBORO, HIGHLAND COUNTY, OH	---	(200)
CITY OF MARIETTA, OH (WWTP)	---	(250)
CITY OF MENTOR-ON-THE-LAKE, OH	---	(250)
CITY OF PARMA, OH (BRADENTON BLVD)	---	(200)
CITY OF PARMA, OH (PARKHAVEN DRIVE)	---	(200)
FRESNO, COSHOCTON, OH	---	(200)
LAKE COUNTY, OH	---	(250)



CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NILES, OH (LAWNVIEW SEWER OVERFLOW DETENTION BASIN)	---	(1,600)
TOLEDO, OH	---	(600)
VILLAGE OF BLANCHESTER, CLINTON COUNTY, OH	---	(200)
VILLAGE OF COALTON, JACKSON COUNTY, OH (WATER LINE)	---	(250)
VILLAGE OF DALTON, OH	---	(200)
VILLAGE OF OAK HILL, JACKSON COUNTY, OH	---	(200)
VILLAGE OF POLK, ASHLAND COUNTY, OH	---	(200)
VILLAGE OF RISINGSUN, WOOD COUNTY, OH	---	(200)
OHIO RIVERFRONT, CINCINNATI, OH	---	2,374
OKLAHOMA		
CANTON LAKE, OK (DAM SAFETY)	24,250	22,911
OREGON		
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	500	472
ELK CREEK LAKE, OR	500	472
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	1,650	1,559
WILLAMETTE RIVER TEMPERATURE CONTROL, OR	11,000	10,392
PENNSYLVANIA		
BEAVER CREEK RESERVOIR, BEAVER AND SALEM TOWNSHIPS, PA	---	100
EMSWORTH LOCKS & DAM, OHIO RIVER, PA (STATIC INSTABILITY CORRECTION)	25,000	23,619
LACKAWANNA RIVER, SCRANTON, PA	---	484
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	6,210	6,210
PRESQUE ISLE PENINSULA, PA (PERMANENT)	1,000	945
SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL IMPROVEMENT, PA	---	10,788
SOUTHEASTERN PENNSYLVANIA ENVIRONMENTAL INFRASTRUCTURE, PA	---	630
SANDYFORD RUN WETLAND CREATION, PA	---	(242)
TACONY CREEK, PHILADELPHIA, PA	---	(388)
THREE RIVERS WET WEATHER DEMONSTRATION PROGRAM, ALLEGHENY COUNTY, PA	---	969
WYOMING VALLEY, PA (LEEVE RAISING)	---	1,134
PUERTO RICO		
PORTUGUES AND BUCANA RIVERS, PR	45,000	39,680
RIO PUERTO NUEVO, PR	5,000	4,239
SOUTH CAROLINA		
LAKES MARION AND MOULTRIE, SC	---	4,170
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD	---	1,841

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
TENNESSEE		
CENTER HILL DAM, TN (SEEPAGE CONTROL)	56,000	52,907
CHICKAMAUGA LOCK, TENNESSEE RIVER, TN	1,000	1,000
CUMBERLAND COUNTY WATER SUPPLY, TN	---	50
TEXAS		
BOSQUE RIVER WATERSHED, TX	---	100
BRAYS BAYOU, HOUSTON, TX	7,300	7,777
CENTRAL CITY, FORT WORTH, UPPER TRINITY RIVER BASIN, TX	---	6,782
CLEAR CREEK, TX	---	1,211
CORPUS CHRISTI SHIP CHANNEL, TX	---	921
DALLAS FLOODWAY EXTENSION, TRINITY RIVER PROJECT, TX	---	12,594
EL PASO COUNTY, TX	---	100
GRAHAM, TX (BRAZOS RIVER BASIN)	---	484
HOUSTON-GALVESTON NAVIGATION CHANNELS, TX	---	242
HUNTING BAYOU, HOUSTON, TX	---	100
JOHNSON CREEK, UPPER TRINITY BASIN, ARLINGTON, TX	---	1,417
RED RIVER BASIN CHLORIDE CONTROL, TX & OK	---	1,332
ELM FORK, AREA VI ELEMENT	---	(388)
SAN ANTONIO CHANNEL IMPROVEMENT, TX	---	3,028
SIMS BAYOU, HOUSTON, TX	25,700	20,736
TEXAS CITY CHANNEL, TX	8,000	6,637
UTAH		
RURAL UTAH, UT	---	20,000
VERMONT		
BURLINGTON HARBOR OIL BOLLARD REMOVAL, VT	---	460
LAKE CHAMPLAIN WATERSHED INITIATE, VT	---	920
VIRGINIA		
ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT DEEP CREEK, CHESAPEAKE, VA	1,500	100
JAMES RIVER, DEEP WATER TURNING BASIN, VA	---	2,234
JOHN H. KERR DAM AND RESERVOIR, VA & NC (REPLACEMENT)	16,915	15,981
NORFOLK HARBOR AND CHANNELS (DEEPENING), VA	---	460
NORFOLK HARBOR, CRANEY ISLAND, VA	28,500	100
RICHMOND, VA (COMBINED SEWER OVERFLOW)	---	100
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	1,075	1,016
VIRGINIA BEACH, VA (HURRICANE PROTECTION)	---	727
WASHINGTON		
CHIEF JOSEPH DAM GAS ABATEMENT, WA	1,000	945
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	95,800	80,693

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
DUWAMISH AND GREEN RIVER BASIN, WA	2,600	2,456
HOWARD HANSON DAM, WA	13,000	12,282
LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION, WA, OR & ID	1,500	1,417
MT. ST. HELENS SEDIMENT CONTROL, WA	1,500	1,417
MUD MOUNTAIN DAM, WA (FISH PASSAGE)	400	378
PUGET SOUND AND ADJACENT WATERS RESTORATION, WA	---	100
SHOALWATER BAY, WA	---	2,906
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY ASSURANCE)	86,700	81,911
CENTRAL WEST VIRGINIA, WV	---	727
GREENBRIER RIVER BASIN, WV	---	1,417
ISLAND CREEK, LOGAN, WV	---	21,750
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, VA & KY	---	16,250
KENTUCKY	---	(9,500)
VIRGINIA	---	(4,000)
WEST VIRGINIA	---	(2,750)
LOWER MUD RIVER, MILTON, WV	---	1,384
NORTHERN WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE, WV	---	100
SOUTHERN WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE PROGRAM, WV	---	1,000
WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, PA & WV	---	1,500
WISCONSIN		
NORTHERN WISCONSIN ENVIRONMENTAL ASSISTANCE, WI	---	4,000
SUBTOTAL	1,610,020	1,833,034
REMAINING ITEMS		
AQUATIC PLANT CONTROL	4,000	4,500
GUNTERSVILLE LAKE HYDRILLA/MILFOIL, AL	---	(150)
BLACK LAKE, OGDENSBURG, NY	---	(100)
LAKE CHAUTAUQUA, JAMESTOWN, NY	---	(50)
SODUS BAY, SODUS POINT, NY	---	(100)
LAKES GRANBURY AND WITNEY, TX	---	(500)
LAKE CHAMPLAIN, VT	---	(500)
CONTINUING AUTHORITIES PROGRAM	---	---
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)	6,967	27,126
CYPRESS CREEK, MONTGOMERY, AL	---	(100)
SALT RIVER RESTORATION, CA	---	---
UPPER YORK CREEK DAM REMOVAL, CA	---	---
BLUE RIVER, CO	---	---
GOOSE CREEK, CO	---	---
NORTH FORK GUNNISON, CO	---	---
TAMARISK ERADICATION, CO	---	---
MILL RIVER, STAMFORD, CT	---	---
BIG FISHWEIR CREEK, FL	---	---

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
HOGAN'S CREEK, FL	---	---
CHATTAHOOCHEE FALL LINE ECOSYSTEM RESTORATION, COLUMBUS, GA	---	---
JACKSON CREEK, GWINETT COUNTY, GA	---	---
LITTLE RIVER WATERSHED, HALL COUNTY, GA	---	---
PARADISE CREEK, CITY OF MOSCOW, ID	---	---
BURNHAM PRAIRIE, IL	---	---
EMIQUON FLOODPLAIN RESTORATION, IL	---	---
HOFFMAN DAM, IL	---	---
LAKE LOU YAEGER RESTORATION, IL	---	---
LOCKPORT PRAIRIE NATURE PRESERVE, WILL COUNTY, IL	---	---
ORLAND PARK, IL	---	---
PING TOM PARK, IL	---	---
CHARITON RIVER/RATHBUN LAKE WATERSHED, IA	---	---
DUCK CREEK/FAIRMOUNT PARK WETLAND RESTORATION, SCOTT COUNTY, IA	---	---
IA RVR/CLEAR CREEK, JOHNSON COUNTY, IA	---	---
STORM LAKE, IA	---	---
VENTURA MARSH, CLEAR LAKE, IA	---	---
WHITEBREAST WATERSHED ECOSYSTEM RESTORATION, IA	---	---
BEARGRASS CREEK WETLANDS, KY	---	---
BURAS MARINA WETLAND RESTORATION, PLAQUEMINES PARISH, LA	---	---
FALSE RIVER RESTORATION, POINTE COUPEE PARISH, LA	---	---
LA STATE PEN, LAKE KILLARNEY RESTORATION, W FELICIANA PARISH, LA	---	---
ZEMUARRY PARK LAKE RESTORATION, TANGIPAHOA PARISH, LA	---	---
DEEP RUN/TIBER HUDSON, MD	---	---
DOG ISLAND SHOALS, MD	---	---
GREENBURY POINT, MD	---	---
NORTH BEACH, MD	---	---
NORTHWEST BRANCH, ANACOSTIA RIVER, MD	---	---
PAINT BRANCH FISH PASSAGE, MD	---	---
URIEVILLE LAKE, MD	---	---
MALDEN RIVER ECOSYSTEM, MA	---	---
MILFORD POND, MILFORD, MA	---	---
HOMER LAKE, ST JOSEPH RIVER, MI	---	---
PAINTER CREEK, MN	---	---
OSGOOD POND, MILFORD, NH	---	---
MUSCONETCONG RIVER DAM REMOVALS, NJ	---	---
BLUE HOLE LAKE, SANTA ROSA, NM	---	---
BOTTOMLESS LAKES STATE PARK, NM	---	---
JANES-WALLACE MEMORIAL DAM, SANTA ROSA, NM	---	---
KINGS PARK, NY	---	---
MUD CREEK, GREAT SOUTH BAY, PATCHOGUE, NY	---	---
SOUNDVIEW PARK, CITY OF BRONX, NY	---	---
SPRING CREEK, NY	---	---
CONCORD STREAMS RESTORTION, CONCORD, NC	---	---
WESTERN CARY STREAMS RESTORATION, CARY, NC	---	---
WILSON BAY RESTORATION, JACKSONVILLE, NC	---	---
DRAYTON DAM, ND	---	---
OLENTANGY 5TH AVENUE DAM, OH	---	---
BEAVER CREEK, OR	---	---

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
CAMP CREEK, ZUMWALT PRAIRIE PRESERVE, OR	---	---
EUGENE DELTA PONDS, OR	---	---
HIGHWAY 47, VERNONIA, OR	---	---
KELLOGG CREEK, OR	---	---
OAKS BOTTOM, OR	---	---
SPRINGFIELD MILLRACE, OR	---	---
CANONSBURG LAKE, PA	---	---
CODORUS CREEK, PA	---	---
NORTH PARK, ALLEGHENY COUNTY, PA	---	---
SHERADEN PARK & CHARTIERS CREEK, PA	---	---
SWEET ARROW LAKE, PA	---	---
NARROWS RIVER, NARRAGANSETT, RI	---	---
TEN MILE RIVER, RI	---	---
WINNAPAUG POND, WESTERLY, RI	---	---
CENTERVILLE, TN	---	---
MOSES LAKE, TX	---	---
RIO GRANDE, LAREDO, TX	---	---
SPRING LAKE, SAN MARCOS, TX	---	---
WALNUT BRANCH, SEGUIN, TX	---	---
WWTP, STEPHENVILLE, TX	---	---
CARPENTER CREEK, WA	---	---
BENEFICIAL USE OF DREDGED MATERIAL (SECTION 204, 207, 993) /1	---	7,750
BLACKHAWK BOTTOMS, DES MOINES COUNTY, IA	---	---
ATACHAFALAYA RIVER, SHELL ISLAND PASS, ST. MARY PARISH, LA	---	---
BARATARIA BAY WATERWAY, MILE 6.0 - 0.0, PLAQUEMINES PH, LA	---	---
CALCASIEU RIVER, MILE 5.0 - 14.0, CAMERON PARISH, LA	---	---
HOUMA NAVIGATION CANAL BARRIER ISLAND RESTORATION, LA	---	---
CAPE COD CANAL, SANDWICH, MA	---	---
NEWBURYPORT HARBOR, MA	---	---
NJIWW BENEFICIAL USE, NJ	---	---
NJIWW, DREDGED HOLE 35, NJ	---	---
BUFFALO RIVER REGIONAL SEDIMENT MANAGEMENT, NY	---	---
MANTEO, OLD HOUSE CHANNEL, NC	---	---
MAUMEE BAY HABITAT RESTORATION, OH	---	---
WYNN ROAD, OREGON, OH	---	---
EMERGENCY STREAMBANK AND SHORELINE PROTECTION (SECTION 14)	1,477	5,813
FLOOD CONTROL PROJECTS (SECTION 205)	12,049	37,783
INDIAN BAYOU, AR	---	---
WYNNE, AR	---	---
COSGROVE CREEK FLOOD CONTROL, CALAVERAS COUNTY, CA	---	---
LAS GALLIANAS CREEK, MARIN COUNTY, CA	---	---
PENNSYLVANIA AVENUE IMPROVEMENT, BETHANY BEACH, DE	---	---
INDIAN CREEK, CEDAR RVR, CEDAR RAPIDS, IA	---	---
MAD CREEK, MUSCATINE, IA	---	---
WINNEBAGO RVR, MASON CITY, IA	---	---
CONCORDIA, KS	---	---
EUREKA CREEK, MANHATTAN, KS	---	---
LITTLE RIVER, HOPKINSVILLE, KY	---	---
BLACK ROCKS CREEK, SALISBURY, MA	---	---

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NORTH RIVER, PEABODY, MA	---	---
CASS RIVER, SPAULDING TOWNSHIP, MI	---	---
MINNESOTA RIVER, GRANITE FALLS, MN	---	---
MCKINNEY BAYOU, TUNICA COUNTY, MS	---	---
BLACKSNAKE CREEK, ST. JOSEPH, MO	---	---
LITTLE RIVER DIVERSION, DUTCHTOWN, MO	---	---
LIVINGSTON, MT	---	---
PLATTE RIVER, FREMONT, NE	---	---
PLATTE RIVER, SCHUYLER, NE	---	---
BEPJ POPLAR BROOK, NJ	---	---
HAMILTON TOWNSHIP, NJ	---	---
JACKSON BROOK, MORRIS CITY, NJ	---	---
PENNSVILLE, NJ	---	---
HATCH, NM	---	---
LIMESTONE CREEK, FAYETTEVILLE, NY	---	---
PORT JERVIS, NY	---	---
SWANNANOA RIVER WATERSHED, NC	---	---
BLANCHARD RIVER, FINDLAY, OH	---	---
BLANCHARD RIVER, OTTAWA, OH	---	---
CITY OF INDEPENDENCE, OH	---	---
DUCK CREEK, OH (FLOOD WARNING SYSTEM)	---	---
VALLEY VIEW, OH	---	---
PHILADELPHIA SHIPYARD FLOOD DAMAGE REDUCTION, PHILADELPHIA, PA	---	---
RIO DESCALABRADO, SANTA ISABEL, PR	---	---
RIO GUAMANI, GUAYAMA, PR	---	---
BEAVER CREEK & TRIBS, BRISTOL, TN	---	---
CIENEGAS CREEK, DEL RIO, TX	---	---
FARMERS BRANCH, TARRANT COUNTY, TX	---	---
RIO GRANDE AND UNNAMED TRIBUTARY, EAGLE PASS, TX	---	---
SUN VALLEY, EL PASO, TX	---	---
LAGRANGE GUT, FREDERIKSTED, VI	---	---
WEST VIRGINIA STATEWIDE FLOOD WARNING SYSTEM, WV	---	---
MITIGATION OF SHORE DAMAGES (SECTION 111) /1	---	6,298
MOBILE PASS, AL	---	---
EAST PASS CHANNEL, PANAMA CITY, FL	---	---
BRUNSWICK HARBOR/JEKYLL ISLAND, GA	---	---
CAMP ELLIS, SACO, ME	---	---
MANISTEE HARBOR & RIVER CHANNEL, MI	---	---
MATTITUCK HARBOR, NY	---	---
FAIRPORT HARBOR, OH	---	---
VERMILLION, OH	---	---
WHITCOMB FLATS, WA	---	---
NAVIGATION PROGRAM (SECTION 107)	1,436	6,297
SAVOONGA HARBOR, ST LAWRENCE, AK	---	---
OYSTER POINT MARINA, CA	---	---
APRA SMALL BOAT HARBOR, GUAM	---	---
NAPOLEON AVENUE CONTAINER TERMINAL ACCESS, NEW ORLEANS, LA	---	(100)
BASS HARBOR, TREMONT, ME	---	---
BUCKS HARBOR, MACHIASPORT, ME	---	---

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
RHODES POINT, MD	---	---
ST. JEROME CREEK, ST. MARY'S COUNTY, MD	---	---
WOODS HOLE GREAT HARBOR, FALMOUTH, MA	---	---
MACKINAC ISLAND HARBOR BREAKWATER, MI	---	---
NORTHWESTERN MICHIGAN COLLEGE, TRAVERSE CITY, MI	---	---
HAMPTON HARBOR, NH	---	---
FAIRLESS HILLS, PA (TURNING BASIN DEEPENING)	---	---
CHARLESTOWN BREACHWAY & NINIGRET POND, CHARLESTOWN, RI	---	---
POINT JUDITH HARBOR AND POND, NARRAGANSETT, RI	---	---
NORTHWEST TENNESSEE REGIONAL HARBOR, LAKE COUNTY, TN	---	---
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONMENT (SECTION 1135)	5,736	24,220
LOWER CACHE RIVER, AR	---	---
MILLWOOD, GRASSY LAKE, AR	---	---
TUJUNGA WASH ENVIRONMENTAL RESTORATION, CA	---	---
LOWER KINGMAN ISLAND, DC	---	---
SARASOTA BAY RESTORATION, SARASOTA COUNTY, FL	---	---
BRAIDED REACH, ID	---	---
SHORTY'S ISLAND, ID	---	---
INDIAN RIDGE MARSH, CHICAGO, IL	---	---
SPUNKY BOTTOMS RESTORATION, BROWN COUNTY, IL	---	---
RATHBUN LAKE HABITAT RESTORATION PROJECT, IA	---	---
GREEN RIVER DAM MOD, KY	---	---
BAYOU DESIARD, MONROE, LA	---	---
HNC MILE 12-31.4 RESTORATION, TERREBONNE PARISH, LA	---	---
MORGANZA FOREBAY RESTORATION, POINTE COUPEE PARISH, LA	---	---
BLOOMINGTON STATE PARK, MO	---	---
BLUE VALLEY WETLANDS, JACKSON COUNTY, MO	---	---
DUCK CREEK, STODDARD COUNTY, MO	---	---
ASSUNPINK CREEK, NJ	---	---
LINCOLN PARK WEST, JERSEY CITY, NJ	---	---
AQUATIC HABITAT RESTORATION AT PUEBLO OF SANTA ANA, NM	---	---
LAS CRUCES DAM ENVIRONMENTAL RESTORATION, DONA ANA COUNTY, NM	---	---
NORTHPORT HARBOR, TOWN OF HUNTINGTON, NY	---	---
SMOKES CREEK, ERIE COUNTY, NY	---	---
PRISON FARM SHORELINE HABITAT, ND	---	---
TAPPAN LAKE, OH	---	---
LOWER COLUMBIA SLOUGH, OR	---	---
WALLA WALLA RIVER, OR	---	---
LAKE CHAMPLAIN SEA LAMPREY BARRIERS, VT	---	---
BENNINGTON LAKE DIVERSION DAM, WA	---	---
LAKE POYGAN, WI	---	---
SHORE PROTECTION (SECTION 103)	680	3,875
BAY FARM ISLAND DIKE, CA	---	---
GOLETA BEACH, CITY OF GOLETA, CA	---	---
PISMO BEACH, CA	---	---
PROSPECT BEACH, WEST HAVEN, CT	---	---
COASTAL AREAS, MARSHFIELD, MA	---	---
SEASIDE PARK, OCEAN COUNTY, NJ	---	---
FORT SAN GERONIMO, PR	---	---



CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
CHESAPEAKE BAY SHORELINE, HAMPTON, VA	---	---
LINCOLN PARK BEACH, SEATTLE, WA	---	---
SNAGGING AND CLEARING (SECTION 208)	200	---
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM	49,100	49,100
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM /1	---	1,900
JACKSONVILLE HARBOR, FL /1	---	(1,000)
SAVANNAH HARBOR DMDF, GA /1	---	(900)
EMPLOYEES COMPENSATION FUND	21,000	21,000
ESTUARY RESTORATION PROGRAM (P.L. 106-457)	5,000	1,000
INLAND WATERWAYS USER BOARD (BOARD EXPENSES)	60	60
INLAND WATERWAYS USER BOARD (COE EXPENSES)	275	275
SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION	---	969
 SUBTOTAL	 107,980	 197,966
 TOTAL	 1,718,000	 2,031,000

/1 ITEMS REQUESTED BY THE ADMINISTRATION IN OPERATION AND MAINTENANCE

*Delaware Main Channel Deepening, Pennsylvania, New Jersey and Delaware.*—The conference agreement provides \$4,844,000 for the Delaware River Main Channel Deepening project. None of the funds provided for this project are to be used in the State of Delaware during fiscal year 2010 for any construction activities. During fiscal year 2010, the Corps is urged to work with the State of Delaware on any State of Delaware permits necessary for project construction.

*Palm Beach County, Florida.*—Within the funds provided, \$50,000 is provided for the Delray Beach segment. The balance of the funding is provided for the Boca Raton segment.

*South Florida Ecosystem Restoration, Florida.*—The conference agreement provides \$180,064,000 for this important restoration project. Within the funds provided, \$100,000 is provided each for Site 1 and the Indian River Lagoon elements of the project, consistent with the treatment of all other new start construction projects. No funds are provided for the Modified Waters Delivery project. This project should remain funded within the Interior Department.

*Chicago Sanitary and Ship Canal, Illinois.*—The conferees are concerned about the threat that harmful invasive species, such as the Asian carp, pose to the Great Lakes ecosystem. The conferees are aware that the Chicago Sanitary and Ship Canal second dispersal barrier recently went to higher operating parameters. The Corps is encouraged to continue working in conjunction with the Coast Guard on any safety testing of the electrical parameters deemed necessary.

*Olmsted Locks and Dam, Ohio River, Illinois, and Kentucky.*—The conference agreement includes \$101,521,000 to continue construction of this project. None of the funds provided for the Olmsted Locks and Dam Project or any other construction funds are to be used to reimburse the Claims and Judgment Fund.

*Missouri Fish and Wildlife Recovery, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota.*—Within the funds provided, \$18,000,000 is to be used for modifications to the Intake Dam to provide additional habitat for the pallid sturgeon.

*Muddy River, Boston and Brookline, Massachusetts.*—Funding is included to continue project design and construction, including ecosystem restoration features.

*Sault Ste. Marie (Replacement Lock), Michigan.*—The Corps has identified billions of dollars in annual savings from commerce on the Great Lakes transiting the St. Lawrence Seaway, commerce that would be devastated if a failure of the existing, aging infrastructure were to occur. The Omnibus Appropriations Act of 2009 included \$17,000,000 to begin construction of a second Poe-sized lock at Sault Ste. Marie, Michigan. The conferees are deeply concerned that despite congressional support for the project, the support of the states in the region, and the fact that the Army Corps of Engineers recognizes the Soo Locks as the 'single point of failure' that can cripple Great Lakes shipping, the Administration has failed to include funding for a second large lock, either under the authority provided in the American Recovery and Reinvestment Act (ARRA) or in its budget request for fiscal year 2010.

*Rural Nevada, Nevada.*—The conference agreement includes \$15,000,000 for this project. Within the funds provided, the Corps should give consideration to projects at North Lemmon Valley, Spanish Springs, Indian Springs, Moapa Valley, Searchlight, Huffaker Hills Water Conservation, Lawton-Verdi, Boulder City, Lyon County, Gerlach, Incline Village, Esmeralda County, Cold Springs, Fallon, Goldfield, Churchill County, West Wendover, Yearington, Virginia Valley Water District, Lovelock, Truckee Meadows Water Authority, McGill-Ruth Consolidated Sewer and Water District, Carlin, Eldorado

Valley, Ely, Pahrump, Carson City, and City of Fernley. Other communities that meet the program criteria should be considered as funding allows.

*North Dakota [EI], North Dakota.*—The conference agreement includes \$15,000,000 for this program. \$7,900,000 is for the Traill Rural Water District; \$3,000,000 is for the North Central Rural Water District; \$950,000 is for the Barnes Rural Water District; \$750,000 is for the Williams Rural Water District; \$600,000 is for the Langdon Rural Water District; \$425,000 is for the North Prairie Rural Water District; and \$375,000 is for the Greater Ramsey Water District.

*Levisa and Tug Forks and Upper Cumberland River, West Virginia, Kentucky, and Virginia.*—The conference agreement includes \$16,250,000 for the continuation of the project. Within the funds provided, \$4,000,000 is included for the Buchanan County, Dickenson County, and Grundy, Virginia elements. Further, the conferees include \$2,750,000 for Kermit, Lower Mingo County, McDowell County, Upper Mingo, and Wayne County, West Virginia. Within the funds, \$9,500,000 is provided for the State of Kentucky, including not less than \$3,000,000 for the Town of Martin.

*Continuing Authorities Program.*—The Corps shall give first priority to the projects listed in the tables in this report. The management of the program should continue consistent with the guidelines outlined in the Omnibus Appropriations Act of 2009.

#### MISSISSIPPI RIVER AND TRIBUTARIES

The conference agreement provides \$340,000,000 for Mississippi River and Tributaries, as proposed by the Senate, instead of \$251,375,000 as proposed by the House.

The allocation for projects and activities within the Mississippi River and Tributaries account is shown in the following table:

MISSISSIPPI RIVER AND TRIBUTARIES  
(AMOUNTS IN THOUSANDS)

PROJECT	BUDGET	
	REQUEST	CONFERENCE
INVESTIGATIONS		
SOUTHEAST ARKANSAS, AR	---	290
ALEXANDRIA TO THE GULF, LA	1,000	---
DONALDSONVILLE TO THE GULF, LA	400	386
SPRING BAYOU, LA	---	338
COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS	84	338
QUIVER RIVER, MS	---	155
MEMPHIS METRO AREA, STORM WATER MANAGEMENT STUDY, TN	100	97
COLLECTION AND STUDY OF BASIC DATA, AR, IL, KY, LA, MS, MO & TN	500	1,608
CONSTRUCTION		
BAYOU METO BASIN, AR	---	100
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	47,721	46,102
GRAND PRAIRIE REGION, AR	---	9,661
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	28,874	44,702
ST. FRANCIS BASIN, AR & MO	---	3,574
ATCHAFALAYA BASIN FLOODWAY SYSTEM, LA	2,664	2,898
ATCHAFALAYA BASIN, LA	5,834	14,491
MISSISSIPPI DELTA REGION, LA	2,250	2,174
ST. JOHNS BAYOU & NEW MADRID FLOODWAY, MO	---	200
YAZOO BASIN, BIG SUNFLOWER RIVER, MS	---	3,091
YAZOO BASIN, MAIN STEM, MS	---	24
YAZOO BASIN, MISSISSIPPI DELTA HEADWATERS PROJECT, MS	---	22,413
YAZOO BASIN, REFORMULATION, MS	---	1,449
YAZOO BASIN, UPPER YAZOO PROJECTS, MS	---	12,559
YAZOO BASIN, YAZOO BACKWATER LESS ROCKY BAYOU, MS	---	72
YAZOO BASIN, YAZOO BACKWATER, MS	---	608
OPERATIONS AND MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	67,350	65,065
HELENA HARBOR, PHILLIPS COUNTY, AR	211	211
INSPECTION OF COMPLETED WORKS, AR	425	411
LOWER ARKANSAS RIVER, NORTH BANK, AR	223	215
LOWER ARKANSAS RIVER, SOUTH BANK, AR	150	169
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	8,011	11,311
ST. FRANCIS RIVER AND TRIBUTARIES, AR & MO	6,243	9,509
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA	2,485	2,401
WHITE RIVER BACKWATER, AR	1,217	1,176

MISSISSIPPI RIVER AND TRIBUTARIES  
(AMOUNTS IN THOUSANDS)

PROJECT	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, IL	191	185
INSPECTION OF COMPLETED WORKS, KY	100	97
ATCHAFALAYA BASIN FLOODWAY SYSTEM, LA	2,532	2,446
ATCHAFALAYA BASIN, LA	12,374	11,954
BATON ROUGE HARBOR, DEVIL SWAMP, LA	43	42
BAYOU COCODRIE AND TRIBUTARIES, LA	54	52
BONNET CARRE, LA	2,415	3,381
INSPECTION OF COMPLETED WORKS, LA	1,716	1,658
LOWER RED RIVER, SOUTH BANK LEVEES, LA	100	97
MISSISSIPPI DELTA REGION - CAERNARVON, LA	358	1,739
OLD RIVER, LA	9,739	9,854
TENSAS BASIN, RED RIVER BACKWATER, LA	3,660	3,536
INSPECTION OF COMPLETED WORKS, MO	150	145
WAPPAPELLO LAKE, MO	5,416	5,232
GREENVILLE HARBOR, MS	24	516
INSPECTION OF COMPLETED WORKS, MS	25	24
VICKSBURG HARBOR, MS	42	519
YAZOO BASIN, ARKABUTLA LAKE, MS	6,091	6,637
YAZOO BASIN, BIG SUNFLOWER RIVER, MS	154	2,319
YAZOO BASIN, ENID LAKE, MS	5,915	7,381
YAZOO BASIN, GREENWOOD, MS	807	780
YAZOO BASIN, GRENADA LAKE, MS	6,331	7,131
YAZOO BASIN, MAIN STEM, MS	1,733	2,705
YAZOO BASIN, SARDIS LAKE, MS	7,329	8,871
YAZOO BASIN, TRIBUTARIES, MS	778	797
YAZOO BASIN, WILL M WHITTINGTON AUX CHAN, MS	332	386
YAZOO BASIN, YAZOO BACKWATER AREA, MS	544	526
YAZOO BASIN, YAZOO CITY, MS	731	706
INSPECTION OF COMPLETED WORKS, TN	45	43
MEMPHIS HARBOR, MCKELLAR LAKE, TN	1,417	1,369
REMAINING ITEMS		
MAPPING	1,112	1,074
TOTAL	248,000	340,000

*Yazoo Basin, Big Sunflower Basin, Mississippi.*—The conference agreement includes \$2,319,000 for the continued construction of the Yazoo Basin, Big Sunflower River Project, of which \$2,000,000 is provided to continue bank stabilization erosion repairs at selected sites in the Sunflower Basin.

OPERATION AND MAINTENANCE

The conference agreement provides \$2,400,000,000 for Operation and Maintenance, instead of \$2,510,971,000 as proposed by the House and \$2,450,000,000 as proposed by the Senate. The Act includes legislative language proposed by the Senate directing the Corps to allocate no more than 99 percent of

the funds provided in this Act for Operation and Maintenance prior to the fourth quarter. This measure is intended to allow Headquarters flexibility to respond to national emergencies.

The allocation for projects and activities within the Operation and Maintenance account is shown in the following table:

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET	
	REQUEST	CONFERENCE
<b>ALABAMA</b>		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL	253	240
ALABAMA RIVER LAKES, AL	16,785	15,951
BLACK WARRIOR AND TOBIBGEE RIVERS, AL	24,180	22,979
GULF INTRACOASTAL WATERWAY, AL	5,735	5,450
MOBILE HARBOR, AL	23,996	22,804
PROJECT CONDITION SURVEYS, AL	100	100
TENNESSEE-TOBIBGEE WATERWAY WILDLIFE MITIGATION, AL & MS	2,100	2,500
TENNESSEE-TOBIBGEE WATERWAY, AL & MS	22,978	24,081
WALTER F. GEORGE LOCK AND DAM, AL & GA	8,972	8,526
WATER/ENVIRONMENTAL CERTIFICATION, AL	76	76
<b>ALASKA</b>		
ANCHORAGE HARBOR, AK	18,659	17,732
CHENA RIVER LAKES, AK	2,816	2,676
DILLINGHAM HARBOR, AK	885	841
HOMER HARBOR, AK	400	380
INSPECTION OF COMPLETED WORKS, AK	168	160
KODIAK HARBORS, AK	---	240
NOME HARBOR, AK	820	779
PETERSBURG HARBOR, AK	---	482
PROJECT CONDITION SURVEYS, AK	930	884
<b>ARIZONA</b>		
ALAMO LAKE, AZ	1,542	1,465
INSPECTION OF COMPLETED WORKS, AZ	199	189
PAINTED ROCK DAM, AZ	1,320	1,254
SCHEDULING RESERVOIR OPERATIONS, AZ	31	31
WHITLOW RANCH DAM, AZ	300	285
<b>ARKANSAS</b>		
BEAVER LAKE, AR	8,864	8,424
BLAKLEY MT DAM, LAKE OUACHITA, AR	6,579	6,743
BLUE MOUNTAIN LAKE, AR	1,914	1,819
BULL SHOALS LAKE, AR	14,234	13,644
WATER SUPPLY	---	(250)
DARDANELLE LOCK & DAM, AR	9,754	9,270
DEGRAY LAKE, AR	6,503	6,743
DEQUEEN LAKE, AR	1,752	1,665
DIERKS LAKE, AR	1,360	1,292
GILLHAM LAKE, AR	1,366	1,298
GREERS FERRY LAKE, AR	7,759	7,374
HELENA HARBOR, AR	40	40

INSPECTION OF COMPLETED WORKS, AR	673	640
MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR	40,016	39,027
MILLWOOD LAKE, AR	5,122	4,868
NARROWS DAM, LAKE GREESON, AR	4,505	4,816
NIMROD LAKE, AR	2,289	2,175
NORFORK LAKE, AR	5,717	5,433
OSCEOLA HARBOR, AR	397	800
OUACHITA AND BLACK RIVERS, AR & LA	9,605	9,128
OZARK-JETA TAYLOR LOCK & DAM, AR	5,725	5,441
WHITE RIVER, AR	40	40
YELLOW BEND PORT, AR	4	100

## CALIFORNIA

BLACK BUTTE LAKE, CA	2,234	2,123
BUCHANAN DAM, HV EASTMAN LAKE, CA	2,041	1,940
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	3,829	3,639
CRESCENT CITY HARBOR, CA	---	1,878
DRY CREEK (WARM SPRINGS) LAKE & CHANNEL, CA	5,139	4,884
FARMINGTON DAM, CA	481	457
HIDDEN DAM, HENSLEY LAKE, CA	2,170	2,062
HUMBOLDT HARBOR AND BAY, CA	3,010	2,860
INSPECTION OF COMPLETED WORKS, CA	6,702	6,369
ISABELLA LAKE, CA	1,802	1,712
LOS ANGELES COUNTY DRAINAGE AREA, CA	4,597	4,369
MARINA DEL REY, CA	---	1,406
MERCED COUNTY STREAMS, CA	451	429
MOJAVE RIVER DAM, CA	288	274
MORRO BAY HARBOR, CA	3,300	3,136
NEW HOGAN LAKE, CA	2,515	2,390
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,898	1,804
NEWPORT BAY HARBOR, CA	1,780	1,692
OAKLAND HARBOR, CA	9,255	9,154
OCEANSIDE HARBOR, CA	1,500	1,425
PINE FLAT LAKE, CA	3,201	3,042
PINOLE SHOAL MANAGEMENT STUDY, CA	---	100
PROJECT CONDITION SURVEYS, CA	2,442	2,321
REDWOOD CITY HARBOR, CA	6,745	6,410
RICHMOND HARBOR, CA	9,589	9,113
SACRAMENTO RIVER (30 FOOT PROJECT), CA	3,351	3,185
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA	1,712	1,627
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	234	222
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	1,118	1,062
SAN FRANCISCO BAY, LONG TERM MANAGEMENT STRATEGY, CA	---	3,500
SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL)	2,945	2,945
SAN FRANCISCO HARBOR, CA	3,237	3,237
SAN JOAQUIN RIVER, PORT OF STOCKTON, CA	3,554	3,377
SAN PABLO BAY AND MARE ISLAND STRAIT, CA	2,650	2,518
SANTA ANA RIVER BASIN, CA	3,094	2,940
SANTA BARBARA HARBOR, CA	1,690	1,606
SCHEDULING RESERVOIR OPERATIONS, CA	1,915	1,820
SUCCESS LAKE, CA	1,989	1,890



SUISUN BAY CHANNEL, CA	4,019	3,819
TERMINUS DAM, LAKE KAWEAH, CA	2,037	1,936
VENTURA HARBOR, CA	6,426	6,107
YUBA RIVER, CA	146	139

## COLORADO

BEAR CREEK DAM & LAKE, CO	395	375
CHATFIELD DAM & LAKE, CO	1,442	1,370
CHERRY CREEK DAM & LAKE, CO	1,999	1,900
INSPECTION OF COMPLETED WORKS, CO	773	735
JOHN MARTIN RESERVOIR, CO	2,554	2,427
SCHEDULING RESERVOIR OPERATIONS, CO	612	582
TRINIDAD LAKE, CO	960	912

## CONNECTICUT

BLACK ROCK LAKE, CT	1,436	1,365
COLEBROOK RIVER LAKE, CT	615	584
GREENWICH HARBOR, CT	---	100
HANCOCK BROOK LAKE, CT	442	420
HOP BROOK LAKE, CT	917	871
INSPECTION OF COMPLETED WORKS, CT	392	373
LONG ISLAND SOUND, DMMP, CT	2,000	2,890
MANSFIELD HOLLOW LAKE, CT	861	818
MYSTIC RIVER, CT	250	238
NORTHFIELD BROOK LAKE, CT	610	580
NORWALK HARBOR, CT	---	1,432
PROJECT CONDITION SURVEYS, CT	1,050	998
STAMFORD HURRICANE BARRIER, CT	434	412
THOMASTON DAM, CT	1,136	1,080
WEST THOMPSON LAKE, CT	569	541

## DELAWARE

DELAWARE BAY COASTLINE, ROOSEVELT INLET TO LEWES BEACH, DE /1	350	---
HARBOR OF REFUGE, LEWES, DE	---	100
INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DE & MD	28,390	26,980
INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, DE	70	70
MISPILLION RIVER, DE	30	30
MURDERKILL RIVER, DE	30	30
PROJECT CONDITION SURVEYS, DE	105	100
WILMINGTON HARBOR, DE	320	1,445

## DISTRICT OF COLUMBIA

INSPECTION OF COMPLETED WORKS, DC	140	133
POTOMAC AND ANACOSTIA RIVER, DC (DRIFT REMOVAL)	805	765
PROJECT CONDITION SURVEYS, DC	30	30
WASHINGTON HARBOR, DC	25	25

## FLORIDA

CANAVERAL HARBOR, FL	4,600	4,372
CEDAR ISLAND KEATON BEACH CHANNEL, FL	---	144
CENTRAL & SOUTHERN FLORIDA, FL	23,876	22,967
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	(575)	(575)
ESCAMBIA AND CONECUH RIVERS, FL	56	56
FERNANDINA HARBOR, FL	1,625	1,544
INSPECTION OF COMPLETED WORKS, FL	1,200	1,140
INTRACOASTAL WATERWAY CALOOSAHATCHEE RIVER TO ANCLOTE RIVER, FL	780	1,313
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	500	2,490
JACKSONVILLE HARBOR, FL /1	7,035	5,735
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA	9,732	9,249
MIAMI RIVER, FL	---	374
NAPLES TO BIG MARCO PASS, FL	---	722
OKEECHOBEE WATERWAY, FL	2,357	2,240
PALM BEACH HARBOR, FL	3,225	3,065
PANAMA CITY HARBOR, FL	2,055	1,953
PENSACOLA HARBOR, FL	67	67
PONCE DE LEON INLET, FL	600	570
PORT ST. JOE HARBOR, FL	---	475
PROJECT CONDITION SURVEYS, FL	1,300	1,235
REMOVAL OF AQUATIC GROWTH, FL	4,445	4,224
SCHEDULING RESERVOIR OPERATIONS, FL	30	30
ST. LUCIE INLET, FL	350	333
TAMPA HARBOR, FL	5,620	5,341
WATER/ENVIRONMENTAL CERTIFICATION, FL	380	361

## GEORGIA

ALLATOONA LAKE, GA	7,077	6,725
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL & FL	2,437	2,316
ATLANTIC INTRACOASTAL WATERWAY, GA	265	885
BRUNSWICK HARBOR, GA	7,156	6,801
BUFORD DAM AND LAKE SIDNEY LANIER, GA	8,924	8,481
CARTERS DAM AND LAKE, GA	8,318	7,905
HARTWELL LAKE, GA & SC	11,999	11,403
INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, GA	48	48
INSPECTION OF COMPLETED WORKS, GA	108	103
J. STROM THURMOND LAKE, GA & SC	10,316	9,804
PROJECT CONDITION SURVEYS, GA	151	144
RICHARD B. RUSSEL DAM & LAKE, GA & SC	9,209	3,550
SAVANNAH HARBOR, GA /1	15,087	13,482
SAVANNAH RIVER BELOW AUGUSTA, GA	274	401
WEST POINT DAM AND LAKE, GA & AL	9,591	9,115

## HAWAII

BARBERS POINT HARBOR, HI	201	191
INSPECTION OF COMPLETED WORKS, HI	705	670
PROJECT CONDITION SURVEYS, HI	570	542

## IDAHO

ALBENI FALLS DAM, ID	1,545	1,468
DWORKSHAK DAM AND RESERVOIR, ID	2,875	2,732
INSPECTION OF COMPLETED WORKS, ID	324	308
LUCKY PEAK LAKE, ID	2,597	2,468
SCHEDULING RESERVOIR OPERATIONS, ID	484	460

## ILLINOIS

CALUMET HARBOR AND RIVER, IL & IN	4,621	4,621
CARLYLE LAKE, IL	5,171	4,914
CHICAGO HARBOR, IL	3,889	3,696
CHICAGO RIVER, IL	493	469
FARM CREEK RESERVOIRS, IL	352	335
ILLINOIS WATERWAY, IL & IN (MVR PORTION)	31,736	30,160
ILLINOIS WATERWAY, IL & IN (MVS PORTION)	1,748	1,661
INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, IL	65	65
INSPECTION OF COMPLETED WORKS, IL	1,298	1,234
KASKASKIA RIVER NAVIGATION, IL	2,148	2,041
LAKE MICHIGAN DIVERSION, IL	683	649
LAKE SHELBYVILLE, IL	5,454	5,183
MILL CREEK AND SOUTH SLOUGH, IL	---	482
MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVR PORTION), IL	58,714	56,220
SUNSET MARINA	---	(500)
WESTERN ILLINOIS SMALL BOAT HARBORS	---	(900)
MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVS PORTION), IL	22,227	21,123
PROJECT CONDITION SURVEYS, IL	104	99
REND LAKE, IL	5,386	5,118
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	685	651
WAUKEGAN HARBOR, IL	492	468

## INDIANA

BROOKVILLE LAKE, IN	862	819
BURNS WATERWAY HARBOR, IN	165	157
CAGLES MILL LAKE, IN	892	848
CECIL M. HARDEN LAKE, IN	1,027	976
INDIANA HARBOR, CONFINED DISPOSAL FACILITY, IN	13,500	---
INDIANA HARBOR, IN	2,330	2,214
INSPECTION OF COMPLETED WORKS, IN	709	674
J. EDWARD ROUSH LAKE, IN	944	897
MISSISSINewa LAKE, IN	974	926
MONROE LAKE, IN	1,101	1,046
PATOKA LAKE, IN	887	843
PROJECT CONDITION SURVEYS, IN	185	176
SALAMONIE LAKE, IN	904	859
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	126	120

## IOWA

CORALVILLE LAKE, IA	3,381	3,213
INSPECTION OF COMPLETED WORKS, IA	483	459
MISSOURI RIVER - KENSLERS BEND, NE TO SOIUX CITY, IA	129	123
MISSOURI RIVER - RULO TO MOUTH, IA, NE, KS & MO	6,059	6,500
MISSOURI RIVER - SOIUX CITY TO RULO, IA, NE, KS & MO	2,610	2,480
RATHBUN LAKE, IA	3,019	2,869
RED ROCK DAM AND LAKE, RED ROCK, IA	3,978	4,056
SAYLORVILLE LAKE, IA	4,685	4,615

## KANSAS

CLINTON LAKE, KS	2,073	1,970
COUNCIL GROVE LAKE, KS	1,739	1,653
EL DORADO LAKE, KS	786	1,132
ELK CITY LAKE, KS	718	682
FALL RIVER LAKE, KS	1,283	1,219
HILLSDALE LAKE, KS	860	817
INSPECTION OF COMPLETED WORKS, KS	220	209
JOHN REDMOND DAM AND RESERVOIR, KS	3,685	3,502
KANOPOLIS, KS	2,288	2,174
MARION LAKE, KS	1,820	1,730
MELVERN LAKE, KS	2,151	2,044
MILFORD LAKE, KS	2,057	1,955
PEARSON-SKUBITZ BIG HILL LAKE, KS	1,472	1,399
PERRY LAKE, KS	2,015	1,915
POMONA LAKE, KS	2,047	1,945
SCHEDULING RESERVOIR OPERATIONS, KS	100	100
TORONTO LAKE, KS	3,522	3,347
TUTTLE CREEK LAKE, KS	2,062	1,960
WILSON LAKE, KS	1,717	1,772
REALLOCATION	---	(200)

## KENTUCKY

BARKLEY DAM AND LAKE, BARKLEY, KY & TN	10,393	9,877
BARREN RIVER LAKE, KY	2,514	2,389
BIG SANDY HARBOR, KY	1,710	1,625
BUCKHORN LAKE, KY	1,585	1,506
CARR CREEK LAKE, KY	1,737	1,651
CAVE RUN LAKE, KY	926	880
DEWEY LAKE, KY	1,775	1,687
ELVIS STAHR (HICKMAN) HARBOR, KY	40	40
FISHTRAP LAKE, KY	2,171	2,063
GRAYSON LAKE, KY	1,709	1,624
GREEN AND BARREN RIVERS, KY	1,880	1,787
GREEN RIVER LAKE, KY	2,202	2,093
INSPECTION OF COMPLETED WORKS, KY	665	632
KENTUCKY RIVER, KY	10	10
LAUREL RIVER LAKE, KY	1,927	1,831
MARTINS FORK LAKE, KY	814	774

MIDDLESBORO CUMBERLAND RIVER BASIN, KY	113	107
NOLIN LAKE, KY	2,477	2,354
OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH	40,748	38,724
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN & OH	5,836	5,546
PAINTSVILLE LAKE, KY	1,231	1,170
ROUGH RIVER LAKE, KY	2,742	2,606
TAYLORSVILLE LAKE, KY	1,104	1,049
WOLF CREEK DAM, LAKE CUMBERLAND, KY	7,835	8,500
YATESVILLE LAKE, KY	1,143	1,086

## LOUISIANA

ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF & BLACK, LA	11,640	11,062
BARATARIA BAY WATERWAY, LA	165	157
BAYOU BODCAU RESERVOIR, LA	954	907
BAYOU LAFOURCHE AND LAFOURCHE-JUMP WATERWAY, LA	1,211	1,151
BAYOU PIERRE, LA	24	24
BAYOU SEGNETTE WATERWAY, LA	49	49
BAYOU TECHE & VERMILLION RIVER, LA	15	15
BAYOU TECHE, LA	200	190
CADDO LAKE, LA	224	213
CALCASIEU RIVER AND PASS, LA	17,968	19,888
FRESHWATER BAYOU, LA	2,235	2,124
GULF INTRACOASTAL WATERWAY, LA	24,777	23,546
HOUMA NAVIGATION CANAL, LA	2,569	2,441
INSPECTION OF COMPLETED WORKS, LA	1,487	1,413
J. BENNETT JOHNSTON WATERWAY, LA	10,598	11,478
LAKE PROVIDENCE HARBOR, LA	22	572
MADISON PARISH PORT, LA	7	99
MERMENTAU RIVER, LA	1,913	1,818
MISSISSIPPI RIVER OUTLETS AT VENICE, LA	2,838	2,697
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO, LA	54,994	52,263
PROJECT CONDITION SURVEYS, LA	65	65
REMOVAL OF AQUATIC GROWTH, LA	1,410	1,340
WALLACE LAKE, LA	244	232
WATERWAY FROM EMPIRE TO THE GULF, LA	47	47
WATERWAY FROM INTRACOASTAL WATERWAY TO BAYOU DULAC, LA	48	48

## MAINE

BASS HARBOR, TREMONT, ME	---	60
BUCKS HARBOR, MACHIASPORT, ME	---	750
DISPOSAL AREA MONITORING, ME	1,000	950
INSPECTION OF COMPLETED WORKS, ME	215	204
INTERNATIONAL WATER STUDIES, ME	17	17
PROJECT CONDITION SURVEYS, ME	750	713

## MARYLAND

ASSATEAGUE ISLAND, MD /1	1,000	---
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	15,513	17,500
BALTIMORE HARBOR, MD (DRIFT REMOVAL)	360	342

CUMBERLAND, MD AND RIDGELEY, WV	177	168
FISHING CREEK, CALVERT COUNTY, MD	---	160
INSPECTION OF COMPLETED WORKS, MD	155	147
JENNINGS RANDOLPH LAKE, MD & WV	1,779	1,691
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD	---	656
POPLAR ISLAND, MD /1	8,200	---
PROJECT CONDITION SURVEYS, MD	400	380
SCHEDULING RESERVOIR OPERATIONS, MD	108	103
SOMERSET COUNTY CHANNELS, MD	---	1,000
WICOMICO RIVER, MD	1,676	1,593

## MASSACHUSETTS

BARRE FALLS DAM, MA	753	716
BIRCH HILL DAM, MA	1,203	1,143
BOSTON HARBOR, MA	7,000	6,652
BUFFUMVILLE LAKE, MA	836	794
CAPE COD CANAL, MA	13,263	12,604
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	275	261
CONANT BROOK LAKE, MA	210	200
EAST BRIMFIELD LAKE, MA	950	903
HODGES VILLAGE DAM, MA	567	539
INSPECTION OF COMPLETED WORKS, MA	414	393
KNIGHTVILLE DAM, MA	1,421	1,350
LITTLEVILLE LAKE, MA	889	845
NEW BEDFORD AND FAIRHAVEN HARBOR, MA	500	475
NEW BEDFORD, FAIRHAVEN AND ACUSHNET HURRICANE BARRIER, MA	619	588
NEWBURYPORT HARBOR, MA	---	500
PLYMOUTH HARBOR, PLYMOUTH, MA	200	190
PROJECT CONDITION SURVEYS, MA	1,200	1,140
TULLY LAKE, MA	666	633
WEST HILL DAM, MA	572	544
WESTVILLE LAKE, MA	784	745

## MICHIGAN

CHANNELS IN LAKE ST. CLAIR, MI	1,636	1,555
CHARLEVOIX HARBOR, MI	203	193
DETROIT RIVER, MI	5,415	5,146
GRAND HAVEN HARBOR, MI	820	779
HOLLAND HARBOR, MI	2,151	2,044
INSPECTION OF COMPLETED WORKS, MI	158	150
KEWEENAW WATERWAY, MI	37	37
MICHIGAN HARBOR DREDGING, MI	---	6,000
ALPENA HARBOR, MI	---	---
ARCADIA HARBOR, MI	---	(100)
AU SABLE HARBOR, MI	---	---
BAY PORT HARBOR, MI	---	---
BIG BAY HARBOR, MI	---	---
BLACK RIVER HARBOR, GOGEBIC CO-UP, MI	---	---
BOLLES HARBOR, MI	---	---
CLINTON RIVER, MI	---	---

EAGLE HARBOR, MI	---	---
FRANKFORT HARBOR, MI	---	---
GRAND MARAIS HARBOR, MI	---	---
INLAND ROUTE, MI	---	---
LAC LA BELLE HARBOR, MI	---	---
LELAND HARBOR, MI	---	---
LES CHENEUX ISLANDS CHANNELS, MI	---	---
LEXINGTON HARBOR, MI	---	---
LITTLE LAKE HARBOR, MI	---	---
LUDINGTON HARBOR, MI	---	---
MANISTEE HARBOR AND RIVER CHANNEL, MI	---	---
MANISTIQUE HARBOR, MI	---	---
MARQUETTE HARBOR, MI	---	---
MENOMINEE HARBOR, MI & WI	---	(117)
NEW BUFFALO HARBOR, MI	---	(100)
PENTWATER HARBOR, MI	---	(100)
POINT LOOKOUT HARBOR, MI	---	---
PORT AUSTIN HARBOR, MI	---	---
PORT SANILAC HARBOR, MI	---	---
PORTAGE LAKE HARBOR, MI	---	---
ROUGE RIVER, MI	---	---
SAUGATUCK HARBOR, KALAMAZOO RIVER, MI	---	---
SOUTH HAVEN HARBOR, MI	---	---
WHITE LAKE HARBOR, MI	---	---
ONTONAGON HARBOR, MI	1,122	1,066
PRESQUE ISLE HARBOR, MI	335	318
PROJECT CONDITION SURVEYS, MI	410	390
SAGINAW RIVER, MI	3,624	3,444
SEBEWAING RIVER, MI	1,200	1,140
ST. CLAIR RIVER, MI	533	507
ST. JOSEPH HARBOR, MI	755	718
ST. MARYS RIVER, MI	23,010	21,867
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	2,612	2,482

## MINNESOTA

BIGSTONE LAKE AND WHETSTONE RIVER, MN & SD	276	262
DULUTH-SUPERIOR HARBOR, MN & WI	5,985	8,613
INSPECTION OF COMPLETED WORKS, MN	633	602
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	627	596
MINNESOTA RIVER, MN	256	243
MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVP PORTION), MN	44,130	41,938
ORWELL LAKE, MN	533	507
PROJECT CONDITION SURVEYS, MN	82	82
RED LAKE RESERVOIR, MN	150	143
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	3,398	3,229
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	359	341
TWO HARBORS, MN	350	333



## MISSISSIPPI

BILOXI HARBOR, MS	1,250	1,188
CLAIRBORNE COUNTY PORT, MS	2	74
EAST FORK, TOMBIGBEE RIVER, MS	187	178
GULFPORT HARBOR, MS	3,470	4,500
INSPECTION OF COMPLETED WORKS, MS	183	174
MOUTH OF YAZOO RIVER, MS	40	100
OKATIBBEE LAKE, MS	1,703	1,618
PASCAGOULA HARBOR, MS	7,505	9,500
PEARL RIVER, MS & LA	193	183
PROJECT CONDITION SURVEYS, MS	75	75
ROSEDALE HARBOR, MS	15	590
WATER/ENVIRONMENTAL CERTIFICATION, MS	66	66
YAZOO RIVER, MS	35	100

## MISSOURI

CARUTHERSVILLE HARBOR, MO	40	482
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	6,813	6,475
CLEARWATER LAKE, MO	2,933	2,827
HARRY S. TRUMAN DAM AND RESERVOIR, MO	9,393	8,926
INSPECTION OF COMPLETED WORKS, MO	1,491	1,417
LITTLE BLUE RIVER LAKES, MO	845	803
LONG BRANCH LAKE, MO	949	902
MISSISSIPPI RIVER BETWEEN THE OHIO AND MISSOURI RIVERS (REG WORKS), MO & IL	23,403	22,241
NEW MADRID HARBOR, MILE 889, MO	40	240
NEW MADRID HARBOR, MO	90	400
POMME DE TERRE LAKE, MO	2,231	2,120
SCHEDULING RESERVOIR OPERATIONS, MO	327	311
SMITHVILLE LAKE, MO	1,850	1,758
STOCKTON LAKE, MO	4,370	4,153
TABLE ROCK LAKE, MO & AR	7,550	7,175
UNION LAKE, MO	6	6

## MONTANA

FT. PECK DAM AND LAKE, MT	6,361	6,045
INSPECTION OF COMPLETED WORKS, MT	115	109
LIBBY DAM, MT	1,948	1,851
SCHEDULING RESERVOIR OPERATIONS, MT	145	138

## NEBRASKA

GAVINS POINT DAM, NE & SD	8,165	7,759
HARLAN COUNTY LAKE, NE	2,312	2,197
INSPECTION OF COMPLETED WORKS, NE	714	679
PAPILLION CREEK, NE	847	805
SALT CREEK AND TRIBUTARIES, NE	1,079	1,025

## NEVADA

INSPECTION OF COMPLETED WORKS, NV	63	63
MARTIS CREEK LAKE, NV & CA	1,192	1,133
PINE AND MATHEWS CANYONS LAKES, NV	341	324

## NEW HAMPSHIRE

BLACKWATER DAM, NH	610	580
COCHECO RIVER, NH	---	2,000
EDWARD MACDOWELL LAKE, NH	560	532
FRANKLIN FALLS DAM, NH	1,921	1,826
HAMPTON HARBOR, HAMPTON, NH	---	130
HOPKINTON-EVERETT LAKES, NH	1,148	1,091
INSPECTION OF COMPLETED WORKS, NH	126	120
OTTER BROOK LAKE, NH	553	526
PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NH	500	475
PROJECT CONDITION SURVEYS, NH	275	261
SURRY MOUNTAIN LAKE, NH	760	722

## NEW JERSEY

ABSECON INLET, NJ	---	117
BARNEGAT INLET, NJ	225	334
CAPE MAY INLET TO LOWER TOWNSHIP, NJ /1	200	---
COLD SPRING INLET, NJ	250	238
DELAWARE RIVER AT CAMDEN, NJ	15	15
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	19,600	18,626
INSPECTION OF COMPLETED WORKS, NJ	205	195
LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NJ /1	400	---
MANASQUAN RIVER, NJ	160	152
NEW JERSEY INTRACOASTAL WATERWAY, NJ	250	385
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	150	143
PASSAIC RIVER FLOOD WARNING SYSTEM, NJ	553	526
PROJECT CONDITION SURVEYS, NJ	1,653	1,571
RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ	200	190
RARITAN RIVER, NJ	120	292
SALEM RIVER, NJ	100	100
SHARK RIVER, NJ	400	380
SHOAL HARBOR AND COMPTON CREEK, NJ	80	80

## NEW MEXICO

ABIQUIU DAM, NM	3,305	3,141
COCHITI LAKE, NM	6,876	6,534
CONCHAS LAKE, NM	1,796	1,707
GALISTEO DAM, NM	591	562
INSPECTION OF COMPLETED WORKS, NM	639	607
JEMEZ CANYON DAM, NM	756	718
MIDDLE RIO GRANDE ENDANGERED SPECIES COLLABORATIVE PROGRAM, NM (MRGESCP)	3,150	2,994
SANTA ROSA DAM AND LAKE, NM	1,099	1,044
SCHEDULING RESERVOIR OPERATIONS, NM	477	453

TWO RIVERS DAM, NM	404	384
UPPER RIO GRANDE WATER OPERATIONS MODEL STUDY, CO, NM, TX	4,188	2,053

## NEW YORK

ALMOND LAKE, NY	524	498
ARKPORT DAM, NY	298	283
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	1,503	1,428
BUFFALO HARBOR, NY	1,325	1,548
BUTTERMILK CHANNEL, NY	1,760	1,673
EAST RIVER, NY	300	285
EAST ROCKAWAY INLET, NY	2,950	2,803
EAST SIDNEY LAKE, NY	588	559
EASTCHESTER CREEK, NY	4,090	3,887
FIRE ISLAND INLET TO JONES INLET, NY	150	143
FLUSHING BAY AND CREEK, NY	60	60
GREAT KILLS HARBOR, STATEN ISLAND, NY	60	60
GREAT SOUTH BAY, NY	60	60
HUDSON RIVER CHANNEL, NY	60	60
HUDSON RIVER, NY (MAINT)	1,270	1,207
HUDSON RIVER, NY (O & C)	1,550	1,473
INSPECTION OF COMPLETED WORKS, NY	898	853
JAMAICA BAY, NY	220	209
JONES INLET, NY	150	143
LAKE MONTAUK HARBOR, NY	100	100
LITTLE SODUS BAY HARBOR, NY	5	5
LONG ISLAND INTRACOASTAL WATERWAY, NY	100	100
MATTITUCK HARBOR, NY	60	60
MORICHES INLET, NY	100	100
MOUNT MORRIS DAM, NY	2,696	2,562
NEW YORK AND NEW JERSEY CHANNELS, NY	4,100	3,896
NEW YORK HARBOR, NY	3,698	3,514
NEW YORK HARBOR, NY & NJ (DRIFT REMOVAL)	7,000	6,652
NEW YORK HARBOR, NY & NJ (PREVENTION OF OBSTRUCTIVE DEPOSITS)	1,045	993
NEWTOWN CREEK, NY	150	143
OGDENSBURG HARBOR, NY	---	70
OLCOTT HARBOR, NY	---	197
OSWEGO HARBOR, NY	---	300
PORTCHESTER HARBOR, NY	60	60
PROJECT CONDITION SURVEYS, NY	2,123	2,018
ROCHESTER HARBOR, NY	5	963
SHINNECOCK INLET, NY	100	100
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	807	767
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	579	550
WESTCHESTER CREEK, NY	100	100
WHITNEY POINT LAKE, NY	685	651

## NORTH CAROLINA

ATLANTIC INTRACOASTAL WATERWAY, NC	4,300	4,086
B. EVERETT JORDAN DAM AND LAKE, NC	1,898	1,804
BEAUFORT HARBOR, NC	---	238

BOGUE INLET AND CHANNEL, NC	---	461
CAPE FEAR RIVER ABOVE WILMINGTON, NC	988	939
CAROLINA BEACH INLET, NC	---	234
FALLS LAKE, NC	1,859	1,767
INSPECTION OF COMPLETED WORKS, NC	244	232
LOCKWOODS FOLLY RIVER, NC	---	281
MANTEO (SHALLOWBAG) BAY, NC	3,945	3,749
MASONBORO INLET AND CONNECTING CHANNELS, NC	2,300	2,186
MOREHEAD CITY HARBOR, NC	9,500	9,028
NEW RIVER INLET, NC	700	665
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	---	281
PROJECT CONDITION SURVEYS, NC	295	280
ROLLINSON CHANNEL, NC	50	50
SILVER LAKE HARBOR, NC	250	238
W. KERR SCOTT DAM AND RESERVOIR, NC	3,421	3,251
WILMINGTON HARBOR, NC	12,155	11,551

## NORTH DAKOTA

BOWMAN HALEY, ND	350	333
GARRISON DAM, LAKE SAKAKAWEA, ND	14,746	14,946
HOMME LAKE, ND	252	239
INSPECTION OF COMPLETED WORKS, ND	452	430
LAKE ASHTABULA AND BALDHILL DAM, ND	1,351	1,284
PIPESTEM LAKE, ND	496	471
SCHEDULING RESERVOIR OPERATIONS, ND	138	131
SOURIS RIVER, ND	286	272
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ND	35	35

## OHIO

ALUM CREEK LAKE, OH	1,545	1,468
ASHTABULA HARBOR, OH	840	1,267
BERLIN LAKE, OH	2,198	2,089
CAESAR CREEK LAKE, OH	1,500	1,425
CLARENCE J BROWN DAM, OH	1,145	1,088
CLEVELAND HARBOR, OH	7,357	7,460
CONNEAUT HARBOR, OH	1,191	1,132
DEER CREEK LAKE, OH	1,481	1,407
DELAWARE LAKE, OH	1,322	1,256
DILLON LAKE, OH	1,366	1,298
INSPECTION OF COMPLETED WORKS, OH	555	527
LORAIN HARBOR, OH	880	836
MASSILLON LOCAL PROTECTION PROJECT, OH	37	37
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	1,089	1,035
MISSISSIPPI FLOOD CONTROL, OH	1,727	1,641
MOSQUITO CREEK LAKE, OH	995	946
MUSKINGUM RIVER LAKES, OH	7,306	6,943
NORTH BRANCH KOKOSING RIVER LAKE, OH	274	260
PAINT CREEK LAKE, OH	1,216	1,156
PROJECT CONDITION SURVEYS, OH	295	280
ROSEVILLE LOCAL PROTECTION PROJECT, OH	35	35

SANDUSKY HARBOR, OH	1,465	1,392
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	234	222
TOLEDO HARBOR, OH	5,034	5,253
TOM JENKINS DAM, OH	894	850
WEST FORK OF MILL CREEK LAKE, OH	745	708
WILLIAM H. HARSHA LAKE, OH	1,029	978

## OKLAHOMA

ARCADIA LAKE, OK	521	495
BIRCH LAKE, OK	902	857
BROKEN BOW LAKE, OK	3,202	3,043
CANTON LAKE, OK	2,217	2,107
COPAN LAKE, OK	1,035	984
EUFULA LAKE, OK	6,620	6,291
FORT GIBSON LAKE, OK	11,768	11,183
FORT SUPPLY LAKE, OK	1,104	1,049
GREAT SALT PLAINS LAKE, OK	347	330
HEYBURN LAKE, OK	748	711
HUGO LAKE, OK	1,738	1,652
HULAH LAKE, OK	2,097	1,993
INSPECTION OF COMPLETED WORKS, OK	255	242
KAW LAKE, OK	2,751	2,614
KEYSTONE LAKE, OK	6,947	6,602
MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, OK	6,173	5,866
OOLOGAH LAKE, OK	4,106	3,902
OPTIMA LAKE, OK	219	208
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	114	108
PINE CREEK LAKE, OK	1,276	1,213
ROBERT S. KERR LOCK AND DAM AND RESERVOIR, OK	8,441	8,022
SARDIS LAKE, OK	1,254	1,192
SCHEDULING RESERVOIR OPERATIONS, OK	900	855
SKIATOOK LAKE, OK	1,414	1,344
TENKILLER FERRY LAKE, OK	6,625	6,296
WAURIKA LAKE, OK	1,431	1,360
WEBBERS FALLS LOCK & DAM, OK	5,903	5,610
WISTER LAKE, OK	856	813

## OREGON

APPLEGATE LAKE, OR	1,302	1,237
BLUE RIVER LAKE, OR	940	893
BONNEVILLE LOCK & DAM, OR & WA	13,911	13,220
CHETCO RIVER, OR	909	864
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA AND PORTLAND, OR	24,495	23,278
COLUMBIA RIVER AT THE MOUTH, OR & WA	12,945	12,302
COLUMBIA RIVER BETWEEN VANCOUVER, WA & THE DALLES, OR	689	655
COOS BAY, OR	4,591	4,904
COQUILLE RIVER, OR	339	437
COTTAGE GROVE LAKE, OR	1,130	1,074
COUGAR LAKE, OR	1,582	1,503
DEPOE BAY, OR	---	112

DETROIT LAKE, OR	949	902
DORENA LAKE, OR	1,160	1,102
FALL CREEK LAKE, OR	1,864	1,771
FERN RIDGE LAKE, OR	2,362	2,245
GREEN PETER - FOSTER LAKES, OR	3,650	3,469
HILLS CREEK LAKE, OR	843	801
INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, OR	34	34
INSPECTION OF COMPLETED WORKS, OR	636	604
JOHN DAY LOCK AND DAM, OR & WA	8,901	8,459
LOOKOUT POINT LAKE, OR	2,766	2,629
LOST CREEK LAKE, OR	3,636	3,455
M McNARY LOCK & DAM, OR & WA	7,137	6,783
PORT ORFORD, OR	38	38
PROJECT CONDITION SURVEYS, OR	200	190
ROGUE RIVER AT GOLD BEACH, OR	565	736
SCHEDULING RESERVOIR OPERATIONS, OR	69	69
SIUSLAW RIVER , OR	647	647
SKIPANON CHANNEL, OR	6	6
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	10,400	9,883
TILLAMOOK BAY AND BAR, OR	48	48
UMPQUA RIVER, OR	1,174	1,116
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	87	918
WILLAMETTE RIVER BANK PROTECTION, OR	41	41
WILLOW CREEK LAKE, OR	629	598
YACUINA BAY AND HARBOR, OR	1,790	1,701

## PENNSYLVANIA

ALLEGHENY RIVER, PA	9,039	8,590
ALVIN R. RUSH DAM, PA	659	626
AYLESWORTH CREEK LAKE, PA	215	204
BELTZVILLE LAKE, PA	1,201	1,141
BLUE MARSH LAKE, PA	2,696	2,562
CONEMAUGH RIVER LAKE, PA	1,253	1,191
COWANESQUE LAKE, PA	1,889	1,795
CROOKED CREEK LAKE, PA	1,683	1,599
CURWENSVILLE LAKE, PA	757	719
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	820	779
EAST BRANCH CLARION RIVER LAKE, PA	1,524	1,448
ERIE HARBOR, PA	555	527
FOSTER JOSEPH SAYERS DAM, PA	674	641
FRANCIS E WALTER DAM, PA	969	921
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	224	213
INSPECTION OF COMPLETED WORKS, PA	880	836
JOHNSTOWN, PA	34	34
KINZUA DAM AND ALLEGHANY RESERVOIR, PA	1,338	1,272
LOYALHANNA LAKE, PA	1,346	1,279
MAHONING CREEK LAKE, PA	1,286	1,222
MONONGAHELA RIVER, PA	16,758	15,926
OHIO RIVER LOCKS AND DAMS, PA, OH & WV	21,470	20,404
OHIO RIVER OPEN CHANNEL WORK, PA, OH & WV	516	490
PROJECT CONDITION SURVEYS, PA	120	114

PROMPTON LAKE, PA	434	412
PUNXSUTAWNEY, PA	22	22
RAYSTOWN LAKE, PA	3,847	3,656
SCHEDULING RESERVOIR OPERATIONS, PA	59	59
SCHUYLKILL RIVER, PA	200	190
SHENANGO RIVER LAKE, PA	6,992	6,645
STILLWATER LAKE, PA	452	430
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	98	98
TIOGA HAMMOND LAKES, PA	2,456	2,334
TIONESTA LAKE, PA	1,812	1,722
UNION CITY LAKE, PA	440	418
WOODCOCK CREEK LAKE, PA	1,041	989
YORK INDIAN ROCK DAM, PA	478	454
YOUGHIOGHENY RIVER LAKE, PA & MD	2,335	2,219

PUERTO RICO

SAN JUAN HARBOR, PR	1,200	1,140
---------------------	-------	-------

RHODE ISLAND

BLOCK ISLAND HARBOR OF REFUGE, RI	---	1,204
FOX POINT HURRICANE BARRIER, PROVIDENCE, RI	500	475
GREAT SALT POND, BLOCK ISLAND, RI	100	200
INSPECTION OF COMPLETED WORKS, RI	48	48
PAWCATUCK RIVER, LITTLE NARRAGANSETT BAY & WATCH HILL COVE, CT & RI	---	193
POINT JUDITH HARBOR OF REFUGE, RI	300	285
PROJECT CONDITION SURVEYS, RI	500	475
PROVIDENCE HARBOR SHIPPING CHANNEL, RI	---	144
WOONSOCKET, RI	200	190

SOUTH CAROLINA

ATLANTIC INTRACOASTAL WATERWAY, SC	795	1,811
CHARLESTON HARBOR, SC	12,492	10,163
COOPER RIVER, CHARLESTON HARBOR, SC	4,685	4,452
GEORGETOWN HARBOR, SC	250	1,103
INSPECTION OF COMPLETED WORKS, SC	70	70
PROJECT CONDITION SURVEYS, SC	465	442

SOUTH DAKOTA

BIG BEND DAM, LAKE SHARPE, SD	9,873	9,383
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	---	3,000
COLD BROOK LAKE, SD	436	414
COTTONWOOD SPRINGS LAKE, SD	271	258
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	12,210	11,604
INSPECTION OF COMPLETED WORKS, SD	75	75
LAKE TRAVERSE, SD & MN	598	568
OAHE DAM, LAKE OAHE, SD & ND	11,816	11,229
SCHEDULING RESERVOIR OPERATIONS, SD	81	81



## TENNESSEE

CENTER HILL LAKE, TN	6,143	5,838
CHEATHAM LOCK AND DAM, TN	6,454	6,133
CHICKAMAUGA LOCK, TENNESSEE RIVER, TN	3,775	3,775
CORDELL HULL DAM AND RESERVOIR, TN	6,813	6,475
DALE HOLLOW LAKE, TN	6,386	6,069
INSPECTION OF COMPLETED WORKS, TN	50	50
J. PERCY PRIEST DAM AND RESERVOIR, TN	4,818	4,579
J. PERCY PRIEST GREENWAY, TN	---	3,500
OLD HICKORY LOCK AND DAM, TN	12,304	11,693
TENNESSEE RIVER, TN	16,833	15,997
WOLF RIVER HARBOR, TN	373	354

## TEXAS

AQUILLA LAKE, TX	1,564	1,564
ARKANSAS-RED RIVER BASINS CHLORIDE CONTROL-AREA VIII, TX	1,558	1,481
BARDWELL LAKE, TX	2,229	2,118
BAYPORT SHIP CHANNEL, TX	4,968	4,721
BELTON LAKE, TX	3,280	3,117
BENBROOK LAKE, TX	2,575	2,447
BRAZOS ISLAND HARBOR, TX	3,388	4,959
BUFFALO BAYOU & TRIBUTARIES, TX	2,958	2,811
CANYON LAKE, TX	4,005	3,806
CEDAR BAYOU, TX	1,790	1,701
CHANNEL TO HARLINGEN, TX	2,161	2,054
CHANNEL TO PORT BOLIVAR, TX	383	364
CORPUS CHRISTI SHIP CHANNEL, TX	4,523	4,298
DENISON DAM, LAKE TEXOMA, TX & OK	7,676	8,740
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	43	43
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX	3,485	3,312
FREEPORT HARBOR, TX	3,316	3,151
GALVESTON HARBOR AND CHANNEL, TX	13,095	12,445
GIWW, CHANNEL TO VICTORIA, TX	2,264	2,152
GIWW, CHOCOLATE BAYOU, TX	1,733	1,647
GRANGER DAM AND LAKE, TX	2,588	2,459
GRAPEVINE LAKE, TX	2,735	2,599
GULF INTRACOASTAL WATERWAY, TX	26,046	24,752
HORDS CREEK LAKE, TX	1,605	1,525
HOUSTON SHIP CHANNEL, TX	15,063	14,315
INSPECTION OF COMPLETED WORKS, TX	1,520	1,445
JIM CHAPMAN LAKE, TX	1,718	1,633
JOE POOL LAKE, TX	1,096	1,042
LAKE KEMP, TX	327	311
LAVON LAKE, TX	3,497	3,323
LEWISVILLE DAM, TX	3,549	3,373
MATAGORDA SHIP CHANNEL, TX	4,627	4,397
NAVARRO MILLS LAKE, TX	4,168	3,961
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	2,382	2,264
O.C. FISHER DAM AND LAKE, TX	1,164	1,106
PAT MAYSE LAKE, TX	1,208	1,148

PROCTOR DAM AND LAKE, TX	2,324	2,209
PROJECT CONDITION SURVEYS, TX	223	212
RAY ROBERTS LAKE, TX	1,324	1,258
SABINE-NECHES WATERWAY, TX	13,399	12,733
SAM RAYBURN DAM AND RESERVOIR, TX	6,247	5,937
SCHEDULING RESERVOIR OPERATIONS, TX	149	142
SOMERVILLE LAKE, TX	3,366	3,199
STILLHOUSE HOLLOW DAM, TX	2,096	1,992
TEXAS CITY SHIP CHANNEL, TX	4,000	3,801
TEXAS WATER ALLOCATION ASSESSMENT, TX	100	1,000
TOWN BLUFF DAM, B. A. STEINHAGEN LAKE, TX	2,505	2,381
TRINITY RIVER AND TRIBUTARIES, TX	---	963
WACO LAKE, TX	3,711	3,711
WALLISVILLE LAKE, TX	2,114	2,009
WHITNEY LAKE, TX	8,348	8,891
WRIGHT PATMAN DAM AND LAKE, TX	3,517	3,342

## UTAH

INSPECTION OF COMPLETED WORKS, UT	84	84
SCHEDULING RESERVOIR OPERATIONS, UT	594	564

## VERMONT

BALL MOUNTAIN, VT	858	815
INSPECTION OF COMPLETED WORKS, VT	109	104
NARROWS OF LAKE CHAMPLAIN, VT & NY	85	85
NORTH HARTLAND LAKE, VT	772	734
NORTH SPRINGFIELD LAKE, VT	854	812
TOWNSHEND LAKE, VT	814	774
UNION VILLAGE DAM, VT	627	596

## VIRGINIA

APPOMATTOX RIVER, VA	---	523
ATLANTIC INTRACOASTAL WATERWAY - ACC, VA	2,620	2,490
ATLANTIC INTRACOASTAL WATERWAY - DSC, NC & VA	991	1,311
CHINCOTEAGUE INLET, VA	913	868
GATHRIGHT DAM AND LAKE MOOMAW, VA	2,323	2,208
HAMPTON ROADS, NORFOLK & NEWPORT NEWS HARBOR, VA (DRIFT REMOVAL)	882	838
INSPECTION OF COMPLETED WORKS, VA	369	351
JAMES RIVER CHANNEL, VA	4,479	4,257
JOHN H. KERR LAKE, VA & NC	11,585	11,010
JOHN W. FLANNAGAN DAM AND RESERVOIR, VA	2,104	1,999
LYNNHAVEN INLET, VA	277	263
NORFOLK HARBOR, VA	11,343	10,780
NORTH FORK OF POUND RIVER LAKE, VA	630	599
PHILPOTT LAKE, VA & NC	5,638	5,358
PROJECT CONDITION SURVEYS, VA	850	808
REMOVAL OF AQUATIC GROWTH, VA	50	50
RUDEE INLET, VA	795	756
WATER/ENVIRONMENTAL CERTIFICATION, VA	104	99

WATERWAY ON THE COAST OF VIRGINIA, VA	201	191
WASHINGTON		
CHIEF JOSEPH DAM, WA	790	751
COLUMBIA RIVER AT BAKER BAY, WA & OR	86	674
COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA	7	771
EDIZ HOOK, WA	730	694
EVERETT HARBOR AND SNOHOMISH RIVER, WA	1,766	1,678
FRIDAY HARBOR, WA	111	105
GRAYS HARBOR AND CHEHALIS RIVER, WA	11,140	10,587
COASTAL MODELING SYSTEM	---	300
HOWARD HANSON DAM, WA	3,694	3,511
ICE HARBOR LOCK & DAM, WA	5,828	5,539
INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, WA	74	74
INSPECTION OF COMPLETED WORKS, WA	725	689
LAKE WASHINGTON SHIP CANAL, WA	9,246	8,787
LITTLE GOOSE LOCK & DAM, WA	2,551	2,424
LOWER GRANITE LOCK & DAM, WA	7,651	7,271
LOWER MONUMENT LOCK & DAM, WA	2,735	2,599
MILL CREEK LAKE, WA	3,834	3,644
MT. ST. HELENS SEDIMENT CONTROL, WA	279	265
MUD MOUNTAIN DAM, WA	3,056	2,904
NEAH BAY, WA	67	67
PROJECT CONDITION SURVEYS, WA	524	498
PUGET SOUND AND TRIBUTARY WATERS, WA	1,011	961
QUILLAYUTE RIVER, WA	266	253
SCHEDULING RESERVOIR OPERATIONS, WA	537	510
SEATTLE HARBOR, WA	172	163
STILLAGUAMISH RIVER, WA	165	157
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	50	50
TACOMA, PUYALLUP RIVER, WA	130	124
THE DALLES LOCK & DAM, WA & OR	8,769	8,333
WILLAPA RIVER AND HARBOR, WA	40	40
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,405	1,335
BLUESTONE LAKE, WV	1,661	1,579
BURNSVILLE LAKE, WV	2,246	2,134
EAST LYNN LAKE, WV	2,167	2,059
ELKINS, WV	15	15
INSPECTION OF COMPLETED WORKS, WV	336	319
KANAWHA RIVER LOCKS & DAM, WV	14,089	13,389
OHIO RIVER LOCKS AND DAMS, WV, KY & OH	35,276	33,524
PARKERSBURG/VIENNA, WV	---	2,786
OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH	2,996	2,847
R. D. BAILEY LAKE, WV	1,927	1,831
STONEWALL JACKSON LAKE, WV	1,148	1,091
SUMMERSVILLE LAKE, WV	3,234	3,073
SUTTON LAKE, WV	2,413	2,293
TYGART LAKE, WV	1,478	1,405

## WISCONSIN

ASHLAND HARBOR, WI	---	913
CORNUCOPIA HARBOR, WI	---	173
EAU GALLE RIVER LAKE, WI	888	844
FOX RIVER, WI	2,421	4,421
GREEN BAY HARBOR, WI	3,459	6,222
INSPECTION OF COMPLETED WORKS, WI	91	91
KEWAUNEE HARBOR, WI	40	424
LAKE SUPERIOR SMALL HARBOR MAINTENANCE, WI	---	1,924
PROJECT CONDITION SURVEYS, WI	283	269
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	20	550
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	388	369

## WYOMING

INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, WY	10	10
INSPECTION OF COMPLETED WORKS, WY	25	25
JACKSON HOLE LEVEES, WY	877	833
SCHEDULING RESERVOIR OPERATIONS, WY	118	112
 SUBTOTAL	 2,317,027	 2,262,314

## REGIONAL PROGRAMS

ACTIONS FOR CHANGE TO IMPROVE OPERATION AND MAINTENANCE	8,000	---
AQUATIC NUISANCE CONTROL RESEARCH	690	656
ASSET MANAGEMENT/FACILITIES AND EQUIPMENT MAINTENANCE	4,750	4,514
BUDGET/MANAGEMENT SUPPORT FOR O&M BUSINESS LINES	---	---
OPTIMIZATION TOOLS FOR NAVIGATION	392	373
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM	4,000	3,801
RECREATION MANAGEMENT SUPPORT PROGRAM	1,650	1,568
STEWARDSHIP SUPPORT PROGRAM	750	713
COASTAL INLET RESEARCH PROGRAM	3,000	2,851
CONTINUING AUTHORITIES PROGRAM	---	---
BENEFICIAL USE OF DREDGED MATERIAL (SECTION 204, 207, 993) /1	9,175	---
MITIGATION OF SHORE DAMAGES (SECTION 111) /1	9,043	---
CULTURAL RESOURCES (NAGPRA/CURATION)	2,500	2,376
DREDGE MCFARLAND READY RESERVE	12,000	11,404
DREDGE WHEELER READY RESERVE	12,000	11,404
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,150	1,093
DREDGING OPERATIONS AND ENVIRONMENTAL RESTORATION (DOER)	7,000	6,652
DREDGING OPERATIONS TECHNICAL SUPPORT PROGRAM (DOTS)	2,000	1,901
EARTHQUAKE HAZARDS REDUCTION PROGRAM	270	257
FACILITY PROTECTION	7,000	6,652
FERC HYDROPOWER COORDINATION	3,000	2,851
FISH & WILDLIFE OPERATING FISH HATCHERY REIMBURSEMENT	4,700	4,467
GREAT LAKES SEDIMENT TRANSPORT MODEL	1,200	1,140
INLAND WATERWAY NAVIGATION CHARTS	3,800	3,611
INSPECTION OF COMPLETED WORKS	1,780	1,692
LONG TERM OPTION ASSESSMENT FOR LOW USE NAVIGATION	1,500	1,425

MONITORING OF COMPLETED NAVIGATION PROJECTS	1,800	1,711
NATIONAL (LEVEE) FLOOD INVENTORY	10,000	9,503
NATIONAL COASTAL MAPPING PROGRAM	7,000	10,000
NATIONAL DAM SAFETY PROGRAM	18,000	17,106
NATIONAL EMERGENCY PREPAREDNESS PROGRAM (NEPP)	7,000	6,652
NATIONAL NATURAL RESOURCES MANAGEMENT ACTIVITIES	4,230	4,020
NATIONAL PORTFOLIO ASSESSMENT FOR REALLOCATION	571	543
NATIONWIDE EVALUATION OF HYDROPOWER REHAB	2,000	1,901
PROGRAM DEVELOPMENT TECHNICAL SUPPORT (ABS-P2, WINABS)	300	285
PROTECTION OF NAVIGATION: HARBOR MAINTENANCE FEE DATA COLLECTION	825	784
PROTECTION OF NAVIGATION: PROTECT, CLEAR AND STRAIGHTEN CHANNELS (SEC 3)	50	48
PROTECTION OF NAVIGATION: REMOVAL OF SUNKEN VESSELS	500	475
PROTECTION OF NAVIGATION: WATERBORNE COMMERCE STATISTICS	4,771	4,534
RECREATION ON STOP (R1S) NATIONAL RECREATION RESERVATION	65	62
REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM	2,000	4,816
HAWAII RSM, HI	---	(500)
SOUTHEAST OAHU RSM, HI	---	(500)
NORTH CAROLINA RSM, NC	---	(600)
DELAWARE ESTUARY RSM, NJ	---	(200)
SOUTH COASTAL RHODE ISLAND RSM, RI	---	(750)
CHESAPEAKE BAY, NEWPOINT COMFORT, MATHEWS COUNTY, VA	---	(350)
RELIABILITY MODELS PROGRAM FOR MAJOR REHAB	608	578
RESERVE FOR KEY EMERGENCY MAINTENANCE/REPAIRS	20,000	---
RESPONSES TO CLIMATE CHANGE AT CORPS PROJECTS	5,000	2,408
SHORELINE USE PERMIT STUDY	250	238
WATER OPERATIONS TECHNICAL SUPPORT (WOTS)	653	621
 SUBTOTAL	 186,973	 137,686
 TOTAL	 2,504,000	 2,400,000

/1 ITEMS FUNDED IN CONSTRUCTION

*Michigan Harbor Dredging, Michigan.*—The conference agreement includes \$6,000,000 for this line item to provide for the dredging needs of the State as well as several individual projects. All of the harbors and waterways that are eligible for this funding are listed in the table under this heading, including those for which a specific amount is provided. The Corps is directed to propose a dredging program for fiscal year 2010 that would most effectively utilize the scarce funds available for these harbors.

*Cheyenne River Sioux Tribe, Lower Brule Sioux, South Dakota.*—The conference agreement includes \$3,000,000 in accordance with the requirements of title VI of the Water Resources Development Act of 1999 to protect cultural resource sites and provide funding to the State and tribes for approved restoration and stewardship plans. The Corps is directed to contract with or reimburse the State of South Dakota and affected tribes for performance of these duties.

*Chinook, Head of Sand Island, and Baker Bay, Washington.*—The conferees note the proximity of Corps navigation facilities on the Columbia River between Chinook and the Head of Sand Island, Washington, and at Baker Bay, Washington. The conferees encourage the Corps of Engineers to seek ways to achieve cost savings and efficiency, such as by utilizing appropriate contracting methods while having these two projects considered together when seeking bids and awarding contracts. \$1,445,000 is included for dredging at these harbors.

*National Coastal Mapping.*—\$10,000,000 is included for this program. \$5,000,000 of these funds are for LIDAR bathymetry for use in regional sediment management and for Coastal Zone Mapping and Imaging LIDAR/LASER to be conducted with the University of Southern Mississippi.

*Reserve for Key Emergency Maintenance/Repairs.*—The conference agreement includes no funding for this item. The conferees believe it is critical for Corps Headquarters to retain a maintenance reserve. Therefore, a proviso in the Operation and Maintenance section of the Act is included to address this need.

#### REGULATORY PROGRAM

The conference agreement provides \$190,000,000 for the Regulatory Program as proposed by the Senate, instead of \$191,800,000 as proposed by the House.

#### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement provides \$134,000,000 for the Formerly Utilized Sites Remedial Action Program as proposed by the House, instead of \$140,000,000 as proposed by the Senate. The Corps is directed to prioritize sites that are nearing completion. The Corps is urged to expeditiously complete the Remedial Investigation/Feasibility Study of the former Sylvania nuclear fuel site in Hicksville, New York and to proceed expeditiously to a Record of Decision and, if appropriate, initiate any necessary remediation in accordance with CERCLA. The Secretary of the Army shall submit a report to the House and Senate Committees on Appropriations detailing the progress not later than 120 days after enactment of this Act.

#### EXPENSES

The conference agreement provides \$185,000,000 for Expenses, instead of \$152,200,000 as proposed by the House and \$186,000,000 as proposed by the Senate.

#### OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

The conference agreement provides \$5,000,000 for the Office of Assistant Sec-

retary of the Army (Civil Works) as proposed by the Senate, instead of \$6,000,000 as proposed by the House.

#### ADMINISTRATIVE PROVISION

The conference agreement includes a provision relating to the replacement and hire of passenger motor vehicles as proposed by the House and Senate.

#### GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

The conference agreement modifies a provision proposed by the Senate relating to reprogramming. The House proposed a similar provision.

The conference agreement includes a provision proposed by the Senate prohibiting implementation of competitive sourcing or High Performance Organizations. The House proposed a similar provision.

The conference agreement includes a provision proposed by the House prohibiting the use of funds to carry out any contract that commits funds beyond the amounts appropriated for that program, project, or activity. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the House relating to continuing contracts and the Inland Waterway Trust Fund. The Senate proposed a similar provision.

The conference agreement includes a provision proposed by the House clarifying cost-sharing requirements for the Two Harbors, Minnesota, project. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the House relating to the total project limit for the Northern Wisconsin Environmental Assistance, Wisconsin, project. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the House relating to the acquisition of flood damage reduction efforts under the Town of Martin Nonstructural Project Detailed Project Report, dated March 2000. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to report notifications. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to reallocations in Lake Cumberland, Kentucky. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the total project limit for the Mississippi Environmental Infrastructure Program. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the Big Sioux River and Skunk Creek, Sioux Falls, South Dakota project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to section 595(h) of the Water Resource Development Act of 1999. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the Des Moines and Raccoon Rivers, Iowa project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the Breckenridge, Minnesota project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the

Des Moines Recreational River and Greenbelt, Iowa project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the Alaska coastal erosion project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to a technical correction for the Antelope Creek, Lincoln, Nebraska project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the West Sacramento, California, project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the Ten Mile Creek Water Preserve Area. The House proposed no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to the Tampa Harbor Big Bend Channel, Florida project. The House proposed no similar provision.

The conference agreement includes new language relating to a technical correction to the authorization for the J. Percy Priest Dam and Reservoir, Tennessee, project.

The conference agreement includes new language relating to a technical correction to the authorization for the Sand Creek, Nebraska, project.

The conference agreement includes a provision proposed by the Senate in title II relating to the Fort Peck, Montana, project. The House proposed no similar provision.

The conference agreement includes language relating to the Kahuku, Oahu, Hawaii, project.

The conference agreement includes language regarding the Success Dam, Tule River, California project.

The conference agreement includes language providing the Corps of Engineers authorization for emergency measures to exclude Asian Carp from the Great Lakes.

The conference agreement does not include a provision proposed by the Senate relating to a rescission of Mississippi River and Tributaries funds. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the Senate relating to a rescission of Construction funds. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the Senate relating to the Lake Pontchartrain, Louisiana, project. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the House regarding White River Minimum Flow, Arkansas. This provision is addressed in title III.

#### TITLE II

#### DEPARTMENT OF THE INTERIOR

##### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement provides a total of \$42,004,000 for the Central Utah Project as proposed by the House and Senate.

##### BUREAU OF RECLAMATION

##### WATER AND RELATED RESOURCES (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$951,158,000 for Water and Related Resources, instead of \$910,247,000 as proposed by the House and \$993,125,000 as proposed by the Senate.

*Reprogramming.*—To ensure that the expenditure of funds in fiscal year 2010 is consistent with congressional direction, to minimize the movement of funds, and to improve

overall budget execution, the conference re-  
port carries a legislative provision outlining

the circumstances under which the Bureau of  
Reclamation may reprogram funds.

The conference agreement for Water and  
Related Resources is shown in the following  
table:



WATER AND RELATED RESOURCES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	Resources	Facilities		Resources	Facilities	
	Management	OM&R	PBR	Management	OM&R	Total
ARIZONA						
AK CHIN INDIAN WATER RIGHTS SETTLEMENT ACT PROJECT	---	10,600	10,600	---	10,178	10,178
ARIZONA WATER SETTLEMENT ACT	1,400	---	1,400	1,328	---	1,328
COLORADO RIVER BASIN, CENTRAL ARIZONA PROJECT	18,103	305	18,408	17,123	294	17,417
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM	2,350	---	2,350	2,229	---	2,229
LOAN FOR WHITE MOUNTAIN APACHE TRIBE, AZ	---	---	---	3,209	---	3,209
NORTHERN ARIZONA INVESTIGATIONS PROGRAM	350	---	350	332	---	332
PHOENIX METROPOLITAN WATER REUSE PROJECT	200	---	200	---	---	---
SALT RIVER PROJECT	517	133	650	490	128	618
SAN CARLOS APACHE TRIBE WATER SETTLEMENT ACT	325	---	325	308	---	308
SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY	---	---	---	289	---	289
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM	1,000	---	1,000	1,000	---	1,000
CENTRAL ARIZONA SALINITY STUDY	(80)	---	(80)	(80)	---	(80)
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJECT	1,703	---	1,703	1,616	---	1,616
YUMA AREA PROJECTS	1,327	23,173	24,500	1,175	22,333	23,508
YUMA EAST WETLANDS	---	---	---	2,000	---	2,000
CALIFORNIA						
BAY AREA REGIONAL WATER RECYCLING PROJECT	---	---	---	1,215	---	1,215
CACHUMA PROJECT	837	837	1,674	791	807	1,598
CALIFORNIA INVESTIGATIONS PROGRAM	500	---	500	474	---	474
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PROJECT	1,400	---	1,400	---	---	---
CENTRAL VALLEY PROJECTS	---	---	---	---	---	---
AMERICAN RIVER DIVISION	1,681	7,895	9,576	1,566	7,609	9,175
AUBURN-FOLSOM SOUTH UNIT	1,663	---	1,663	1,578	---	1,578
DELTA DIVISION	15,063	5,342	20,405	14,271	5,148	19,419
EAST SIDE DIVISION	1,676	2,750	4,426	1,580	2,650	4,230
FRIANT DIVISION	2,054	3,702	5,756	2,650	3,702	6,352
SEMITROPIC PHASE II GROUNDWATER BANKING	---	---	---	(642)	---	(642)
MISCELLANEOUS PROJECT PROGRAMS	10,838	958	11,796	10,278	923	11,201
REPLACEMENTS, ADDITIONS, & EXTRAORDINARY MAINT. PROG.	---	25,000	25,000	---	24,004	24,004
SACRAMENTO RIVER DIVISION	15,517	1,379	16,896	14,466	1,329	15,795
SAN FELIPE DIVISION	1,635	16	1,651	1,551	15	1,566
SAN JOAQUIN DIVISION	356	---	356	5,300	---	5,300
SHASTA DIVISION	178	7,876	8,054	140	7,591	7,731
TRINITY RIVER DIVISION	7,310	3,185	10,495	6,923	3,070	9,993
WATER AND POWER OPERATIONS	993	8,287	9,280	912	7,987	8,899
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	3,047	5,478	8,525	2,871	5,279	8,150
YIELD FEASIBILITY INVESTIGATION	450	---	450	427	---	427
CITY OF CORONA WATER RECYCLING AND REUSE PROJECT	---	---	---	500	---	500
HI DESERT WATER DISTRICT WASTEWATER COLLECTION AND REUSE PROJECT	---	---	---	1,000	---	1,000
IRVINE BASIN GROUNDWATER AND SURFACE WATER IMPROVEMENT PROJECT	---	---	---	487	---	487
LAKE TAHOE REGIONAL DEVELOPMENT PROGRAM	102	---	102	2,500	---	2,500
ROSEWOOD CREEK AREA A PROJECT, NEVADA	---	---	---	(2,000)	---	(2,000)
LONG BEACH AREA WATER RECLAMATION PROJECT	1,400	---	1,400	634	---	634
LONG BEACH DESALINATION RESEARCH AND DEVELOPMENT PROJECT	700	---	700	670	---	670
MOKELUMNE RIVER REGIONAL WATER STORAGE PROJECT	---	---	---	233	---	233
NORTH BAY WATER REUSE PROJECT	---	---	---	200	---	200
ORLAND PROJECT	---	703	703	---	675	675
RIVERSIDE-CORONA FEEDER	---	---	---	1,000	---	1,000
SALTON SEA RESEARCH PROJECT	400	---	400	379	---	379
SAN BERNARDINO MWD, CA	---	---	---	1,000	---	1,000
SAN DIEGO AREA WATER RECLAMATION PROGRAM	3,500	---	3,500	2,000	---	2,000
SAN DIEGO FOUR-RESERVOIR INTERTIE	---	---	---	120	---	120
SAN GABRIEL BASIN PROJECT	1,400	---	1,400	89	---	89
SAN GABRIEL BASIN RESTORATION FUND	---	---	---	3,500	---	3,500
SAN JOSE AREA WATER RECLAMATION/REUSE PROGRAM - TITLE XVI	208	---	208	200	---	200
SOBOBA WATER RIGHTS SETTLEMENT PROJECT	5,000	---	5,000	6,000	---	6,000
SOLANO PROJECT	1,612	2,497	4,109	1,520	2,407	3,927

WATER AND RELATED RESOURCES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	Resources	Facilities		Resources	Facilities	
	Management	OM&R	PBR	Management	OM&R	Total
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	520	---	520	493	---	493
LAKE ARROWHEAD	---	---	---	1,000	---	1,000
UPPER MOJAVE RIVER WELL FIELD	---	---	---	100	---	100
VENTURA RIVER PROJECT	397	195	592	376	188	564
WATSONVILLE AREA WATER RECYCLING PROJECT	---	---	---	750	---	750
COLORADO						
ANIMAS-LA PLATA PROJECT	53,743	445	54,188	49,179	429	49,608
ARKANSAS VALLEY CONDUIT	---	---	---	5,000	---	5,000
COLLBRAN PROJECT	190	3,695	3,885	167	3,561	3,728
COLORADO INVESTIGATIONS PROGRAM	300	---	300	285	---	285
COLORADO-BIG THOMPSON PROJECT	405	13,395	13,800	336	12,910	13,246
FRUITGROWERS DAM PROJECT	99	160	259	93	154	247
FRYINGPAN-ARKANSAS PROJECT	252	8,398	8,650	209	8,094	8,303
LAKE PUEBLO STATE PARK	(54)	---	(54)	(54)	---	(54)
GRAND VALLEY UNIT, CRBSCP, TITLE II	170	1,307	1,477	157	1,260	1,417
LEADVILLE/ ARKANSAS RIVER RECOVERY PROJECT	30	2,935	2,965	18	2,829	2,847
LOWER COLORADO RIVER INVESTIGATIONS PROGRAM	250	---	250	237	---	237
MANCOS PROJECT	71	107	178	67	103	170
JACKSON GULCH REHABILITATION PROJECT	---	---	---	1,750	---	1,750
PARADOX VALLEY UNIT, CRBSCP, TITLE II	64	2,282	2,346	52	2,199	2,251
PINE RIVER PROJECT	189	157	346	179	151	330
SAN LUIS VALLEY PROJECT	244	4,636	4,880	600	4,600	5,200
CONEJOS, CO	(46)	---	(46)	(600)	---	(600)
UNCOMPAHGRE PROJECT	228	140	368	216	135	351
IDAHO						
BOISE AREA PROJECTS	3,086	2,315	5,401	2,919	2,231	5,150
COLUMBIA AND SNAKE RIVER FCRPS ESA IMP.	18,000	---	18,000	16,980	---	16,980
IDAHO INVESTIGATIONS PROGRAM	300	---	300	285	---	285
LEWISTON ORCHARDS PROJECT	1,234	30	1,264	1,171	29	1,200
MINIDOKA AREA PROJECTS	2,736	4,432	7,168	2,580	4,271	6,851
KANSAS						
KANSAS INVESTIGATIONS PROGRAM	25	---	25	24	---	24
WICHITA PROJECT-CHENEY DIVISION	10	395	405	8	381	389
WICHITA PROJECT-EQUUS BEDS DIVISION	50	---	50	1,500	---	1,500
MONTANA						
FORT PECK RESERVATION/DRY PRAIRIE RURAL WATER SYSTEM	4,000	---	4,000	8,000	---	8,000
HUNGRY HORSE PROJECT	---	1,865	1,865	---	1,791	1,791
HUNTLEY PROJECT	31	56	87	29	54	83
LOWER YELLOWSTONE PROJECT	532	15	547	505	14	519
MILK RIVER PROJECT	314	1,486	1,800	293	1,432	1,725
MILK RIVER/ST. MARY DIVERSION REHABILITATION	2,500	---	2,500	3,500	---	3,500
MONTANA INVESTIGATIONS PROGRAM	140	---	140	133	---	133
ROCKY BOYS/NORTH CENTRAL MONTANA RURAL WATER SYSTEM	1,000	---	1,000	9,000	---	9,000
SUN RIVER PROJECT	50	328	378	46	316	362
NEBRASKA						
MIRAGE FLATS PROJECT	16	119	135	15	115	130
NEVADA						
HALFWAY WASH PROJECT STUDY	125	---	125	119	---	119
LAHONTAN BASIN PROJECT	4,745	2,531	7,276	4,492	2,439	6,931

WATER AND RELATED RESOURCES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	Resources Management	Facilities OM&R	PBR	Resources Management	Facilities OM&R	Total
LAKE MEAD/LAS VEGAS WASH PROGRAM	800	---	800	2,300	---	2,300
NORTH LAS VEGAS WATER REUSE	---	---	---	2,000	---	2,000
NEW MEXICO						
ALBUQUERQUE METRO AREA WATER & RECLAMATION REUSE	---	---	---	250	---	250
CARLSBAD PROJECT	2,615	1,104	3,719	2,477	1,064	3,541
CHIMAYO WATER SUPPLY SYSTEM	---	---	---	233	---	233
EASTERN NEW MEXICO INVESTIGATIONS PROGRAMS	50	---	50	47	---	47
EASTERN NEW MEXICO WATER SUPPLY	---	---	---	1,000	---	1,000
JICARILLA APACHE RESERVATION RURAL WATER SYSTEM	1,000	---	1,000	3,000	---	3,000
MIDDLE RIO GRANDE PROJECT	14,801	8,949	23,750	14,059	8,625	22,684
NAVAJO NATION INVESTIGATIONS PROGRAM	200	---	200	190	---	190
NAVAJO-GALLUP WATER SUPPLY	---	---	---	3,000	---	3,000
PECOS RIVER BASIN WATER SALVAGE PROJECT	---	209	209	---	201	201
RIO GRANDE PROJECT	824	4,175	4,999	767	4,024	4,791
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	150	---	150	142	---	142
SOUTHERN NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM	150	---	150	142	---	142
TUCUMCARI PROJECT	24	17	41	23	16	39
UPPER RIO GRANDE BASIN INVESTIGATIONS	75	---	75	71	---	71
NORTH DAKOTA						
PICK-SLOAN MISSOURI BASIN PROGRAM - GARRISON DIVERSION UNIT	30,654	5,639	36,293	64,361	5,639	70,000
OKLAHOMA						
ARBUCKLE PROJECT	48	186	234	45	179	224
MCGEE CREEK PROJECT	20	644	664	17	621	638
MOUNTAIN PARK PROJECT	7	518	525	5	499	504
NORMAN PROJECT	25	452	477	22	436	458
OKLAHOMA INVESTIGATIONS PROGRAM	150	---	150	142	---	142
W.C. AUSTIN PROJECT	23	435	458	20	419	439
WASHITA BASIN PROJECT	7	1,048	1,055	3	1,010	1,013
OREGON						
CROOKED RIVER PROJECT	412	427	839	389	412	801
DESCHUTES PROJECT	300	182	482	517	175	692
EASTERN OREGON PROJECTS	573	272	845	543	262	805
KLAMATH DAM REMOVAL STUDY	2,000	---	2,000	1,897	---	1,897
KLAMATH PROJECT	20,589	4,411	25,000	19,516	4,251	23,767
OREGON INVESTIGATIONS PROGRAM	300	---	300	400	---	400
UMATILLA ON-RESERVATION DISTRIBUTION SYSTEMS	---	---	---	(100)	---	(100)
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	814	331	1,145	864	319	1,183
WATER FOR IRRIGATION STREAMS AND ECONOMY FEASIBILITY STUDY	---	---	---	(100)	---	(100)
SAVAGE RAPIDS DAM REMOVAL	1,160	---	1,160	1,100	---	1,100
TUALATIN PROJECT	68	271	339	64	261	325
TUALATIN VALLEY WATER SUPPLY FEASIBILITY STUDY	---	---	---	236	---	236
UMATILLA PROJECT	958	3,352	4,310	897	3,231	4,128
SOUTH DAKOTA						
LEWIS AND CLARK RURAL WATER SYSTEM	2,000	---	2,000	10,000	---	10,000
MID-DAKOTA RURAL WATER PROJECT	---	15	15	---	14	14
MNI WICONI PROJECT	17,280	10,200	27,480	22,000	10,200	32,200
PERKINS COUNTY RURAL WATER SYSTEM	1,000	---	1,000	1,000	---	1,000
RAPID VALLEY/DEERFIELD PROJECT	---	79	79	---	76	76

WATER AND RELATED RESOURCES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		Total
	Resources Management	Facilities OM&R	PBR	Resources Management	Facilities OM&R	
BALMORHEA PROJECT	41	17	58	39	16	55
CANADIAN RIVER PROJECT	54	163	217	51	157	208
LOWER RIO GRANDE WATER RESOURCES CONSERVATION PROGRAM	50	---	50	2,000	---	2,000
NUECES RIVER PROJECT	20	721	741	16	695	711
SAN ANGELO PROJECT	35	401	436	32	386	418
TEXAS INVESTIGATIONS PROGRAM	45	---	45	43	---	43
UTAH						
HYRUM PROJECT	152	46	198	144	44	188
MOON LAKE PROJECT	4	76	80	4	73	77
NEWTON PROJECT	59	39	98	56	38	94
NORTHERN UTAH INVESTIGATIONS PROGRAM	200	---	200	700	---	700
OGDEN RIVER PROJECT	213	177	390	201	171	372
PROVO RIVER PROJECT	1,002	433	1,435	949	417	1,366
SCOFIELD PROJECT	107	80	187	101	77	178
SOUTHERN NEVADA/UTAH INVESTIGATIONS PROGRAM	25	---	25	24	---	24
SOUTHERN UTAH INVESTIGATIONS PROGRAM	225	---	225	213	---	213
STRAWBERRY VALLEY PROJECT	248	21	269	235	20	255
WEBER BASIN PROJECT	747	745	1,492	1,747	745	2,492
ARTHUR V. WATKINS DAM FEASIBILITY STUDY	---	---	---	(1,000)	---	(1,000)
WEBER RIVER PROJECT	50	109	159	47	105	152
WASHINGTON						
COLUMBIA BASIN PROJECT	5,692	10,762	16,454	5,361	10,372	15,733
ODESSA SUBAREA SPECIAL STUDY	---	---	---	2,846	---	2,846
WASHINGTON AREA PROJECTS	193	15	208	183	14	197
WASHINGTON INVESTIGATIONS PROGRAM	150	---	150	142	---	142
YAKIMA PROJECT	2,420	6,092	8,512	2,274	5,871	8,145
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	8,500	---	8,500	9,700	---	9,700
YAKIMA RIVER BASIN WATER STORAGE PLAN	---	---	---	(1,500)	---	(1,500)
WYOMING						
KENDRICK PROJECT	119	3,139	3,258	102	3,025	3,127
NORTH PLATTE PROJECT	266	1,351	1,617	247	1,302	1,549
SHOSHONE PROJECT	76	1,080	1,156	68	1,041	1,109
SUBTOTAL	322,611	229,923	552,534	414,251	222,318	636,569
REGIONAL PROGRAMS						
COLORADO RIVER BASIN SALINITY CONTROL PROGRAM, TITLE I	---	11,450	11,450	---	10,994	10,994
COLORADO RIVER BASIN SALINITY CONTROL PROGRAM, TITLE II	6,970	---	6,970	6,612	---	6,612
COLORADO RIVER STORAGE PROJECT, (CRSP), SECTION 5	3,449	4,888	8,337	3,254	4,711	7,965
COLORADO RIVER STORAGE PROJECT, (CRSP), SECTION 8	2,710	---	2,710	2,571	---	2,571
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM	233	---	233	221	---	221
DAM SAFETY PROGRAM	---	---	---	---	---	---
DEPARTMENT OF INTERIOR DAM SAFETY PROGRAM	---	2,029	2,029	---	1,948	1,948
INITIATE SOD CORRECTIVE ACTION	---	81,600	81,600	---	78,349	78,349
SAFETY OF EVALUATION OF EXISTING DAMS	---	18,250	18,250	---	17,523	17,523
DROUGHT EMERGENCY ASSISTANCE PROGRAM	488	---	488	463	---	463
EMERGENCY PLANNING & DISASTER RESPONSE PROGRAM	---	1,432	1,432	---	1,375	1,375
ENDANGERED SPECIES RECOVERY IMPLEMENTATION PROGRAM	19,012	---	19,012	18,036	---	18,036
ENVIRONMENTAL & INTERAGENCY COORDINATION ACTIVITIES	2,187	---	2,187	2,075	---	2,075
ENVIRONMENTAL PROGRAM ADMINISTRATION	947	---	947	898	---	898
EXAMINATION OF EXISTING STRUCTURES	---	7,675	7,675	---	7,369	7,369
FEDERAL BUILDING SEISMIC SAFETY PROGRAM	---	1,400	1,400	---	1,344	1,344
GENERAL PLANNING ACTIVITIES	2,213	---	2,213	2,099	---	2,099
LAND RESOURCES MANAGEMENT PROGRAM	8,682	---	8,682	8,236	---	8,236

WATER AND RELATED RESOURCES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	Resources	Facilities		Resources	Facilities	
	Management	OM&R	PBR	Management	OM&R	Total
LOWER COLORADO RIVER OPERATIONS PROGRAM	21,448	---	21,448	20,664	---	20,664
MISCELLANEOUS FLOOD CONTROL OPERATIONS	---	777	777	---	746	746
NATIVE AMERICAN AFFAIRS PROGRAM	6,197	---	6,197	5,879	---	5,879
SID YATES SCHOLARSHIP PROGRAM	---	---	---	210	---	210
NEGOTIATION & ADMINISTRATION OF WATER MARKETING	1,563	---	1,563	1,483	---	1,483
OPERATIONS AND PROGRAM MANAGEMENT	1,026	625	1,651	971	602	1,573
PICK-SLOAN MISSOURI BASIN PROGRAM - OTHER PICK SLOAN	3,321	36,205	39,526	3,020	34,893	37,913
POWER PROGRAM SERVICES	724	307	1,031	686	296	982
PUBLIC ACCESS AND SAFETY PROGRAM	598	155	753	567	149	716
RECLAMATION LAW ADMINISTRATION	2,199	---	2,199	2,086	---	2,086
RECREATION & FISH & WILDLIFE PROGRAM ADMINISTRATION	1,625	---	1,625	1,542	---	1,542
RESEARCH AND DEVELOPMENT	---	---	---	---	---	---
DESALINATION AND WATER PURIFICATION PROGRAM	2,133	1,600	3,733	2,018	1,542	3,560
SCIENCE AND TECHNOLOGY PROGRAM	9,200	---	9,200	9,195	---	9,195
QUAGGA & ZEBRA MUSSEL RESEARCH ACTIVITIES	---	---	---	(500)	---	(500)
RURAL WATER - TITLE I	2,348	---	2,348	2,231	---	2,231
SITE SECURITY	---	28,877	28,877	---	27,727	27,727
TITLE XVI, WATER RECLAMATION & REUSE PROGRAM	---	---	---	2,500	---	2,500
UNITED STATES/MEXICO BORDER ISSUES - TECHNICAL SUPPORT	96	---	96	91	---	91
UPPER COLORADO RIVER OPERATIONS PROGRAM	250	---	250	237	---	237
WATER CONSERVATION FIELD SERVICES PROGRAM	6,510	---	6,510	6,176	---	6,176
WATER CONSERVATION INITIATIVE	37,192	---	37,192	21,000	---	21,000
 SUBTOTAL	 143,321	 197,270	 340,591	 125,021	 189,568	 314,589
 TOTAL	 465,932	 427,193	 893,125	 539,272	 411,886	 951,158

*Glen Canyon Dam.*—The conference agreement does not include language on the Glen Canyon Dam, as proposed by the House.

*Central Valley Project, San Joaquin Division.*—The conference agreement of \$5,300,000 includes \$5,000,000 for the San Joaquin River Restoration. These funds should be utilized in conjunction with and in advance of those funds available from the San Joaquin River Restoration Fund.

*Mokelumne River Regional Water Storage, California.*—The Secretary of the Interior is directed to continue the feasibility study authorized in title V of Public Law 109-338. In carrying out this study, the Secretary shall include the entire Mokelumne River drainage as the study area and shall also consider regional projects that include recommendations for expansion of reservoir storage capacities. This study shall include an analysis of the project currently under consideration by the Mokelumne River Forum as described in both the Northeastern San Joaquin County Groundwater Banking Authority and the Mokelumne-Amador-Calaveras Integrated Regional Water Management Plans. As authorized, this study is intended to be regional in scope and shall examine the feasibility of providing additional water supply and improved water management reliability to Mokelumne River Forum member agencies through the development of new storage and conjunctive use programs and projects, including, but not limited to, the Eastern San Joaquin Ground Water Basin, Pardee Reservoir, Lower Bear Reservoir, and Duck Creek.

*Milk River/St. Mary's Diversion Project, Montana.*—The conferees urge the Bureau of Reclamation to combine National Environmental Policy Act compliance activities and preparation of design, specifications, and contract documents for the entire St. Mary's project including the diversion dam, fish passage structure, drop structures, siphon, and canal as a single activity.

*Pick-Sloan Missouri Basin, Garrison Diversion Unit, North Dakota.*—The conference agreement includes \$52,000,000 for rural water projects. Of this amount, \$26,000,000 shall be expended for the following projects: \$8,000,000 for the Northwest Area Water Supply; \$9,000,000 for the South Central Regional Water District; and \$9,000,000 for the Southwest Pipeline. Additionally, the conference agreement includes \$3,000,000 for the Standing Rock Sioux Tribe Irrigation Project.

*Northern Utah Investigations Program, Utah.*—The conference agreement includes \$500,000 for the Rural Water Technology Alliance.

*Drought Emergency Assistance.*—Within the funds provided, the conferees urge the Bureau of Reclamation to provide full and fair consideration for drought assistance to the State of Hawaii.

*Lower Colorado River Operations Program.*—The conference agreement does not include language as proposed by the Senate for this project.

*Research and Development, Science and Technology Program.*—The conference agreement includes \$500,000 for Quagga and Zebra Mussel research activities. The conferees are concerned about the impacts to western waters of these two invasive species. Reclamation efforts to date have necessarily focused on addressing the problems caused by the mussels at Reclamation facilities. The conferees believe that Reclamation should establish a research program geared toward eradicating or controlling these invasive species.

*Title XVI, Water Reclamation, and Reuse.*—The conference agreement includes \$2,500,000

for the WaterReuse Foundation. These funds are available to support the Foundation's research priorities.

*Water Conservation Initiative.*—The conferees encourage Reclamation to work with Water Research Laboratory at Utah State University to expand water quality monitoring in the Cache Valley, Utah, to provide the necessary data to reduce the uncertainty of water quality management decisions pertaining to Cutler Reservoir and to reduce the cost of maintaining and improving water quality in the region.

#### CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement provides \$35,358,000 for the Central Valley Project Restoration Fund, as proposed by the House and Senate.

#### CALIFORNIA BAY—DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$40,000,000 for the California Bay-Delta Restoration program, instead of \$41,000,000 as proposed by the House and Senate.

Within available funds, the conference agreement provides \$10,000,000 for construction of infrastructure projects that will add flexibility to water delivery systems, such as the proposed "Two Gates" project and the Delta-Mendota Canal/California Aqueduct Intertie project. If the additional funding cannot be used for infrastructure construction, the conferees recommend that it be used for other efforts to reduce conflict over water supplies in the Bay-Delta region.

The conferees also intend that funding within CALFED Program Management be used for consultation and coordination on Delta governance with the State of California, including any new governance or conservancy body that may be authorized by the State Legislature.

The funds provided are intended to support the following activities, as delineated below:

Water use efficiency .....	\$3,500,000
Water conservation pilot studies .....	(500,000)
Bay Area regional water recycling .....	(3,000,000)
Water Quality .....	4,750,000
San Joaquin River salinity management .....	(4,000,000)
Contra Costa Water District alternative intake project .....	(750,000)
Storage .....	3,600,000
Shasta enlargement study .....	(1,500,000)
Los Vaqueros .....	(300,000)
Sites Reservoir .....	(1,000,000)
San Joaquin river basin study .....	(800,000)
Conveyance .....	14,450,000
DMC Intertie w/Cal Aqueduct and Two Gates Activities .....	(10,000,000)
San Luis lowpoint feasibility study .....	(1,500,000)
Frank's Tract feasibility study .....	(1,500,000)
DMC Recirculation feasibility study .....	(250,000)
South Delta improvements program .....	(200,000)
Supplemental conveyance feasibility .....	(1,000,000)
Ecosystem restoration .....	7,500,000
Bay Delta conservation plan .....	(7,500,000)
Science Program .....	4,500,000
Interagency ecological program .....	(1,500,000)
CALFED science activities .....	(3,000,000)

Planning and management activities .....	1,700,000
CALFED program management .....	(1,700,000)

Total, California Bay-Delta Restoration .....

\$40,000,000

#### POLICY AND ADMINISTRATION

The conference agreement provides \$61,200,000 for Policy and Administration as proposed by the Senate, instead of \$51,200,000 as proposed by the House.

#### ADMINISTRATIVE PROVISION

The conference agreement includes a provision limiting the Bureau of Reclamation to purchase not more than seven passenger vehicles for replacement only, as proposed by the House and Senate.

#### GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

The conference agreement includes a provision proposed by the Senate outlining the circumstances under which the Bureau of Reclamation may reprogram funds. The House proposed a similar provision.

The conference agreement includes a provision proposed by the House and Senate regarding the San Luis Unit and the Kesterson Reservoir in California.

The conference agreement includes a provision proposed by the Senate that states requirements for purchase or lease of water from the Middle Rio Grande or Carlsbad Projects in New Mexico. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate regarding Drought Emergency Assistance. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate extending a project authorization in the Fort Peck Reservation Rural Water System Act of 2000. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate regarding the administration of the Desert Terminal Lakes Program. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate regarding the Desert Terminal Lakes that amends the Farm Security and Rural Investment Act of 2002. The House proposed no similar provision.

The conference agreement modifies a provision proposed by the Senate expending funds from the Desert Terminal Lakes Program. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate regarding the North Dakota Natural Resources Trust. The House proposed no similar provision.

The conference agreement modifies a provision proposed by the Senate regarding the CALFED Bay-Delta Authorization Act. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate regarding water transfers in California and the Draft Recovery Plan for the Giant Garter Snake. The House proposed two similar provisions.

The conference agreement does not include a provision proposed by the Senate relating to the Fort Peck, Montana, project. This provision is addressed in title I.

#### TITLE III

#### DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the Act with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items in the Act are discussed below.

The conference agreement provides \$27,111,438,000 for the Department of Energy, instead of \$26,876,350,000 as proposed by the House and \$27,398,221,000 as proposed by the Senate, to fund programs in its five primary mission areas: science, energy, environment, nuclear non-proliferation and national security.

The conferees direct the Department to submit to the House and Senate Committees on Appropriations, within 60 days of enactment of this Act, a report included in the House report detailing an implementation and progress measurement plan for each funded Energy Innovation Hub. The conference agreement does not include the subsequent progress report proposed by the House for each Energy Innovation Hub.

The conferees direct the department to submit to the House and Senate Committees on Appropriations an annual report on the status of work for others activities in each of the national laboratories, instead of the quarterly report included in the House bill. The conferees recognize the value of the scientific capability that resides at our nation's laboratories and the importance of work for others at the national laboratories, particularly in light of the National Nuclear Security Administration's intention of moving to a National Security Enterprises business model. Work for others can be a mechanism to both maintain expertise and refine technical capabilities, and this work could be leveraged more effectively if performed in a strategic context rather than an ad hoc fashion. Given the importance of work for others in a time of tight budgetary constraints, the conferees believe the Department should critically examine how and when work for others is in the long-term interests of the national laboratories. The Department should outline a strategy and procedures to maximize the utilization of the unique scientific expertise of the laboratories while providing a rational financial basis for the acceptance of such work.

The Department is directed to submit an annual Financial Balance report by May 30, 2010, instead of the semi-annual report included in the House bill.

#### REPROGRAMMING REQUIREMENTS

The Department of Energy is directed to operate in a manner fully consistent with the following reprogramming guidelines. A reprogramming request must be submitted to the House and Senate Committees on Appropriations for consideration before any implementation of a reorganization proposal which includes moving previous appropriations between appropriation accounts. The Department is directed to inform the Committees promptly and fully when a change in program execution and funding is required during the fiscal year. To assist the Department in this effort, the following guidance is provided for programs and activities funded in the Energy and Water Development and Related Agencies Appropriations Act. The Department is directed to follow this guidance for all programs and activities unless specific reprogramming guidance is provided for a program or activity.

**Definition.**—A reprogramming includes the reallocation of funds from one activity to another within an appropriation, or any significant departure from a program, project, activity, or organization described in the agency's budget justification as presented to and approved by Congress. For construction projects, a reprogramming constitutes the reallocation of funds from one construction project identified in the justifications to another project or a significant change in the scope of an approved project.

Any reallocation of new or prior year budget authority or prior year de-obligations must be submitted to the House and Senate Committees on Appropriations in writing and may not be implemented prior to approval by the Committees.

#### ENERGY PROGRAMS

##### ENERGY EFFICIENCY AND RENEWABLE ENERGY

The conference agreement provides \$2,242,500,000 for Energy Efficiency and Renewable Energy (EERE) programs, instead of \$2,310,000,000 as proposed by the House and \$2,233,967,000 as proposed by the Senate.

**Reporting Requirements.**—The conference agreement does not include a reporting requirement proposed by the House to quantify and track the progress and impact of investments made in the energy efficiency and renewable energy portfolio.

**Hydrogen Technology.**—The conference agreement provides \$174,000,000 for Hydrogen Technology, instead of \$190,000,000 as proposed by the Senate. The House proposed \$153,213,000 for hydrogen and fuel cell technologies under the Fuel Cell Technology and Vehicle Technologies program areas.

These funds shall be used to further program goals with new contracts and continue funding 190 contracts the Department placed at risk in fiscal year 2010 by requesting zero funding for this program. Additionally, fuel cell technology can continue to be pursued under the Hydrogen Technology program in fiscal year 2010 as it has been in the past.

**Fuel Cell Technology.**—The conference agreement provides no funding for Fuel Cell Technology.

**Biomass and Biorefinery Systems Research and Development.**—The conference agreement provides \$220,000,000.

Within available funds, the conferees continue to support grants for the production of advanced biofuels as authorized under section 207 of the Energy Independence and Security Act of 2007 (EISA 2007). The conferees do not specify a funding level.

Within available funds, the conferees direct the Department to provide not less than \$35,000,000 for a comprehensive research, development and deployment strategy focused on algae biofuels.

The conference agreement provides up to \$7,500,000 for coordination with the Vehicle Technologies program to expand and accelerate testing of intermediate fuel blends of ethanol and gasoline, as proposed by the Senate.

**Solar Energy.**—The conference agreement provides \$225,000,000 for solar energy systems. The conferees support the Department's continued investment in the demonstration and deployment of concentrating solar technology. No funding is provided for the Solar Electricity Energy Innovation Hub.

**Wind Energy.**—The conference agreement provides \$80,000,000 for wind energy systems, instead of \$70,000,000 as proposed by the House and \$85,000,000 as proposed by the Senate.

**Geothermal Technology.**—The conference agreement provides \$44,000,000 for geothermal systems.

**Water Power.**—The conference agreement provides \$50,000,000 for Water Power. The conferees direct the Department to apply all of the available increase over the request to expand marine and hydrokinetic research, development, and deployment. Within available funds, the conferees further direct the Department to validate economic and technical viability of a variety of technologies and to provide a written report to the House and Senate Committees on Appropriations

on the prospect of each of the technologies. This report shall include the Department's research and development priorities and goals for this program for the next five years.

The conferees direct the Department to utilize its only marine sciences laboratory to undertake a research and development program to expand marine and hydrokinetic renewable energy programs consistent with section 633 of EISA 2007.

The conferees provide not more than \$3,500,000 from within available funds to identify opportunities to increase power generation at conventional hydropower sites. The conferees encourage the Department to focus the assessment on sites not owned by Federal entities.

**Vehicle Technologies.**—The conference agreement provides \$311,365,000 for Vehicle Technologies.

The conference agreement does not include \$40,000,000 for hydrogen transportation systems in the Vehicle Technologies program, as proposed by the House.

Within available funds, \$2,200,000 is provided to the vehicles program for the Department to contract with the National Academy of Sciences to conduct a comprehensive analysis of energy use within the light-duty vehicle transportation sector, and use the analysis to conduct an integrated study of the technology and fuel options that could reduce petroleum consumption and greenhouse gas emissions.

The conferees provide up to \$7,500,000 for coordination with the Biomass program to expand and accelerate testing of intermediate fuel blends of ethanol and gasoline, as proposed by the Senate.

The conference agreement does not include a study on the variety and density of recharging infrastructure options, as proposed by the Senate.

The conference agreement includes \$5,000,000 for natural gas vehicle research and development.

**Building Technologies.**—The conference agreement provides \$200,000,000 for Building Technologies. No funds are provided under this heading for the Energy Efficient Building Systems Design Energy Innovation Hub. From within available funds, the conferees provide \$27,000,000 for solid state lighting research and development.

**Industrial Technologies.**—The conference agreement includes \$96,000,000 for Industrial Technologies. From within available funds, the conferees provide \$500,000 for a comprehensive awareness campaign and training program on how mechanical insulation can improve energy efficiency.

**Federal Energy Management Program.**—The conference agreement provides \$32,000,000 for the Federal Energy Management Program.

**RE-ENERGYSE.**—The conference agreement provides no funding for RE-ENERGYSE.

**Facilities and Infrastructure.**—The conference agreement provides \$63,000,000 for facilities and infrastructure, of which \$44,000,000 is provided for the South Table Mountain Ingress/Egress and Traffic Capacity Upgrades project at the National Renewable Energy Laboratory. The conferees agree with and restate Senate language supporting the use of American Recovery and Reinvestment Act (ARRA) funding for these traffic capacity upgrades. If the Department uses ARRA funds for this project, the conferees support the use of this \$44,000,000 to fund the proposed Fuels from Sunlight and Energy Efficient Building Systems Design Energy Innovation Hubs at \$22,000,000 each.



*Program Direction.*—The conference agreement provides \$140,000,000 for Program Direction.

*Program Support.*—The conference agreement provides \$45,000,000 for Program Support. Within these funds, the Department is directed to provide \$10,000,000 for the International Renewable Energy Program, to include \$2,000,000 for the U.S.-Israeli energy cooperation agreement.

While the conferees support strategic and policy analysis capabilities within the Department to guide investment decisions and support policymaker decisions, these capabilities should be located in the Department-wide policy office rather than within each program office.

The conferees also agree with the importance of commercialization efforts to ensure

that innovations within national and other research laboratories enter the marketplace. Therefore, the conferees encourage the Department to develop an agency-wide commercialization strategy and capability rather than developing piecemeal solutions within individual program offices.

*Weatherization Assistance.*—The conference agreement provides \$210,000,000 for weatherization assistance program grants, of which \$3,300,000 shall be for training and technical assistance.

The conference agreement provides \$30,000,000 from within available funds for the development of a pilot project that would increase the leverage of Federal funding through the formation of partnerships between the Department and traditional and/or non-traditional weatherization providers.

The conference agreement does not include funding to develop a pilot program demonstrating energy savings through use of improved insulating and sealing in homes built prior to 1980.

*State Energy Program.*—The conference agreement provides \$50,000,000 for the State Energy Program.

*Tribal Energy Activities.*—The conference agreement provides \$10,000,000 for Tribal Energy Activities.

*Congressionally Directed Projects.*—The conference agreement provides \$292,135,000 for the following congressionally directed projects and activities. The agency should remind recipients that statutory cost-sharing requirements may apply to these projects.

## CONGRESSIONALLY DIRECTED ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS

PROJECT	AMOUNT
21st Century Renewable Fuels, Energy, and Materials Initiative (MI)	\$1,250,000
A123 Systems Large Format Nanophosphate Batteries for Solar Energy Storage (MI)	\$1,000,000
Advanced Automotive Fuels Research, Development, & Commercialization Cluster	\$1,000,000
Advanced Battery Manufacturing	\$200,000
Advanced Power Cube for Wind Power and Grid Regulation Services	\$500,000
Agri-Business Energy Independence Demonstration, NY	\$80,000
Alabama Institute for Deaf and Blind Biodiesel Project Green	\$300,000
Algae Biofuels Research (WA)	\$2,000,000
Algae to Ethanol Research and Evaluation (NJ)	\$750,000
Algal-Based Renewable Energy for Nevada (NV)	\$800,000
Alternative and Unconventional Energy Research and Development (UT)	\$10,000,000
Alternative Energy School of the Future	\$1,200,000
Alternative Energy Training Institute	\$500,000
Alternative Fuel Bus Project, Schaghticoke, NY	\$300,000
Auburn University, Biomass to Liquid Fuels and Electric Power Research	\$1,500,000
Bayview Gas to Energy Project (UT)	\$1,000,000
Ben Franklin Technology Partners - Clean Technology Commercialization Initiative (PA)	\$500,000
Bexar County Solar Collection Farm and Distribution System	\$1,000,000
Bio Energy Initiative for Connecticut	\$1,500,000
Biodiesel Blending (WI)	\$600,000
Biodiesel Feedstock Development Initiative (MO)	\$1,000,000
Biodiesel Production from Grease Waste	\$250,000
Bioenergy/Bionanotechnology projects	\$500,000
Biofuel Micro-Refineries for Local Sustainability	\$500,000
Biofuels Campus for Accelerated Development	\$500,000
Biofuels Research Laboratory	\$1,000,000
Biofuels, Biopower and Biomaterials Initiative	\$1,250,000
Biomass Energy Resources Center (VT)	\$1,000,000
Bioprocesses Research and Development, Michigan Biotechnology Institute, Lansing, MI	\$500,000
Black Hills State Heating and Cooling Plant (SD)	\$1,000,000
Boulder SmartGridCity - Plug-In Electric Hybrid Vehicles	\$500,000
Bridge Hydro-Turbine Study	\$150,000
Brookston Wind Turbines Study, Brookston, IN	\$75,000
California Polytechnic State University Center for Renewable Energy and Alternative Electric Transportation Technologies Equipment Acquisition	\$250,000
Cellulosic Diesel Biorefinery (NJ)	\$1,000,000
Center for Applied Alternative Energy, Sustainable & Practices	\$500,000
Center for Biomass Utilization (ND)	\$7,000,000
Center for Energy Storage Research	\$1,000,000
Center for Environmental and Energy Research	\$250,000
Center for Nanoscale Energy (ND)	\$5,000,000
Center for Ocean Renewable Energy (NH)	\$750,000
Central Corridor Energy District Integration Study	\$500,000
Central Piedmont Community College	\$525,000
Central Vermont Recovered Biomass Facility (VT)	\$500,000
Christmas Valley Renewable Energy Development	\$410,000

## CONGRESSIONALLY DIRECTED ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS

PROJECT	AMOUNT
City Hall Leadership in Energy and Environmental Design (LEED) Certification	\$500,000
City of Boise Geothermal Expansion to Boise State University	\$1,000,000
City of Grand Rapids Solar Roof Demonstration Project	\$250,000
City of Norco Waste-to-Energy Facility	\$750,000
City of Oakdale Energy Efficiency Upgrades	\$400,000
City of Redlands Facilities Upgrades to Improve Energy Efficiency	\$900,000
City of Tallahassee Innovative Energy Initiatives	\$250,000
City of Winter Garden Weatherization Demonstration Project	\$200,000
Clean Power Energy Research Consortium (CPERC)	\$1,000,000
Clemson University Cellulosic Biofuel Pilot Plant	\$1,000,000
Cloud County Community College Renewable Energy Center of Excellence	\$750,000
Coastal Ohio Wind Project: Removing Barriers to Great Lakes Offshore Wind Energy Development	\$1,000,000
Commercial Building Energy Efficiency Demonstration (IL)	\$500,000
Comprehensive Wind Energy Program, Purdue University-Calumet, IN	\$500,000
Compressed Natural Gas Fueling Facility	\$700,000
Concentrator Photovoltaic Technology	\$900,000
Consolidated Alternative Fuels Research	\$250,000
Consortium for Plant Biotechnology Research	\$3,000,000
Controlled Environmental Agriculture and Energy Project	\$200,000
Cooling, Heating and Power (Micro-CHP) and Bio-Fuel Application Center (MS)	\$2,000,000
Creighton University Training & Research in Solar Power	\$1,200,000
Daemen College Alternative Energy/Geothermal Technologies Demonstration Program, Erie County, NY	\$950,000
Dedham Municipal Solar Project	\$500,000
Demonstration Plant for Biodiesel Fuels from Low-Impact Crops	\$500,000
Design and Implementation of Geothermal Energy Systems at West Chester University	\$300,000
Development of an Economic and Efficient Biodiesel Production Process (NC)	\$750,000
Development of Biofuels Using Ionic Transfer Membranes (NV)	\$1,500,000
Development of High Yield Feedstock and Biomass Conversion Technology for Development of High Yield Tropical Feedstocks and Biomass Conversion (HI)	\$6,000,000
Development of Pollution Prevention Technologies	\$900,000
DRI Renewable Energy Center (REC) (NV)	\$500,000
East Kentucky Bioenergy Capacity Assessment Project	\$250,000
Eastern Illinois University Biomass Plant	\$1,000,000
Energy Audit, Efficiency Improvements, and Renewable Energy Installations, Township of Branchburg, NJ	\$1,000,000
Energy Conservation and Efficiency Upgrade of HVAC Controls	\$500,000
Energy Conservation Upgrades, Ingham Regional Medical Center, Lansing, MI	\$250,000
Energy Efficiency Enhancements	\$250,000
Energy Efficiency Repairs and Air Quality Improvements at Lyonsdale Biomass	\$500,000
Energy Efficiency Upgrades, New Rochelle, NY	\$1,000,000
Energy Reduction and Efficiency Improvement Through Lighting Control	\$120,000
Energy Saving Retrofitting for the CFCC Main Campus	\$300,000
Energy Storage/Conservation and Carbon Emissions Reduction Demonstration Project (MA)	\$400,000
Energy-Efficient Innovations for Healthy Buildings	\$500,000

## CONGRESSIONALLY DIRECTED ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS

PROJECT	AMOUNT
EngenuitySC Commercialization and Entrepreneurial Training Project (SC)	\$500,000
Environmental Impact Protocols for Tidal Power	\$1,000,000
Ethanol from Agriculture	\$500,000
Fairbanks Geothermal Energy Project	\$1,000,000
Fairview Department of Public Works Building and Site Improvements	\$500,000
Fallon Paiute-Shoshone Tribe Demonstration Energy Park (NV)	\$200,000
Farm Deployable Microbial BioReactor for Fuel Ethanol Production	\$800,000
Fast Charging Electric Vehicle Demonstration Project in Charlottesville, Virginia	\$500,000
Feasibility Study and Design of "Brightfield" Solar Farm	\$200,000
Florida Renewable Energy Program	\$1,000,000
Fluid Flow Optimization of Aerogel Blanket Process Project (MA)	\$300,000
Fort Mason Center Pier 2 Project	\$2,000,000
Gadsden State Community College Green Operations Plan	\$75,000
Gas Heat Pump Cooperative Training Program (NV)	\$250,000
Genetic Improvement of Switchgrass (RI)	\$1,500,000
Georgetown South Commercial Park, Photovoltaic Generation Facility	\$100,000
Georgia Southern University Biodiesel Research	\$250,000
Geothermal Development in Hot Springs Valley	\$491,000
Geothermal Power Generation Plant at Oregon Institute of Technology	\$1,000,000
Global Green New Orleans - Holy Cross Project	\$550,000
Gogebic Community College (GCC) - Campus Energy Efficient and Weatherization Upgrade	\$300,000
Great Basin College Direct-Use Geothermal Demonstration Project (NV)	\$1,000,000
Great Lakes Institute for Energy Innovation	\$1,000,000
Great Plains Wind Power Test Facility, Texas Tech University, Lubbock, TX (TX)	\$2,000,000
Green Building Research Laboratory	\$1,000,000
Green Buildings/Retrofitting	\$350,000
Green Fuels Depot	\$1,500,000
Green Roof Demonstration Project	\$600,000
Green Roof for the DuPage County Administration Building	\$250,000
Greenfield Community College Hybrid Geo-thermal Project	\$525,000
Hardin County General Hospital Energy Efficiency Upgrades	\$500,000
Hawaii Energy Sustainability Program (HI)	\$6,000,000
Hawaii Renewable Energy Development Venture (HI)	\$6,000,000
Henderson, Solar Energy Project	\$500,000
High Penetration Wind Power in Tatitlek	\$900,000
High Speed Wind Turbine Noise Model with Suppression (MS)	\$1,000,000
High Temperature Hydrogen Generation Systems	\$300,000
Hospital Lighting Retrofit	\$500,000
Housatonic River Net-Zero-Energy Building	\$1,000,000
Hull Municipal Light Plant Offshore Wind Project	\$750,000
Hydrogen Production and Delivery Technology (CT)	\$500,000
HyperCAST R&D Funding for Vehicle Energy Efficiency (CO)	\$750,000
Illinois Community College Sustainability Network	\$250,000
Illinois Energy Resources Center at the University of Illinois at Chicago	\$400,000
Improving Fuel Cell Durability and Reliability Initiative	\$2,500,000
Independent Energy Community Renewable Power System (UT)	\$1,000,000

## CONGRESSIONALLY DIRECTED ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS

PROJECT	AMOUNT
Installation of a Solar Canopy	\$534,000
Institute for Sustainable Energy	\$1,000,000
Integrated Biomass Refining Institute	\$1,000,000
Integrated Power for Microsystems	\$250,000
Integrated Renewable Energy & Campus Sustainability Initiative	\$750,000
Iowa Central Renewable Fuel Testing Laboratory	\$750,000
Issaquah Highlands Zero Energy Affordable Housing	\$500,000
Jenks Energy Management Equipment	\$250,000
Juniata Hybrid Locomotive	\$1,000,000
Kansas State University Center for Sustainable Energy	\$500,000
La Feria Solar Lighting Initiative	\$500,000
Lancaster Landfill Solar Facility	\$500,000
Lane Community College Energy Demonstration Building (OR)	\$550,000
Large-Scale Wind Training Program, Hudson Valley Community College, Troy, NY	\$300,000
Lignocellulosic Biofuels from New Bioenergy Crops	\$1,000,000
Long Island 50 MW Solar Initiative	\$1,750,000
Long Island Biofuels Alliance	\$2,750,000
Low Cost Production of Thin-Film Photovoltaic (PV) Cells (PA)	\$1,200,000
MARET Center	\$1,500,000
Marine Energy Technology (WA)	\$1,750,000
Marine Renewable Energy Center	\$750,000
Miami Children's Museum Going Green Initiative	\$1,000,000
MidSouth/Southeast BioEnergy Consortium (AR)	\$1,000,000
Mill Seat Landfill Bioreactor Renewable Green Power Project	\$1,000,000
Montana Algal BioDiesel Initiative (MT)	\$500,000
Montana Bio-Energy Center of Excellence (MT)	\$2,250,000
Morris County Renewable Energy Initiative	\$2,000,000
Moving Toward an Energy Efficient Campus at Wheelock College	\$400,000
Mt. Wachusett Community College Wind Project	\$1,000,000
Multi-Hybrid Power Vehicles with Cost Effective and Durable Polymer Electrolyte Membrane Fuel Cell and Lithium Ion Battery for Ohio University	\$600,000
Municipal Building Energy Efficient Window Replacement Program	\$180,000
Municipal Complex Solar Power Project	\$200,000
Nanostructured Materials for Energy	\$1,000,000
Nanostructured Materials for Improved Photovoltaics (MS)	\$1,000,000
National Center of Excellence in Energy Storage Technology	\$1,000,000
National Offshore Wind Energy Center	\$2,000,000
National Open-Ocean Energy Laboratory	\$2,000,000
NCMS	\$900,000
Near Zero Carbon Footprint Energy Creation Through Thermal Oxidation (PA)	\$1,000,000
Neighborhood Weatherization Collaborative	\$500,000
Nevada Renewable Energy Integration and Development Consortium (NV)	\$3,000,000
Newark Museum Alternative Energy Enhancement Program	\$500,000
Next Generation Composite Wind Blade Manufacturing Technologies	\$250,000
Next Generation Wind Turbine	\$1,000,000
NIREC - Nevada Institute for Renewable Energy Commercialization (NV)	\$1,000,000

## CONGRESSIONALLY DIRECTED ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS

PROJECT	AMOUNT
Northern Illinois University Transportation Energy Program	\$1,000,000
Northern Nevada Renewable Energy Training Project (NV)	\$500,000
Norwich Cogeneration Initiative (CT)	\$750,000
Novel Photocatalytic Metal Oxides (NE)	\$250,000
NTRCI Legacy Engine Demonstration Project	\$500,000
NY State Center for Advanced Ferrite Production	\$300,000
Oakland University Alternative Energy Education	\$500,000
Offshore Wind Initiative (ME)	\$5,000,000
Offshore Wind Project Study	\$500,000
Ohio Advanced Energy Manufacturing Center (OH)	\$500,000
Orange County Solar Demonstration & Research Facility	\$300,000
Oregon Solar Highway - Innovative Use of Solar Technology (OR)	\$1,000,000
OU Center for Biomass Refining	\$500,000
Passive NOx Removal Catalyst Research, Notre Dame University, IN	\$900,000
Peru Electrical Department Wind Turbine Generation	\$1,000,000
Phipps Conservatory CTI Waste-to-Energy Project	\$500,000
Phoenix Children's Hospital Central Energy Plant Expansion	\$2,000,000
Photovoltaic Power Electronics Research Initiative (PERI)	\$700,000
Pittsburgh Green Innovators	\$1,500,000
Placer County Biomass Utilization Pilot Project (CA)	\$1,000,000
Plug-In Hybrid Initiative	\$750,000
Port of Galveston Solar Energy Project	\$250,000
Prototyping and Development of Commercial Nano-Crystalline Thin Film Silicon for Photovoltaic Manufacturing	\$500,000
Purdue Solar Energy Utilization Laboratory, West Lafayette, IN	\$425,000
R & D of Clean Vehicle Technology	\$1,000,000
Renewable Energy Center	\$750,000
Renewable Energy Clean Air Project (RECAP) (MN)	\$1,000,000
Renewable Energy Demonstration (IL)	\$500,000
Renewable Energy Feasibility Study and Resources Assessment (NV)	\$500,000
Renewable Energy Initiative (IL)	\$500,000
Renewable Energy Initiatives for Clark County, Nevada Parks and Recreation (NV)	\$1,000,000
Renewable Energy/Disaster Backup System for Hawaii Red Cross Headquarters Building	\$240,000
Research and Development of Liquid Carriers for Hydrogen Energy	\$500,000
Research on Fuel Cell Powered by Hydrogen Production from Biomass to Provide Clean Energy for Remote Farms Away from Electric Grids (NY)	\$675,000
Richland Community College Bioenergy Program	\$500,000
Running Springs Retreat Center Solar Upgrade	\$1,000,000
Saint Joseph's University Institute for Environmental Stewardship	\$1,000,000
San Diego Center for Algae Biotechnology (SD-CAB)	\$750,000
San Francisco Electric Vehicle Initiative	\$1,000,000
Shenandoah Valley as a National Demonstration Project Achieving 25 Percent Renewable Energy by the Year 2025 (VA)	\$750,000
Show Me Energy Cooperative Biomass Development	\$900,000
Smart Energy Program (CT)	\$500,000
Solar Compactor Energy Efficiency Research Demonstration Project (MA)	\$300,000

## CONGRESSIONALLY DIRECTED ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS

PROJECT	AMOUNT
Solar Electric Power for Nonsectarian Educational and Social Services Facilities (NV)	\$500,000
Solar Energy Development (ME)	\$800,000
Solar Energy Parking Canopy Demonstration Project	\$3,000,000
Solar Energy Program	\$800,000
Solar Energy Research Center Instrumentation Facility, University of North Carolina at Chapel Hill	\$1,000,000
Solar Energy Zone Planning and Infrastructure for the Nevada Test Site and Adjacent Lands (NV)	\$1,000,000
Solar Furnace Research Program, Valparaiso University, IN	\$500,000
Solar Hot Water Project in Greenburgh, NY	\$169,000
Solar Lighting for Artesia Parks	\$250,000
Solar Panel Expansion Initiative	\$500,000
Solar Panels in Municipal Owned Buildings (NJ)	\$1,000,000
Solar Panels on Hudson County Facilities	\$500,000
Solar Pioneer and Solar Entrepreneur Programs (NY)	\$500,000
Solar Power for Maywood	\$300,000
Solar Powered Compressed Natural Gas Refueling Station	\$500,000
Solar Powered Lighting for Forest Preserve District of DuPage County, IL	\$300,000
Solid Oxide Fuel Cell Systems PVL Pilot Line	\$1,000,000
Somerset County Renewable Energy Initiative	\$2,000,000
South Jersey Wind Turbines	\$500,000
Southern Pine Based Biorefinery Center	\$1,000,000
Southern Regional Center for Lightweight Innovative Designs (MS)	\$4,000,000
Southwest Alaska Regional Geothermal Energy Project (AK)	\$2,500,000
St. Luke's Miners Memorial Hospital Energy Efficiency Improvement Project	\$525,000
St. Marks Refinery Redevelopment	\$350,000
St. Petersburg Solar Pilot Project	\$1,000,000
St. Petersburg Sustainable Biosolids/Renewable Energy Plant	\$2,500,000
State Colleges' (VSC) Statewide Energy Efficiency and Renewable Energy Initiative	\$450,000
Strategic Biomass Initiative (MS)	\$500,000
Street Lighting Fixture Energy Efficiency Retrofit Project	\$500,000
Sun Grant Initiative (SD)	\$2,750,000
Sustainable Algal Energy Production and Environmental Remediation	\$500,000
Sustainable Energy Options for Rural Nebraska	\$500,000
Sustainable Energy Research Center	\$10,000,000
Sweet Sorghum Alternative Fuel and Feed Pilot Project	\$750,000
Switchgrass Biofuel Research: Carbon Sequestration and Life Cycle Analysis	\$500,000
Synthesis of Renewable Biofuels from Biomass	\$500,000
The Biorefinery in New York-Bio Butanol From Biomass	\$400,000
The Boston Architectural College's Urban Sustainability Initiative	\$1,600,000
The CUNY Energy Institute (NY)	\$1,550,000
The Johnston Avenue Solar Project	\$500,000
The Solar Energy Consortium	\$2,250,000
Thin Film Photovoltaic Research & Development (VT)	\$500,000
Thurgood Marshall College Fund Minority Energy Science Initiative: NNSA	\$3,000,000
Today's Leaders For a Sustainable Tomorrow: A Sustainable Energy Program	\$1,500,000
Tucson Public Building Solar Arrays	\$450,000
Unconventional and Renewable Energy Research Utilizing Computer Simulations (UT)	\$3,500,000



## CONGRESSIONALLY DIRECTED ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS

PROJECT	AMOUNT
Union Terminal	\$500,000
United Way of Southeastern Michigan	\$400,000
University of Akron National Polymer Innovation Center	\$1,000,000
University of Arkansas at Little Rock Nanostructured Solar Cells	\$500,000
University of Detroit Mercy Energy Efficient Chemistry Building Renovations	\$800,000
University of Louisville Research and Energy Independence Program (KY)	\$2,000,000
University of New Haven Solar Testing and Training Lab (CT)	\$500,000
University of North Alabama Green Campus Initiative	\$200,000
University of South Carolina Aiken Biofuels Laboratory in Aiken, SC	\$456,000
University of Wisconsin Oshkosh's Anaerobic Dry Digestion Facility	\$500,000
University of Wisconsin-Baraboo/Sauk County Net-Zero Energy Building	\$500,000
University of Wisconsin-Milwaukee Advanced Nanomaterials for High-Efficiency Solar Cells	\$500,000
UNR - Biodiesel from Food Waste (NV)	\$1,000,000
UNR - Great Basin Center for Geothermal Energy (NV)	\$1,000,000
UNR - Mass Exchanger Technology for Geothermal and Solar Energy Systems (NV)	\$1,200,000
UW Northwest National Marine Renewable Energy Center	\$880,000
Vermont Biofuels Initiative (VT)	\$750,000
Vermont Energy Investment Corporation (VT)	\$450,000
Wallowa County Integrated Biomass Energy Center (OR)	\$500,000
Warren Technology and Business Center for Energy Sustainability	\$2,700,000
Washington State Biofuels Industry Development	\$1,000,000
Washoe Wind Turbine Demonstration Project (NV)	\$50,000
Western Iowa Tech Community College Renewable Energy Economy Corridor	\$500,000
Western Kentucky University Research Foundation Biodiesel Project	\$500,000
Wind Turbine Development (MT)	\$1,000,000
Wind Turbine Infrastructure for Green Energy and Research on Wind Power in Delaware	\$1,000,000
WSU, National Institute for Aviation Research, Advanced Materials Research	\$1,500,000
Ypsi Civic Center	\$1,000,000

ELECTRICITY DELIVERY AND ENERGY  
RELIABILITY

The conference agreement provides \$171,982,000 for Electricity Delivery and Energy Reliability, instead of \$193,008,000 as proposed by the House and \$179,483,000 as proposed by the Senate. The conference agreement provides \$124,900,000 for electricity de-

livery and energy reliability research and development. No funds are provided for the Grid Materials, Devices, and Systems Energy Innovation Hub.

The conference agreement includes the establishment of a private sector organization to coordinate and conduct cyber security re-

search and development activities, as proposed by the Senate.

*Congressionally Directed Projects.*—The conference agreement provides \$13,075,000 for the following congressionally directed projects and activities. The agency should remind recipients that statutory cost-sharing requirements may apply to these projects.

## CONGRESSIONALLY DIRECTED ELECTRICITY DELIVERY AND ENERGY RELIABILITY PROJECTS

PROJECT	AMOUNT
Adaptive Supervisory Control and Data Acquisition (SCADA) Technology for Infrastructure Protection	\$750,000
Automated Remote Electric and Water Meters in South River	\$500,000
Development of a Smart MicroGrid Testbed	\$500,000
Energy Development and Reliability (ND)	\$325,000
Energy Transmission and Infrastructure Northern Ohio	\$1,100,000
Institute for Energy and the Environment at Vermont Law School	\$450,000
Microgrids and Renewable Energy and Technologies Research Initiative	\$750,000
National Center for Reliable Electric Transmission	\$500,000
Navajo Nation Electrification Program (NM)	\$1,750,000
North Dakota Energy Workforce Development (ND)	\$1,900,000
Oswego County BOCES Wind Turbine Model Project (NY)	\$200,000
Power Grid Reliability and Security (WA)	\$1,000,000
Power Micro-Grids for Colonias along the Texas/Mexico Border	\$550,000
Smart Grid Initiative	\$500,000
Technology Development (ND)	\$300,000
University of Arizona Compressed Air Energy Storage	\$500,000
UVM Smart Energy Grid Research (VT)	\$500,000
Watkins Glen, Schuyler County Gas Storage Project (NY)	\$500,000
Western Baldwin County, AL Grid Interconnection	\$500,000

## NUCLEAR ENERGY

The conference agreement provides \$786,637,000 for nuclear energy activities, instead of \$812,000,000 as proposed by the House and \$761,274,000 as proposed by the Senate.

*Nuclear Power 2010.*—The conference agreement provides \$105,000,000, which shall be available only for the Nuclear Power 2010 program. The conferees include this funding as the final installment to complete the Department's commitment to this effort to advance combined operating licenses of reactor designs.

*Generation IV (Gen IV) Nuclear Energy Systems.*—The conference agreement provides \$220,137,000 for Gen IV Nuclear Energy systems, of which \$51,137,000 is for Gen IV research and development. Included within this amount is \$10,000,000 to support light water reactor life extension research, \$22,000,000 for the Modeling and Simulation Hub, and \$17,764,000 for technology research and development of Gen IV advanced reactor concepts, which is not intended to supplement the Next Generation Nuclear Plant efforts. The conference agreement does not provide funds for gas centrifuge enrichment technology.

The conferees provide \$169,000,000 for the Next Generation Nuclear Plant (NGNP), of which \$7,000,000 is for deep burn research. To date, Congress has provided approximately \$360,000,000 for research into a very-high-temperature, gas-cooled reactor (VHTR) design. The Department is directed to report to the House and Senate Committees on Appropriations, within 90 days of enactment of this Act, on the research conducted and a detailed accounting of the funds appropriated

to date. This report shall also include a program execution plan, including the \$169,000,000 appropriated in this Act. The execution plan shall detail the scope and schedule of activities, milestones or critical decision points, total project cost estimates including anticipated cost-share requirements, and any necessary updates to the NGNP licensing strategy that was delivered to Congress in August of 2008. This plan shall also include a review of the range of technology options under consideration and the technical and commercial challenges facing each option. The conferees further direct the Secretary of Energy to require industry cost-sharing requirements consistent with the terms and conditions of section 988 of the Energy Policy Act of 2005 for funds provided for the NGNP program.

*Fuel Cycle Research and Development.*—The conference agreement provides \$136,000,000 for fuel cycle research and development. No funding is provided for the Extreme Materials Energy Innovation Hub.

*Space and Defense Infrastructure.*—The conference agreement provides \$42,000,000 for space and defense infrastructure.

*Research Reactor Infrastructure.*—For research reactor infrastructure, the House proposed \$6,000,000 in Idaho Facilities Management while the Senate proposed \$15,000,000 in Radiological Facilities Management (RFM). The conference agreement provides \$10,000,000 in RFM for fresh reactor fuel, disposal of spent fuel for university reactors, and improved reactor instrumentation and equipment upgrades.

*Oak Ridge Nuclear Infrastructure.*—For nuclear infrastructure at Oak Ridge, the House

proposed \$15,000,000 in RFM while the Senate proposed \$10,000,000 in Gen IV Nuclear Energy systems. The conference agreement provides \$10,000,000 in RFM for hot cells at the Oak Ridge Radiochemical Engineering Development Center.

*Los Alamos Nuclear Infrastructure.*—For nuclear infrastructure at Los Alamos, the Senate proposed \$10,000,000 in Gen IV Nuclear Energy systems. The conference agreement provides \$10,000,000 in RFM for Los Alamos radiological facilities.

*Pu-238 Production Restart Project.*—The conference agreement provides no funding for the Pu-238 Restart Project. The conferees agree with language proposed by the House regarding a start-up plan which shall include the role and contribution of major users of Pu-238, such as the National Aeronautics and Space Administration, and shall be submitted with the fiscal year 2011 budget submission.

*Idaho National Laboratory (INL) Facilities Management.*—The conference agreement provides \$173,000,000 for INL facilities management, including not less than \$12,000,000 for the Advanced Test Reactor life extension program.

*Program Direction.*—The conference agreement provides \$73,000,000 for Program Direction.

*Congressionally Directed Projects.*—The conference agreement provides \$2,500,000 for the following congressionally directed projects and activities. The agency should remind recipients that statutory cost-sharing requirements may apply to these projects.

## CONGRESSIONALLY DIRECTED NUCLEAR ENERGY PROJECTS

PROJECT	AMOUNT
McClellan Nuclear Radiation Center	\$500,000
Nuclear Fabrication Consortium (OH)	\$2,000,000

## FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement provides \$672,383,000 for Fossil Energy Research and Development programs instead of \$617,565,000 as proposed by the House and \$699,200,000 proposed by the Senate. The conferees believe that increased utilization of advanced computing and visualization capabilities will enhance our capacity to improve domestic energy production and improve the design and operation of advanced generation technologies. The conferees direct the Department to integrate Office of Science and National Nuclear Security Administration capabilities and collaborate with universities and industry to improve computational applications in the development of unconventional fossil resources. The conferees direct the Department to follow both House and Senate language regarding advanced computing applications. The conferees also direct the Department to continue work on the Risk Based Management System and the stripper well program.

*Fuels and Power Systems.*—The conference agreement includes \$404,000,000 for Fuels and

Power Systems. This includes \$52,000,000 for Innovations for Existing Plants. The conferees provide \$63,000,000 for Advanced Integrated Gasification Combined Cycle. The conferees provide \$32,000,000 for Advanced Turbines. The conference agreement provides \$154,000,000 for Carbon Sequestration. No funds are provided for the Carbon Capture and Storage Energy Innovation Hub. The conference agreement provides \$25,000,000 for Fuels and \$50,000,000 for Fuel Cells research. The conferees provide \$28,000,000 for Advanced Research. Fossil energy modeling and simulation research is supported elsewhere in the conference agreement.

*Natural Gas Technologies.*—The conference agreement provides \$17,833,000 to fund research into production of methane hydrates, remediation treatment technologies, and unconventional natural gas production from basins that contain tight gas sands, shale gas and coal bed methane resources.

*Unconventional Fossil Energy Technologies.*—The conference agreement provides \$20,000,000 to establish a comprehensive research, development and deployment (RD&D)

strategy for the development of unconventional oil, gas and coal resources as proposed by the Senate. In developing its RD&D strategy, the conferees direct the Department to develop a report outlining the domestic resource opportunities as well as technology applications that that will be the focus of this effort. Further, the Department shall include input from academia and industry in the report.

*Program Direction.*—The conference agreement provides \$158,000,000 for Program Direction.

*Other.*—The conference agreement provides funds for the following activities: \$20,000,000 for Plant and Capital Equipment; \$10,000,000 for Fossil Energy Environmental Restoration; \$700,000 for Special Recruitment; and \$5,000,000 for Cooperative Research and Development.

*Congressionally Directed Projects.*—The conference agreement provides \$36,850,000 for the following congressionally directed projects and activities. The Department should remind recipients that statutory cost-sharing requirements may apply to these projects.

## CONGRESSIONALLY DIRECTED FOSSIL ENERGY PROJECTS

PROJECT	AMOUNT
Center for Advanced Separation Technologies	\$500,000
Center for Renewable Energy, Science, and Technology (CREST)	\$1,000,000
Center for Zero Emissions Research and Technology	\$3,000,000
Design and Test of an Advanced SOFC Generator in PA (PA)	\$1,000,000
Fossil Fuel Research and Development (ND)	\$4,000,000
Gulf of Mexico Hydrates Research Consortium	\$1,200,000
Hydrogen Fuel Dispensing Station (WV)	\$1,200,000
Innovations for Low-Cost Gasification Systems	\$750,000
Innovations in Control Technologies for Synthesis Gas Combustion	\$300,000
Long Term Environmental and Economic Impacts of Development of Coal Liquefaction Sector in China (WV)	\$1,250,000
Methanol Economy	\$750,000
Montana ICTL Demonstration (MT)	\$1,250,000
National Center for Hydrogen Technology	\$3,000,000
Oklahoma University Enhanced Oil Recovery Design Center	\$500,000
Research and Development of Fuel Cells for Electricity from Fossil- and Bio-Based Fuels	\$500,000
Shale Oil Upgrading Utilizing Ionic Membranes (UT)	\$1,750,000
Shallow Carbon Sequestration Pilot Demonstration (MO)	\$2,400,000
University of Kentucky Strategic Liquid Transportation Fuels Derived From Coal	\$2,000,000
Utah Center for Ultra-Clean Coal Utilization and Heavy Oil Research (UT)	\$8,000,000
Utah Coal and Biomass to Fuel Pilot Plant (CA)	\$2,500,000



## NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides \$23,627,000 for the operation of the Naval Petroleum and Oil Shale Reserves as proposed by the House and Senate.

## STRATEGIC PETROLEUM RESERVE

The conference agreement provides \$243,823,000 for the Strategic Petroleum Reserve, including \$25,000,000 for expansion activities at the Richton, Mississippi, site.

## NORTHEAST HOME HEATING OIL RESERVE

The conference agreement provides \$11,300,000 for the Northeast Home Heating Oil Reserve as proposed by the House and Senate.

## ENERGY INFORMATION ADMINISTRATION

The conference agreement provides \$110,595,000 for the Energy Information Administration as proposed by the Senate, instead of \$121,858,000 as proposed by the House.

## NON-DEFENSE ENVIRONMENTAL CLEANUP

The conference agreement provides \$244,673,000 for Non-Defense Environmental Cleanup, instead of \$237,517,000 as proposed by the House and \$259,829,000 as proposed by the Senate.

*Gaseous Diffusion Plants.*—The conference agreement provides \$100,885,000 for the Gaseous Diffusion Plants. The conferees are aware that the Department intends to complete testing and initiate full operations on both facilities in this fiscal year. The conferees expect the Department to utilize its reprogramming authority as necessary to maintain this schedule.

*Internal Reprogramming Authority.*—In fiscal year 2010, the Department may transfer up to \$2,000,000 between programs within the Non-Defense Environmental Cleanup accounts to reduce health or safety risks or to gain cost savings, as long as no program or project is increased or decreased by more than \$2,000,000 during the fiscal year. The House and Senate Committees on Appropriations must be notified within thirty days of the use of this reprogramming authority. The account control points for reprogramming are the Fast Flux Test Reactor Facility, West Valley Demonstration Project, Gaseous Diffusion Plants, Small Sites, and construction line-items.

## URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement provides \$573,850,000 for activities funded from the Uranium Enrichment Decontamination and Decommissioning Fund, instead of \$559,377,000 as proposed by the House and \$588,322,000 as proposed by the Senate. The conference agreement includes \$225,000,000 for Oak Ridge, Tennessee, \$116,446,000 for Paducah, Kentucky, and \$232,404,000 for Portsmouth, Ohio. The conferees have adjusted

the funding levels in response to the Department's decision to expand ongoing cleanup activities at Portsmouth, despite the fact that this work was not proposed in the President's budget request. The Department has proposed that this expanded cleanup work is to be financed with an off-budget barter strategy for federal uranium assets. Based on the Department's limited experience with such transactions and the fact that the Congressional Budget Office estimates the Department will only achieve 55 percent of its deficit reduction targets from uranium sales in fiscal year 2010, the conferees have serious concerns regarding the Department's ability to successfully implement this proposal. The conferees direct the Government Accountability Office (GAO) to undertake a review of the Department's oversight and implementation strategy to ensure that the Department executes this program consistent with section 3112 of the U.S.C. Privatization Act (42 U.S.C. section 2297h-10). In addition, the conferees request that GAO's review include an evaluation of the Department's overall uranium management plan and an assessment of the Department's success or failure in meeting its existing deficit reduction targets utilizing asset sales, including sales of Departmental stockpiles of uranium, nickel, and other materials surplus to its needs.

## SCIENCE

## (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$4,903,710,000, instead of \$4,943,587,000 as proposed by the House and \$4,898,832,000 as proposed by the Senate.

*High Energy Physics.*—The conference agreement provides \$810,483,000 for High Energy Physics research. Within these funds, the conference agreement provides \$434,471,000 for Proton Accelerator-Based Physics. The control level is at the High Energy Physics level.

*Nuclear Physics.*—The conference agreement provides \$535,000,000 for Nuclear Physics. Within these funds, the conference agreement provides \$12,000,000 for the Facility for Rare Isotope Beams, and \$20,000,000 for the 12 GeV upgrade of the Continuous Electron Beam Accelerator Facility at the Thomas Jefferson National Laboratory. The conference agreement includes funding for nuclear medicine application research in Biological and Environmental Research.

The conference agreement includes not less than \$19,200,000 for Isotope Development and Production for Research and Applications, University Operations. The conferees have concerns regarding the state of isotope production in the United States for medical and industrial applications. The conferees support the House and Senate language regarding cost-effectively improving the supply of these isotopes, including through utilizing existing sources and upgrading existing research reactors or accelerators.

*Biological and Environmental Research.*—The conference agreement provides \$604,182,000 for Biological and Environmental Research. Within these funds, the conferees direct the Department to provide \$17,500,000 for nuclear medicine application research.

*Basic Energy Sciences.*—The conference agreement provides \$1,636,500,000 for Basic Energy Sciences. Within these funds, the conference agreement provides \$22,000,000 for EPSCOR, and directs the limit of one Implementation Grant per EPSCOR state be removed and the cap on the maximum allowable award be increased to \$2,500,000. The conference agreement provides no funds for an Energy Innovation Hub within the Office of Science. Further, the conferees include funding as requested for the Spallation Neutron Source and the High Flux Isotope Reactor.

*Advanced Scientific Computing Research.*—The conference agreement provides \$394,000,000 for Advanced Scientific Computing Research.

*Fusion Energy Sciences.*—The conference agreement provides \$426,000,000 for Fusion Energy Sciences.

The House proposed \$20,000,000 for the laser fusion program at the Naval Research Laboratory (NRL). It also directed the Department of Energy to report to the House and Senate Committees on Appropriations on the potential of the KrF laser for commercial fusion. The Senate provided no comparable direction. The conference agreement includes no explicit funding for NRL and supports the House reporting requirement. This report is due not later than 60 days following enactment of this Act. The conferees encourage the Secretary to explore all possible opportunities to ensure that this program, which offers unique potential for long-term energy independence, is not abandoned for lack of a bureaucratic home.

*Science Laboratories Infrastructure.*—The conference agreement provides \$127,600,000 for Science Laboratories Infrastructure.

*Safeguards and Security.*—The conference agreement provides \$83,000,000 for Safeguards and Security.

*Science Program Direction.*—The conference agreement provides \$189,377,000 for Science Program Direction. The control level is at the Science Program Direction level.

*Science Workforce Development.*—The conference agreement provides \$20,678,000 for Science Workforce Development.

*Congressionally Directed Projects.*—The conference agreement provides \$76,890,000 for the following congressionally directed projects and activities. The agency should remind recipients that statutory cost-sharing requirements may apply to these projects.

## CONGRESSIONALLY DIRECTED SCIENCE PROJECTS

PROJECT	AMOUNT
Advanced Artificial Science and Engineering Research Infrastructure	\$300,000
Advanced Manufacturing and Engineering Equipment	\$1,000,000
Alaska Climate Center (AK)	\$1,000,000
Algae to Biodiesel, Carlsbad, NM	\$750,000
Antibodies Research (ND)	\$3,000,000
Applied Biomechanical Engineering Graduate Program	\$400,000
Bethune-Cookman University STEM Research Lab	\$250,000
Building Surface Science Capacity to Serve the Automobile Industry in Southeastern Michigan	\$500,000
Carbon Nanotube Technology Center (CANTEC) (OK)	\$1,000,000
Center for Advanced Bio-based Binders (CABB) and Pollution Reduction Technologies	\$950,000
Center for Advanced Scientific Modeling (CASCaM)	\$700,000
Center for Diagnostic Nanosystems (WV)	\$3,000,000
Center for Nanomedicine and Cellular Delivery	\$500,000
Center for Sustainable Energy at Bronx Community College, Bronx, NY	\$500,000
Clean Energy Infrastructure Educational Initiative (OH)	\$500,000
Clean Energy Storage, Conversion, and Generation Research	\$500,000
Clemson University Cyberinstitute	\$500,000
Climate Model Evaluation Program (AL)	\$1,800,000
College of Saint Elizabeth	\$1,000,000
Computational Modeling of Drug-Resistant Bacteria	\$915,000
Computing Capability (ND)	\$5,000,000
Development of Ultrafiltration Membrane-Separation Technology for Energy-Efficient Water Treatment and Desalination Process (NV)	\$800,000
Energy Efficiency & Water Institute Research Facility, Purdue University-Calumet, IN	\$2,000,000
Energy Systems Engineering Institute	\$500,000
Enhancement for the Intermountain Center for River Restoration and Rehabilitation (UT)	\$600,000
Environmental Quality Monitoring and Analysis (IL)	\$500,000
Fourier Transform Nuclear Magnetic Resonance (FTNMR) Spectrometer	\$500,000
Fuel Cell Research, Brown University, RI (RI)	\$1,500,000
Functional MRI Research (VT)	\$1,200,000
Fusion Energy Spheromak Turbulent Plasma Experiment (STPX)	\$500,000
Green Manufacturing and Energy Conscious Design Program	\$1,000,000
Idaho Accelerator Center Production of Medical Isotopes	\$1,500,000
Idaho National Laboratory Center for Advanced Energy Studies	\$1,000,000
Institute for Collaborative Sciences Research	\$1,200,000
Institute for Integrated Sciences	\$2,000,000
Kansas University Cancer Research Equipment (KS)	\$4,000,000
Landfill Leachate Recirculation and Gas to Energy Project	\$500,000
Marine Systems Energy/Environmental Sustainability Research	\$300,000
Martin County Microfiber Hydrogen Fuel Cell Technology Development (NC)	\$1,000,000
Material Science Smart Coatings (NE)	\$500,000
Meteorology and Atmospheric Science Program at the University of Louisville	\$350,000
Nanotechnology Initiative (CT)	\$750,000
Nevada Water Resources Data, Modeling and Visualization (DMV) Center	\$750,000
Notre Dame Innovation Park, South Bend, IN	\$575,000
Performance Assessment Institute (NV)	\$1,000,000

## CONGRESSIONALLY DIRECTED SCIENCE PROJECTS

PROJECT	AMOUNT
Physical and Biological Sciences Laboratory Learning Center	\$400,000
Pioneer Valley Life Science Institute Translational Biomedical Research (MA)	\$400,000
Renovation and Development of the LSU Nuclear Science Building (LA)	\$1,000,000
RNAI Research (MA)	\$300,000
Rockland CC Science Lab Upgrade	\$300,000
Science Center Equipment and Energy Efficient LEED Technology (UT)	\$900,000
Science Lab Expansion	\$550,000
Smart Grid Communications Security Project (CO)	\$1,000,000
Smart Grid Simulation Laboratory	\$900,000
State-of-the-Art Large-Scale Testing for Wind to Enhance Infrastructure Resiliency and Develop Energy-Efficient Buildings	\$1,000,000
STEM Infrastructure Improvement Project	\$1,500,000
STEM Minority Graduate Program	\$4,500,000
Susquehanna University, Equipment for New Science Center	\$1,000,000
Sustainable Biofuels Development Center	\$500,000
SUU Science Center Energy Efficiency Modernization and Enhancement Project (UT)	\$1,000,000
Targeted Radiotherapy for Melanoma (MA)	\$300,000
Technology Transfer & Commercialization of Technologies at DOE Laboratories (NM)	\$750,000
The New School Green Building (NY)	\$1,000,000
Transylvania University Brown Science Center Equipment	\$650,000
TU Algae to Green Fuels Energy Project	\$750,000
Twin Tower Observatory	\$200,000
Ultra Fast Power Processor for Smart Grid	\$1,000,000
UMASS Integrative Science Building	\$2,000,000
Unique Methodologies for Nano/Micro Manufacturing and Job Training for Nanotechnology	\$500,000
University of Delaware Energy Institute	\$500,000
University of Illinois at Chicago High Performance Computing	\$1,000,000
University Of Rhode Island Regional Earth Systems Institute	\$750,000
University Park and Research Center in Chula Vista, CA	\$1,000,000
USD Catalysis Group for Alternative Energy (SD)	\$1,100,000
Whitworth University STEM Equipment	\$300,000
Yttrium-90 Microspheres Research (WA)	\$1,250,000

## NUCLEAR WASTE DISPOSAL

The conference agreement provides \$98,400,000 for nuclear waste disposal, the same as proposed by the House and the Senate. The conferees provide \$5,000,000 for the Secretary of Energy to establish the Blue Ribbon Commission. All guidance provided by the House and Senate reports is superseded by the conference agreement. The conference agreement also includes funds for technical and construction site management, business support, and other activities to carry out the Administration's fiscal year 2010 plan.

## TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

The conference agreement provides \$43,000,000 for administrative expenses for the Title 17 Innovative Loan Guarantee Program as proposed by the House and Senate. This appropriation is fully offset by revenue, resulting in a \$0 net appropriation.

## ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

The conference agreement provides \$20,000,000 for Advanced Technology Vehicles Manufacturing Loan Program as proposed by the House and Senate.

## DEPARTMENTAL ADMINISTRATION

The conference agreement provides \$168,944,000 for Departmental Administration, instead of \$124,944,000 as proposed by the House and \$173,944,000 as proposed by the Senate. The conferees recognize the importance of adequately staffing the Department of Energy and express concern with the performance of the Office of the Human Capital Officer, as described in a recent study by the National Academy of Public Administration. The conferees strongly encourage the Department to explore alternative organizational arrangements and business processes, such as using an outside hiring organization, to improve this performance. The conferees support the study requested by the Senate on RFS and expect the Department to undertake the requested economic review.

## OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides \$51,927,000 for the Office of the Inspector General as proposed by the House and Senate.

## ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages the nation's nuclear weapons programs, nuclear nonproliferation programs, and naval reactors activities.

The conference agreement provides \$9,887,027,000 for the National Nuclear Security Administration.

## WEAPONS ACTIVITIES

The conference agreement provides \$6,384,431,000 for Weapons Activities, instead of \$6,320,000,000 as proposed by the House and \$6,468,267,000 as proposed by the Senate.

*Report on Non-Deterrable Threats.*—The conference agreement does not include the House study on non-deterrable threats, and does not include the direction on the expenditure of LDRD funding. In its place, the conference agreement directs the NNSA to prepare a report to the House and Senate Committees on Appropriations, within six months of enactment, delineating NNSA's activities and achievements in countering non-deterrable threats.

*Reprogramming Authority.*—The conference agreement concurs with the House report

language on reprogramming authority, but inserts "Plutonium Infrastructure Sustainment" in place of "Pit Manufacturing and Certification".

## DIRECTED STOCKPILE WORK

The conference agreement provides \$1,505,859,000 for Directed Stockpile Work.

*Life Extension Programs.*—The conference agreement provides \$223,196,000 for Life Extension Program activities, all of which is provided for W76 Life Extension program.

*Stockpile Systems.*—The conference agreement provides \$357,800,000 for Stockpile Systems activities. Within these funds, the conference agreement provides \$91,956,000 for the B61 bomb, including \$32,500,000 for Phase 2/2A study of non-nuclear components for the proposed B61-12. No request was made for funds for Phase 2/2A study of the nuclear components of the B61-12, and the conference agreement provides that no funds may be obligated or expended for this purpose without prior approval by the House and Senate Committees on Appropriations.

The conference agreement directs the Nuclear Weapons Council in cooperation with the Secretary of Energy to, within 60 days of release of the Nuclear Posture Review, enter into an agreement with the National Academy of Sciences to execute a study addressing the national security and extended deterrence value of the B61 for both strategic and tactical purposes in light of nuclear terrorism risks and military threats. The conference agreement directs the Nuclear Weapons Council in cooperation with the Secretary of Energy to, within 90 days of release of the Nuclear Posture Review, commission a further study by the JASON Defense Advisory Group examining whether the planned B61-12 can be expected, without nuclear testing, to offer sufficient margin and other advantages as to constitute a long-term 21st Century weapon, or whether it is more likely to be an interim weapon leading to near-term replacement or retirement, and to recommend any additional research that may be needed to make an informed decision on this matter. The conference agreement directs the Secretary of Energy to submit each study to the House and Senate Committees on Appropriations not later than 180 days after commissioning the study.

*Weapons Dismantlement and Disposition.*—The conference agreement provides \$96,100,000 for Weapons Dismantlement and Disposition.

*Stockpile Services.*—The conference agreement provides \$828,763,000 for Stockpile Services. Within these funds, the conference agreement provides \$165,076,000 for Research and Development Certification and Safety, \$183,223,000 for Management, Technology, and Production, and \$141,909,000 for Plutonium Infrastructure Sustainment. The conference agreement provides that \$22,000,000 is made available above the request to support experimental activities at the Nevada Test Site. The conferees support Senate language regarding the tritium mission.

## CAMPAIGNS

The conference agreement provides \$1,571,186,000 for Campaigns.

*Science Campaign.*—The conference agreement provides \$295,646,000 for the Science Campaign. The conferees direct that academic programs shall be funded in the same lines as they were during fiscal year 2009.

*Engineering Campaign.*—The conference agreement provides \$150,000,000 for the Engineering Campaign. Within these funds, the conference agreement provides \$42,000,000 to be available only for Enhanced Surety, of

which \$21,104,000 is provided only for enhanced surety intrinsic to the weapon.

*Inertial Confinement Fusion Ignition and High Yield Campaign.*—The conference agreement provides \$457,915,000 for the Inertial Confinement Fusion and High Yield Campaign. The conference agreement provides \$16,500,000 above the request for the operation of Z machine and the Omega facility to restore each facility to fiscal year 2009 levels.

Further, \$4,500,000 above the budget request is provided for the Laboratory for Laser Energetics.

*Advanced Simulation and Computing Campaign.*—The conference agreement provides \$567,625,000 for Advanced Simulation and Computing Campaign. Within these funds, the conference provides \$5,000,000 for National Security Science, Technology and Engineering Activities for the purpose of technology assessments of nuclear weapons that could be employed by sub-state actors or potentially hostile minor nuclear powers, \$5,000,000 for a joint program with the Office of Fossil Energy and the Office of Science to work in collaboration with universities and industry to improve U.S. capacity to produce domestic unconventional oil and gas resources and minimize environmental impact by use of high performance computing capabilities, and \$5,000,000 to explore cost-effective, power-efficient storage systems.

*Readiness Campaign.*—The conference agreement provides \$100,000,000 for the Readiness Campaign.

## READINESS IN TECHNICAL BASE AND FACILITIES

The conference agreement provides \$1,842,870,000 for Readiness in Technical Base and Facilities. The conferees direct the Department to use carryover balances for project 06-D-140, if necessary.

## SECURE TRANSPORTATION ASSET

The conference agreement provides \$234,915,000 for Secure Transportation Asset.

## NUCLEAR WEAPONS INCIDENT RESPONSE

The conference agreement provides \$221,936,000 for Nuclear Weapons Incident Response.

## FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM

The conference agreement provides \$93,922,000 for the Facilities and Infrastructure Recapitalization Program.

## SITE STEWARDSHIP

The conference agreement provides \$61,288,000 for Site Stewardship. The conferees direct that the NNSA submit Site Stewardship as a single line in future requests.

## SAFEGUARDS AND SECURITY

The conference agreement provides \$891,555,000 for Safeguards and Security. The conference agreement includes \$10,000,000 above the request for security upgrades promulgated in the April 2004 special annex letter and incorporated into the 2008 Graded Security Protection Policy. Additionally, the conference agreement includes \$10,000,000 above the request for improved training and equipment.

## CONGRESSIONALLY DIRECTED PROJECTS

The conference agreement provides \$3,000,000 for the following congressionally directed projects and activities. The agency should remind recipients that statutory cost-sharing requirements may apply to these projects.

**CONGRESSIONALLY DIRECTED WEAPONS ACTIVITIES PROJECTS**

PROJECT	AMOUNT
Center for Innovation through Visualization and Simulation, Purdue University-Calumet, IN	\$3,000,000

## ADJUSTMENTS

The conference agreement includes the use of \$42,100,000 in prior year balances from the canceled High Explosive Pressing Facility at Pantex and directs their application to meet fiscal year 2010 needs as described above.

## DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides \$2,136,709,000 for Defense Nuclear Nonproliferation as proposed by the Senate, instead of \$1,471,175,000 as proposed by the House.

NONPROLIFERATION AND VERIFICATION  
RESEARCH AND DEVELOPMENT

The conference agreement provides \$317,300,000 for Nonproliferation and Verification Research and Development.

NONPROLIFERATION AND INTERNATIONAL  
SECURITY

The conference agreement provides \$187,202,000 for Nonproliferation and International Security of which \$72,763,000 is

available for Dismantlement and Transparency.

INTERNATIONAL NUCLEAR MATERIALS  
PROTECTION AND COOPERATION

The conference agreement provides \$572,050,000 for International Nuclear Materials Protection and Cooperation of which \$63,481,000 is provided for Civilian Nuclear Sites and \$78,432,000 is provided for the Core Program of Second Line of Defense.

## ELIMINATION OF WEAPONS GRADE PLUTONIUM

The conferees provide \$24,507,000 for the Elimination of Weapons Grade Plutonium Program.

## FISSILE MATERIALS DISPOSITION

The conference agreement provides \$701,900,000 for Fissile Materials Disposition. The conferees express concern that future cost increases in the construction of the Mixed Oxide Fuel Fabrication Facility, Waste Solidification Building, and supporting activities could divert resources from high-priority overseas nonproliferation activities. All efforts should be made to en-

sure this does not occur. Additionally, the conferees support the House report language expressing concerns about the Department's management of the surplus plutonium disposition program.

## GLOBAL THREAT REDUCTION INITIATIVE

The conference agreement provides \$333,500,000 for the Global Threat Reduction Initiative. From within available resources, \$20,000,000 shall be provided to accelerate the conversion of research reactors to support the domestic production of molybdenum-99. The conferees support the Senate reporting requirement for the Global Threat Reduction Initiative to conduct a full inventory of U.S. materials to determine other uses.

## CONGRESSIONALLY DIRECTED PROJECTS

The conference agreement provides \$250,000 for the following congressionally directed projects and activities. The agency should remind recipients that statutory cost-sharing requirements may apply to these projects.

**CONGRESSIONALLY DIRECTED DEFENSE NUCLEAR NONPROLIFERATION PROJECTS**

PROJECT	AMOUNT
Global Seismographic Network Equipment Renewal	\$250,000



## NAVAL REACTORS

The conference agreement provides \$945,133,000 for Naval Reactors, instead of \$1,003,133,000 as proposed by the House and \$973,133,000 as proposed by the Senate.

## OFFICE OF THE ADMINISTRATOR

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$420,754,000 for the Office of the Administrator, as proposed by the House and Senate.

*Congressionally Directed Projects.*—The conference agreement provides \$13,000,000 for the following congressionally directed projects and activities. The agency should remind recipients that statutory cost-sharing requirements may apply to these projects.

**CONGRESSIONALLY DIRECTED OFFICE OF THE ADMINISTRATOR (NNSA) PROJECTS**

PROJECT	AMOUNT
ACE Program at Maricopa County Community Colleges	\$1,000,000
Historically Black Colleges and Universities Program	\$10,000,000
Morehouse College Minority Energy Science Research and Education Initiative	\$2,000,000

ENVIRONMENTAL AND OTHER DEFENSE  
ACTIVITIESDEFENSE ENVIRONMENTAL CLEANUP  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$5,642,331,000 for the Defense Environmental Cleanup program, instead of \$5,381,842,000 as proposed by the House and \$5,763,856,000 as proposed by the Senate.

*Internal Reprogramming Authority.*—In fiscal year 2010, the Department may transfer up to \$5,000,000 between accounts, as noted in the table below, to reduce health or safety risks or to gain cost savings as long as no program or project is increased or decreased by more than \$5,000,000 in total during the fiscal year. This reprogramming authority may not be used to initiate new programs or to change funding for programs specifically denied, limited, or increased by Congress in the Act or explanatory statement. The House and Senate Committees on Appropriations must be notified within thirty days of the use of this reprogramming authority.

## Account Control Points:

## Closure Sites

Savannah River site, nuclear material stabilization and disposition

Savannah River site, 2012 accelerations

Savannah River site, 2035 accelerations

Savannah River Tank Farm

Waste Isolation Pilot Plant

Idaho National Laboratory

Oak Ridge Reservation

Hanford site 2012 accelerated completions

Hanford site 2035 accelerated completions

National Nuclear Security Administration Sites

Office of River Protection (ORP) Waste Treatment & Immobilization Plant (WTP)—  
Waste Treatment Facilities A through D  
ORP WTP Pretreatment facility

Program Direction  
Program Support  
Safeguards and Security  
Uranium Enrichment D&D Fund contribu-

tion  
Technology Development and Deployment  
Construction line-items

*Closure Sites.*—The conference agreement includes \$41,468,000 for Closure Sites environmental cleanup activities.

*Hanford Site.*—The conference agreement provides \$990,080,000 for the Hanford Site.

*Idaho National Laboratory.*—The conference agreement provides \$464,168,000 for Idaho National Laboratory cleanup activities. The conference agreement does not include House language regarding the transfer of radioactive cleanup liabilities. The conferees are encouraged that the Office of Environmental Management (EM) has begun the process of accepting excess facilities and materials from the Nuclear Energy program, and urge the Department to assign disposition responsibility for remaining spent fuel, special nuclear material, and irradiated beryllium blocks. The conferees include \$34,268,000 for Spent Nuclear Fuel Stabilization and Disposition—2012, of which \$19,500,000 is included to prepare and treat sodium-bonded fuel within the EM portfolio.

*NNSA Sites.*—The conference agreement provides \$284,124,000 for cleanup activities at NNSA sites.

*Oak Ridge Reservation.*—The conference agreement provides \$178,768,000 for the Oak Ridge Reservation.

*Office of River Protection.*—The conference agreement provides \$1,098,000,000 for the Office of River Protection, to include \$690,000,000 for the Waste Treatment Plant.

*Savannah River Site.*—The conference agreement provides \$1,209,949,000 for cleanup activities at the Savannah River Site.

*Waste Isolation Pilot Plant.*—The conference agreement provides \$230,337,000 for the Waste Isolation Pilot Plant.

*Program Direction.*—The conference agreement provides \$345,000,000 for Program Direction.

*Program Support.*—The conference agreement provides \$34,000,000 for Program Support.

*Safeguards and Security.*—The conference agreement provides \$279,437,000 for Safeguards and Security.

*Technology Development and Deployment.*—The conference agreement provides \$20,000,000 for the Technology Development and Deployment program. The conferees encourage the Department to provide competitively awarded funding within available funds to take advantage of international technology transfer opportunities. The conferees encourage the National Tank Waste Program to work with the Office of River Protection to conduct scientific applied research and technology development activities that advance solutions for the treatment of tank wastes as described in the Technology Development and Deployment budget request.

*Federal Contribution to Uranium Enrichment Decontamination and Decommissioning Fund.*—The conference agreement provides \$463,000,000 for the Federal contribution to the Uranium Enrichment Decontamination and Decommissioning Fund as authorized in Public Law 102-486.

*Congressionally Directed Projects.*—The conference agreement provides \$4,000,000 for the following congressionally directed projects and activities. The agency should remind recipients that statutory cost-sharing requirements may apply to these projects.

## CONGRESSIONALLY DIRECTED DEFENSE ENVIRONMENTAL CLEANUP PROJECTS

PROJECT	AMOUNT
Characteristics and Cleanup of the U.S. Nuclear Legacy (MS)	\$4,000,000

## OTHER DEFENSE ACTIVITIES

The conference agreement provides \$847,468,000 for Other Defense Activities, instead of \$1,515,502,000 as proposed by the House and \$854,468,000 as proposed by the Senate.

## OFFICE OF HEALTH, SAFETY, AND SECURITY

The conference agreement provides \$441,882,000 for the Office of Health, Safety, and Security.

## LEGACY MANAGEMENT

The conference agreement provides \$189,802,000 for the Office of Legacy Management.

## DEFENSE-RELATED ACTIVITIES

The conference agreement provides \$83,358,000 for site-wide safeguards and security at Idaho National Laboratory.

## DEFENSE-RELATED ADMINISTRATIVE SUPPORT

The conference agreement includes \$122,982,000 to provide administrative support for programs funded in the atomic energy defense activities accounts.

## OFFICE OF HEARINGS AND APPEALS

The conference agreement provides \$6,444,000 for the Office of Hearings and Appeals.

## CONGRESSIONALLY DIRECTED PROJECTS

The conference agreement provides \$3,000,000 for the following congressionally directed projects and activities. The agency should remind recipients that statutory cost-sharing requirements may apply to these projects.

## CONGRESSIONALLY DIRECTED OTHER DEFENSE ACTIVITIES PROJECTS

PROJECT	AMOUNT
Burlington Atomic Energy Commission Plant (BAECP) and Ames Laboratory Former Worker Medical Surveillance Program (FWP) (IA)	\$1,000,000
Medical Monitoring at Paducah, KY, Portsmouth, OH, and Oak Ridge, TN (KY, OH, TN)	\$1,000,000
Miamisburg Mound Energy Park Redevelopment	\$1,000,000

## DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides \$98,400,000 for Defense Nuclear Waste Disposal activities, as proposed by the House and Senate.

## POWER MARKETING ADMINISTRATIONS

## BONNEVILLE POWER ADMINISTRATION FUND

The conference agreement provides no appropriation for the Bonneville Power Administration, which derives its funding from revenues deposited into the Bonneville Power Administration Fund.

## OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement provides a net appropriation of \$7,638,000 for the Southeastern Power Administration as proposed by the House, instead of \$8,638,000 as proposed by the Senate. As proposed by the House, an additional \$1,000,000 is recorded separately as a scorekeeping adjustment.

## OPERATION AND MAINTENANCE,

## SOUTHWESTERN POWER ADMINISTRATION

The conference agreement provides a net appropriation of \$44,944,000 for the Southwestern Power Administration, as proposed by the House and Senate.

## CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The conference agreement provides a net appropriation of \$256,711,000 for the Western Area Power Administration, as proposed by the House and Senate.

## FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement provides a net appropriation of \$2,568,000 for the Falcon and

Amistad Operating and Maintenance Fund, as proposed by the House and Senate.

## FEDERAL ENERGY REGULATORY COMMISSION

## SALARIES AND EXPENSES

The conference agreement provides \$298,000,000 for the Federal Energy Regulatory Commission (FERC), as proposed by the House and Senate. Revenues for FERC are set to an amount equal to the budget authority, resulting in a net appropriation of \$0.

## GENERAL PROVISIONS—DEPARTMENT OF ENERGY

The conference agreement includes a provision proposed by the House and Senate relating to unfunded proposals.

The conference agreement includes a provision proposed by the House and Senate relating to workforce restructuring.

The conference agreement includes a provision proposed by the House and Senate relating to unexpended balances.

The conference agreement includes a provision proposed by the House and Senate relating to Bonneville Power Administration service territory.

The conference agreement includes a provision proposed by the Senate relating to user facilities. The House proposed a similar provision.

The conference agreement includes a provision proposed by the House and Senate relating to intelligence activities.

The conference agreement includes a provision proposed by the Senate relating to laboratory directed research. The House proposed a similar provision.

The conference agreement modifies a provision proposed by the Senate relating to

pensions. The House proposed a similar provision.

The conference agreement includes a provision proposed by the House and Senate relating to the Bonneville Power Administration Fund.

The conference agreement includes a provision proposed by the House relating to wage rate requirements. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the House and Senate relating to congressional notifications.

The conference agreement includes a provision proposed by the House relating to the Advanced Technology Vehicle Manufacturing Loan Program. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the Strategic Petroleum Reserve. The House proposed no similar provision.

The conference agreement modifies a provision proposed by the House in title I relating to the White River Minimum Flow, Arkansas, Project. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the Senate relating to the Nuclear Regulatory Commission. This item is addressed in title IV.

The conference agreement does not include a provision proposed by the Senate relating to contracting. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the Senate relating to transfer authority. The House proposed no similar provision.



DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
<b>ENERGY EFFICIENCY AND RENEWABLE ENERGY</b>		
Energy Efficiency and Renewable Energy RDD&D		
Hydrogen Technology.....	---	174,000
Fuel cell technologies.....	68,213	---
Biomass and Biorefinery Systems R&D.....	235,000	220,000
Solar energy.....	320,000	225,000
Wind energy.....	75,000	80,000
Geothermal technology.....	50,000	44,000
Water Power.....	30,000	50,000
Vehicle technologies.....	333,302	311,365
Building technologies.....	237,698	200,000
Industrial technologies.....	100,000	96,000
Federal energy management program.....	32,272	32,000
RE-ENERGYSE (Regaining our energy science and engineering edge).....	115,000	---
Facilities and infrastructure:		
National Renewable Energy Laboratory (NREL).....	19,000	19,000
Construction:		
10-EE-01 South table mountain ingress/egress and traffic capacity upgrades, National Renewable Energy Laboratory, Golden, Co.....	44,000	44,000
Subtotal, Facilities and infrastructure.....	63,000	63,000
Program direction.....	238,117	140,000
Program support.....	120,000	45,000
Subtotal, Energy Efficiency and Renewable Energy RDD&D.....	2,017,602	1,680,365
Weatherization and intragovernmental:		
Weatherization:		
Weatherization assistance.....	220,000	210,000
Other:		
State energy program grants.....	75,000	50,000
Tribal energy activities.....	6,000	10,000
Subtotal, Other.....	81,000	60,000
Subtotal, Weatherization and intragovernmental..	301,000	270,000
Congressionally directed projects.....	---	292,135
TOTAL, ENERGY EFFICIENCY AND RENEWABLE ENERGY.....	2,318,602	2,242,500
<b>ELECTRICITY DELIVERY AND ENERGY RELIABILITY</b>		
Research and development:		
Clean energy transmission and reliability.....	42,000	38,450
Smart grid research and development.....	67,000	32,450
Energy storage.....	15,000	14,000
Cyber security for energy delivery systems.....	50,000	40,000
Subtotal, Research and development.....	174,000	124,900
Permitting, siting and analysis.....	6,400	6,400
Infrastructure security and energy restoration.....	6,188	6,187

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----		
Program direction.....	21,420	21,420
Congressionally directed projects.....	---	13,075
	-----	-----
TOTAL, ELECTRICITY DELIVERY AND ENERGY RELIABILITY.....	208,008	171,982
NUCLEAR ENERGY		
Research and development:		
Integrated university program.....	---	5,000
Nuclear power 2010.....	20,000	105,000
Generation IV nuclear energy systems.....	206,000	220,137
Fuel cycle research and development.....	192,000	136,000
	-----	-----
Subtotal, Research and development.....	418,000	466,137
Infrastructure:		
Radiological facilities management:		
Space and defense infrastructure.....	47,000	42,000
Research reactor infrastructure.....	---	10,000
Oak Ridge nuclear infrastructure.....	---	10,000
Los Alamos nuclear infrastructure.....	---	10,000
PU-238 production restart project.....	30,000	---
	-----	-----
Subtotal, Radiological facilities management..	77,000	72,000
INL infrastructure:		
INL Operations and infrastructure.....	203,402	173,000
Idaho sitewide safeguards and security.....	83,358	---
	-----	-----
Subtotal, INL Infrastructure.....	286,760	173,000
Program direction.....	77,872	73,000
	-----	-----
Subtotal, Nuclear Energy.....	859,632	784,137
	=====	=====
Funding from other defense activities.....	-83,358	---
Congressional directed projects.....	---	2,500
Undistributed.....	360	---
	-----	-----
TOTAL, NUCLEAR ENERGY.....	776,634	786,637
	=====	=====
FOSSIL ENERGY RESEARCH AND DEVELOPMENT		
Fuels and Power Systems:		
Innovations for existing plants.....	41,000	52,000
Advanced integrated gasification combined cycle.....	55,000	63,000
Advanced turbines.....	31,000	32,000
Carbon sequestration.....	179,865	154,000
Fuels.....	15,000	25,000
Fuel cells.....	54,000	50,000
Advanced research.....	28,000	28,000
	-----	-----
Subtotal, Fuels and power systems.....	403,865	404,000
Natural Gas Technologies.....	25,000	17,833
Unconventional fossil energy technologies from Petroleum - Oil Technologies.....	---	20,000
Program direction.....	158,000	158,000
Plant and Capital Equipment.....	20,000	20,000
Fossil energy environmental restoration.....	10,000	10,000

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Special recruitment programs.....	700	700
Cooperative research and development.....	---	5,000
Congressionally directed projects.....	---	36,850
<b>TOTAL, FOSSIL ENERGY RESEARCH AND DEVELOPMENT...</b>	<b>617,565</b>	<b>672,383</b>
NAVAL PETROLEUM AND OIL SHALE RESERVES.....	23,627	23,627
Storage facilities development.....	209,482	224,732
Management for SPR operations.....	19,091	19,091
<b>TOTAL, STRATEGIC PETROLEUM RESERVE.....</b>	<b>228,573</b>	<b>243,823</b>
NORTHEAST HOME HEATING OIL RESERVE.....	11,300	11,300
ENERGY INFORMATION ADMINISTRATION.....	133,058	110,595
<b>NON-DEFENSE ENVIRONMENTAL CLEANUP</b>		
Fast Flux Test Reactor Facility (WA).....	7,652	7,652
Operating expenses.....	104,444	100,885
Small Sites:		
Brookhaven National Lab.....	12,614	15,000
Idaho National Lab.....	5,000	5,000
Consolidated Business Center:		
California Site support.....	262	262
Stanford Linear Accelerator Center.....	4,600	4,600
Energy Technology Engineering Center.....	13,000	13,000
Moab.....	30,671	39,000
Completed sites administration and support.....	1,200	1,200
Oak Ridge National Laboratory (emergency)		
<b>Subtotal, Consolidated Business Center.....</b>	<b>49,733</b>	<b>58,062</b>
<b>Subtotal, Small Sites.....</b>	<b>67,347</b>	<b>78,062</b>
West Valley Demonstration Project.....	58,074	58,074
<b>TOTAL, NON-DEFENSE ENVIRONMENTAL CLEANUP.....</b>	<b>237,517</b>	<b>244,673</b>
<b>URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND</b>		
Decontamination and decommissioning.....	559,377	573,850
Offsetting collections.....	-200,000	---
<b>TOTAL, UED&amp;D FUND/URANIUM INVENTORY CLEANUP.....</b>	<b>359,377</b>	<b>573,850</b>
<b>SCIENCE</b>		
High energy physics:		
Proton accelerator-based physics.....	442,988	434,471
Electron accelerator-based physics.....	26,420	26,420
Non-accelerator physics.....	99,321	99,321
Theoretical physics.....	67,240	67,240
Advanced technology R&D.....	183,031	183,031
<b>Total, High energy physics.....</b>	<b>819,000</b>	<b>810,483</b>

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Nuclear physics.....	530,000	---
Operations and maintenance.....	---	515,000
Construction:		
06-SC-01 Project engineering and design (PED) 12 GeV continuous electron beam accelerator facility upgrade, Thomas Jefferson National Accelerator facility (was project 07-SC-001), Newport News, VA.....	22,000	20,000
Total, Nuclear physics.....	552,000	535,000
Biological and environmental research:		
Biological systems science.....	318,476	318,476
Climate and environmental sciences.....	285,706	285,706
Total, Biological and environmental research....	604,182	604,182
Basic energy sciences:		
Research:		
Materials sciences and engineering research.....	381,112	---
Chemical sciences, geosciences and energy biosciences.....	338,357	---
Scientific user facilities.....	811,791	---
Research.....	---	1,482,260
Subtotal, Research.....	1,531,260	1,482,260
Construction:		
07-SC-06 Project engineering and design (PED) National Synchrotron light source II (NSLS-II).. 05-R-320 LINAC coherent light source (LCLS).....	139,000 15,240	139,000 15,240
Subtotal, Construction.....	154,240	154,240
Total, Basic energy sciences.....	1,685,500	1,636,500
Advanced scientific computing research.....	409,000	394,000
Fusion energy sciences program.....	421,000	426,000
Science laboratories infrastructure:		
Laboratories facilities support:		
Infrastructure support:		
Payment in lieu of taxes.....	1,385	1,385
Oak Ridge landlord.....	5,214	5,214
General plant projects emergency appropriations		
Subtotal, Infrastructure support.....	6,599	6,599
Construction:		
10-SC-70 Research support building and infrastructure modernization, SLAC.....	8,900	6,900
10-SC-71 Energy sciences building, ANL.....	10,000	8,000
10-SC-72 Renovate science laboratory, Phase II, BNL.....	7,000	5,000
09-SC-72 Seismic life-safety, modernization and replacement of general purpose buildings Phase 2, PED/Construction, LBNL.....	34,027	34,027
09-SC-73, Interdisciplinary science building Phase 1, PED, BNL.....	39,387	39,387
09-SC-74, Technology and engineering development facilities PED, TJNAF.....	27,687	27,687
Subtotal, Construction.....	127,001	121,001

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Total, Science laboratories infrastructure.....	133,600	127,600
Safeguards and security.....	83,000	83,000
Science program direction:		
Headquarters.....	86,606	75,261
Office of Science and Technical Information.....	8,916	8,916
Field offices.....	118,200	105,200
Total, Science program direction.....	213,722	189,377
Workforce development for teachers and scientists.....	20,678	20,678
Congressionally directed projects.....	---	76,890
TOTAL, SCIENCE.....	4,941,682	4,903,710
ENERGY TRANSFORMATION ACCELERATION FUND		
Program direction.....	10,000	---
Total, ENERGY TRANSFORMATION ACCELERATION FUND..	10,000	---
NUCLEAR WASTE DISPOSAL		
Repository program.....	28,400	28,400
Program direction.....	70,000	70,000
TOTAL, NUCLEAR WASTE DISPOSAL.....	98,400	98,400
TITLE 17 - INNOVATIVE TECHNOLOGY GUARANTEE PROGRAM		
Administrative operations.....	43,000	43,000
Offsetting collection.....	-43,000	-43,000
Proposed change in subsidy cost.....	1,500,000	---
TOTAL, TITLE 17 - INNOVATIVE TECHNOLOGY GUARANTEE PROGRAM.....	1,500,000	---
ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PGM		
Administrative expenses.....	20,000	20,000
Total, ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PGM.....	20,000	20,000
DEPARTMENTAL ADMINISTRATION		
Administrative operations:		
Salaries and expenses		
Office of the Secretary.....	5,864	5,864
Chief Financial Officer.....	65,981	62,981
Management.....	88,456	78,456
Human capital management.....	29,537	29,537
Chief Information Officer.....	38,146	38,146
Congressional and intergovernmental affairs.....	7,326	4,826
Economic impact and diversity.....	3,896	3,896
General Counsel.....	32,478	32,478
Policy and international affairs.....	19,296	19,296
Public affairs.....	5,405	4,500
Office of Indian Energy Policy and Programs.....	---	5,500
Subtotal, Salaries and expenses.....	296,385	285,480

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----		
Program support:		
Minority economic impact.....	2,775	2,775
Policy analysis and system studies.....	1,159	1,159
Environmental policy studies.....	528	528
Climate change technology program (prog. supp)....	9,270	9,270
Cybersecurity and secure communications.....	33,365	33,365
Corporate management information program.....	9,403	9,403
Energy information technology services.....	23,631	22,149
Subtotal, Program support.....	80,131	78,649
Total, Administrative operations.....	376,516	364,129
Cost of work for others.....	48,537	47,537
Subtotal, DEPARTMENTAL ADMINISTRATION.....	425,053	411,666
Funding from other defense activities.....	-122,982	-122,982
Total, Departmental administration (gross).....	302,071	288,684
	=====	=====
Miscellaneous revenues.....	-119,740	-119,740
TOTAL, DEPARTMENTAL ADMINISTRATION (net).....	182,331	168,944
	=====	=====
OFFICE OF INSPECTOR GENERAL.....	51,445	51,927
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES:		
Life extension program:		
W76 Life extension program.....	209,196	223,196
Total, Life extension program.....	209,196	223,196
Stockpile systems:		
B61 Stockpile systems.....	124,456	91,956
W76 Stockpile systems.....	65,497	65,497
W78 Stockpile systems.....	50,741	50,741
W80 Stockpile systems.....	19,064	19,064
B83 Stockpile systems.....	35,682	35,682
W87 Stockpile systems.....	51,817	51,817
W88 Stockpile systems.....	43,043	43,043
Total, Stockpile systems.....	390,300	357,800
Weapons dismantlement and disposition:		
Operations and maintenance.....	84,100	96,100
Total, Weapons dismantlement and disposition....	84,100	96,100
Stockpile services:		
Production support.....	301,484	301,484
Research and development support.....	37,071	37,071
Research and development certification and safety....	143,076	165,076
Management, technology, and production.....	200,223	183,223
Plutonium infrastructure sustainment.....	149,201	141,909
Subtotal, Stockpile services.....	831,055	828,763
Total, Directed stockpile work.....	1,514,651	1,505,859

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----		
Campaigns:		
Science campaign:		
Advanced certification.....	19,400	19,400
Primary assessment technologies.....	80,181	83,181
Dynamic materials properties.....	86,617	86,617
Academic alliances.....	30,251	---
Advanced radiography.....	22,328	28,535
Secondary assessment technologies.....	77,913	77,913
Subtotal, Science campaigns.....	316,690	295,646
Engineering campaign:		
Enhanced surety.....	42,000	42,000
Weapons system engineering assessment technology	18,000	18,000
Nuclear survivability.....	21,000	21,000
Enhanced surveillance.....	69,000	69,000
Subtotal, Engineering campaign.....	150,000	150,000
Inertial confinement fusion ignition and high yield campaign:		
Ignition.....	106,734	106,734
NIF diagnostics, cryogenics and experimental support.....	72,252	72,252
Pulsed power inertial confinement fusion.....	5,000	5,000
Joint program in high energy density laboratory plasmas.....	4,000	4,000
Facility operations and target production.....	248,929	269,929
Subtotal, Inertial confinement fusion.....	436,915	457,915
Advanced simulation and computing.....	556,125	567,625
Readiness campaign:		
Stockpile readiness.....	5,746	5,746
High explosives and weapon operations.....	4,608	4,608
Nonnuclear readiness.....	12,701	12,701
Tritium readiness.....	68,246	68,246
Advanced design and production technologies.....	8,699	8,699
Subtotal, Readiness campaign.....	100,000	100,000
Total, Campaigns.....	1,559,730	1,571,186
-----		
Readiness in technical base and facilities (RTBF):		
Operations of facilities:		
Operations of facilities.....	1,342,303	---
Kansas City Plant.....	---	156,056
Lawrence Livermore National Laboratory.....	---	86,670
Los Alamos National Laboratory.....	---	311,776
Nevada Test Site.....	---	79,583
Pantex.....	---	131,602
Sandia national Laboratory.....	---	104,133
Savannah River Site.....	---	128,580
Y-12 Productions Plant.....	---	229,774
Institutional Site Support.....	---	120,129
Subtotal, operations of facilities.....	1,342,303	1,348,303
Program readiness.....	73,021	73,021
Material recycle and recovery.....	69,542	69,542
Containers.....	23,392	23,392
Storage.....	24,708	24,708
Subtotal, RTBF.....	1,532,966	1,538,966



DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
<hr/>		
Construction:		
10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN..	12,500	12,500
09-D-007, LANSCE Reinvestment PED Los Alamos National Lab, Los Alamos, NM.....	---	20,000
09-D-404, Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM.	---	3,200
08-D-801 High pressure fire loop (HPFL) Pantex Plant, Amarillo, TX.....	31,910	31,910
06-D-140 Project engineering and design (PED), various locations.....	70,678	12,000
06-D-141 Project engineering and design (PED), Y-12 National Security Complex, Oak Ridge, TN.	---	94,000
06-D-402 NTS replace fire stations 1 & 2 Nevada Test Site, NV.....	1,473	1,473
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM.....	55,000	97,000
04-D-128 TA-18 mission relocation project, Los Alamos Laboratory, Los Alamos, NM.....	1,500	1,500
99-D-141 Pit disassembly and conversion facility, SRS.....	30,321	30,321
Subtotal, Construction.....	203,382	303,904
Total, Readiness in technical base and facilities.....	1,736,348	1,842,870
Secure transportation asset:		
Operations and equipment.....	138,772	138,772
Program direction.....	96,143	96,143
Subtotal, Secure transportation asset.....	234,915	234,915
Nuclear weapons incident response.....	221,936	221,936
Facilities and infrastructure recapitalization pgm:.	144,959	83,959
Construction:		
07-D-253 TA 1 heating systems modernization (HSM) Sandia National Laboratory.....	9,963	9,963
Subtotal, Construction.....	9,963	9,963
Total, Facilities and infrastructure recapitalization program.....	154,922	93,922
Site stewardship:		
Environmental projects and operations.....	41,288	---
Nuclear materials integration.....	20,000	---
Stewardship planning.....	29,086	---
Site stewardship.....	---	61,288
Total, Site stewardship.....	90,374	61,288

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----		
Safeguards and security:		
Cybersecurity.....	122,511	122,511
Defense nuclear security.....	700,044	720,044
Construction:		
10-D-701 Security improvements project		
Y-12 Plant, Oak Ridge, TN.....	49,000	49,000
Subtotal, Construction.....	49,000	49,000
Subtotal, Defense nuclear security.....	749,044	769,044
Total, Safeguards and security.....	871,555	891,555
Congressionally directed projects.....	---	3,000
Use of prior year balances.....	---	-42,100
TOTAL, WEAPONS ACTIVITIES.....	6,384,431	6,384,431
	=====	=====
DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D.....	297,300	317,300
Nonproliferation and international security.....	192,202	187,202
International nuclear materials protection and		
cooperation.....	552,300	572,050
Elimination of weapons-grade plutonium production		
program.....	24,507	24,507
Fissile materials disposition:		
U.S. plutonium disposition.....	90,896	90,896
U.S. uranium disposition.....	34,691	34,691
Supporting activities.....	1,075	1,075
Construction:		
MOX fuel fabrication facilities		
99-D-143 Mixed oxide fuel fabrication facility,		
Savannah River, SC.....	504,238	504,238
99-D-141-02 Waste solidification building,		
Savannah River, SC.....	70,000	70,000
Subtotal, Construction.....	574,238	574,238
Subtotal, U.S. surplus fissile materials disp.....	700,900	700,900
Russian surplus materials disposition.....	1,000	1,000
Total, Fissile materials disposition.....	701,900	701,900
Global threat reduction initiative.....	353,500	333,500
Congressionally directed projects.....	---	250
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION.....	2,121,709	2,136,709
	=====	=====

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
<b>NAVAL REACTORS</b>		
Naval reactors development.....	935,533	877,533
Construction:		
10-D-093, Security upgrades, KAPL.....	1,500	1,500
10-D-904, NRF infrastructure upgrades, Idaho.....	700	700
09-D-190, PED, Infrastructure upgrades, KAPL.....	1,000	1,000
09-D-902, NRF Office Building #2, ECC upgrade, Idaho	6,400	6,400
08-D-190 Project engineering and design, Expended		
Core Facility M-290 recovering discharge station,		
Naval Reactor Facility, ID.....	9,500	9,500
07-D-190 Materials research technology complex		
(MRTC).....	11,700	11,700
Subtotal, Construction.....	30,800	30,800
Total, Naval reactors development.....	966,333	908,333
Program direction.....	36,800	36,800
TOTAL, NAVAL REACTORS.....	1,003,133	945,133
<b>OFFICE OF THE ADMINISTRATOR</b>		
Office of the Administrator.....	431,074	418,074
Congressionally directed projects.....	---	13,000
Use of prior year balances.....	-10,320	-10,320
TOTAL, OFFICE OF THE ADMINISTRATOR.....	420,754	420,754
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION...	9,930,027	9,887,027
<b>DEFENSE ENVIRONMENTAL CLEANUP</b>		
Closure Sites:		
Closure sites administration.....	8,225	8,225
Miamisburg.....	33,243	33,243
Total, Closure sites.....	41,468	41,468
Hanford Site:		
Nuclear facility D&D, river corridor closure project	327,955	327,955
Nuclear material stabilization & disposition PFP....	118,087	118,087
SNF stabilization and disposition.....	55,325	95,325
Subtotal, 2012 accelerated completions.....	501,367	541,367
Nuclear facility D&D - remainder of Hanford.....	70,250	70,250
Richland community and regulatory support.....	21,940	21,940
Soil & water remediation - groundwater/vadose zone..	176,766	223,766
Solid waste stabilization & disposition - 200 area..	132,757	132,757
Subtotal, 2035 accelerated completions.....	401,713	448,713
Total, Hanford Site.....	903,080	990,080
Idaho National Laboratory:		
SNF stabilization and disposition - 2012.....	14,768	34,268
Solid waste stabilization and disposition.....	137,000	143,500
Radioactive liquid tank waste stabilization		
and disposition.....	95,800	91,850

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
06-D-401, Sodium bearing waste treatment project, ID	83,700	93,700
Soil and water remediation - 2012.....	71,000	91,500
Nuclear facility D&D.....	---	5,450
Idaho community and regulatory support.....	3,900	3,900
Total, Idaho National Laboratory.....	406,168	464,168
NNSA:		
Lawrence Livermore National Laboratory.....	910	910
NNSA Service Center/SPRU.....	17,938	17,938
Nevada.....	65,674	65,674
Nevada soil and groundwater, Emergency appropriation		
California site support.....	238	238
Sandia National Laboratories.....	2,864	2,864
Los Alamos National Laboratory.....	189,000	196,500
Total, NNSA sites and Nevada off-sites.....	276,624	284,124
Oak Ridge Reservation:		
Building 3019.....	38,900	38,900
Nuclear facility D&D ORNL.....	38,900	44,400
Nuclear facility D&D Y-12.....	34,000	53,500
Nuclear facility D&D, E. Tenn. Technology Park.....	100	100
OR reservation community & regulatory support.....	6,253	6,253
Solid waste stabilization and disposition - 2012....	35,615	35,615
Total, Oak Ridge Reservation.....	153,768	178,768
Office of River Protection:		
Waste treatment & immobilization plant		
01-D-16A Low activity waste facility.....	100,000	---
01-D-16B Analytical laboratory.....	55,000	---
01-D-16C Balance of facilities.....	50,000	---
01-D-16D High-level waste facility.....	160,000	---
01-D-16 A-D.....	---	365,000
01-D-16E Pretreatment facility.....	325,000	325,000
Subtotal, Waste treatment & immobilization plant	690,000	690,000
Tank Farm activities:		
Rad liquid tank waste stabil. and disposition.....	408,000	408,000
Subtotal, Tank Farm activities.....	408,000	408,000
Total, Office of River Protection.....	1,098,000	1,098,000
Savannah River site:		
Nuclear material stabilization and disposition		
Nuclear material stabilization and disposition....	385,310	385,310
Construction:		
08-D-414 Project engineering and design		
plutonium preparation facility, VL.....	6,315	6,315
Subtotal, 2012 accelerated completions.....	391,625	391,625
SR community and regulatory support.....	18,300	18,300
Spent nuclear fuel stabilization and disposition....	38,768	38,768
Subtotal, 2035 accelerated completions.....	57,068	57,068

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----		
Tank Farm activities:		
Rad liquid tank waste stabil. and disposition.....	527,138	527,138
05-D-405, Salt waste processing facility.....	234,118	234,118
Subtotal, Tank farm activities.....	761,256	761,256
-----		
Total, Savannah River site.....	1,209,949	1,209,949
-----		
Waste Isolation Pilot Plant:		
Operate WIPP.....	144,902	154,902
Central Characterization Project.....	13,730	13,730
Transportation.....	33,851	33,851
Community and regulatory support.....	27,854	27,854
Total, Waste Isolation Pilot Plant.....	220,337	230,337
Program direction.....	355,000	345,000
Program support.....	34,000	34,000
Safeguards and Security:		
Waste Isolation Pilot Project.....	4,644	4,644
Oak Ridge Reservation.....	32,400	32,400
West Valley.....	1,859	1,859
Paducah.....	8,190	8,190
Richland/Hanford Site.....	82,771	82,771
Savannah River Site.....	132,064	132,064
Portsmouth.....	17,509	17,509
Total, Safeguards and Security.....	279,437	279,437
Technology development.....	55,000	20,000
Uranium enrichment D&D fund contribution.....	463,000	463,000
ARRA defense unallocated, Emergency appropriation		
SUBTOTAL, DEFENSE ENVIRONMENTAL CLEAN UP.....	5,495,831	5,638,331
=====		
Congressionally directed projects.....	---	4,000
TOTAL, DEFENSE ENVIRONMENTAL CLEAN UP.....	5,495,831	5,642,331
-----		
OTHER DEFENSE ACTIVITIES		
Health, safety and security:		
Health, safety and security.....	337,757	337,757
Program direction.....	112,125	104,125
Total, Health, safety and security.....	449,882	441,882
Office of Legacy Management:		
Legacy management.....	177,618	177,618
Program direction.....	12,184	12,184
Total, Office of Legacy Management.....	189,802	189,802
Defense-related activities:		
Infrastructure:		
Idaho sitewide safeguards and security.....	83,358	83,358
Total, Total, Defense-related activities.....	83,358	83,358
Defense related administrative support.....	122,982	122,982
Office of hearings and appeals.....	6,444	6,444
Subtotal, Other Defense Activities.....	852,468	844,468
=====		

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----	-----	-----
Congressionally directed projects.....	---	3,000
TOTAL, OTHER DEFENSE ACTIVITIES.....	852,468	847,468
DEFENSE NUCLEAR WASTE DISPOSAL.....	98,400	98,400
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES.....	16,376,726	16,475,226
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance:		
Purchase power and wheeling.....	85,228	85,228
Program direction.....	7,638	7,638
Subtotal, Operation and maintenance.....	92,866	92,866
Less alternative financing (PPW).....	-14,422	-14,422
Offsetting collections.....	-78,444	-78,444
Cost of implementing reclassification of receipts...	7,638	7,638
TOTAL, SOUTHEASTERN POWER ADMINISTRATION.....	7,638	7,638
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance:		
Operating expenses.....	12,775	13,775
Purchase power and wheeling.....	48,000	48,000
Program direction.....	28,153	27,153
Construction.....	6,016	6,016
Subtotal, Operation and maintenance.....	94,944	94,944
Less alternative financing.....	-12,000	-12,000
Offsetting collections.....	-69,868	-69,868
Cost of implementing reclassification of receipts...	31,868	31,868
TOTAL, SOUTHWESTERN POWER ADMINISTRATION.....	44,944	44,944
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance:		
Construction and rehabilitation.....	104,971	104,971
Operation and maintenance.....	57,159	57,159
Purchase power and wheeling.....	548,847	548,847
Program direction.....	180,756	180,756
Utah mitigation and conservation.....	7,584	7,584
Subtotal, Operation and maintenance.....	899,317	899,317
Less alternative financing.....	-288,920	-288,920
Offsetting collections (P.L. 108-477, P.L. 109-103)...	-349,807	-349,807
Offsetting collections (P.L. 98-381).....	-3,879	-3,879
Offsetting collections (for program direction).....	-110,492	-110,492
Offsetting collections (for O&M).....	-37,038	-37,038
Cost of implementing reclassification of receipts...	147,530	147,530
TOTAL, WESTERN AREA POWER ADMINISTRATION.....	256,711	256,711
=====	=====	=====

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----		
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance.....	2,568	2,568
Offsetting collections.....	-2,348	-2,348
Cost of implementing reclassification of receipts...	2,348	2,348
TOTAL, FALCON AND AMISTAD O&M FUND.....	2,568	2,568
	=====	=====
TOTAL, POWER MARKETING ADMINISTRATIONS.....	311,861	311,861
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission.....	298,000	298,000
FERC revenues.....	-298,000	-298,000
	=====	=====
GRAND TOTAL, DEPARTMENT OF ENERGY.....	28,406,706	27,111,438
(Total amount appropriated).....	(28,406,706)	(27,111,438)



DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
<hr/>		
SUMMARY OF ACCOUNTS		
Energy efficiency and renewable energy.....	2,318,602	2,242,500
Electricity delivery and energy reliability.....	208,008	171,982
Nuclear energy.....	776,634	786,637
Fossil Energy Research and Development.....	617,565	672,383
Naval Petroleum & Oil Shale Reserves.....	23,627	23,627
Strategic petroleum reserves.....	228,573	243,823
Northeast home heating oil reserve.....	11,300	11,300
Energy Information Administration.....	133,058	110,595
Non-defense environmental clean up.....	237,517	244,673
Uranium enrichment D&D fund.....	359,377	573,850
Science.....	4,941,682	4,903,710
Energy transformation acceleration fund.....	10,000	---
Nuclear waste disposal.....	98,400	98,400
Innovative technology loan guarantee program.....	1,500,000	---
Advanced technology vehicles manufacturing loan pgm...	20,000	20,000
Departmental administration.....	302,071	288,684
Revenues.....	-119,740	-119,740
	<hr/>	<hr/>
Total, Departmental administration.....	182,331	168,944
Office of the Inspector General.....	51,445	51,927
Atomic energy defense activities:		
National Nuclear Security Administration:		
Weapons activities.....	6,384,431	6,384,431
Defense nuclear nonproliferation.....	2,121,709	2,136,709
Naval reactors.....	1,003,133	945,133
Office of the Administrator.....	420,754	420,754
	<hr/>	<hr/>
Subtotal, National Nuclear Security Admin.....	9,930,027	9,887,027
Defense environmental cleanup.....	5,495,831	5,642,331
Other defense activities.....	852,468	847,468
Defense nuclear waste disposal.....	98,400	98,400
	<hr/>	<hr/>
Total, Atomic energy defense activities.....	16,376,726	16,475,226
Power marketing administrations:		
Southeastern Power Administration.....	7,638	7,638
Southwestern Power Administration.....	44,944	44,944
Western Area Power Administration.....	256,711	256,711
Falcon and Amistad operating and maintenance fund...	2,568	2,568
	<hr/>	<hr/>
Total, Power marketing administrations.....	311,861	311,861
Federal Energy Regulatory Commission:		
Salaries and expenses.....	298,000	298,000
Revenues.....	-298,000	-298,000
	<hr/>	<hr/>
Total Summary of Accounts, Department of Energy...	28,406,706	27,111,438
	<hr/>	<hr/>

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----		
FUNCTION RECAP:		
NON-DEFENSE.....	12,029,980	10,697,500
DEFENSE.....	16,376,726	16,413,938
Environmental management.....	(6,092,725)	(6,460,854)
DEFENSE RELATED.....	(5,495,831)	(5,642,331)
NON-DEFENSE.....	(596,894)	(818,523)
Nuclear waste disposal.....	(196,800)	(196,800)
DEFENSE RELATED.....	(98,400)	(98,400)
NON-DEFENSE.....	(98,400)	(98,400)

## TITLE IV

## INDEPENDENT AGENCIES

## APPALACHIAN REGIONAL COMMISSION

The conference agreement provides \$76,000,000 for the Appalachian Regional Commission, as proposed by the House and Senate.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
SALARIES AND EXPENSES

The conference agreement provides \$26,086,000 for the Defense Nuclear Facilities Safety Board, as proposed by the House and Senate.

## DELTA REGIONAL AUTHORITY

## SALARIES AND EXPENSES

The conference agreement provides \$13,000,000 for the Delta Regional Authority, as proposed by the House and Senate.

## DENALI COMMISSION

The conference agreement provides \$11,965,000 for the Denali Commission, as proposed by the House and Senate.

## NORTHERN BORDER REGIONAL COMMISSION

The conference agreement provides \$1,500,000 for the Northern Border Regional Commission, instead of \$3,000,000 as proposed by the House. The Senate bill provided no funds for this Commission. These funds shall be available for any authorized activities of the Commission.

## SOUTHEAST CRESCENT REGIONAL COMMISSION

The conference agreement provides \$250,000 for the Southeast Crescent Regional Commission, instead of \$500,000 as proposed by the House. The Senate bill provided no funds for this Commission. These funds shall be available for any authorized activities of the Commission.

## NUCLEAR REGULATORY COMMISSION

## SALARIES AND EXPENSES

The conference agreement provides \$1,056,000,000 for the Nuclear Regulatory Commission (NRC) salaries and expenses. This amount is offset by estimated revenues of \$902,402,000, resulting in a net appropriation of \$153,598,000. The fee recovery is consistent with that authorized by section 637 of the Energy Policy Act of 2005. The recommendation includes \$29,000,000 to be made available from the Nuclear Waste Fund to support the geological repository for nuclear fuel and waste.

The conferees direct the Commission to report on the status of its licensing and regulatory activities on a semi-annual basis. The

conferees support House language regarding a joint NRC/NNSA report on international activities, and include \$10,000,000 to continue the academic scholarships and fellowships program and \$5,000,000 for grants for research projects, both as proposed by the Senate.

## OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$10,860,000 for the Office of Inspector General in the Nuclear Regulatory Commission. This amount is offset by revenues of \$9,774,000, for a net appropriation of \$1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD  
SALARIES AND EXPENSES

The conference agreement provides \$3,891,000 for the Nuclear Waste Technical Review Board, as proposed by the House and Senate.

OFFICE OF THE FEDERAL COORDINATOR FOR  
ALASKA NATURAL GAS TRANSPORTATION  
PROJECTS

The conference agreement provides \$4,466,000 for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects, as proposed by the House and Senate.

## GENERAL PROVISIONS

The conference agreement includes a provision proposed by the House relating to the Nuclear Regulatory Commission. The Senate proposed no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to the Delta Regional Authority. The House proposed a similar provision in title V.

The conference agreement includes a provision proposed by the Senate relating to the Nuclear Regulatory Commission in title III. The House proposed no similar provision.

## TITLE V

## GENERAL PROVISIONS

The conference agreement includes a provision proposed by the House and Senate relating to lobbying restrictions.

The conference agreement modifies a provision proposed by the House relating to energy efficient light bulbs. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the Corps of Engineers and the Bureau of Reclamation administrative expenses. The House proposed no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to administrative expenses. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to transfer authority. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the Senate relating to the posting of reports. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the House relating to the Delta Regional Authority. This provision is addressed in title IV.

The conference agreement does not include a provision proposed by the House relating to the purchase of motor vehicles. The Senate proposed no similar provision.

The conference agreement includes new language requiring full and open competition for specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives when intended to be awarded to a for-profit entity.

The conference agreement includes new language providing for technical corrections to Division B of the conference report to accompany H.R. 2918.

DISCLOSURE OF EARMARKS AND CON-  
GRESSIONALLY DIRECTED SPENDING  
ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI the rules of the House of Representatives, neither the conference report nor the joint statement of managers contain any congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.

**ENERGY AND WATER DEVELOPMENT**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	Investigations	ALA WAI CANAL, OAHU, HI	\$408,000	The President	Abercrombie	Inouye; Akaka
Corps of Engineers	Investigations	AUGUSTA, GA	\$157,000	The President		
Corps of Engineers	Investigations	BAYOU SORREL LOCK, LA	\$986,000	The President		
Corps of Engineers	Investigations	BOSTON HARBOR (45-FOOT CHANNEL), MA	\$426,000	The President		
Corps of Engineers	Investigations	BRAZOS ISLAND HARBOR, BROWNSVILLE CHANNEL, TX	\$538,000	The President	Edwards (TX); Ortiz	
Corps of Engineers	Investigations	BUFFALO RIVER ENVIRONMENTAL DREDGING, NY	\$197,000	The President	Higgins	
Corps of Engineers	Investigations	CALCASIEU LOCK, LA	\$852,000	The President	Boustany	
Corps of Engineers	Investigations	CALIFORNIA COASTAL SEDIMENT MASTER PLAN, CA	\$762,000	The President	Harman	
Corps of Engineers	Investigations	COLLECTION AND STUDY OF BASIC DATA: COASTAL FIELD DATA COLLECTION (COASTAL DATA INFORMATION PROGRAM & SOUTHERN CA BEACH PROCESSES STUDY, CA)	\$897,000	The President	Bilbray; Woolsey	Wyden; Merkley
Corps of Engineers	Investigations	COLLECTION AND STUDY OF BASIC DATA: COASTAL FIELD DATA COLLECTION (PACIFIC ISLAND LAND OCEAN TY-PHOON EXPERIMENT)	\$897,000	The President	Hirono	Inouye
Corps of Engineers	Investigations	COLLECTION AND STUDY OF BASIC DATA: COASTAL FIELD DATA COLLECTION (SURGE AND WAVE ISLAND MODELING STUDIES, HI)	\$1,121,000	The President	Hirono	Inouye
Corps of Engineers	Investigations	COORDINATION WITH OTHER AGENCIES: OTHER COORDINATION PROGRAMS (LAKE TAHOE)	\$448,000	The President		Reid; Feinstein
Corps of Engineers	Investigations	COYOTE AND BERRYESSA CREEKS, CA	\$540,000	The President	Honda	
Corps of Engineers	Investigations	CURRITUCK SOUND, NC	\$126,000	The President		
Corps of Engineers	Investigations	DELAWARE RIVER BASIN COMPREHENSIVE, NJ	\$296,000	The President	Holt; Smith (NJ)	
Corps of Engineers	Investigations	DES PLAINES RIVER, IL (PHASE II)	\$421,000	The President		
Corps of Engineers	Investigations	EASTERN SHORE, MID-CHESAPEAKE BAY ISLAND, MD	\$314,000	The President	Cummings; Kratochvil; Ruppersberger; Sarbanes	Mikulski; Cardin
Corps of Engineers	Investigations	EDISTO ISLAND, SC	\$67,000	The President		
Corps of Engineers	Investigations	FREEMONT HARBOR, TX	\$574,000	The President	Paul	
Corps of Engineers	Investigations	GIWW, HIGH ISLAND TO BRAZOS RIVER REALIGNMENTS, TX	\$170,000	The President		
Corps of Engineers	Investigations	GREAT LAKES NAVIGATION SYSTEM STUDY, MI, IL, IN, MN, NY, OH, PA & WI	\$341,000	The President		
Corps of Engineers	Investigations	GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	\$359,000	The President	Rodriguez	
Corps of Engineers	Investigations	HAMILTON CITY, CA	\$341,000	The President	Herger	

Corps of Engineers	Investigations	HUDSON-RARITAN MEADOWLANDS, NJ	ESTUARY, HACKENSACK	\$224,000	The President	Rothman (NJ); Sires	Lautenberg; Menendez
Corps of Engineers	Investigations	HUDSON-RARITAN ESTUARY, LOWER PASSAIC RIVER, NJ		\$170,000	The President	Pascrell; Rothman (NJ); Sires	
Corps of Engineers	Investigations	HUDSON-RARITAN ESTUARY, NY & NJ		\$157,000	The President	Crowley; Sires	
Corps of Engineers	Investigations	ILLINOIS RIVER BASIN RESTORATION, IL		\$336,000	The President	Halvorson; Schock	
Corps of Engineers	Investigations	INDIAN RIVER LAGOON NORTH, FL		\$126,000	The President		
Corps of Engineers	Investigations	INDIANA HARBOR, IN		\$500,000	The President	Viscusi	
Corps of Engineers	Investigations	INTERBASIN CONTROL OF GREAT LAKES-MISSISSIPPI RIVER AQUATIC NUISANCE SPECIES, IL, IN, OH, WI		\$269,000	The President		
Corps of Engineers	Investigations	JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY		\$170,000	The President	Sires; Weiner	
Corps of Engineers	Investigations	JOHN H. KERR DAM & RESERVOIR, VA & NC (SEC 216)		\$251,000	The President		
Corps of Engineers	Investigations	KANSAS CITYS, MO & KS		\$386,000	The President	Cleaver; Moore (KS)	Bond; Roberts
Corps of Engineers	Investigations	LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA		\$17,930,000	The President	Boustany; Cao	
Corps of Engineers	Investigations	LOUISIANA COASTAL PROTECTION AND RESTORATION, LA		\$2,510,000	The President		
Corps of Engineers	Investigations	LOWER COLORADO RIVER BASIN, TX		\$484,000	The President	Conaway; Edwards (TX); Smith (TX)	Hutchison
Corps of Engineers	Investigations	LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA		\$251,000	The President		
Corps of Engineers	Investigations	LYNNHAVEN RIVER BASIN, VIRGINIA BEACH, VA		\$95,000	The President	Nye	
Corps of Engineers	Investigations	MATANUSKA RIVER WATERSHED, AK		\$90,000	The President		
Corps of Engineers	Investigations	MERRIMACK RIVER WATERSHED STUDY, NH & MA		\$170,000	The President	Hodes	
Corps of Engineers	Investigations	MILL CREEK WATERSHED, DAVIDSON COUNTY, TN		\$45,000	The President		
Corps of Engineers	Investigations	MINNESOTA RIVER WATERSHED STUDY, MN & SD		\$296,000	The President		
Corps of Engineers	Investigations	MISSOURI RIVER DEGRADATION, MO & KS		\$556,000	The President	Cleaver; Graves; Moore (KS)	
Corps of Engineers	Investigations	NEUSE RIVER BASIN, NC		\$170,000	The President		
Corps of Engineers	Investigations	NUJECES RIVER AND TRIBUTARIES, TX		\$368,000	The President	Gonzalez; Ortiz; Rodriguez; Smith (TX)	Hutchison
Corps of Engineers	Investigations	PILGRIM LAKE, TRURO & PROVINCETOWN, MA		\$90,000	The President		
Corps of Engineers	Investigations	PIMA COUNTY (TRES RIOS DEL NORTE), AZ		\$233,000	The President	Giffords; Grijalva	
Corps of Engineers	Investigations	PORT EVERGLADES HARBOR, FL		\$341,000	The President	Wasserman Schultz	
Corps of Engineers	Investigations	PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA		\$341,000	The President	Baird; Dicks; Inslee; Larsen (WA); McDermott; Smith (WA)	
Corps of Engineers	Investigations	PUYALLUP RIVER, WA		\$368,000	The President	Dicks; Smith (WA)	Murray; Cantwell
Corps of Engineers	Investigations	RED RIVER OF THE NORTH BASIN, ND, MN, SD & MANITOBA, CANADA		\$3,000,000	The President	Pomeroy	Dorgan; Klobuchar; Conrad
Corps of Engineers	Investigations	RIO GRANDE BASIN, TX		\$260,000	The President		
Corps of Engineers	Investigations	SABINE PASS TO GALVESTON BAY, TX		\$170,000	The President	Paul	

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	Investigations	SAC-SAN JOAQUIN DELTA, DELTA ISLANDS AND LEVEES, CA	\$394,000	The President	McNerney	
Corps of Engineers	Investigations	SHREWSBURY RIVER BASIN AND TRIBUTARIES, NJ	\$458,000	The President	Pallone	
Corps of Engineers	Investigations	SOLANA-ENCINITAS SHORELINE, CA	\$305,000	The President	Bilbray	Feinstein; Boxer
Corps of Engineers	Investigations	SUTTER COUNTY, CA	\$628,000	The President	Herger	Feinstein
Corps of Engineers	Investigations	TOPEKA, KS	\$143,000	The President		Roberts
Corps of Engineers	Investigations	TYBEE ISLAND, GA	\$179,000	The President		
Corps of Engineers	Investigations	UPPER PENITENCIA CREEK, CA	\$323,000	The President	Honda	
Corps of Engineers	Investigations	VA SHLYAY AKIMEL SALT RIVER RESTORATION, AZ	\$363,000	The President	Mitchell; Pastor (AZ)	
Corps of Engineers	Investigations	WALLA WALLA WATERSHED, OR & WA	\$170,000	The President	McMorris Rodgers; Walden	
Corps of Engineers	Investigations	WILD RICE RIVER, MN (RED RIVER OF THE NORTH BASIN)	\$243,000	The President	Peterson	
Corps of Engineers	Investigations	WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	\$137,000	The President	Wu	
Corps of Engineers	Investigations	YAKUTAT HARBOR, AK	\$90,000	The President		
Corps of Engineers	Investigations	YELLOWSTONE RIVER CORRIDOR, MT	\$179,000	The President	Rehberg	
Corps of Engineers	Investigations—PAS	WILLOW CREEK/BOYER RIVER BASIN, MISSOURI VALLEY, IA	\$81,000	The President		Grassley
Corps of Engineers	Investigations—R&D	RESEARCH AND DEVELOPMENT	\$20,508,000	The President		Cochran
Corps of Engineers	Construction	ALTON TO GALE ORGANIZED LEVEE DISTRICT, IL & MO (DEF CORR)	\$283,000	The President	Costello	
Corps of Engineers	Construction	AMERICAN RIVER WATERSHED (COMMON FEATURES), CA	\$6,330,000	The President	Lungren, Dan; Matsui	
Corps of Engineers	Construction	AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), CA	\$63,016,000	The President	Lungren, Dan; Matsui	
Corps of Engineers	Construction	AMERICAN RIVER WATERSHED (FOLSOM DAM RAISE & BRIDGE), CA	\$567,000	The President	Lungren, Dan; Matsui	
Corps of Engineers	Construction	ANTELOPE CREEK, LINCOLN, NE	\$5,382,000	The President	Fortenberry	
Corps of Engineers	Construction	ASSATEAGUE ISLAND, MD	\$500,000	The President	Kratovil	
Corps of Engineers	Construction	ATLANTIC COAST OF LONG ISLAND, JONES INLET TO EAST ROCKAWAY INLET, LONG BEACH ISLAND, NY	\$904,000	The President	King (NY)	Schumer
Corps of Engineers	Construction	ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT, NY	\$3,000,000	The President	Nadler (NY)	
Corps of Engineers	Construction	ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT DEEP CREEK, CHESAPEAKE, VA	\$100,000	The President	Forbes	
Corps of Engineers	Construction	BLUE RIVER CHANNEL, KANSAS CITY, MO	\$5,291,000	The President	Cleaver	

Corps of Engineers	Construction	BLUESTONE LAKE, WV (DAM SAFETY ASSURANCE)	\$81,911,000	The President		
Corps of Engineers	Construction	BRAYS BAYOU, HOUSTON, TX	\$7,777,000	The President	Culberson	
Corps of Engineers	Construction	CANTON LAKE, OK (DAM SAFETY)	\$22,911,000	The President		
Corps of Engineers	Construction	CAPE MAY INLET TO LOWER TOWNSHIP, NJ	\$189,000	The President	LoBiondo	
Corps of Engineers	Construction	CAROLINA BEACH AND VICINITY, NC	\$1,417,000	The President	McIntyre	
Corps of Engineers	Construction	CEDAR HAMMOCK, WARES CREEK, FL	\$5,565,000	The President	Buchanan	
Corps of Engineers	Construction	CENTER HILL DAM, TN (SEEPAGE CONTROL)	\$52,907,000	The President		
Corps of Engineers	Construction	CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	\$6,141,000	The President	Costello; Shimkus	
Corps of Engineers	Construction	CHESTERFIELD, MO	\$3,147,000	The President	Akin	
Corps of Engineers	Construction	CHICAGO SANITARY AND SHIP CANAL, DISPERSAL BARRIER, IL	\$5,826,000	The President	Dahlkemper; Davis (IL); Ehlers; Kucinich; Oberstar; Petri; Roskam; Slaughter	Durbin; Levin; Stabenow
Corps of Engineers	Construction	CHICKAMAUGA LOCK, TENNESSEE RIVER, TN	\$1,000,000	The President	Davis (TN); Wamp	
Corps of Engineers	Construction	CHIEF JOSEPH DAM GAS ABATEMENT, WA	\$945,000	The President		
Corps of Engineers	Construction	CLEARWATER LAKE, MD (SEEPAGE CONTROL)	\$37,791,000	The President	Emerson	
Corps of Engineers	Construction	COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	\$80,693,000	The President		
Corps of Engineers	Construction	COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	\$472,000	The President		
Corps of Engineers	Construction	DELAWARE BAY COASTLINE, ROOSEVELT INLET TO LEWES BEACH, DE	\$331,000	The President	Castle	
Corps of Engineers	Construction	DES PLAINES RIVER, IL	\$4,729,000	The President	Roskam; Schakowsky	Durbin
Corps of Engineers	Construction	DOVER DAM, MUSKINGUM RIVER, OH	\$17,478,000	The President	Space	
Corps of Engineers	Construction	DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM: SAVANNAH HARBOR DMDP, GA	\$900,000	The President		
Corps of Engineers	Construction	DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM: JACKSONVILLE HARBOR, FL	\$1,000,000	The President	Brown; Corrine; Crenshaw	
Corps of Engineers	Construction	DUWAMISH AND GREEN RIVER BASIN, WA	\$2,456,000	The President	Dicks; McDermott; Reichert; Smith (WA)	
Corps of Engineers	Construction	EAST ST. LOUIS, IL	\$500,000	The President	Costello; Shimkus	
Corps of Engineers	Construction	ELK CREEK LAKE, OR	\$472,000	The President		
Corps of Engineers	Construction	ENSWORTH LOCKS & DAM, OHIO RIVER, PA (STATIC INSTABILITY CORRECTION)	\$23,619,000	The President	Altmire; Doyle	
Corps of Engineers	Construction	FIRE ISLAND INLET TO MONTAUK POINT, NY	\$5,480,000	The President	King (NY)	
Corps of Engineers	Construction	GARRISON DAM AND POWER PLANT, ND (REPLACEMENT)	\$8,144,000	The President		
Corps of Engineers	Construction	GREAT EGG HARBOR INLET AND PECK BEACH, NJ	\$6,141,000	The President	LoBiondo	
Corps of Engineers	Construction	HAMILTON AIRFIELD WETLANDS RESTORATION, CA	\$14,250,000	The President	Pelosi; Woolsey	
Corps of Engineers	Construction	HERBERT HOOVER DIKE, FL (SEEPAGE CONTROL)	\$122,819,000	The President	Rooney	



**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administration	House Senate
Corps of Engineers	Construction	HOWARD HANSON DAM, WA	\$12,282,000	The President	Dicks
Corps of Engineers	Construction	INDIANA HARBOR, CONFINED DISPOSAL FACILITY, IN	\$13,500,000	The President	Visclosky
Corps of Engineers	Construction	J. BENNETT JOHNSTON WATERWAY, LA	\$5,613,000	The President	Alexander; Fleming
Corps of Engineers	Construction	JOHN H. KERR DAM AND RESERVOIR, VA & NC (RE-PLACEMENT)	\$15,981,000	The President	
Corps of Engineers	Construction	KANSAS CITYS, MO & KS	\$100,000	The President	Graves
Corps of Engineers	Construction	KAWEAH RIVER, CA	\$605,000	The President	
Corps of Engineers	Construction	KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY	\$945,000	The President	Whitfield
Corps of Engineers	Construction	LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	\$5,800,000	The President	Melancon
Corps of Engineers	Construction	LITTLE CALUMET RIVER, IN	\$20,000,000	The President	Visclosky
Corps of Engineers	Construction	LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	\$6,210,000	The President	Doyle; Murphy, Tim; Murtha
Corps of Engineers	Construction	LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA	\$836,000	The President	
Corps of Engineers	Construction	LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NJ	\$378,000	The President	LoBiondo
Corps of Engineers	Construction	LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	\$1,559,000	The President	Baird; Blumenauer
Corps of Engineers	Construction	LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION, WA, OR & ID	\$1,417,000	The President	
Corps of Engineers	Construction	MARKLAND LOCKS AND DAM, KY (MAJOR REHAB)	\$945,000	The President	Davis (KY)
Corps of Engineers	Construction	MARTIN COUNTY, FL	\$331,000	The President	Rooney
Corps of Engineers	Construction	MCCOOK AND THORNTON RESERVOIRS, IL	\$19,376,000	The President	Bean; Davis (IL); Gutierrez; Jackson (IL); Quigley; Roskam; Schakowsky
Corps of Engineers	Construction	MISSISSIPPI RIVER BETWEEN THE OHIO AND MISSOURI RIVERS (REG WORKS), MO & IL	\$548,000	The President	
Corps of Engineers	Construction	MISSOURI RIVER FISH MITIGATION, IA, KS, MO, MT, NE, ND & SD	\$56,686,000	The President	Rehberg
Corps of Engineers	Construction	MT. ST. HELENS SEDIMENT CONTROL, WA	\$1,417,000	The President	Baird
Corps of Engineers	Construction	MUD MOUNTAIN DAM, WA (FISH PASSAGE)	\$378,000	The President	Dicks; Reichert; Smith (WA)
Corps of Engineers	Construction	MUDDY RIVER, WA	\$5,208,000	The President	Frank (MA)
Corps of Engineers	Construction	NAPA RIVER, CA	\$1,000,000	The President	Thompson (CA)
Corps of Engineers	Construction	NAPA RIVER, SALT MARSH RESTORATION, CA	\$100,000	The President	Miller, George; Thompson (CA)
Corps of Engineers	Construction	NEW YORK AND NEW JERSEY HARBOR, NY & NJ	\$90,000,000	The President	Sires
					Lautenberg; Menendez; Schumer; Gillibrand

Corps of Engineers	Construction	NORFOLK HARBOR, CRANEY ISLAND, VA	\$100,000	The President	Nye, Scott (VA)	
Corps of Engineers	Construction	OAKLAND HARBOR (50 FOOT PROJECT), CA	\$1,000,000	The President	Lee (CA); Pelosi	
Corps of Engineers	Construction	OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	\$101,521,000	The President	Whitfield	
Corps of Engineers	Construction	PINELLAS COUNTY, FL	\$10,657,000	The President	Young (FL)	Bill Nelson
Corps of Engineers	Construction	POPLAR ISLAND, MD	\$8,078,000	The President	Cummings; Kratochvil; Ruppertsberger; Sarbanes	Mikulski; Cardin
Corps of Engineers	Construction	PORTUGUES AND BUCANA RIVERS, PR	\$39,680,000	The President	Pierluisi	
Corps of Engineers	Construction	PRESQUE ISLE PENINSULA, PA (PERMANENT)	\$945,000	The President	Dahlkemper	
Corps of Engineers	Construction	RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	\$6,613,000	The President		
Corps of Engineers	Construction	RICHARD B. RUSSEL DAM & LAKE, GA & SC	\$1,526,000	The President		
Corps of Engineers	Construction	RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE, NM	\$756,000	The President	Teague	
Corps of Engineers	Construction	RIO PUERTO NUEVO, PR	\$4,239,000	The President	Pierluisi	
Corps of Engineers	Construction	ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	\$1,016,000	The President	Goodlatte	
Corps of Engineers	Construction	SACRAMENTO DEEPWATER SHIP CHANNEL, CA	\$2,000,000	The President	Tauscher; Thompson (CA)	
Corps of Engineers	Construction	SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	\$14,171,000	The President	Herger; Matsui; McNerney	
Corps of Engineers	Construction	SANTA ANA RIVER MAINSTEM, CA	\$49,310,000	The President	Calvert; Miller, Gary; Rohrabacher; Sanchez, Loretta	
Corps of Engineers	Construction	SAVANNAH HARBOR EXPANSION, GA	\$1,429,000	The President	Barrow; Bishop (GA); Deal; Gingrey (GA); Kingston; Linder; Scott (GA)	
Corps of Engineers	Construction	SIMS BAYOU, HOUSTON, TX	\$20,736,000	The President	Green, Al	
Corps of Engineers	Construction	SOUTH FLORIDA EVERGLADES ECOSYSTEM RESTORATION, FL	\$180,064,000	The President	Diaz-Balart; Lincoln; Diaz-Balart; Mario; Hastings (FL); Klein (FL); Rooney; Wasserman Schultz; Wexler	
Corps of Engineers	Construction	SOUTH SACRAMENTO COUNTY STREAMS, CA	\$2,500,000	The President	Lungren, Dan; Matsui	Feinstein; Boxer
Corps of Engineers	Construction	ST. LOUIS FLOOD PROTECTION, MO	\$535,000	The President	Carnahan	
Corps of Engineers	Construction	ST. PAUL HARBOR, ST. PAUL, AK	\$2,834,000	The President		
Corps of Engineers	Construction	SUCCESS DAM AND RESERVOIR, CA (DAM SAFETY)	\$2,500,000	The President		
Corps of Engineers	Construction	TEXAS CITY CHANNEL, TX	\$6,637,000	The President	Paul	
Corps of Engineers	Construction	TURKEY CREEK BASIN, KANSAS CITY, KS & MO	\$2,822,000	The President	Cleaver; Moore (KS)	Roberts; Brownback; Bond
Corps of Engineers	Construction	UPPER MISSISSIPPI RIVER RESTORATION, IL, IA, MN, MO & WI	\$16,470,000	The President	Akin; Boswell; Carnahan; Ellison; Halvorsen; Hare; Jackson (IL); Loebsock; McCollum; Oberstar; Schock; Shimkus	
Corps of Engineers	Construction	WASHINGTON, DC & VICINITY	\$100,000	The President		
Corps of Engineers	Construction	WEST ONSLOW BEACH AND NEW RIVER INLET TOPSAIL BEACH, NC	\$378,000	The President	McIntyre	
Corps of Engineers	Construction	WILLAMETTE RIVER TEMPERATURE CONTROL, OR	\$10,392,000	The President		

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	Construction	WILMINGTON HARBOR, NC	\$1,701,000	The President	McIntyre	
Corps of Engineers	Construction	WOLF CREEK DAM, LAKE CUMBERLAND, KY (SEEPAGE CONTROL)	\$116,206,000	The President	Rogers (KY); Whitfield	
Corps of Engineers	Construction	WOOD RIVER LEVEE, IL	\$1,105,000	The President	Costello; Shimkus	
Corps of Engineers	Section 206	CAMP CREEK, ZUMWALT PRAIRIE PRESERVE, OR	.....	The President	Walden	
Corps of Engineers	Section 206	CARPENTER CREEK, WA	.....	The President		
Corps of Engineers	Section 206	CHARITON RIVER/RATHBUN LAKE WATERSHED, IA	.....	The President	Boswell; Loeb sack	Harkin; Grassley
Corps of Engineers	Section 206	DRAYTON DAM, ND	.....	The President		
Corps of Engineers	Section 206	EMQUON FLOODPLAIN RESTORATION, IL	.....	The President	Hare; Schock	
Corps of Engineers	Section 206	EUGENE DELTA PONDS, OR	.....	The President	DeFazio	
Corps of Engineers	Section 206	GOOSE CREEK, CO	.....	The President		
Corps of Engineers	Section 206	JACKSON CREEK, GWINETT COUNTY, GA	.....	The President		
Corps of Engineers	Section 206	KELLOGG CREEK, OR	.....	The President		
Corps of Engineers	Section 206	LITTLE RIVER WATERSHED, HALL COUNTY, GA	.....	The President		
Corps of Engineers	Section 206	MALDEN RIVER ECOSYSTEM, MA	.....	The President		
Corps of Engineers	Section 206	MOSES LAKE, TX	.....	The President		
Corps of Engineers	Section 206	OAKS BOTTOM, OR	.....	The President		
Corps of Engineers	Section 206	ORLAND PARK, IL	.....	The President		
Corps of Engineers	Section 206	RIO GRANDE, LAREDO, TX	.....	The President		
Corps of Engineers	Section 206	SPRING LAKE, SAN MARCOS, TX	.....	The President		
Corps of Engineers	Section 206	SPRINGFIELD MILLRACE, OR	.....	The President	DeFazio	
Corps of Engineers	Section 206	STORM LAKE, IA	.....	The President	King (IA)	
Corps of Engineers	Section 206	VENTURA MARSH, CLEAR LAKE, IA	.....	The President	Latham	
Corps of Engineers	Section 206	WILSON BAY RESTORATION, JACKSONVILLE, NC	.....	The President		
Corps of Engineers	Section 206	WWTP, STEPHENVILLE, TX	.....	The President		
Corps of Engineers	Section 204	ATACHAFALAYA RIVER, SHELL ISLAND PASS, ST. MARY PARISH, LA	.....	The President		
Corps of Engineers	Section 204	BARATARIA BAY WATERWAY, MILE 6.0—0.0, PLAQUEMINES PH, LA	.....	The President		
Corps of Engineers	Section 204	BLACKHAWK BOTTOMS, DES MOINES COUNTY, IA	.....	The President	Loeb sack	
Corps of Engineers	Section 204	BUFFALO RIVER REGIONAL SEDIMENT MANAGEMENT, NY	.....	The President		

Corps of Engineers	Section 204	CALCASIEU RIVER, MILE 5.0—14.0, CAMERON PARISH, LA	.....	The President	Boustany	
Corps of Engineers	Section 204	CAPE COD CANAL, SANDWICH, MA	.....	The President		
Corps of Engineers	Section 204	MANTEO, OLD HOUSE CHANNEL, NC	.....	The President		
Corps of Engineers	Section 204	MAUMEE BAY HABITAT RESTORATION, OH	.....	The President	Kaptur	
Corps of Engineers	Section 204	NEWBURYPORT HARBOR, MA	.....	The President		
Corps of Engineers	Section 204	NIJWW BENEFICIAL USE, NJ	.....	The President		
Corps of Engineers	Section 204	WYNN ROAD, OREGON, OH	.....	The President	Kaptur	
Corps of Engineers	Section 205	BEAVER CREEK & TRIBS, BRISTOL, TN	.....	The President	Boucher	
Corps of Engineers	Section 205	BLANCHARD RIVER, FINDLAY, OH	.....	The President	Jordan (OH); Latta	
Corps of Engineers	Section 205	BLANCHARD RIVER, OTTAWA, OH	.....	The President	Latta	
Corps of Engineers	Section 205	DUCK CREEK, OH (FLOOD WARNING SYSTEM)	.....	The President		
Corps of Engineers	Section 205	EUREKA CREEK, MANHATTAN, KS	.....	The President		
Corps of Engineers	Section 205	LITTLE RIVER DIVERSION, DUTCHTOWN, MO	.....	The President	Emerson	
Corps of Engineers	Section 205	LIVINGSTON, MT	.....	The President		
Corps of Engineers	Section 205	MAD CREEK, MUSCATINE, IA	.....	The President	Loebsock	
Corps of Engineers	Section 205	PLATTE RIVER, FREMONT, NE	.....	The President	Fortenberry	
Corps of Engineers	Section 205	PLATTE RIVER, SCHUYLER, NE	.....	The President	Fortenberry	
Corps of Engineers	Section 205	RIO DESCALABRADO, SANTA ISABEL, PR	.....	The President		
Corps of Engineers	Section 205	RIO GUAMANI, GUAYAMA, PR	.....	The President		
Corps of Engineers	Section 205	SUN VALLEY, EL PASO, TX	.....	The President		
Corps of Engineers	Section 205	WEST VIRGINIA STATEWIDE FLOOD WARNING SYSTEM, WV	.....	The President		
Corps of Engineers	Section 205	WYNNE, AR	.....	The President		
Corps of Engineers	Section 111	BRUNSWICK HARBOR/JEKYLL ISLAND, GA	.....	The President		
Corps of Engineers	Section 111	CAMP ELLIS, SACO, ME	.....	The President		
Corps of Engineers	Section 111	EAST PASS CHANNEL, PANAMA CITY, FL	.....	The President		
Corps of Engineers	Section 111	FAIRPORT HARBOR, OH	.....	The President		
Corps of Engineers	Section 111	MANISTEE HARBOR & RIVER CHANNEL, MI	.....	The President		
Corps of Engineers	Section 111	MOBILE PASS, AL	.....	The President		
Corps of Engineers	Section 111	VERMILLION, OH	.....	The President		
Corps of Engineers	Section 111	WHITCOMB FLATS, WA	.....	The President		
Corps of Engineers	Section 107	BUCKS HARBOR, MACHIASPORT, ME	.....	The President		
Corps of Engineers	Section 107	MACKINAC ISLAND HARBOR BREAKWATER, MI	.....	The President		
Corps of Engineers	Section 107	SAVOONGA HARBOR, ST LAWRENCE, AK	.....	The President		

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administration	House Senate
Corps of Engineers	Section 1135	AQUATIC HABITAT RESTORATION AT PUEBLO OF SANTA ANA, NM	.....	The President	
Corps of Engineers	Section 1135	BENNINGTON LAKE DIVERSION DAM, WA	.....	The President	
Corps of Engineers	Section 1135	BLOOMINGTON STATE PARK, MO	.....	The President	
Corps of Engineers	Section 1135	BLUE VALLEY WETLANDS, JACKSON COUNTY, MO	.....	The President	Cleaver
Corps of Engineers	Section 1135	BRADED REACH, ID	.....	The President	
Corps of Engineers	Section 1135	DUCK CREEK, STODDARD COUNTY, MO	.....	The President	
Corps of Engineers	Section 1135	GREEN RIVER DAM MOD, KY	.....	The President	
Corps of Engineers	Section 1135	LOWER COLUMBIA SLOUGH, OR	.....	The President	Blumenauer
Corps of Engineers	Section 1135	LOWER KINGMAN ISLAND, DC	.....	The President	
Corps of Engineers	Section 1135	PRISON FARM SHORELINE HABITAT, ND	.....	The President	
Corps of Engineers	Section 1135	SHORTY'S ISLAND, ID	.....	The President	
Corps of Engineers	Section 1135	TAPPAN LAKE, OH	.....	The President	
Corps of Engineers	Section 1135	WALLA WALLA RIVER, OR	.....	The President	
Corps of Engineers	Section 103	COASTAL AREAS, MARSHFIELD, MA	.....	The President	
Corps of Engineers	Section 103	FORT SAN GERONIMO, PR	.....	The President	
Corps of Engineers	Section 103	LINCOLN PARK BEACH, SEATTLE, WA	.....	The President	
Corps of Engineers	MRT—Investigations	COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS	\$338,000	The President	
Corps of Engineers	MRT—Investigations	COLLECTION AND STUDY OF BASIC DATA, AR, IL, KY, LA, MS, MO & TN	\$1,608,000	The President	Cochran; Landrieu; Wicker
Corps of Engineers	MRT—Investigations	DONALDSONVILLE TO THE GULF, LA	\$386,000	The President	Melancon
Corps of Engineers	MRT—Investigations	MEMPHIS METRO AREA, STORM WATER MANAGEMENT STUDY, TN	\$97,000	The President	
Corps of Engineers	MRT—Construction	ATCHAFALAYA BASIN FLOODWAY SYSTEM, LA	\$2,898,000	The President	Landrieu; Vitter
Corps of Engineers	MRT—Construction	ATCHAFALAYA BASIN, LA	\$14,491,000	The President	Melancon
Corps of Engineers	MRT—Construction	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	\$46,102,000	The President	Berry; Taylor
Corps of Engineers	MRT—Construction	MISSISSIPPI DELTA REGION, LA	\$2,174,000	The President	Cao
Corps of Engineers	MRT—Construction	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	\$44,702,000	The President	Berry; Cao; Emerson
Corps of Engineers	MRT—Operations and Maintenance	ATCHAFALAYA BASIN FLOODWAY SYSTEM, LA	\$2,446,000	The President	Cochran; Pryor; Landrieu; Bond; Lincoln; Wicker

Corps of Engineers	MRT—Operations and Maintenance	ATCHAFALAYA BASIN, LA	\$11,954,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	BATON ROUGE HARBOR, DEVIL SWAMP, LA	\$42,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	BAYOU COCODRIE AND TRIBUTARIES, LA	\$52,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	BONNET CARRE, LA	\$3,381,000	The President		Landrieu; Vitter
Corps of Engineers	MRT—Operations and Maintenance	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	\$65,065,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	GREENVILLE HARBOR, MS	\$516,000	The President	Thompson (MS)	Cochran; Wicker
Corps of Engineers	MRT—Operations and Maintenance	HELENA HARBOR, PHILLIPS COUNTY, AR	\$211,000	The President	Berry	
Corps of Engineers	MRT—Operations and Maintenance	INSPECTION OF COMPLETED WORKS, AR	\$411,000	The President	Boozman	
Corps of Engineers	MRT—Operations and Maintenance	INSPECTION OF COMPLETED WORKS, IL	\$185,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	INSPECTION OF COMPLETED WORKS, KY	\$97,000	The President	Yarmuth	
Corps of Engineers	MRT—Operations and Maintenance	INSPECTION OF COMPLETED WORKS, LA	\$1,658,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	INSPECTION OF COMPLETED WORKS, MO	\$145,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	INSPECTION OF COMPLETED WORKS, MS	\$24,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	INSPECTION OF COMPLETED WORKS, TN	\$43,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	LOWER ARKANSAS RIVER, NORTH BANK, AR	\$215,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	LOWER ARKANSAS RIVER, SOUTH BANK, AR	\$169,000	The President		Pryor; Lincoln
Corps of Engineers	MRT—Operations and Maintenance	LOWER RED RIVER, SOUTH BANK LEVEES, LA	\$97,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	MEMPHIS HARBOR, MCKELLAR LAKE, TN	\$1,369,000	The President	Cohen	
Corps of Engineers	MRT—Operations and Maintenance	MISSISSIPPI DELTA REGION—CAERNARVON, LA	\$1,739,000	The President		Landrieu
Corps of Engineers	MRT—Operations and Maintenance	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	\$11,311,000	The President	Berry; Cao; Emerson	Cochran; Landrieu; Pryor; Lincoln; Wicker
Corps of Engineers	MRT—Operations and Maintenance	OLD RIVER, LA	\$9,854,000	The President		Landrieu
Corps of Engineers	MRT—Operations and Maintenance	ST. FRANCIS RIVER AND TRIBUTARIES, AR & MO	\$9,509,000	The President	Berry; Emerson	Pryor; Bond; Lincoln

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	MRT—Operations and Maintenance	TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA	\$2,401,000	The President	Ross	
Corps of Engineers	MRT—Operations and Maintenance	TENSAS BASIN, RED RIVER BACKWATER, LA	\$3,536,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	VICKSBURG HARBOR, MS	\$519,000	The President		Cochran; Wicker
Corps of Engineers	MRT—Operations and Maintenance	WAPPAPELLO LAKE, MO	\$5,232,000	The President	Emerson	
Corps of Engineers	MRT—Operations and Maintenance	WHITE RIVER BACKWATER, AR	\$1,176,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, ARKABUTLA LAKE, MS	\$6,637,000	The President		Cochran; Wicker
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, BIG SUNFLOWER RIVER, MS	\$2,319,000	The President		Cochran; Wicker
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, ENID LAKE, MS	\$7,381,000	The President		Cochran; Wicker
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, GREENWOOD, MS	\$780,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, GRENADA LAKE, MS	\$7,131,000	The President		Cochran; Wicker
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, MAIN STEW, MS	\$2,705,000	The President		Cochran; Wicker
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, SARDIS LAKE, MS	\$8,871,380	The President		Cochran; Wicker
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, TRIBUTARIES, MS	\$797,004	The President		Cochran; Wicker
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, WILL M WHITTINGTON AUX CHAN, MS	\$386,000	The President		Cochran; Wicker
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, YAZOO BACKWATER AREA, MS	\$526,000	The President		
Corps of Engineers	MRT—Operations and Maintenance	YAZOO BASIN, YAZOO CITY, MS	\$706,000	The President		
Corps of Engineers	O&M	ABIQUIU DAM, NM	\$3,141,000	The President	Lujan	
Corps of Engineers	O&M	ALABAMA—COOSA COMPREHENSIVE WATER STUDY, AL	\$240,000	The President		
Corps of Engineers	O&M	ALABAMA RIVER LAKES, AL	\$15,951,000	The President	Bonner; Davis (AL)	
Corps of Engineers	O&M	ALAMO LAKE, AZ	\$1,465,000	The President		
Corps of Engineers	O&M	ALBENI FALLS DAM, ID	\$1,468,000	The President		



Corps of Engineers	O&M	ALLATOONA LAKE, GA	\$6,725,000	The President		
Corps of Engineers	O&M	ALLEGHENY RIVER, PA	\$8,590,000	The President	Doyle	
Corps of Engineers	O&M	ALMOND LAKE, NY	\$498,000	The President		
Corps of Engineers	O&M	ALUM CREEK LAKE, OH	\$1,468,000	The President		
Corps of Engineers	O&M	ALVIN R. RUSH DAM, PA	\$626,000	The President		
Corps of Engineers	O&M	ANCHORAGE HARBOR, AK	\$17,732,000	The President	Young (AK)	
Corps of Engineers	O&M	APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL & FL	\$2,316,000	The President		
Corps of Engineers	O&M	APLEGATE LAKE, OR	\$1,237,000	The President		
Corps of Engineers	O&M	AQUILLA LAKE, TX	\$1,564,000	The President		
Corps of Engineers	O&M	ARCADIA LAKE, OK	\$495,000	The President		
Corps of Engineers	O&M	ARKANSAS-RED RIVER BASINS CHLORIDE CONTROL-AREA VIII, TX	\$1,481,000	The President		
Corps of Engineers	O&M	ARKPORT DAM, NY	\$283,000	The President		
Corps of Engineers	O&M	ASHTABULA HARBOR, OH	\$1,267,000	The President		Voinovich
Corps of Engineers	O&M	ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF & BLACK, LA	\$11,062,000	The President	Alexander; Melancon	
Corps of Engineers	O&M	ATLANTIC INTRACOASTAL WATERWAY—ACC, VA	\$2,490,000	The President	Forbes	
Corps of Engineers	O&M	ATLANTIC INTRACOASTAL WATERWAY—DSC, NC & VA	\$1,311,000	The President		Webb; Warner
Corps of Engineers	O&M	ATLANTIC INTRACOASTAL WATERWAY, GA	\$885,000	The President	Kingston	Chambliss
Corps of Engineers	O&M	ATLANTIC INTRACOASTAL WATERWAY, NC	\$4,086,000	The President	McIntyre	
Corps of Engineers	O&M	ATLANTIC INTRACOASTAL WATERWAY, SC	\$1,811,000	The President	Brown (SC); Wilson (SC)	Graham
Corps of Engineers	O&M	AYLESWORTH CREEK LAKE, PA	\$204,000	The President		
Corps of Engineers	O&M	B. EVERETT JORDAN DAM AND LAKE, NC	\$1,804,000	The President		
Corps of Engineers	O&M	BALL MOUNTAIN, VT	\$815,000	The President		
Corps of Engineers	O&M	BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	\$17,500,000	The President	Cummings; Ruppersberger; Sarbanes	Mikulski; Cardin
Corps of Engineers	O&M	BALTIMORE HARBOR, MD (DRIFT REMOVAL)	\$342,000	The President		
Corps of Engineers	O&M	BARATARIA BAY WATERWAY, LA	\$157,000	The President		
Corps of Engineers	O&M	BARBERS POINT HARBOR, HI	\$191,000	The President		
Corps of Engineers	O&M	BARDWELL LAKE, TX	\$2,118,000	The President		
Corps of Engineers	O&M	BARKLEY DAM AND LAKE, BARKLEY, KY & TN	\$9,877,000	The President		
Corps of Engineers	O&M	BARNEGAT INLET, NJ	\$334,000	The President	Adler (NJ)	Lautenberg; Menendez
Corps of Engineers	O&M	BARRE FALLS DAM, MA	\$716,000	The President		
Corps of Engineers	O&M	BARREN RIVER LAKE, KY	\$2,389,000	The President		
Corps of Engineers	O&M	BAYOU BOUCAU RESERVOIR, LA	\$907,000	The President		

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administration	House Senate
Corps of Engineers	O&M	BAYOU LAFOURCHE AND LAFOURCHE-JUMP WATERWAY, LA	\$1,151,000	The President	
Corps of Engineers	O&M	BAYOU PIERRE, LA	\$24,000	The President	
Corps of Engineers	O&M	BAYOU SEGNETTE WATERWAY, LA	\$49,000	The President	
Corps of Engineers	O&M	BAYOU TECHE & VERMILLION RIVER, LA	\$15,000	The President	Boustany
Corps of Engineers	O&M	BAYOU TECHE, LA	\$190,000	The President	Boustany
Corps of Engineers	O&M	BAYPORT SHIP CHANNEL, TX	\$4,721,000	The President	
Corps of Engineers	O&M	BEAR CREEK DAM & LAKE, CO	\$375,000	The President	
Corps of Engineers	O&M	BEAVER LAKE, AR	\$8,424,000	The President	
Corps of Engineers	O&M	BEECH FORK LAKE, WV	\$1,335,000	The President	
Corps of Engineers	O&M	BELTON LAKE, TX	\$3,117,000	The President	
Corps of Engineers	O&M	BELTZVILLE LAKE, PA	\$1,141,000	The President	
Corps of Engineers	O&M	BENBROOK LAKE, TX	\$2,447,000	The President	
Corps of Engineers	O&M	BERLIN LAKE, OH	\$2,089,000	The President	
Corps of Engineers	O&M	BIG BEND DAM, LAKE SHARPE, SD	\$9,383,000	The President	
Corps of Engineers	O&M	BIG SANDY HARBOR, KY	\$1,625,000	The President	
Corps of Engineers	O&M	BIGSTONE LAKE AND WHETSTONE RIVER, MN & SD	\$262,000	The President	
Corps of Engineers	O&M	BLOXI HARBOR, MS	\$1,188,000	The President	
Corps of Engineers	O&M	BIRCH HILL DAM, MA	\$1,143,000	The President	
Corps of Engineers	O&M	BIRCH LAKE, OK	\$857,000	The President	
Corps of Engineers	O&M	BLACK BUTTE LAKE, CA	\$2,123,000	The President	
Corps of Engineers	O&M	BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	\$1,428,000	The President	Higgins
Corps of Engineers	O&M	BLACK ROCK LAKE, CT	\$1,365,000	The President	
Corps of Engineers	O&M	BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	\$22,979,000	The President	Aderholt; Bachus
Corps of Engineers	O&M	BLACKWATER DAM, NH	\$580,000	The President	
Corps of Engineers	O&M	BLAKLEY MT DAM, LAKE OUACHITA, AR	\$6,743,000	The President	Ross
Corps of Engineers	O&M	BLUE MARSH LAKE, PA	\$2,562,000	The President	
Corps of Engineers	O&M	BLUE MOUNTAIN LAKE, AR	\$1,819,000	The President	
Corps of Engineers	O&M	BLUE RIVER LAKE, OR	\$893,000	The President	
Corps of Engineers	O&M	BLUESTONE LAKE, WV	\$1,579,000	The President	Rahall

Corps of Engineers	O&M	BONNEVILLE LOCK & DAM, OR & WA	\$13,220,000	The President		
Corps of Engineers	O&M	BOSTON HARBOR, MA	\$6,652,000	The President	Lynch	
Corps of Engineers	O&M	BOWMAN HALEY, ND	\$333,000	The President		
Corps of Engineers	O&M	BRAZOS ISLAND HARBOR, TX	\$4,959,000	The President	Edwards (TX); Ortiz	Cornyn
Corps of Engineers	O&M	BROKEN BOW LAKE, OK	\$3,043,000	The President		
Corps of Engineers	O&M	BROOKVILLE LAKE, IN	\$819,000	The President		
Corps of Engineers	O&M	BRUNSWICK HARBOR, GA	\$6,801,000	The President		
Corps of Engineers	O&M	BUCHANAN DAM, HV EASTMAN LAKE, CA	\$1,940,000	The President		
Corps of Engineers	O&M	BUCKHORN LAKE, KY	\$1,506,000	The President		
Corps of Engineers	O&M	BUFFALO BAYOU & TRIBUTARIES, TX	\$2,811,000	The President		
Corps of Engineers	O&M	BUFFALO HARBOR, NY	\$1,548,000	The President	Higgins	Schumer; Gillibrand
Corps of Engineers	O&M	BUFFUMVILLE LAKE, MA	\$794,000	The President		
Corps of Engineers	O&M	BUFORD DAM AND LAKE SIDNEY LANIER, GA	\$8,481,000	The President		
Corps of Engineers	O&M	BULL SHOALS LAKE, AR	\$13,644,000	The President		
Corps of Engineers	O&M	BURNS WATERWAY HARBOR, IN	\$157,000	The President		
Corps of Engineers	O&M	BURNSVILLE LAKE, WV	\$2,134,000	The President		
Corps of Engineers	O&M	BUTTERMILK CHANNEL, NY	\$1,673,000	The President	Nadler (NY)	
Corps of Engineers	O&M	CADDO LAKE, LA	\$213,000	The President		
Corps of Engineers	O&M	CAESAR CREEK LAKE, OH	\$1,425,000	The President		
Corps of Engineers	O&M	CAGLES MILL LAKE, IN	\$848,000	The President		
Corps of Engineers	O&M	CALCASIEU RIVER AND PASS, LA	\$19,888,000	The President	Boustany	Landrieu; Vitter
Corps of Engineers	O&M	CALUMET HARBOR AND RIVER, IL & IN	\$4,621,000	The President	Jackson (IL)	
Corps of Engineers	O&M	CANAVERAL HARBOR, FL	\$4,372,000	The President	Posey	
Corps of Engineers	O&M	CANTON LAKE, OK	\$2,107,000	The President		
Corps of Engineers	O&M	CANYON LAKE, TX	\$3,806,000	The President		
Corps of Engineers	O&M	CAPE COD CANAL, MA	\$12,504,000	The President		
Corps of Engineers	O&M	CAPE FEAR RIVER ABOVE WILMINGTON, NC	\$939,000	The President	McIntyre	
Corps of Engineers	O&M	CARLYLE LAKE, IL	\$4,914,000	The President	Shimkus	
Corps of Engineers	O&M	CARR CREEK LAKE, KY	\$1,651,000	The President		
Corps of Engineers	O&M	CARTERS DAM AND LAKE, GA	\$7,905,000	The President		
Corps of Engineers	O&M	CARUTHERSVILLE HARBOR, MO	\$482,000	The President	Emerson	Bond
Corps of Engineers	O&M	CAVE RUN LAKE, KY	\$880,000	The President		
Corps of Engineers	O&M	CECIL M. HARDEN LAKE, IN	\$976,000	The President		

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	O&M	CEDAR BAYOU, TX	\$1,701,000	The President	Edwards (TX); Paul	
Corps of Engineers	O&M	CENTER HILL LAKE, TN	\$5,838,000	The President		
Corps of Engineers	O&M	CENTRAL & SOUTHERN FLORIDA, FL	\$22,967,000	The President		
Corps of Engineers	O&M	CENTRAL AND SOUTHERN FLORIDA, FL: EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	\$575,000	The President	Wasserman Schultz	
Corps of Engineers	O&M	CHANNEL TO HARLINGEN, TX	\$2,054,000	The President	Edwards (TX)	
Corps of Engineers	O&M	CHANNEL TO PORT BOLIVAR, TX	\$364,000	The President		
Corps of Engineers	O&M	CHANNELS IN LAKE ST. CLAIR, MI	\$1,555,000	The President		
Corps of Engineers	O&M	CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	\$261,000	The President		
Corps of Engineers	O&M	CHARLESTON HARBOR, SC	\$10,163,000	The President	Brown (SC)	
Corps of Engineers	O&M	CHARLEVOIX HARBOR, MI	\$193,000	The President		
Corps of Engineers	O&M	CHATFIELD DAM & LAKE, CO	\$1,370,000	The President		
Corps of Engineers	O&M	CHEATHAM LOCK AND DAM, TN	\$6,133,000	The President		
Corps of Engineers	O&M	CHENA RIVER LAKES, AK	\$2,676,000	The President		
Corps of Engineers	O&M	CHERRY CREEK DAM & LAKE, CO	\$1,900,000	The President		
Corps of Engineers	O&M	CHETCO RIVER, OR	\$864,000	The President	DeFazio	
Corps of Engineers	O&M	CHICAGO HARBOR, IL	\$3,696,000	The President		
Corps of Engineers	O&M	CHICAGO RIVER, IL	\$469,000	The President		
Corps of Engineers	O&M	CHICKAMAUGA LOCK, TENNESSEE RIVER, TN	\$3,775,000	The President	Wamp	
Corps of Engineers	O&M	CHIEF JOSEPH DAM, WA	\$751,000	The President		
Corps of Engineers	O&M	CHINCOTEAGUE INLET, VA	\$868,000	The President		
Corps of Engineers	O&M	CLAIBORNE COUNTY PORT, MS	\$74,000	The President		Cochran; Wicker
Corps of Engineers	O&M	CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	\$6,475,000	The President		
Corps of Engineers	O&M	CLARENCE J BROWN DAM, OH	\$1,088,000	The President		
Corps of Engineers	O&M	CLEARWATER LAKE, MO	\$2,827,000	The President	Emerson	
Corps of Engineers	O&M	CLEVELAND HARBOR, OH	\$7,460,000	The President		Voinovich
Corps of Engineers	O&M	CLINTON LAKE, KS	\$1,970,000	The President		
Corps of Engineers	O&M	COCHITI LAKE, NM	\$6,534,000	The President	Lujan	
Corps of Engineers	O&M	COLD BROOK LAKE, SD	\$414,000	The President		
Corps of Engineers	O&M	COLD SPRING INLET, NJ	\$238,000	The President	LoBiondo	

Corps of Engineers	O&M	COLEBROOK RIVER LAKE, CT		\$584,000	The President			
Corps of Engineers	O&M	COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA AND PORTLAND, OR		\$23,278,000	The President	Baird		
Corps of Engineers	O&M	COLUMBIA RIVER AT BAKER BAY, WA & OR		\$674,000	The President	Baird		Murray; Cantwell
Corps of Engineers	O&M	COLUMBIA RIVER AT THE MOUTH, OR & WA		\$12,302,000	The President	Baird		
Corps of Engineers	O&M	COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA		\$771,000	The President	Baird		Murray
Corps of Engineers	O&M	COLUMBIA RIVER BETWEEN VANCOUVER, WA & THE DALLES, OR		\$665,000	The President			
Corps of Engineers	O&M	CONANT BROOK LAKE, WA		\$200,000	The President			
Corps of Engineers	O&M	CONCHAS LAKE, NM		\$1,707,000	The President	Lujan		
Corps of Engineers	O&M	CONEMAUGH RIVER LAKE, PA		\$1,191,000	The President			
Corps of Engineers	O&M	CONNEAUT HARBOR, OH		\$1,132,000	The President			
Corps of Engineers	O&M	COOPER RIVER, CHARLESTON HARBOR, SC		\$4,452,000	The President			
Corps of Engineers	O&M	COOS BAY, OR		\$4,904,000	The President	DeFazio		Wyden; Merkley
Corps of Engineers	O&M	COPAN LAKE, OK		\$984,000	The President			
Corps of Engineers	O&M	COQUILLE RIVER, OR		\$437,000	The President	DeFazio		Wyden; Merkley
Corps of Engineers	O&M	CORALVILLE LAKE, IA		\$3,213,000	The President			
Corps of Engineers	O&M	CORDELL HULL DAM AND RESERVOIR, TN		\$6,475,000	The President			
Corps of Engineers	O&M	CORPUS CHRISTI SHIP CHANNEL, TX		\$4,298,000	The President			
Corps of Engineers	O&M	COTTAGE GROVE LAKE, OR		\$1,074,000	The President			
Corps of Engineers	O&M	COTTONWOOD SPRINGS LAKE, SD		\$258,000	The President			
Corps of Engineers	O&M	COUGAR LAKE, OR		\$1,503,000	The President			
Corps of Engineers	O&M	COUNCIL GROVE LAKE, KS		\$1,653,000	The President			
Corps of Engineers	O&M	COWANESQUE LAKE, PA		\$1,795,000	The President			
Corps of Engineers	O&M	COYOTE VALLEY DAM, LAKE MENDOCINO, CA		\$3,639,000	The President			
Corps of Engineers	O&M	CROOKED CREEK LAKE, PA		\$1,599,000	The President			
Corps of Engineers	O&M	CUMBERLAND, MD AND RIDGELEY, WV		\$168,000	The President			
Corps of Engineers	O&M	CURWENSVILLE LAKE, PA		\$719,000	The President			
Corps of Engineers	O&M	DALE HOLLOW LAKE, TN		\$6,069,000	The President			
Corps of Engineers	O&M	DARDANELLE LOCK & DAM, AR		\$9,270,000	The President			
Corps of Engineers	O&M	DEER CREEK LAKE, OH		\$1,407,000	The President			
Corps of Engineers	O&M	DEGRAY LAKE, AR		\$6,743,000	The President	Ross		Pryor; Lincoln
Corps of Engineers	O&M	DELAWARE LAKE, OH		\$1,256,000	The President			
Corps of Engineers	O&M	DELAWARE RIVER AT CAMDEN, NJ		\$15,000	The President			

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	O&M	DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	\$18,625,000	The President		
Corps of Engineers	O&M	DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	\$779,000	The President	Smith (NJ)	
Corps of Engineers	O&M	DENSON DAM, LAKE TEXOMA, TX & OK	\$8,740,000	The President	Cole	Inhofe
Corps of Engineers	O&M	DEQUEEN LAKE, AR	\$1,665,000	The President	Ross	
Corps of Engineers	O&M	DETROIT LAKE, OR	\$902,000	The President		
Corps of Engineers	O&M	DETROIT RIVER, MI	\$5,146,000	The President		
Corps of Engineers	O&M	DEWEY LAKE, KY	\$1,687,000	The President		
Corps of Engineers	O&M	DIERS LAKE, AR	\$1,292,000	The President	Ross	
Corps of Engineers	O&M	DILLINGHAM HARBOR, AK	\$841,000	The President		
Corps of Engineers	O&M	DILLON LAKE, OH	\$1,298,000	The President		
Corps of Engineers	O&M	DISPOSAL AREA MONITORING, ME	\$950,000	The President		
Corps of Engineers	O&M	DORENA LAKE, OR	\$1,102,000	The President	DeFazio	
Corps of Engineers	O&M	DRY CREEK (WARM SPRINGS) LAKE & CHANNEL, CA	\$4,884,000	The President	Woolsey	
Corps of Engineers	O&M	DULUTH-SUPERIOR HARBOR, MN & WI	\$8,613,000	The President	Obey	
Corps of Engineers	O&M	DWORKSHAK DAM AND RESERVOIR, ID	\$2,732,000	The President		
Corps of Engineers	O&M	EAST BRANCH CLARION RIVER LAKE, PA	\$1,448,000	The President		
Corps of Engineers	O&M	EAST BRIMFIELD LAKE, MA	\$903,000	The President		
Corps of Engineers	O&M	EAST FORK, TOMBIGBEE RIVER, MS	\$178,000	The President		
Corps of Engineers	O&M	EAST LYNN LAKE, WV	\$2,059,000	The President		
Corps of Engineers	O&M	EAST RIVER, NY	\$285,000	The President		
Corps of Engineers	O&M	EAST ROCKAWAY INLET, NY	\$2,803,000	The President		
Corps of Engineers	O&M	EAST SIDNEY LAKE, NY	\$559,000	The President		
Corps of Engineers	O&M	EASTCHESTER CREEK, NY	\$3,887,000	The President	Crowley	
Corps of Engineers	O&M	EAU GALLE RIVER LAKE, WI	\$844,000	The President		
Corps of Engineers	O&M	EDIZ HOOK, WA	\$694,000	The President		
Corps of Engineers	O&M	EDWARD MACDOWELL LAKE, NH	\$532,000	The President		
Corps of Engineers	O&M	EL DORADO LAKE, KS	\$1,132,000	The President	Tiahrt	
Corps of Engineers	O&M	ELK CITY LAKE, KS	\$682,000	The President		
Corps of Engineers	O&M	ELKINS, WV	\$15,000	The President		

Corps of Engineers	O&M	ELVIS STAHR (HICKMAN) HARBOR, KY		\$40,000	The President	Whitfield	
Corps of Engineers	O&M	ERIE HARBOR, PA		\$527,000	The President		
Corps of Engineers	O&M	ESCAMBIA AND CONEJUH RIVERS, FL		\$56,000	The President		
Corps of Engineers	O&M	ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX		\$43,000	The President		
Corps of Engineers	O&M	EUFULA LAKE, OK		\$6,291,000	The President		
Corps of Engineers	O&M	EVERETT HARBOR AND SNOHOMISH RIVER, WA		\$1,678,000	The President	Larsen (WA)	
Corps of Engineers	O&M	FALL CREEK LAKE, OR		\$1,771,000	The President	DeFazio	
Corps of Engineers	O&M	FALL RIVER LAKE, KS		\$1,219,000	The President		
Corps of Engineers	O&M	FALLS LAKE, NC		\$1,767,000	The President		
Corps of Engineers	O&M	FARM CREEK RESERVOIRS, IL		\$335,000	The President		
Corps of Engineers	O&M	FARMINGTON DAM, CA		\$457,000	The President		
Corps of Engineers	O&M	FERN RIDGE LAKE, OR		\$2,245,000	The President	DeFazio	
Corps of Engineers	O&M	FERNANDINA HARBOR, FL		\$1,544,000	The President		
Corps of Engineers	O&M	FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX		\$3,312,000	The President		
Corps of Engineers	O&M	FIRE ISLAND INLET TO JONES INLET, NY		\$143,000	The President	King (NY)	
Corps of Engineers	O&M	FISHTRAP LAKE, KY		\$2,063,000	The President		
Corps of Engineers	O&M	FLUSHING BAY AND CREEK, NY		\$60,000	The President	Crowley	
Corps of Engineers	O&M	FORT GIBSON LAKE, OK		\$11,183,000	The President		
Corps of Engineers	O&M	FORT RANDALL DAM, LAKE FRANCIS CASE, SD		\$11,604,000	The President		
Corps of Engineers	O&M	FORT SUPPLY LAKE, OK		\$1,049,000	The President		
Corps of Engineers	O&M	FOSTER JOSEPH SAYERS DAM, PA		\$641,000	The President		
Corps of Engineers	O&M	FOX POINT HURRICANE BARRIER, PROVIDENCE, RI		\$475,000	The President		
Corps of Engineers	O&M	FOX RIVER, WI		\$4,421,000	The President	Kohl	
Corps of Engineers	O&M	FRANCIS E WALTER DAM, PA		\$921,000	The President		
Corps of Engineers	O&M	FRANKLIN FALLS DAM, NH		\$1,826,000	The President		
Corps of Engineers	O&M	FREEMPORT HARBOR, TX		\$3,151,000	The President	Paul	
Corps of Engineers	O&M	FRESHWATER BAYOU, LA		\$2,124,000	The President	Boustany	
Corps of Engineers	O&M	FRIDAY HARBOR, WA		\$105,000	The President		
Corps of Engineers	O&M	FT. PECK DAM AND LAKE, MT		\$6,045,000	The President		
Corps of Engineers	O&M	GALISTED DAM, NM		\$562,000	The President	Lujan	
Corps of Engineers	O&M	GALVESTON HARBOR AND CHANNEL, TX		\$12,445,000	The President	Paul	
Corps of Engineers	O&M	GARRISON DAM, LAKE SAKAKAWEA, ND		\$14,946,000	The President	Pomeroy	Dorgan
Corps of Engineers	O&M	GATHRIGHT DAM AND LAKE MOOMAW, VA		\$2,208,000	The President		



**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	O&M	GAVINS POINT DAM, NE & SD	\$7,759,000	The President		
Corps of Engineers	O&M	GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	\$213,000	The President		
Corps of Engineers	O&M	GEORGETOWN HARBOR, SC	\$1,103,000	The President	Brown (SC)	Graham
Corps of Engineers	O&M	GILLHAM LAKE, AR	\$1,298,000	The President	Ross	
Corps of Engineers	O&M	GIWW, CHANNEL TO VICTORIA, TX	\$2,152,000	The President	Paul	
Corps of Engineers	O&M	GIWW, CHOCOLATE BAYOU, TX	\$1,647,000	The President		
Corps of Engineers	O&M	GRAND HAVEN HARBOR, MI	\$779,000	The President		
Corps of Engineers	O&M	GRANGER DAM AND LAKE, TX	\$2,459,000	The President		
Corps of Engineers	O&M	GRAPEVINE LAKE, TX	\$2,599,000	The President		
Corps of Engineers	O&M	GRAYS HARBOR AND CHEHALIS RIVER, WA	\$10,587,000	The President		
Corps of Engineers	O&M	GRAYSON LAKE, KY	\$1,624,000	The President		
Corps of Engineers	O&M	GREAT KILLS HARBOR, STATEN ISLAND, NY	\$60,000	The President		
Corps of Engineers	O&M	GREAT SALT PLAINS LAKE, OK	\$330,000	The President		
Corps of Engineers	O&M	GREAT SALT POND, BLOCK ISLAND, RI	\$200,000	The President		Reed
Corps of Engineers	O&M	GREAT SOUTH BAY, NY	\$60,000	The President	Bishop (NY)	
Corps of Engineers	O&M	GREEN AND BARREN RIVERS, KY	\$1,787,000	The President		
Corps of Engineers	O&M	GREEN BAY HARBOR, WI	\$6,222,000	The President	Kagen	Kohl
Corps of Engineers	O&M	GREEN PETER—FOSTER LAKES, OR	\$3,469,000	The President	DeFazio	
Corps of Engineers	O&M	GREEN RIVER LAKE, KY	\$2,093,000	The President		
Corps of Engineers	O&M	GREERS FERRY LAKE, AR	\$7,374,000	The President		
Corps of Engineers	O&M	GULF INTRACOASTAL WATERWAY, AL	\$5,450,000	The President		
Corps of Engineers	O&M	GULF INTRACOASTAL WATERWAY, LA	\$23,546,000	The President	Cao	
Corps of Engineers	O&M	GULF INTRACOASTAL WATERWAY, TX	\$24,752,000	The President	Paul	
Corps of Engineers	O&M	GULFPORT HARBOR, MS	\$4,500,000	The President		Cochran; Wicker
Corps of Engineers	O&M	HAMPTON ROADS, NORFOLK & NEWPORT NEWS HARBOR, VA (DRIFT REMOVAL)	\$838,000	The President		
Corps of Engineers	O&M	HANCOCK BROOK LAKE, CT	\$420,000	The President		
Corps of Engineers	O&M	HARLAN COUNTY LAKE, NE	\$2,197,000	The President		
Corps of Engineers	O&M	HARRY S. TRUMAN DAM AND RESERVOIR, MO	\$8,926,000	The President		
Corps of Engineers	O&M	HARTWELL LAKE, GA & SC	\$11,403,000	The President		



**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administration	House Senate
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, AK	\$160,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, AR	\$640,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, AZ	\$189,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, CA	\$6,369,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, CO	\$735,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, CT	\$373,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, DC	\$133,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, FL	\$1,140,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, GA	\$103,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, HI	\$670,000	The President	Hirono
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, IA	\$459,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, ID	\$308,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, IL	\$1,234,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, IN	\$674,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, KS	\$209,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, KY	\$632,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, LA	\$1,413,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, MA	\$393,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, MD	\$147,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, ME	\$204,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, MI	\$150,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, MN	\$602,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, MO	\$1,417,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, MS	\$174,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, MT	\$109,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, NC	\$232,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, ND	\$430,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, NE	\$679,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, NH	\$120,000	The President	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, NJ	\$195,000	The President	

Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, NM		\$607,000	The President	Heinrich; Lujan; Teague	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, NV		\$63,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, NY		\$853,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, OH		\$527,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, OK		\$242,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, OR		\$504,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, PA		\$836,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, RI		\$48,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, SC		\$70,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, SD		\$75,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, TN		\$50,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, TX		\$1,445,000	The President	Reyes	
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, UT		\$84,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, VA		\$351,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, VT		\$104,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, WA		\$689,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, WI		\$91,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, WV		\$319,000	The President		
Corps of Engineers	O&M	INSPECTION OF COMPLETED WORKS, WY		\$25,000	The President		
Corps of Engineers	O&M	INTERNATIONAL WATER STUDIES, ME		\$17,000	The President		
Corps of Engineers	O&M	INTRACOASTAL WATERWAY CALOOSAHATCHEE RIVER TO ANCLOTE RIVER, FL		\$1,313,000	The President	Buchanan; Mack; Young (FL)	Bill Nelson; Martinez
Corps of Engineers	O&M	INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DE & MD		\$26,980,000	The President	Castle; Cummings; Ruppelberger; Sarbanes	
Corps of Engineers	O&M	INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL		\$2,490,000	The President	Crenshaw; Hastings (FL); Klein (FL); Kosmas; Meek (FL); Mica; Ros-Lehtinen; Wasserman Schultz; Wexler	Bill Nelson; Martinez
Corps of Engineers	O&M	INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, DE		\$70,000	The President		
Corps of Engineers	O&M	ISABELLA LAKE, CA		\$1,712,000	The President		
Corps of Engineers	O&M	J. BENNETT JOHNSTON WATERWAY, LA		\$11,478,000	The President	Alexander; Fleming	Landrieu; Vitter
Corps of Engineers	O&M	J. EDWARD ROUSH LAKE, IN		\$897,000	The President		
Corps of Engineers	O&M	J. PERCY PRIEST DAM AND RESERVOIR, TN		\$4,579,000	The President		
Corps of Engineers	O&M	J. STROM THURMOND LAKE, GA & SC		\$9,804,000	The President		
Corps of Engineers	O&M	JACKSON HOLE LEVEES, WY		\$833,000	The President		
Corps of Engineers	O&M	JACKSONVILLE HARBOR, FL		\$5,735,000	The President	Brown; Corrine; Crenshaw	

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	O&M	JAMAICA BAY, NY	\$209,000	The President	Meeks (NY), Sires	
Corps of Engineers	O&M	JAMES RIVER CHANNEL, VA	\$4,257,000	The President		
Corps of Engineers	O&M	JEMEZ CANYON DAM, NM	\$718,000	The President	Lujan	
Corps of Engineers	O&M	JENNINGS RANDOLPH LAKE, MD & WV	\$1,691,000	The President		
Corps of Engineers	O&M	JIM CHAPMAN LAKE, TX	\$1,633,000	The President		
Corps of Engineers	O&M	JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA	\$9,249,000	The President		
Corps of Engineers	O&M	JOE POOL LAKE, TX	\$1,042,000	The President		
Corps of Engineers	O&M	JOHN DAY LOCK AND DAM, OR & WA	\$8,459,000	The President	Baird	
Corps of Engineers	O&M	JOHN H. KERR LAKE, VA & NC	\$11,010,000	The President		
Corps of Engineers	O&M	JOHN MARTIN RESERVOIR, CO	\$2,427,000	The President		
Corps of Engineers	O&M	JOHN REDMOND DAM AND RESERVOIR, KS	\$3,502,000	The President		
Corps of Engineers	O&M	JOHN W. FLANNAGAN DAM AND RESERVOIR, VA	\$1,999,000	The President		
Corps of Engineers	O&M	JOHNSTOWN, PA	\$34,000	The President		
Corps of Engineers	O&M	JONES INLET, NY	\$143,000	The President		
Corps of Engineers	O&M	KANAWHA RIVER LOCKS & DAM, WV	\$13,389,000	The President		
Corps of Engineers	O&M	KANOPOLIS, KS	\$2,174,000	The President		
Corps of Engineers	O&M	KASKASKIA RIVER NAVIGATION, IL	\$2,041,000	The President	Costello	
Corps of Engineers	O&M	KAW LAKE, OK	\$2,614,000	The President		
Corps of Engineers	O&M	KENTUCKY RIVER, KY	\$10,000	The President		
Corps of Engineers	O&M	KEWAUNEE HARBOR, WI	\$424,000	The President	kagen	
Corps of Engineers	O&M	KEWEENAW WATERWAY, MI	\$37,000	The President		
Corps of Engineers	O&M	KEYSTONE LAKE, OK	\$6,602,000	The President		
Corps of Engineers	O&M	KINZUA DAM AND ALLEGHANY RESERVOIR, PA	\$1,272,000	The President		
Corps of Engineers	O&M	KNIGHTVILLE DAM, MA	\$1,350,000	The President		
Corps of Engineers	O&M	LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	\$596,000	The President		
Corps of Engineers	O&M	LAKE ASHTABULA AND BALDILL DAM, ND	\$1,284,000	The President	Pomeroy	
Corps of Engineers	O&M	LAKE KEMP, TX	\$311,000	The President		
Corps of Engineers	O&M	LAKE MICHIGAN DIVERSION, IL	\$649,000	The President		
Corps of Engineers	O&M	LAKE MONTAUK HARBOR, NY	\$100,000	The President		

Corps of Engineers	O&M	LAKE PROVIDENCE HARBOR, LA	\$572,000	The President	Alexander	Landrieu, Vitter
Corps of Engineers	O&M	LAKE SHELBYVILLE, IL	\$5,183,000	The President	Shinkus	
Corps of Engineers	O&M	LAKE TRAVERSE, SD & MN	\$568,000	The President		
Corps of Engineers	O&M	LAKE WASHINGTON SHIP CANAL, WA	\$8,787,000	The President	Dicks	
Corps of Engineers	O&M	LAUREL RIVER LAKE, KY	\$1,831,000	The President		
Corps of Engineers	O&M	LAVON LAKE, TX	\$3,323,000	The President		
Corps of Engineers	O&M	LEWISVILLE DAM, TX	\$3,373,000	The President		
Corps of Engineers	O&M	LIBBY DAM, MT	\$1,851,000	The President		
Corps of Engineers	O&M	LITTLE BLUE RIVER LAKES, MO	\$803,000	The President		
Corps of Engineers	O&M	LITTLE GOOSE LOCK & DAM, WA	\$2,424,000	The President		
Corps of Engineers	O&M	LITTLE SODUS BAY HARBOR, NY	\$5,000	The President		
Corps of Engineers	O&M	LITTLEVILLE LAKE, MA	\$845,000	The President		
Corps of Engineers	O&M	LONG BRANCH LAKE, MO	\$902,000	The President		
Corps of Engineers	O&M	LONG ISLAND INTRACOASTAL WATERWAY, NY	\$100,000	The President	Bishop (NY)	
Corps of Engineers	O&M	LONG ISLAND SOUND, DMMP, CT	\$2,890,000	The President	Courtney, Delauro, Murphy (CT)	
Corps of Engineers	O&M	LOOKOUT POINT LAKE, OR	\$2,629,000	The President	DeFazio	
Corps of Engineers	O&M	LORAIN HARBOR, OH	\$836,000	The President	Sutton	
Corps of Engineers	O&M	LOS ANGELES COUNTY DRAINAGE AREA, CA	\$4,369,000	The President		
Corps of Engineers	O&M	LOST CREEK LAKE, OR	\$3,455,000	The President		
Corps of Engineers	O&M	LOWER GRANITE LOCK & DAM, WA	\$7,271,000	The President		
Corps of Engineers	O&M	LOWER MONUMENT LOCK & DAM, WA	\$2,599,000	The President		
Corps of Engineers	O&M	LOYALHANNA LAKE, PA	\$1,279,000	The President		
Corps of Engineers	O&M	LUCKY PEAK LAKE, ID	\$2,468,000	The President		
Corps of Engineers	O&M	LYNNHAVEN INLET, VA	\$263,000	The President	Nye	
Corps of Engineers	O&M	MADISON PARISH PORT, LA	\$99,000	The President		Landrieu, Vitter
Corps of Engineers	O&M	MAHONING CREEK LAKE, PA	\$1,222,000	The President		
Corps of Engineers	O&M	MANASQUAN RIVER, NJ	\$152,000	The President	Smith (NJ)	
Corps of Engineers	O&M	MANSFIELD HOLLOW LAKE, CT	\$818,000	The President		
Corps of Engineers	O&M	MANTEO (SHALLOWBAG) BAY, NC	\$3,749,000	The President	Jones; Price (NC)	
Corps of Engineers	O&M	MARION LAKE, KS	\$1,730,000	The President		
Corps of Engineers	O&M	MARTINS FORK LAKE, KY	\$774,000	The President		
Corps of Engineers	O&M	MARTIS CREEK LAKE, NV & CA	\$1,133,000	The President		
Corps of Engineers	O&M	MASONBORO INLET AND CONNECTING CHANNELS, NC	\$2,186,000	The President	McIntyre	

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administration	House Senate
Corps of Engineers	O&M	MASSILLON LOCAL PROTECTION PROJECT, OH	\$37,000	The President	
Corps of Engineers	O&M	MATAGORDA SHIP CHANNEL, TX	\$4,397,000	The President	Edwards (TX); Paul
Corps of Engineers	O&M	MATTITUCK HARBOR, NY	\$60,000	The President	Bishop (NY)
Corps of Engineers	O&M	MCCLLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR	\$39,027,000	The President	Berry
Corps of Engineers	O&M	MCCLLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, OK	\$5,866,000	The President	Boren
Corps of Engineers	O&M	MCMARY LOCK & DAM, OR & WA	\$6,783,000	The President	
Corps of Engineers	O&M	MELVERN LAKE, KS	\$2,044,000	The President	
Corps of Engineers	O&M	MERCED COUNTY STREAMS, CA	\$429,000	The President	
Corps of Engineers	O&M	MERMENTAU RIVER, LA	\$1,818,000	The President	Boustany
Corps of Engineers	O&M	MICHAEL J KIRWAN DAM AND RESERVOIR, OH	\$1,035,000	The President	
Corps of Engineers	O&M	MIDDLE RIO GRANDE ENDANGERED SPECIES COLLABORATIVE PROGRAM, NM (MRGESOP)	\$2,994,000	The President	Heinrich; Lujan; Teague
Corps of Engineers	O&M	MIDDLESBORO CUMBERLAND RIVER BASIN, KY	\$107,000	The President	
Corps of Engineers	O&M	MILFORD LAKE, KS	\$1,955,000	The President	
Corps of Engineers	O&M	MILL CREEK LAKE, WA	\$3,644,000	The President	
Corps of Engineers	O&M	MILLWOOD LAKE, AR	\$4,868,000	The President	Ross
Corps of Engineers	O&M	MINNESOTA RIVER, MN	\$243,000	The President	
Corps of Engineers	O&M	MISPELLION RIVER, DE	\$30,000	The President	
Corps of Engineers	O&M	MISSISSINEWA LAKE, IN	\$926,000	The President	
Corps of Engineers	O&M	MISSISSIPPI FLOOD CONTROL, OH	\$1,641,000	The President	
Corps of Engineers	O&M	MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVP PORTION), MN	\$41,938,000	The President	
Corps of Engineers	O&M	MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVR PORTION), IL	\$56,220,000	The President	Hare
Corps of Engineers	O&M	MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVS PORTION), IL	\$21,123,000	The President	Akin; Hare; Shimkus
Corps of Engineers	O&M	MISSISSIPPI RIVER BETWEEN THE OHIO AND MISSOURI RIVERS (REG WORKS), MO & IL	\$22,241,000	The President	
Corps of Engineers	O&M	MISSISSIPPI RIVER OUTLETS AT VENICE, LA	\$2,697,000	The President	
Corps of Engineers	O&M	MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO, LA	\$52,263,000	The President	Cao



Corps of Engineers	O&M	MISSOURI RIVER—KENSLEERS BEND, NE TO SIOUX CITY, IA	\$123,000	The President			
Corps of Engineers	O&M	MISSOURI RIVER—RULO TO MOUTH, IA, NE, KS & MO	\$6,500,000	The President	Cleaver		Harkin; Bond; Grassley
Corps of Engineers	O&M	MISSOURI RIVER—SIOUX CITY TO RULO, IA, NE, KS & MO	\$2,480,000	The President			
Corps of Engineers	O&M	MOBILE HARBOR, AL	\$22,804,000	The President	Bonner		
Corps of Engineers	O&M	MOJAVE RIVER DAM, CA	\$274,000	The President			
Corps of Engineers	O&M	MONONGAHELA RIVER, PA	\$15,926,000	The President	Doyle		
Corps of Engineers	O&M	MONROE LAKE, IN	\$1,046,000	The President			
Corps of Engineers	O&M	MOREHEAD CITY HARBOR, NC	\$9,028,000	The President	Jones		
Corps of Engineers	O&M	MORICHES INLET, NY	\$100,000	The President	Bishop (NY)		
Corps of Engineers	O&M	MORRO BAY HARBOR, CA	\$3,136,000	The President	Capps		
Corps of Engineers	O&M	MOSQUITO CREEK LAKE, OH	\$946,000	The President			
Corps of Engineers	O&M	MOUNT MORRIS DAM, NY	\$2,562,000	The President	Lee (NY)		
Corps of Engineers	O&M	MOUTH OF YAZOO RIVER, MS	\$100,000	The President			Cochran; Wicker
Corps of Engineers	O&M	MT. ST. HELENS SEDIMENT CONTROL, WA	\$265,000	The President	Baird		
Corps of Engineers	O&M	MUD MOUNTAIN DAM, WA	\$2,904,000	The President	Reichert; Smith (WA)		
Corps of Engineers	O&M	MURDERKILL RIVER, DE	\$30,000	The President			
Corps of Engineers	O&M	MUSKINGUM RIVER LAKES, OH	\$6,943,000	The President			
Corps of Engineers	O&M	MYSTIC RIVER, CT	\$238,000	The President			
Corps of Engineers	O&M	NARROWS DAM, LAKE GRESSEON, AR	\$4,816,000	The President	Ross		Pryor; Lincoln
Corps of Engineers	O&M	NARROWS OF LAKE CHAMPLAIN, VT & NY	\$85,000	The President			
Corps of Engineers	O&M	NATIONAL COASTAL MAPPING PROGRAM	\$10,000,000	The President			Cochran; Wicker
Corps of Engineers	O&M	NAVARRO MILLS LAKE, TX	\$3,961,000	The President			
Corps of Engineers	O&M	NEAH BAY, WA	\$67,000	The President			
Corps of Engineers	O&M	NEW BEDFORD AND FAIRHAVEN HARBOR, MA	\$475,000	The President			
Corps of Engineers	O&M	NEW BEDFORD, FAIRHAVEN AND ACUSHNET HURRICANE BARRIER, MA	\$588,000	The President			
Corps of Engineers	O&M	NEW HOGAN LAKE, CA	\$2,390,000	The President			
Corps of Engineers	O&M	NEW JERSEY INTRACOASTAL WATERWAY, NJ	\$385,000	The President	Adler (NJ); LoBiondo; Smith (NJ)		
Corps of Engineers	O&M	NEW MADRID HARBOR, MILE 889, MO	\$240,000	The President	Emerson		Bond
Corps of Engineers	O&M	NEW MADRID HARBOR, MO	\$400,000	The President	Emerson		Bond
Corps of Engineers	O&M	NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	\$1,804,000	The President			
Corps of Engineers	O&M	NEW RIVER INLET, NC	\$665,000	The President	Jones		
Corps of Engineers	O&M	NEW YORK AND NEW JERSEY CHANNELS, NY	\$3,896,000	The President			

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	O&M	NEW YORK HARBOR, NY	\$3,514,000	The President	Sires	
Corps of Engineers	O&M	NEW YORK HARBOR, NY & NJ (DRIFT REMOVAL)	\$6,652,000	The President	Pallone	
Corps of Engineers	O&M	NEW YORK HARBOR, NY & NJ (PREVENTION OF OBSTRUCTIVE DEPOSITS)	\$993,000	The President	Pallone	
Corps of Engineers	O&M	NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	\$143,000	The President	Payne; Rothman (NJ)	
Corps of Engineers	O&M	NEWPORT BAY HARBOR, CA	\$1,692,000	The President		
Corps of Engineers	O&M	NEWTOWN CREEK, NY	\$143,000	The President		
Corps of Engineers	O&M	NIMROD LAKE, AR	\$2,175,000	The President		
Corps of Engineers	O&M	NOLIN LAKE, KY	\$2,354,000	The President		
Corps of Engineers	O&M	NOME HARBOR, AK	\$779,000	The President		
Corps of Engineers	O&M	NORFOLK HARBOR, VA	\$10,780,000	The President		
Corps of Engineers	O&M	NORFOLK LAKE, AR	\$5,433,000	The President		
Corps of Engineers	O&M	NORTH BRANCH KOKOSING RIVER LAKE, OH	\$260,000	The President		
Corps of Engineers	O&M	NORTH FORK OF POUND RIVER LAKE, VA	\$599,000	The President		
Corps of Engineers	O&M	NORTH HARTLAND LAKE, VT	\$734,000	The President		
Corps of Engineers	O&M	NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	\$2,264,000	The President		
Corps of Engineers	O&M	NORTH SPRINGFIELD LAKE, VT	\$812,000	The President		
Corps of Engineers	O&M	NORTHFIELD BROOK LAKE, CT	\$580,000	The President		
Corps of Engineers	O&M	O.C. FISHER DAM AND LAKE, TX	\$1,106,000	The President	Conaway	
Corps of Engineers	O&M	OAHE DAM, LAKE OAHE, SD & ND	\$11,229,000	The President		
Corps of Engineers	O&M	OAKLAND HARBOR, CA	\$9,154,000	The President	Lee (CA)	
Corps of Engineers	O&M	OCEANSIDE HARBOR, CA	\$1,425,000	The President		
Corps of Engineers	O&M	OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH	\$38,724,000	The President		
Corps of Engineers	O&M	OHIO RIVER LOCKS AND DAMS, PA, OH & WV	\$20,404,000	The President	Doyle	
Corps of Engineers	O&M	OHIO RIVER LOCKS AND DAMS, WV, KY & OH	\$33,524,000	The President		
Corps of Engineers	O&M	OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN & OH	\$5,546,000	The President		
Corps of Engineers	O&M	OHIO RIVER OPEN CHANNEL WORK, PA, OH & WV	\$490,000	The President		
Corps of Engineers	O&M	OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH	\$2,847,000	The President		
Corps of Engineers	O&M	OKATIBBEE LAKE, MS	\$1,618,000	The President		
Corps of Engineers	O&M	OKEECHOBEE WATERWAY, FL	\$2,240,000	The President		

Corps of Engineers	O&M	OLD HICKORY LOCK AND DAM, TN	\$11,693,000	The President		
Corps of Engineers	O&M	ONTONAGON HARBOR, MI	\$1,066,000	The President	Stupak	
Corps of Engineers	O&M	OOLOGAH LAKE, OK	\$3,902,000	The President		
Corps of Engineers	O&M	OPTIMA LAKE, OK	\$208,000	The President		
Corps of Engineers	O&M	ORWELL LAKE, MN	\$507,000	The President		
Corps of Engineers	O&M	OSCEOLA HARBOR, AR	\$800,000	The President	Berry	Pyor; Lincoln
Corps of Engineers	O&M	OTTER BROOK LAKE, NH	\$526,000	The President		
Corps of Engineers	O&M	OUACHITA AND BLACK RIVERS, AR & LA	\$9,128,000	The President	Ross	
Corps of Engineers	O&M	OZARK-JETA TAYLOR LOCK & DAM, AR	\$5,441,000	The President		
Corps of Engineers	O&M	PAINT CREEK LAKE, OH	\$1,156,000	The President		
Corps of Engineers	O&M	PAINTED ROCK DAM, AZ	\$1,254,000	The President		
Corps of Engineers	O&M	PAINTSVILLE LAKE, KY	\$1,170,000	The President		
Corps of Engineers	O&M	PALM BEACH HARBOR, FL	\$3,065,000	The President	Klein (FL)	
Corps of Engineers	O&M	PANAMA CITY HARBOR, FL	\$1,953,000	The President		
Corps of Engineers	O&M	PAPILLION CREEK, NE	\$805,000	The President		
Corps of Engineers	O&M	PASCAGOULA HARBOR, MS	\$9,500,000	The President		Cochran; Wicker
Corps of Engineers	O&M	PASSAIC RIVER FLOOD WARNING SYSTEM, NJ	\$526,000	The President		
Corps of Engineers	O&M	PAT MAYSE LAKE, TX	\$1,148,000	The President		
Corps of Engineers	O&M	PATOKA LAKE, IN	\$843,000	The President		
Corps of Engineers	O&M	PEARL RIVER, MS & LA	\$183,000	The President		
Corps of Engineers	O&M	PEARSON-SKUBITZ BIG HILL LAKE, KS	\$1,399,000	The President		
Corps of Engineers	O&M	PENSACOLA HARBOR, FL	\$67,000	The President		
Corps of Engineers	O&M	PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	\$108,000	The President		
Corps of Engineers	O&M	PERRY LAKE, KS	\$1,915,000	The President		
Corps of Engineers	O&M	PHILPOTT LAKE, VA & NC	\$5,358,000	The President		
Corps of Engineers	O&M	PINE AND MATHEWS CANYONS LAKES, NV	\$324,000	The President		
Corps of Engineers	O&M	PINE CREEK LAKE, OK	\$1,213,000	The President		
Corps of Engineers	O&M	PINE FLAT LAKE, CA	\$3,042,000	The President		
Corps of Engineers	O&M	PIPESTEM LAKE, ND	\$471,000	The President		
Corps of Engineers	O&M	PLYMOUTH HARBOR, PLYMOUTH, MA	\$190,000	The President	Delahunt	
Corps of Engineers	O&M	POINT JUDITH HARBOR OF REFUGE, RI	\$285,000	The President		
Corps of Engineers	O&M	POMME DE TERRE LAKE, MO	\$2,120,000	The President		
Corps of Engineers	O&M	POMONA LAKE, KS	\$1,945,000	The President		

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administration	House Senate
Corps of Engineers	O&M	PONCE DE LEON INLET, FL	\$570,000	The President	
Corps of Engineers	O&M	PORT ORFORD, OR	\$38,000	The President	DeFazio
Corps of Engineers	O&M	PORTCHESTER HARBOR, NY	\$60,000	The President	
Corps of Engineers	O&M	PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NH	\$475,000	The President	
Corps of Engineers	O&M	POTOMAC AND ANACOSTIA RIVER, DC (DRIFT REMOVAL)	\$765,000	The President	
Corps of Engineers	O&M	PRESQUE ISLE HARBOR, MI	\$318,000	The President	
Corps of Engineers	O&M	PROCTOR DAM AND LAKE, TX	\$2,209,000	The President	Conaway
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, AK	\$884,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, AL	\$100,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, CA	\$2,321,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, CT	\$998,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, DC	\$30,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, DE	\$100,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, FL	\$1,235,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, GA	\$144,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, HI	\$542,000	The President	Hirono
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, IL	\$99,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, IN	\$176,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, LA	\$65,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, MA	\$1,140,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, MD	\$380,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, ME	\$713,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, MI	\$390,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, MN	\$82,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, MS	\$75,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, NC	\$280,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, NH	\$261,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, NJ	\$1,571,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, NY	\$2,018,000	The President	
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, OH	\$280,000	The President	

Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, OR		\$190,000	The President		
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, PA		\$114,000	The President		
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, RI		\$475,000	The President		
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, SC		\$442,000	The President		
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, TX		\$212,000	The President		
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, VA		\$808,000	The President		
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, WA		\$498,000	The President		
Corps of Engineers	O&M	PROJECT CONDITION SURVEYS, WI		\$269,000	The President		
Corps of Engineers	O&M	PROMPTON LAKE, PA		\$412,000	The President		
Corps of Engineers	O&M	PUGET SOUND AND TRIBUTARY WATERS, WA		\$961,000	The President		
Corps of Engineers	O&M	PUNKSUTAWNEY, PA		\$22,000	The President		
Corps of Engineers	O&M	QUILLAYUTE RIVER, WA		\$253,000	The President		
Corps of Engineers	O&M	R. D. BAILEY LAKE, WV		\$1,831,000	The President	Rahall	
Corps of Engineers	O&M	RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ		\$190,000	The President		
Corps of Engineers	O&M	RARITAN RIVER, NJ		\$292,000	The President	Pallone	Lautenberg; Menendez
Corps of Engineers	O&M	RATHBUN LAKE, IA		\$2,869,000	The President	Loebsock	
Corps of Engineers	O&M	RAY ROBERTS LAKE, TX		\$1,258,000	The President		
Corps of Engineers	O&M	RAYSTOWN LAKE, PA		\$3,656,000	The President	Shuster	
Corps of Engineers	O&M	RED LAKE RESERVOIR, MN		\$143,000	The President		
Corps of Engineers	O&M	RED ROCK DAM AND LAKE, RED ROCK, IA		\$4,056,000	The President		Harkin; Grassley
Corps of Engineers	O&M	REDWOOD CITY HARBOR, CA		\$6,410,000	The President	Eshoo	
Corps of Engineers	O&M	REMOVAL OF AQUATIC GROWTH, FL		\$4,224,000	The President		
Corps of Engineers	O&M	REMOVAL OF AQUATIC GROWTH, LA		\$1,340,000	The President		
Corps of Engineers	O&M	REMOVAL OF AQUATIC GROWTH, VA		\$50,000	The President		
Corps of Engineers	O&M	REND LAKE, IL		\$5,118,000	The President	Costello; Shimkus	
Corps of Engineers	O&M	RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN		\$3,229,000	The President		
Corps of Engineers	O&M	RICHARD B. RUSSEL DAM & LAKE, GA & SC		\$3,550,000	The President		
Corps of Engineers	O&M	RICHMOND HARBOR, CA		\$9,113,000	The President		
Corps of Engineers	O&M	ROBERT S. KERR LOCK AND DAM AND RESERVOIR, OK		\$8,022,000	The President		
Corps of Engineers	O&M	ROCHESTER HARBOR, NY		\$963,000	The President	Slaughter	Schumer
Corps of Engineers	O&M	ROGUE RIVER AT GOLD BEACH, OR		\$736,000	The President	DeFazio	Wyden; Merkley
Corps of Engineers	O&M	ROLLINSON CHANNEL, NC		\$50,000	The President		
Corps of Engineers	O&M	ROSEDALE HARBOR, MS		\$590,000	The President	Thompson (MS)	Cochran; Wicker

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administration	House Senate
Corps of Engineers	O&M	ROSEVILLE LOCAL PROTECTION PROJECT, OH	\$35,000	The President	
Corps of Engineers	O&M	ROUGH RIVER LAKE, KY	\$2,606,000	The President	
Corps of Engineers	O&M	RUDEE INLET, VA	\$756,000	The President	Nye
Corps of Engineers	O&M	SABINE-NECHES WATERWAY, TX	\$12,733,000	The President	Poe (TX)
Corps of Engineers	O&M	SACRAMENTO RIVER (30 FOOT PROJECT), CA	\$3,185,000	The President	
Corps of Engineers	O&M	SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA	\$1,627,000	The President	
Corps of Engineers	O&M	SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	\$222,000	The President	
Corps of Engineers	O&M	SAGINAW RIVER, MI	\$3,444,000	The President	Kildee
Corps of Engineers	O&M	SALAMONIE LAKE, IN	\$859,000	The President	
Corps of Engineers	O&M	SALEM RIVER, NJ	\$100,000	The President	LoBiondo
Corps of Engineers	O&M	SALT CREEK AND TRIBUTARIES, NE	\$1,025,000	The President	
Corps of Engineers	O&M	SAM RAYBURN DAM AND RESERVOIR, TX	\$5,937,000	The President	Brady (TX)
Corps of Engineers	O&M	SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	\$1,062,000	The President	
Corps of Engineers	O&M	SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL)	\$2,945,000	The President	Pelosi
Corps of Engineers	O&M	SAN FRANCISCO HARBOR, CA	\$3,237,000	The President	Pelosi
Corps of Engineers	O&M	SAN JOAQUIN RIVER, PORT OF STOCKTON, CA	\$3,377,000	The President	Cardoza; McNerney
Corps of Engineers	O&M	SAN JUAN HARBOR, PR	\$1,140,000	The President	Pierluisi
Corps of Engineers	O&M	SAN PABLO BAY AND MARE ISLAND STRAIT, CA	\$2,518,000	The President	McNerney
Corps of Engineers	O&M	SANDUSKY HARBOR, OH	\$1,392,000	The President	Kaptur
Corps of Engineers	O&M	SANTA ANA RIVER BASIN, CA	\$2,940,000	The President	
Corps of Engineers	O&M	SANTA BARBARA HARBOR, CA	\$1,606,000	The President	Capps
Corps of Engineers	O&M	SANTA ROSA DAM AND LAKE, NM	\$1,044,000	The President	Teague
Corps of Engineers	O&M	SARDIS LAKE, OK	\$1,192,000	The President	
Corps of Engineers	O&M	SAVANNAH HARBOR, GA	\$13,482,000	The President	
Corps of Engineers	O&M	SAVANNAH RIVER BELOW AUGUSTA, GA	\$401,000	The President	Isakson
Corps of Engineers	O&M	SAYLORVILLE LAKE, IA	\$4,615,000	The President	
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, AZ	\$31,000	The President	
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, CA	\$1,820,000	The President	
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, CO	\$582,000	The President	Salazar

Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, FL		\$30,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, ID		\$460,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, KS		\$100,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, MD		\$103,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, MO		\$311,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, MT		\$138,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, ND		\$131,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, NM		\$453,000	The President	Lujan; Teague	
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, OK		\$855,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, OR		\$69,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, PA		\$59,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, SD		\$81,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, TX		\$142,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, UT		\$564,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, WA		\$510,000	The President		
Corps of Engineers	O&M	SCHEDULING RESERVOIR OPERATIONS, WY		\$112,000	The President		
Corps of Engineers	O&M	SCHUYLKILL RIVER, PA		\$190,000	The President		
Corps of Engineers	O&M	SEATTLE HARBOR, WA		\$163,000	The President		
Corps of Engineers	O&M	SEBEWAING RIVER, MI		\$1,140,000	The President		
Corps of Engineers	O&M	SHARK RIVER, NJ		\$380,000	The President	Pallone	
Corps of Engineers	O&M	SHEWAGO RIVER LAKE, PA		\$6,645,000	The President		
Corps of Engineers	O&M	SHINNECOCK INLET, NY		\$100,000	The President		
Corps of Engineers	O&M	SHOAL HARBOR AND COMPTON CREEK, NJ		\$80,000	The President	Pallone	
Corps of Engineers	O&M	SILVER LAKE HARBOR, NC		\$238,000	The President		
Corps of Engineers	O&M	SISLAW RIVER, OR		\$647,000	The President	DeFazio	
Corps of Engineers	O&M	SKIATOOK LAKE, OK		\$1,344,000	The President		
Corps of Engineers	O&M	SKIPANON CHANNEL, OR		\$6,000	The President		
Corps of Engineers	O&M	SMITHVILLE LAKE, MO		\$1,758,000	The President		
Corps of Engineers	O&M	SOMERVILLE LAKE, TX		\$3,199,000	The President		
Corps of Engineers	O&M	SOURIS RIVER, ND		\$272,000	The President		
Corps of Engineers	O&M	SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY		\$767,000	The President		
Corps of Engineers	O&M	ST. CLAIR RIVER, MI		\$507,000	The President		
Corps of Engineers	O&M	ST. JOSEPH HARBOR, MI		\$718,000	The President	Upton	



**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	O&M	ST. LUCIE INLET, FL	\$333,000	The President	Rooney	
Corps of Engineers	O&M	ST. MARYS RIVER, MI	\$21,867,000	The President		
Corps of Engineers	O&M	STAMFORD HURRICANE BARRIER, CT	\$412,000	The President		
Corps of Engineers	O&M	STILLAGUAMISH RIVER, WA	\$157,000	The President		
Corps of Engineers	O&M	STILLHOUSE HOLLOW DAM, TX	\$1,992,000	The President		
Corps of Engineers	O&M	STILLWATER LAKE, PA	\$430,000	The President		
Corps of Engineers	O&M	STOCKTON LAKE, MO	\$4,153,000	The President		
Corps of Engineers	O&M	STONEWALL JACKSON LAKE, WV	\$1,091,000	The President		
Corps of Engineers	O&M	STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	\$550,000	The President	Kagen	
Corps of Engineers	O&M	SUCCESS LAKE, CA	\$1,890,000	The President		
Corps of Engineers	O&M	SUISUN BAY CHANNEL, CA	\$3,819,000	The President	McNerney; Tauscher	
Corps of Engineers	O&M	SUMMERSVILLE LAKE, WV	\$3,073,000	The President		
Corps of Engineers	O&M	SURRY MOUNTAIN LAKE, NH	\$722,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	\$651,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	\$120,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	\$2,482,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	\$341,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ND	\$35,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	\$550,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	\$222,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	\$9,883,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	\$98,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	\$50,000	The President		
Corps of Engineers	O&M	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	\$369,000	The President		
Corps of Engineers	O&M	SUTTON LAKE, WV	\$2,293,000	The President		
Corps of Engineers	O&M	TABLE ROCK LAKE, MO & AR	\$7,175,000	The President		
Corps of Engineers	O&M	TACOMA, PUYALLUP RIVER, WA	\$124,000	The President		
Corps of Engineers	O&M	TAMPA HARBOR, FL	\$5,341,000	The President	Bilirakis; Castor (FL); Putnam	
Corps of Engineers	O&M	TAYLORSVILLE LAKE, KY	\$1,049,000	The President		

Corps of Engineers	O&M	TENKILLER FERRY LAKE, OK	\$6,296,000	The President	Boren	
Corps of Engineers	O&M	TENNESSEE RIVER, TN	\$15,997,000	The President		
Corps of Engineers	O&M	TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION, AL & MS	\$2,500,000	The President	Childers; Davis (AL)	Cochran; Wicker
Corps of Engineers	O&M	TENNESSEE-TOMBIGBEE WATERWAY, AL & MS	\$24,081,000	The President	Childers; Davis (AL)	Cochran; Wicker
Corps of Engineers	O&M	TERMINUS DAM, LAKE KAWAHA, CA	\$1,936,000	The President		
Corps of Engineers	O&M	TEXAS CITY SHIP CHANNEL, TX	\$3,801,000	The President	Edwards (TX); Paul	
Corps of Engineers	O&M	TEXAS WATER ALLOCATION ASSESSMENT, TX	\$1,000,000	The President		Hutchison; Cornyn
Corps of Engineers	O&M	THE DALLES LOCK & DAM, WA & OR	\$8,333,000	The President		
Corps of Engineers	O&M	THOMASTON DAM, CT	\$1,080,000	The President		
Corps of Engineers	O&M	TILLAMOOK BAY AND BAR, OR	\$48,000	The President	Schrader	
Corps of Engineers	O&M	TIOGA HAMMOND LAKES, PA	\$2,334,000	The President		
Corps of Engineers	O&M	TIONESTA LAKE, PA	\$1,722,000	The President		
Corps of Engineers	O&M	TOLEDO HARBOR, OH	\$5,253,000	The President	Kaptur	Voinovich
Corps of Engineers	O&M	TOM JENKINS DAM, OH	\$850,000	The President		
Corps of Engineers	O&M	TORONTO LAKE, KS	\$3,347,000	The President		
Corps of Engineers	O&M	TOWN BLUFF DAM, B. A. STEINHAGEN LAKE, TX	\$2,381,000	The President		
Corps of Engineers	O&M	TOWNSHEND LAKE, VT	\$774,000	The President		
Corps of Engineers	O&M	TRINIDAD LAKE, CO	\$912,000	The President	Salazar	
Corps of Engineers	O&M	TULLY LAKE, MA	\$633,000	The President		
Corps of Engineers	O&M	TUTTLE CREEK LAKE, KS	\$1,960,000	The President		
Corps of Engineers	O&M	TWO HARBORS, MN	\$333,000	The President		
Corps of Engineers	O&M	TWO RIVERS DAM, NM	\$384,000	The President	Teague	
Corps of Engineers	O&M	TYGART LAKE, WV	\$1,405,000	The President		
Corps of Engineers	O&M	UMPOUA RIVER, OR	\$1,116,000	The President	DeFazio	
Corps of Engineers	O&M	UNION CITY LAKE, PA	\$418,000	The President		
Corps of Engineers	O&M	UNION LAKE, MO	\$6,000	The President		
Corps of Engineers	O&M	UNION VILLAGE DAM, VT	\$596,000	The President		
Corps of Engineers	O&M	UPPER RIO GRANDE WATER OPERATIONS MODEL STUDY, CO, NM, TX	\$2,053,000	The President	Heinrich; Lujan; Teague	
Corps of Engineers	O&M	VENTURA HARBOR, CA	\$6,107,000	The President	Capps	
Corps of Engineers	O&M	W. KERR SCOTT DAM AND RESERVOIR, NC	\$3,251,000	The President		
Corps of Engineers	O&M	WACO LAKE, TX	\$3,711,000	The President	Edwards (TX)	
Corps of Engineers	O&M	WALLACE LAKE, LA	\$232,000	The President		

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Corps of Engineers	O&M	WALLISVILLE LAKE, TX	\$2,009,000	The President		
Corps of Engineers	O&M	WALTER F. GEORGE LOCK AND DAM, AL & GA	\$8,526,000	The President		
Corps of Engineers	O&M	WASHINGTON HARBOR, DC	\$25,000	The President		
Corps of Engineers	O&M	WATER/ENVIRONMENTAL CERTIFICATION, AL	\$76,000	The President		
Corps of Engineers	O&M	WATER/ENVIRONMENTAL CERTIFICATION, FL	\$361,000	The President		
Corps of Engineers	O&M	WATER/ENVIRONMENTAL CERTIFICATION, MS	\$66,000	The President		
Corps of Engineers	O&M	WATER/ENVIRONMENTAL CERTIFICATION, VA	\$99,000	The President		
Corps of Engineers	O&M	WATERWAY FROM EMPIRE TO THE GULF, LA	\$47,000	The President		
Corps of Engineers	O&M	WATERWAY FROM INTRACOASTAL WATERWAY TO BAYOU DULAC, LA	\$48,000	The President		
Corps of Engineers	O&M	WATERWAY ON THE COAST OF VIRGINIA, VA	\$191,000	The President		
Corps of Engineers	O&M	WAUKEGAN HARBOR, IL	\$468,000	The President		
Corps of Engineers	O&M	WAURIKA LAKE, OK	\$1,360,000	The President		
Corps of Engineers	O&M	WEBBERS FALLS LOCK & DAM, OK	\$5,610,000	The President		
Corps of Engineers	O&M	WEST FORK OF MILL CREEK LAKE, OH	\$708,000	The President		
Corps of Engineers	O&M	WEST HILL DAM, MA	\$544,000	The President		
Corps of Engineers	O&M	WEST POINT DAM AND LAKE, GA & AL	\$9,115,000	The President		
Corps of Engineers	O&M	WEST THOMPSON LAKE, CT	\$541,000	The President		
Corps of Engineers	O&M	WESTCHESTER CREEK, NY	\$100,000	The President	Crowley	
Corps of Engineers	O&M	WESTVILLE LAKE, MA	\$745,000	The President		
Corps of Engineers	O&M	WHITE RIVER, AR	\$40,000	The President	Berry	
Corps of Engineers	O&M	WHITLOW RANCH DAM, AZ	\$285,000	The President		
Corps of Engineers	O&M	WHITNEY LAKE, TX	\$8,891,000	The President	Edwards (TX)	
Corps of Engineers	O&M	WHITNEY POINT LAKE, NY	\$651,000	The President		
Corps of Engineers	O&M	WICOMICO RIVER, MD	\$1,593,000	The President		
Corps of Engineers	O&M	WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	\$918,000	The President	Schrader	Wyden; Merkley
Corps of Engineers	O&M	WILLAMETTE RIVER BANK PROTECTION, OR	\$41,000	The President		
Corps of Engineers	O&M	WILLAPA RIVER AND HARBOR, WA	\$40,000	The President		
Corps of Engineers	O&M	WILLIAM H. HARSHA LAKE, OH	\$978,000	The President		
Corps of Engineers	O&M	WILLOW CREEK LAKE, OR	\$598,000	The President		

Corps of Engineers	O&M	WILMINGTON HARBOR, DE	\$1,445,000	The President	Castle	Carper, Kaufman
Corps of Engineers	O&M	WILMINGTON HARBOR, NC	\$11,551,000	The President	McIntyre	
Corps of Engineers	O&M	WILSON LAKE, KS	\$1,772,000	The President		
Corps of Engineers	O&M	WISTER LAKE, OK	\$813,000	The President		
Corps of Engineers	O&M	WOLF CREEK DAM, LAKE CUMBERLAND, KY	\$8,500,000	The President	Rogers (KY)	Bunning
Corps of Engineers	O&M	WOLF RIVER HARBOR, TN	\$354,000	The President		
Corps of Engineers	O&M	WOODCOCK CREEK LAKE, PA	\$989,000	The President		
Corps of Engineers	O&M	WOONSOCKET, RI	\$190,000	The President	Kennedy	
Corps of Engineers	O&M	WRIGHT PATMAN DAM AND LAKE, TX	\$3,342,000	The President		
Corps of Engineers	O&M	YAGUINA BAY AND HARBOR, OR	\$1,701,000	The President	Schrader	
Corps of Engineers	O&M	YATESVILLE LAKE, KY	\$1,086,000	The President		
Corps of Engineers	O&M	YAZOO RIVER, MS	\$100,000	The President		Cochran
Corps of Engineers	O&M	YELLOW BEND PORT, AR	\$100,000	The President	Ross	Pryor; Lincoln
Corps of Engineers	O&M	YORK INDIAN ROCK DAM, PA	\$454,000	The President		
Corps of Engineers	O&M	YOUGHIOGHENY RIVER LAKE, PA & MD	\$2,219,000	The President		
Corps of Engineers	O&M	YUBA RIVER, CA	\$139,000	The President		
Bureau of Reclamation	Water and Related Resources	AK CHIN INDIAN WATER RIGHTS SETTLEMENT ACT PROJECT	\$10,178,000	The President		
Bureau of Reclamation	Water and Related Resources	ANIMAS-LA PLATA PROJECT	\$49,608,000	The President		
Bureau of Reclamation	Water and Related Resources	ARBUCKLE PROJECT	\$224,000	The President		
Bureau of Reclamation	Water and Related Resources	ARIZONA WATER SETTLEMENT ACT	\$1,328,000	The President		
Bureau of Reclamation	Water and Related Resources	BALMORHEA PROJECT	\$55,000	The President		
Bureau of Reclamation	Water and Related Resources	BOISE AREA PROJECTS	\$5,150,000	The President		
Bureau of Reclamation	Water and Related Resources	CACHUMA PROJECT	\$1,598,000	The President	Capps	
Bureau of Reclamation	Water and Related Resources	CALIFORNIA INVESTIGATIONS PROGRAM	\$474,000	The President		
Bureau of Reclamation	Water and Related Resources	CANADIAN RIVER PROJECT	\$208,000	The President		
Bureau of Reclamation	Water and Related Resources	CARLSBAD PROJECT	\$3,541,000	The President		
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: AMERICAN RIVER DIVISION	\$9,175,000	The President		

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administration	House Senate
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: AUBURN-FOLSOM SOUTH UNIT	\$1,578,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: DELTA DIVISION	\$19,419,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: EAST SIDE DIVISION	\$4,230,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: FRIANT DIVISION	\$6,352,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: MISCELLANEOUS PROJECT PROGRAMS	\$11,201,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: REPLACEMENTS, ADDITIONS, & EXTRAORDINARY MAINT. PROG.	\$24,004,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: SACRAMENTO RIVER DIVISION	\$15,795,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: SAN FELIPE DIVISION	\$1,566,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: SAN JOAQUIN DIVISION	\$5,300,000	The President	Feinstein
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: SHASTA DIVISION	\$7,731,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: TRINITY RIVER DIVISION	\$9,993,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: WATER AND POWER OPERATIONS	\$8,899,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	\$8,150,000	The President	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: YIELD FEASIBILITY INVESTIGATION	\$427,000	The President	
Bureau of Reclamation	Water and Related Resources	COLLBRAN PROJECT	\$3,728,000	The President	
Bureau of Reclamation	Water and Related Resources	COLORADO INVESTIGATIONS PROGRAM	\$285,000	The President	
Bureau of Reclamation	Water and Related Resources	COLORADO RIVER BASIN, CENTRAL ARIZONA PROJECT	\$17,417,000	The President	
Bureau of Reclamation	Water and Related Resources	COLORADO RIVER FRONT WORK AND LEVEE SYSTEM	\$2,229,000	The President	
Bureau of Reclamation	Water and Related Resources	COLORADO-BIG THOMPSON PROJECT	\$13,246,000	The President	

Bureau of Reclamation	Water and Related Resources	COLUMBIA AND SNAKE RIVER FCRPS ESA IMP.	\$16,980,000	The President			
Bureau of Reclamation	Water and Related Resources	COLUMBIA BASIN PROJECT	\$15,733,000	The President	Hastings (WA)		
Bureau of Reclamation	Water and Related Resources	CROOKED RIVER PROJECT	\$801,000	The President			
Bureau of Reclamation	Water and Related Resources	DESCHUTES PROJECT	\$692,000	The President	Walden	Wyden; Merkley	
Bureau of Reclamation	Water and Related Resources	EASTERN NEW MEXICO INVESTIGATIONS PROGRAMS	\$47,000	The President			
Bureau of Reclamation	Water and Related Resources	EASTERN OREGON PROJECTS	\$805,000	The President			
Bureau of Reclamation	Water and Related Resources	FORT PECK RESERVATION/DRY PRAIRIE RURAL WATER SYSTEM	\$8,000,000	The President	Rehberg	Tester; Baucus	
Bureau of Reclamation	Water and Related Resources	FRUITGROWERS DAM PROJECT	\$247,000	The President			
Bureau of Reclamation	Water and Related Resources	FRYINGPAN-ARKANSAS PROJECT	\$8,303,000	The President			
Bureau of Reclamation	Water and Related Resources	FRYINGPAN-ARKANSAS PROJECT: LAKE PUEBLO STATE PARK	\$54,000	The President	Salazar		
Bureau of Reclamation	Water and Related Resources	GRAND VALLEY UNIT, CRBSCP, TITLE II	\$1,417,000	The President			
Bureau of Reclamation	Water and Related Resources	HALFWAY WASH PROJECT STUDY	\$119,000	The President			
Bureau of Reclamation	Water and Related Resources	HUNGRY HORSE PROJECT	\$1,791,000	The President			
Bureau of Reclamation	Water and Related Resources	HUNTLEY PROJECT	\$83,000	The President			
Bureau of Reclamation	Water and Related Resources	HYRUM PROJECT	\$188,000	The President			
Bureau of Reclamation	Water and Related Resources	IDAHO INVESTIGATIONS PROGRAM	\$285,000	The President			
Bureau of Reclamation	Water and Related Resources	JICARILLA APACHE RESERVATION RURAL WATER SYSTEM	\$3,000,000	The President	Lujan	Bingaman; T. Udall	
Bureau of Reclamation	Water and Related Resources	KANSAS INVESTIGATIONS PROGRAM	\$24,000	The President			
Bureau of Reclamation	Water and Related Resources	KENDRICK PROJECT	\$3,127,000	The President			
Bureau of Reclamation	Water and Related Resources	KLAMATH DAM REMOVAL STUDY	\$1,897,000	The President			
Bureau of Reclamation	Water and Related Resources	KLAMATH PROJECT	\$23,767,000	The President			
Bureau of Reclamation	Water and Related Resources	LAHONTAN BASIN PROJECT	\$6,931,000	The President			

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Bureau of Reclamation	Water and Related Resources	LAKE MEAD/LAS VEGAS WASH PROGRAM	\$2,300,000	The President	Berkley; Titus	Reid; Ensign
Bureau of Reclamation	Water and Related Resources	LAKE TAHOE REGIONAL DEVELOPMENT PROGRAM	\$2,500,000	The President		Reid; Feinstein
Bureau of Reclamation	Water and Related Resources	LEADVILLE/ ARKANSAS RIVER RECOVERY PROJECT	\$2,847,000	The President		
Bureau of Reclamation	Water and Related Resources	LEWIS AND CLARK RURAL WATER SYSTEM	\$10,000,000	The President	Herseth Sandlin; King (IA); Walz	Harkin; Johnson; Grassley; Klobuchar; Thune
Bureau of Reclamation	Water and Related Resources	LEWISTON ORCHARDS PROJECT	\$1,200,000	The President		
Bureau of Reclamation	Water and Related Resources	LONG BEACH AREA WATER RECLAMATION PROJECT	\$634,000	The President		
Bureau of Reclamation	Water and Related Resources	LONG BEACH DESALINATION RESEARCH AND DEVELOPMENT PROJECT	\$670,000	The President	Richardson; Rohrabacher	
Bureau of Reclamation	Water and Related Resources	LOWER COLORADO RIVER INVESTIGATIONS PROGRAM	\$237,000	The President		
Bureau of Reclamation	Water and Related Resources	LOWER RIO GRANDE WATER RESOURCES CONSERVATION PROGRAM	\$2,000,000	The President	Hinojosa; Reyes	Hutchison
Bureau of Reclamation	Water and Related Resources	LOWER YELLOWSTONE PROJECT	\$519,000	The President		
Bureau of Reclamation	Water and Related Resources	MANCOS PROJECT	\$170,000	The President		
Bureau of Reclamation	Water and Related Resources	MCGEE CREEK PROJECT	\$638,000	The President		
Bureau of Reclamation	Water and Related Resources	MID-DAKOTA RURAL WATER PROJECT	\$14,000	The President		
Bureau of Reclamation	Water and Related Resources	MIDDLE RIO GRANDE PROJECT	\$22,684,000	The President		
Bureau of Reclamation	Water and Related Resources	MILK RIVER PROJECT	\$1,725,000	The President		
Bureau of Reclamation	Water and Related Resources	MILK RIVER/ST. MARY DIVERSION REHABILITATION	\$3,500,000	The President	Rehberg	Tester
Bureau of Reclamation	Water and Related Resources	MINIDOKA AREA PROJECTS	\$6,851,000	The President		
Bureau of Reclamation	Water and Related Resources	MIRAGE FLATS PROJECT	\$130,000	The President		
Bureau of Reclamation	Water and Related Resources	MNI WICONI PROJECT	\$32,200,000	The President	Herseth Sandlin	Johnson; Thune



Bureau of Reclamation	Water and Related Resources	MONTANA INVESTIGATIONS PROGRAM	\$133,000	The President		
Bureau of Reclamation	Water and Related Resources	MOON LAKE PROJECT	\$77,000	The President		
Bureau of Reclamation	Water and Related Resources	MOUNTAIN PARK PROJECT	\$504,000	The President		
Bureau of Reclamation	Water and Related Resources	NAVAJO NATION INVESTIGATIONS PROGRAM	\$190,000	The President		
Bureau of Reclamation	Water and Related Resources	NEWTON PROJECT	\$94,000	The President		
Bureau of Reclamation	Water and Related Resources	NORMAN PROJECT	\$458,000	The President		
Bureau of Reclamation	Water and Related Resources	NORTH PLATTE PROJECT	\$1,549,000	The President		
Bureau of Reclamation	Water and Related Resources	NORTHERN ARIZONA INVESTIGATIONS PROGRAM	\$332,000	The President		
Bureau of Reclamation	Water and Related Resources	NORTHERN UTAH INVESTIGATIONS PROGRAM	\$700,000	The President		Bennett
Bureau of Reclamation	Water and Related Resources	NUJES RIVER PROJECT	\$711,000	The President		
Bureau of Reclamation	Water and Related Resources	OGDEN RIVER PROJECT	\$372,000	The President		
Bureau of Reclamation	Water and Related Resources	OKLAHOMA INVESTIGATIONS PROGRAM	\$142,000	The President		
Bureau of Reclamation	Water and Related Resources	OREGON INVESTIGATIONS PROGRAM	\$400,000	The President		
Bureau of Reclamation	Water and Related Resources	ORLAND PROJECT	\$675,000	The President		
Bureau of Reclamation	Water and Related Resources	PARADOX VALLEY UNIT, CRBSCP, TITLE II	\$2,251,000	The President		
Bureau of Reclamation	Water and Related Resources	PECOS RIVER BASIN WATER SALVAGE PROJECT	\$201,000	The President		
Bureau of Reclamation	Water and Related Resources	PERKINS COUNTY RURAL WATER SYSTEM	\$1,000,000	The President	Herseht Sandlin	
Bureau of Reclamation	Water and Related Resources	PICK-SLOAN MISSOURI BASIN PROGRAM—GARRISON DIVISION UNIT	\$70,000,000	The President	Pomeroy	Dorgan; Conrad
Bureau of Reclamation	Water and Related Resources	PINE RIVER PROJECT	\$330,000	The President		
Bureau of Reclamation	Water and Related Resources	PROVO RIVER PROJECT	\$1,366,000	The President		
Bureau of Reclamation	Water and Related Resources	RAPID VALLEY/DEERFIELD PROJECT	\$76,000	The President		
Bureau of Reclamation	Water and Related Resources	RIO GRANDE PROJECT	\$4,791,000	The President		

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Bureau of Reclamation	Water and Related Resources	ROCKY BOYS/NORTH CENTRAL MONTANA RURAL WATER SYSTEM	\$9,000,000	The President	Rehberg	Tester; Baucus
Bureau of Reclamation	Water and Related Resources	ROGUE RIVER BASIN PROJECT, TALENT DIVISION	\$1,183,000	The President		
Bureau of Reclamation	Water and Related Resources	SALT RIVER PROJECT	\$618,000	The President		
Bureau of Reclamation	Water and Related Resources	SALTON SEA RESEARCH PROJECT	\$379,000	The President		
Bureau of Reclamation	Water and Related Resources	SAN ANGELO PROJECT	\$418,000	The President		
Bureau of Reclamation	Water and Related Resources	SAN CARLOS APACHE TRIBE WATER SETTLEMENT ACT	\$308,000	The President		
Bureau of Reclamation	Water and Related Resources	SAN DIEGO AREA WATER RECLAMATION PROGRAM	\$2,000,000	The President		
Bureau of Reclamation	Water and Related Resources	SAN GABRIEL BASIN PROJECT	\$89,000	The President		
Bureau of Reclamation	Water and Related Resources	SAN JOSE AREA WATER RECLAMATION/REUSE PROGRAM—TITLE XVI	\$200,000	The President	Honda; Lofgren, Zoe	
Bureau of Reclamation	Water and Related Resources	SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	\$142,000	The President		
Bureau of Reclamation	Water and Related Resources	SAN LUIS VALLEY PROJECT	\$5,200,000	The President		
Bureau of Reclamation	Water and Related Resources	SAN LUIS VALLEY PROJECT: CONEJOS, CO	\$600,000	The President	Salazar	
Bureau of Reclamation	Water and Related Resources	SAVAGE RAPIDS DAM REMOVAL	\$1,100,000	The President	DeFazio; Walden	
Bureau of Reclamation	Water and Related Resources	SCOFIELD PROJECT	\$178,000	The President		
Bureau of Reclamation	Water and Related Resources	SHOSHONE PROJECT	\$1,109,000	The President		
Bureau of Reclamation	Water and Related Resources	SOBOBA WATER RIGHTS SETTLEMENT PROJECT	\$6,000,000	The President		
Bureau of Reclamation	Water and Related Resources	SOLANO PROJECT	\$3,927,000	The President		
Bureau of Reclamation	Water and Related Resources	SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM	\$1,000,000	The President		
Bureau of Reclamation	Water and Related Resources	SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM: CENTRAL ARIZONA SALINITY STUDY	\$80,000	The President	Pastor (AZ)	

Bureau of Reclamation	Water and Related Resources	SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJECT	\$1,616,000	The President		
Bureau of Reclamation	Water and Related Resources	SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	\$493,000	The President		
Bureau of Reclamation	Water and Related Resources	SOUTHERN NEVADA/UTAH INVESTIGATIONS PROGRAM	\$24,000	The President		
Bureau of Reclamation	Water and Related Resources	SOUTHERN NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM	\$142,000	The President		
Bureau of Reclamation	Water and Related Resources	SOUTHERN UTAH INVESTIGATIONS PROGRAM	\$213,000	The President		
Bureau of Reclamation	Water and Related Resources	STRAWBERRY VALLEY PROJECT	\$255,000	The President		
Bureau of Reclamation	Water and Related Resources	SUN RIVER PROJECT	\$362,000	The President		
Bureau of Reclamation	Water and Related Resources	TEXAS INVESTIGATIONS PROGRAM	\$43,000	The President		
Bureau of Reclamation	Water and Related Resources	TUALATIN PROJECT	\$325,000	The President		
Bureau of Reclamation	Water and Related Resources	TUCUMCARI PROJECT	\$39,000	The President		
Bureau of Reclamation	Water and Related Resources	UMATILLA PROJECT	\$4,128,000	The President		
Bureau of Reclamation	Water and Related Resources	UNCOMPAHGRE PROJECT	\$351,000	The President		
Bureau of Reclamation	Water and Related Resources	UPPER RIO GRANDE BASIN INVESTIGATIONS	\$71,000	The President		
Bureau of Reclamation	Water and Related Resources	VENTURA RIVER PROJECT	\$564,000	The President		
Bureau of Reclamation	Water and Related Resources	W.C. AUSTIN PROJECT	\$439,000	The President		
Bureau of Reclamation	Water and Related Resources	WASHINGTON AREA PROJECTS	\$197,000	The President		
Bureau of Reclamation	Water and Related Resources	WASHINGTON INVESTIGATIONS PROGRAM	\$142,000	The President	Hastings (WA)	
Bureau of Reclamation	Water and Related Resources	WASHITA BASIN PROJECT	\$1,013,000	The President		
Bureau of Reclamation	Water and Related Resources	WEBER BASIN PROJECT	\$2,492,000	The President		
Bureau of Reclamation	Water and Related Resources	WEBER RIVER PROJECT	\$152,000	The President		
Bureau of Reclamation	Water and Related Resources	WICHITA PROJECT-CHENEY DIVISION	\$389,000	The President		
Bureau of Reclamation	Water and Related Resources	WICHITA PROJECT-EQUUS BEDS DIVISION	\$1,500,000	The President	Tiaht	Roberts; Brownback

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				Administration	House	Senate
Bureau of Reclamation	Water and Related Resources	YAKIMA PROJECT	\$8,145,000	The President	Hastings (WA)	
Bureau of Reclamation	Water and Related Resources	YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	\$9,700,000	The President	Hastings (WA)	
Bureau of Reclamation	Water and Related Resources	YUMA AREA PROJECTS	\$23,508,000	The President		
Bureau of Reclamation	California Bay-Delta Restoration	CALFED	\$40,000,000	The President		Feinstein

**ENERGY AND WATER DEVELOPMENT**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)		
				House	House	Senate
Corps of Engineers	Investigations	ABILENE, TX (BRAZOS RIVER BASIN-ELM CREEK)	\$175,000	Neugebauer	Cornyn	
Corps of Engineers	Investigations	AMAZON CREEK, OR	\$134,000	DeFazio	Wyden, Merkley	
Corps of Engineers	Investigations	ANACOSTIA RIVER AND TRIBUTARIES, MD & DC (COMPREHENSIVE PLAN)	\$288,000	Edwards (MD); Hoyer; Van Hollen	Mikulski, Cardin	
Corps of Engineers	Investigations	ARKANSAS RIVER CORRIDOR, OK	\$90,000	Sullivan	Inhofe	
Corps of Engineers	Investigations	ARROYO SECO WATERSHED, CA	\$224,000	Becerra; Dreier; Roybal-Allard; Schiff		
Corps of Engineers	Investigations	BALLONA CREEK RESTORATION, CA	\$224,000	Harman; Roybal-Allard		
Corps of Engineers	Investigations	BARBERS POINT HARBOR MODIFICATIONS, OAHU, HI	\$13,000		Inouye	
Corps of Engineers	Investigations	BLOOMSBURG, PA	\$90,000	Kanjorski	Specter, Casey	
Corps of Engineers	Investigations	BOGUE BANKS, NC	\$24,000		Burr, Hagen	
Corps of Engineers	Investigations	BOLINAS LAGOON ECOSYSTEM RESTORATION, CA	\$90,000	Woolsey		
Corps of Engineers	Investigations	BOSSIER PARISH, LA	\$278,000	Fleming	Landrieu, Vitter	
Corps of Engineers	Investigations	BOULDER CREEK, CO (SOUTH BOULDER CREEK FLOODPLAIN PROJECT)	\$74,000		Bennet	
Corps of Engineers	Investigations	BRONX RIVER BASIN, NY	\$269,000	Crowley; Lowey; Serrano; Sires	Schumer	
Corps of Engineers	Investigations	BRUSH CREEK BASIN, KS & MO	\$217,000	Cleaver; Moore (KS)	Bond, Brownback, Roberts	
Corps of Engineers	Investigations	BUFFALO BAYOU AND TRIBUTARIES, MAIN STEM, TX	\$90,000	Culberson		
Corps of Engineers	Investigations	BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	\$90,000	Culberson		
Corps of Engineers	Investigations	CACHE LA POUDE RIVER BASIN, GREELEY, CO	\$45,000		M. Udall	
Corps of Engineers	Investigations	CALCASIEU RIVER AND PASS NAVIGATION, LA	\$269,000	Boustany	Landrieu, Vitter	

Corps of Engineers	Investigations	CALCASIEU RIVER BASIN, LA	\$90,000	Boustany	Landrieu, Vitter
Corps of Engineers	Investigations	CARPINTERIA SHORELINE STUDY, CA	\$202,000	Capps	
Corps of Engineers	Investigations	CENTRAL VALLEY INTEGRATED FLOOD MANAGEMENT STUDY, CA	\$314,000	McNerney	Feinstein
Corps of Engineers	Investigations	CENTRALIA, CHEHALIS RIVER, LEWIS COUNTY, WA	\$672,000	Baird; Dicks	Murray
Corps of Engineers	Investigations	CHARLESTON HARBOR, SC	\$90,000	Brown (SC)	Graham
Corps of Engineers	Investigations	CHEHALIS RIVER BASIN, WA	\$672,000	Baird; Dicks	Murray
Corps of Engineers	Investigations	CHERRY RIVER BASIN, WV	\$538,000		Byrd
Corps of Engineers	Investigations	CHESAPEAKE BAY SHORELINE EROSION, MARYLAND COAST - AL MANAGEMENT, MD	\$90,000	Kratovil	Cardin
Corps of Engineers	Investigations	CHESAPEAKE BAY SUSQUEHANNA RESERVOIR SEDIMENT MANAGEMENT, PA, MD & VA	\$90,000		Mikulski, Cardin
Corps of Engineers	Investigations	CHOWAN RIVER BASIN, VA & NC	\$130,000	Forbes	Webb, Warner
Corps of Engineers	Investigations	CLINCH RIVER WATERSHED, VA	\$90,000	Boucher	Webb, Warner
Corps of Engineers	Investigations	CONNECTICUT RIVER ECOSYSTEM RESTORATION, CT, MA, NH & VT	\$359,000	Courtney; Hodes; Murphy (CT)	Dodd, Lieberman, Kennedy, Kerry
Corps of Engineers	Investigations	COYOTE DAM, CA	\$90,000		Feinstein
Corps of Engineers	Investigations	CROSS LAKE, LA	\$90,000	Fleming	Landrieu, Vitter
Corps of Engineers	Investigations	CYPRESS VALLEY WATERSHED, TX	\$90,000	Gohmert	
Corps of Engineers	Investigations	DALLAS FLOODWAY, DALLAS, TX	\$1,345,000	Edwards (TX); Johnson, Eddie Bernice	Hutchison, Cornyn
Corps of Engineers	Investigations	DELAWARE RIVER BASIN, PINE KNOT, PA	\$90,000		Specter
Corps of Engineers	Investigations	DELAWARE RIVER DREDGED MATERIAL UTILIZATION, PA, DE & NJ	\$90,000	Smith (NJ)	Lautenberg, Specter, Kaufman, Menendez
Corps of Engineers	Investigations	DELAWARE RIVER WATERFRONT, PA	\$90,000	Schwartz	
Corps of Engineers	Investigations	DESERT HOT SPRINGS, CA	\$100,000	Lewis (CA)	
Corps of Engineers	Investigations	DISMAL SWAMP & DISMAL SWAMP CANAL, VA	\$70,000	Forbes	Webb, Warner
Corps of Engineers	Investigations	ELLIOTT BAY SEAWALL, WA	\$462,000	Dicks; Larsen (WA); McDermott	Murray, Cantwell
Corps of Engineers	Investigations	ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM	\$224,000	Lujan	
Corps of Engineers	Investigations	ESTUILLLO CANAL, CA	\$112,000	Stark	
Corps of Engineers	Investigations	FLAGLER COUNTY, FL	\$209,000	Mica	Bill Nelson, Martinez
Corps of Engineers	Investigations	FORGE RIVER WATERSHED, NY	\$117,000	Bishop (NY)	
Corps of Engineers	Investigations	FOUR MILE RUN, VA	\$112,000	Moran (VA)	Webb, Warner
Corps of Engineers	Investigations	GATHRIGHT DAM AND LAKE MOOMAW, VA	\$233,000	Goodlatte	Webb, Warner
Corps of Engineers	Investigations	GRAND (NEOSHO) RIVER BASIN WATERSHED, OK, KS, MO & AR	\$90,000	Boren	Roberts
Corps of Engineers	Investigations	GRAND LAKE COMPREHENSIVE STUDY, OK	\$90,000	Boren	

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	Investigations	GRAYS HARBOR, WA	\$269,000	Dicks	
Corps of Engineers	Investigations	GRAYSON AND MURDERER'S CREEKS, CA	\$90,000	Tauscher	Feinstein
Corps of Engineers	Investigations	GREAT LAKES REMEDIAL ACTION PLANS & SEDIMENT REMEDIATION, MI, IL, IN, MN, NY, OH, PA & WI	\$3,407,000	Dahlkemper; Ehlers; Kaptur; Kucinich; Oberstar; Petri; Slaughter	Voinovich, Stabenow
Corps of Engineers	Investigations	GREENUP LOCKS AND DAM, KY & OH	\$448,000	Davis (KY); Wilson (OH)	
Corps of Engineers	Investigations	GREENWOOD LAKE, NY & NJ	\$90,000	Garrett (NJ)	
Corps of Engineers	Investigations	HARRIS RIVERFRONT, HUNTINGTON, WV	\$90,000	Rahall	
Corps of Engineers	Investigations	HASHAMOMUCK COVE, SOUTHOLD, NY	\$90,000	Bishop (NY)	
Corps of Engineers	Investigations	HOCKING RIVER BASIN, MONDAY CREEK, OH	\$56,000		Voinovich
Corps of Engineers	Investigations	HOMER HARBOR NAVIGATION IMPROVEMENTS, AK	\$134,000		Murkowski, Begich
Corps of Engineers	Investigations	HUDSON-RARITAN ESTUARY, GOWANUS CANAL, NY	\$134,000	Sires, Velazquez	
Corps of Engineers	Investigations	HUMBOLDT BAY LONG TERM SHOAL MANAGEMENT, CA	\$90,000		Feinstein
Corps of Engineers	Investigations	HUMBOLDT, IA	\$121,000	Latham	Harkin, Grassley
Corps of Engineers	Investigations	JAMES RIVER, SD	\$150,000		Dorgan
Corps of Engineers	Investigations	KOTZEBUE SMALL BOAT HARBOR, AK	\$90,000		Murkowski, Begich
Corps of Engineers	Investigations	LAKE MONTAUK HARBOR, NY	\$269,000	Bishop (NY)	Schumer
Corps of Engineers	Investigations	LAKE WORTH INLET, FL	\$90,000		Martinez
Corps of Engineers	Investigations	LANSING GRAND RIVER WATERFRONT RESTORATION, MI	\$90,000		Levin, Stabenow
Corps of Engineers	Investigations	LITTLE COLORADO RIVER, WINSLOW, AZ	\$224,000	Kirkpatrick (AZ)	
Corps of Engineers	Investigations	LONG BEACH BREAKWATER STUDY, CA	\$90,000	Richardson	Feinstein
Corps of Engineers	Investigations	LOS ANGELES COUNTY DRAINAGE AREA (LAGDA) WATER CONSERVATION AND SUPPLY, WHITTIER NARROWS DAM, CA	\$134,000	Napolitano; Roybal-Allard; Schiff	
Corps of Engineers	Investigations	LOS ANGELES RIVER ECOSYSTEM RESTORATION, CA	\$717,000	Becerra; Berman; Harman; Roybal-Allard; Sherman; Watson	Boxer
Corps of Engineers	Investigations	LOS ANGELES RIVER WATERCOURSE IMPROVEMENT, HEADWORKS, CA	\$332,000	Roybal-Allard; Schiff	Boxer
Corps of Engineers	Investigations	LOWER CACHE CREEK, YOLO COUNTY, WOODLAND AND VICINITY, CA	\$117,000	Herger; Thompson (CA)	Feinstein, Boxer
Corps of Engineers	Investigations	LOWER MISSION CREEK, CA	\$99,000	Capps	Feinstein, Boxer
Corps of Engineers	Investigations	LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT, AR, IL, KY, LA, MS, MO, & TN	\$112,000		Pryor, Lincoln
Corps of Engineers	Investigations	LOWER SADDLE RIVER, NJ	\$327,000	Rothman (NJ)	Lautenberg, Menendez

Corps of Engineers	Investigations	MAALAEA HARBOR, MAUI, HI	\$181,000		Inouye
Corps of Engineers	Investigations	MALIBU CREEK WATERSHED, CA	\$90,000		Feinstein
Corps of Engineers	Investigations	MANHATTAN, KS	\$134,000		Roberts, Brownback
Corps of Engineers	Investigations	MAY BRANCH, FORT SMITH, AR	\$179,000	Boozman	Pryor, Lincoln
Corps of Engineers	Investigations	METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	\$103,000	Yarmuth	
Corps of Engineers	Investigations	MIAMI HARBOR CHANNEL, FL	\$475,000	Diaz-Balart, Lincoln; Diaz-Balart, Mario; Ros-Lehtinen; Wasserman Schultz	Bill Nelson, Martinez
Corps of Engineers	Investigations	MIDDLE BRAZOS RIVER, TX	\$224,000	Carter; Edwards (TX)	
Corps of Engineers	Investigations	MIDDLE CREEK, CA	\$99,000	Thompson (CA)	Feinstein
Corps of Engineers	Investigations	MIDDLE POTOMAC COMPREHENSIVE PLAN, MD, VA, PA, WV & DC	\$585,000	Connolly (VA); Moran (VA); Norton; Van Hollen	Cardin
Corps of Engineers	Investigations	MIDDLE POTOMAC RIVER—CAMERON RUN/HOLMES RUN, VA	\$291,000	Moran (VA)	
Corps of Engineers	Investigations	MIDDLE POTOMAC RIVER, GREAT SENECA/MUDDY BRANCH, MD	\$269,000	Edwards (MD); Van Hollen	Cardin
Corps of Engineers	Investigations	MILE POINT, FL	\$90,000	Brown, Corrine; Crenshaw	Bill Nelson, Martinez
Corps of Engineers	Investigations	MINNEHAHA CREEK WATERSHED, MN	\$305,000	Ellison	Klobuchar
Corps of Engineers	Investigations	MISSOURI RIVER LEVEE SYSTEM, UNITS L-455 & R 460-471, MO & KS	\$291,000	Graves	Bond, Roberts
Corps of Engineers	Investigations	MISSOURI RIVER, ND, MT, SD, NE, IA, KS & MO	\$4,483,000	Pomeroy	Dorgan, Conrad
Corps of Engineers	Investigations	MONTAUK POINT, NY	\$193,000	Bishop (NY)	Schumer
Corps of Engineers	Investigations	NEW JERSEY SHORE PROTECTION, HEREFORD INLET TO CAPE MAY INLET, NJ	\$90,000	LoBiondo	Lautenberg, Menendez
Corps of Engineers	Investigations	NEW JERSEY SHORELINE ALTERNATIVE LONG-TERM NOURISHMENT, NJ	\$90,000	LoBiondo; Smith (NJ)	Lautenberg, Menendez
Corps of Engineers	Investigations	NEW RIVER, CLAYTOR LAKE, VA	\$81,000	Boucher	Webb
Corps of Engineers	Investigations	NIAGARA RIVER WATERSHED, NY	\$90,000		Schumer, Gillibrand
Corps of Engineers	Investigations	NORTH CAROLINA INTERNATIONAL TERMINAL, NC	\$93,000	McIntyre	Hagan
Corps of Engineers	Investigations	NORTH SHORE OF LONG ISLAND, ASHAROKEN, NY	\$121,000	Israel	
Corps of Engineers	Investigations	NORTHERN KENTUCKY RIVERFRONT COMMONS, KY	\$112,000	Davis (KY)	
Corps of Engineers	Investigations	OHIO RIVER BASIN COMPREHENSIVE STUDY, WV, KY, OH, PA, IL, IN, VA, AL, TN, NY, MD, NC, MS & GA	\$1,793,000	Davis (KY)	Byrd
Corps of Engineers	Investigations	OHIO RIVER SHORELINE, PADUCAH, KY	\$39,000	Whitfield	
Corps of Engineers	Investigations	ONONDAGA LAKE, NY	\$197,000	Maffei	Schumer, Gillibrand
Corps of Engineers	Investigations	OOLOGAH LAKE WATERSHED, OK & KS	\$90,000	Boren	Inhofe
Corps of Engineers	Investigations	OTHER: TRIBAL PARTNERSHIP PROGRAM (NEW MEXICO)	\$179,000	Heinrich; Lujan; Teague	
Corps of Engineers	Investigations	PAJARO RIVER, CA	\$583,000	Farr; Honda	Feinstein, Boxer



**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	Investigations	PASSAIC RIVER MAIN STEM, NJ & NY	\$90,000		Lautenberg, Menendez
Corps of Engineers	Investigations	PASSAIC RIVER, HARRISON, NJ	\$90,000		Lautenberg, Menendez
Corps of Engineers	Investigations	PEARL RIVER WATERSHED, MS	\$100,000		Cochran, Wicker
Corps of Engineers	Investigations	PECKMAN RIVER AND TRIBUTARIES, NJ	\$314,000	Pascrell	Lautenberg, Menendez
Corps of Engineers	Investigations	PEORIA RIVERFRONT DEVELOPMENT, IL	\$45,000	Schock	Durbin
Corps of Engineers	Investigations	PINE MOUNTAIN DAM, AR	\$381,000	Boozman	Pryor, Lincoln
Corps of Engineers	Investigations	PORT OF IBERIA, LA	\$538,000	Melancon	Landrieu, Vitter
Corps of Engineers	Investigations	PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT AND FISH LAKE DRAINAGE AND LEVEE DISTRICT, IL	\$628,000	Costello, Shimkus	Durbin
Corps of Engineers	Investigations	RAHWAY RIVER BASIN, NJ	\$238,000	Lance	Lautenberg, Menendez
Corps of Engineers	Investigations	RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NJ	\$238,000	Pallone	Lautenberg, Menendez
Corps of Engineers	Investigations	RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ	\$22,000	Pallone	Lautenberg, Menendez
Corps of Engineers	Investigations	RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NJ	\$90,000	Pallone	Lautenberg, Menendez
Corps of Engineers	Investigations	RED CLAY CREEK, CHRISTINA RIVER WATERSHED, DE	\$237,000	Castle	Carper, Kaufman
Corps of Engineers	Investigations	REDWOOD CITY HARBOR, CA	\$90,000	Eshoo	Feinstein
Corps of Engineers	Investigations	REEDY RIVER, SC	\$90,000	Inglis	Graham
Corps of Engineers	Investigations	RIO GRANDE BASIN, NM, CO AND TX (SECTION 729)	\$103,000	Heinrich; Lujan; Reyes; Teague	Bingaman, T. Udall
Corps of Engineers	Investigations	RIO SALADO OESTE, SALT RIVER, AZ	\$1,500,000	Pastor (AZ)	
Corps of Engineers	Investigations	RIVER DES PERES, MO	\$40,000	Carnahan; Clay	Bond
Corps of Engineers	Investigations	RIVERSIDE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	\$198,000	Calvert	Feinstein
Corps of Engineers	Investigations	SABINE-NECHES WATERWAY, TX	\$90,000		Cornyn
Corps of Engineers	Investigations	SACRAMENTO RIVER FLOOD CONTROL (GRR), CA (SYSTEM EVALUATION)	\$314,000		Feinstein
Corps of Engineers	Investigations	SAN CLEMENTE SHORELINE, CA	\$90,000	Calvert	
Corps of Engineers	Investigations	SAN DIEGO COUNTY SHORELINE, CA	\$134,000		Boxer
Corps of Engineers	Investigations	SAN DIEGO COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	\$152,000	Filner	Feinstein
Corps of Engineers	Investigations	SAN FRANCISCO CREEK, CA	\$179,000	Eshoo; Honda	Feinstein
Corps of Engineers	Investigations	SAN JOAQUIN RIVER BASIN, FRAZIER CREEK, CA	\$90,000		Feinstein
Corps of Engineers	Investigations	SAN JOAQUIN RIVER BASIN, LOWER SAN JOAQUIN RIVER, CA	\$897,000	Cardoza; McNerney	Feinstein, Boxer
Corps of Engineers	Investigations	SAN JOAQUIN RIVER BASIN, WEST STANISLAUS COUNTY, ORESTIMBA CREEK, CA	\$341,000	Cardoza	Feinstein

Corps of Engineers	Investigations	SAN JOAQUIN RIVER BASIN, WHITE RIVER AND DRY CREEK, CA	\$90,000	Feinstein
Corps of Engineers	Investigations	SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA	\$269,000	Calvert
Corps of Engineers	Investigations	SANTA ANA RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, CA	\$550,000	Lewis (CA)
Corps of Engineers	Investigations	SANTA ANA RIVER AND TRIBUTARIES, BIG BEAR LAKE, CA	\$577,000	Lewis (CA)
Corps of Engineers	Investigations	SANTA ANA RIVER, PRADO BASIN ECOSYSTEM RESTORATION, ORANGE COUNTY, CA	\$39,000	Baca
Corps of Engineers	Investigations	SANTA CLARA RIVER WATERSHED, CA	\$381,000	Capps; Gallegly
Corps of Engineers	Investigations	SANTA FE, NM	\$134,000	Lujan
Corps of Engineers	Investigations	SARASOTA, LIDO KEY BEACH, FL	\$305,000	Buchanan
Corps of Engineers	Investigations	SAVANNAH RIVER BASIN COMPREHENSIVE STUDY, GA & SC	\$493,000	Barrett (SC)
Corps of Engineers	Investigations	SCHUYLKILL RIVER BASIN, WISSAHICKON WATERSHED, PA	\$90,000	Schwartz
Corps of Engineers	Investigations	SEVEN OAKS DAM WATER CONSERVATION STUDY, CA	\$672,000	Baca; Calvert; Lewis (CA)
Corps of Engineers	Investigations	SKAGIT RIVER, WA	\$359,000	Larsen (WA)
Corps of Engineers	Investigations	SKOMISH RIVER BASIN, WA	\$430,000	Dicks
Corps of Engineers	Investigations	SOUTH FORK, SOUTH BRANCH, CHICAGO RIVER (BUBBLY CREEK), IL	\$90,000	Lipinski
Corps of Engineers	Investigations	SOUTH RIVER, RARTAN RIVER BASIN, NJ	\$314,000	Holt; Pallone
Corps of Engineers	Investigations	SOUTH SAN FRANCISCO SHORELINE, CA	\$2,800,000	Eshoo; Honda; Lofgren; Zoe; Pelosi; Stark
Corps of Engineers	Investigations	SOUTHEAST OKLAHOMA WATER RESOURCE STUDY, OK	\$233,000	Boren; Cole
Corps of Engineers	Investigations	SOUTHWEST ARKANSAS, AR	\$170,000	Ross
Corps of Engineers	Investigations	SOUTHWEST COASTAL LOUISIANA HURRICANE PROTECTION, LA	\$628,000	Boustany; Cao
Corps of Engineers	Investigations	SPARKS ARROYO COLONIA, EL PASO COUNTY, TX	\$90,000	Reyes
Corps of Engineers	Investigations	ST. CHARLES PARISH URBAN FLOOD CONTROL, LA	\$157,000	Melancon
Corps of Engineers	Investigations	ST. CROIX RIVER BASIN, MN & WI	\$154,000	Obey
Corps of Engineers	Investigations	ST. CROIX RIVER RELOCATION OF ENDANGERED MUSSELS, MN & WI	\$350,000	Obey
Corps of Engineers	Investigations	ST. HELENA-NAPA RIVER, CA	\$90,000	Thompson (CA)
Corps of Engineers	Investigations	ST. LUCIE COUNTY, FL	\$448,000	Hastings (FL); Rooney
Corps of Engineers	Investigations	STILLAGUAMISH RIVER BASIN, WA	\$90,000	Murray
Corps of Engineers	Investigations	STONY BROOK, MILLSTONE RIVER BASIN, NJ	\$152,000	Lance
Corps of Engineers	Investigations	SUN VALLEY WATERSHED, CA	\$314,000	Berman; Roybal-Allard; Sherman
Corps of Engineers	Investigations	SURF CITY AND NORTH TOPSAIL BEACH, NC	\$90,000	McIntyre
Corps of Engineers	Investigations	SUSQUEHANNA RIVER BASIN ENVIRONMENTAL RESTORATION AND LOW FLOW MANAGEMENT, NY, PA & MD	\$90,000	Mikulski

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	Investigations	TRUCKEE MEADOWS, NV	\$6,724,000		Reid, Ensign
Corps of Engineers	Investigations	UPPER DELAWARE RIVER WATERSHED, FLOODPLAIN RE-CONNECTION, NY	\$90,000		Schumer, Gillibrand
Corps of Engineers	Investigations	UPPER DELAWARE RIVER WATERSHED, LIVINGSTON MANOR, NY	\$90,000		Schumer, Gillibrand
Corps of Engineers	Investigations	UPPER GUYANDOTTE RIVER, WV	\$269,000	Rahall	Byrd
Corps of Engineers	Investigations	UPPER MISS RIVER COMPREHENSIVE PLAN IL, IA, MO, MN & WI	\$269,000	Loeb sack; Schock	Durbin, Harkin, Grassley
Corps of Engineers	Investigations	UPPER MISSISSIPPI RIVER—ILLINOIS WW SYSTEM, IL, IA, MN, MO & WI	\$6,276,000	Akin; Boswell; Carnahan; Ellison; Halvorson; Hare; Loeb sack; Oberstar; Schock; Shimkus	Durbin, Harkin, Bond, Grassley, Klobuchar
Corps of Engineers	Investigations	UPPER OHIO NAVIGATION SYSTEM STUDY, PA	\$1,255,000	Altmitre; Doyle; Murphy, Tim	Specter, Casey
Corps of Engineers	Investigations	UPPER RAPPAHANNOCK RIVER BASIN, VA	\$90,000		Webb, Warner
Corps of Engineers	Investigations	UPPER SUSQUEHANNA RIVER BASIN COMPREHENSIVE FLOOD DAMAGE REDUCTION, NY	\$90,000	Hinchey	Schumer
Corps of Engineers	Investigations	UPPER TRINITY RIVER BASIN, TX	\$269,000	Barton (TX); Burgess; Granger	
Corps of Engineers	Investigations	UPPER TURKEY CREEK, KS	\$90,000	Moore (KS)	Roberts, Brownback
Corps of Engineers	Investigations	VALDEZ NAVIGATION IMPROVEMENTS, AK	\$157,000	Young (AK)	Murkowski
Corps of Engineers	Investigations	VICINITY AND WILLOUGHBY SPIT, NORFOLK, VA	\$218,000	Nye; Scott (VA)	Webb, Warner
Corps of Engineers	Investigations	WAIKAEA-PALAI STREAMS FLOOD DAMAGE REDUCTION, HA-WAII, HI	\$45,000	Abercrombie; Hirono	Inouye, Akaka
Corps of Engineers	Investigations	WAILUPE STREAM, OAHU, HI	\$157,000	Abercrombie	Inouye
Corps of Engineers	Investigations	WALTON COUNTY, FL	\$90,000		Bill Nelson, Martinez
Corps of Engineers	Investigations	WASHITA RIVER BASIN, OK	\$171,000	Cole	Inhofe
Corps of Engineers	Investigations	WATERTOWN AND VICINITY, SD	\$359,000	Herseth Sandlin	Johnson, Thune
Corps of Engineers	Investigations	WELLS LOCK AND DAM, LITTLE KANAWHA RIVER, WV	\$36,000		Byrd
Corps of Engineers	Investigations	WEST MAUI WATERSHED, MAUI, HI	\$90,000	Hirono	Inouye, Akaka
Corps of Engineers	Investigations	WEST SACRAMENTO, CA	\$448,000	Thompson (CA)	Feinstein, Boxer
Corps of Engineers	Investigations	WEST SHORE—LAKE PONTCHARTRAIN, LA	\$170,000	Melancon	Landrieu, Vitter
Corps of Engineers	Investigations	WESTERN LAKE ERIE BASIN, OH, IN, & MI	\$134,000		Voinovich
Corps of Engineers	Investigations	WESTMINSTER, EAST GARDEN GROVE, CA	\$426,000	Rohrabacher; Sanchez, Loretta	Feinstein
Corps of Engineers	Investigations	WHITE RIVER BASIN COMPREHENSIVE, AR & MO	\$103,000	Berry	Pryor, Lincoln
Corps of Engineers	Investigations	WHITE RIVER NAVIGATION TO NEWPORT, AR	\$359,000	Berry	Pryor, Lincoln

Corps of Engineers	Investigations	WHITTIER HARBOR, WHITTIER, AK	\$134,000		Murkowski
Corps of Engineers	Investigations	WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	\$381,000	Blumenauer, Wu	Wyden, Merkley
Corps of Engineers	Investigations	WINOOSKI RIVER, MONTEPELIER, VT	\$179,000		Leahy
Corps of Engineers	Investigations	WRECK POND, MONMOUTH COUNTY, NJ	\$90,000	Smith (NJ)	
Corps of Engineers	Investigations—FPMS	BUCKS COUNTY, PA	\$250,000	Murphy, Patrick	
Corps of Engineers	Investigations—FPMS	CHITIMACHA TRIBE OF LOUISIANA, LA [GIS]	\$250,000		Landrieu
Corps of Engineers	Investigations—FPMS	CITY OF ALEXANDRIA, LA [GIS]	\$200,000		Landrieu
Corps of Engineers	Investigations—FPMS	EAST BATON ROUGE PARISH, LA [GIS]	\$600,000		Vitter
Corps of Engineers	Investigations—FPMS	FLOODPLAIN MAPS FOR MANALAPAN AND MATCHAPON, NJ	\$500,000		Lautenberg, Menendez
Corps of Engineers	Investigations—FPMS	HAWAII TECHNICAL SERVICES, HI	\$40,000		Inouye
Corps of Engineers	Investigations—FPMS	HURRICANE EVACUATION STUDIES, HI	\$1,000,000	Hirono	Inouye
Corps of Engineers	Investigations—FPMS	IOWA RESERVOIRS DAM SAFETY STUDY, IA	\$37,000	Loeb sack	Harkin, Grassley
Corps of Engineers	Investigations—FPMS	LITTLE SIOUX WATERSHED, IA	\$50,000		Harkin, Grassley
Corps of Engineers	Investigations—FPMS	LIVINGSTON PARISH, LA [GIS]	\$175,000		Vitter
Corps of Engineers	Investigations—FPMS	MON-MAQ DAM REMOVAL STUDY & LOCAL FLOODPLAIN MASTER PLANNING, MONTICELLO, IA	\$250,000	Braley (IA)	Harkin, Grassley
Corps of Engineers	Investigations—FPMS	WHITE CLAY CREEK, NEW CASTLE, DE	\$200,000		Carper, Kaufman
Corps of Engineers	Investigations—FPMS	WICHITA AREA DRAINAGE MASTER PLAN, KS	\$550,000	Tiahrt	
Corps of Engineers	Investigations—PAS	CEDAR LAKE WATER QUALITY STUDY, WI	\$65,000	Obey	
Corps of Engineers	Investigations—PAS	CHOCTAW COUNTY RESERVOIR, MS	\$100,000		Wicker
Corps of Engineers	Investigations—PAS	DELAWARE ESTUARY SALINITY MONITORING STUDY, NJ, DE & PA	\$200,000		Lautenberg, Kaufman, Menendez
Corps of Engineers	Investigations—PAS	HAWAII DOT GIS, HI	\$100,000		Inouye
Corps of Engineers	Investigations—PAS	HAWAII WATER RESOURCES MANAGEMENT, HI	\$270,000		Inouye
Corps of Engineers	Investigations—PAS	LAKE COUNTY WETLAND PRESERVATION, PROTECTION AND RESTORATION PLAN, IL	\$200,000	Bean	Durbin
Corps of Engineers	Investigations—PAS	OKLAHOMA COMPREHENSIVE WATER PLAN, OK	\$500,000	Boren; Fallin	Inhofe
Corps of Engineers	Investigations—PAS	SOUTH MAUI WATERSHED, HI	\$300,000	Abercrombie; Hirono	
Corps of Engineers	Investigations—PAS	STATE OF HAWAII GENERAL FLOOD CONTROL PLAN UPDATE, STATE OF HAWAII AND PACIFIC TERRITORIES, HI	\$1,000,000	Hirono	Inouye, Akaka
Corps of Engineers	Investigations—PAS	STATE OF HAWAII RAINFALL ANALYSIS, HI	\$100,000	Hirono	Inouye
Corps of Engineers	Investigations—PAS	STORM WATER MANAGEMENT PLAN FOR COASTAL COMMUNITIES, VA	\$220,000		Webb, Warner
Corps of Engineers	Investigations—PAS	WAIMANALO WASTEWATER EFFLUENT REUSE PLAN, STATE OF HAWAII AND PACIFIC TERRITORIES, HI	\$67,000	Hirono	Inouye
Corps of Engineers	Investigations—R&D	RESEARCH AND DEVELOPMENT: SUBMERGED AQUATIC VEGETATION, MD & VA	\$897,000		Cardin

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	Investigations—R&D	RESEARCH AND DEVELOPMENT: URBAN FLOOD DEMONSTRATION PROGRAM, DRI, NV	\$1,793,000		Reid
Corps of Engineers	Construction	ACEQUIAS IRRIGATION SYSTEM, NM	\$2,422,000	Lujan; Teague	Bingaman, T. Udall
Corps of Engineers	Construction	ALAMOGORDO, NM	\$2,902,000	Teague	Bingaman, T. Udall
Corps of Engineers	Construction	ALASKA COASTAL EROSION, AK	\$921,000		Murkowski
Corps of Engineers	Construction	AQUATIC PLANT CONTROL: BLACK LAKE, OGDENSBURG, NY	\$100,000		Schumer
Corps of Engineers	Construction	AQUATIC PLANT CONTROL: GUNTERSVILLE LAKE HYDRILLA/MILFOIL, AL	\$150,000		Sessions
Corps of Engineers	Construction	AQUATIC PLANT CONTROL: LAKE CHAMPLAIN, VT	\$500,000		Leahy
Corps of Engineers	Construction	AQUATIC PLANT CONTROL: LAKE CHAUTAUCUA, JAMESTOWN, NY	\$50,000		Schumer
Corps of Engineers	Construction	AQUATIC PLANT CONTROL: LAKES GRANBURY AND WITNEY, TX WATER QUALITY PROGRAM	\$500,000	Edwards (TX)	
Corps of Engineers	Construction	AQUATIC PLANT CONTROL: SODUS BAY, SODUS POINT, NY	\$100,000		Schumer
Corps of Engineers	Construction	ASCENSION PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	\$460,000		Landrieu, Vitter
Corps of Engineers	Construction	ATLANTA ENVIRONMENTAL INFRASTRUCTURE, GA	\$1,429,000	Bishop (GA); Kingston; Lewis (GA); Scott (GA)	Chambliss, Isakson
Corps of Engineers	Construction	ATLANTIC COAST OF MARYLAND, MD	\$2,906,000	Kratovil	Mikulski; Cardin
Corps of Engineers	Construction	BARNEGAT INLET TO LITTLE EGG HARBOR INLET, NJ	\$4,844,000	Adler (NJ); Rothman (NJ)	Lautenberg, Menendez
Corps of Engineers	Construction	BEAVER CREEK RESERVOIR, BEAVER AND SALEM TOWNSHIPS, PA	\$100,000	Thompson (PA)	
Corps of Engineers	Construction	BIG SIOUX RIVER, SIOUX FALLS, SD	\$1,841,000	Herseth Sandlin	Johnson, Thune
Corps of Engineers	Construction	BLUE RIVER BASIN, KANSAS CITY, MO	\$709,000	Cleaver	Bond
Corps of Engineers	Construction	BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MO	\$1,938,000	Emerson	
Corps of Engineers	Construction	BOSQUE RIVER WATERSHED, TX	\$100,000	Edwards (TX)	
Corps of Engineers	Construction	BRECKENRIDGE, MN	\$5,000,000	Peterson; Pomeroy	Klobuchar
Corps of Engineers	Construction	BREVARD COUNTY, FL	\$521,000	Posey	Bill Nelson, Martinez
Corps of Engineers	Construction	BRIGHTLINE INLET TO GREAT EGG HARBOR INLET, ABSECON ISLAND, NJ	\$1,890,000	LoBiondo	Lautenberg, Menendez
Corps of Engineers	Construction	BRIGHTLINE INLET TO GREAT EGG HARBOR INLET, BRIGANTINE ISLAND, NJ	\$80,000	LoBiondo	Lautenberg, Menendez
Corps of Engineers	Construction	BRUNSWICK COUNTY BEACHES, NC	\$947,000	McIntyre	Burr, Hagan
Corps of Engineers	Construction	BURLINGTON HARBOR OIL BOLLARD REMOVAL, VT	\$460,000		Leahy
Corps of Engineers	Construction	CALFED LEVEE STABILITY PROGRAM, CA	\$4,844,000	McNerney	Feinstein

Corps of Engineers	Construction	CALLUMET REGION, IN	\$4,000,000	Visclosky	
Corps of Engineers	Construction	CAPE GIRARDEAU (FLOODWALL), MO	\$183,000	Emerson	
Corps of Engineers	Construction	CENTRAL CITY, FORT WORTH, UPPER TRINITY RIVER BASIN, TX	\$6,782,000	Edwards (TX); Granger	Hutchison, Cornyn
Corps of Engineers	Construction	CENTRAL WEST VIRGINIA, WV	\$727,000	Capito	
Corps of Engineers	Construction	CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION, MD, VA & PA	\$630,000	Sarbanes	Cardin
Corps of Engineers	Construction	CHESAPEAKE BAY OYSTER RECOVERY, MD & VA	\$2,000,000	Connolly (VA); Edwards (MD); Hoyer, Kratochvil; Moran (VA); Norton; Ruppersberger; Sarbanes; Scott (VA); Van Hollen	Mikulski, Cardin, Webb, Warner
Corps of Engineers	Construction	CITY OF INGLEWOOD, CA	\$100,000	Waters	
Corps of Engineers	Construction	CITY OF SANTA CLARITA, CA	\$533,000	McKeon	
Corps of Engineers	Construction	CLEAR CREEK, TX	\$1,211,000	Olson; Paul	Cornyn
Corps of Engineers	Construction	COMITE RIVER, LA	\$4,844,000		Landrieu, Vitter
Corps of Engineers	Construction	CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CA	\$100,000	McNerney; Miller, George; Tauscher	Feinstein
Corps of Engineers	Construction	COOK COUNTY, IL	\$194,000	Jackson (IL); Lipinski; Quigley	
Corps of Engineers	Construction	CORPUS CHRISTI SHIP CHANNEL, TX	\$921,000	Ortiz	Hutchison, Cornyn
Corps of Engineers	Construction	CORTE MADERA CREEK, CA	\$472,000	Woolsey	Feinstein
Corps of Engineers	Construction	CUMBERLAND COUNTY WATER SUPPLY, TN	\$50,000	Davis (TN)	
Corps of Engineers	Construction	DALLAS FLOODWAY EXTENSION, TRINITY RIVER PROJECT, TX	\$12,594,000	Edwards (TX); Johnson, Eddie Bernice	Hutchison, Cornyn
Corps of Engineers	Construction	DELAWARE COAST PROTECTION, DE	\$368,000	Castle	Carper, Kaufman
Corps of Engineers	Construction	DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND, BETHANY BEACH TO SOUTH BETHANY, DE	\$969,000	Castle	Carper, Kaufman
Corps of Engineers	Construction	DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND, REHOBOTH BEACH AND DEWEY BEACH, DE	\$969,000	Castle	Carper, Kaufman
Corps of Engineers	Construction	DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DE, NJ & PA	\$4,844,000	Brady (PA)	Specter, Casey
Corps of Engineers	Construction	DES MOINES AND RACCOON RIVERS, IA	\$2,701,000	Boswell	Harkin, Grassley
Corps of Engineers	Construction	DES MOINES RECREATIONAL RIVER AND GREENBELT, IA	\$4,062,000	Boswell; Latham	Harkin, Grassley
Corps of Engineers	Construction	DESOTO COUNTY, MS	\$8,000,000	Childers	Cochran, Wicker
Corps of Engineers	Construction	EAST BATON ROUGE PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	\$230,000		Landrieu, Vitter
Corps of Engineers	Construction	EAST BATON ROUGE PARISH, LA	\$1,381,000		Landrieu, Vitter
Corps of Engineers	Construction	EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY, NY	\$242,000	Weiner	Schumer, Gillibrand
Corps of Engineers	Construction	EAST ST. LOUIS AND VICINITY, IL	\$249,000		Durbin
Corps of Engineers	Construction	EL PASO COUNTY, TX	\$100,000	Reyes	Cornyn
Corps of Engineers	Construction	FARMINGTON RECHARGE DEMONSTRATION PROGRAM, CA	\$484,000	McNerney	Feinstein

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	Construction	FLORIDA KEYS WATER QUALITY IMPROVEMENTS, FL	\$242,000	Ros-Lehtinen	Bill Nelson, Martinez
Corps of Engineers	Construction	FORT PECK CABIN CONVEYANCE, MT	\$969,000		Tester, Baucus
Corps of Engineers	Construction	GENESEE COUNTY, MI	\$518,000	Kildee	Levin, Stabenow
Corps of Engineers	Construction	GRAHAM, TX (BRAZOS RIVER BASIN)	\$484,000	Neugebauer	
Corps of Engineers	Construction	GRAND FORKS, ND—EAST GRAND FORKS, MN	\$2,535,000	Pomeroy	Dorgan, Klobuchar
Corps of Engineers	Construction	GREAT EGG HARBOR INLET TO TOWNSEND INLET, NJ	\$1,853,000	LoBiondo	Lautenberg, Menendez
Corps of Engineers	Construction	GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION, MI	\$2,471,000	Dahlkemper; Ehlers; Kildee; Kucinich; Oberstar; Petri; Slaughter	Voinovich, Levin, Stabenow
Corps of Engineers	Construction	GREENBRIER RIVER BASIN, WV	\$1,417,000	Rahall	Byrd
Corps of Engineers	Construction	GUADALUPE RIVER, CA	\$140,000	Honda	Feinstein
Corps of Engineers	Construction	HACKENSACK MEADOWLANDS, NJ	\$230,000	Rothman (NJ)	Lautenberg, Menendez
Corps of Engineers	Construction	HAMILTON DAM, FLINT RIVER, FLINT, MI	\$242,000	Kildee	Levin, Stabenow
Corps of Engineers	Construction	HARBOR/SOUTH BAY WATER RECYCLING PROJECT, LOS ANGELES, CA	\$484,000	Harman; Richardson; Roybal-Allard; Waters	Feinstein
Corps of Engineers	Construction	HAWAII WATER MANAGEMENT, HI	\$2,000,000	Hirono	Inouye
Corps of Engineers	Construction	HOLES CREEK WEST CARROLLTON, OH	\$1,005,000	Turner	Voinovich
Corps of Engineers	Construction	HOUSTON-GALVESTON NAVIGATION CHANNELS, TX	\$242,000	Culberson; Edwards (TX); Green, Al; Green, Gene; Jackson-Lee (TX); Olson; Paul	Hutchison, Cornyn
Corps of Engineers	Construction	HUNTING BAYOU, HOUSTON, TX	\$100,000	Green, Gene	
Corps of Engineers	Construction	IAO STREAM FLOOD CONTROL, MAUI, HI	\$250,000	Hirono	Inouye
Corps of Engineers	Construction	INDIANA SHORELINE, IN	\$800,000	Visclosky	
Corps of Engineers	Construction	INDIANAPOLIS, WHITE RIVER (NORTH), IN	\$3,875,000	Carson (IN)	
Corps of Engineers	Construction	ISLAND CREEK, LOGAN, WV	\$21,750,000	Rahall	Byrd
Corps of Engineers	Construction	JACKSONVILLE HARBOR, FL	\$922,000	Brown, Corrine; Crenshaw; Stearns	Bill Nelson
Corps of Engineers	Construction	JAMES RIVER, DEEP WATER TURNING BASIN, VA	\$2,234,000	Scott (VA)	Webb, Warner
Corps of Engineers	Construction	JOHNSON CREEK, UPPER TRINITY BASIN, ARLINGTON, TX	\$1,417,000	Barton (TX)	Hutchison, Cornyn
Corps of Engineers	Construction	JOSEPH G. MINISH PASSAIC RIVER WATERFRONT, NJ	\$2,350,000	Payne; Sires	Lautenberg, Menendez
Corps of Engineers	Construction	KAHUKU, HI	\$100,000	Hirono	Inouye
Corps of Engineers	Construction	LACKAWANNA RIVER, SCRANTON, PA	\$484,000	Kanjorski	Specter, Casey
Corps of Engineers	Construction	LAKE CHAMPLAIN WATERSHED INITIATIVE, VT	\$920,000		Leahy
Corps of Engineers	Construction	LAKE MICHIGAN WATERFRONT, IN	\$3,000,000	Visclosky	



Corps of Engineers	Construction	LAKES MARION AND MOULTRIE, SC	\$4,170,000	Clyburn	Graham
Corps of Engineers	Construction	LEE COUNTY, FL (REIMBURSEMENT)	\$645,000	Mack	Bill Nelson, Martinez
Corps of Engineers	Construction	LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, VA & KY (KENTUCKY)	\$9,500,000	Rogers (KY)	
Corps of Engineers	Construction	LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, VA & KY (VIRGINIA)	\$4,000,000	Boucher	Webb, Warner
Corps of Engineers	Construction	LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, VA & KY (WEST VIRGINIA)	\$2,750,000		Byrd
Corps of Engineers	Construction	LITTLE WOOD RIVER, GOODING, ID	\$100,000	Simpson	
Corps of Engineers	Construction	LIVINGSTON PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	\$230,000		Landrieu, Vitter
Corps of Engineers	Construction	LLAGAS CREEK, CA	\$242,000	Honda; Lofgren, Zoe; McNerney	Feinstein, Boxer
Corps of Engineers	Construction	LOS ANGELES RIVER DEMONSTRATION PROJECTS, CA	\$100,000	Becerra; Berman; Harman; Roybal-Allard; Schiff; Sherman	
Corps of Engineers	Construction	LOWER MUD RIVER, MILTON, WV	\$1,384,000	Rahall	Byrd
Corps of Engineers	Construction	MADISON AND ST. CLAIR COUNTIES, IL	\$165,000	Costello; Shimkus	
Corps of Engineers	Construction	MANATEE COUNTY, FL	\$100,000	Buchanan	
Corps of Engineers	Construction	MANATEE HARBOR, FL	\$100,000	Buchanan; Castor (FL)	Bill Nelson, Martinez
Corps of Engineers	Construction	MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	\$993,000	Akin	Bond
Corps of Engineers	Construction	MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	\$1,211,000	Herger	Feinstein
Corps of Engineers	Construction	MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NM	\$756,000	Heinrich	Bingaman, T. Udall
Corps of Engineers	Construction	MISSISSIPPI ENVIRONMENTAL INFRASTRUCTURE, MS	\$10,000,000	Taylor	Cochran, Wicker
Corps of Engineers	Construction	MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT, MO	\$460,000		Harkin, Grassley
Corps of Engineers	Construction	MISSOURI RIVER LEVEE SYSTEM (UNIT L-385), IA, NE, KS, MO	\$1,151,000		Bond
Corps of Engineers	Construction	MISSOURI RIVER RESTORATION, ND	\$138,000		Conrad
Corps of Engineers	Construction	MT. ZION DAM, FULTON COUNTY, IN	\$374,000	Donnelly (IN)	Lugar
Corps of Engineers	Construction	MURRIETA CREEK, CA	\$1,890,000	Bono Mack; Calvert	Feinstein, Boxer
Corps of Engineers	Construction	NEGAUNEE, MI	\$727,000	Stupak	Levin, Stabenow
Corps of Engineers	Construction	NEW YORK CITY WATERSHED, NY	\$945,000	Engel; Hall (NY)	Schumer, Gillibrand
Corps of Engineers	Construction	NEW YORK STATE CANAL SYSTEM, NY	\$460,000		Schumer, Gillibrand
Corps of Engineers	Construction	NOGALES WASH, AZ	\$1,502,000	Grijalva	
Corps of Engineers	Construction	NORFOLK HARBOR AND CHANNELS (DEEPENING), VA	\$460,000		Webb, Warner
Corps of Engineers	Construction	NORTH DAKOTA ENVIRONMENTAL INFRASTRUCTURE, ND	\$15,000,000	Pomeroy	Dorgan
Corps of Engineers	Construction	NORTHEASTERN MINNESOTA, MN	\$969,000	Oberstar	
Corps of Engineers	Construction	NORTHERN WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE, WV	\$100,000	Mollohan	

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	Construction	NORTHERN WISCONSIN ENVIRONMENTAL ASSISTANCE, WI	\$4,000,000	Obey	
Corps of Engineers	Construction	NUTWOOD DRAINAGE AND LEVEE DISTRICT, IL	\$138,000		Durbin
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: CITY OF HILLSBORO, HIGHLAND COUNTY, OH	\$200,000	Turner	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: CITY OF MARIETTA, OH (WVITP)	\$250,000	Wilson (OH)	Voinovich, Brown
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: CITY OF MENTOR-ON-THE-LAKE, OH	\$250,000	LaTourette	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: CITY OF PARMA, OH (BRADENTON BLVD)	\$200,000	Kucinich	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: CITY OF PARMA, OH (PARKHAVEN DRIVE)	\$200,000	Kucinich	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: FRESNO, COSHOCTON, OH	\$200,000	Space	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: LAKE COUNTY, OH	\$250,000	LaTourette	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: NILES, OH (LAWNVIEW SEWER OVERFLOW DETENTION BASIN)	\$1,600,000	Ryan (OH)	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: TOLEDO, OH	\$600,000	Kaptur	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: VILLAGE OF BLANCHESTER, CLINTON COUNTY, OH	\$200,000	Turner	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: VILLAGE OF COALTON, JACKSON COUNTY, OH (WATER LINE)	\$250,000	Space	Voinovich
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: VILLAGE OF DALTON, OH	\$200,000	Bocieri	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: VILLAGE OF OAK HILL, JACKSON COUNTY, OH	\$200,000	Space	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: VILLAGE OF POLK, ASHLAND COUNTY, OH	\$200,000	Latta	
Corps of Engineers	Construction	OHIO ENVIRONMENTAL INFRASTRUCTURE, OH: VILLAGE OF RISINGSUN, WOOD COUNTY, OH	\$200,000	Latta	
Corps of Engineers	Construction	OHIO RIVER GREENWAY PUBLIC ACCESS, IN	\$969,000	Hill	
Corps of Engineers	Construction	OHIO RIVERFRONT, CINCINNATI, OH	\$2,374,000	Driehaus, Schmidt	
Corps of Engineers	Construction	ORCHARD BEACH, BRONX, NY	\$945,000	Crowley, Serrano	Schumer, Gillibrand
Corps of Engineers	Construction	PALM BEACH COUNTY, FL (REIMBURSEMENT)	\$581,000	Klein (FL), Wexler	Bill Nelson
Corps of Engineers	Construction	PANAMA CITY BEACHES, FL	\$230,000		Bill Nelson

Corps of Engineers	Construction	PASSAIC RIVER BASIN FLOOD MANAGEMENT, NJ	\$5,000,000	Frelinghuysen; Pascrell	Lautenberg, Menendez
Corps of Engineers	Construction	PETALUMA RIVER, CA	\$727,000	Woolsey	Feinstein, Boxer
Corps of Engineers	Construction	PINHOOK CREEK, HUNTSVILLE, AL	\$100,000	Griffith	
Corps of Engineers	Construction	PLACER COUNTY, CA	\$921,000		Feinstein, Boxer
Corps of Engineers	Construction	PONCE DE LEON INLET, FL	\$969,000	Kosmas	Martinez
Corps of Engineers	Construction	PORT EVERGLADES HARBOR, FL	\$727,000	Wexler	
Corps of Engineers	Construction	PUGET SOUND AND ADJACENT WATERS RESTORATION, WA	\$100,000	Baird; Dicks; Inslee; Larsen (WA); McDermott; Smith (WA)	Murray, Cantwell
Corps of Engineers	Construction	RAMAPO RIVER AT MAHWAH, NJ AND SUFFERN, NY	\$100,000		Lautenberg, Menendez
Corps of Engineers	Construction	RARITAN & SANDY HOOK BAY, PORT MONMOUTH, NJ	\$921,000	Pallone	Lautenberg, Menendez
Corps of Engineers	Construction	RARITAN BAY AND SANDY HOOK BAY, NJ	\$921,000	Pallone	Lautenberg, Menendez
Corps of Engineers	Construction	RED RIVER BASIN CHLORIDE CONTROL, TX & OK	\$1,332,000	Boren; Hall (TX)	Inhofe
Corps of Engineers	Construction	RED RIVER BASIN CHLORIDE CONTROL, TX & OK: ELM FORK, AREA VI ELEMENT	\$388,000	Lucas	
Corps of Engineers	Construction	RED RIVER BELOW DENISON DAM, AR, LA & TX	\$2,035,000	Alexander; Fleming	Landrieu, Lincoln, Pryor
Corps of Engineers	Construction	RED RIVER EMERGENCY BANK PROTECTION, AR, LA, OK, & TX	\$1,986,000	Alexander; Boren; Fleming; Ross	Landrieu, Lincoln, Pryor
Corps of Engineers	Construction	RICHMOND, VA (COMBINED SEWER OVERFLOW)	\$100,000		Webb, Warner
Corps of Engineers	Construction	RIO DE FLAG, FLAGSTAFF, AZ	\$3,003,000	Kirkpatrick (AZ)	
Corps of Engineers	Construction	ROSEAU, MN (RED RIVER OF THE NORTH BASIN)	\$1,938,000	Peterson	Klobuchar
Corps of Engineers	Construction	RURAL IDAHO, ID	\$3,875,000	Simpson	Crapo, Risch
Corps of Engineers	Construction	RURAL MONTANA, MT	\$4,844,000	Rehberg	Tester, Baucus
Corps of Engineers	Construction	RURAL NEVADA, NV	\$15,000,000	Heller	Reid, Ensign
Corps of Engineers	Construction	RURAL UTAH, UT	\$20,000,000	Matheson	Bennett
Corps of Engineers	Construction	SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA	\$230,000	Herger	Feinstein
Corps of Engineers	Construction	SAN ANTONIO CHANNEL IMPROVEMENT, TX	\$3,028,000	Cuellar; Edwards (TX); Gonzalez; Rodriguez; Smith (TX)	Hutchison, Cornyn
Corps of Engineers	Construction	SAN FRANCISCO, CA	\$4,700,000	Pelosi	
Corps of Engineers	Construction	SAN LORENZO RIVER, CA	\$242,000	Farr	
Corps of Engineers	Construction	SAN LUIS REY RIVER, CA	\$1,453,000		Feinstein
Corps of Engineers	Construction	SAN RAMON VALLEY RECYCLED WATER, CA	\$170,000	McNerney; Tauscher	Feinstein, Boxer
Corps of Engineers	Construction	SANDY HOOK TO BARNEGAT INLET, NJ	\$1,890,000	Pallone; Smith (NJ)	Lautenberg, Menendez
Corps of Engineers	Construction	SAULT STE. MARIE (REPLACEMENT LOCK), MI	\$969,000	Obey; Stupak	Levin, Stabenow
Corps of Engineers	Construction	SHOALWATER BAY, WA	\$2,906,000	Baird	Murray
Corps of Engineers	Construction	SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION	\$969,000		Feinstein

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	Construction	SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL IMPROVEMENT, PA	\$3,888,000	Shuster	
Corps of Engineers	Construction	SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL IMPROVEMENT, PA	\$6,900,000	Murtha	
Corps of Engineers	Construction	SOUTHEASTERN PENNSYLVANIA ENVIRONMENTAL INFRASTRUCTURE, PA, SANDYFORD RUN WETLAND CREATION, PA	\$242,000	Schwartz	
Corps of Engineers	Construction	SOUTHEASTERN PENNSYLVANIA ENVIRONMENTAL INFRASTRUCTURE, PA, TACONY CREEK, PHILADELPHIA, PA	\$388,000	Fattah; Schwartz	
Corps of Engineers	Construction	SOUTHERN AND EASTERN KENTUCKY, KY	\$969,000	Rogers (KY)	
Corps of Engineers	Construction	SOUTHERN WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE PROGRAM, WV	\$1,000,000	Rahall	
Corps of Engineers	Construction	SOUTHWEST VALLEY, FLOOD DAMAGE REDUCTION, ALBUQUERQUE, NM	\$2,810,000	Heinrich	Bingaman, T. Udall
Corps of Engineers	Construction	ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN, MI	\$100,000	Levin; Miller (MI)	Levin, Stabenow
Corps of Engineers	Construction	ST. JOHNS COUNTY, FL	\$339,000	Mica	Martinez
Corps of Engineers	Construction	STE. GENEVIEVE, MO	\$242,000	Carahan	
Corps of Engineers	Construction	STOCKTON METROPOLITAN FLOOD CONTROL REIMBURSEMENT, CA	\$484,000	Cardoza; McNerney	
Corps of Engineers	Construction	SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	\$1,938,000	Cleaver	Bond
Corps of Engineers	Construction	TAHOE BASIN RESTORATION, CA & NV	\$3,000,000		Reid, Feinstein, Ensign
Corps of Engineers	Construction	TAMPA HARBOR, FL	\$472,000	Buchanan; Castor (FL); Putnam; Young (FL)	Bill Nelson, Martinez
Corps of Engineers	Construction	THREE RIVERS WET WEATHER DEMONSTRATION PROGRAM, ALLEGHENY COUNTY, PA	\$969,000	Doyle	
Corps of Engineers	Construction	TOWNSEND INLET TO CAPE MAY INLET, NJ	\$1,066,000	LoBiondo	Lautenberg, Menendez
Corps of Engineers	Construction	TRES RIOS, AZ	\$15,000,000	Mitchell; Pastor (AZ)	
Corps of Engineers	Construction	TUCSON DRAINAGE AREA, AZ	\$5,000,000	Giffords; Grijalva; Pastor (AZ)	
Corps of Engineers	Construction	TUSCALOOSA, AL	\$7,500,000		Shelby
Corps of Engineers	Construction	UNALASKA HARBOR, AK	\$1,453,000		Murkowski, Begich
Corps of Engineers	Construction	UPPER GUADALUPE RIVER, CA	\$921,000	Honda; Lofgren, Zoe	Feinstein
Corps of Engineers	Construction	VIRGINIA BEACH, VA (HURRICANE PROTECTION)	\$727,000	Nye	Webb, Warner
Corps of Engineers	Construction	WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, PA & WV	\$1,500,000	Mollohan; Murtha	
Corps of Engineers	Construction	WYOMING VALLEY, PA (LEEVE RAISING)	\$1,134,000	Carney; Kanjorski	Specter, Casey

Corps of Engineers	Construction	YUBA RIVER BASIN, CA	\$1,938,000	Heger	Feinstein
Corps of Engineers	Section 206	BEARGRASS CREEK WETLANDS, KY	.....	Yarmuth	
Corps of Engineers	Section 206	BEAVER CREEK, OR	.....	Blumenauer	
Corps of Engineers	Section 206	BIG FISHWEIR CREEK, FL	.....	Crenshaw	
Corps of Engineers	Section 206	BLUE HOLE LAKE, SANTA ROSA, NM	.....	Teague	Bingaman, T. Udall
Corps of Engineers	Section 206	BLUE RIVER, CO	.....	Salazar	
Corps of Engineers	Section 206	BOTTOMLESS LAKES STATE PARK, NM	.....	Teague	
Corps of Engineers	Section 206	BURAS MARINA WETLAND RESTORATION, PLAQUEMINES PARISH, LA	.....		Landrieu
Corps of Engineers	Section 206	BURNHAM PRAIRIE, IL	.....	Jackson (IL)	
Corps of Engineers	Section 206	CANONSBURG LAKE, PA	.....	Murphy, Tim	
Corps of Engineers	Section 206	CENTERVILLE, TN	.....	Davis (TN)	
Corps of Engineers	Section 206	CHATTahoochee FALL LINE ECOSYSTEM RESTORATION, CO-LUMBUS, GA	.....	Bishop (GA); Rogers (AL)	Chambliss
Corps of Engineers	Section 206	CODORUS CREEK, PA	.....		Casey
Corps of Engineers	Section 206	CONCORD STREAMS RESTORTION, CONCORD, NC	.....	Kissell	Burr, Hagan
Corps of Engineers	Section 206	CYPRESS CREEK, MONTGOMERY, AL	\$100,000	Bright	
Corps of Engineers	Section 206	DEEP RUN/TIBER HUDSON, MD	.....		Cardin
Corps of Engineers	Section 206	DOG ISLAND SHOALS, MD	.....	Kratovil	Cardin
Corps of Engineers	Section 206	DUCK CREEK/FAIRMOUNT PARK WETLAND RESTORATION, SCOTT COUNTY, IA	.....		Harkin, Grassley
Corps of Engineers	Section 206	FALSE RIVER RESTORATION, POINTE COUPEE PARISH, LA	.....		Landrieu
Corps of Engineers	Section 206	GREENBURY POINT, MD	.....		Cardin
Corps of Engineers	Section 206	HIGHWAY 47, VERNONIA, OR	.....	Wu	
Corps of Engineers	Section 206	HOFFMAN DAM, IL	.....	Lipinski	
Corps of Engineers	Section 206	HOGAN'S CREEK, FL	.....	Brown, Corrine	
Corps of Engineers	Section 206	HOMER LAKE, ST JOSEPH RIVER, MI	.....	Schauer	
Corps of Engineers	Section 206	IA RVR/CLEAR CREEK JOHNSON COUNTY, IA	.....	Loeb sack	Harkin, Grassley
Corps of Engineers	Section 206	JANES-WALLACE MEMORIAL DAM, SANTA ROSA, NM	.....	Teague	Bingaman, T. Udall
Corps of Engineers	Section 206	KINGS PARK, NY	.....		Schumer, Gillibrand
Corps of Engineers	Section 206	LA STATE PEN, LAKE KILLARNEY RESTORATION, W FELICIANA PARISH, LA	.....		Landrieu
Corps of Engineers	Section 206	LAKE LOU YAEGER RESTORATION, IL	.....	Shimkus	
Corps of Engineers	Section 206	LOCKPORT PRAIRIE NATURE PRESERVE, WILL COUNTY, IL	.....	Biggett	
Corps of Engineers	Section 206	MILFORD POND, MILFORD, MA	.....		Kennedy, Kerry

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	Section 206	MILL RIVER, STAMFORD, CT	.....	Himes	Lieberman
Corps of Engineers	Section 206	MUD CREEK/GREAT SOUTH BAY, PATCHOGUE, NY	.....	Bishop (NY)	Schumer, Gillibrand
Corps of Engineers	Section 206	MUSCONETCONG RIVER DAM REMOVALS, NJ	.....		Lautenberg, Menendez
Corps of Engineers	Section 206	NARROWS RIVER, NARRAGANSETT, RI	.....		Reed
Corps of Engineers	Section 206	NORTH BEACH, MD	.....	Hoyer	Mikulski
Corps of Engineers	Section 206	NORTH FORK GUNNISON, CO	.....	Salazar	
Corps of Engineers	Section 206	NORTH PARK, ALLEGHENY COUNTY, PA	.....	Altmire	
Corps of Engineers	Section 206	NORTHWEST BRANCH, ANACOSTIA RIVER, MD	.....	Edwards (MD); Van Hollen	Cardin
Corps of Engineers	Section 206	OLENTANGY 5TH AVENUE DAM, OH	.....	Kilroy	
Corps of Engineers	Section 206	OSGOOD POND, MILFORD, NH	.....	Hodes	
Corps of Engineers	Section 206	PAINT BRANCH FISH PASSAGE, MD	.....	Edwards (MD)	Cardin
Corps of Engineers	Section 206	PAINTER CREEK, MN	.....	Paulsen	Klobuchar
Corps of Engineers	Section 206	PARADISE CREEK, CITY OF MOSCOW, ID	.....		Crapo, Risch
Corps of Engineers	Section 206	PING TOM PARK, IL	.....	Davis (IL)	
Corps of Engineers	Section 206	SALT RIVER RESTORATION, CA	.....	Thompson (CA)	
Corps of Engineers	Section 206	SHERADEN PARK & CHARTERS CREEK, PA	.....	Doyle	
Corps of Engineers	Section 206	SOUNDVIEW PARK, CITY OF BRONX, NY	.....	Crowley, Serrano; Sires	Schumer
Corps of Engineers	Section 206	SPRING CREEK, NY	.....	Meeks (NY); Sires	Schumer, Gillibrand
Corps of Engineers	Section 206	SWEET ARROW LAKE, PA	.....	Holden	
Corps of Engineers	Section 206	TAMARISK ERADICATION, CO	.....	Salazar	M. Udall, Bennet
Corps of Engineers	Section 206	TEN MILE RIVER, RI	.....	Kennedy	
Corps of Engineers	Section 206	UPPER YORK CREEK DAM REMOVAL, CA	.....	Thompson (CA)	Feinstein
Corps of Engineers	Section 206	URIEVILLE LAKE, MD	.....	Kratovil	
Corps of Engineers	Section 206	WALNUT BRANCH, SEGUIN, TX	.....	Cuellar	
Corps of Engineers	Section 206	WESTERN CARY STREAMS RESTORATION, CARY, NC	.....	Miller (NC)	Burr, Hagan
Corps of Engineers	Section 206	WHITEBREAST WATERSHED ECOSYSTEM RESTORATION, IA	.....		Harkin, Grassley
Corps of Engineers	Section 206	WINNAPAG POND, WESTERLY, RI	.....		Reed
Corps of Engineers	Section 206	ZEMIARRY PARK LAKE RESTORATION, TANGIPAHOA PARISH, LA	.....		Landrieu
Corps of Engineers	Section 204	HOUMA NAVIGATION CANAL BARRIER ISLAND RESTORATION, LA	.....		Landrieu

Corps of Engineers	Section 204	NIJWW, DREDGED HOLE 35, NJ	.....			Lautenberg, Menendez
Corps of Engineers	Section 205	BEPI POPLAR BROOK, NJ	.....	Pallone		
Corps of Engineers	Section 205	BLACK ROCKS CREEK SALISBURY, MA	.....	Tierney		
Corps of Engineers	Section 205	BLACKSNAKE CREEK, ST. JOSEPH, MO	.....	Graves	Bond	
Corps of Engineers	Section 205	CASS RIVER, SPAULDING TOWNSHIP, MI	.....	Camp		
Corps of Engineers	Section 205	CIENEGAS CREEK, DEL RIO, TX	.....	Rodriguez		
Corps of Engineers	Section 205	CITY OF INDEPENDENCE, OH	.....	Kucinich		
Corps of Engineers	Section 205	CONCORDIA, KS	.....	Moran (KS)	Roberts	
Corps of Engineers	Section 205	COSGROVE CREEK FLOOD CONTROL, CALAVERAS COUNTY, CA	.....		Feinstein	
Corps of Engineers	Section 205	FARMERS BRANCH, TARRANT COUNTY, TX	.....	Granger		
Corps of Engineers	Section 205	HAMILTON TOWNSHIP, NJ	.....	Smith (NJ)	Lautenberg, Menendez	
Corps of Engineers	Section 205	HATCH, NM	.....	Teague	Bingaman, T. Udall	
Corps of Engineers	Section 205	INDIAN BAYOU, AR	.....		Pryor, Lincoln	
Corps of Engineers	Section 205	INDIAN CREEK, CEDAR RVR, CEDAR RAPIDS, IA	.....	Loebach	Harkin, Grassley	
Corps of Engineers	Section 205	JACKSON BROOK, MORRIS CITY, NJ	.....	Frelinghuysen	Lautenberg, Menendez	
Corps of Engineers	Section 205	LAGRANGE GUT, FREDERIKSTED, VI	.....	Christensen		
Corps of Engineers	Section 205	LAS GALLANAS CREEK, MARIN COUNTY, CA	.....	Woolsey	Feinstein	
Corps of Engineers	Section 205	LIMESTONE CREEK, FAYETTEVILLE, NY	.....	Maffei		
Corps of Engineers	Section 205	LITTLE RIVER, HOPKINSVILLE, KY	.....	Whitfield	McConnell, Bunning	
Corps of Engineers	Section 205	McKINNEY BAYOU, TUNICA COUNTY, MS	.....		Cochran, Wicker	
Corps of Engineers	Section 205	MINNESOTA RIVER, GRANITE FALLS, MN	.....	Peterson		
Corps of Engineers	Section 205	NORTH RIVER, PEABODY, MA	.....	Tierney	Kennedy, Kerry	
Corps of Engineers	Section 205	PENNSVILLE, NJ	.....	LoBiondo	Menendez	
Corps of Engineers	Section 205	PENNSYLVANIA AVENUE IMPROVEMENT, BETHANY BEACH, DE	.....		Carper, Kaufman	
Corps of Engineers	Section 205	PHILADELPHIA SHIPYARD FLOOD DAMAGE REDUCTION, PHILADELPHIA, PA	.....	Brady (PA)	Specter, Casey	
Corps of Engineers	Section 205	PORT JERVIS, NY	.....		Schumer, Gillibrand	
Corps of Engineers	Section 205	RIO GRANDE AND UNNAMED TRIBUTARY, EAGLE PASS, TX	.....	Rodriguez		
Corps of Engineers	Section 205	SWANNAHOA RIVER WATERSHED, NC	.....	Shuler		
Corps of Engineers	Section 205	VALLEY VIEW, OH	.....	Kucinich		
Corps of Engineers	Section 205	WINNEBAGO RVR, MASON CITY, IA	.....	Latham	Harkin, Grassley	
Corps of Engineers	Section 111	MATTITUCK HARBOR, NY	.....	Bishop (NY)	Schumer, Gillibrand	
Corps of Engineers	Section 107	APRA SMALL BOAT HARBOR, GUAM	.....	Bordallo		

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	Section 107	BASS HARBOR, TREMONT, ME	.....	Michaud	Collins
Corps of Engineers	Section 107	CHARLESTOWN BREACHWAY & NINIGRET POND, CHARLESTOWN, RI	.....		Reed
Corps of Engineers	Section 107	FAIRLESS HILLS, PA (TURNING BASIN DEEPENING)	.....	Murphy, Patrick	Specter, Casey
Corps of Engineers	Section 107	HAMPTON HARBOR, NH	.....	Shea-Porter	Gregg, Shaheen
Corps of Engineers	Section 107	NAPOLEON AVENUE CONTAINER TERMINAL ACCESS, NEW ORLEANS, LA	\$100,000	Scalise	Landrieu
Corps of Engineers	Section 107	NORTHWEST TENNESSEE REGIONAL HARBOR, LAKE COUNTY, TN	.....		Alexander, Corker
Corps of Engineers	Section 107	NORTHWESTERN MICHIGAN COLLEGE, TRAVERSE CITY, MI	.....	Stupak	Levin, Stabenow
Corps of Engineers	Section 107	OYSTER POINT MARINA, CA	.....		Feinstein
Corps of Engineers	Section 107	POINT JUDITH HARBOR AND POND, NARRAGANSETT, RI	.....		Reed
Corps of Engineers	Section 107	RHODES POINT, MD	.....		Cardin
Corps of Engineers	Section 107	ST. JEROME CREEK, ST. MARY'S COUNTY, MD	.....	Hoyer	
Corps of Engineers	Section 107	WOODS HOLE GREAT HARBOR, FALMOUTH, MA	.....		Kennedy, Kerry
Corps of Engineers	Section 1135	ASSUNPINK CREEK, NJ	.....	Holt, Smith (NJ)	
Corps of Engineers	Section 1135	BAYOU DESIARD, MONROE, LA	.....		Landrieu
Corps of Engineers	Section 1135	HNC MILE 12-31.4 RESTORATION, TERREBONNE PARISH, LA	.....		Landrieu
Corps of Engineers	Section 1135	INDIAN RIDGE MARSH, CHICAGO, IL	.....	Jackson (IL)	
Corps of Engineers	Section 1135	LAKE CHAMPLAIN SEA LAMPREY BARRIERS, VT	.....		Leahy
Corps of Engineers	Section 1135	LAKE POYGAN, WI	.....	Petri	
Corps of Engineers	Section 1135	LAS CRUCES DAM ENVIRONMENTAL RESTORATION, DONA ANA COUNTY, NM	.....	Teague	Bingaman, T. Udall
Corps of Engineers	Section 1135	LINCOLN PARK WEST, JERSEY CITY, NJ	.....	Sires	Lautenberg, Menendez
Corps of Engineers	Section 1135	LOWER CACHE RIVER, AR	.....		Pryor, Lincoln
Corps of Engineers	Section 1135	MILLWOOD, GRASSY LAKE, AR	.....	Ross	Pryor, Lincoln
Corps of Engineers	Section 1135	MORGANZA FOREBAY RESTORATION, POINTE COUPEE PARISH, LA	.....		Landrieu
Corps of Engineers	Section 1135	NORTHPORT HARBOR, TOWN OF HUNTINGTON, NY	.....		Schumer, Gillibrand
Corps of Engineers	Section 1135	RATHBUN LAKE HABITAT RESTORATION PROJECT, IA	.....	Boswell, Loebsack	Harkin, Grassley
Corps of Engineers	Section 1135	SARASOTA BAY RESTORATION, SARASOTA COUNTY, FL	.....	Buchanan	
Corps of Engineers	Section 1135	SMOKES CREEK, ERIE COUNTY, NY	.....	Higgins	Schumer, Gillibrand



Corps of Engineers	Section 1135	SPUNKY BOTTOMS RESTORATION, BROWN COUNTY, IL	.....	Schock		
Corps of Engineers	Section 1135	TUJUNGA WASH ENVIRONMENTAL RESTORATION, CA	.....	Berman; Roybal-Allard		
Corps of Engineers	Section 103	BAY FARM ISLAND DIKE, CA	.....	Stark		Feinstein
Corps of Engineers	Section 103	CHESAPEAKE BAY SHORELINE, HAMPTON, VA	.....	Nye; Scott (VA)		
Corps of Engineers	Section 103	GOLETA BEACH, CITY OF GOLETA, CA	.....	Capps		Feinstein
Corps of Engineers	Section 103	PISMO BEACH, CA	.....	Capps		Feinstein
Corps of Engineers	Section 103	PROSPECT BEACH, WEST HAVEN, CT	.....			Lieberman
Corps of Engineers	Section 103	SEASIDE PARK OCEAN COUNTY, NJ	.....			Lautenberg; Menendez
Corps of Engineers	MRT—Investigations	QUIVER RIVER, MS	\$155,000			Cochran; Wicker
Corps of Engineers	MRT—Investigations	SOUTHEAST ARKANSAS, AR	\$290,000	Ross		Pryor, Lincoln
Corps of Engineers	MRT—Investigations	SPRING BAYOU, LA	\$338,000	Alexander		Landrieu
Corps of Engineers	MRT—Construction	BAYOU METO BASIN, AR	\$100,000	Berry		Pryor, Lincoln
Corps of Engineers	MRT—Construction	GRAND PRAIRIE REGION, AR	\$9,661,000	Berry		Pryor, Lincoln
Corps of Engineers	MRT—Construction	ST. FRANCIS BASIN, AR & MO	\$3,574,000	Berry		Pryor, Bond
Corps of Engineers	MRT—Construction	ST. JOHNS BAYOU & NEW MADRID FLOODWAY, MO	\$200,000	Emerson		Bond
Corps of Engineers	MRT—Construction	YAZOO BASIN, BIG SUNFLOWER RIVER, MS	\$3,091,000			Cochran; Wicker
Corps of Engineers	MRT—Construction	YAZOO BASIN, MAIN STEM, MS	\$24,000			Cochran; Wicker
Corps of Engineers	MRT—Construction	YAZOO BASIN, MISSISSIPPI DELTA HEADWATERS PROJECT, MS	\$22,413,000			Cochran; Wicker
Corps of Engineers	MRT—Construction	YAZOO BASIN, REFORMULATION, MS	\$1,449,000			Wicker
Corps of Engineers	MRT—Construction	YAZOO BASIN, UPPER YAZOO PROJECTS, MS	\$12,559,000			Cochran; Wicker
Corps of Engineers	MRT—Construction	YAZOO BASIN, YAZOO BACKWATER LESS ROCKY BAYOU, MS	\$72,000			Cochran; Wicker
Corps of Engineers	MRT—Construction	YAZOO BASIN, YAZOO BACKWATER, MS	\$608,000			Cochran; Wicker
Corps of Engineers	O&M	ABSECON INLET, NJ	\$117,000	LoBiondo		Lautenberg; Menendez
Corps of Engineers	O&M	APPOMATTOX RIVER, VA	\$523,000	Forbes		Webb; Warner
Corps of Engineers	O&M	ASHLAND HARBOR, WI	\$913,000	Obey		
Corps of Engineers	O&M	BASS HARBOR, TREMONT, ME	\$60,000			Collins
Corps of Engineers	O&M	BEAUFORT HARBOR, NC	\$238,000	Jones		Hagan
Corps of Engineers	O&M	BLOCK ISLAND HARBOR OF REFUGE, RI	\$1,204,000	Langevin		Reed
Corps of Engineers	O&M	BOGUE INLET AND CHANNEL, NC	\$461,000	Jones		Hagan
Corps of Engineers	O&M	BUCKS HARBOR, MACHIASPORT, ME	\$750,000			Collins
Corps of Engineers	O&M	BULL SHOALS LAKE, AR (WATER SUPPLY)	\$250,000			Pryor, Lincoln
Corps of Engineers	O&M	CAROLINA BEACH INLET, NC	\$234,000	McIntyre		Hagan
Corps of Engineers	O&M	CEDAR ISLAND KEATON BEACH CHANNEL, FL	\$144,000	Boyd		

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	O&M	CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	\$3,000,000		Johnson, Thune
Corps of Engineers	O&M	COCHeco RIVER, NH	\$2,000,000	Shea-Porter	Gregg, Shaheen
Corps of Engineers	O&M	CORNUCOPIA HARBOR, WI	\$173,000	Obey	
Corps of Engineers	O&M	CRESCENT CITY HARBOR, CA	\$1,878,000	Thompson (CA)	Feinstein, Boxer
Corps of Engineers	O&M	DEPOE BAY, OR	\$112,000	Schrader	Wyden, Merkley
Corps of Engineers	O&M	FISHING CREEK, CALVERT COUNTY, MD	\$160,000	Hoyer	
Corps of Engineers	O&M	GRAYS HARBOR AND CHEHALIS RIVER, WA: COASTAL MOD-ELING SYSTEM	\$300,000	Dicks	
Corps of Engineers	O&M	GREENWICH HARBOR, CT	\$100,000	Himes	
Corps of Engineers	O&M	HAMPTON HARBOR, HAMPTON, NH	\$130,000	Shea-Porter	Gregg, Shaheen
Corps of Engineers	O&M	HARBOR OF REFUGE, LEWES, DE	\$100,000	Castle	Carper, Kaufman
Corps of Engineers	O&M	J. PERCY PRIEST GREENWAY, TN	\$3,500,000	Gordon (TN)	
Corps of Engineers	O&M	KODIAK HARBORS, AK	\$240,000	Young (AK)	Murkowski
Corps of Engineers	O&M	LAKE SUPERIOR SMALL HARBOR MAINTENANCE, WI	\$1,924,000	Obey	
Corps of Engineers	O&M	LOCKWOODS FOLLY RIVER, NC	\$281,000	McIntyre	Hagan
Corps of Engineers	O&M	MARINA DEL REY, CA	\$1,406,000	Harman	Feinstein, Boxer
Corps of Engineers	O&M	MIAMI RIVER, FL	\$374,000	Diaz-Balart, Mario; Ros-Lehtinen; Wasserman Schultz	Bill Nelson, Martinez
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI	\$6,000,000		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: ALPENA HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: ARCADIA HARBOR, MI	\$100,000	Hoekstra	Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: AU SABLE HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: BAY PORT HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: BIG BAY HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: BLACK RIVER HARBOR, GOGEBIC CO-UP, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: BOLLES HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: CLINTON RIVER, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: EAGLE HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: FRANKFORT HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: GRAND MARAIS HARBOR, MI	.....	Stupak	

Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: INLAND ROUTE, MI	.....	Stupak	Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: LAC LA BELLE HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: LELAND HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: LES CHENEUX ISLANDS CHANNELS, MI	.....	Stupak	Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: LEXINGTON HARBOR, MI	.....		
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: LITTLE LAKE HARBOR, MI	.....	Stupak	Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: LUDINGTON HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: MANISTEE HARBOR AND RIVER CHANNEL, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: MANISTIQUE HARBOR, MI	.....	Stupak	Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: MARQUETTE HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: MENOMINEE HARBOR, MI & WI	\$117,000	Kagen	Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: NEW BUFFALO HARBOR, MI	\$100,000	Upton	Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: PENITWATER HARBOR, MI	\$100,000	Hoekstra	Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: POINT LOOKOUT HARBOR, MI	.....	Stupak	Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: PORT AUSTIN HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: PORT SANILAC HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: PORTAGE LAKE HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: ROUGE RIVER, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: SAUGATUCK HARBOR, KALAMAZOO RIVER, MI	.....	Hoekstra	Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: SOUTH HAVEN HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MICHIGAN HARBOR DREDGING, MI: WHITE LAKE HARBOR, MI	.....		Levin, Stabenow
Corps of Engineers	O&M	MILL CREEK AND SOUTH SLOUGH, IL	\$482,000	Hare	Burris
Corps of Engineers	O&M	MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVR PORTION), IL: SUNSET MARINA	\$500,000	Hare	

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Corps of Engineers	O&M	MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVR PORTION), IL: WESTERN ILLINOIS SMALL BOAT HARBORS	\$900,000		Durbin
Corps of Engineers	O&M	NAPLES TO BIG MARCO PASS, FL	\$722,000	Mack	
Corps of Engineers	O&M	NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	\$281,000	McIntyre	Hagan
Corps of Engineers	O&M	NEWBURYPORT HARBOR, MA	\$500,000	Tierney	Kennedy, Kerry
Corps of Engineers	O&M	NORWALK HARBOR, CT	\$1,432,000	Himes	Dodd, Lieberman
Corps of Engineers	O&M	OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD	\$656,000		Mikulski
Corps of Engineers	O&M	OGDENSBURG HARBOR, NY	\$70,000		Schumer
Corps of Engineers	O&M	OHIO RIVER LOCKS AND DAMS, WV, KY & OH: PARKERSBURG/VIENNA, WV	\$2,786,000	Mollohan	
Corps of Engineers	O&M	OLCOTT HARBOR, NY	\$197,000	Slaughter	
Corps of Engineers	O&M	OSWEGO HARBOR, NY	\$300,000		Schumer, Gillibrand
Corps of Engineers	O&M	PAWCATUCK RIVER, LITTLE NARRAGANSETT BAY & WATCH HILL COVE, CT & RI	\$193,000	Langevin	Reed
Corps of Engineers	O&M	PETERSBURG HARBOR, AK	\$482,000		Murkowski, Begich
Corps of Engineers	O&M	PINOLE SHOAL MANAGEMENT STUDY, CA	\$100,000	Cardoza; McNerney, Miller, George; Tauscher	Feinstein, Boxer
Corps of Engineers	O&M	PORT ST. JOE HARBOR, FL	\$475,000	Boyd	Bill Nelson
Corps of Engineers	O&M	PROVIDENCE HARBOR SHIPPING CHANNEL, RI	\$144,000	Kennedy; Langevin	Reed, Whitehouse
Corps of Engineers	O&M	REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM: CHESAPEAKE BAY, NEWPOINT COMFORT, MATHEWS COUNTY, VA	\$350,000	Wittman	Webb, Warner
Corps of Engineers	O&M	REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM: DELAWARE ESTUARY RSM, NJ	\$200,000		Lautenberg, Kaufman, Menendez
Corps of Engineers	O&M	REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM: HAWAII RSM, HI	\$500,000		Inouye, Akaka
Corps of Engineers	O&M	REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM: NORTH CAROLINA RSM, NC	\$600,000		Burr, Hagan
Corps of Engineers	O&M	REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM: SOUTH COASTAL RHODE ISLAND RSM, RI	\$750,000		Reed
Corps of Engineers	O&M	REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM: SOUTHEAST OAHU RSM, HI	\$500,000	Hirono	Inouye
Corps of Engineers	O&M	SAN FRANCISCO BAY, LONG TERM MANAGEMENT STRATEGY, CA	\$3,500,000	Pelosi	
Corps of Engineers	O&M	SOMERSET COUNTY CHANNELS, MD	\$1,000,000		Mikulski

Corps of Engineers	O&M	TRINITY RIVER AND TRIBUTARIES, TX	\$963,000	Poe (TX)		
Corps of Engineers	O&M	WILSON LAKE, KS (REALLOCATION)	\$200,000		Roberts	
Corps of Engineers	General Provisions	SECTION 105—TWO HARBORS, MN	.....	Oberstar		
Corps of Engineers	General Provisions	SECTION 106—NORTHERN WISCONSIN ENVIRONMENTAL ASSISTANCE, WI	.....	Obey		
Corps of Engineers	General Provisions	SECTION 107—MARTIN, KY	.....	Rogers (KY)		
Corps of Engineers	General Provisions	SECTION 110—MISSISSIPPI ENVIRONMENTAL INFRASTRUCTURE, MS	.....		Cochran	
Corps of Engineers	General Provisions	SECTION 111—BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SD	.....	Herseth Sandlin	Johnson, Thune	
Corps of Engineers	General Provisions	SECTION 112—IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURALUTAH, AND WYOMING	.....		Bennett, Tester	
Corps of Engineers	General Provisions	SECTION 113—DES MOINES AND RACCOON RIVERS, DES MOINES, IA	.....		Harkin, Grassley	
Corps of Engineers	General Provisions	SECTION 114—BRECKENRIDGE, MN	.....	Peterson	Klobuchar	
Corps of Engineers	General Provisions	SECTION 115—DES MOINES RECREATIONAL RIVER AND GREENBELT, IA	.....	Boswell	Harkin, Grassley	
Corps of Engineers	General Provisions	SECTION 116—ALASKA COASTAL EROSION	.....		Murkowski	
Corps of Engineers	General Provisions	SECTION 117—ANTELOPE CREEK, LINCOLN, NE	.....		Ben Nelson	
Corps of Engineers	General Provisions	SECTION 118—WEST SACRAMENTO, CA	.....		Boxer	
Corps of Engineers	General Provisions	SECTION 119—TEN MILE CREEK WATER PRESERVE AREA	.....		Bill Nelson	
Corps of Engineers	General Provisions	SECTION 120—TAMPA HARBOR, BIG BEND CHANNEL, FL	.....		Martinez	
Corps of Engineers	General Provisions	SECTION 121—J. PERCY PRIEST DAM AND RESERVOIR, TN	.....	Gordon (TN)		
Corps of Engineers	General Provisions	SECTION 122—SAND CREEK, NEBRASKA	.....		Ben Nelson	
Corps of Engineers	General Provisions	SECTION 123—FORT PECK LAKE, MT	.....		Tester	
Corps of Engineers	General Provisions	SECTION 124—KAHUKU, HI	.....		Inouye	
Bureau of Reclamation	Water and Related Resources	ALBUQUERQUE METRO AREA WATER & RECLAMATION REUSE	\$250,000	Heinrich	Bingaman, T. Udall	
Bureau of Reclamation	Water and Related Resources	ARKANSAS VALLEY CONDUIT	\$5,000,000	Markey (CO); Salazar	Bennet, M. Udall	
Bureau of Reclamation	Water and Related Resources	BAY AREA REGIONAL WATER RECYCLING PROJECT	\$1,215,000	Eshoo; Lofgren, Zoe; McNerney; Miller, George Stark; Tauscher	Feinstein, Boxer	
Bureau of Reclamation	Water and Related Resources	CENTRAL VALLEY PROJECTS: FRIANT DIVISION (SEMITROPIC PHASE II GROUNDWATER BANKING)	\$642,000	Costa	Feinstein	
Bureau of Reclamation	Water and Related Resources	CHIMAYO WATER SUPPLY SYSTEM	\$233,000		Bingaman	
Bureau of Reclamation	Water and Related Resources	CITY OF CORONA WATER RECYCLING AND REUSE PROJECT	\$500,000	Calvert		
Bureau of Reclamation	Water and Related Resources	EASTERN NEW MEXICO WATER SUPPLY	\$1,000,000		Bingaman, T. Udall	

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Bureau of Reclamation	Water and Related Resources	HI DESERT WATER DISTRICT WASTEWATER COLLECTION AND REUSE PROJECT	\$1,000,000	Baca, Lewis (CA)	
Bureau of Reclamation	Water and Related Resources	IRVINE BASIN GROUNDWATER AND SURFACE WATER IMPROVEMENT PROJECT	\$487,000	Calvert	Feinstein
Bureau of Reclamation	Water and Related Resources	LAKE TAHOE REGIONAL DEVELOPMENT PROGRAM: ROSEWOOD CREEK AREA A PROJECT, NEVADA	\$2,000,000		Reid
Bureau of Reclamation	Water and Related Resources	LOAN FOR WHITE MOUNTAIN APACHE TRIBE, AZ	\$3,209,000		Kyl
Bureau of Reclamation	Water and Related Resources	MANCOS PROJECT: JACKSON GULCH REHABILITATION PROJECT	\$1,750,000	Salazar	Bennet, M. Udall
Bureau of Reclamation	Water and Related Resources	MOKELUMNE RIVER REGIONAL WATER STORAGE PROJECT	\$233,000	McNerney	Feinstein
Bureau of Reclamation	Water and Related Resources	NATIVE AMERICAN AFFAIRS PROGRAM: SID YATES SCHOLARSHIP PROGRAM	\$210,000	Pastor (AZ)	
Bureau of Reclamation	Water and Related Resources	NAVAJO-GALLUP WATER SUPPLY	\$3,000,000		Bingaman, T. Udall
Bureau of Reclamation	Water and Related Resources	NORTH BAY WATER REUSE PROJECT	\$200,000	Thompson (CA); Woolsey	Feinstein
Bureau of Reclamation	Water and Related Resources	NORTH LAS VEGAS WATER REUSE	\$2,000,000	Berkley	Reid
Bureau of Reclamation	Water and Related Resources	ODESSA SUBAREA SPECIAL STUDY	\$2,846,000	Hastings (WA); McMorris Rodgers	Murray, Cantwell
Bureau of Reclamation	Water and Related Resources	OREGON INVESTIGATIONS PROGRAM: UMATILLA ON-RESERVATION DISTRIBUTION SYSTEMS	\$100,000	Walden	Wyden, Merkley
Bureau of Reclamation	Water and Related Resources	RESEARCH AND DEVELOPMENT: SCIENCE AND TECHNOLOGY PROGRAM (QUAGGA & ZEBRA MUSSEL RESEARCH ACTIVITIES)	\$500,000		Feinstein, Bennet
Bureau of Reclamation	Water and Related Resources	RIVERSIDE-CORONA FEEDER	\$1,000,000	Baca, Calvert	Feinstein
Bureau of Reclamation	Water and Related Resources	ROGUE RIVER BASIN PROJECT, TALENT DIVISION: WATER FOR IRRIGATION STREAMS AND ECONOMY FEASIBILITY STUDY	\$100,000	Walden	Wyden, Merkley
Bureau of Reclamation	Water and Related Resources	SAN BERNARDINO MWD, CA	\$1,000,000	Baca, Lewis (CA)	Feinstein, Boxer
Bureau of Reclamation	Water and Related Resources	SAN DIEGO FOUR-RESERVOIR INTERTIE	\$120,000	Filner; Hunter	Feinstein, Boxer
Bureau of Reclamation	Water and Related Resources	SAN GABRIEL BASIN RESTORATION FUND	\$3,500,000	Dreier; Napolitano; Roybal-Allard	
Bureau of Reclamation	Water and Related Resources	SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY	\$289,000	Giffords	

Bureau of Reclamation	Water and Related Resources	SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM: LAKE ARROWHEAD	\$1,000,000	Lewis (CA)		
Bureau of Reclamation	Water and Related Resources	TITLE XVI, WATER RECLAMATION & REUSE PROGRAM	\$2,500,000	Moran (VA)	Reid	
Bureau of Reclamation	Water and Related Resources	TUALATIN VALLEY WATER SUPPLY FEASIBILITY STUDY	\$236,000	Wu	Wyden, Merkley	
Bureau of Reclamation	Water and Related Resources	UPPER MOJAVE RIVER WELL FIELD	\$100,000	Lewis (CA)		
Bureau of Reclamation	Water and Related Resources	WATSONVILLE AREA WATER RECYCLING PROJECT	\$750,000	Farr	Feinstein	
Bureau of Reclamation	Water and Related Resources	WEBER BASIN PROJECT: ARTHUR V. WATKINS DAM FEASIBILITY STUDY	\$1,000,000	Bishop (UT)	Bennett, Hatch	
Bureau of Reclamation	Water and Related Resources	YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT: YAKIMA RIVER BASIN WATER STORAGE PLAN	\$1,500,000	Hastings (WA)	Murray	
Bureau of Reclamation	Water and Related Resources	YUMA EAST WETLANDS	\$2,000,000	Grijalva; Pastor (AZ)		
Bureau of Reclamation	General Provisions	SECTION 205—FORT PECK RESERVATION RURAL WATER SYSTEM	.....		Tester	
Bureau of Reclamation	General Provisions	SECTION 206—DESERT TERMINAL LAKES PROGRAM	.....		Reid	
Bureau of Reclamation	General Provisions	SECTION 207—DESERT TERMINAL LAKES PROGRAM	.....		Reid	
Bureau of Reclamation	General Provisions	SECTION 208—DESERT TERMINAL LAKES PROGRAM	.....		Reid	
Bureau of Reclamation	General Provisions	SECTION 209—NORTH DAKOTA NATURAL RESOURCES TRUST	.....		Dorgan	
Bureau of Reclamation	General Provisions	SECTION 210—CALFED BAY-DELTA	.....		Feinstein	
Bureau of Reclamation	General Provisions	SECTION 211—CALIFORNIA WATER TRANSFERS	.....		Feinstein, Boxer	
Department of Energy	EERE	21ST CENTURY RENEWABLE FUELS, ENERGY, AND MATERIALS INITIATIVE (MI)	\$1,250,000	Kildee	Levin, Stabenow	
Department of Energy	EERE	A123 SYSTEMS LARGE FORMAT NANOPHOSPHATE BATTERIES FOR SOLAR ENERGY STORAGE (MI)	\$1,000,000		Levin, Stabenow	
Department of Energy	EERE	ADVANCED AUTOMOTIVE FUELS RESEARCH, DEVELOPMENT, & COMMERCIALIZATION CLUSTER	\$1,000,000	Ryan (OH)		
Department of Energy	EERE	ADVANCED BATTERY MANUFACTURING	\$200,000	Perriello		
Department of Energy	EERE	ADVANCED POWER CUBE FOR WIND POWER AND GRID REGULATION SERVICES	\$500,000	Dent; Holden	Specter	
Department of Energy	EERE	AGRI-BUSINESS ENERGY INDEPENDENCE DEMONSTRATION, NY	\$80,000	Arcuri		
Department of Energy	EERE	ALABAMA INSTITUTE FOR DEAF AND BLIND BIODIESEL PROJECT GREEN	\$300,000	Rogers (AL)		
Department of Energy	EERE	ALGAE BIOFUELS RESEARCH (WA)	\$2,000,000	Inslee	Murray, Cantwell	
Department of Energy	EERE	ALGAE TO ETHANOL RESEARCH AND EVALUATION (NI)	\$750,000		Lautenberg, Menendez	
Department of Energy	EERE	ALGAL-BASED RENEWABLE ENERGY FOR NEVADA (NV)	\$800,000		Reid	

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Energy	EERE	ALTERNATIVE AND UNCONVENTIONAL ENERGY RESEARCH AND DEVELOPMENT (UT)	\$10,000,000		Bennett
Department of Energy	EERE	ALTERNATIVE ENERGY SCHOOL OF THE FUTURE	\$1,200,000	Berkley, Titus	Reid
Department of Energy	EERE	ALTERNATIVE ENERGY TRAINING INSTITUTE	\$500,000	McKeon	
Department of Energy	EERE	ALTERNATIVE FUEL BUS PROJECT, SCHAGHTICOKE, NY	\$300,000	Murphy (NY)	
Department of Energy	EERE	AUBURN UNIVERSITY, BIOMASS TO LIQUID FUELS AND ELECTRIC POWER RESEARCH	\$1,500,000	Bonner, Rogers (AL)	Sessions
Department of Energy	EERE	BAYVIEW GAS TO ENERGY PROJECT (UT)	\$1,000,000		Bennett
Department of Energy	EERE	BEN FRANKLIN TECHNOLOGY PARTNERS—CLEAN TECHNOLOGY COMMERCIALIZATION INITIATIVE (PA)	\$500,000	Brady (PA)	Spector, Casey
Department of Energy	EERE	BEXAR COUNTY SOLAR COLLECTION FARM AND DISTRIBUTION SYSTEM	\$1,000,000	Gonzalez, Smith (TX)	
Department of Energy	EERE	BIO ENERGY INITIATIVE FOR CONNECTICUT	\$1,500,000	DeLauro	Lieberman
Department of Energy	EERE	BIODIESEL BLENDING (WI)	\$600,000		Kohl
Department of Energy	EERE	BIODIESEL FEEDSTOCK DEVELOPMENT INITIATIVE (MO)	\$1,000,000		Bond
Department of Energy	EERE	BIODIESEL PRODUCTION FROM GREASE WASTE	\$250,000	Bono Mack	
Department of Energy	EERE	BIOENERGY/BIOMANOTECHNOLOGY PROJECTS	\$500,000	Alexander	
Department of Energy	EERE	BIOFUEL MICRO-REFINERIES FOR LOCAL SUSTAINABILITY	\$500,000	Cohen	
Department of Energy	EERE	BIOFUELS CAMPUS FOR ACCELERATED DEVELOPMENT	\$500,000	Butterfield	
Department of Energy	EERE	BIOFUELS RESEARCH LABORATORY	\$1,000,000	Guthrie	
Department of Energy	EERE	BIOFUELS, BIOPOWER AND BIOMATERIALS INITIATIVE	\$1,250,000	Kingston, Scott (GA)	
Department of Energy	EERE	BIOMASS ENERGY RESOURCES CENTER (VT)	\$1,000,000		Leahy
Department of Energy	EERE	BIOPROCESSES RESEARCH AND DEVELOPMENT, MICHIGAN BIOTECHNOLOGY INSTITUTE, LANSING, MI	\$500,000	Rogers (MI)	
Department of Energy	EERE	BLACK HILLS STATE HEATING AND COOLING PLANT (SD)	\$1,000,000	Herseth Sandlin	Johnson, Thune
Department of Energy	EERE	BOULDER SMARTGRID CITY—PLUG-IN ELECTRIC HYBRID VEHICLES	\$500,000	Polis	
Department of Energy	EERE	BRIDGE HYDRO-TURBINE STUDY	\$150,000	Blumenauer, Wu	Merkley, Wyden
Department of Energy	EERE	BROOKSTON WIND TURBINES STUDY, BROOKSTON, IN	\$75,000	Boyer	
Department of Energy	EERE	CALIFORNIA POLYTECHNIC STATE UNIVERSITY CENTER FOR RENEWABLE ENERGY AND ALTERNATIVE ELECTRIC TRANSPORTATION TECHNOLOGIES EQUIPMENT ACQUISITION	\$250,000	McCarthy (CA)	Boxer
Department of Energy	EERE	CELLULOSIC DIESEL BIOREFINERY (NJ)	\$1,000,000	Holt, Rothman (NJ)	Lautenberg, Menendez



Department of Energy	EERE	CENTER FOR APPLIED ALTERNATIVE ENERGY, SUSTAINABLE & PRACTICES	\$500,000	Buchanan		
Department of Energy	EERE	CENTER FOR BIOMASS UTILIZATION (ND)	\$7,000,000	Pomeroy		Dorgan, Conrad
Department of Energy	EERE	CENTER FOR ENERGY STORAGE RESEARCH	\$1,000,000	Johnson, Sam		
Department of Energy	EERE	CENTER FOR ENVIRONMENTAL AND ENERGY RESEARCH	\$250,000	Massa		
Department of Energy	EERE	CENTER FOR NANOSCALE ENERGY (ND)	\$5,000,000	Pomeroy		Dorgan, Conrad
Department of Energy	EERE	CENTER FOR OCEAN RENEWABLE ENERGY (NH)	\$750,000			Shaheen
Department of Energy	EERE	CENTRAL CORRIDOR ENERGY DISTRICT INTEGRATION STUDY	\$500,000	McCollum		Klobuchar
Department of Energy	EERE	CENTRAL PIEDMONT COMMUNITY COLLEGE	\$525,000	Kissell; Watt		Hagan
Department of Energy	EERE	CENTRAL VERMONT RECOVERED BIOMASS FACILITY (VT)	\$500,000			Leahy
Department of Energy	EERE	CHRISTMAS VALLEY RENEWABLE ENERGY DEVELOPMENT	\$410,000	Walden		
Department of Energy	EERE	CITY HALL LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) CERTIFICATION	\$500,000	Diaz-Balart, Mario		
Department of Energy	EERE	CITY OF BOISE GEOTHERMAL EXPANSION TO BOISE STATE UNIVERSITY	\$1,000,000	Simpson		Crapo, Risch
Department of Energy	EERE	CITY OF GRAND RAPIDS SOLAR ROOF DEMONSTRATION PROJECT	\$250,000	Ehlers		Levin, Stabenow
Department of Energy	EERE	CITY OF NORCO WASTE-TO-ENERGY FACILITY	\$750,000	Calvert		
Department of Energy	EERE	CITY OF OAKDALE ENERGY EFFICIENCY UPGRADES	\$400,000	McCollum		Klobuchar
Department of Energy	EERE	CITY OF REDLANDS FACILITIES UPGRADES TO IMPROVE ENERGY EFFICIENCY	\$900,000	Lewis (CA)		
Department of Energy	EERE	CITY OF TALLAHASSEE INNOVATIVE ENERGY INITIATIVES	\$250,000	Crenshaw		
Department of Energy	EERE	CITY OF WINTER GARDEN WEATHERIZATION DEMONSTRATION PROJECT	\$200,000	Grayson		
Department of Energy	EERE	CLEAN POWER ENERGY RESEARCH CONSORTIUM (CPERC)	\$1,000,000	Cao; Melancon		Landrieu
Department of Energy	EERE	CLEMSON UNIVERSITY CELLULOSIC BIOFUEL PILOT PLANT	\$1,000,000	Barrett (SC); Inglis		
Department of Energy	EERE	CLOUD COUNTY COMMUNITY COLLEGE RENEWABLE ENERGY CENTER OF EXCELLENCE	\$750,000	Moran (KS)		
Department of Energy	EERE	COASTAL OHIO WIND PROJECT: REMOVING BARRIERS TO GREAT LAKES OFFSHORE WIND ENERGY DEVELOPMENT	\$1,000,000	Kaptur; Latta		
Department of Energy	EERE	COMMERCIAL BUILDING ENERGY EFFICIENCY DEMONSTRATION (IL)	\$500,000			Durbin
Department of Energy	EERE	COMPREHENSIVE WIND ENERGY PROGRAM, PURDUE UNIVERSITY-CALUMET, IN	\$500,000	Visclosky		
Department of Energy	EERE	COMPRESSED NATURAL GAS FUELING FACILITY	\$700,000	Blunt		
Department of Energy	EERE	CONCENTRATOR PHOTOVOLTAIC TECHNOLOGY	\$900,000	Giffords		
Department of Energy	EERE	CONSOLIDATED ALTERNATIVE FUELS RESEARCH	\$250,000	Lucas		Inhofe

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Energy	EERE	CONSORTIUM FOR PLANT BIOTECHNOLOGY RESEARCH	\$3,000,000	Abercrombie, Bishop (GA); Conyers; Etheridge, Lewis (GA); Miller (NC); Price (NC); Rogers (KY); Rogers (MI); Rothman (NJ); Stupak	Hagen, Lautenberg, Levin, Lugar, Stabenow
Department of Energy	EERE	CONTROLLED ENVIRONMENTAL AGRICULTURE AND ENERGY PROJECT	\$200,000	McHugh	
Department of Energy	EERE	COOLING, HEATING AND POWER (MICRO-CHP) AND BIO-FUEL APPLICATION CENTER (MS)	\$2,000,000		Cochran, Wicker
Department of Energy	EERE	CREIGHTON UNIVERSITY TRAINING & RESEARCH IN SOLAR POWER	\$1,200,000	Terry	Ben Nelson
Department of Energy	EERE	DAEMEN COLLEGE ALTERNATIVE ENERGY/GEOTHERMAL TECHNOLOGIES DEMONSTRATION PROGRAM, ERIE COUNTY, NY	\$950,000	Lee (NY)	Gillibrand, Schumer
Department of Energy	EERE	DEDDHAM MUNICIPAL SOLAR PROJECT	\$500,000	Lynch	
Department of Energy	EERE	DEMONSTRATION PLANT FOR BIODIESEL FUELS FROM LOW-IMPACT CROPS	\$500,000	Schock	
Department of Energy	EERE	DESIGN AND IMPLEMENTATION OF GEOTHERMAL ENERGY SYSTEMS AT WEST CHESTER UNIVERSITY	\$300,000	Sestak	
Department of Energy	EERE	DEVELOPMENT OF AN ECONOMIC AND EFFICIENT BIODIESEL PRODUCTION PROCESS (NC)	\$750,000	McIntyre	Hagan
Department of Energy	EERE	DEVELOPMENT OF BIOFUELS USING IONIC TRANSFER MEMBRANES (NV)	\$1,500,000		Reid
Department of Energy	EERE	DEVELOPMENT OF HIGH YIELD FEEDSTOCK AND BIOMASS CONVERSION TECHNOLOGY FOR DEVELOPMENT OF HIGH YIELD TROPICAL FEEDSTOCKS AND BIOMASS CONVERSION (HI)	\$6,000,000	Hirono	Inouye
Department of Energy	EERE	DEVELOPMENT OF POLLUTION PREVENTION TECHNOLOGIES	\$900,000	Clarke; Meeks (NY); Towns; Weiner	Gillibrand, Schumer
Department of Energy	EERE	DRI RENEWABLE ENERGY CENTER (REC) (NV)	\$500,000	Berkley	Reid
Department of Energy	EERE	EAST KENTUCKY BIOENERGY CAPACITY ASSESSMENT PROJECT	\$250,000	Rogers (KY)	
Department of Energy	EERE	EASTERN ILLINOIS UNIVERSITY BIOMASS PLANT	\$1,000,000	Johnson (IL)	
Department of Energy	EERE	ENERGY AUDIT, EFFICIENCY IMPROVEMENTS, AND RENEWABLE ENERGY INSTALLATIONS, TOWNSHIP OF BRANCHBURG, NJ	\$1,000,000	Lance	
Department of Energy	EERE	ENERGY CONSERVATION AND EFFICIENCY UPGRADE OF HVAC CONTROLS	\$500,000	Maloney	
Department of Energy	EERE	ENERGY CONSERVATION UPGRADES, INGHAM REGIONAL MEDICAL CENTER, LANSING, MI	\$250,000	Rogers (MI)	
Department of Energy	EERE	ENERGY EFFICIENCY ENHANCEMENTS	\$250,000	Aderholt	

Department of Energy	EERE	ENERGY EFFICIENCY REPAIRS AND AIR QUALITY IMPROVEMENTS AT LYONSDALE BIOMASS	\$500,000	McHugh		
Department of Energy	EERE	ENERGY EFFICIENCY UPGRADES, NEW ROCHELLE, NY	\$1,000,000	Lowey		
Department of Energy	EERE	ENERGY REDUCTION AND EFFICIENCY IMPROVEMENT THROUGH LIGHTING CONTROL	\$120,000	Dent		
Department of Energy	EERE	ENERGY SAVING RETROFITTING FOR THE CFCC MAIN CAMPUS	\$300,000	Stearns		
Department of Energy	EERE	ENERGY STORAGE/CONSERVATION AND CARBON EMISSIONS REDUCTION DEMONSTRATION PROJECT (MA)	\$400,000			Kennedy, Kerry
Department of Energy	EERE	ENERGY-EFFICIENT INNOVATIONS FOR HEALTHY BUILDINGS	\$500,000	Maffei		
Department of Energy	EERE	ENGUNITYSC COMMERCIALIZATION AND ENTREPRENEURIAL TRAINING PROJECT (SC)	\$500,000			Graham
Department of Energy	EERE	ENVIRONMENTAL IMPACT PROTOCOLS FOR TIDAL POWER	\$1,000,000	Michaud; Pingree (ME)		Collins, Snowe
Department of Energy	EERE	ETHANOL FROM AGRICULTURE	\$500,000	Berry		Lincoln, Pryor
Department of Energy	EERE	FAIRBANKS GEOTHERMAL ENERGY PROJECT	\$1,000,000	Young (AK)		Murkowski, Begich
Department of Energy	EERE	FAIRVIEW DEPARTMENT OF PUBLIC WORKS BUILDING AND SITE IMPROVEMENTS	\$500,000	Rothman (NJ)		
Department of Energy	EERE	FALLON PAUTE-SHOSHONE TRIBE DEMONSTRATION ENERGY PARK (NV)	\$200,000			Reid
Department of Energy	EERE	FARM DEPLOYABLE MICROBIAL BIOREACTOR FOR FUEL ETHANOL PRODUCTION	\$800,000	Aderholt; Bright		Sessions
Department of Energy	EERE	FAST CHARGING ELECTRIC VEHICLE DEMONSTRATION PROJECT IN CHARLOTTESVILLE, VIRGINIA	\$500,000	Perriello		
Department of Energy	EERE	FEASIBILITY STUDY AND DESIGN OF BRIGHTFIELD SOLAR FARM	\$200,000	Sestak		
Department of Energy	EERE	FLORIDA RENEWABLE ENERGY PROGRAM	\$1,000,000	Putnam		
Department of Energy	EERE	FLUID FLOW OPTIMIZATION OF AEROGEL BLANKET PROCESS PROJECT (MA)	\$300,000	McGovern		Kennedy, Kerry
Department of Energy	EERE	FORT MASON CENTER PIER 2 PROJECT	\$2,000,000	Pelosi		
Department of Energy	EERE	GADSDEN STATE COMMUNITY COLLEGE GREEN OPERATIONS PLAN	\$75,000	Aderholt		
Department of Energy	EERE	GAS HEAT PUMP COOPERATIVE TRAINING PROGRAM (NV)	\$250,000			Reid
Department of Energy	EERE	GENETIC IMPROVEMENT OF SWITCHGRASS (RI)	\$1,500,000			Reed
Department of Energy	EERE	GEORGETOWN SOUTH COMMERCIAL PARK, PHOTOVOLTAIC GENERATION FACILITY	\$100,000	Carter		
Department of Energy	EERE	GEORGIA SOUTHERN UNIVERSITY BIODIESEL RESEARCH	\$250,000	Kingston		Chambliss
Department of Energy	EERE	GEOTHERMAL DEVELOPMENT IN HOT SPRINGS VALLEY	\$491,000	Rehberg		
Department of Energy	EERE	GEOTHERMAL POWER GENERATION PLANT AT OREGON INSTITUTE OF TECHNOLOGY	\$1,000,000	Walden; Wu		Merkley, Wyden
Department of Energy	EERE	GLOBAL GREEN NEW ORLEANS—HOLY CROSS PROJECT	\$550,000	Cao		Landrieu, Vitter

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Energy	EERE	GOGEBIC COMMUNITY COLLEGE (GCC), CAMPUS ENERGY EFFICIENT AND WEATHERIZATION UPGRADE	\$300,000	Stupak	
Department of Energy	EERE	GREAT BASIN COLLEGE DIRECT-USE GEOTHERMAL DEMONSTRATION PROJECT (NV)	\$1,000,000		Reid
Department of Energy	EERE	GREAT LAKES INSTITUTE FOR ENERGY INNOVATION	\$1,000,000	Fudge; LaTourette	Voinovich, Brown
Department of Energy	EERE	GREAT PLAINS WIND POWER TEST FACILITY, TEXAS TECH UNIVERSITY, LUBBOCK, TX (TX)	\$2,000,000	Neugebauer	Hutchison, Cornyn
Department of Energy	EERE	GREEN BUILDING RESEARCH LABORATORY	\$1,000,000	Wu	Merkley, Wyden
Department of Energy	EERE	GREEN BUILDINGS/RETROFITTING	\$350,000	Forbes	
Department of Energy	EERE	GREEN FUELS DEPOT	\$1,500,000	Biggert	
Department of Energy	EERE	GREEN ROOF DEMONSTRATION PROJECT	\$600,000	Souder	
Department of Energy	EERE	GREEN ROOF FOR THE DUPAGE COUNTY ADMINISTRATION BUILDING	\$250,000	Roskam	
Department of Energy	EERE	GREENFIELD COMMUNITY COLLEGE HYBRID GEO-THERMAL PROJECT	\$525,000	Olver	
Department of Energy	EERE	HARDIN COUNTY GENERAL HOSPITAL ENERGY EFFICIENCY UPGRADES	\$500,000	Shimkus	
Department of Energy	EERE	HAWAII ENERGY SUSTAINABILITY PROGRAM (HI)	\$6,000,000	Hirono	Inouye, Akaka
Department of Energy	EERE	HAWAII RENEWABLE ENERGY DEVELOPMENT VENTURE (HI)	\$6,000,000		Inouye
Department of Energy	EERE	HENDERSON, SOLAR ENERGY PROJECT	\$500,000	Titus	Reid
Department of Energy	EERE	HIGH PENETRATION WIND POWER IN TATILEK	\$900,000	Young (AK)	Begich
Department of Energy	EERE	HIGH SPEED WIND TURBINE NOISE MODEL WITH SUPPRESSION (MS)	\$1,000,000		Cochran, Wicker
Department of Energy	EERE	HIGH TEMPERATURE HYDROGEN GENERATION SYSTEMS	\$300,000	Inglis	
Department of Energy	EERE	HOSPITAL LIGHTING RETROFIT	\$500,000	Rush	
Department of Energy	EERE	HOUSATONIC RIVER NET-ZERO-ENERGY BUILDING	\$1,000,000	Olver	
Department of Energy	EERE	HULL MUNICIPAL LIGHT PLANT OFFSHORE WIND PROJECT	\$750,000	Delahunt	
Department of Energy	EERE	HYDROGEN PRODUCTION AND DELIVERY TECHNOLOGY (CT)	\$500,000		Dodd, Lieberman
Department of Energy	EERE	HYPERCAST R&D FUNDING FOR VEHICLE ENERGY EFFICIENCY (CO)	\$750,000		Bennet
Department of Energy	EERE	ILLINOIS COMMUNITY COLLEGE SUSTAINABILITY NETWORK	\$250,000	Costello; Halvorson; Jackson (IL); Johnson (IL); Schakowsky; Schock	
Department of Energy	EERE	ILLINOIS ENERGY RESOURCES CENTER AT THE UNIVERSITY OF ILLINOIS AT CHICAGO	\$400,000	Lipinski	

Department of Energy	EERE	IMPROVING FUEL CELL DURABILITY AND RELIABILITY INITIATIVE	\$2,500,000	Courtney; Larson (CT)	Dodd
Department of Energy	EERE	INDEPENDENT ENERGY COMMUNITY RENEWABLE POWER SYSTEM (UT)	\$1,000,000		Bennett
Department of Energy	EERE	INSTALLATION OF A SOLAR CANOPY	\$534,000	Olver	
Department of Energy	EERE	INSTITUTE FOR SUSTAINABLE ENERGY	\$1,000,000	Bachus; Davis (AL)	Sessions
Department of Energy	EERE	INTEGRATED BIOMASS REFINING INSTITUTE	\$1,000,000	Etheridge; Price (NC)	Hagan
Department of Energy	EERE	INTEGRATED POWER FOR MICROSYSTEMS	\$250,000	Lee (NY)	
Department of Energy	EERE	INTEGRATED RENEWABLE ENERGY & CAMPUS SUSTAINABILITY INITIATIVE	\$750,000	Latham	Grassley
Department of Energy	EERE	IOWA CENTRAL RENEWABLE FUEL TESTING LABORATORY	\$750,000	Latham	Harkin, Grassley
Department of Energy	EERE	ISSAQUAH HIGHLANDS ZERO ENERGY AFFORDABLE HOUSING	\$500,000	Reichert	
Department of Energy	EERE	JENKS ENERGY MANAGEMENT EQUIPMENT	\$250,000	Sullivan	
Department of Energy	EERE	JUNIATA HYBRID LOCOMOTIVE	\$1,000,000	Shuster	
Department of Energy	EERE	KANSAS STATE UNIVERSITY CENTER FOR SUSTAINABLE ENERGY	\$500,000	Moran (KS)	Brownback
Department of Energy	EERE	LA FERIA SOLAR LIGHTING INITIATIVE	\$500,000	Hinojosa	
Department of Energy	EERE	LANCASTER LANDFILL SOLAR FACILITY	\$500,000	Tsongas	
Department of Energy	EERE	LANE COMMUNITY COLLEGE ENERGY DEMONSTRATION BUILDING (OR)	\$550,000		Wyden, Merkley
Department of Energy	EERE	LARGE-SCALE WIND TRAINING PROGRAM, HUDSON VALLEY COMMUNITY COLLEGE, TROY, NY	\$300,000	Murphy (NY)	Schumer
Department of Energy	EERE	LIGNOCELLULOSIC BIOFUELS FROM NEW BIOENERGY CROPS	\$1,000,000	Edwards (TX)	
Department of Energy	EERE	LONG ISLAND 50 MW SOLAR INITIATIVE	\$1,750,000	Israel	
Department of Energy	EERE	LONG ISLAND BIOFUELS ALLIANCE	\$2,750,000	Israel	
Department of Energy	EERE	LOW COST PRODUCTION OF THIN-FILM PHOTOVOLTAIC (PV) CELLS (PA)	\$1,200,000	Platts	Specter
Department of Energy	EERE	MARET CENTER	\$1,500,000	Blunt	
Department of Energy	EERE	MARINE ENERGY TECHNOLOGY (WA)	\$1,750,000	Dicks	Murray
Department of Energy	EERE	MARINE RENEWABLE ENERGY CENTER	\$750,000	Delahunt; Frank (MA); McGovern	
Department of Energy	EERE	MIAMI CHILDREN'S MUSEUM GOING GREEN INITIATIVE	\$1,000,000	Ros-Lehtinen	
Department of Energy	EERE	MIDSOUTH/SOUTHEAST BIOENERGY CONSORTIUM (AR)	\$1,000,000	Berry; Boozman	Lincoln, Pryor
Department of Energy	EERE	MILL SEAT LANDFILL BIOREACTOR RENEWABLE GREEN POWER PROJECT	\$1,000,000	Lee (NY)	Gillibrand
Department of Energy	EERE	MONTANA ALGAL BIODIESEL INITIATIVE (MT)	\$500,000	Rehberg	Baucus, Tester
Department of Energy	EERE	MONTANA BIO-ENERGY CENTER OF EXCELLENCE (MT)	\$2,250,000		Baucus, Tester
Department of Energy	EERE	MORRIS COUNTY RENEWABLE ENERGY INITIATIVE	\$2,000,000	Frelinghuysen	

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Energy	EERE	MOVING TOWARD AN ENERGY EFFICIENT CAMPUS AT WHEELLOCK COLLEGE	\$400,000	Capuano	
Department of Energy	EERE	MT. WACHUSETT COMMUNITY COLLEGE WIND PROJECT	\$1,000,000	Olver	
Department of Energy	EERE	MULTI-HYBRID POWER VEHICLES WITH COST EFFECTIVE AND DURABLE POLYMER ELECTROLYTE MEMBRANE FUEL CELL AND LITHIUM ION BATTERY FOR OHIO UNIVERSITY	\$600,000	Wilson (OH)	
Department of Energy	EERE	MUNICIPAL BUILDING ENERGY EFFICIENT WINDOW REPLACEMENT PROGRAM	\$180,000	Lance	Lautenberg, Menendez
Department of Energy	EERE	MUNICIPAL COMPLEX SOLAR POWER PROJECT	\$200,000	Sires	
Department of Energy	EERE	NANOSTRUCTURED MATERIALS FOR ENERGY	\$1,000,000	Miller (NC)	
Department of Energy	EERE	NANOSTRUCTURED MATERIALS FOR IMPROVED PHOTOVOLTAICS (MS)	\$1,000,000		Cochran
Department of Energy	EERE	NATIONAL CENTER OF EXCELLENCE IN ENERGY STORAGE TECHNOLOGY	\$1,000,000	Kilroy	Voinovich
Department of Energy	EERE	NATIONAL OFFSHORE WIND ENERGY CENTER	\$2,000,000	Green, Al; Green, Gene; Jackson-Lee (TX)	Hutchison
Department of Energy	EERE	NATIONAL OPEN-OCEAN ENERGY LABORATORY	\$2,000,000	Klein (FL); Wasserman Schultz; Wexler	Bill Nelson, Martinez
Department of Energy	EERE	NCMS	\$900,000	Dingell	
Department of Energy	EERE	NEAR ZERO CARBON FOOTPRINT ENERGY CREATION THROUGH THERMAL OXIDATION (PA)	\$1,000,000		Specter
Department of Energy	EERE	NEIGHBORHOOD WEATHERIZATION COLLABORATIVE	\$500,000	DeGette	
Department of Energy	EERE	NEVADA RENEWABLE ENERGY INTEGRATION AND DEVELOPMENT CONSORTIUM (NV)	\$3,000,000		Reid
Department of Energy	EERE	NEWARK MUSEUM ALTERNATIVE ENERGY ENHANCEMENT PROGRAM	\$500,000	Frelinghuysen; Payne	
Department of Energy	EERE	NEXT GENERATION COMPOSITE WIND BLADE MANUFACTURING TECHNOLOGIES	\$250,000	Michaud; Pingree (ME)	Collins, Snowe
Department of Energy	EERE	NEXT GENERATION WIND TURBINE	\$1,000,000	Neal	Kennedy, Kerry
Department of Energy	EERE	NIREC—NEVADA INSTITUTE FOR RENEWABLE ENERGY COMMERCIALIZATION (NV)	\$1,000,000		Reid
Department of Energy	EERE	NORTHERN ILLINOIS UNIVERSITY TRANSPORTATION ENERGY PROGRAM	\$1,000,000	Lipinski	
Department of Energy	EERE	NORTHERN NEVADA RENEWABLE ENERGY TRAINING PROJECT (NV)	\$500,000		Reid
Department of Energy	EERE	NORWICH COGENERATION INITIATIVE (CT)	\$750,000		Dodd, Lieberman
Department of Energy	EERE	NOVEL PHOTOCATALYTIC METAL OXIDES (NE)	\$250,000		Ben Nelson
Department of Energy	EERE	NTRCI LEGACY ENGINE DEMONSTRATION PROJECT	\$500,000	Duncan	

Department of Energy	EERE		NY STATE CENTER FOR ADVANCED FERRITE PRODUCTION	\$300,000	McHugh		
Department of Energy	EERE		OAKLAND UNIVERSITY ALTERNATIVE ENERGY EDUCATION	\$500,000	Peters		Levin, Stabenow
Department of Energy	EERE		OFFSHORE WIND INITIATIVE (ME)	\$5,000,000	Michaud; Pingree (ME)		Collins, Snowe
Department of Energy	EERE		OFFSHORE WIND PROJECT STUDY	\$500,000	Ackerman		
Department of Energy	EERE		OHIO ADVANCED ENERGY MANUFACTURING CENTER (OH)	\$500,000	Kilroy		Brown
Department of Energy	EERE		ORANGE COUNTY SOLAR DEMONSTRATION & RESEARCH FACILITY	\$300,000	Grayson		Martinez
Department of Energy	EERE		OREGON SOLAR HIGHWAY—INNOVATIVE USE OF SOLAR TECHNOLOGY (OR)	\$1,000,000			Wyden, Merkley
Department of Energy	EERE		OU CENTER FOR BIOMASS REFINING	\$500,000	Cole		
Department of Energy	EERE		PASSIVE NOX REMOVAL CATALYST RESEARCH, NOTRE DAME UNIVERSITY, IN	\$900,000	Visclosky		
Department of Energy	EERE		PERU ELECTRICAL DEPARTMENT WIND TURBINE GENERATION	\$1,000,000	Halvorson		
Department of Energy	EERE		PHIPPS CONSERVATORY CTI WASTE-TO-ENERGY PROJECT	\$500,000	Murphy, Tim		
Department of Energy	EERE		PHOENIX CHILDREN'S HOSPITAL CENTRAL ENERGY PLANT EXPANSION	\$2,000,000	Pastor (AZ)		
Department of Energy	EERE		PHOTOVOLTAGIC POWER ELECTRONICS RESEARCH INITIATIVE (PERI)	\$700,000	Brown, Corrine; Kosmas		
Department of Energy	EERE		PITTSBURGH GREEN INNOVATORS	\$1,500,000	Doyle		
Department of Energy	EERE		PLACER COUNTY BIOMASS UTILIZATION PILOT PROJECT (CA)	\$1,000,000			Feinstein
Department of Energy	EERE		PLUG-IN HYBRID INITIATIVE	\$750,000	Schauer		Levin, Stabenow
Department of Energy	EERE		PORT OF GALVESTON SOLAR ENERGY PROJECT	\$250,000	Paul		
Department of Energy	EERE		PROTOTYPING AND DEVELOPMENT OF COMMERCIAL NANOCRYSTALLINE THIN FILM SILICON FOR PHOTOVOLTAGIC MANUFACTURING	\$500,000	Tonko		Gillibrand
Department of Energy	EERE		PURDUE SOLAR ENERGY UTILIZATION LABORATORY, WEST LAFAYETTE, IN	\$425,000	Boyer		
Department of Energy	EERE		R & D OF CLEAN VEHICLE TECHNOLOGY	\$1,000,000	Ryan (OH); Sutton		
Department of Energy	EERE		RENEWABLE ENERGY CENTER	\$750,000	Butterfield; Watt		Hagan
Department of Energy	EERE		RENEWABLE ENERGY CLEAN AIR PROJECT (RECAP) (MN)	\$1,000,000			Klobuchar
Department of Energy	EERE		RENEWABLE ENERGY DEMONSTRATION (IL)	\$500,000			Durbin
Department of Energy	EERE		RENEWABLE ENERGY FEASIBILITY STUDY AND RESOURCES ASSESSMENT (NV)	\$500,000			Reid
Department of Energy	EERE		RENEWABLE ENERGY INITIATIVE (IL)	\$500,000			Durbin
Department of Energy	EERE		RENEWABLE ENERGY INITIATIVES FOR CLARK COUNTY, NEVADA PARKS AND RECREATION (NV)	\$1,000,000			Reid
Department of Energy	EERE		RENEWABLE ENERGY/DISASTER BACKUP SYSTEM FOR HAWAII RED CROSS HEADQUARTERS BUILDING	\$240,000	Abercrombie; Hirono		Akaka

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Energy	EERE	RESEARCH AND DEVELOPMENT OF LIQUID CARRIERS FOR HYDROGEN ENERGY	\$500,000	Reichert	
Department of Energy	EERE	RESEARCH ON FUEL CELL POWERED BY HYDROGEN PRODUCTION FROM BIOMASS TO PROVIDE CLEAN ENERGY FOR REMOTE FARMS AWAY FROM ELECTRIC GRIDS (NY)	\$675,000		Schumer, Gillibrand
Department of Energy	EERE	RICHLAND COMMUNITY COLLEGE BIOENERGY PROGRAM	\$500,000	Johnson (IL)	
Department of Energy	EERE	RUNNING SPRINGS RETREAT CENTER SOLAR UPGRADE	\$1,000,000	Lewis (CA)	
Department of Energy	EERE	SAINT JOSEPH'S UNIVERSITY INSTITUTE FOR ENVIRONMENTAL STEWARDSHIP	\$1,000,000	Brady (PA); Fattah	
Department of Energy	EERE	SAN DIEGO CENTER FOR ALGAE BIOTECHNOLOGY (SD-CAB)	\$750,000	Bilbray; Davis (CA)	
Department of Energy	EERE	SAN FRANCISCO ELECTRIC VEHICLE INITIATIVE	\$1,000,000	Pelosi	Boxer
Department of Energy	EERE	SHENANDOAH VALLEY AS A NATIONAL DEMONSTRATION PROJECT ACHIEVING 25 PERCENT RENEWABLE ENERGY BY THE YEAR 2025 (VA)	\$750,000		Webb, Warner
Department of Energy	EERE	SHOW ME ENERGY COOPERATIVE BIOMASS DEVELOPMENT	\$900,000	Skelton	
Department of Energy	EERE	SMART ENERGY PROGRAM (CT)	\$500,000	Larson (CT)	Dodd, Lieberman
Department of Energy	EERE	SOLAR COMPACTOR ENERGY EFFICIENCY RESEARCH DEMONSTRATION PROJECT (MA)	\$300,000		Kennedy, Kerry
Department of Energy	EERE	SOLAR ELECTRIC POWER FOR NONSECTARIAN EDUCATIONAL AND SOCIAL SERVICES FACILITIES (NV)	\$500,000		Reid
Department of Energy	EERE	SOLAR ENERGY DEVELOPMENT (ME)	\$800,000		Collins
Department of Energy	EERE	SOLAR ENERGY PARKING CANOPY DEMONSTRATION PROJECT	\$3,000,000	Lewis (CA)	
Department of Energy	EERE	SOLAR ENERGY PROGRAM	\$800,000	Wasserman Schultz	
Department of Energy	EERE	SOLAR ENERGY RESEARCH CENTER INSTRUMENTATION FACILITY, UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL	\$1,000,000	Price (NC)	Hagan
Department of Energy	EERE	SOLAR ENERGY ZONE PLANNING AND INFRASTRUCTURE FOR THE NEVADA TEST SITE AND ADJACENT LANDS (NV)	\$1,000,000		Reid
Department of Energy	EERE	SOLAR FURNACE RESEARCH PROGRAM, VALPARAISO UNIVERSITY, IN	\$500,000	Visclosky	Lugar
Department of Energy	EERE	SOLAR HOT WATER PROJECT IN GREENBURGH, NY	\$169,000	Lowe	
Department of Energy	EERE	SOLAR LIGHTING FOR ARTESIA PARKS	\$250,000	Sanchez, Linda	
Department of Energy	EERE	SOLAR PANEL EXPANSION INITIATIVE	\$500,000	Rodriguez	
Department of Energy	EERE	SOLAR PANELS IN MUNICIPAL OWNED BUILDINGS (NJ)	\$1,000,000		Lautenberg, Menendez
Department of Energy	EERE	SOLAR PANELS ON HUDSON COUNTY FACILITIES	\$500,000	Sires	Lautenberg, Menendez



Department of Energy	EERE	SOLAR PIONEER AND SOLAR ENTREPRENEUR PROGRAMS (NY)	\$500,000		Gillibrand
Department of Energy	EERE	SOLAR POWER FOR MAYWOOD	\$300,000	Rothman (NJ)	
Department of Energy	EERE	SOLAR POWERED COMPRESSED NATURAL GAS REFUELING STATION	\$500,000	McCarthy (NY)	
Department of Energy	EERE	SOLAR POWERED LIGHTING FOR FOREST PRESERVE DISTRICT OF DUPAGE COUNTY, IL	\$300,000	Roskam	
Department of Energy	EERE	SOLID OXIDE FUEL CELL SYSTEMS PVL PILOT LINE	\$1,000,000	Bocieri; Sutton	Brown
Department of Energy	EERE	SOMERSET COUNTY RENEWABLE ENERGY INITIATIVE	\$2,000,000	Frelinghuysen	
Department of Energy	EERE	SOUTH JERSEY WIND TURBINES	\$500,000	LoBiondo	Lautenberg; Menendez
Department of Energy	EERE	SOUTHERN PINE BASED BIOREFINERY CENTER	\$1,000,000	Lewis (GA); Marshall; Scott (GA)	Chambliss
Department of Energy	EERE	SOUTHERN REGIONAL CENTER FOR LIGHTWEIGHT INNOVATIVE DESIGNS (MS)	\$4,000,000		Cochran; Wicker
Department of Energy	EERE	SOUTHWEST ALASKA REGIONAL GEOTHERMAL ENERGY PROJECT (AK)	\$2,500,000		Murkowski; Begich
Department of Energy	EERE	ST. LUKE'S MINERS MEMORIAL HOSPITAL ENERGY EFFICIENCY IMPROVEMENT PROJECT	\$525,000	Holden	
Department of Energy	EERE	ST. MARKS REFINERY REDEVELOPMENT	\$350,000	Boyd	
Department of Energy	EERE	ST. PETERSBURG SOLAR PILOT PROJECT	\$1,000,000	Young (FL)	
Department of Energy	EERE	ST. PETERSBURG SUSTAINABLE BIOSOLIDS/RENEWABLE ENERGY PLANT	\$2,500,000	Young (FL)	Bill Nelson
Department of Energy	EERE	STATE COLLEGES' (VSC) STATEWIDE ENERGY EFFICIENCY AND RENEWABLE ENERGY INITIATIVE	\$450,000	Welch	Sanders
Department of Energy	EERE	STRATEGIC BIOMASS INITIATIVE (MS)	\$500,000		Cochran; Wicker
Department of Energy	EERE	STREET LIGHTING FIXTURE ENERGY EFFICIENCY RETROFIT PROJECT	\$500,000	Becerra; Harman; Sanchez; Linda; Watson	
Department of Energy	EERE	SUN GRANT INITIATIVE (SD)	\$2,750,000	Herseth Sandlin	Johnson
Department of Energy	EERE	SUSTAINABLE ALGAL ENERGY PRODUCTION AND ENVIRONMENTAL REMEDIATION	\$500,000	Wittman	
Department of Energy	EERE	SUSTAINABLE ENERGY OPTIONS FOR RURAL NEBRASKA	\$500,000	Fortenberry	
Department of Energy	EERE	SUSTAINABLE ENERGY RESEARCH CENTER	\$10,000,000	Harper	Cochran; Wicker
Department of Energy	EERE	SWEET SORGHUM ALTERNATIVE FUEL AND FEED PILOT PROJECT	\$750,000	Grijalva	
Department of Energy	EERE	SWITCHGRASS BIOFUEL RESEARCH: CARBON SEQUESTRATION AND LIFE CYCLE ANALYSIS	\$500,000	Fortenberry	Ben Nelson
Department of Energy	EERE	SYNTHESIS OF RENEWABLE BIOFUELS FROM BIOMASS	\$500,000	Rehberg	Tester
Department of Energy	EERE	THE BIOREFINERY IN NEW YORK-BIO BUTANOL FROM BIOMASS	\$400,000	Maffei	
Department of Energy	EERE	THE BOSTON ARCHITECTURAL COLLEGE'S URBAN SUSTAINABILITY INITIATIVE	\$1,600,000	Capuano	

**ENERGY AND WATER DEVELOPMENT—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Energy	EERE	THE CUNY ENERGY INSTITUTE (NY)	\$1,550,000		Schumer, Gillibrand
Department of Energy	EERE	THE JOHNSTON AVENUE SOLAR PROJECT	\$500,000	Smith (NJ)	
Department of Energy	EERE	THE SOLAR ENERGY CONSORTIUM	\$2,250,000	Hall (NY); Hinchey	
Department of Energy	EERE	THIN FILM PHOTOVOLTAIC RESEARCH & DEVELOPMENT (VT)	\$500,000		Leahy
Department of Energy	EERE	THURGOOD MARSHALL COLLEGE FUND MINORITY ENERGY SCIENCE INITIATIVE: NNSA	\$3,000,000	Butterfield; Towns	
Department of Energy	EERE	TODAY'S LEADERS FOR A SUSTAINABLE TOMORROW: A SUSTAINABLE ENERGY PROGRAM	\$1,500,000	Oberstar	
Department of Energy	EERE	TUCSON PUBLIC BUILDING SOLAR ARRAYS	\$450,000	Giffords	
Department of Energy	EERE	UNCONVENTIONAL AND RENEWABLE ENERGY RESEARCH UTILIZING COMPUTER SIMULATIONS (UT)	\$3,500,000		Bennett
Department of Energy	EERE	UNION TERMINAL	\$500,000	Driehaus	
Department of Energy	EERE	UNITED WAY OF SOUTHEASTERN MICHIGAN	\$400,000	Conyers; Dingell; Kilpatrick (MI); Levin; Miller (MI)	Levin, Stabenow
Department of Energy	EERE	UNIVERSITY OF AKRON NATIONAL POLYMER INNOVATION CENTER	\$1,000,000	Ryan (OH); Sutton	Voinovich
Department of Energy	EERE	UNIVERSITY OF ARKANSAS AT LITTLE ROCK NANOSTRUCTURED SOLAR CELLS	\$500,000	Snyder	Lincoln, Pryor
Department of Energy	EERE	UNIVERSITY OF DETROIT MERCY ENERGY EFFICIENT CHEMISTRY BUILDING RENOVATIONS	\$800,000	Kilpatrick (MI)	Levin, Stabenow
Department of Energy	EERE	UNIVERSITY OF LOUISVILLE RESEARCH AND ENERGY INDEPENDENCE PROGRAM (KY)	\$2,000,000		McConnell
Department of Energy	EERE	UNIVERSITY OF NEW HAVEN SOLAR TESTING AND TRAINING LAB (CT)	\$500,000		Dodd, Lieberman
Department of Energy	EERE	UNIVERSITY OF NORTH ALABAMA GREEN CAMPUS INITIATIVE	\$200,000	Aderholt	
Department of Energy	EERE	UNIVERSITY OF SOUTH CAROLINA AIKEN BIOFUELS LABORATORY IN AIKEN, SC	\$456,000	Barrett (SC)	
Department of Energy	EERE	UNIVERSITY OF WISCONSIN OSHKOSH'S ANAEROBIC DRY DIGESTION FACILITY	\$500,000	Petri	
Department of Energy	EERE	UNIVERSITY OF WISCONSIN-BARABOO/SAUK COUNTY NET-ZERO ENERGY BUILDING	\$500,000	Baldwin	
Department of Energy	EERE	UNIVERSITY OF WISCONSIN-MILWAUKEE ADVANCED NANOMATERIALS FOR HIGH-EFFICIENCY SOLAR CELLS	\$500,000	Moore (WI)	
Department of Energy	EERE	UNR—BIO DIESEL FROM FOOD WASTE (NV)	\$1,000,000		Reid
Department of Energy	EERE	UNR—GREAT BASIN CENTER FOR GEOTHERMAL ENERGY (NV)	\$1,000,000		Reid

Department of Energy	EERE	UNR—MASS EXCHANGER TECHNOLOGY FOR GEOTHERMAL AND SOLAR ENERGY SYSTEMS (NV)	\$1,200,000		Reid
Department of Energy	EERE	UW NORTHWEST NATIONAL MARINE RENEWABLE ENERGY CENTER	\$880,000	Inslee; McDermott; Schrader; Wu	Murray, Cantwell
Department of Energy	EERE	VERMONT BIOFUELS INITIATIVE (VT)	\$750,000		Leahy
Department of Energy	EERE	VERMONT ENERGY INVESTMENT CORPORATION (VT)	\$450,000		Sanders
Department of Energy	EERE	WALLOWA COUNTY INTEGRATED BIOMASS ENERGY CENTER (OR)	\$500,000		Wyden, Merkley
Department of Energy	EERE	WARREN TECHNOLOGY AND BUSINESS CENTER FOR ENERGY SUSTAINABILITY	\$2,700,000	Ryan (OH)	
Department of Energy	EERE	WASHINGTON STATE BIOFUELS INDUSTRY DEVELOPMENT	\$1,000,000	McDermott; Reichert; Smith (WA)	Murray
Department of Energy	EERE	WASHOE WIND TURBINE DEMONSTRATION PROJECT (NV)	\$50,000		Reid
Department of Energy	EERE	WESTERN IOWA TECH COMMUNITY COLLEGE RENEWABLE ENERGY ECONOMY CORRIDOR	\$500,000	King (IA)	Grassley
Department of Energy	EERE	WESTERN KENTUCKY UNIVERSITY RESEARCH FOUNDATION BIODIESEL PROJECT	\$500,000	Guthrie	
Department of Energy	EERE	WIND TURBINE DEVELOPMENT (MT)	\$1,000,000	Rehberg	Baucus, Tester
Department of Energy	EERE	WIND TURBINE INFRASTRUCTURE FOR GREEN ENERGY AND RESEARCH ON WIND POWER IN DELAWARE	\$1,000,000	Castle	Carper, Kaufman
Department of Energy	EERE	WSU, NATIONAL INSTITUTE FOR AVIATION RESEARCH, ADVANCED MATERIALS RESEARCH	\$1,500,000	Tiaht	Brownback, Roberts
Department of Energy	EERE	YPSI CIVIC CENTER	\$1,000,000	Dingell	
Department of Energy	Electricity Delivery and Energy Reliability	ADAPTIVE SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) TECHNOLOGY FOR INFRASTRUCTURE PROTECTION	\$750,000	Miller (FL); Stearns	
Department of Energy	Electricity Delivery and Energy Reliability	AUTOMATED REMOTE ELECTRIC AND WATER METERS IN SOUTH RIVER	\$500,000	Holt	
Department of Energy	Electricity Delivery and Energy Reliability	DEVELOPMENT OF A SMART MICROGRID TESTBED	\$500,000	Barton (TX)	
Department of Energy	Electricity Delivery and Energy Reliability	ENERGY DEVELOPMENT AND RELIABILITY (ND)	\$325,000		Dorgan
Department of Energy	Electricity Delivery and Energy Reliability	ENERGY TRANSMISSION AND INFRASTRUCTURE NORTHERN OHIO	\$1,100,000	Kaptur	
Department of Energy	Electricity Delivery and Energy Reliability	INSTITUTE FOR ENERGY AND THE ENVIRONMENT AT VERMONT LAW SCHOOL	\$450,000	Welch	
Department of Energy	Electricity Delivery and Energy Reliability	MICROGRIDS AND RENEWABLE ENERGY AND TECHNOLOGIES RESEARCH INITIATIVE	\$750,000	Teague	Bingaman, T. Udall
Department of Energy	Electricity Delivery and Energy Reliability	NATIONAL CENTER FOR RELIABLE ELECTRIC TRANSMISSION	\$500,000	Boozman	Lincoln, Pryor
Department of Energy	Electricity Delivery and Energy Reliability	NAVAJO NATION ELECTRIFICATION PROGRAM (NM)	\$1,750,000		Bingaman, T. Udall

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Energy	Electricity Delivery and Energy Reliability	NORTH DAKOTA ENERGY WORKFORCE DEVELOPMENT (ND)	\$1,900,000		Dorgan
Department of Energy	Electricity Delivery and Energy Reliability	OSWEGO COUNTY BOCES WIND TURBINE MODEL PROJECT (NY)	\$200,000	McHugh	Schumer
Department of Energy	Electricity Delivery and Energy Reliability	POWER GRID RELIABILITY AND SECURITY (WA)	\$1,000,000	McMorris Rodgers; Smith (WA)	Murray; Cantwell
Department of Energy	Electricity Delivery and Energy Reliability	POWER MICRO-GRIDS FOR COLONIAS ALONG THE TEXAS/MEXICO BORDER	\$550,000	Cuellar	
Department of Energy	Electricity Delivery and Energy Reliability	SMART GRID INITIATIVE	\$500,000	Schiff; Sherman	
Department of Energy	Electricity Delivery and Energy Reliability	TECHNOLOGY DEVELOPMENT (ND)	\$300,000		Dorgan
Department of Energy	Electricity Delivery and Energy Reliability	UNIVERSITY OF ARIZONA COMPRESSED AIR ENERGY STORAGE	\$500,000	Pastor (AZ)	
Department of Energy	Electricity Delivery and Energy Reliability	UVM SMART ENERGY GRID RESEARCH (VT)	\$500,000		Leahy
Department of Energy	Electricity Delivery and Energy Reliability	WATKINS GLEN, SCHUYLER COUNTY GAS STORAGE PROJECT (NY)	\$500,000	Massa	Gillibrand
Department of Energy	Electricity Delivery and Energy Reliability	WESTERN BALDWIN COUNTY, AL GRID INTERCONNECTION	\$500,000	Bonner	
Department of Energy	Nuclear Energy	MCCLELLAN NUCLEAR RADIATION CENTER	\$500,000	Lungren; Dan	
Department of Energy	Nuclear Energy	NUCLEAR FABRICATION CONSORTIUM (OH)	\$2,000,000		Voinovich
Department of Energy	Fossil Energy R&D	CENTER FOR ADVANCED SEPARATION TECHNOLOGIES	\$500,000	Boucher; Moran (VA)	Warner; Webb
Department of Energy	Fossil Energy R&D	CENTER FOR RENEWABLE ENERGY, SCIENCE, AND TECHNOLOGY (CREST)	\$1,000,000	Barton (TX)	
Department of Energy	Fossil Energy R&D	CENTER FOR ZERO EMISSIONS RESEARCH AND TECHNOLOGY	\$3,000,000	Rehberg	Baucus; Tester
Department of Energy	Fossil Energy R&D	DESIGN AND TEST OF AN ADVANCED SOFC GENERATOR IN PA (PA)	\$1,000,000		Specter
Department of Energy	Fossil Energy R&D	FOSSIL FUEL RESEARCH AND DEVELOPMENT (ND)	\$4,000,000	Pomeroy	Dorgan; Conrad
Department of Energy	Fossil Energy R&D	GULF OF MEXICO HYDRATES RESEARCH CONSORTIUM	\$1,200,000	Childers	Cochran; Wicker
Department of Energy	Fossil Energy R&D	HYDROGEN FUEL DISPENSING STATION (WV)	\$1,200,000		Byrd
Department of Energy	Fossil Energy R&D	INNOVATIONS FOR LOW-COST GASIFICATION SYSTEMS	\$750,000	Dent	Casey
Department of Energy	Fossil Energy R&D	INNOVATIONS IN CONTROL TECHNOLOGIES FOR SYNTHESIS GAS COMBUSTION	\$300,000	LaTourette	

Department of Energy	Fossil Energy R&D	LONG TERM ENVIRONMENTAL AND ECONOMIC IMPACTS OF DEVELOPMENT OF COAL LIQUEFACTION SECTOR IN CHINA (WV)	\$1,250,000	Byrd
Department of Energy	Fossil Energy R&D	METHANOL ECONOMY	\$750,000	Watson
Department of Energy	Fossil Energy R&D	MONTANA ICTL DEMONSTRATION (MT)	\$1,250,000	Baucus
Department of Energy	Fossil Energy R&D	NATIONAL CENTER FOR HYDROGEN TECHNOLOGY	\$3,000,000	Pomeroy
Department of Energy	Fossil Energy R&D	OKLAHOMA UNIVERSITY ENHANCED OIL RECOVERY DESIGN CENTER	\$500,000	Cole
Department of Energy	Fossil Energy R&D	RESEARCH AND DEVELOPMENT OF FUEL CELLS FOR ELECTRICITY FROM FOSSIL- AND BIO-BASED FUELS	\$500,000	Kucinich; LaTourette
Department of Energy	Fossil Energy R&D	SHALE OIL UPGRADING UTILIZING IONIC MEMBRANES (UT)	\$1,750,000	Bennett
Department of Energy	Fossil Energy R&D	SHALLOW CARBON SEQUESTRATION PILOT DEMONSTRATION (MO)	\$2,400,000	Bond
Department of Energy	Fossil Energy R&D	UNIVERSITY OF KENTUCKY STRATEGIC LIQUID TRANSPORTATION FUELS DERIVED FROM COAL	\$2,000,000	Davis (KY); Rogers (KY)
Department of Energy	Fossil Energy R&D	UTAH CENTER FOR ULTRA-CLEAN COAL UTILIZATION AND HEAVY OIL RESEARCH (UT)	\$8,000,000	Bennett; Hatch
Department of Energy	Fossil Energy R&D	UTAH COAL AND BIOMASS TO FUEL PILOT PLANT	\$2,500,000	Bennett
Department of Energy	Science	ADVANCED ARTIFICIAL SCIENCE AND ENGINEERING RESEARCH INFRASTRUCTURE	\$300,000	Hall (TX)
Department of Energy	Science	ADVANCED MANUFACTURING AND ENGINEERING EQUIPMENT	\$1,000,000	Ellsworth
Department of Energy	Science	ALASKA CLIMATE CENTER (AK)	\$1,000,000	Murkowski
Department of Energy	Science	ALGAE TO BIODIESEL, CARLSBAD, NM	\$750,000	Teague
Department of Energy	Science	ANTIBODIES RESEARCH (ND)	\$3,000,000	Bingaman, T. Udall
Department of Energy	Science	APPLIED BIOMECHANICAL ENGINEERING GRADUATE PROGRAM	\$400,000	Dorgan, Conrad
Department of Energy	Science	BETHUNE-COOKMAN UNIVERSITY STEM RESEARCH LAB	\$250,000	Lugar
Department of Energy	Science	BUILDING SURFACE SCIENCE CAPACITY TO SERVE THE AUTOMOBILE INDUSTRY IN SOUTHEASTERN MICHIGAN	\$500,000	Conyers; Dingell
Department of Energy	Science	CARBON NANOTUBE TECHNOLOGY CENTER (CANTEC) (OK)	\$1,000,000	Bill Nelson
Department of Energy	Science	CENTER FOR ADVANCED BIO-BASED BINDERS (CABB) AND POLLUTION REDUCTION TECHNOLOGIES	\$950,000	Levin, Stabenow
Department of Energy	Science	CENTER FOR ADVANCED SCIENTIFIC MODELING (CASCAM)	\$700,000	Inhofe
Department of Energy	Science	CENTER FOR DIAGNOSTIC NANOSYSTEMS (WV)	\$3,000,000	Grassley, Harkin
Department of Energy	Science	CENTER FOR NANOMEDICINE AND CELLULAR DELIVERY	\$500,000	Byrd
Department of Energy	Science	CENTER FOR SUSTAINABLE ENERGY AT BRONX COMMUNITY COLLEGE, BRONX, NY	\$500,000	Cardin
Department of Energy	Science	CLEAN ENERGY INFRASTRUCTURE EDUCATIONAL INITIATIVE (OH)	\$500,000	Serrano
Department of Energy	Science			Brown

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Energy	Science	CLEAN ENERGY STORAGE, CONVERSION, AND GENERATION RESEARCH	\$500,000	Schakowsky	
Department of Energy	Science	CLEMSON UNIVERSITY CYBERINSTITUTE	\$500,000	Inglis; Spratt	
Department of Energy	Science	CLIMATE MODEL EVALUATION PROGRAM (AL)	\$1,800,000		Shelby, Sessions
Department of Energy	Science	COLLEGE OF SAINT ELIZABETH	\$1,000,000	Frelinghuysen	
Department of Energy	Science	COMPUTATIONAL MODELING OF DRUG-RESISTANT BACTERIA	\$915,000	Gordon (TN)	
Department of Energy	Science	COMPUTING CAPABILITY (ND)	\$5,000,000	Pomeroy	Dorgan, Conrad
Department of Energy	Science	DEVELOPMENT OF ULTRAFILTRATION MEMBRANE-SEPARATION TECHNOLOGY FOR ENERGY-EFFICIENT WATER TREATMENT AND DESALINATION PROCESS (NV)	\$800,000		Reid
Department of Energy	Science	ENERGY EFFICIENCY & WATER INSTITUTE RESEARCH FACILITY, PURDUE UNIVERSITY-CALUMET, IN	\$2,000,000	Visclosky	
Department of Energy	Science	ENERGY SYSTEMS ENGINEERING INSTITUTE	\$500,000	Dent	Casey, Specter
Department of Energy	Science	ENHANCEMENT FOR THE INTERMOUNTAIN CENTER FOR RIVER RESTORATION AND REHABILITATION (UT)	\$600,000		Bennett
Department of Energy	Science	ENVIRONMENTAL QUALITY MONITORING AND ANALYSIS (IL)	\$500,000		Durbin
Department of Energy	Science	FOURIER TRANSFORM NUCLEAR MAGNETIC RESONANCE (FTNMR) SPECTROMETER	\$500,000	Lee (NV)	
Department of Energy	Science	FUEL CELL RESEARCH, BROWN UNIVERSITY, RI (RI)	\$1,500,000	Kennedy; Langevin	Reed, Whitehouse
Department of Energy	Science	FUNCTIONAL MRI RESEARCH (VT)	\$1,200,000		Leahy
Department of Energy	Science	FUSION ENERGY SPHEROMAK TURBULENT PLASMA EXPERIMENT (STPX)	\$500,000	Boyd; Meek (FL); Wasserman Schultz	
Department of Energy	Science	GREEN MANUFACTURING AND ENERGY CONSCIOUS DESIGN PROGRAM	\$1,000,000	Upton	Levin, Stabenow
Department of Energy	Science	IDAHO ACCELERATOR CENTER PRODUCTION OF MEDICAL ISOTOPES	\$1,500,000	Simpson	Crapo, Risch
Department of Energy	Science	IDAHO NATIONAL LABORATORY CENTER FOR ADVANCED ENERGY STUDIES	\$1,000,000	Simpson	Crapo, Risch
Department of Energy	Science	INSTITUTE FOR COLLABORATIVE SCIENCES RESEARCH	\$1,200,000	Diaz-Balart, Lincoln; Wasserman Schultz	
Department of Energy	Science	INSTITUTE FOR INTEGRATED SCIENCES	\$2,000,000	Markey (MA)	
Department of Energy	Science	KANSAS UNIVERSITY CANCER RESEARCH EQUIPMENT (KS)	\$4,000,000		Brownback, Roberts
Department of Energy	Science	LANDFILL LEACHATE RECIRCULATION AND GAS TO ENERGY PROJECT	\$500,000	Shuler	
Department of Energy	Science	MARINE SYSTEMS ENERGY/ENVIRONMENTAL SUSTAINABILITY RESEARCH	\$300,000		Kennedy, Kerry

Department of Energy	Science	MARTIN COUNTY MICROFIBER HYDROGEN FUEL CELL TECHNOLOGY DEVELOPMENT (NC)	\$1,000,000	Butterfield	Burr, Hagen
Department of Energy	Science	MATERIAL SCIENCE SMART COATINGS (NE)	\$500,000		Ben Nelson
Department of Energy	Science	METEOROLOGY AND ATMOSPHERIC SCIENCE PROGRAM AT THE UNIVERSITY OF LOUISVILLE	\$350,000	Yarmuth	Bunning
Department of Energy	Science	NANOTECHNOLOGY INITIATIVE (CT)	\$750,000	Courtney; Himes; Larson (CT)	Dodd, Lieberman
Department of Energy	Science	NEVADA WATER RESOURCES DATA, MODELING AND VISUALIZATION (DMV) CENTER	\$750,000	Berkley; Heller; Titus	Reid
Department of Energy	Science	NOTRE DAME INNOVATION PARK, SOUTH BEND, IN	\$575,000	Donnelly (IN)	
Department of Energy	Science	PERFORMANCE ASSESSMENT INSTITUTE (NV)	\$1,000,000		Reid
Department of Energy	Science	PHYSICAL AND BIOLOGICAL SCIENCES LABORATORY LEARNING CENTER	\$400,000	Diaz-Balart, Lincoln	
Department of Energy	Science	PIONEER VALLEY LIFE SCIENCE INSTITUTE TRANSLATIONAL BIOMEDICAL RESEARCH (MA)	\$400,000	Neal	Kennedy, Kerry
Department of Energy	Science	RENOVATION AND DEVELOPMENT OF THE LSU NUCLEAR SCIENCE BUILDING (LA)	\$1,000,000		Landrieu, Vitter
Department of Energy	Science	RNAI RESEARCH (MA)	\$300,000	McGovern	Kennedy, Kerry
Department of Energy	Science	ROCKLAND CC SCIENCE LAB UPGRADE	\$300,000	Engel	
Department of Energy	Science	SCIENCE CENTER EQUIPMENT AND ENERGY EFFICIENT LEED TECHNOLOGY (UT)	\$900,000		Bennett
Department of Energy	Science	SCIENCE LAB EXPANSION	\$550,000	Massa	
Department of Energy	Science	SMART GRID COMMUNICATIONS SECURITY PROJECT (CO)	\$1,000,000		M. Udall
Department of Energy	Science	SMART GRID SIMULATION LABORATORY	\$900,000	Markey (CO); Perlmutter	
Department of Energy	Science	STATE-OF-THE-ART LARGE-SCALE TESTING FOR WIND TO ENHANCE INFRASTRUCTURE RESILIENCY AND DEVELOP ENERGY-EFFICIENT BUILDINGS	\$1,000,000	Diaz-Balart, Mario	Martinez
Department of Energy	Science	STEM INFRASTRUCTURE IMPROVEMENT PROJECT	\$1,500,000	Spratt	
Department of Energy	Science	STEM MINORITY GRADUATE PROGRAM	\$4,500,000	Fattah	
Department of Energy	Science	SUSQUEHANNA UNIVERSITY, EQUIPMENT FOR NEW SCIENCE CENTER	\$1,000,000	Carney	Specter
Department of Energy	Science	SUSTAINABLE BIOFUELS DEVELOPMENT CENTER	\$500,000	Markey (CO)	Bennet
Department of Energy	Science	SUU SCIENCE CENTER ENERGY EFFICIENCY MODERNIZATION AND ENHANCEMENT PROJECT (UT)	\$1,000,000		Bennett
Department of Energy	Science	TARGETED RADIOTHERAPY FOR MELANOMA (MA)	\$300,000		Kennedy, Kerry
Department of Energy	Science	TECHNOLOGY TRANSFER & COMMERCIALIZATION OF TECHNOLOGIES AT DOE LABORATORIES (NM)	\$750,000		Bingaman
Department of Energy	Science	THE NEW SCHOOL GREEN BUILDING (NY)	\$1,000,000	Nadler (NY)	Schumer, Gillibrand
Department of Energy	Science	TRANSMYLANIA UNIVERSITY BROWN SCIENCE CENTER EQUIPMENT	\$650,000	Chandler	
Department of Energy	Science	TU ALGAE TO GREEN FUELS ENERGY PROJECT	\$750,000	Sullivan	

**ENERGY AND WATER DEVELOPMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Energy	Science	TWIN TOWER OBSERVATORY	\$200,000	McKeon	
Department of Energy	Science	ULTRA FAST POWER PROCESSOR FOR SMART GRID	\$1,000,000	Gerlach	
Department of Energy	Science	UMASS INTEGRATIVE SCIENCE BUILDING	\$2,000,000	Olver	
Department of Energy	Science	UNIQUE METHODOLOGIES FOR NANOMICRO MANUFACTURING AND JOB TRAINING FOR NANOTECHNOLOGY	\$500,000	Foster	
Department of Energy	Science	UNIVERSITY OF DELAWARE ENERGY INSTITUTE	\$500,000	Castle	Carper, Kaufman
Department of Energy	Science	UNIVERSITY OF ILLINOIS AT CHICAGO HIGH PERFORMANCE COMPUTING	\$1,000,000	Davis (IL)	
Department of Energy	Science	UNIVERSITY OF RHODE ISLAND REGIONAL EARTH SYSTEMS INSTITUTE	\$750,000	Kennedy; Langevin	
Department of Energy	Science	UNIVERSITY PARK AND RESEARCH CENTER IN CHULA VISTA, CA	\$1,000,000	Filner	
Department of Energy	Science	USD CATALYSIS GROUP FOR ALTERNATIVE ENERGY (SD)	\$1,100,000		Johnson, Thune
Department of Energy	Science	WHITWORTH UNIVERSITY STEM EQUIPMENT	\$300,000	McMorris Rodgers	
Department of Energy	Science	YTTRIUM-90 MICROSPHERES RESEARCH (WA)	\$1,250,000		Murray
Department of Energy	NNSA—Weapons Activities	CENTER FOR INNOVATION THROUGH VISUALIZATION AND SIMULATION, PURDUE UNIVERSITY-CALUMET, IN	\$3,000,000	Visclosky	
Department of Energy	NNSA—Defense Nuclear Nonproliferation	GLOBAL SEISMOGRAPHIC NETWORK EQUIPMENT RENEWAL	\$250,000	Teague; Tsongas	
Department of Energy	NNSA—Office of the Ad-ministrator	ACE PROGRAM AT MARICOPA COUNTY COMMUNITY COLLEGES	\$1,000,000	Pastor (AZ)	
Department of Energy	NNSA—Office of the Ad-ministrator	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES PROGRAM	\$10,000,000	Clyburn	
Department of Energy	NNSA—Office of the Ad-ministrator	MOREHOUSE COLLEGE MINORITY ENERGY SCIENCE RESEARCH AND EDUCATION INITIATIVE	\$2,000,000	Lewis (GA); Marshall; Scott (GA)	Chambliss
Department of Energy	Defense Environmental Cleanup	CHARACTERISTICS AND CLEANUP OF THE U.S. NUCLEAR LEGACY (MS)	\$4,000,000		Cochran, Wicker
Department of Energy	Other Defense Activities—Health, Safety and Security	BURLINGTON ATOMIC ENERGY COMMISSION PLANT (BAECP) AND AMES LABORATORY FORMER WORKER MEDICAL SURVEILLANCE PROGRAM (FWP) (IA)	\$1,000,000	Loebbeck	Harkin, Grassley
Department of Energy	Other Defense Activities—Health, Safety and Security	MEDICAL MONITORING AT PADUCAH, KY, PORTSMOUTH, OH, AND OAK RIDGE, TN (KY, OH, TN)	\$1,000,000	Whitfield	McConnell
Department of Energy	Other Defense Activities—Legacy Management	MIAMISBURG WOUND ENERGY PARK REDEVELOPMENT	\$1,000,000	Turner	
Department of Energy	General Provisions	SECTION 314 WHITE RIVER MINIMUM FLOW, AR		Berry	



DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
Investigations.....	168,100	100,000	142,000	170,000	160,000	-8,100
Emergency appropriations (P.L. 111-5).....	25,000	---	---	---	---	-25,000
Subtotal, Investigations.....	193,100	100,000	142,000	170,000	160,000	-33,100
Construction.....	2,141,677	1,718,000	2,143,679	1,924,000	2,031,000	-110,677
Emergency appropriations (P.L. 110-252).....	2,835,000	---	---	---	---	-2,835,000
Emergency appropriations (P.L. 111-5).....	2,000,000	---	---	---	---	-2,000,000
Subtotal, Construction.....	6,976,677	1,718,000	2,143,679	1,924,000	2,031,000	-4,945,677
Mississippi River and tributaries.....	383,823	248,000	251,375	340,000	340,000	-43,823
Emergency appropriations (P.L. 111-5).....	375,000	---	---	---	---	-375,000
Subtotal, Mississippi River and tributaries.....	758,823	248,000	251,375	340,000	340,000	-418,823
Operations and maintenance.....	2,201,900	2,504,000	2,510,971	2,450,000	2,400,000	+198,100
Emergency appropriations (P.L. 111-5).....	2,075,000	---	---	---	---	-2,075,000
Emergency appropriations (P.L. 111-32).....	42,875	---	---	---	---	-42,875
Subtotal, Operations and maintenance.....	4,319,775	2,504,000	2,510,971	2,450,000	2,400,000	-1,919,775

DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
Regulatory program.....	183,000	190,000	191,800	190,000	190,000	+7,000
Emergency appropriations (P.L. 111-5).....	25,000	---	---	---	---	-25,000
Subtotal, Regulatory program.....	208,000	190,000	191,800	190,000	190,000	-18,000
FUSRAP.....	140,000	134,000	134,000	140,000	134,000	-6,000
Emergency appropriations (P.L. 111-5).....	100,000	---	---	---	---	-100,000
Subtotal, FUSRAP.....	240,000	134,000	134,000	140,000	134,000	-106,000
Flood control and coastal emergencies.....	---	41,000	---	---	---	---
Emergency appropriations (P.L. 110-252).....	2,926,000	---	---	---	---	-2,926,000
Emergency appropriations (P.L. 111-32).....	754,290	---	---	---	---	-754,290
Subtotal, Flood control and coastal emergencies.....	3,680,290	41,000	---	---	---	-3,680,290
Expenses.....	179,365	184,000	152,200	186,000	185,000	+5,635
Office of Assistant Secretary of the Army (Civil Works).....	4,500	6,000	6,000	5,000	5,000	+500
General Provisions.....	---	---	---	---	---	---
Sec. 115 Mississippi river and tributaries.....	---	---	---	2,100	---	---
(Rescission).....	---	---	---	-2,100	---	---

DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
Sec. 116 Constructions General.....	---	---	---	1,800	---	---
(Rescission).....	---	---	---	-1,800	---	---
Total, General Provisions.....	---	---	---	---	---	---
Total, title I, Department of Defense - Civil... Appropriations.....	16,560,530 (5,402,365)	5,125,000 (5,125,000)	5,532,025 (5,532,025)	5,405,000 (5,408,900)	5,445,000 (5,445,000)	-11,115,530 (+42,635)
Emergency appropriations.....	(11,158,165)	---	---	---	---	(-11,158,165)

TITLE II - DEPARTMENT OF THE INTERIOR

Central Utah Project Completion Account

Central Utah project construction.....	39,373	38,800	38,800	38,800	38,800	-573
Fish, wildlife, and recreation mitigation and conservation.....	987	1,500	1,500	1,500	1,500	+513
Subtotal.....	40,360	40,300	40,300	40,300	40,300	-60
Program oversight and administration.....	1,640	1,704	1,704	1,704	1,704	+64
Total, Central Utah project completion account..	42,000	42,004	42,004	42,004	42,004	+4

DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H. R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
<b>Bureau of Reclamation</b>						
Water and related resources.....	920,259	893,125	910,247	993,125	951,158	+30,899
Emergency appropriations (P.L. 111-5).....	1,000,000	---	---	---	---	-1,000,000
Subtotal, Water and related resources.....	1,920,259	893,125	910,247	993,125	951,158	-969,101
Central Valley project restoration fund.....	56,079	35,358	35,358	35,358	35,358	-20,721
California Bay-Delta restoration.....	40,000	31,000	41,000	41,000	40,000	---
Policy and administration.....	59,400	61,200	51,200	61,200	61,200	+1,800
Total, Bureau of Reclamation.....	2,075,738	1,020,683	1,037,805	1,130,683	1,087,716	-988,022
Total, title II, Department of the Interior.....	2,117,738	1,062,687	1,079,809	1,172,687	1,129,720	-988,018
Appropriations.....	(1,117,738)	(1,062,687)	(1,079,809)	(1,172,687)	(1,129,720)	(+11,962)
Emergency appropriations.....	(1,000,000)	---	---	---	---	(-1,000,000)

**TITLE III - DEPARTMENT OF ENERGY**

**Energy Programs**

Energy efficiency and renewable energy.....	1,928,540	2,318,602	2,310,000	2,233,967	2,242,500	+313,960
Emergency appropriations (P.L. 110-329).....	250,000	---	---	---	---	-250,000
Emergency appropriations (P.L. 111-5).....	16,800,000	---	---	---	---	-16,800,000
Subtotal, Energy efficiency and renewable energy	18,978,540	2,318,602	2,310,000	2,233,967	2,242,500	-16,736,040

DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
Electricity delivery and energy reliability.....	137,000	208,008	193,008	179,483	171,982	+34,982
Emergency appropriations (P.L. 111-5).....	4,500,000	---	---	---	---	-4,500,000
Subtotal, Electricity delivery and energy reliability.....	4,637,000	208,008	193,008	179,483	171,982	-4,465,018
Nuclear energy.....	792,000	761,634	812,000	761,274	786,637	-5,363
Transfer from nuclear nonproliferation(amendment).....	---	(15,000)	---	---	---	---
Subtotal, Nuclear energy.....	792,000	776,634	812,000	761,274	786,637	-5,363
Clean coal technology:						
Deferral of unobligated balances, FY 2009.....	149,000	---	---	---	---	-149,000
Transfer to fossil energy R&D.....	-149,000	---	---	---	---	+149,000
Subtotal, Clean coal technology.....	---	---	---	---	---	---
Fossil energy research and development.....	727,320	617,565	617,565	699,200	672,383	-54,937
Emergency appropriations (P.L. 111-5).....	3,400,000	---	---	---	---	-3,400,000
Transfer from clean coal technology.....	149,000	---	---	---	---	-149,000
Subtotal, Fossil energy research and development.....	4,276,320	617,565	617,565	699,200	672,383	-3,603,937
Naval Petroleum and Oil Shale Reserves.....	19,099	23,627	23,627	23,627	23,627	+4,528
Strategic petroleum reserve.....	205,000	228,573	228,573	259,073	243,823	+38,823
By transfer - emergency (P.L. 111-32).....	(21,586)	---	---	---	---	(-21,586)
Northeast home heating oil reserve.....	9,800	11,300	11,300	11,300	11,300	+1,500
Energy Information Administration.....	110,595	133,058	121,858	110,595	110,595	---

DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
Non-defense environmental clean up.....	261,819	237,517	237,517	259,829	244,673	-17,146
Emergency appropriations (P.L. 111-5).....	483,000	---	---	---	---	-483,000
Subtotal, Non-defense environmental cleanup.....	744,819	237,517	237,517	259,829	244,673	-500,146
Uranium enrichment decontamination and decommissioning fund.....	535,503	559,377	559,377	588,322	573,850	+38,347
Emergency appropriations (P.L. 111-5).....	390,000	---	---	---	---	-390,000
Offsetting collection.....	---	-200,000	---	---	---	---
Subtotal, UEDDF.....	925,503	359,377	559,377	588,322	573,850	-351,653
Science.....	4,772,636	4,941,682	4,943,587	4,898,832	4,903,710	+131,074
Emergency appropriations (P.L. 111-5).....	1,600,000	---	---	---	---	-1,600,000
Subtotal, Science.....	6,372,636	4,941,682	4,943,587	4,898,832	4,903,710	-1,468,926
Nuclear Waste Disposal.....	145,390	98,400	98,400	98,400	98,400	-46,990
Energy transformation acceleration fund.....	---	10,000	---	---	---	---
Emergency appropriations (P.L. 111-5).....	400,000	---	---	---	---	-400,000
Subtotal, Energy transformation acceleration fund.....	400,000	10,000	---	---	---	-400,000
Innovative Technology Loan Guarantee Program.....	19,880	43,000	43,000	43,000	43,000	+23,120
Offsetting collection.....	-19,880	-43,000	-43,000	-43,000	-43,000	-23,120
Proposed change in subsidy cost.....	440,000	1,500,000	---	---	---	-440,000
(P.L. 110-161):						
Advance appropriation from previous years.....	25,000	---	---	---	---	-25,000

DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
Emergency appropriations (P.L. 111-5).....	6,000,000	---	---	---	---	-6,000,000
Transfer to NHTSA for CARS program (transfer out emergency) (P.L. 111-47).....	(-2,000,000)	---	---	---	---	(+2,000,000)
Subtotal, Innovative Technology Guarantee Pgm...	6,465,000	1,500,000	---	---	---	-6,465,000
Advanced technology vehicles manufacturing loans program.....	---	20,000	20,000	20,000	20,000	+20,000
Emergency appropriations (P.L. 110-329).....	7,510,000	---	---	---	---	-7,510,000
Subtotal, Advance technology vehicles manufacturing loans program.....	7,510,000	20,000	20,000	20,000	20,000	-7,490,000
Departmental administration.....	272,643	302,071	244,684	293,684	288,684	+16,041
Miscellaneous revenues.....	-117,317	-119,740	-119,740	-119,740	-119,740	-2,423
Net appropriation.....	155,326	182,331	124,944	173,944	168,944	+13,618
Office of the Inspector General.....	51,927	51,445	51,927	51,927	51,927	---
Emergency appropriations (P.L. 111-5).....	15,000	---	---	---	---	-15,000
Subtotal, Office of the Inspector General.....	66,927	51,445	51,927	51,927	51,927	-15,000
Atomic Energy Defense Activities						
National Nuclear Security Administration:						
Weapons activities.....	6,380,000	6,384,431	6,320,000	6,468,267	6,384,431	+4,431
Emergency appropriations (P.L. 111-32).....	30,000	---	---	---	---	-30,000
Subtotal, Weapons activities.....	6,410,000	6,384,431	6,320,000	6,468,267	6,384,431	-25,569

DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
Defense nuclear nonproliferation.....	1,482,350	2,136,709	1,471,175	2,136,709	2,136,709	+654,359
Transfer to nuclear energy (amendment).....	---	(-15,000)	---	---	---	---
Emergency appropriations (P.L. 111-32).....	55,000	---	---	---	---	-55,000
Subtotal, Defense nuclear nonproliferation..	1,537,350	2,121,709	1,471,175	2,136,709	2,136,709	+599,359
Naval reactors.....	828,054	1,003,133	1,003,133	973,133	945,133	+117,079
Office of the Administrator.....	439,190	420,754	420,754	420,754	420,754	-18,436
Subtotal, National Nuclear Security Administration.....	9,214,594	9,945,027	9,215,062	9,998,863	9,887,027	+672,433
Defense environmental cleanup.....	5,657,250	5,495,831	5,381,842	5,763,856	5,642,331	-14,919
Emergency appropriations (P.L. 111-5).....	5,127,000	---	---	---	---	-5,127,000
Subtotal, Defense environmental cleanup.....	10,784,250	5,495,831	5,381,842	5,763,856	5,642,331	-5,141,919
Other defense activities.....	1,314,063	852,468	1,515,502	854,468	847,468	-466,595
Defense nuclear waste disposal.....	143,000	98,400	98,400	98,400	98,400	-44,600
Total, Atomic Energy Defense Activities.....	21,455,907	16,376,726	16,210,806	16,715,587	16,475,226	-4,980,681
Power Marketing Administrations						
Operation and maintenance, Southeastern Power Administration.....	56,940	78,444	78,444	78,444	78,444	+21,504
Offsetting collection.....	-49,520	-70,806	-70,806	-70,806	-70,806	-21,286
Spending in excess of receipts (proposal).....	---	---	---	1,000	---	---
Subtotal, O&M, Southeastern Power Administration	7,420	7,638	7,638	8,638	7,638	+218



DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
Operation and maintenance, Southwestern Power Administration.....	63,414	82,944	82,944	82,944	82,944	+19,530
Offsetting collection.....	-35,000	-38,000	-38,000	-38,000	-38,000	-3,000
Subtotal, O&M, Southwestern Power Administration	28,414	44,944	44,944	44,944	44,944	+16,530
Construction, rehabilitation, operation and maintenance, Western Area Power Administration.....	624,830	610,397	610,397	610,397	610,397	-14,433
Offsetting collection.....	-403,118	-349,807	-349,807	-349,807	-349,807	+53,311
Offsetting collection Colorado River Dam Fund.....	-3,366	-3,879	-3,879	-3,879	-3,879	-513
Emergency appropriations (P.L. 111-5).....	10,000	---	---	---	---	-10,000
Subtotal, O&M, Western Area Power Administration	228,346	256,711	256,711	256,711	256,711	+28,365
Falcon and Amistad operating and maintenance fund.....	2,959	2,568	2,568	2,568	2,568	-391
Total, Power Marketing Administrations.....	267,139	311,861	311,861	312,861	311,861	+44,722

DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
Federal Energy Regulatory Commission						
Salaries and expenses.....	273,400	298,000	298,000	298,000	298,000	+24,600
Revenues applied.....	-273,400	-298,000	-298,000	-298,000	-298,000	-24,600
	=====	=====	=====	=====	=====	=====
Total, title III, Department of Energy.....	73,537,001	28,406,706	26,876,350	27,398,221	27,111,438	-46,425,563
Appropriations.....	(26,793,001)	(28,406,706)	(26,876,350)	(27,398,221)	(27,111,438)	(+318,437)
Emergency appropriations.....	(46,570,000)	---	---	---	---	(-46,570,000)
Deferrals.....	(149,000)	---	---	---	---	(-149,000)
Previous year advance appropriations.....	(25,000)	---	---	---	---	(-25,000)
By transfer (emergency).....	(21,586)	---	---	---	---	(-21,586)
Transfer out (emergency).....	(-2,000,000)	---	---	---	---	(+2,000,000)
	=====	=====	=====	=====	=====	=====

TITLE IV - INDEPENDENT AGENCIES

Appalachian Regional Commission.....	75,000	76,000	76,000	76,000	76,000	+1,000
Defense Nuclear Facilities Safety Board.....	25,000	26,086	26,086	26,086	26,086	+1,086
Delta Regional Authority.....	13,000	13,000	13,000	13,000	13,000	---
Denali Commission.....	11,800	11,965	11,965	11,965	11,965	+165
Northern Border Regional Commission.....	---	---	3,000	---	1,500	+1,500
Southeast Crescent Regional Commission.....	---	---	500	---	250	+250

DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
Nuclear Regulatory Commission:						
Salaries and expenses.....	1,034,656	1,061,000	1,061,000	1,061,000	1,056,000	+21,344
Use of previously appropriated funds.....	---	---	---	---	---	---
Revenues.....	-860,857	-878,102	-878,102	-902,402	-902,402	-41,545
Subtotal.....	173,799	182,898	182,898	158,598	153,598	-20,201
Office of Inspector General.....	10,860	10,102	10,102	10,860	10,860	---
Revenues.....	-9,774	-9,092	-9,092	-9,774	-9,774	---
Subtotal.....	1,086	1,010	1,010	1,086	1,086	---
Total, Nuclear Regulatory Commission.....	174,885	183,908	183,908	159,684	154,684	-20,201
Nuclear Waste Technical Review Board.....	3,811	3,891	3,891	3,891	3,891	+80
Tennessee Valley Authority: Office of Inspector General.....	---	19,000	---	---	---	---
Offset.....	---	-19,000	---	---	---	---
Office of the Federal Coordinator for Alaska natural gas transportation projects.....	4,400	4,466	4,466	4,466	4,466	+66
Total, title IV, Independent agencies.....	307,896	319,316	322,816	295,092	291,842	-16,054

## DEPARTMENTS OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2010 (H.R. 3183)

(Amounts in thousands)

	FY 2009 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
Grand total.....	92,523,165	34,913,709	33,811,000	34,271,000	33,978,000	-58,545,165
Appropriations.....	(33,521,000)	(34,913,709)	(33,811,000)	(34,274,900)	(33,978,000)	(+357,000)
Emergency appropriations.....	(58,728,165)	---	---	---	---	(-58,728,165)
Rescissions.....	---	---	---	(-3,900)	---	---
Deferrals.....	(149,000)	---	---	---	---	(-149,000)
Previous year advance appropriations.....	(25,000)	---	---	---	---	(-25,000)
By transfer (emergency).....	(21,586)	---	---	---	---	(-21,586)
Transfer out (emergency).....	(-2,000,000)	---	---	---	---	(+2,000,000)

## CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:

(IN THOUSANDS OF DOLLARS)

New budget (obligational) authority, fiscal year 2009 .....	\$92,523,165
Budget estimates of new (obligational) authority, fiscal year 2010 .....	34,913,709
House bill, fiscal year 2010 .....	33,811,000
Senate bill, fiscal year 2010 .....	34,271,000
Conference agreement, fiscal year 2010 .....	33,978,000
Conference agreement compared with: .....	
New budget (obligational) authority, fiscal year 2009 .....	—58,545,165
Budget estimates of new (obligational) authority, fiscal year 2010 .....	—935,709
House bill, fiscal year 2010 .....	+167,000
Senate bill, fiscal year 2010 .....	—293,000

DAVID R. OBEY,  
PETER J. VISCLOSKEY,  
CHET EDWARDS,  
ED PASTOR,  
MARION BERRY,  
CHAKA FATTAH,  
STEVE ISRAEL,  
TIM RYAN,  
JOHN W. OLVER,  
LINCOLN DAVIS,  
JOHN T. SALAZAR,  
RODNEY P.  
FRELINGHUYSEN,  
ZACH WAMP,  
MICHAEL K. SIMPSON,  
RODNEY ALEXANDER,  
*Managers on the Part of the House.*

BYRON L. DORGAN,  
ROBERT C. BYRD,  
PATTY MURRAY,  
DIANNE FEINSTEIN,  
JACK REED,  
FRANK R. LAUTENBERG,  
TOM HARKIN,  
JON TESTER,  
DANIEL K. INOUE,  
ROBERT F. BENNETT,  
THAD COCHRAN,  
MITCH MCCONNELL,  
RICHARD C. SHELBY,  
LAMAR ALEXANDER,  
GEORGE V. VOINOVICH,  
*Managers on the Part of the Senate.*

# CONFERENCE REPORT ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. DELAURO submitted the following conference report and statement on the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes:

CONFERENCE REPORT (H. REPT. 111-279)

The committee of conference on the disagreeing votes of the two Houses on

the amendment of the Senate to the bill (H.R. 2997), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, namely:*

## TITLE I AGRICULTURAL PROGRAMS

### PRODUCTION, PROCESSING AND MARKETING OFFICE OF THE SECRETARY

*For necessary expenses of the Office of the Secretary of Agriculture, \$5,285,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.*

### OFFICE OF TRIBAL RELATIONS

*For necessary expenses of the Office of Tribal Relations, \$1,000,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.*

### EXECUTIVE OPERATIONS

### OFFICE OF THE CHIEF ECONOMIST

*For necessary expenses of the Office of the Chief Economist, \$13,032,000.*

### NATIONAL APPEALS DIVISION

*For necessary expenses of the National Appeals Division, \$15,254,000.*

### OFFICE OF BUDGET AND PROGRAM ANALYSIS

*For necessary expenses of the Office of Budget and Program Analysis, \$9,436,000.*

### OFFICE OF HOMELAND SECURITY

*For necessary expenses of the Office of Homeland Security, \$1,859,000.*

### OFFICE OF ADVOCACY AND OUTREACH

*For necessary expenses of the Office of Advocacy and Outreach, \$1,700,000.*

### OFFICE OF THE CHIEF INFORMATION OFFICER

*For necessary expenses of the Office of the Chief Information Officer, \$61,579,000.*

### OFFICE OF THE CHIEF FINANCIAL OFFICER

*For necessary expenses of the Office of the Chief Financial Officer, \$6,566,000: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.*

### OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

*For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$895,000.*

### OFFICE OF CIVIL RIGHTS

*For necessary expenses of the Office of Civil Rights, \$23,922,000.*

### OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

*For necessary expenses of the Office of the Assistant Secretary for Administration, \$806,000.*

### AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

*For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$293,093,000, to remain available until expended, of which \$184,812,000 shall be available for payments to the General Services Administration for rent; of which \$13,500,000 for payment to the Department of Homeland Security for building security activities; and of which \$94,781,000 for buildings operations and maintenance expenses: Provided, That the Secretary shall use \$15,911,000 of these funds to cover shortfalls incurred in prior year rental payments: Provided further, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.*

### HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

*For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$5,125,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.*

### DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

*For Departmental Administration, \$41,319,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: Provided further, That of the amount appropriated, \$13,000,000 is for stabilization and reconstruction activities to be carried out under the authority provided by title XIV of the Food and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and other applicable laws.*

### OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

*For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,968,000: Provided, That these funds may be*

transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

#### OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, \$9,722,000.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, \$88,725,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

#### OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$43,551,000.

#### OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, \$895,000.

#### ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$82,478,000.

#### NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$161,830,000, of which up to \$37,908,000 shall be available until expended for the Census of Agriculture.

#### AGRICULTURAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,179,639,000, of which \$44,138,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for greenhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of exist-

ing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

#### BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$70,873,000, of which \$70,873,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act, to remain available until expended.

#### NATIONAL INSTITUTE OF FOOD AND AGRICULTURE RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$788,243,000, of which \$120,054,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-i), \$215,000,000; for grants for cooperative forestry research (16 U.S.C. 582a through a-7), \$29,000,000; for payments to eligible institutions (7 U.S.C. 3222), \$48,500,000, provided that each institution receives no less than \$1,000,000; for special grants (7 U.S.C. 450i(c)), \$89,029,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), \$16,185,000; for competitive grants (7 U.S.C. 450i(b)), \$262,482,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), \$2,950,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$835,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,083,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103-382 (7 U.S.C. 301 note), \$1,805,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), \$4,800,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$1,241,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$9,237,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,200,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), \$983,000; for aquaculture grants (7 U.S.C. 3322), \$3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$14,500,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive

funds under 7 U.S.C. 3221 and 3222, \$18,250,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$900,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), \$750,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), \$875,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), \$1,500,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), \$2,250,000; and for necessary expenses of Research and Education Activities, \$45,122,000, of which \$2,704,000 for the Research, Education, and Economics Information System and \$2,136,000 for the Electronic Grants Information System, are to remain available until expended.

#### NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

#### EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$494,923,000, of which \$11,831,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$297,500,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$4,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$68,070,000; payments for the pest management program under section 3(d) of the Act, \$9,938,000; payments for the farm safety program under section 3(d) of the Act, \$4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, \$1,750,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$19,770,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$8,412,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$486,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,068,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, \$3,045,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,705,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,738,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), \$42,677,000, provided that each institution receives no less than \$1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, \$1,784,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, \$1,000,000;

payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, \$400,000; and for necessary expenses of Extension Activities, \$20,396,000.

#### INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$60,022,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$45,148,000, including \$12,649,000 for the water quality program, \$14,596,000 for the food safety program, \$4,096,000 for the regional pest management centers program, \$4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, \$1,365,000 for the crops affected by Food Quality Protection Act implementation, \$3,054,000 for the methyl bromide transition program, and \$5,000,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89-106, as amended, \$732,000, to remain available until September 30, 2011, for the critical issues program; \$1,312,000 for the regional rural development centers program; and \$9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2011.

#### OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$895,000.

#### ANIMAL AND PLANT HEALTH INSPECTION SERVICE

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$904,953,000, of which \$24,410,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressional Designated Projects" in the statement of managers to accompany this Act, of which \$2,058,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$23,390,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$5,300,000 shall be for a National Animal Identification program; of which \$60,243,000 shall be used to prevent and control avian influenza and shall remain available until expended: Provided, That funds provided for the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the plum pox program, the National Veterinary Stockpile, the National Animal Identification System, up to \$1,500,000 in the scrapie program for indemnities, up to \$1,000,000 for wildlife services development, up to \$1,500,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program shall remain available until expended: Provided further, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not

require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2010, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

##### BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$4,712,000, to remain available until expended.

#### AGRICULTURAL MARKETING SERVICE

##### MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$91,148,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

##### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$64,583,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

##### FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

##### (INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including \$10,000,000 for replacement of a system to support commodity purchases, ex-

cept for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

#### PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,334,000.

#### GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, \$41,964,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

##### LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

#### OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$813,000.

#### FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,018,520,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: Provided further, That no fewer than 140 full-time equivalent positions shall be employed during fiscal year 2010 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, \$3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

#### OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, \$895,000.

FARM SERVICE AGENCY  
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,253,777,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$4,369,000.

GRASSROOTS SOURCE WATER PROTECTION  
PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), \$5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND  
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), direct and guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$2,150,000,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans and \$650,000,000 shall be for direct loans; operating loans, \$2,670,000,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans, \$170,000,000 shall be for subsidized guaranteed loans and \$1,000,000,000 shall be for direct loans; Indian tribe land acquisition loans, \$3,940,000; conservation loans, \$150,000,000, of which \$75,000,000 shall be for guaranteed loans and \$75,000,000 shall be for direct loans; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$32,070,000, of which \$5,550,000 shall be for unsubsidized guaranteed loans, and \$26,520,000 shall be for direct loans; operating loans, \$106,402,000, of which \$35,100,000 shall be for unsubsidized guaranteed loans, \$23,902,000 shall be for subsidized guaranteed loans, and \$47,400,000 shall be for direct loans; conservation loans, \$1,343,000, of which \$278,000 shall be

for guaranteed loans, and \$1,065,000 shall be for direct loans; and Indian highly fractionated land loans, \$793,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$321,093,000, of which \$313,173,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, \$80,325,000: Provided, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: Provided further, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL  
RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$895,000.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$887,629,000, to remain available until September 30, 2011, of which \$37,382,000 shall be for the purposes, and in the amounts, specified in the table titled “Congressionally Designated Projects” in the statement of managers to accompany this Act: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That the Secretary is authorized to transfer ownership of all land, buildings, and related improvements of the Natural Resources Conservation Service facilities located in Medicine Bow, Wyoming, to the Medicine Bow Conservation District: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, \$30,000,000, to remain available until expended, of which \$22,111,000 shall be for the purposes, and in the amounts, specified in the table titled “Congressionally Designated Projects” in the statement of managers to accompany this Act: Provided, That not to exceed \$12,000,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$40,161,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), \$50,730,000: Provided, That not to exceed \$3,073,000 shall be available for national headquarters activities.



## TITLE III

## RURAL DEVELOPMENT PROGRAMS

## OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, \$895,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$201,987,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

## RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM  
ACCOUNT

## (INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$13,121,488,000 for loans to section 502 borrowers, of which \$1,121,488,000 shall be for direct loans, and of which \$12,000,000,000 shall be for unsubsidized guaranteed loans; \$34,412,000 for section 504 housing repair loans; \$69,512,000 for section 515 rental housing; \$129,090,000 for section 538 guaranteed multi-family housing loans; \$5,045,000 for section 524 site loans; \$11,448,000 for credit sales of acquired property, of which up to \$1,448,000 may be for multi-family credit sales; and \$4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$213,510,000, of which \$40,710,000 shall be for direct loans, and of which \$172,800,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$4,422,000; repair, rehabilitation, and new construction of section 515 rental housing, \$18,935,000; section 538 multi-family housing guaranteed loans, \$1,485,000; and credit sales of acquired property, \$556,000: Provided, That of the total amount appropriated in this paragraph, the amount equal to the amount of Rural Housing Insurance Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: Provided further, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109-97 and Public Law 110-5 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$468,593,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

## RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$980,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, up to \$5,958,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That of this amount not less than \$2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than \$3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: Provided further, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2010 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION  
PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$43,191,000, to remain available until expended: Provided, That of the funds made available under this heading, \$16,400,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to

the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, \$1,791,000 shall be available for the cost of loans to private nonprofit organizations, or such nonprofit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the funds made available under this heading, \$25,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: Provided further, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That in addition to any other available funds, the Secretary may expend not more than \$1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

## MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$41,864,000, to remain available until expended: Provided, That of the total amount appropriated under this heading, the amount equal to the amount of Mutual and Self-Help Housing Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS  
(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$45,500,000, to remain available until expended, of which \$4,000,000 shall be for grants authorized by section 14204 of the Food, Conservation, and Energy Act of 2008: Provided, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Housing Assistance Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108-447 and Public Law 109-97 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$19,746,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM  
ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$54,993,000, to remain available until expended: Provided, That \$6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That \$13,902,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: Provided further, That \$3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Community Facilities Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural

community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE  
RURAL BUSINESS PROGRAM ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, \$97,116,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Business Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM  
ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$33,536,000.

For the cost of direct loans, \$8,464,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,035,000 shall be available through June 30, 2010, for Federally Recognized Native American Tribes and of which \$2,070,000 shall be available through June 30, 2010, for Mississippi Delta Region counties (as determined in accordance with Public Law

100-460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Development Loan Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$4,941,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM  
ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$44,463,000 shall not be obligated and \$44,463,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$34,854,000, of which \$300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which \$2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$3,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or membership is comprised of at least 75 percent socially disadvantaged members; and of which \$20,367,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL MICROENTERPRISE INVESTMENT PROGRAM  
ACCOUNT

For the cost of loans and grants, \$5,000,000 as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.): Provided, That such costs of loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$39,340,000: Provided, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM  
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the

Consolidated Farm and Rural Development Act, \$568,730,000, to remain available until expended, of which not to exceed \$497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$993,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That \$70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally-recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): Provided further, That not less than \$65,000,000 of the unobligated balances available for grants authorized by 306D of the Consolidated Farm and Rural Development Act shall be obligated within 90 days of the enactment of this Act: Provided further, That not to exceed \$19,500,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$6,000,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed \$15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Water and Waste Disposal Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act: Provided further, That \$17,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND  
TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$6,500,000,000; guaranteed underwriting loans pursuant to section 313A, \$500,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$295,000,000: Provided, That, notwithstanding section 6106(b) of the Food, Conservation, and Energy Act of 2008, a guaranteed underwriting loan may not be issued until the amendments to the Rural Electrification Act of 1936 contained in section 6106(a) of the Food, Conservation, and Energy Act of 2008 are administratively implemented.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$39,959,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND  
BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$400,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$37,755,000, to remain available until expended: Provided, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: Provided further, That \$4,500,000 shall be made available to those non-commercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$28,960,000, to remain available until expended: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$17,976,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV  
DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD,  
NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, \$813,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$16,855,829,000, to remain available through September 30, 2011, of which \$1,000,000 may be used

to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)), and of which \$9,865,930,000 is hereby appropriated, \$6,747,877,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and \$242,022,000 shall be derived by transfer from unobligated and unavailable balances from fiscal year 2009 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That of the total amount available, \$5,000,000 shall be available to be awarded as competitive grants to implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), and may be awarded notwithstanding the limitations imposed by sections 4405(b)(1)(A) and 4405(c)(1)(A).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR  
WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$7,252,000,000, to remain available through September 30, 2011: Provided, That notwithstanding section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)), not more than \$15,000,000 of funds provided in this Act may be used for the purpose of evaluating program performance in the Special Supplemental Nutrition Program for Women, Infants and Children: Provided further, That notwithstanding section 17(h)(10)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)(A)), of the amounts made available under this heading, not less than \$14,000,000 shall be used for infrastructure, not less than \$60,000,000 shall be used for management information systems, and not less than \$80,000,000 shall be used for breastfeeding peer counselors and other related activities: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$58,278,181,000, of which \$3,000,000,000, to remain available through September 30, 2011, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food

Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$247,979,000, to remain available through September 30, 2011, of which \$6,000,000 shall be for emergency food program infrastructure grants authorized by section 209 of the Emergency Food Assistance Act of 1983: Provided, That of the amount provided, \$5,000,000 is to begin service in 7 additional States that have plans approved by the Department for the commodity supplemental food program: Provided further, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2010 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2011: Provided further, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

#### NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$147,801,000.

### TITLE V FOREIGN ASSISTANCE AND RELATED PROGRAMS

#### FOREIGN AGRICULTURAL SERVICE SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$180,367,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for middle-income country training programs and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

#### FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83-480) and the Food for Progress Act of 1985, \$2,812,000, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses": Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

#### FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered

prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83-480), for commodities supplied in connection with dispositions abroad under title II of such Act, \$1,690,000,000, to remain available until expended.

#### COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$6,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,465,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$355,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

#### MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$209,500,000, to remain available until expended: Provided, That of this amount, the Secretary shall use \$10,000,000 to conduct pilot projects to field test new and improved micronutrient fortified food products designed to meet energy and nutrient needs of program participants: Provided further, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

### TITLE VI RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$3,237,218,000, of which \$5,509,000 shall be for the purposes, and in the amounts, specified in the eighth paragraph under "Food and Drug Administration, Salaries and Expenses" in the statement of managers to accompany this Act: Provided, That of the amount provided under this heading, \$578,162,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2011 but collected in fiscal year 2010; \$57,014,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$17,280,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$5,106,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and shall remain available until

expended; and \$235,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2010 received during fiscal year 2010, including any such fees assessed prior to fiscal year 2010 but credited for fiscal year 2010, shall be subject to the fiscal year 2010 limitations: Provided further, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2010 limitation are appropriated and shall be credited to this account and remain available until expended: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) \$782,915,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$880,104,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$51,545,000 shall be available for the Office of Generic Drugs; (3) \$305,249,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$155,540,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$349,262,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$58,745,000 shall be for the National Center for Toxicological Research; (7) \$216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$117,225,000 shall be for Rent and Related activities, of which \$41,496,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed \$171,526,000 shall be for payments to the General Services Administration for rent; and (10) \$200,129,000 shall be for other activities, including the Office of the Commissioner; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: Provided further, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379d): Provided further, That not to exceed \$25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

#### BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$12,433,000, to remain available until expended.

#### INDEPENDENT AGENCIES

##### COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C.

1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$168,800,000, including not to exceed \$3,000 for official reception and representation expenses, and not to exceed \$25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials: Provided, That \$8,200,000 of the total amount appropriated under this heading shall not be available for obligation until the Commodity Futures Trading Commission submits an expenditure plan for fiscal year 2010 to the Committees on Appropriations of the House of Representatives and the Senate.

#### FARM CREDIT ADMINISTRATION

##### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$54,500,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

#### TITLE VII

##### GENERAL PROVISIONS

##### (INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Section 10101 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, (Public Law 110-329) is amended in subsection (b) by inserting at the end the following: "In carrying out this section, the Secretary may transfer funds into existing or new accounts as determined by the Secretary."

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act: Provided further, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or

to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 708. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review

Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities;

or

- (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of

the convening of a committee of conference for the fiscal year 2011 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: Provided, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. There is hereby appropriated \$499,000 for any authorized Rural Development program purpose, in communities suffering from extreme outmigration and situated in areas that were designated as part of an Empowerment Zone pursuant to section 111 of the Community Renewal Tax Relief Act of 2000 (as contained in appendix G of Public Law 106-554).

SEC. 717. None of the funds made available in fiscal year 2010 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 718. There is hereby appropriated \$3,497,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 719. Funds made available under section 12401 and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 720. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 721. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) An Environmental Quality Incentives Program as authorized by sections 1241-240H of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa-3839aa(8)), in excess of \$1,180,000,000.

(2) a program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)); and

(3) a program under subsection (b)(2)(A)(ii) of section 14222 of Public Law 110-246 in excess of \$1,123,000,000: Provided, That none of the funds made available in this Act or any other Act

shall be used for salaries and expenses to carry out section 19(i)(1)(C) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110-246 in excess of \$25,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110-246, until October 1, 2010: Provided further, That \$76,000,000 made available on October 1, 2010, to carry out section 19(i)(1)(C) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110-246 shall be excluded from the limitation described in subsection (b)(2)(A)(iii) of section 14222 of Public Law 110-246: Provided further, That all unobligated balances under section 32 of the Act of August 24, 1935, available as of September 30, 2009, are hereby rescinded.

SEC. 722. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 723. There is hereby appropriated \$2,600,000, to remain available until expended, for the construction, interim operations, and necessary demolition needs for establishment of an agricultural pest facility in the State of Hawaii.

SEC. 724. There is hereby appropriated \$4,000,000 to the Secretary of Agriculture to award grant(s) to develop and field test new food products designed to improve the nutritional delivery of humanitarian food assistance provided through the McGovern-Dole (section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1)) and the Food for Peace title II (7 U.S.C. 1691 et seq.) programs: Provided, That the Secretary shall use the authorities provided under the Research, Education, and Economics mission area of the Department in awarding such grant(s), with priority given to proposals that demonstrate partnering with and in-kind support from the private sector.

SEC. 725. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

SEC. 726. Notwithstanding any other provision of law, and until receipt of the decennial census for the year 2010, the Secretary of Agriculture—

(1) shall consider—

(A) the unincorporated area of Los Osos, California, the city of Imperial, California, and the Harrisville Fire District, Rhode Island, to be rural areas for the purposes of eligibility for Rural Utilities Service water and waste disposal loans and grants;

(B) the incorporated community of Thermalito in Butte County, California, (including individuals and entities with projects within the community) eligible for loans and grants funded under the housing programs of the Rural Housing Service;

(C) the city of Lumberton, North Carolina, and the city of Sanford, North Carolina (including individuals and entities with projects within the city) eligible for loans and grants funded through the Rural Community Facilities Program Account; and

(D) the city of Nogales, Arizona (including individuals and entities with projects within the city) eligible for loans and grants funded through the housing programs of the Rural Housing Service; and

(2) may fund Rural Community Facility Program projects of the Rural Housing Service and Water and Waste Disposal Program projects of the Rural Utilities Service for communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that filed applications for such projects with the appropriate Rural Development field office of the Department of Agriculture prior to August 1, 2009, and that such projects were determined by the field office to be eligible for funding.

SEC. 727. There is hereby appropriated \$3,000,000 for section 4404 of Public Law 107-171.

SEC. 728. Notwithstanding any other provision of law, there is hereby appropriated:

(1) \$3,000,000 of which \$2,000,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and \$1,000,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note);

(2) \$350,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection;

(3) \$1,000,000 shall be for development of a prototype for a national carbon inventory and accounting system for forestry and agriculture, to be awarded under full and open competition;

(4) \$1,000,000 for the International Food Protection Training Institute; and

(5) \$200,000 for the Center for Foodborne Illness Research and Prevention.

SEC. 729. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out—

(1) the Alameda Creek Watershed Project in Alameda County, California;

(2) the Hurricane Katrina-Related Watershed Restoration project in Jackson County, Mississippi;

(3) the Pidcock-Mill Creeks Watershed project in Bucks County, Pennsylvania;

(4) the Farmington River Restoration project in Litchfield County, Connecticut;

(5) the Lake Oscawana Management and Restoration project in Putnam County, New York;

(6) the Richland Creek Reservoir in Paulding County, Georgia;

(7) the Pocasset River Floodplain Management Project in the State of Rhode Island;

(8) the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;

(9) the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;

(10) the DuPage County Watershed project in the State of Illinois;

(11) the Dunloup Creek Watershed Project in Fayette and Raleigh Counties, West Virginia;

(12) the Dry Creek Watershed project in the State of California; and

(13) the Upper Clark Fork Watershed project in the State of Montana.

SEC. 730. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by inserting “the District of Columbia and” after the first instance of “institutions located in”;

(2) by striking “ten” and inserting “thirteen”;

(3) by striking “eight” and inserting “eleven”;

(4) by inserting “Connecticut, Nevada, Wisconsin,” after the first instance of “States shall be”.



SEC. 731. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 732. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2011, for information technology expenses.

SEC. 733. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 C.F.R. 246.10 when issuing liquid infant formula to participants.

SEC. 734. (a) CHILD NUTRITION PROGRAMS.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

“(14) COMBAT PAY.—

“(A) DEFINITION OF COMBAT PAY.—In this paragraph, the term ‘combat pay’ means any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

“(i) is the result of deployment to or service in a combat zone; and

“(ii) was not received immediately prior to serving in a combat zone.

“(B) EXCLUSION.—Combat pay shall not be considered to be income for the purpose of determining the eligibility for free or reduced price meals of a child who is a member of the household of a member of the United States Armed Forces.”.

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(d)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

“(C) COMBAT PAY.—For the purpose of determining income eligibility under this section, a State agency shall exclude from income any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this subparagraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

“(i) is the result of deployment to or service in a combat zone; and

“(ii) was not received immediately prior to serving in a combat zone.”.

SEC. 735. There is hereby appropriated \$1,000,000 for the grant program for the purpose of obtaining and adding to an anhydrous ammonia fertilizer nurse tank a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank as authorized by section 14203 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 864a).

SEC. 736. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 737. Agencies with jurisdiction for carrying out international food assistance programs under the jurisdiction of this Act, including title II of the Food for Peace Act and the McGovern-Dole International Food for Education Program, shall—

(1) provide to the Committees on Appropriations of the House and the Senate no later than May 1, 2010, the following:

(A) estimates on cost-savings and programmatic efficiencies that would result from increased use of pre-positioning of food aid commodities and processes to ensure such cargoes are appropriately maintained to prevent spoilage;

(B) estimates on cost-savings and programmatic efficiencies that would result from the use of longer-term commodity procurement contracts, the proportional distribution of commodity purchases throughout the fiscal year, longer-term shipping contracts, contracts which include shared-risk principles, and adoptions of other commercially acceptable contracting practices;

(C) estimates on costs of domestic procurement of commodities, domestic inland transportation of food aid commodities, domestic storage (including loading and unloading), foreign storage (including loading and unloading), foreign inland transportation, and ocean freight (including ocean freight as adjusted by the ocean freight differential reimbursement provided by the Secretary of Transportation), and costs relating to allocation and distribution of commodities in recipient countries;

(D) information on the frequency of delays in transporting food aid commodities, the cause or purpose of any delays (including how those delays are tracked, monitored and resolved), missed schedules by carriers and non-carriers (and resulting program costs due to such delays, including impacts to program beneficiaries);

(E) information on the methodologies to improve interagency coordination between host governments, the World Food Program, and non-governmental organization to develop more consistent estimates of food aid needs and the number of intended recipients to appropriately inform the purchases of commodities and in order to appropriately plan for commodity procurement for food aid programs;

(2) provide the matter described under subsection (1) of this section in the form of a consensus report under the signatures of the Secretaries of Agriculture, State, and Transportation; and

(3) estimates and cost savings analysis for this section shall be derived from periods representative of normal program operations.

SEC. 738. There is hereby appropriated \$250,000, to remain available until expended, for a grant to the Kansas Farm Bureau Foundation for work-force development initiatives to address out-migration in rural areas.

SEC. 739. There is hereby appropriated \$800,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 740. (a) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of rare diseases: Provided, That the Commissioner of Food and Drugs shall appoint individuals employed by the Food and Drug Administration to serve on the review group: Provided further, That members of the review group shall have specific

expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of rare diseases, including specific expertise in developing or carrying out clinical trials.

(b) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of neglected diseases of the developing world: Provided, That the Commissioner of Food and Drugs shall appoint individuals employed by the Food and Drug Administration to serve on the review group: Provided further, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of neglected diseases of the developing world, including specific expertise in developing or carrying out clinical trials: Provided further, That for the purposes of this section the term “neglected disease of the developing world” means a tropical disease, as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(3)).

(c) The Commissioner of Food and Drugs shall—

(1) submit, not later than 1 year after the date of the establishment of review groups under subsections (a) and (b), a report to Congress that describes both the findings and recommendations made by the review groups under subsections (a) and (b);

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

SEC. 741. There is hereby appropriated \$2,600,000 to carry out section 1621 of Public Law 110–246 and \$3,000,000 to carry out section 1613 of Public Law 110–246.

SEC. 742. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, \$11,000,000 is hereby rescinded.

SEC. 743. (a) None of the funds made available by this Act may be used to promulgate or implement a poultry products inspection rule allowing processed poultry or processed poultry products to be imported into the United States from the People's Republic of China unless the Secretary of Agriculture formally notifies Congress that the Department will—

(1) not provide any preferential consideration to any application by the People's Republic of China for authorization to export poultry or poultry products to the United States;

(2) conduct audits of inspection systems and on-site reviews of slaughter and processing facilities, laboratories and other control operations before any Chinese facilities are certified as eligible to ship poultry or poultry products to the United States and, in subsequent years, to conduct such audits and reviews at least once annually or more frequently as the Secretary determines necessary;

(3) implement a significantly increased level of port of entry re-inspection;

(4) establish and conduct a formal and expeditious information sharing program with other countries importing processed poultry or processed poultry products from China that have conducted audits and plant inspections;

(5) report to the House and Senate Committees on Appropriations within 120 days of the date of enactment of this Act, and every 180 days thereafter for an indefinite period, with respect to the promulgation or implementation of any poultry products inspection rule authorizing the People's Republic of China to export poultry or poultry products to the United States, including—

(A) actions taken or to be taken by the Secretary, including new audits and on-site reviews, to implement any poultry products inspection rule authorizing the People's Republic of China to export processed poultry or processed poultry products to the United States;

(B) actions taken or to be taken by the Secretary, including new audits and on-site reviews, to determine whether the poultry inspection system of the People's Republic of China achieves a level of sanitary protection equivalent to that achieved under United States standards;

(C) actions taken or to be taken by the Secretary to determine whether the administration and enforcement of the poultry and poultry products inspection system of the People's Republic of China ensures that it achieves a level of sanitary protection equivalent to that achieved under United States standards;

(D) the level of port of entry re-inspections to be conducted on processed poultry and processed poultry products offered for importation into the United States from the People's Republic of China; and

(E) a work plan incorporating any understandings or agreements between FSIS and relevant authorities of the People's Republic of China with respect to carrying out the Secretary's assessment of the equivalency of the poultry products inspection system of the People's Republic of China;

(6) make publicly available, no later than 30 days from the date they are finalized, the reports of any new audits and on-site reviews conducted by the Secretary, and, in addition, when such audit or review is being conducted to determine whether the People's Republic of China's poultry inspection system achieves a level of sanitary protection equivalent to that achieved under United States standards, to make the final report of such audit or review publicly available no later than 30 days prior to the publication of any notice of proposed rulemaking for such determination; and

(7) make publicly available a list of facilities in the People's Republic of China certified to export poultry or poultry products to the United States and to notify the House and Senate Committees on Appropriations if the number of facilities certified by the People's Republic of China exceeds ten.

(b) None of the funds made available by this Act may be used to promulgate any proposed or final rule allowing the importation into the United States of poultry slaughtered or poultry products produced from poultry slaughtered in the People's Republic of China unless such rule is promulgated in accordance with the procedures for significant rules specified in Executive Order 12866.

(c) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 744. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

SEC. 745. (a) Section 531(g)(7)(F) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting “(including multiyear assistance)” after “assistance”; and

(2) in clause (i), by inserting “or multiyear production losses” after “a production loss”.

(b) Section 901(g)(7)(F) of the Trade Act of 1974 (19 U.S.C. 2497(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting “(including multiyear assistance)” after “assistance”; and

(2) in clause (i), by inserting “or multiyear production losses” after “a production loss”.

SEC. 746. (a) DEPARTMENT OF AGRICULTURE ASSISTANCE DURING PANDEMIC EMERGENCY.—During fiscal year 2010, in any case in which a school is closed for at least 5 consecutive days during a pandemic emergency designation, each household containing at least 1 member who is an eligible child attending the school shall be eligible to receive assistance pursuant to a State agency plan approved under subsection (b).

(b) ASSISTANCE.—To carry out this section, the Secretary of Agriculture may approve State agency plans for temporary emergency standards of eligibility and levels of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for households with eligible children. Plans approved by the Secretary may provide for supplemental allotments to households receiving benefits under such Act, and issuances to households not already receiving benefits. Such level of benefits shall be determined by the Secretary in an amount not less than the value of meals at the free rate over the course of 5 school days for each eligible child in the household.

(c) MINIMUM CLOSURE REQUIREMENT.—The Secretary of Agriculture shall not provide assistance under this section in the case of a school that is closed for less than 5 consecutive days.

(d) USE OF EBT SYSTEM.—A State agency may provide assistance under this section through the EBT card system established under section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016).

(e) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary of Agriculture may authorize State educational agencies and school food authorities administering a school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section.

(f) WAIVERS.—To facilitate implementation of this section, the Secretary of Agriculture may approve waivers of the limits on certification periods otherwise applicable under section 3(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(f)), reporting requirements otherwise applicable under section 5(f) of such Act (7 U.S.C. 2014(f)), and other administrative requirements otherwise applicable to State agencies under such Act.

(g) FUNDING.—The Secretary of Agriculture shall use funds made available under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to fund, with the exception of the commodities described in subsection (h), benefits provided under this section.

(h) AVAILABILITY OF COMMODITIES.—During fiscal year 2010, the Secretary of Agriculture may utilize funds appropriated under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) to purchase commodities for emergency distribution in any area of the United States during a pandemic emergency designation.

(i) DEFINITIONS.—In this section:

(1) The term “eligible child” means a child (as defined in section 12(d) of the Richard B. Rus-

sell National School Lunch Act (42 U.S.C. 1760(d)) who, if not for the closure of the school attended by the child during a pandemic emergency designation and due to concerns about an influenza pandemic, would receive free or reduced price school meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) at the school.

(2) The term “pandemic emergency designation” means the declaration—

(A) of a public health emergency, based on pandemic influenza, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

(B) of a domestic emergency, based on pandemic influenza, by the Secretary of Homeland Security.

(3) The term “school” has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

SEC. 747. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111-181) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 748. (a) There is hereby appropriated \$350,000,000 of which \$60,000,000 is provided for purchases of cheese and other dairy products under 7 U.S.C. 2036(a) and \$290,000,000 is provided to the Secretary of Agriculture to assist dairy producers under section 10104 of Public Law 107-171.

(b)(1) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section.

(2) PROCEDURE.—The promulgation of the implementing regulations and the administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

SEC. 749. (a) Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking “2009” and inserting “2010”.

(b) Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) is amended by striking “2009” and inserting “2010”.

(c)(1) Section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended by striking “2009” and inserting “2010”.

(2) Section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended by striking “2009” and inserting “2010”.

(d) Section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) is amended by striking “2009” and inserting “2010”.

(e) Section 21(g)(1)(A)(ii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)(ii)) is amended by striking “and October 1, 2008” and inserting “October 1, 2008, and October 1, 2009”.

(f) Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is



amended by striking “2009” and inserting “2010”.

(g)(1) From the funds made available under paragraph (5), the Secretary shall carry out demonstration projects to develop and test methods of providing access to food for children in urban and rural areas during the summer months when schools are not in regular session to—

(A) reduce or eliminate the food insecurity and hunger of children; and

(B) improve the nutritional status of children.

(2) For purposes of this subsection, the term “children” means low-income children, as specified by the Secretary.

(3)(A) From the funds made available under paragraph (5), the Secretary shall provide for an independent evaluation of the demonstration projects carried out under this subsection, which shall use rigorous methodologies, including—

(i) random assignment of children or schools, where practicable; or

(ii) if random assignment of children or schools is not practicable, quasi-experimental or other methods that are capable of producing scientifically valid information regarding which projects are effective in achieving the purposes described in paragraph (1).

(B)(i) Not later than December 31, 2010, and each December 31 thereafter until the completion of the last evaluation conducted under subparagraph (A) the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

(I) the status of each demonstration project carried out under this subsection; and

(II) the results of the evaluations conducted under subparagraph (A) for the previous fiscal year.

(ii) Not later than 120 days after the completion of the last evaluation conducted under subparagraph (A), the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes recommendations on how to improve children’s access to food during the summer months when school is not in regular session.

(4) The Secretary may use funds made available under paragraph (5) to pay—

(A) participant benefits;

(B) the added administrative expenses incurred by participating organizations as a result of participating in a project under this subsection;

(C) costs associated with outreach to potential participants and potential sponsoring organizations; and

(D) costs associated with soliciting, administering, monitoring, and evaluating each demonstration project carried out under this subsection.

(5)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$85,000,000, to remain available until expended.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

(h)(1)(A) From the funds made available under subparagraph (C), the Secretary shall provide assistance through grants to State agencies administering the National School Lunch Program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) with the lowest rates of children certified for free meals pursuant to paragraphs (4) and (5) of section 9(b) of such Act (42 U.S.C. 1758(b)(4);

1758(b)(5)) for the purpose of improving such rates.

(B) Under the terms and conditions established by the Secretary, a State receiving grant funds under this subsection may use such funds to pay costs related to improving the rate of direct certification in such State, including the costs related to—

(i) making technology improvements;

(ii) providing technical assistance to local educational agencies;

(iii) implementing a new or revised direct certification system in such State and in the local educational agencies of such State; and

(iv) using multiple public means tested benefits programs for the purpose of direct certification.

(C)(i) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph \$22,000,000, to remain available until expended.

(ii) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

(2)(A) From the funds made available under subparagraph (B), the Secretary shall provide technical assistance to assist States receiving grants under paragraph (1), and other States, as appropriate, in improving the rates of direct certification.

(B)(i) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph \$3,000,000, to remain available until expended.

(ii) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

(i)(1) From the funds made available under paragraph (4), in carrying out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786 et seq.) (in this subsection referred to as the “program”) during fiscal year 2010, the Secretary shall provide performance bonus payments to State agencies that demonstrate—

(A) the highest proportion of breastfed infants, as compared to other State agencies participating in the program; or

(B) the greatest improvement in proportion of breastfed infants, as compared to other State agencies participating in the program.

(2) In providing performance bonus payments to State agencies under this subsection, the Secretary shall consider a State agency’s proportion of participating fully breastfed infants.

(3) A State agency that receives a performance bonus under paragraph (1)—

(A) shall treat the funds as program income; and

(B) may transfer the funds to local agencies for use in carrying out the program.

(4)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$5,000,000.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

(j)(1) From the funds made available under paragraph (5), the Secretary shall make payments to State educational agencies to award grants to eligible school food authorities for the purchase of equipment for schools under the jurisdiction of such authorities.

(2)(A) Payments under paragraph (1) shall be allocated to State educational agencies in a manner proportional with each agency’s administrative expense allocation under section 7(a)(2)

of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(2)).

(B) If a State educational agency does not accept or use the amounts made available under its allocation in accordance with this subsection, the Secretary shall reallocate such amounts to other State educational agencies, as the Secretary determines necessary.

(3)(A) Not later than 180 days after receiving an allocation under this subsection, a State educational agency shall award grants, on a competitive basis, to eligible school food authorities.

(B) For the purposes of this subsection, the term “eligible school food authority” means a school food authority—

(i) participating in the National School Lunch Program established under the Richard B. Russell National School Lunch Program (42 U.S.C. 1751 et seq.); and

(ii) that did not receive a grant for equipment assistance under the grant program carried out pursuant to the heading “Food and Nutrition Service Child Nutrition Programs” in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(C) To qualify to receive a grant under this subsection, an eligible school food authority shall—

(i) submit an application to a State educational agency at such time, in such manner, and containing such information as the State educational agency may require; or

(ii) have submitted an application to receive equipment assistance under the grant program carried out pursuant to the heading “Food and Nutrition Service Child Nutrition Programs” in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(D) In awarding grants to eligible school food authorities, a State shall give priority to each eligible school food authority whose application demonstrates that in providing equipment assistance to schools with funds received under this subsection, it will give priority to schools where not less than 50 percent of the enrolled students are eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(E) Under the terms and conditions established by the Secretary, an eligible school food authority receiving a grant under this subsection shall use such funds to purchase equipment for schools under the jurisdiction of the school food authority—

(i) to improve the quality of school meals, consistent with the goals of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(ii) to improve the safety of food served in the school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

(iii) to improve the overall energy efficiency of school foodservice operations; or

(iv) for other purposes as established by the Secretary.

(4) A State educational agency receiving an allocation under this subsection may not use more than 5 percent of such allocation for administrative costs associated with awarding grants to eligible school food authorities in accordance with this subsection.

(5)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$25,000,000, to remain available until expended.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

(k)(1) *The purpose of this subsection is to provide grants, on a competitive basis, to State agencies administering the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) (referred to in this section as "the program") for the purpose of improving the health and nutrition of children in child care settings.*

(2) *From the funds made available under paragraph (8), the Secretary shall award grants, on a competitive basis, to State agencies administering the program for the purpose of promoting health and nutrition improvement in child care settings.*

(3) *In awarding grants under this subsection, the Secretary shall give priority to State agencies administering projects under the program that carry out each of the authorized uses of funds described in paragraph (7).*

(4) *A State receiving a grant under this subsection shall use not less than 50 percent of such grant funds to award subgrants to institutions for the purpose of conducting the activities described in paragraph (6).*

(5) *For the purposes of this subsection, the term "institution" has the meaning given such term in section 17(a)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)).*

(6) *To be eligible to receive funds under this subsection, a State agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, which shall include—*

(A) *a plan to improve the quality of food provided in—*

(i) *child care centers; and*

(ii) *family or group day care homes; and*

(B) *a description of—*

(i) *the procedures by which the State agency will use the grant received under this subsection to award subgrants to institutions; and*

(ii) *the criteria that the State agency will use in awarding such subgrants.*

(7) *In addition to such other activities as the Secretary determines to be appropriate, State agencies and institutions may use funds provided under this subsection for activities that—*

(A) *promote nutrition and physical activity in child care settings and that reflect the recommendations of—*

(i) *the most recent version of the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and*

(ii) *the most recent scientific knowledge;*

(B) *provide technical assistance and training to sponsors and providers of child care centers and family or group day care homes in implementing State or local initiatives designed to improve the health and nutrition of children;*

(C) *perform outreach campaigns on the State or local level that are designed to increase access to the program in underserved areas and populations; and*

(D) *make innovative use of technology to provide training and education to promote the nutrition, physical activity, and health of children.*

(8)(A) *On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$8,000,000, to remain available until expended.*

(B) *The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.*

(I) *For purposes of this section, the term "Secretary" means the Secretary of Agriculture.*

*This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administra-*

*tion, and Related Agencies Appropriations Act, 2010".*

And the Senate agree to the same.

DAVID R. OBEY,  
ROSA L. DELAURO,  
SAM FARR,  
ALLEN BOYD,  
SANFORD D. BISHOP,  
LINCOLN DAVIS,  
MARCY KAPTUR,  
MAURICE HINCHEY,  
JESSE L. JACKSON, Jr.,  
JO ANN EMERSON,  
RODNEY ALEXANDER,

*Managers on the Part of the House.*

HERB KOHL,  
TOM HARKINS  
BYRON L. DORGAN,  
DIANNE FEINSTEIN,  
RICHARD DURBIN,  
TIM JOHNSON,  
BENJAMIN NELSON,  
JACK REED,  
MARK PRYOR,  
ARLEN SPECTER,  
DANIEL K. INOUE,  
SAM BROWNBACK,  
ROBERT F. BENNETT,  
THAD COCHRAN,  
KIT BOND,  
MITCH MCCONNELL,  
SUSAN COLLINS,

*Managers on the Part of the Senate.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2997), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010 and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

#### CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to the Committees on Appropriations of the House of Representatives and the Senate.

Hereafter in this statement, "the Committees" refers to the Committees on Appropriations of the House of Representatives and the Senate.

#### TITLE I

#### AGRICULTURAL PROGRAMS

##### PRODUCTION, PROCESSING, AND MARKETING

##### OFFICE OF THE SECRETARY

The conference agreement provides \$5,285,000 for the Office of the Secretary as proposed by the House and the Senate.

The conferees direct the Department to provide within 90 days after the date of enactment of this Act all reports and studies requested in this statement to the Committees in both an electronic and hard copy format, unless another date is specified for a particular report.

The conferees are concerned by the lack of timely information on the unprecedented demand for the Agricultural Credit Insurance Fund programs and the loan programs running out of funding half way through the fiscal year. The conferees direct the Department to provide quarterly reports to the Committees on the status of obligations and funds availability for the loan and grant programs provided in this bill. The conferees further direct that if an estimate of loan activity for any program funded in Titles I and III of this Act indicates that a limitation on authority to make commitments for a fiscal year will be reached before the end of that fiscal year, or in any event whenever 75 percent of the authority to make commitments has been utilized, the Secretary shall promptly so notify the Committees.

The conference agreement includes a number of items to enhance the ability of USDA, other federal agencies, and non-governmental partners to provide humanitarian food assistance throughout the world. Both the McGovern-Dole Food for Education and the Food for Peace Title II programs receive substantial increases from the fiscal year 2009 levels. Also, the conference agreement includes \$13,000,000, as requested, for stabilization and reconstruction assistance in Iraq and Afghanistan. In addition, the conference agreement includes provisions relating to the development of products for improved nutrition and field deployment of food assistance, better use of nutrient-fortified foods as a way to improve nutrition and reduce short- and long-term health risks (especially of children), and to direct the primary federal departments responsible for humanitarian food assistance to work jointly to effect greater efficiencies in the execution of these programs.

The conference agreement provides the Farm Service Agency and Rural Development with two year availability of Salaries and Expenses funding for information technology (IT) spending. The Secretary is directed to provide to the Committees a report on: the efficacy of this provision in fiscal year 2009 on improving the administration and effectiveness of IT spending; the amounts carried over from fiscal year 2009; and the intended uses of these carryover funds.

##### OFFICE OF TRIBAL RELATIONS

The conference agreement provides \$1,000,000 for the Office of Tribal Relations as proposed by the House and the Senate.

##### EXECUTIVE OPERATIONS

##### OFFICE OF THE CHIEF ECONOMIST

The conference agreement provides \$13,032,000 for the Office of the Chief Economist as proposed by the Senate, instead of \$12,982,000 as proposed by the House.

##### NATIONAL APPEALS DIVISION

The conference agreement provides \$15,254,000 for the National Appeals Division, instead of \$15,289,000 as proposed by the

House and \$15,219,000 as proposed by the Senate.

#### OFFICE OF BUDGET AND PROGRAM ANALYSIS

The conference agreement provides \$9,436,000 for the Office of Budget and Program Analysis as proposed by the House and the Senate.

#### OFFICE OF HOMELAND SECURITY

The conference agreement provides \$1,859,000 for the Office of Homeland Security as proposed by the Senate, instead of \$2,494,000 as proposed by the House. The conference agreement provides \$750,000 for a protective security detail and \$115,000 for national intelligence analysis.

#### OFFICE OF ADVOCACY AND OUTREACH

The conference agreement provides \$1,700,000 for the Office of Advocacy and Outreach, instead of \$3,000,000 as proposed by the House and no funding as proposed by the Senate.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides \$61,579,000 for the Office of the Chief Information Officer, instead of \$48,541,000 as proposed by the House and \$63,579,000 as proposed by the Senate. The conference agreement provides increases of \$17,000,000 for security assessments, \$14,500,000 for security tool deployment, and \$12,300,000 for the Agriculture and Security Operations Center.

#### OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides \$6,566,000 for the Office of the Chief Financial Officer as proposed by the Senate, instead of \$6,466,000 as proposed by the House.

The conferees continue to be concerned about assessments, known as Greenbook charges, that the Department charges its agencies for government and department-wide activities, both with the level of spending and the lack of transparency in funding these activities. The conferees understand that the Government Accountability Office (GAO) is completing an audit of these activities, and expect that USDA will comply with and implement in a timely manner all recommendations of the audit. The Department is directed to provide a report to the Committees on the steps being taken to implement the GAO recommendations and to increase transparency into the funding and decision-making mechanisms associated with the Greenbook process. In addition, the Department's report should highlight steps being taken to evaluate the performance of on-going Greenbook activities to determine the benefit to the Department of continuing such activities. Finally, the report should include a discussion of returning assessments to levels consistent with fiscal years 2001 through 2003.

#### OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

The conference agreement provides \$895,000 for the Office of the Assistant Secretary for Civil Rights as proposed by the Senate, instead of \$888,000 as proposed by the House.

#### OFFICE OF CIVIL RIGHTS

The conference agreement provides \$23,922,000 for the Office of Civil Rights as proposed by the House, instead of \$23,422,000 as proposed by the Senate.

#### OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides \$806,000 for the Office of the Assistant Secretary for Administration as proposed by the Senate, instead of \$700,000 as proposed by the House.

#### AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$293,093,000 for Agriculture Buildings and Facilities and Rental Payments, instead of \$326,482,000 as proposed by the House and \$274,482,000 as proposed by the Senate. The conference agreement includes \$184,812,000 for rental payments, \$13,500,000 for Department of Homeland Security building security, and \$94,781,000 for building operations and maintenance.

The conference agreement includes funds, at the level requested, for the proposed lease consolidation. However, given the need to have accurate estimates for costs and benefits, the conferees direct USDA to conduct an internal review, through the Office of the Assistant Secretary for Administration and including the affected agencies, and submit a new cost benefit analysis, using updated cost and benefit estimates, to the Committees prior to the obligation of any of the funds for this purpose.

#### HAZARDOUS MATERIALS MANAGEMENT

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$5,125,000 for Hazardous Materials Management as proposed by the House and the Senate.

#### DEPARTMENTAL ADMINISTRATION

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$41,319,000 for Departmental Administration as proposed by the Senate, instead of \$37,319,000 as proposed by the House. The conference agreement includes \$13,000,000, as requested, for stabilization and reconstruction activities in Iraq and Afghanistan. The conferees believe that this effort will assist in the stabilization and reconstruction of agricultural production in these countries and that similar efforts merit consideration for regions where chronic and acute hunger has stifled economic and social stability and development and where substantial resources have been directed in the form of emergency assistance.

#### OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$3,968,000 for the Office of the Assistant Secretary for Congressional Relations as proposed by the House and the Senate.

#### OFFICE OF COMMUNICATIONS

The conference agreement provides \$9,722,000 for the Office of Communications as proposed by the House and the Senate.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$88,725,000 for the Office of Inspector General, instead of \$89,281,000 as proposed by the House and \$88,025,000 as proposed by the Senate.

The conference agreement provides increases, as requested, for pay costs, \$1,759,000; support for investigations of food safety, \$500,000; and audits and investigations of civil rights issues, \$500,000. The conference agreement also provides \$200,000 for work relating to the National Organic Program (NOP). Specifically, the funding is provided to examine the processes that the NOP uses to protect the integrity of the program.

#### OFFICE OF THE GENERAL COUNSEL

The conference agreement provides \$43,551,000 for the Office of the General Counsel as proposed by the Senate, instead of \$43,601,000 as proposed by the House.

#### OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides \$895,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the Senate, instead of \$620,000 as proposed by the House.

#### ECONOMIC RESEARCH SERVICE

The conference agreement provides \$82,478,000 for the Economic Research Service, instead of \$82,528,000 as proposed by the House and \$82,078,000 as proposed by the Senate. This includes \$1,178,000 in employee pay costs and \$1,800,000 for research on the economics of environmental service markets and policies for reducing greenhouse gas emissions. Funding for the Organic Production and Market Data Initiative is maintained at not less than \$500,000.

#### NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides \$161,830,000 for the National Agricultural Statistics Service as proposed by the House and the Senate. The conference agreement provides increases of \$5,750,000 for restoration of the Agricultural Chemical Use Program; \$1,600,000 to provide a data series on bio-energy production and utilization; and \$250,000 to complete the analysis and summary of, and to continue data collection related to, the Organic Production Survey.

#### AGRICULTURAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

The conference agreement provides \$1,179,639,000 for the Agricultural Research Service (ARS), Salaries and Expenses, instead of \$1,157,568,000 as proposed by the House and \$1,181,632,000 as proposed by the Senate.

The conference agreement does not accept the budget proposals to decrease funds for property management or to transfer the Office of Pest Management Policy to the Office of the Chief Economist, and provides \$1,700,000 for the Office of Pest Management Policy in ARS.

The conference agreement provides the following increases, which are a part of the budget request: \$5,937,000 for increased research on human nutrition; \$1,052,000 to strengthen grain disease research to protect the world grain supply; \$246,000 to index and mine the U.S. seed collections for energy genes; and \$2,374,000 for environmental stewardship research.

The conference agreement provides the following increases: \$300,000 for research regarding critical invasive weed problems in the Northwestern United States; \$1,500,000 for research related to colony collapse disorder; \$300,000 to coordinate research on shellfish and shellfish disease in the Northeast; \$1,000,000 to speed efforts to develop Ug99-resistant wheat varieties; \$1,000,000 for research regarding Asian Citrus Psyllid/Citrus Greening Disease; \$3,400,000 for animal disease research; and \$600,000 to address regional groundwater problems in the Lower Mississippi River Basin.

The conference agreement provides an increase of \$1,250,000 for cranberry research. Specifically, these funds should be used for additional research into cranberry genetic improvement, cranberry insect pest management, and environmental engineering research to develop new technologies and practices that growers will be able to implement to protect and enhance water resources.

The conference agreement provides \$543,000 for the bioenergy feedstock research program at the Mandan, North Dakota, ARS facility.

The conferees direct ARS to provide the Committees with a brief summary of research gaps on potential disease transmission arising from interactions between wild and domestic sheep on the range. When preparing this summary, the conferees encourage the Department to work with scientists at the Animal Disease Research Unit, co-located at the University of Idaho and Washington State University, the U.S. Sheep Experiment Station in DuBois, Idaho, and their collaborators.

The conferees direct ARS to provide the Committees with a report, including staffing and funding requirements, on the feasibility of establishing a warm season grasses research program at the Southern Plains Research Station in Woodward, Oklahoma.

The conferees direct ARS to continue research at their Grand Forks facility to address obesity and diet-related health issues in rural and Native American communities.

The following is a list of Congressionally Designated Projects:

*Agricultural Research Service  
Salaries and Expenses  
Congressionally Designated Projects*

	<i>Amount</i>
Animal Vaccines, Greenport, NY .....	\$1,518,000
Arthropod-Borne Animal Diseases Research Laboratory, Manhattan, KS .....	1,500,000
Aquaculture Fisheries Center, ARS, Pine Bluff, AR .....	519,000
Aquaculture Initiatives, Harbor Branch Oceanographic Institute, Stuggart, AR .....	1,597,000
Biomass Crop Production, Brookings, SD .....	1,250,000
Biomedical Materials in Plants (Biotech Foundation), Beltsville, MD .....	1,700,000
Bioremediation Research, Beltsville, MD .....	111,000
Biotechnology Research and Development Center, Washington, DC .....	3,500,000
Catfish Genome, Auburn, AL .....	819,000
Center for Agroforestry, Booneville, AR .....	660,000
Cereal Disease, St. Paul, MN .....	290,000
Computer Vision Engineer, Kearneysville, WV .....	400,000
Crop Production and Food Processing, Peoria, IL ....	786,000
Dairy Forage Research Center, Marshfield, WI ...	2,500,000
Dale Bumpers Small Farms Research Center, Booneville, AR .....	1,805,000
Diet Nutrition and Obesity Research, New Orleans, LA .....	623,000
Endophyte Research, Booneville, AR .....	994,000
Forage Crop Stress Tolerance and Virus Disease Management, Prosser, WA .....	200,000
Formosan Subterranean Termites Research, New Orleans, LA .....	3,490,000
Foundry Sand By-Products Utilization, Beltsville, MD .....	638,000
Human Nutrition Research, Boston, MA .....	350,000
Human Nutrition Research, Houston, TX .....	300,000

*Congressionally Designated Projects—Continued*

	<i>Amount</i>
Human Nutrition Research, Kannapolis, NC ...	1,000,000
Improved Crop Production Practices, Auburn, AL ....	1,293,000
Livestock-Crop Rotation Management, Kutztown, PA .....	349,000
Lyme Disease, 4 Poster Project, Washington, DC .....	700,000
Medicinal and Bioactive Crops, Washington, DC ...	111,000
Mosquito Trapping Research/West Nile Virus, Gainesville, FL .....	1,454,000
National Bio and Agro Defense Facility, Manhattan, KS .....	1,500,000
National Center for Agricultural Law, Beltsville, MD .....	654,000
National Corn to Ethanol Research Pilot Plant, Washington, DC .....	360,000
New England Plant, Soil, and Water Research Laboratory, Orono, ME .....	2,249,000
Northern Great Plains Research Laboratory, Mandan, ND .....	543,000
Northwest Center for Small Fruits, Corvallis, OR .....	275,000
Pacific Basin Agricultural Research Center Staffing, Hilo, HI .....	700,000
Phytoestrogen Research, New Orleans, LA .....	1,750,000
Potato Diseases, Beltsville, MD .....	61,000
Poultry Diseases, Beltsville, MD .....	408,000
Seismic & Acoustic Technologies in Soils Sedimentation Laboratory, Oxford, MS .....	332,000
Sorghum Research, Little Rock, AR .....	135,000
Soybean Genomics, St. Paul, MN .....	200,000
Subtropical Beef Germplasm, Brooksville, FL .....	1,033,000
Termite Species in Hawaii, New Orleans, LA .....	200,000
Tropical Aquaculture Feeds (Oceanic Institute), Hilo, HI .....	1,438,000
Water Management Research Laboratory, Brawley, CA .....	340,000
Water Use Reduction, Dawson, GA .....	1,200,000
Wild Rice, St. Paul, MN ....	303,000
Total .....	44,138,000

**BUILDINGS AND FACILITIES**

The conference agreement provides \$70,873,000 for Agricultural Research Service, Buildings and Facilities, instead of \$35,000,000 as proposed by the House and \$47,027,000 as proposed by the Senate.

The following is a list of Congressionally Designated Projects:

*Agricultural Research Service  
Buildings and Facilities  
Congressionally Designated Projects*

	<i>Amount</i>
Agricultural Research Center, Logan, UT .....	\$4,527,000
Agricultural Research Facility, Beltsville, MD .....	3,000,000

*Congressionally Designated Projects—Continued*

	<i>Amount</i>
Animal Bioscience Facility, Bozeman, MT .....	3,654,000
Appalachian Fruit Laboratory, Kearneysville, WV .....	2,000,000
ARS Biotechnology Lab, Lorman, MS .....	1,500,000
ARS Forage-Animal Production Research Facility, Lexington, KY .....	2,000,000
ARS Research and Development Center, Auburn, AL .....	3,500,000
ARS Waste Management Research Facility, Bowling Green, KY .....	2,000,000
Center for Advanced Viticulture and Tree Crop Research, Davis, CA .....	3,000,000
Center for Grape Genetics, Geneva, NY .....	3,654,000
Center of Excellence for Vaccine Research, Storrs, CT .....	3,654,000
Dairy Forage Agricultural Research Center, Prairie du Sac, WI .....	4,000,000
Jamie Whitten Delta States Research Center, Stoneville, MS .....	4,000,000
National Plant and Genetics Security Center, Columbia, MO .....	3,500,000
Pacific Basin Agricultural Research Center, Hilo, HI .....	5,000,000
Systems Biology Research Facility, Lincoln, NE ....	3,760,000
U.S. Agricultural Research Station, Salinas, CA .....	3,654,000
U.S. ARS Laboratory, Canal Point, FL .....	3,422,000
U.S. ARS Laboratory, Pullman, WA .....	3,740,000
U.S. ARS Sugarcane Research Laboratory, Houma, LA .....	3,654,000
University of Toledo Greenhouse and Hydroponic Research Complex, Toledo, OH .....	3,654,000
Total .....	70,873,000

**NATIONAL INSTITUTE OF FOOD AND AGRICULTURE**

**RESEARCH AND EDUCATION ACTIVITIES**

The conference agreement provides \$788,243,000 for Research and Education Activities, instead of \$711,523,000 as proposed by the House and \$757,821,000 as proposed by the Senate.

The conference agreement provides funding for research on Global Change and UV Monitoring as requested in the budget, to be spent as the agency determines appropriate.

The conference agreement provides \$1,339,000 for the Food and Agriculture Policy Research Institute, of which \$340,000 shall be used to conduct an analysis of rangeland, cattle, and hay with the University of Nevada-Reno.

The conference agreement provides \$1,436,000 for a competitive potato breeding research program to be administered in the same manner and for the same purposes as in fiscal year 2009.

The following table reflects the conference agreement:

*National Institute of Food and Agriculture  
Research and Education Activities*

	<i>Amount</i>
Hatch Act .....	\$215,000,000
McIntire-Stennis Cooperative Forestry .....	29,000,000

<i>Research and Education Activities—Continued</i>		<i>Farm Business Management and Benchmarking Program</i>		<i>Congressionally Designated Projects—Continued</i>	
	<i>Amount</i>				<i>Amount</i>
Evans-Allen Program (1890 Colleges and Tuskegee University) .....	48,500,000	Total, Other .....	21,846,000	Center for Rural Studies, VT .....	350,000
Agriculture and Food Research Initiative .....	262,482,000	Total, Research and Education Activities .....	\$788,243,000	Childhood Obesity and Nutrition, VT .....	250,000
Special Research Grants ...	89,029,000			Citrus Canker/ Greening, FL .....	1,217,000
Improved Pest Control:		The following is a list of Congressionally Designated Projects:		Competitiveness of Agricultural Products, WA .....	469,000
Expert IPM Decision Support System .....	156,000	<i>National Institute of Food and Agriculture Research and Education Activities</i>		Computational Agriculture, NY .....	131,000
Integrated Pest Management .....	2,415,000	<i>Congressionally Designated Projects</i>		Cool Season Legume Research, ID, ND, WA .....	350,000
Minor Crop Pest Management (IR-4) .....	12,180,000	<i>Amount</i>		Cotton Insect Management and Fiber Quality, GA .....	346,000
Pest Management Alternatives .....	1,434,000	Special Research Grants:		Cranberry/Blueberry Disease and Breeding, NJ .....	550,000
Total, Improved Pest Control .....	16,185,000	Advanced Genetic Technologies, KY .....	\$650,000	Cranberry/Blueberry, MA .....	160,000
Total, Special Research Grants .....	105,214,000	Advancing Biofuel Production, TX .....	300,000	Crop Integration and Production, SD .....	400,000
Animal Health and Disease Research (Sec. 1433) .....	2,950,000	Aegilops Cylindrica, WA .....	245,000	Crop Pathogens, NC .....	225,000
1994 Institutions Research Program .....	1,805,000	Agricultural Diversification, HI .....	153,000	Dairy and Meat Goat Research, TX .....	200,000
Rangeland Research .....	983,000	Agricultural Entrepreneurial Alternatives, PA .....	248,000	Dairy Farm Profitability, PA .....	372,000
Graduate Fellowship Grants .....	3,859,000	Agricultural Marketing, IL .....	176,000	Delta Revitalization Project, MS .....	176,000
Institution Challenge Grants .....	5,654,000	Agriculture Energy Innovation Center, GA .....	1,000,000	Designing Foods for Health, TX .....	1,385,000
Multicultural Scholars Program .....	1,241,000	Agriculture Science, OH .....	450,000	Detection and Food Safety, AL .....	1,748,000
Hispanic Serving Institutions Education Grants ..	9,237,000	Agroecology/Chesapeake Bay Agro-ecology, MD .....	439,000	Drought Mitigation, NE .....	600,000
Secondary/2-year Post-secondary .....	983,000	Air Quality, KS, TX ....	1,090,000	Efficient Irrigation, NM, TX .....	1,160,000
Capacity Building Grants (1890 Institutions) .....	18,250,000	Animal Science Food Safety Consortium, AR, IA, KS .....	1,000,000	Emerald Ash Borer, OH .....	550,000
Payments to the 1994 Institutions (Tribal Colleges) ..	3,342,000	Apple Fire Blight, MI, NY .....	346,000	Environmental Research, NY .....	258,000
Alaska Native-serving and Native Hawaiian-Serving Education Grants .....	3,200,000	Aquaculture, CA, FL, TX .....	416,000	Environmental Risk Factors/Cancer, NY ..	150,000
Resident Instruction Grants for Insular Areas ..	900,000	Aquaculture, ID, WA ...	529,000	Environmentally Safe Products, VT .....	250,000
Distance Education Grants for Insular Areas .....	750,000	Aquaculture, LA .....	150,000	Expanded Wheat Pasture, OK .....	223,000
Sun Grant Program .....	2,250,000	Aquaculture, MS .....	361,000	Floriculture, HI .....	300,000
New Era Rural Technology Program .....	875,000	Aquaculture, NC .....	227,000	Food and Agriculture Policy Research Institute, IA, MO, NV, WI .....	1,339,000
Veterinary Medical Services Act .....	4,800,000	Aquaculture Product and Marketing Development, WV .....	550,000	Food and Fuel Initiative, IA .....	298,000
Subtotal .....	721,275,000	Armillaria Root Rot, MI .....	104,000	Food Marketing Policy Center, CT .....	401,000
Federal Administration:		Asparagus Production Technologies, WA .....	173,000	Food Safety Research Consortium, NY .....	693,000
Data Information System (REEIS) .....	2,704,000	Avian Bioscience, DE ..	150,000	Food Safety, ME, OK ...	382,000
Electronic Grants Administration System ...	2,136,000	Babcock Institute, WI ..	416,000	Food Safety, TX .....	69,000
Office of Extramural Programs (Grants) .....	440,000	Barley for Rural Development, ID, MT .....	547,000	Food Security, WA .....	276,000
Peer Panels .....	397,000	Beef Improvement Research, MO, TX .....	693,000	Forages for Advancing Livestock Production, KY .....	473,000
Other Federal Administration .....	33,869,000	Bioactive Foods Research for Health and Food Safety, MA .....	525,000	Forestry Research, AR ..	319,000
Pay Costs .....	5,576,000	Biodesign and Processing Research Center, VA .....	868,000	Fresh Produce Food Safety, CA .....	750,000
Total, Federal Administration .....	45,122,000	Bioenergy Production and Carbon Sequestration, TN .....	1,000,000	Genomics for Southern Crop Stress and Disease, MS .....	797,000
Other:		Biomass-based Energy Research, MS, OK .....	839,000	Geographic Information System .....	1,248,000
Supplemental and Alternative Crops .....	835,000	Biotechnology, NC .....	199,000	Grain Sorghum, KS, TX .....	1,000,000
Aquaculture Centers (Sec. 1475) .....	3,928,000	Bovine Tuberculosis, MI, MN .....	346,000	Grass Seed Cropping for Sustainable Agriculture, ID, OR, WA ..	313,000
Critical Agricultural Materials Act .....	1,083,000	Brucellosis Vaccine, MT .....	305,000	High Performance Computing, UT .....	263,000
Sustainable Agriculture .....	14,500,000	Cataloging Genes Associated with Drought and Disease Resistance, NM .....	176,000	Human Nutrition, LA ..	526,000
		Center for One Medicine, IL .....	500,000	Human Nutrition, NY ..	377,000
				Hydroponic Production, OH .....	124,000

## Congressionally Designated Projects—Continued

## Congressionally Designated Projects—Continued

## Congressionally Designated Projects—Continued

	Amount		Amount		Amount
Improved Dairy Management Practices, PA .....	243,000	Phytophthora Research, GA .....	178,000	Swine and Other Animal Waste Management, NC .....	349,000
Improved Fruit Practices, MI .....	147,000	Phytophthora Research, MI .....	346,000	Technology for Irrigated Vegetable Production, SC .....	500,000
Increasing Shelf Life of Agricultural Commodities, ID .....	603,000	Phytosensors for Crop Security and Precision Agriculture, TN .....	1,000,000	Texas Obesity Research Project .....	500,000
Infectious Disease Research, CO .....	650,000	Pierce's Disease, CA ....	2,000,000	Tick Borne Disease Prevention, RI .....	280,000
Initiative to Improve Blueberry Production and Efficiency, GA ...	209,000	Policy Analyses for National Secure and Sustainable Food, Fiber, Forestry and Energy Program, TX .....	200,000	Tillage, Silviculture, Waste Management, LA .....	200,000
Inland Marine Aquaculture, VA .....	400,000	Potato Cyst Nematode, ID .....	349,000	Tri-state Joint Peanut Research, AL .....	413,000
Institute for Food Science and Engineering, AR .....	775,000	Precision Agriculture, AL .....	419,000	Tropical and Subtropical Research/T-Star .....	6,677,000
Integrated Economic and Technical Analysis of Sustainable Biomass Energy Systems, IN .....	188,000	Precision Agriculture, KY .....	671,000	Tropical Aquaculture, FL .....	300,000
Integrated Production Systems, OK .....	177,000	Preharvest Food Safety, KS .....	500,000	Virtual Plant Database Enhancement Project, MO .....	588,000
International Arid Lands Consortium, AZ .....	401,000	Preservation and Processing Research, OK .....	174,000	Virus-free Wine Grape Cultivars, WA .....	260,000
Invasive Plant Management, MT .....	270,000	Protein Production for Research to Combat Viruses and Microbes, CT .....	500,000	Viticulture Consortium, CA, NY, PA ....	1,454,000
Joint US-China Biotechnology Research and Extension, UT ....	210,000	Protein Utilization, IA .....	600,000	Water Conservation, KS .....	500,000
Leopold Center Hypoxia Project, IA .....	105,000	Rangeland Ecosystems Dynamics, ID .....	300,000	Water Use Efficiency and Water Quality Enhancements, GA ...	346,000
Livestock and Dairy Policy, NY, TX .....	693,000	Regional Barley Gene Mapping Project, OR .....	471,000	Wetland Plants, LA ....	200,000
Maple Research, VT ....	165,000	Regionalized Implications of Farm Programs, MO, TX .....	595,000	Wheat Genetic Research, KS .....	1,000,000
Meadow Foam, OR .....	180,000	Renewable Energy and Products, ND .....	1,000,000	Wildlife/Livestock Disease Research Partnership, WY .....	300,000
Michigan Biotechnology Consortium .....	384,000	Rice Agronomy, MO ....	174,000	Wood Utilization, AK, ID, LA, ME, MI, MN, MS, NC, OR, TN, WV .....	4,841,000
Midwest Center for Bioenergy Grasses, IN .....	188,000	Ruminant Nutrition Consortium, MT, ND, SD, WY .....	563,000	Wool Research, MT, TX, WY .....	206,000
Midwest Poultry Consortium, IA .....	471,000	Rural Policies Institute, IA, MO, NE .....	889,000	World Food and Health Initiative, IL .....	461,000
Milk Safety, PA .....	821,000	Rural Renewable Energy Research and Education Center, WI .....	500,000	Subtotal .....	\$86,185,000
Minor Use Animal Drugs .....	429,000	Russian Wheat Aphid, CO .....	250,000	Other Federal Administration:	
Molluscan Shellfish, OR .....	253,000	Seed Technology, SD ...	350,000	Ag-based Industrial Lubricants, IA .....	405,000
Multi-commodity Research, OR .....	244,000	Small Fruit Research, ID, OR, WA .....	307,000	Agriculture Development in the American Pacific .....	400,000
National Beef Cattle Genetic Evaluation Consortium, CO, GA, NY .....	655,000	Soil-borne Disease Prevention in Irrigated Agriculture, NM .....	187,000	Agriculture Waste Utilization, WV .....	500,000
National Center for Soybean Technology, MO .....	690,000	Southern Great Plains Dairy Consortium, NM .....	350,000	Animal Health Research and Diagnostics, KY .....	300,000
Nematode Resistance Genetic Engineering, NM .....	209,000	Southwest Consortium for Plant Genetics and Water Resources, NM .....	271,000	Animal Waste Management, OK .....	274,000
Nevada Arid Rangelands Initiative, NV ..	500,000	Soybean Cyst Nematode, MO .....	556,000	Applied Agriculture and Environmental Research, CA .....	693,000
New Century Farm, IA ..	350,000	Soybean Research, IL ..	745,000	Aquaculture, OH .....	623,000
New Crop Opportunities, KY .....	525,000	Specialty Crops, AR ....	175,000	Aquaculture Research and Education Center, PA .....	300,000
New Satellite and Computer-based Technology for Agriculture, MS .....	654,000	Specialty Crops, IN ....	235,000	Best Practices in Agriculture Waste Management, CA .....	300,000
Oil Resources from Desert Plants, NM ....	176,000	STEEP IV—Water Quality in Northwest Sustainable Agriculture and Natural Resources, PA .....	142,000	Biotechnology Research, MS .....	480,000
Organic Cropping, OR ..	149,000	Sustainable Agriculture, CA .....	357,000	Cellulosic Biomass, SC .....	469,000
Organic Cropping, WA ..	264,000	Sustainable Agriculture, MI .....	266,000	Center for Agricultural and Rural Development, IA .....	412,000
Organic Waste Utilization, NM .....	69,000	Sustainable Beef Supply, MT .....	682,000	Center for Food Industry Excellence, TX ...	946,000
Peach Tree Short Life Research .....	195,000	Sustainable Engineered Materials from Renewable Sources, VA .....	485,000	Center for Innovative Food Technology, OH .....	793,000
Perennial Wheat, WA ..	98,000	Sustainable Production and Processing Research for Lowbush Specialty Crops, ME .....	200,000	Center for North American Studies, TX .....	693,000

## Congressionally Designated Projects—Continued

Amount	
Center for Renewable Transportation Fuel, MI .....	500,000
Centers for Dairy and Beef Excellence, PA .....	340,000
Clemson University Veterinary Institute, SC .....	1,000,000
Climate Forecasting, FL .....	2,494,000
Cotton Research, TX ...	1,730,000
Council for Agriculture Science and Technology, IA .....	110,000
Dietary Intervention, OH .....	866,000
Ethnobotanicals, MD ...	550,000
Farmland Preservation, OH .....	160,000
Florida Biomass to Biofuels Conversion Program, FL .....	300,000
Greenhouse Nurseries, OH .....	1,380,000
High Value Horticultural Crops, VA ...	502,000
International Center for Food Technology Development to Expand Markets, IN .....	750,000
Kansas Biobased Polymer Initiative .....	750,000
Mariculture, NC .....	220,000
Medicinal and Bioactive Crop Research, TX .....	300,000
Midwest Agribusiness Trade and Information Center, IA .....	187,000
Mississippi Valley State University, Curriculum Development .....	1,002,000
Monitoring Agricultural Sewage Sludge Application, OH .....	500,000
NE Center for Invasive Plants, CT, VT, ME ..	295,000
Nutrition Research, NY .....	188,000
Nutrition and Diet Research, CA .....	925,000
Pasteurization of Shell Eggs, MI .....	935,000
PM-10 Study, WA .....	268,000
Polymer Research, KS .....	2,000,000
Rural Agriculture Small Business Development Program ..	500,000
Rural Systems MS .....	215,000
Shrimp Aquaculture AZ, HI, LA, MA, MS, SC, TX .....	2,908,000
Sustainable Agricultural Freshwater Conservation, TX .....	1,434,000
University of Wisconsin—Stevens Point Institute for Sustainable Technologies .....	1,400,000
Viral Hemorrhagic Septicemia, MI .....	150,000
Viral Hemorrhagic Septicemia, OH .....	500,000
Vitis Gene Discovery, MO .....	422,000

Water Pollutants, WV .....	500,000
Subtotal .....	\$33,869,000
Total .....	\$120,054,000
NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND	
The conference agreement provides \$11,880,000 for the Native American Institutions Endowment Fund as proposed by the House and the Senate.	
EXTENSION ACTIVITIES	
The conference agreement provides \$494,923,000 for Extension Activities, instead of \$485,466,000 as proposed by the House and \$491,292,000 as proposed by the Senate.	
The following table reflects the conference agreement:	
National Institute of Food and Agriculture Extension Activities	
Amount	
Smith-Lever Sections 3(b) and 3(c) .....	\$297,500,000
Smith-Lever Section 3(d):	
Farm Safety .....	4,863,000
Food and Nutrition Education (EFNEP) .....	68,070,000
Indian Reservation Agents/Federally-recognized Tribes Extension .....	3,045,000
New Technologies for Agriculture Extension .....	1,750,000
Pest Management .....	9,938,000
Sustainable Agriculture .....	4,705,000
Children, Youth, and Families at Risk .....	8,412,000
Youth Farm Safety Education and Certification .....	486,000
Total Section 3(d) Programs .....	101,269,000
1890 Colleges and Tuskegee 1890 Facilities Grants (Sec. 1447) .....	42,677,000
Renewable Resources Extension Act (RREA) .....	19,770,000
4,068,000	
Rural Health and Safety Education .....	1,738,000
Extension Services at the 1994 Institutions .....	4,321,000
Food Animal Residue Avoidance Database .....	1,000,000
Grants to Youth Serving Institutions .....	1,784,000
Women and Minorities in SIEM Fields .....	400,000
Subtotal .....	474,527,000
Federal Administration and Special Grants:	
Ag in the Classroom .....	553,000
General Administration including Pay Costs .....	8,012,000
Other Federal Administration and Special Grants .....	11,831,000
Total, Federal Administration .....	20,396,000
Total, Extension Activities .....	\$494,923,000
The following is a list of Congressionally Designated Projects:	

National Institute of Food and Agriculture Extension Activities  
Congressionally Designated Projects

Amount	
Other Federal Administration and Special Grants:	
Childhood Farm Safety (IA) .....	\$75,000
Conservation Technology Transfer (WI) .....	376,000
Dairy Education (IA) .....	175,000
Diabetes Detection and Prevention (WA,PA) ....	1,033,000
E-commerce (MS) .....	231,000
Efficient Irrigation (NM, TX) .....	1,610,000
Extension Specialist (MS) .....	98,000
Food Production Education (VT) .....	120,000
Health Education Leadership (KY) .....	590,000
Income Enhancement Demonstration (OH) ....	864,000
Institute for Sustainable Agriculture (WI) .....	400,000
Invasive Phragmites Control and Outreach (MI) .....	155,000
Iowa Vitality Center .....	250,000
Maine Cattle Health Assurance Program .....	700,000
National Center for Farm Safety (IA) .....	170,000
Nutrition Enhancement (WI) .....	950,000
Ohio-Israel Agriculture Initiative .....	700,000
Pilot Technology Transfer (OK, MS) .....	209,000
Pilot Technology Transfer (WI) .....	174,000
Potato Integrated Pest Management (ME) .....	450,000
Potato Pest Management (WI) .....	277,000
Range Improvement (NM) .....	223,000
University of Wisconsin-Extension Northern Aquaculture Demonstration Facility .....	450,000
Urban Horticulture (WI) .....	376,000
Urban Horticulture and Marketing (IL) .....	175,000
Veterinary Technology Satellite Program (KS) .....	1,000,000
Total .....	\$11,831,000
INTEGRATED ACTIVITIES	
The conference agreement provides \$60,022,000 for Integrated Activities as proposed by the House, instead of \$56,864,000 as proposed by the Senate.	
The following table reflects the conference agreement:	
National Institute of Food and Agriculture Integrated Activities	
Amount	
Section 406 Legislative Authority:	
Water Quality .....	\$12,649,000
Food Safety .....	14,596,000
Regional Pest Management Centers .....	4,096,000
Crops at Risk from FQPA Implementation .....	1,365,000
FQPA Risk Mitigation Program for Major Food Crop Systems .....	4,388,000
Methyl Bromide Transition Program. ....	3,054,000

*Integrated Activities—Continued*

	Amount
Organic Transition Program .....	5,000,000
Total, Section 406 .....	45,148,000
International Science and Education Grants Program .....	3,000,000
Critical Issues Program .....	732,000
Regional Rural Development Centers Program ..	1,312,000
Homeland Security, Food and Agriculture Defense Initiative .....	9,830,000
Total, Integrated Activities .....	\$60,022,000

OFFICE OF THE UNDER SECRETARY FOR  
MARKETING AND REGULATORY PROGRAMS

The conference agreement provides \$895,000 for the Office of the Under Secretary for Marketing and Regulatory Programs as proposed by the Senate, instead of \$753,000 as proposed by the House.

ANIMAL AND PLANT HEALTH INSPECTION  
SERVICE

## SALARIES AND EXPENSES

## (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$904,953,000 for the Animal and Plant Health Inspection Service (APHIS), Salaries and Expenses, instead of \$881,019,000 as proposed by the House and \$909,394,000 as proposed by the Senate.

The following table reflects the conference agreement:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
(IN THOUSANDS OF DOLLARS)

Program	Amount
Pest and Disease Exclusion:	
Agricultural quarantine inspection .....	\$29,000
Cattle ticks .....	13,157
Foreign animal diseases/FMD .....	4,004
Fruit fly exclusion and detection .....	62,920
Import-export inspection .....	13,298
Overseas technical and trade operations .....	16,172
Screwworm .....	27,714
Tropical bont tick .....	429
Total, Pest and Disease Exclusion .....	166,694
Plant and Animal Health Monitoring:	
Animal health monitoring & surveillance .....	121,667

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—  
Continued  
(IN THOUSANDS OF DOLLARS)

Program	Amount
Animal and plant health regulatory enforcement ..	13,983
Avian influenza .....	60,243
Emergency management systems .....	15,794
National veterinary stockpile .....	3,757
Pest detection .....	28,113
Select Agents .....	5,176
Total, Plant & Animal Health Monitoring .....	248,733
Pest and Disease Management:	
Aquaculture .....	6,560
Biological control .....	10,467
Brucellosis .....	9,707
Chronic wasting disease .....	16,875
Contingency fund .....	2,058
Cotton Pests .....	23,390
Emerging plant pests .....	158,769
Golden nematode .....	831
Grasshopper and Mormon cricket .....	5,578
Gypsy moth .....	5,420
Imported fire ant .....	1,902
John's disease .....	6,876
Noxious weeds .....	1,990
Plum pox .....	2,206
Pseudorabies .....	2,510
Scrapie .....	17,906
Tuberculosis .....	16,764
Wildlife services operations .....	77,780
Witchweed .....	1,517
Total, Pest and Disease Management .....	369,106
Animal Care:	
Animal welfare .....	21,979
Horse protection .....	500
Total, Animal Care .....	22,479
Scientific and Technical Services:	
Biotechnology regulatory services .....	13,050
Environmental Compliance .....	2,715
Plant methods development labs .....	9,949
Veterinary biologics .....	17,325
Veterinary diagnostics .....	26,073
Wildlife services methods development .....	18,630
Total, Scientific and Technical Services .....	87,742
Information technology infrastructure .....	4,474
Physical security .....	5,725
Total, Management initiatives .....	10,199
Total, Salaries and Expenses .....	904,953

The conference agreement includes \$5,300,000 for the National Animal Identification System (NAIS). After receiving \$142,000,000 in funding since fiscal year 2004, APHIS has registered about 37 percent of all premises, far below what should have been achieved given this substantial investment. The conferees are concerned that this lack of progress will prohibit APHIS from implementing an effective national system that

would provide needed animal health and livestock market benefits. The conferees are aware that USDA recently concluded a national listening tour to develop a more comprehensive understanding of how to design and deliver a successful animal identification system. Now that the listening tour has concluded, the conferees expect APHIS to provide the Committees with a complete and detailed strategic plan for the program, including tangible outcomes, measurable goals, specific milestones, and necessary resources for the entire program. Given the \$5,300,000 investment in this conference agreement and the \$142,000,000 that Congress has already provided for NAIS, the conferees expect APHIS to make demonstrable progress in effectively implementing the animal identification system. If significant progress is not made, the conferees will consider eliminating funding for the program.

The conference agreement provides \$5,188,000 for viral hemorrhagic septicemia (VHS). The conferees strongly encourage APHIS to prioritize VHS resources to regions where the agency has confirmed cases.

The conference agreement includes \$350,000 for the Trichinae certification program.

The conference agreement includes \$26,073,000 for veterinary diagnostics, which includes an increase of \$1,657,000.

The conference agreement includes \$158,769,000 for Emerging Plant Pests. Included in this amount is \$44,656,000 for citrus health; \$33,021,000 for Asian long-horned beetle; \$22,983,000 for glassy-winged sharpshooter; \$5,347,000 for sudden oak death; \$2,151,000 for Karnal bunt; \$37,205,000 for emerald ash borer, including an increase of \$2,500,000 for operations and improved eradication methods; \$8,327,000 for potato cyst nematode; \$1,008,000 for light brown apple moth; \$1,500,000 for sirex woodwasp; \$2,102,000 for miscellaneous pests; and \$469,000 for varroa mite suppression.

The conference agreement includes \$16,764,000 for bovine tuberculosis, which includes \$2,000,000 for indemnity and depopulation. Bovine tuberculosis funds not necessary to meet indemnity and depopulation needs may be used for management and control of bovine tuberculosis.

The following is a list of Congressionally Designated Projects:

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE—CONGRESSIONALLY DESIGNATED PROJECTS

Project	Program	Amount
Agriculture Compliance Laboratory Equipment, Delaware .....	Veterinary diagnostics .....	69,000
Animal management and control, Mississippi .....	Wildlife services operations .....	496,000
Beaver Management in North Carolina .....	Wildlife services operations .....	208,000
Berryman Institute, Jack Berryman Institute Utah and Mississippi Agriculture and Forestry Experiment Station .....	Wildlife services methods development .....	1,500,000
Bio-safety and antibiotic resistance, University of Vermont .....	Animal health monitoring and surveillance .....	240,000
Bio-Safety Institute for Genetically Modified Agriculture Products .....	Biotechnology regulatory services .....	259,000
Blackbird management, North and South Dakota .....	Wildlife services operations .....	265,000
Blackbird Management, Louisiana .....	Wildlife services operations .....	94,000
Bovine tuberculosis eradication, Michigan .....	Tuberculosis .....	248,000
California county pest detection augmentation program, California Department of Food and Agriculture .....	Pest detection .....	619,000
California county pest detection import inspection program, California Department of Food and Agriculture .....	Pest detection .....	738,000
Chronic Wasting Disease Surveillance, Wisconsin .....	Chronic wasting disease .....	1,024,000
Cogongrass control, Mississippi Department of Agriculture .....	Noxious weeds .....	208,000
Cooperative Livestock Protection Program Pennsylvania and Pennsylvania Department of Agriculture .....	Wildlife services operations .....	223,000
Cormorant control, Vermont and Vermont Fish and Wildlife Department .....	Wildlife services operations .....	103,000
Cormorant Control, Michigan .....	Wildlife services operations .....	139,000
Cormorant control, Mississippi .....	Wildlife services operations .....	223,000
Crop and Aquaculture Losses in Southeast Missouri .....	Wildlife services operations .....	207,000
Database of North Carolina's Agricultural Industry for Rapid Response .....	Animal health monitoring and surveillance .....	208,000
Disease prevention, Louisiana Department of Wildlife and Fisheries .....	Veterinary diagnostics .....	69,000
Greater Yellowstone Interagency Brucellosis Committee, MT, ID, WY .....	Brucellosis .....	650,000
Hawaii interline activities .....	Agricultural quarantine inspection .....	3,000,000
Hawaii wildlife services activities .....	Wildlife services operations .....	2,230,000
Hemlock Woolly Adelgid, University of Tennessee .....	Biological control .....	500,000
Integrated predation management activities, West Virginia .....	Wildlife services operations .....	280,000
Invasive aquatic species, Lake Champlain Fish and Wildlife Management Cooperative, Vermont .....	Aquaculture .....	94,000
John's Disease activities, Wisconsin .....	John's disease .....	939,000
Mormon crickets, Nevada .....	Grasshopper .....	1,000,000
National Agriculture Biosecurity Center, Kansas .....	Veterinary diagnostics .....	500,000
National Biodiversity Conservation Strategy, Kiski Basin, Pennsylvania .....	Noxious weeds .....	200,000
National farm animal identification and records, Holstein Association, New York and Vermont .....	Animal health monitoring and surveillance .....	343,000
National Wildlife Research Station, Texas A&M .....	Wildlife services methods development .....	290,000
New Jersey Gypsy Moth Pest Management .....	Gypsy moth .....	500,000
New Mexico Rapid Syndrome Validation Program, New Mexico State University .....	Animal health monitoring and surveillance .....	404,000



## ANIMAL AND PLANT HEALTH INSPECTION SERVICE—CONGRESSIONALLY DESIGNATED PROJECTS—Continued

Project	Program	Amount
Nez Perce Bio-Control Center, Idaho .....	Noxious weeds .....	176,000
Noxious weed management, Nevada Department of Agriculture .....	Noxious weeds .....	235,000
Remote Diagnostic and Wildlife Disease Surveillance, ND .....	Animal health monitoring and surveillance .....	700,000
Technology to Combat Asian Long-Horned Beetles in New York Forests .....	Emerging plant pests .....	500,000
Tri-State Predator Control Program, Idaho, Montana, and Wyoming .....	Wildlife services operations .....	926,000
Varroa mite suppression, Hawaii .....	Emerging plant pests .....	469,000
Viral Hemorrhagic Septicemia Monitoring and Management, Wisconsin .....	Aquaculture .....	588,000
Wildlife Services South Dakota, South Dakota Department of Game, Fish, and Parks .....	Wildlife services operations .....	519,000
Wisconsin Livestock Identification Consortium .....	Animal health monitoring and surveillance .....	1,500,000
Wolf Predation Management in Wisconsin, Minnesota, and Michigan .....	Wildlife services operations .....	727,000
TOTAL .....		24,410,000

## BUILDINGS AND FACILITIES

The conference agreement provides \$4,712,000 for the Animal and Plant Health Inspection Service, Buildings and Facilities as proposed by the House and the Senate.

## AGRICULTURAL MARKETING SERVICE

## MARKETING SERVICES

The conference agreement provides \$91,148,000 for Agricultural Marketing Service, Marketing Services, instead of \$90,848,000 as proposed by the House and the Senate.

The conference agreement includes \$6,967,000 for the National Organic Program, including an increase of \$300,000 to enhance accreditation and oversight capabilities.

## LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of \$64,583,000 for Limitation on Administrative Expenses as proposed by the House and the Senate.

## FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

## (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$20,056,000 for Funds for Strengthening Markets, Income, and Supply as proposed by the House and the Senate.

The conference agreement provides \$10,000,000 for Web-Based Supply Chain Management (WBSCM). The conferees understand that with previous funds, the WBSCM system has been established and is currently operational. The conferees note that \$10,000,000 in additional funding is now available for other Section 32 activities.

## PAYMENTS TO STATES AND POSSESSIONS

The conference agreement provides \$1,334,000 for Payments to States and Possessions as proposed by the House and the Senate.

## GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

## SALARIES AND EXPENSES

The conference agreement provides \$41,964,000 for the Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses as proposed by the House, instead of \$41,564,000 as proposed by the Senate.

## LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

The conference agreement includes a limitation of \$42,463,000 for Limitation on Inspection and Weighing Services Expenses as proposed by the House and the Senate.

## OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The conference agreement provides \$813,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate, instead of \$622,000 as proposed by the House.

## FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides \$1,018,520,000 for the Food Safety and Inspection Service as proposed by the House and the Senate.

## FOOD SAFETY AND INSPECTION SERVICE

## FUNDING BY ACTIVITY

## Food Safety &amp; Inspection:

Federal .....	\$903,067,000
State .....	\$65,654,000
International .....	\$19,445,000
CODEX .....	\$3,884,000
Public Health Data Communication Infrastructure .....	\$26,470,000

Total ..... \$1,018,520,000

## OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

The conference agreement provides \$895,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the Senate, instead of \$662,000 as proposed by the House.

The conferees are aware of the impacts to agriculture caused by exceptional drought conditions currently faced by certain states. The conferees expect the Secretary to use all available authorities to provide relief to agricultural producers who have incurred drought related losses.

The conferees direct the Foreign Agricultural Service to provide the Committees with a report on the status of the agency's reorganization. The report should include a discussion of any anticipated modification to existing office structures.

The conferees recognize that the domestic cut flower industry has worked to remain competitive by using the latest in horticultural science and experimenting with and growing new varieties of flowers. Despite this, the domestic cut flower industry has experienced a significant decline in its share of the U.S. cut flower market. The conferees urge the Secretary to use available resources to support domestic flower growers in their efforts to develop an efficient and environmentally friendly transportation, storage, and distribution system to better compete with foreign producers.

## FARM SERVICE AGENCY

## SALARIES AND EXPENSES

## (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$1,253,777,000 for the Farm Service Agency (FSA), Salaries and Expenses, instead of \$1,248,777,000 as proposed by the House and \$1,603,777,000 as proposed by the Senate.

Given the complexity and scale of FSA's information technology (IT) improvement initiative, the conferees seek to ensure that FSA successfully and cost-effectively delivers the modernized systems relevant to the Department's submission under Section 300 of OMB Circular A-11. Moreover, the conferees recognize that achieving FSA's IT modernization goals depends on coordination and integration with other IT initiatives across the Department that are beyond FSA's control.

Accordingly, the conferees direct the Department to submit to the Committees a description of how the Department will coordi-

nate and oversee the interdependent planning and implementation of FSA's IT modernization initiative with all other related Department IT modernization initiatives.

Furthermore, the conferees direct the Department to submit to the Committees an expenditure plan for all past-and current-year funds allocated for FSA IT systems modernization and stabilization activities since fiscal year 2008 that describes:

1. The FSA IT projects funded;
2. The expected performance capabilities and mission benefits of each of these projects;
3. The estimated and completed project cost, schedule, and system operation milestones with target dates;
4. The estimated and actual costs associated with attaining these milestones;
5. A comparison of the project cost, schedule, and milestones to those provided in fiscal year 2008; and
6. The processes, tools, contracts, and human capital in place or planned to accomplish effective management and oversight of the projects.

After the initial expenditure plan, the Department is to provide reports by April 1, 2010, and by August 1, 2010, that provide updates on the cost, schedule, and system operation milestones. To the extent milestones are missed, the report is to provide a summary of the reasons why and plans for corrective actions.

The conferees recommend that funds be allocated to implement the National Agriculture Imagery Program, with images collected nationally on an annual basis, in order to provide the maximum benefit for USDA programs and other users of these images. The conferees encourage the Secretary to utilize all appropriate imagery sources to meet programmatic requirements.

## STATE MEDIATION GRANTS

The conference agreement provides \$4,369,000 for State Mediation Grants as proposed by the Senate, instead of \$4,000,000 as proposed by the House.

## GRASSROOTS SOURCE WATER PROTECTION PROGRAM

The conference agreement provides \$5,000,000 for the Grassroots Source Water Protection Program as proposed by the House and the Senate.

## DAIRY INDEMNITY PROGRAM

## (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides an appropriation of such sums as may be necessary for the Dairy Indemnity Program as proposed by the House and the Senate.

## AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

## (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides a total subsidy of \$140,608,000 for activities under the Agricultural Credit Insurance Fund Program Account, instead of \$104,122,000 as proposed by the House and the Senate.

The conference agreement provides for an estimated loan program level of \$5,083,940,000, instead of \$4,151,397,000 as proposed by the House and \$4,149,457,000 as proposed by the Senate.

The conference agreement provides \$321,093,000 for Salaries and Expenses as proposed by the Senate, instead of \$325,574,000 as proposed by the House.

The following table reflects the amounts provided in the conference agreement:

#### Farm Ownership Loans:

Direct .....	(\$650,000,000)
Subsidy .....	26,520,000
Guaranteed .....	(1,500,000,000)
Subsidy .....	5,550,000

#### Farm Operating Loans:

Direct .....	(\$1,000,000,000)
Subsidy .....	47,400,000
Unsubsidized Guaranteed .....	(1,500,000,000)
Subsidy .....	35,100,000
Subsidized Guaranteed .....	(170,000,000)
Subsidy .....	23,902,000

#### Indian Tribe Land Acquisition .....

(3,940,000)

#### Conservation:

Direct .....	(75,000,000)
Subsidy .....	1,065,000
Guaranteed .....	(75,000,000)
Subsidy .....	278,000

#### Indian Highly Fractionated

Land .....	(10,000,000)
Subsidy .....	793,000

#### Boll Weevil Eradication ....

(100,000,000)

#### ACIF Expenses:

Salaries and Expenses ....	\$313,173,000
Administrative Expenses .....	7,920,000

#### RISK MANAGEMENT AGENCY

The conference agreement provides \$80,325,000 for the Risk Management Agency as proposed by the House, instead of \$79,425,000 as proposed by the Senate.

#### CORPORATIONS

#### FEDERAL CROP INSURANCE CORPORATION FUND

The conference agreement provides an appropriation of such sums as may be necessary for the Federal Crop Insurance Fund as proposed by the House and the Senate.

#### COMMODITY CREDIT CORPORATION FUND

#### REIMBURSEMENT FOR NET REALIZED LOSSES

#### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides an appropriation of such sums as may be necessary for Reimbursement for Net Realized Losses of the Commodity Credit Corporation as proposed by the House and the Senate.

#### HAZARDOUS WASTE MANAGEMENT

#### (LIMITATION ON EXPENSES)

The conference agreement provides a limitation of \$5,000,000 for Hazardous Waste Management as proposed by the House and the Senate.

#### TITLE II

#### CONSERVATION PROGRAMS

#### OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The conference agreement provides \$895,000 for the Office of the Under Secretary for Natural Resources and Environment as proposed by the Senate, instead of \$774,000 as proposed by the House.

#### NATURAL RESOURCES CONSERVATION SERVICE CONSERVATION OPERATIONS

The conference agreement provides \$887,629,000 for Conservation Operations, instead of \$874,397,000 as proposed by the House and \$949,577,000 as proposed by the Senate.

The conference agreement provides \$9,930,000 for the Grazing Lands Conservation

Initiative; \$10,965,000 for the Snow Survey and Water Supply Forecasting Program; \$11,088,000 for Plant Materials Centers; \$93,939,000 for the Soil Surveys Program; and \$755,975,000 for Conservation Technical Assistance.

The following is a list of Congressionally Designated Projects:

#### NATURAL RESOURCES CONSERVATION SERVICE—CONSERVATION OPERATIONS CONGRESSIONALLY DESIGNATED PROJECTS—

Project	Amount
Accelerated Soil Mapping Survey, WY .....	\$200,000
Agricultural Development and Resource Conservation, Hawaii RC&D Councils, HI .....	1,400,000
Agricultural Wildlife Conservation Center, MS .....	939,000
Appropriate Wetland and Wet-Mesic Species, IA .....	134,000
Assistance to Improve Water Quality for Tarrant County, TX .....	336,000
Audubon conservation curriculum .....	333,000
Best Management Practices and Master Farmer Special Research Grant with LSU, LA .....	267,000
Cane Run Creek Watershed Remediation, KY .....	400,000
Carson City Waterfall Fire Restoration, Carson City, NV .....	375,000
CEMSA with Iowa Soybean Association, IA .....	288,000
Center for Invasive Species Eradication, Texas AgriLife Research, College Station, TX .....	1,000,000
Chenier Plain Sustainability Initiative, McNeese State University, LA .....	500,000
Chesapeake Bay Activities .....	3,998,000
Conservation Fuels Management and Restoration Wildlife Support Group, WV .....	269,000
Conservation Internships, Wisconsin Land and Water Conservation Association, WI .....	120,000
Conservation Planning, MA and WI .....	423,000
Conservation Technical Assistance in New Jersey, NJ .....	236,000
Conservation Technical Assistance, NRCS TN .....	1,000,000
Conservation Technology Transfer, University of Wisconsin, WI .....	516,000
Cooperative Agreement with Tufts University, CT .....	333,000
Deer Creek Watershed Conservation and Restoration, MD .....	400,000
Delta Conservation Demonstration, Washington County, MS .....	376,000
Delta Water Study, NRCS MS .....	235,000
Farm Viability Program, VT .....	300,000
Fountain Creek Watershed Project, CO .....	500,000
Genesee River Watershed, NY .....	500,000
Georgia Soil and Water Conservation Commission Cooperative Agreement, GA .....	2,423,000
Grazing Lands Conservation Initiative, WI .....	835,000
Great Lakes Basin Program for Soil Erosion and Sediment Control .....	404,000
Great Plain Riparian Initiative, National Wild Turkey Federation, NE .....	500,000
Green Institute, FL .....	267,000
Green River Water Quality and Biological Diversity Project, Western Kentucky Research Foundation, KY .....	100,000
Grosvenor Center for Geographic Education Watershed Project, Texas State University, TX .....	300,000
Hawaii Plant Materials Center, HI .....	106,000
Hungry Canyons Alliance, IA .....	282,000
Illinois Conservation Initiative, Illinois Department of Natural Resources, IL .....	576,000
Kentucky Soil Erosion Control, KY .....	724,000
Long Island Sound Watershed, NY .....	133,000
Massasoit Community Farm, CT .....	300,000
Maumee Watershed Hydrological and Flood Mitigation, OH .....	667,000
Mississippi Conservation Initiative, NRCS MS .....	2,000,000
Mojave Water Agency Non-Native Plant Removal, CA .....	667,000
Municipal Water District of Orange County for Efficient Irrigation, CA .....	150,000
Nitrate Pollution Reduction, NRCS RI .....	155,000
Operation Oak Program .....	267,000
Pace University Land Use Law Center, White Plains, NY .....	133,000
Pastureland Management/Rotational Grazing, NY .....	400,000
Phosphorus Loading in Lake Champlain, Poultney Conservation District, VT .....	179,000
Phosphorus Reduction Cooperative Agreement, Kansas Livestock Foundation, KS .....	1,000,000
Potomac River Tributary Strategy, NRCS WV .....	168,000
Quabbin to Cardigan Conservation Initiative, NH .....	282,000
Range Revegetation along Fort Hood, TX .....	333,000
Riparian Restoration along the Rio Grande, Pecos, and Canadian Rivers, New Mexico Association of Soil and Water Conservation Districts, NM .....	200,000
Risk Management Initiative, NRCS WV .....	673,000
Sand County Foundation, WI .....	892,000
Soil Phosphorus Studies, NRCS WV .....	202,000
Soil Surveys, NRCS RI .....	134,000
Technical Assistance Grants to Kentucky Soil Conservation Districts, Kentucky Division of Conservation, KY .....	545,000
Technical Assistance to Livestock/Poultry Producers, NC .....	300,000
Town of Cary Swift Creek Stream Bank Restoration, NC .....	199,000
UMASS-Amherst Ecological Conservation Initiative, MA .....	140,000
Upper White River Basin Water Quality, MO .....	287,000
Utah Conservation Initiative, NRCS UT .....	2,500,000
Water Quality Protection Program for the Monterey Bay Sanctuary, CA .....	400,000
Watershed Agricultural Council, NY .....	480,000
Watershed Demonstration Project, IA .....	134,000
Watershed Planning Staff, NRCS Pacific Island Area .....	500,000
Watershed Protection Plan for Hood County, TX .....	67,000
Yankee Tank Dam, NRCS KS .....	1,000,000
Total .....	37,382,000

#### WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides \$30,000,000 for Watershed and Flood Prevention Operations, instead of \$20,000,000 as proposed by the House and \$24,394,000 as proposed by the Senate.

NRCS is expected to make progress to continue and/or to provide financial/technical assistance for the next phase for the following Congressionally Designated Projects:

#### NATURAL RESOURCES CONSERVATION SERVICE—WATERSHED AND FLOOD PREVENTION OPERATIONS CONGRESSIONALLY DESIGNATED PROJECTS

Project	Amount
Alameda Creek Watershed Project, CA .....	1,337,000
Ashley Valley Flood Control, Uintah County, UT .....	300,000
Big Slough Watershed Project, AR .....	57,000
Depatee Creek Watershed Project, AR .....	110,000
Dry Creek Watershed, City of Rocklin, CA .....	500,000
Dunloup Creek Watershed Project, NRCS WV .....	1,500,000
DuPage County Watershed, IL .....	1,000,000
Farmington River Restoration Project, Riverton, CT .....	500,000
Hurricane Katrina Related Watershed Restoration Project, MS .....	229,000
Lahaina Watershed, NRCS HI .....	1,000,000
Lake Oscawana Management and Restoration Plan, NY .....	400,000
Little Sioux Watershed Project, IA .....	1,146,000
Lost River, NRCS WV .....	4,000,000
Lower Hamakua Ditch Watershed Project, HI .....	1,800,000
Missouri Watershed Projects, NRCS MO .....	2,000,000
Pidcock-Mill Creeks Watershed Project, PA .....	573,000
Pocasset River Watershed, NRCS RI .....	2,000,000
Richland Creek Reservoir, Paulding County, GA .....	100,000
Soap Creek Watershed Project, IA .....	984,000
South Fork of the Licking River Watershed Project, OH .....	125,000
Upcountry Maui Watershed Project, HI .....	2,000,000
Upper Clark Fork Watershed, Watershed Restoration Coalition, MT .....	200,000
Wailuku-Alenaia Watershed Project, HI .....	250,000
Total .....	22,111,000

#### WATERSHED REHABILITATION PROGRAM

The conference agreement provides \$40,161,000 for the Watershed Rehabilitation Program as proposed by the House and the Senate.

#### RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides \$50,730,000 for Resource Conservation and Development as proposed by the House, instead of the Senate proposal which would have given the Secretary the option of providing up to \$50,730,000 for the program within the Conservation Operations account.

#### TITLE III

#### RURAL DEVELOPMENT PROGRAMS

#### OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides \$895,000 for the Office of the Under Secretary for Rural Development as proposed by the Senate, instead of \$660,000 as proposed by the House.

The Department is directed to work with other appropriate federal agencies to submit a report by September 30, 2010, to the Committees regarding tourism opportunities in rural America. This report should identify existing federal programs that provide assistance to rural small businesses for purposes of market development and business opportunities in the area of tourism and to make recommendations for the improvement of such programs.

Within 90 days of enactment of this Act, the Department shall transmit a plan to the Committees to streamline the grant process for water and waste water disposal grants for rural Alaskan communities and Alaska Native villages. The plan shall include an explanation of how it will reduce the paperwork burden on rural Alaskan communities and Alaska Native villages and the time to process applications and take into account logistical issues that affect the construction

season, including the timing and length of the construction season and the barge schedule. In developing the plan, the Department shall consult with the appropriate officials from the Environmental Protection Agency, the Indian Health Service, the State of Alaska, the Alaska Native Tribal Health Consortium, and affected Indian tribes.

#### RURAL DEVELOPMENT SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$201,987,000 for Rural Development Salaries and Expenses, instead of \$193,987,000 as proposed by the House and \$207,237,000 as proposed by the Senate. Of the amount provided, the conference agreement provides that not less than \$3,500,000 will be for projects and additional staffing associated with maintaining the compliance, safety, and soundness of the portfolio of loans guaranteed through the Rural Development mission area programs.

#### RURAL HOUSING SERVICE

##### RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides a total subsidy of \$238,908,000 for activities under the Rural Housing Insurance Fund Program Account, instead of \$158,589,000 as proposed by the House and \$242,720,000 as proposed by the Senate.

The conference agreement provides for an estimated loan program level of \$13,375,965,000, instead of \$7,590,897,000 as proposed by the House and \$13,480,978,000 as proposed by the Senate.

The conference agreement provides for a transfer of \$468,593,000 to the Rural Development Salaries and Expenses account as proposed by the House and the Senate.

The following table reflects the amounts in the conference agreement:

Rural Housing Insurance Fund Program Account:	
Loan authorizations:	
Single family direct (sec. 502) .....	(\$1,121,488,000)
Single family unsubsidized guaranteed ....	(12,000,000,000)
Rental housing (sec. 515) .....	(69,512,000)
Multi-family housing guaranteed (sec. 538) .....	(129,090,000)
Housing repair (sec. 504) .....	(34,412,000)
Credit sales of acquired property .....	(11,448,000)
Site loans (sec. 524) .....	(5,045,000)
Self-help housing land development .....	(4,970,000)
Total, Loan authorizations .....	(\$13,375,965,000)
Loan subsidies:	
Single family direct (sec. 502) .....	\$40,710,000
Single family unsubsidized guaranteed ....	172,800,000
Rental housing (sec. 515) .....	18,935,000
Multi-family housing guaranteed (sec. 538) .....	1,485,000
Housing repair (sec. 504) .....	4,422,000

Credit sales of acquired property .....	556,000
Total, Loan subsidies .....	\$238,908,000

RHIF administration expenses (transfer to RD) ...	\$468,593,000
---	---------------

#### RENTAL ASSISTANCE PROGRAM

The conference agreement provides \$980,000,000 for the Rental Assistance Program as proposed by the House and the Senate.

##### MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

The conference agreement provides \$43,191,000 for the Multi-family Housing Revitalization Program Account, instead of \$31,756,000 as proposed by the House and \$39,651,000 as proposed by the Senate.

The conferees are concerned about the accelerating growth in the costs of the housing voucher pilot program. The Secretary is directed to provide a report to the Committees articulating options to continue voucher assistance in the future. This report would clarify if the Department intends for vouchers to be limited in duration or ongoing. The report should also provide cost estimates of the options, including FTE costs if the administration recommends not to end the pilot.

#### MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides \$41,864,000 for Mutual and Self-Help Housing Grants, instead of \$45,000,000 as proposed by the House and \$38,727,000 as proposed by the Senate.

#### RURAL HOUSING ASSISTANCE GRANTS

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$45,500,000 for Rural Housing Assistance Grants as proposed by the House, instead of \$41,500,000 as proposed by the Senate.

#### FARM LABOR PROGRAM ACCOUNT

The conference agreement provides \$19,746,000 for the Farm Labor Program Account, instead of \$22,523,000 as proposed by the House and \$16,968,000 as proposed by the Senate. The conference agreement provides for an estimated loan program level of \$27,319,000; \$9,873,000 for loan subsidies; and \$9,873,000 for grants.

##### RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$54,993,000 for the Rural Community Facilities Program Account as proposed by the Senate, instead of \$51,091,000 as proposed by the House.

The following table reflects the conference agreement:

Community Facilities:	
Direct loans .....	(\$294,962,000)
Direct subsidy .....	3,864,000
Guaranteed loans .....	(206,417,000)
Guaranteed subsidy .....	6,626,000
Grants .....	20,373,000
Rural community development initiative .....	6,256,000
Economic impact initiative grants .....	13,902,000
Tribal college grants .....	3,972,000
Total, loan subsidies and grants .....	\$54,993,000

#### RURAL BUSINESS-COOPERATIVE SERVICE

##### RURAL BUSINESS PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$97,116,000 for the Rural Business Program

Account as proposed by the House and the Senate.

The following table reflects the conference agreement:

Business and Industry:	
Guaranteed loans .....	(\$993,002,000)
Guaranteed subsidy .....	52,927,000
Rural business enterprise grants .....	38,727,000
Rural business opportunity grants .....	2,483,000
Delta regional authority ...	2,979,000
Total, loan subsidy and grants .....	\$97,116,000

##### RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

###### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides an estimated loan program level of \$33,536,000, with a subsidy of \$8,464,000, for the Rural Development Loan Fund Program Account as proposed by the House and the Senate.

The conference agreement provides for a transfer of \$4,941,000 to the Rural Development Salaries and Expenses account as proposed by the House and the Senate.

##### RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

###### (INCLUDING RESCISSION OF FUNDS)

The conference agreement provides an estimated loan program level of \$33,077,000 for the Rural Economic Development Loan Program Account as proposed by the House and the Senate.

#### RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides \$34,854,000 for Rural Cooperative Development Grants, instead of \$30,636,000 as proposed by the House and \$38,854,000 as proposed by the Senate.

The conference agreement provides \$7,924,000 for cooperative development grants; \$2,800,000 for a cooperative agreement for the Appropriate Technology Transfer for Rural Areas program; \$3,463,000 for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers; \$300,000 for a cooperative research agreement with a qualified academic institution; and \$20,367,000 for the value-added agricultural product market development grant program.

##### RURAL MICROENTERPRISE INVESTMENT PROGRAM ACCOUNT

The conference agreement provides \$5,000,000 for the Rural Microenterprise Investment Program Account, instead of no funding as proposed by the House and \$22,000,000 as proposed by the Senate. The conference agreement provides for an estimated loan program level of \$11,710,000; \$2,500,000 for loan subsidies; and \$2,500,000 for grants.

The 2008 Farm Bill provided \$4,000,000 each in fiscal years 2009 and 2010 for this program. The proposed rule for this new program has not been published and the program does not expect to begin awarding funding until late spring/early summer of 2010. The conferees provide an additional \$5,000,000; therefore, the program will have a total of \$13,000,000 in funding available when the program begins. This will provide a program level of \$36,945,000.

#### RURAL ENERGY FOR AMERICA PROGRAM

The conference agreement provides \$39,340,000 for the Rural Energy for America Program, instead of \$22,000,000 as proposed by the House and \$68,130,000 as proposed by the

Senate. The conference agreement provides for an estimated loan program level of \$144,209,000; \$19,670,000 for loan subsidies; and \$19,670,000 for grants.

The 2008 Farm Bill provides \$60,000,000 in mandatory funding for this program in fiscal year 2010, which provides an additional program level of \$243,800,000. Therefore, the program will have a total program level of \$407,679,000 in fiscal year 2010.

#### BIOREFINERY ASSISTANCE PROGRAM ACCOUNT

The conference agreement provides no funding for the Biorefinery Assistance Program Account as proposed by the House, instead of \$17,339,000 as proposed by the Senate. The 2008 Farm Bill provides \$245,000,000 in mandatory funding for this program in fiscal year 2010, which provides a program level of \$690,725,000. The proposed rule for this new program has not been published and is not expected to be published until late 2010.

#### RURAL UTILITIES SERVICE

#### RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$568,730,000 for the Rural Water and Waste Disposal Program Account as proposed by the Senate, instead of \$556,268,000 as proposed by the House.

Water and Waste:	
Direct loans .....	(\$1,022,163,000)
Direct subsidy .....	77,071,000
Guaranteed loans .....	(\$75,000,000)
Grants .....	469,228,000
Solid waste management grants .....	3,441,000
Water well system grants .....	993,000
Water and waste water revolving funds .....	497,000
High energy cost grants .....	17,500,000
Total, loan subsidies and grants .....	\$568,730,000

#### RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides for an estimated loan program level of \$7,790,000,000 for activities under the Rural Electrification and Telecommunications Loans Program Account as proposed by the Senate, instead of \$7,290,000,000 as proposed by the House.

The conference agreement provides for a transfer of \$39,959,000 to the Rural Development Salaries and Expenses account as proposed by the House and the Senate.

The conferees understand the Department is publishing revised regulations that will ensure the diversification of applicants for the guaranteed underwriting loan program.

The following table reflects the amounts in the conference agreement:

Rural Electrification and Telecommunications Loans Program Account (RETLP):	
Loan authorizations:	
Electric:	
Direct, 5 percent .....	(\$100,000,000)
Direct, FFB .....	(6,500,000,000)
Guaranteed underwriting .....	(500,000,000)
Subtotal .....	(7,100,000,000)
Telecommunications:	
Direct, 5 percent .....	(145,000,000)
Direct, Treasury rate .....	(250,000,000)

Direct, FFB .....	(295,000,000)
Subtotal .....	(690,000,000)
Total, loan authorizations .....	(\$7,790,000,000)

RETLP administrative expenses (transfer to RD) ...	\$39,959,000
--	--------------

#### DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

The conference agreement provides for an estimated loan program level of \$400,000,000 for broadband telecommunications as proposed by the House, instead of \$531,699,000 as proposed by the Senate.

The conference agreement includes \$28,960,000 for broadband telecommunications loan subsidies as proposed by the House, instead of \$38,495,000 as proposed by the Senate.

The conference agreement includes \$37,755,000 for distance learning and telemedicine grants as proposed by the Senate, instead of \$34,755,000 as proposed by the House, of which \$4,500,000 is for public broadcasting system grants.

The conference agreement includes \$17,976,000 for broadband telecommunications grants as proposed by the House, instead of \$13,406,000 as proposed by the Senate.

#### TITLE IV

#### DOMESTIC FOOD PROGRAMS

#### OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

The conference agreement provides \$813,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services as proposed by the Senate, instead of \$623,000 as proposed by the House.

#### FOOD AND NUTRITION SERVICE

#### CHILD NUTRITION PROGRAMS

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$16,855,829,000 for Child Nutrition Programs, instead of \$16,799,584,000 as proposed by the House and \$16,801,584,000 as proposed by the Senate. Included in the total is an appropriated amount of \$9,865,930,000 and a transfer from section 32 of \$6,989,899,000.

The conference agreement provides \$2,338,000 to allow the agency to increase efforts to work directly with state and local administrators to provide technical assistance to promote accuracy in payments, and to develop appropriate improvement strategies. Funding will support increased technical assistance to states in areas such as data analysis, policy interpretation and training development.

The conference agreement provides the following for Child Nutrition programs:

Child Nutrition Programs:	
School lunch program ....	\$9,967,068,000
School breakfast program .....	2,920,391,000
Child and adult care food program .....	2,640,923,000
Summer food service program .....	387,264,000
Special milk program .....	12,673,000
State administrative expenses .....	193,258,000
Commodity procurement .....	685,876,000
Team nutrition .....	15,016,000
Coordinated review .....	5,751,000
Food safety education ....	2,510,000
Computer support and processing .....	9,525,000
CACFP training and technical assistance ....	3,537,000
Studies and other activities .....	5,338,000

Hunger free community Healthier U.S. school challenge .....	5,000,000
School community garden pilot .....	699,000
	1,000,000
Total .....	\$16,855,829,000

#### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides \$7,252,000,000 for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), instead of \$7,541,000,000 as proposed by the House and \$7,552,000,000 as proposed by the Senate.

The conference agreement includes an increase of \$392,000,000 to support participation and food costs, including \$162,000,000 that was requested in the budget for program improvements. Both food costs and participation estimates have decreased significantly since the budget request was submitted in May. The conference agreement makes significant program improvements, including \$80,000,000 for breastfeeding support initiatives, \$60,000,000 for State management information systems, and \$14,000,000 for infrastructure improvements. The conference agreement also includes language that exempts military combat pay from WIC eligibility determination.

The conference agreement provides funding to increase the cash value of the fruit and vegetable vouchers for all women up to the Institute of Medicine recommendation. The conferees direct the Department to accomplish implementation by issuing an Interim Final Rule within sixty days of enactment, with a comment period not to exceed February 1, 2010. To facilitate implementation, the conferees direct the Department to immediately notify State WIC agencies of the impending increase in the cash value of the fruit and vegetable vouchers, streamline the implementation process for State WIC agencies, and provide necessary technical assistance to expedite full implementation of the increased cash value of fruit and vegetable vouchers within six months of enactment.

#### SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

The conference agreement provides \$58,278,181,000 for the Supplemental Nutrition Assistance Program, instead of \$61,351,846,000 as proposed by the House and the Senate.

Supplemental Nutrition Assistance Program:	
Benefits .....	\$49,623,933,000
State Administrative Cost .....	3,043,000,000
Employment & Training .....	380,902,000
Other Program Costs .....	94,036,000
Food Distribution Program on Indian Reservations (FDPIR) .....	112,797,000
Associated Activities .....	10,000,000
Commonwealth of the Northern Mariana Islands .....	12,148,000
Contingency Reserve .....	3,000,000,000
Nutrition Assistance for Puerto Rico .....	1,746,351,000
Nutrition Assistance for American Samoa .....	7,014,000
Emergency Food Assistance Program (TEFAP) .....	248,000,000
Total .....	\$58,278,181,000

#### COMMODITY ASSISTANCE PROGRAM

The conference agreement provides \$247,979,000 for the Commodity Assistance

Program, instead of \$255,570,000 as proposed by the House and \$233,388,000 as proposed by the Senate.

The conference agreement includes \$171,409,000 for the Commodity Supplemental Food Program with the expectation that caseload in existing states will expand. Of this amount, \$5,000,000 is included to begin funding of new states with approved USDA plans.

The conference agreement provides \$49,500,000 for administrative funding for the Emergency Food Assistance Program (TEFAP). In addition, the conference agreement grants the Secretary authority to transfer up to an additional 10 percent from TEFAP commodities for this purpose.

The conference agreement provides \$20,000,000 for the Farmers' Market Nutrition Program, \$6,000,000 for Emergency Food Program Infrastructure Grants, and \$1,070,000 for Pacific Island Assistance.

#### NUTRITION PROGRAMS ADMINISTRATION

The conference agreement provides \$147,801,000 for Nutrition Programs Administration as proposed by the House and the Senate.

#### TITLE V

#### FOREIGN ASSISTANCE AND RELATED PROGRAMS

##### FOREIGN AGRICULTURAL SERVICE

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$180,367,000 for the Foreign Agricultural Service, Salaries and Expenses as proposed by the Senate, instead of \$177,136,000 as proposed by the House.

#### FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$2,812,000 for administrative expenses for the Food For Peace Title I Direct Credit and Food for Progress Program Account, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses", as proposed by the House and the Senate.

#### FOOD FOR PEACE TITLE II GRANTS

The conference agreement provides \$1,690,000,000 for Food For Peace Title II Grants as proposed by the House and the Senate.

#### COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$6,820,000 for the Commodity Credit Corporation Export Loans Program Account as proposed by the House and Senate.

#### MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

The conference agreement provides \$209,500,000 for the McGovern-Dole International Food for Education and Child Nutrition Program Grants, instead of \$199,500,000 as proposed by the House and the Senate.

The conference agreement includes \$10,000,000 to conduct pilot projects to develop, pilot, and field test new and improved micronutrient fortified products designed to meet the energy and nutrient needs of populations served by the McGovern-Dole Food for Education program. These funds may be provided to non-governmental organizations and international agencies to provide technical assistance to carry out improvements in the products distributed through the

McGovern-Dole program. The conferees direct the Secretary to provide the Committees with an initial report detailing how the Department will implement this pilot project and semi-annual reports thereafter on the results of this pilot, including information on the products developed and/or improved and the projects selected.

#### TITLE VI

#### RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### FOOD AND DRUG ADMINISTRATION

##### SALARIES AND EXPENSES

The conference agreement provides total appropriations for the Food and Drug Administration, Salaries and Expenses, including Prescription Drug User Fee Act, Medical Device User Fee and Modernization Act, Animal Drug User Fee Act, Animal Generic Drug User Fee, and Family Smoking Prevention and Tobacco Control Act collections, of \$3,237,218,000 for the salaries and expenses of the Food and Drug Administration, instead of \$3,230,218,000 as proposed by the House and the Senate. The conference agreement provides a direct appropriation of \$2,344,656,000, instead of \$2,337,656,000 as proposed by the House and the Senate.

The following table reflects the conference agreement:

#### FOOD AND DRUG ADMINISTRATION, SALARIES AND EXPENSES

(In thousands of dollars)

Program	Budget authority
Foods .....	782,915
Center for Food Safety and Applied Nutrition .....	236,418
Field Activities .....	546,497
Human Drugs .....	464,814
Center for Drug Evaluation and Research .....	336,588
Field Activities .....	128,226
Biologics .....	206,438
Center for Biologics Evaluation and Research .....	166,182
Field Activities .....	40,256
Animal Drugs & Feeds .....	135,475
Center for Veterinary Medicine .....	82,452
Field Activities .....	53,023
Device & Radiological Products .....	315,377
Center for Devices and Radiological Health .....	234,974
Field Activities .....	80,403
National Center for Toxicological Research .....	58,745
Other Activities .....	143,712
White Oak Consolidation .....	38,536
Other Rent & Rent-Related .....	52,622
GSA Rent .....	146,022
Total Salaries & Expenses .....	2,344,656

The conferees direct FDA to provide all reports and studies requested in this statement to the Committees in both an electronic and hard copy format within 90 days after the enactment of this Act, unless another date is specified for a particular report.

The conference agreement includes no less than \$92,966,000 for the generic drugs program, of which \$51,545,000 is for the Office of Generic Drugs, which is an increase of \$10,000,000 above the fiscal year 2009 level.

The conference agreement includes an increase of \$2,000,000 for the cosmetics program, bringing total funding for cosmetics activities at FDA to \$10,200,000.

The conference agreement includes \$3,000,000 for Demonstration Grants for Improving Pediatric Device Availability, as authorized by the Food and Drug Administration Amendments Act of 2007.

The conference agreement includes \$18,000,000 for the critical path initiative, including not less than \$6,000,000 for critical path partnerships. Of the ,000,000 provided for critical path partnerships, \$2,000,000 shall be used to support research partnerships for the

treatment or rapid diagnosis of tropical diseases. The conferees are particularly concerned with improving treatments for tuberculosis (TB) and drug-resistant TB.

The conference agreement includes funding for the following items, as included in the budget: \$174,000 for the Interstate Shellfish Sanitation Commission; \$2,077,000 for the National Center for Food Safety and Technology; \$1,608,000 for the National Center for Natural Products Research; and \$1,650,000 for the New Mexico State University Agricultural Products Food Safety Laboratory. The conferees further expect FDA to continue all projects, activities and programs as included in the fiscal year 2010 budget request, unless otherwise specified.

The conferees direct that in future budget requests, all performance measures and outputs, such as number of staff hired and number of inspections performed, be measured according to budget authority requests. The conferees further direct FDA to provide any performance measures and outputs related to proposed and/or current law user fees separately and independent of one another, as well as independent from budget authority requests.

The conferees request the FDA report on adverse events and seizures associated with brand and generic anti-epileptic drugs. Specifically, the agency should examine the pharmacokinetic profiles of "A" rated anti-epileptic drugs from different manufacturers of the same therapeutic agent. The Committee directs the FDA to submit a report not later than September 30, 2010, detailing whether the agency believes that any changes to the current bioequivalence testing should be recommended.

The conferees direct FDA, working with appropriate Federal agencies, to conduct a study and prepare a report on the challenges associated with imported seafood. The report shall include, by product and country of origin, the number of physical inspections of seafood products offered for import in the previous fiscal year, and the percentage of inspected seafood products that do not meet applicable food safety laws and the reason the products do not meet such standards. The report shall also include an analysis of the imported seafood products that are most susceptible to violations of applicable food safety standards, the aquaculture and mariculture practices that are of greatest concern to FDA, and propose methods for improving policies and procedures to ensure the safety of imported seafood.

The conferees direct that the FDA provide to the Committees on Appropriations in the House and Senate; the Committees on Agriculture, Nutrition, and Forestry; and Health, Education, Labor, and Pensions in the Senate; and the Committees on Agriculture, and Energy and Commerce in the House of Representatives any recommendations on the need to establish labeling standards for personal care products for which organic content claims are made, including whether FDA should have pre-market approval authority for personal care product labeling.

#### BUILDINGS AND FACILITIES

The conference agreement provides \$12,433,000 for Food and Drug Administration, Buildings and Facilities as proposed by the House and the Senate.

#### INDEPENDENT AGENCIES

##### COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides \$168,800,000 for the Commodity Futures Trading Commission (CFTC), instead of \$160,600,000 as proposed by the House and \$177,000,000 as proposed by the Senate.

The conferees expect the CFTC to focus increased funds solely on additional FTEs and the agency's central mission to regulate futures and options markets in the United States.

#### FARM CREDIT ADMINISTRATION

##### LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of \$54,500,000 on administrative expenses of the Farm Credit Administration as proposed by the House and the Senate.

#### TITLE VII

##### GENERAL PROVISIONS

##### (INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

Section 701.—The conference agreement includes language making funds available for the purchase, replacement, and hire of passenger motor vehicles.

Section 702.—The conference agreement includes language regarding transfers of funds.

Section 703.—The conference agreement includes language allowing for unobligated balances to be transferred to the Working Capital Fund.

Section 704.—The conference agreement includes language limiting the funding provided in the bill to one year, unless otherwise specified.

Section 705.—The conference agreement includes language limiting indirect costs on cooperative agreements between the Department of Agriculture and nonprofit organizations to 10 percent.

Section 706.—The conference agreement includes language making appropriations to the Department of Agriculture for the cost of direct and guaranteed loans available until expended to disburse obligations for certain Rural Development programs.

Section 707.—The conference agreement includes language regarding advisory committees.

Section 708.—The conference agreement includes language prohibiting the use of funds to establish an inspection panel at the Department of Agriculture.

Section 709.—The conference agreement includes language regarding detailed employees.

Section 710.—The conference agreement includes language regarding the appropriations hearing process.

Section 711.—The conference agreement includes language regarding the transfer of funds to the Office of the Chief Information Officer and information technology funding obligations.

Section 712.—The conference agreement includes language regarding the reprogramming of funds.

Section 713.—The conference agreement includes language regarding user fee proposals.

Section 714.—The conference agreement includes language regarding the closure or relocation of Rural Development offices.

Section 715.—The conference agreement includes language regarding the closure or relocation of a Food and Drug Administration office.

Section 716.—The conference agreement includes language regarding outmigration.

Section 717.—The conference agreement includes language allowing for reimbursement of the Bill Emerson Humanitarian Trust.

Section 718.—The conference agreement provides funding for the National Center for Natural Products Research.

Section 719.—The conference agreement includes language regarding the availability of funds for certain conservation programs.

Section 720.—The conference agreement includes language regarding government-sponsored news stories.

Section 721.—The conference agreement includes language regarding mandatory programs.

Section 722.—The conference agreement includes language regarding eligibility for certain rural development programs.

Section 723.—The conference agreement provides funding for an agriculture pest facility in Hawaii.

Section 724.—The conference agreement includes language regarding humanitarian food assistance.

Section 725.—The conference agreement includes language regarding meat inspection.

Section 726.—The conference agreement includes language providing that certain locations shall be considered eligible for certain rural development programs.

Section 727.—The conference agreement provides funding for the Bill Emerson and Mickey Leland Hunger Fellowships.

Section 728.—The conference agreement provides funding for certain projects.

Section 729.—The conference agreement includes language authorizing certain watershed projects.

Section 730.—The conference agreement includes language amending the Richard B. Russell National School Lunch Act.

Section 731.—The conference agreement includes language modifying matching requirements for certain research grants.

Section 732.—The conference agreement includes language regarding the availability of funding for the Farm Service Agency and Rural Development.

Section 733.—The conference agreement includes language regarding infant formula.

Section 734.—The conference agreement includes language regarding the exemption of military combat pay from determining eligibility for certain nutrition programs.

Section 735.—The conference agreement includes language regarding a program authorized in Public Law 110-246.

Section 736.—The conference agreement includes language regarding first-class travel.

Section 737.—The conference agreement includes language regarding international food assistance.

Section 738.—The conference agreement provides funding to address out-migration in rural areas.

Section 739.—The conference agreement includes language establishing a forestry pilot program for lands affected by Hurricane Katrina.

Section 740.—The conference agreement includes language regarding rare and neglected diseases.

Section 741.—The conference agreement includes language regarding two programs authorized in Public Law 110-246.

Section 742.—The conference agreement includes language rescinding certain funds.

Section 743.—The conference agreement includes language relating to the export of poultry products to the United States.

Section 744.—The conference agreement includes language regarding the Federal Meat Inspection and other acts.

Section 745.—The conference agreement includes language regarding producer access to risk management products.

Section 746.—The conference agreement includes language relating to assistance during a pandemic emergency.

Section 747.—The conference agreement includes language relating to for-profit entities.

Section 748.—The conference agreement includes \$350,000,000 to provide assistance to dairy producers. Of this total, \$60,000,000 will be provided to purchase surplus cheese and other dairy products to be distributed through food banks and similar locations to help fight hunger. The balance of these funds is provided for use by the Secretary to supplement income to producers and ease financial risk due to historic low prices for milk. The conferees expect the Secretary to utilize these funds in a way that provides actual benefit to dairy producers in a timely manner.

Section 749.—The conference agreement includes language relating to child nutrition programs.

#### DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI the rules of the House of Representatives, neither the conference report nor the joint statement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION**  
[Presidentially Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)	
				Administration	Senate
National Institute of Food and Agriculture	SRG	Global Change/UVB Radiation	\$1,408,000	The President	
National Institute of Food and Agriculture	SRG	Minor Use Animal Drugs	\$429,000	The President	Hinchey; Latham
Rural Development	Rural coop grants	Appropriate Technology Transfer for Rural Areas	\$2,800,000	The President	Baucus; Feinstein; Harkin; Johnson; Lincoln; Pryor; Specter; Tester—berg

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION**  
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Agricultural Research Service	Buildings and facilities	Agricultural Research Center, Logan, UT	\$4,527,000	Bennett	
Agricultural Research Service	Buildings and facilities	Agricultural Research Facility, Beltsville, MD	\$3,000,000	Cardin; Mikulski	Hoyer
Agricultural Research Service	Buildings and facilities	Animal Bioscience Facility, Bozeman, MT	\$3,654,000	Baucus; Tester	Rehberg
Agricultural Research Service	Buildings and facilities	Appalachian Fruit Laboratory, Kearneysville, WV	\$2,000,000	Byrd	
Agricultural Research Service	Buildings and facilities	ARS Biotechnology Lab, Lorman, MS	\$1,500,000	Cochran	Thompson (MS)
Agricultural Research Service	Buildings and facilities	ARS Forage-Animal Production Research Facility, Lexington, KY	\$2,000,000	McConnell	
Agricultural Research Service	Buildings and facilities	ARS Research and Development Center, Auburn, AL	\$3,500,000	Shelby	Rogers (AL)
Agricultural Research Service	Buildings and facilities	ARS Waste Management Research Facility, Bowling Green, KY	\$2,000,000	McConnell	
Agricultural Research Service	Buildings and facilities	Center for Advanced Viticulture and Tree Crop Research, Davis, CA	\$3,000,000		Thompson (CA)
Agricultural Research Service	Buildings and facilities	Center for Grape Genetics, Geneva, NY	\$3,654,000	Gillibrand	Arcuri; Hinchey
Agricultural Research Service	Buildings and facilities	Center of Excellence for Vaccine Research, Storrs, CT	\$3,654,000	Dodd; Lieberman	Delauro
Agricultural Research Service	Buildings and facilities	Dairy Forage Agricultural Research Center, Prairie du Sac, WI	\$4,000,000	Kohl	
Agricultural Research Service	Buildings and facilities	Jamie Whitten Delta States Research Center, Stoneville, MS	\$4,000,000	Cochran	
Agricultural Research Service	Buildings and facilities	National Plant and Genetics Security Center, Columbia, MO	\$3,500,000	Bond	
Agricultural Research Service	Buildings and facilities	Pacific Basin Agricultural Research Center, Hilo, HI	\$5,000,000	Akaka; Inouye	Hirono
Agricultural Research Service	Buildings and facilities	Systems Biology Research Facility, Lincoln, NE	\$3,760,000	Ben Nelson	Fortenberry

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Agricultural Research Service	Buildings and facilities	U.S. Agricultural Research Station, Salinas, CA	\$3,654,000		Farr
Agricultural Research Service	Buildings and facilities	U.S. ARS Laboratory, Canal Point, FL	\$3,422,000	Martinez; Bill Nelson	Boyd; Grayson; Hastings (FL); Melancon; Wasserman Schultz
Agricultural Research Service	Buildings and facilities	U.S. ARS Laboratory, Pullman, WA	\$3,740,000	Cantwell; Murray	Hastings (WA); Inslee; Larsen (WA); McDermott; McMorris Rodgers; Smith (WA)
Agricultural Research Service	Buildings and facilities	U.S. ARS Sugarcane Research Laboratory, Houma, LA	\$3,654,000	Landrieu; Vitter	Alexander; Melancon
Agricultural Research Service	Buildings and facilities	University of Toledo Greenhouse and Hydroponic Research Complex, Toledo, OH	\$3,654,000	Brown	Kaptur
Agricultural Research Service	Salaries and expenses	Animal Vaccines, Greenport, NY	\$1,518,000		DeLauro
Agricultural Research Service	Salaries and expenses	Arthropod-Borne Animal Diseases Research Laboratory, Manhattan, KS	\$1,500,000	Brownback	
Agricultural Research Service	Salaries and expenses	Aquaculture Fisheries Center, ARS, Pine Bluff, AR	\$519,000	Lincoln; Pryor	Berry; Ross
Agricultural Research Service	Salaries and expenses	Aquaculture Initiatives, Harbor Branch Oceanographic Institute, Staggart, AR	\$1,597,000	Martinez	
Agricultural Research Service	Salaries and expenses	Biomass Crop Production, Brookings, SD	\$1,250,000	Johnson; Thune	Herseeth Sandlin
Agricultural Research Service	Salaries and expenses	Biomedical Materials in Plants (Biotech Foundation), Beltsville, MD	\$1,700,000	Cardin; Mikulski	Hoyer
Agricultural Research Service	Salaries and expenses	Bioremediation Research, Beltsville, MD	\$111,000	Cardin	Blumenauer
Agricultural Research Service	Salaries and expenses	Biotechnology Research and Development Center, Washington, DC	\$3,500,000	Durbin	Schock
Agricultural Research Service	Salaries and expenses	Catfish Genome, Auburn, AL	\$819,000		Rogers (AL)
Agricultural Research Service	Salaries and expenses	Center for Agroforestry, Booneville, AR	\$660,000	Bond	Emerson
Agricultural Research Service	Salaries and expenses	Cereal Disease, St. Paul, MN	\$290,000	Chambliss; Johnson; Klobuchar; Murray	McMorris Rodgers
Agricultural Research Service	Salaries and expenses	Computer Vision Engineer, Kearneysville, WV	\$400,000	Byrd	
Agricultural Research Service	Salaries and expenses	Crop Production and Food Processing, Peoria, IL	\$786,000		Schock
Agricultural Research Service	Salaries and expenses	Dairy Forage Research Center, Marshfield, WI	\$2,500,000	Kohl	
Agricultural Research Service	Salaries and expenses	Dale Bumpers Small Farms Research Center, Booneville, AR	\$1,805,000	Lincoln; Pryor	Berry; Ross
Agricultural Research Service	Salaries and expenses	Diet Nutrition and Obesity Research, New Orleans, LA	\$623,000	Landrieu; Vitter	
Agricultural Research Service	Salaries and expenses	Endophyte Research, Booneville, AR	\$994,000	Lincoln; Pryor	Blumenauer; Boozman; Ross; Schrader



Agricultural Research Service	Salaries and expenses	Forage Crop Stress Tolerance and Virus Disease Management, Prosser, WA	\$200,000	Murray	Hastings
Agricultural Research Service	Salaries and expenses	Formosan Subterranean Termites Research, New Orleans, LA	\$3,490,000	Landrieu	Alexander
Agricultural Research Service	Salaries and expenses	Foundry Sand By-Products Utilization, Beltsville, MD	\$638,000	Cardin	Hoyer
Agricultural Research Service	Salaries and expenses	Human Nutrition Research, Boston, MA	\$350,000	Kennedy; Kerry	Capuano; Markey (MA)
Agricultural Research Service	Salaries and expenses	Human Nutrition Research, Houston, TX	\$300,000	Hutchison	Bishop (GA)
Agricultural Research Service	Salaries and expenses	Human Nutrition Research, Kannapolis, NC	\$1,000,000	Burr; Hagan	Kissell
Agricultural Research Service	Salaries and expenses	Improved Crop Production Practices, Auburn, AL	\$1,293,000	Sessions	Aderholt; Bachus; Rogers (AL)
Agricultural Research Service	Salaries and expenses	Livestock-Crop Rotation Management, Kutztown, PA	\$349,000	Casey	Gerlach
Agricultural Research Service	Salaries and expenses	Lyme Disease, 4 Poster Project, Washington, DC	\$700,000		DeLauro
Agricultural Research Service	Salaries and expenses	Medicinal and Bioactive Crops, Washington, DC	\$111,000	Hutchison	Hoyer
Agricultural Research Service	Salaries and expenses	Mosquito Trapping Research/West Nile Virus, Gainesville, FL	\$1,454,000		DeLauro
Agricultural Research Service	Salaries and expenses	National Bio and Agro Defense Facility, Manhattan, KS	\$1,500,000	Brownback	
Agricultural Research Service	Salaries and expenses	National Center for Agricultural Law, Beltsville, MD	\$654,000	Harkin; Lincoln; Pryor	Boozman
Agricultural Research Service	Salaries and expenses	National Corn to Ethanol Research Pilot Plant, Washington, DC	\$360,000		Shimkus
Agricultural Research Service	Salaries and expenses	New England Plant, Soil, and Water Research Laboratory, Orono, ME	\$2,249,000	Collins	
Agricultural Research Service	Salaries and expenses	Northern Great Plains Research Laboratory, Mandan, ND	\$543,000	Conrad; Dorgan	Pomeroy
Agricultural Research Service	Salaries and expenses	Northwest Center for Small Fruits, Corvallis, OR	\$275,000	Merkley; Murray; Wyden	Blumenauer; Hastings (WA); Larsen (WA); McDermott; Schrader; Simpson; Walden; Wu
Agricultural Research Service	Salaries and expenses	Pacific Basin Agricultural Research Center Staffing, Hilo, HI	\$700,000	Akaka; Inouye	Hirono
Agricultural Research Service	Salaries and expenses	Phytoestrogen Research, New Orleans, LA	\$1,750,000	Landrieu	Cao; Kaptur
Agricultural Research Service	Salaries and expenses	Potato Diseases, Beltsville, MD	\$61,000	Cardin	Hoyer; Larsen (WA)
Agricultural Research Service	Salaries and expenses	Poultry Diseases, Beltsville, MD	\$408,000	Cardin; Mikulski	Hoyer
Agricultural Research Service	Salaries and expenses	Seismic and Acoustic Technologies in Soils Sedimentation Laboratory, Oxford, MS	\$332,000	Cochran	
Agricultural Research Service	Salaries and expenses	Sorghum Research, Little Rock, AR	\$135,000	Lincoln; Pryor	Snyder
Agricultural Research Service	Salaries and expenses	Soybean Genomics, St. Paul, MN	\$200,000	Klobuchar	Walz

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Agricultural Research Service	Salaries and expenses	Subtropical Beef Germplasm, Brooksville, FL	\$1,033,000		Brown-Waite, Ginny
Agricultural Research Service	Salaries and expenses	Termit Species in Hawaii, New Orleans, LA	\$200,000	Akaka; Inouye	Abercrombie; Hirono
Agricultural Research Service	Salaries and expenses	Tropical Aquaculture Feeds (Oceanic Institute), Hilo, HI	\$1,438,000	Akaka; Inouye	Abercrombie; Hirono
Agricultural Research Service	Salaries and expenses	Water Management Research Laboratory, Brawley, CA	\$340,000	Boxer; Feinstein	Finer
Agricultural Research Service	Salaries and expenses	Water Use Reduction, Dawson, GA	\$1,200,000	Chambliss; Isakson	Bishop (GA); Johnson (GA); Kingston; Marshall; Scott (GA)
Agricultural Research Service	Salaries and expenses	Wild Rice, St. Paul, MN	\$303,000	Klobuchar	Peterson
National Institute of Food and Agriculture	Extension	Childhood Farm Safety, IA	\$75,000	Grassley; Harkin	
National Institute of Food and Agriculture	Extension	Conservation Technology Transfer, WI	\$376,000	Kohl	
National Institute of Food and Agriculture	Extension	Dairy Education, IA	\$175,000	Harkin	Latham
National Institute of Food and Agriculture	Extension	Diabetes Detection and Prevention, WA, PA	\$1,033,000	Murray	Fattah; Smith (WA)
National Institute of Food and Agriculture	Extension	E-commerce, MS	\$231,000	Cochran; Wicker	
National Institute of Food and Agriculture	Extension	Efficient Irrigation, NM, TX	\$1,610,000	Bingaman; Cornyn; Hutchison	Edwards (TX); Reyes; Rodriguez; Teague
National Institute of Food and Agriculture	Extension	Extension specialist, MS	\$98,000	Cochran; Wicker	
National Institute of Food and Agriculture	Extension	Food Production Education, VT	\$120,000	Sanders	
National Institute of Food and Agriculture	Extension	Health Education Leadership, KY	\$590,000	McConnell	
National Institute of Food and Agriculture	Extension	Income Enhancement Demonstration, OH	\$864,000		Kaptur
National Institute of Food and Agriculture	Extension	Institute for Sustainable Agriculture, WI	\$400,000	Kohl	
National Institute of Food and Agriculture	Extension	Invasive Phragmites Control and Outreach, MI	\$155,000	Levin; Stabenow	Dingell
National Institute of Food and Agriculture	Extension	Iowa Vitality Center	\$250,000	Grassley; Harkin	
National Institute of Food and Agriculture	Extension	Maine Cattle Health Assurance Program	\$700,000	Collins	
National Institute of Food and Agriculture	Extension	National Center for Farm Safety, IA	\$170,000	Harkin	Braley
National Institute of Food and Agriculture	Extension	Nutrition Enhancement, WI	\$950,000	Kohl	
National Institute of Food and Agriculture	Extension	Ohio-Israel Agriculture Initiative	\$700,000	Brown; Voinovich	
National Institute of Food and Agriculture	Extension	Pilot Technology Transfer, MS, OK	\$209,000	Cochran; Inhofe; Wicker	Boren; Cole; Lucas
National Institute of Food and Agriculture	Extension	Pilot Technology Transfer, WI	\$174,000		Obey
National Institute of Food and Agriculture	Extension	Potato Integrated Pest Management, ME	\$450,000	Collins; Snowe	Michaud
National Institute of Food and Agriculture	Extension	Potato Pest Management, WI	\$277,000		Obey
National Institute of Food and Agriculture	Extension	Range Improvement, NM	\$223,000	Bingaman; Tom Udall	Teague

National Institute of Food and Agriculture	Extension	University of Wisconsin-Extension Northern Aquaculture Demonstration Facility	\$450,000		Obey
National Institute of Food and Agriculture	Extension	Urban Horticulture and Marketing, IL	\$175,000	Durbin	Davis (IL); Jackson (IL)
National Institute of Food and Agriculture	Extension	Urban Horticulture, WI	\$376,000	Kohl	
National Institute of Food and Agriculture	Extension	Veterinary Technology Satellite Program, KS	\$1,000,000	Brownback	
National Institute of Food and Agriculture	RE/FA	Ag-Based Industrial Lubricants, IA	\$405,000	Grassley; Harkin	Braley (IA)
National Institute of Food and Agriculture	RE/FA	Agriculture Development in the American Pacific	\$400,000	Aleka; Inouye	Bordallo; Hirono
National Institute of Food and Agriculture	RE/FA	Agriculture Waste Utilization, WV	\$500,000	Byrd	
National Institute of Food and Agriculture	RE/FA	Animal Health Research and Diagnostics, KY	\$300,000	McConnell	
National Institute of Food and Agriculture	RE/FA	Animal Waste Management, OK	\$274,000	Inhofe	Boren; Lucas
National Institute of Food and Agriculture	RE/FA	Applied Agriculture and Environmental Research, CA	\$693,000	Boxer; Feinstein	Capps; Cardoza; Costa; Farr; Napolitano; Schiff; Thompson (CA)
National Institute of Food and Agriculture	RE/FA	Aquaculture Research and Education Center, PA	\$300,000	Specter	Brady (PA); Sestak
National Institute of Food and Agriculture	RE/FA	Aquaculture, OH	\$623,000	Brown	Kaptur
National Institute of Food and Agriculture	RE/FA	Best Practices in Agriculture Waste Management, CA	\$300,000		Eshoo
National Institute of Food and Agriculture	RE/FA	Biotechnology Research, MS	\$480,000	Cochran; Wicker	
National Institute of Food and Agriculture	RE/FA	Cellulosic Biomass, SC	\$469,000		Clyburn
National Institute of Food and Agriculture	RE/FA	Center for Agricultural and Rural Development, IA	\$412,000	Grassley; Harkin	Latham
National Institute of Food and Agriculture	RE/FA	Center for Food Industry Excellence, TX	\$946,000	Cornyn	Conaway; Neugebauer
National Institute of Food and Agriculture	RE/FA	Center for Innovative Food Technology, OH	\$793,000		Kaptur
National Institute of Food and Agriculture	RE/FA	Center for North American Studies, TX	\$693,000	Bingaman	Edwards (TX)
National Institute of Food and Agriculture	RE/FA	Center for Renewable Transportation Fuel, MI	\$500,000	Levin; Stabenow	Kilpatrick (MI)
National Institute of Food and Agriculture	RE/FA	Centers for Dairy and Beef Excellence, PA	\$340,000	Specter	
National Institute of Food and Agriculture	RE/FA	Clemson University Veterinary Institute, SC	\$1,000,000	Graham	
National Institute of Food and Agriculture	RE/FA	Climate Forecasting, FL	\$2,494,000	Martinez; Bill Nelson	Boyd; Diaz-Balart; Lincoln; Diaz-Balart, Mario
National Institute of Food and Agriculture	RE/FA	Cotton Research, TX	\$1,730,000	Cornyn; Hutchison	Conaway; Neugebauer
National Institute of Food and Agriculture	RE/FA	Council for Agriculture Science and Technology, IA	\$110,000	Harkin	
National Institute of Food and Agriculture	RE/FA	Dietary Intervention, OH	\$866,000	Voinovich	Kaptur; Turner
National Institute of Food and Agriculture	RE/FA	Ethnobotanicals, MD	\$550,000	Cardin	
National Institute of Food and Agriculture	RE/FA	Farmland Preservation, OH	\$160,000	Brown	LaTourette

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
National Institute of Food and Agriculture	RE/FA	Florida Biomass to Biofuels Conversion Program, FL	\$300,000	Martinez; Bill Nelson	Brown, Corrine; Klein (FL); Kosmas; Wedler
National Institute of Food and Agriculture	RE/FA	Greenhouse Nurseries, OH	\$1,380,000	Brown	Kaptur
National Institute of Food and Agriculture	RE/FA	High Value Horticultural Crops, VA	\$502,000	Warner; Webb	Perniello
National Institute of Food and Agriculture	RE/FA	International Center for Food Technology Development to Expand Markets, IN	\$750,000	Lugar	
National Institute of Food and Agriculture	RE/FA	Kansas Biobased Polymer Initiative	\$750,000	Brownback	
National Institute of Food and Agriculture	RE/FA	Mariculture, NC	\$220,000	Burr; Hagan	McIntyre
National Institute of Food and Agriculture	RE/FA	Medicinal and Bioactive Crop Research, TX	\$300,000	Hutchison	Gohmert
National Institute of Food and Agriculture	RE/FA	Midwest Agribusiness Trade and Information Center, IA	\$187,000	Grassley; Harkin	
National Institute of Food and Agriculture	RE/FA	Mississippi Valley State University, Curriculum Development	\$1,002,000	Cochran	Thompson (MS)
National Institute of Food and Agriculture	RE/FA	Monitoring Agricultural Sewage Sludge Application, OH	\$500,000		Kaptur
National Institute of Food and Agriculture	RE/FA	NE Center for Invasive Plants, CT, ME, VT	\$295,000	Collins; Snowe	DeLauro; Michaud
National Institute of Food and Agriculture	RE/FA	Nutrition and Diet Research, CA	\$925,000		Baca; Lewis (CA)
National Institute of Food and Agriculture	RE/FA	Nutrition Research, NY	\$188,000		Serrano
National Institute of Food and Agriculture	RE/FA	Pasteurization of Shell Eggs, MI	\$935,000	Levin; Stabenow	Dingell
National Institute of Food and Agriculture	RE/FA	PM-10 Study, WA	\$268,000	Murray	Dicks; McMorris Rodgers
National Institute of Food and Agriculture	RE/FA	Polymer Research, KS	\$2,000,000	Brownback	Jenkins
National Institute of Food and Agriculture	RE/FA	Rural Agriculture Small Business Development Program	\$500,000		Murphy, Tim
National Institute of Food and Agriculture	RE/FA	Rural Systems, MS	\$215,000	Cochran; Wicker	Thompson (MS)
National Institute of Food and Agriculture	RE/FA	Shrimp Aquaculture, AZ, HI, LA, MA, MS, SC, TX	\$2,908,000	Cochran; Wicker	Abercrombie; Grijalva; Hirono; Ortiz; Pastor (AZ)
National Institute of Food and Agriculture	RE/FA	Sustainable Agricultural Freshwater Conservation, TX	\$1,434,000		Reyes; Rodriguez
National Institute of Food and Agriculture	RE/FA	University of Wisconsin-Stevens Point Institute for Sustainable Technologies	\$1,400,000		Obey
National Institute of Food and Agriculture	RE/FA	Viral Hemorrhagic Septicemia, MI	\$150,000	Levin; Stabenow	
National Institute of Food and Agriculture	RE/FA	Viral Hemorrhagic Septicemia, OH	\$500,000	Brown; Voinovich	Kaptur
National Institute of Food and Agriculture	RE/FA	Vitis Gene Discovery, MO	\$422,000		Emerson
National Institute of Food and Agriculture	RE/FA	Water Pollutants, WV	\$500,000	Byrd	

National Institute of Food and Agriculture	SRG	Advanced Genetic Technologies, KY	\$650,000	McConnell		Edwards (TX)
National Institute of Food and Agriculture	SRG	Advancing Biofuel Production, TX	\$300,000	Hutchison		Dicks; Hastings (WA); Inslee
National Institute of Food and Agriculture	SRG	Aegilops Cylindrica, WA	\$245,000	Cantwell; Murray		Hirono
National Institute of Food and Agriculture	SRG	Agricultural Diversification, HI	\$153,000	Akaka; Inouye		Holden; Shuster; Thompson (PA)
National Institute of Food and Agriculture	SRG	Agricultural Entrepreneurial Alternatives, PA	\$248,000	Specter		Jackson (IL); Johnson (IL)
National Institute of Food and Agriculture	SRG	Agricultural Marketing, IL	\$176,000			Kingston
National Institute of Food and Agriculture	SRG	Agriculture Energy Innovation Center, CA	\$1,000,000			Bocieri; Kaptur
National Institute of Food and Agriculture	SRG	Agriculture Science, OH	\$450,000	Voinovich		Bartlett; Cummings; Kratochvil; Ruppersberger; Sarbanes
National Institute of Food and Agriculture	SRG	Agroecology/Chesapeake Bay Agro-ecology, MD	\$439,000			Edwards (TX)
National Institute of Food and Agriculture	SRG	Air Quality, KS, TX	\$1,090,000	Cornyn; Hutchison; Roberts		Berry; Boozman; Latham
National Institute of Food and Agriculture	SRG	Animal Science Food Safety Consortium, AR, IA, KS	\$1,000,000	Grassley; Harkin; Lincoln; Pryor; Roberts		Ehlers; Hinchey; Hoekstra; Rogers (MI); Upton
National Institute of Food and Agriculture	SRG	Apple Fire Blight, MI, NY	\$346,000	Levin; Stabenow		
National Institute of Food and Agriculture	SRG	Aquaculture Product and Marketing Development, WV	\$550,000	Byrd		
National Institute of Food and Agriculture	SRG	Aquaculture, CA, FL, TX	\$416,000	Martinez		Brown-Waite, Ginny; Davis (CA)
National Institute of Food and Agriculture	SRG	Aquaculture, ID, WA	\$529,000	Crapo; Murray; Risch		Baird; Dicks; Simpson
National Institute of Food and Agriculture	SRG	Aquaculture, LA	\$150,000	Landrieu; Vitter		Alexander
National Institute of Food and Agriculture	SRG	Aquaculture, MS	\$361,000	Cochran; Wicker		
National Institute of Food and Agriculture	SRG	Aquaculture, NC	\$227,000			Butterfield; Price (NC)
National Institute of Food and Agriculture	SRG	Armillaria Root Rot, MI	\$104,000	Levin; Stabenow		Rogers (MI)
National Institute of Food and Agriculture	SRG	Asparagus Production Technologies, WA	\$173,000			Hastings (WA)
National Institute of Food and Agriculture	SRG	Avian bioscience, DE	\$150,000	Carper; Kaufman		Castle
National Institute of Food and Agriculture	SRG	Babcock Institute, WI	\$416,000			Baldwin
National Institute of Food and Agriculture	SRG	Barley for Rural Development, ID, MT	\$547,000	Baucus; Crapo; Risch; Tester		Rehberg; Simpson
National Institute of Food and Agriculture	SRG	Beef Improvement Research, MO, TX	\$693,000	Hutchison		Rodriguez
National Institute of Food and Agriculture	SRG	Bioactive Foods Research for Health and Food Safety, MA	\$525,000	Kennedy; Kerry		Olver
National Institute of Food and Agriculture	SRG	Biodesign and Processing Research Center, VA	\$868,000	Warner; Webb		Boucher
National Institute of Food and Agriculture	SRG	Bioenergy Production and Carbon Sequestration, TN	\$1,000,000	Alexander		Davis (TN); Duncan
National Institute of Food and Agriculture	SRG	Biomass-based Energy Research, MS, OK	\$839,000	Cochran; Inhofe; Wicker		Boren; Harper; Lucas
National Institute of Food and Agriculture	SRG	Biotechnology, NC	\$199,000			Etheridge; Miller (NC); Price (NC)
National Institute of Food and Agriculture	SRG	Bovine Tuberculosis, MI, MN	\$346,000	Klobuchar; Levin; Stabenow		Rogers (MI); McCollum; Peterson; Stupak

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—Continued**  
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
National Institute of Food and Agriculture	SRG	Brucellosis Vaccine, MT	\$305,000	Baucus; Tester	Rehberg
National Institute of Food and Agriculture	SRG	Cataloging Genes Associated with Drought and Disease Resistance, NM	\$176,000	Bingaman; Tom Udall	Teague
National Institute of Food and Agriculture	SRG	Center for One Medicine, IL	\$500,000	Burris; Durbin	Jackson (IL); Johnson (IL)
National Institute of Food and Agriculture	SRG	Center for Rural Studies, VT	\$350,000	Leahy	
National Institute of Food and Agriculture	SRG	Childhood Obesity and Nutrition, VT	\$250,000	Leahy	
National Institute of Food and Agriculture	SRG	Citrus Canker/ Greening, FL	\$1,217,000	Martinez	Crenshaw; Diaz-Balart; Mario; Posey; Putnam
National Institute of Food and Agriculture	SRG	Competitiveness of Agricultural Products, WA	\$469,000	Murray	Baird; Dicks; Hastings (WA); Larsen (WA); McDermott
National Institute of Food and Agriculture	SRG	Computational Agriculture, NY	\$131,000		Hinchey
National Institute of Food and Agriculture	SRG	Cool Season Legume Research, ID, ND, WA	\$350,000	Cantwell; Conrad; Crapo; Dorgan; Murray; Risch	Dicks; Hastings (WA); McMorris Rodgers; Pomeroy; Simpson
National Institute of Food and Agriculture	SRG	Cotton Insect Management and Fiber Quality, GA	\$346,000	Chambliss; Isakson	Bishop (GA); Johnson (GA); Marshall; Scott (GA)
National Institute of Food and Agriculture	SRG	Cranberry/Blueberry Disease and Breeding, NJ	\$550,000	Lautenberg; Menendez	Adler (NJ); Holt; LoBiondo; Pallone; Rothman (NJ)
National Institute of Food and Agriculture	SRG	Cranberry/Blueberry, MA	\$160,000	Kennedy; Kerry	Frank (MA)
National Institute of Food and Agriculture	SRG	Crop Integration and Production, SD	\$400,000	Johnson; Thune	Herseht Sandlin
National Institute of Food and Agriculture	SRG	Crop Pathogens, NC	\$225,000	Burr; Hagan	Butterfield; Etheridge; Miller (NC); Price (NC)
National Institute of Food and Agriculture	SRG	Dairy and Meat Goat Research, TX	\$200,000	Hutchison	
National Institute of Food and Agriculture	SRG	Dairy Farm Profitability, PA	\$372,000	Casey; Specter	Dahlkemper; Holden; Murtha; Shuster; Thompson (PA)
National Institute of Food and Agriculture	SRG	Delta Revitalization Project, MS	\$176,000	Cochran; Wicker	
National Institute of Food and Agriculture	SRG	Designing Foods for Health, TX	\$1,385,000	Hutchison	Rodriguez
National Institute of Food and Agriculture	SRG	Detection and Food Safety, AL	\$1,748,000		Bright; Rogers (AL)
National Institute of Food and Agriculture	SRG	Drought Mitigation, NE	\$600,000	Ben Nelson	Fortenberry
National Institute of Food and Agriculture	SRG	Efficient Irrigation, NM, TX	\$1,160,000	Bingaman; Cornyn; Hutchison; Tom Udall	Edwards (TX); Heinrich; Ortiz; Reyes; Rodriguez
National Institute of Food and Agriculture	SRG	Emerald Ash Borer, OH	\$550,000	Voinovich	
National Institute of Food and Agriculture	SRG	Environmental Research, NY	\$258,000		Hinchey
National Institute of Food and Agriculture	SRG	Environmental Risk Factors/Cancer, NY	\$150,000		Lowey
National Institute of Food and Agriculture	SRG	Environmentally Safe Products, VT	\$250,000	Leahy	
National Institute of Food and Agriculture	SRG	Expanded Wheat Pasture, OK	\$223,000	Inhofe	Boren; Cole; Lucas
National Institute of Food and Agriculture	SRG	Floriculture, HI	\$300,000	Akaka; Inouye	Abercrombie; Hirono

National Institute of Food and Agriculture	SRG	Food and Agriculture Policy Research Institute, IA, MO, NV, WI	\$1,339,000	Bond; Grassley; Harkin; Reid	Emerson; Latham
National Institute of Food and Agriculture	SRG	Food and Fuel Initiative, IA	\$298,000	Grassley; Harkin	
National Institute of Food and Agriculture	SRG	Food Marketing Policy Center, CT	\$401,000		DeLauro
National Institute of Food and Agriculture	SRG	Food Safety Research Consortium, NY	\$693,000		Hinchey
National Institute of Food and Agriculture	SRG	Food Safety, ME, OK	\$382,000	Inhofe	Boren; Lucas
National Institute of Food and Agriculture	SRG	Food Safety, TX	\$69,000		Edwards (TX)
National Institute of Food and Agriculture	SRG	Food Security, WA	\$276,000	Cantwell; Murray	McDermott
National Institute of Food and Agriculture	SRG	Forages for Advancing Livestock Production, KY	\$473,000	McConnell	
National Institute of Food and Agriculture	SRG	Forestry Research, AR	\$319,000	Lincoln; Pryor	Ross
National Institute of Food and Agriculture	SRG	Fresh Produce Food Safety, CA	\$750,000	Boxer; Feinstein	Farr
National Institute of Food and Agriculture	SRG	Genomics for Southern Crop Stress and Disease, MS	\$797,000	Cochran; Wicker	Harper
National Institute of Food and Agriculture	SRG	Geographic Information System	\$1,248,000	Casey; Chambliss; Lincoln; Pryor	Boozman; Kanjorski
National Institute of Food and Agriculture	SRG	Grain Sorghum, KS, TX	\$1,000,000	Brownback; Roberts	Edwards (TX); Jenkins; Moore (KS); Moran (KS); Neugebauer; Tiahrt
National Institute of Food and Agriculture	SRG	Grass Seed Cropping for Sustainable Agriculture, ID, OR, WA	\$313,000	Merkley; Murray; Wyden	Dicks; McMorris Rodgers; Schrader; Wu
National Institute of Food and Agriculture	SRG	High Performance Computing, UT	\$263,000	Bennett	
National Institute of Food and Agriculture	SRG	Human Nutrition, LA	\$526,000	Landrieu; Vitter	
National Institute of Food and Agriculture	SRG	Human Nutrition, NY	\$377,000		Hinchey
National Institute of Food and Agriculture	SRG	Hydroponic Production, OH	\$124,000		Kaptur
National Institute of Food and Agriculture	SRG	Improved Dairy Management Practices, PA	\$243,000	Casey	Holden; Platts; Shuster; Thompson (PA)
National Institute of Food and Agriculture	SRG	Improved Fruit Practices, MI	\$147,000	Levin; Stabenow	Ehlers; Rogers (MI)
National Institute of Food and Agriculture	SRG	Increasing Shelf Life of Agricultural Commodities, ID	\$603,000	Crapo; Risch	Simpson
National Institute of Food and Agriculture	SRG	Infectious Disease Research, CO	\$650,000	Bennet; Mark Udall	Markey (CO)
National Institute of Food and Agriculture	SRG	Initiative to Improve Blueberry Production and Efficiency, GA	\$209,000	Chambliss	Bishop (GA); Kingston; Marshall
National Institute of Food and Agriculture	SRG	Inland Marine Aquaculture, VA	\$400,000	Warner; Webb	Boucher
National Institute of Food and Agriculture	SRG	Institute for Food Science and Engineering, AR	\$775,000	Lincoln; Pryor	Boozman
National Institute of Food and Agriculture	SRG	Integrated Economic and Technical Analysis of Sustainable Biomass Energy Systems, IN	\$188,000	Lugar	
National Institute of Food and Agriculture	SRG	Integrated Production Systems, OK	\$177,000	Inhofe	Boren; Cole; Lucas
National Institute of Food and Agriculture	SRG	International Arid Lands Consortium, AZ	\$401,000	Bingaman; Johnson; Thune; Tom Udall	Grijalva; Herseeth Sandlin; Ortiz; Pastor (AZ)

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
National Institute of Food and Agriculture	SRG	Invasive Plant Management, MT	\$270,000	Baucus; Tester	Rehberg
National Institute of Food and Agriculture	SRG	Joint US-China Biotechnology Research and Extension, UT	\$210,000	Bennett	
National Institute of Food and Agriculture	SRG	Leopold Center Hypoxia Project, IA	\$105,000	Harkin	
National Institute of Food and Agriculture	SRG	Livestock and Dairy Policy, NY, TX	\$693,000	Gillibrand; Schumer	Edwards (TX); Hinchey
National Institute of Food and Agriculture	SRG	Maple Research, VT	\$165,000	Leahy	
National Institute of Food and Agriculture	SRG	Meadow Foam, OR	\$180,000	Merkley; Wyden	Wu
National Institute of Food and Agriculture	SRG	Michigan Biotechnology Consortium	\$384,000		Rogers (MI)
National Institute of Food and Agriculture	SRG	Midwest Center for Bioenergy Grasses, IN	\$188,000	Lugar	
National Institute of Food and Agriculture	SRG	Midwest Poultry Consortium, IA	\$471,000	Grassley; Harkin; Klobuchar	Latham
National Institute of Food and Agriculture	SRG	Milk Safety, PA	\$821,000	Casey; Specter	Carney; Holden; Platts; Shuster; Thompson (PA)
National Institute of Food and Agriculture	SRG	Molluscan Shellfish, OR	\$253,000	Merkley; Wyden	Schrader; Wu
National Institute of Food and Agriculture	SRG	Multi-commodity Research, OR	\$244,000	Merkley; Wyden	Defazio; Schrader; Walden; Wu
National Institute of Food and Agriculture	SRG	National Beef Cattle Genetic Evaluation Consortium, CO, GA, NY	\$655,000	Bennet; Chambliss; Schumer	Hinchey; Markey (CO); Scott (GA)
National Institute of Food and Agriculture	SRG	National Center for Soybean Technology, MO	\$690,000	Bond	
National Institute of Food and Agriculture	SRG	Nematode Resistance Genetic Engineering, NM	\$209,000	Bingaman; Tom Udall	Teague
National Institute of Food and Agriculture	SRG	Nevada Arid Rangelands Initiative, NV	\$500,000	Reid	
National Institute of Food and Agriculture	SRG	New Century Farm, IA	\$350,000	Grassley; Harkin	Boswell; Latham
National Institute of Food and Agriculture	SRG	New Crop Opportunities, KY	\$525,000	McConnell	
National Institute of Food and Agriculture	SRG	New Satellite and Computer-Based Technology for Agriculture, MS	\$654,000	Cochran; Wicker	
National Institute of Food and Agriculture	SRG	Oil Resources from Desert Plants, NM	\$176,000	Bingaman; Tom Udall	Teague
National Institute of Food and Agriculture	SRG	Organic Cropping, OR	\$149,000	Merkley; Wyden	Defazio; Schrader; Wu
National Institute of Food and Agriculture	SRG	Organic Cropping, WA	\$264,000	Cantwell; Murray	Dicks; Hastings (WA); Larsen (WA); McDermott; Smith (WA)
National Institute of Food and Agriculture	SRG	Organic waste utilization, NM	\$69,000	Bingaman; Tom Udall	
National Institute of Food and Agriculture	SRG	Peach Tree Short Life Research	\$195,000	Graham	Brown (SC)
National Institute of Food and Agriculture	SRG	Perennial Wheat, WA	\$98,000	Cantwell; Murray	Dicks; McMorris Rodgers
National Institute of Food and Agriculture	SRG	Phytophthora Research, GA	\$178,000	Chambliss; Isakson	Bishop (GA); Kingston; Marshall



National Institute of Food and Agriculture	SRG	Phytophthora Research, MI	\$346,000	Levin, Stabenow	Conyers; Dingell; Ehlers; Hoekstra; Rogers (MI); Upton
National Institute of Food and Agriculture	SRG	Phytosensors for Crop Security and Precision Agriculture, TN	\$1,000,000		Davis (TN); Duncan
National Institute of Food and Agriculture	SRG	Pierce's Disease, CA	\$2,000,000	Boxer; Feinstein	Calvert; Capps; Farr; Thompson (CA)
National Institute of Food and Agriculture	SRG	Policy Analyses for National Secure and Sustainable Food, Fiber, Forestry and Energy Program, TX	\$200,000	Hutchison	
National Institute of Food and Agriculture	SRG	Potato Cyst Nematode, ID	\$349,000	Crapo; Risch	Simpson
National Institute of Food and Agriculture	SRG	Precision Agriculture, AL	\$419,000		Aderholt; Griffith
National Institute of Food and Agriculture	SRG	Precision Agriculture, KY	\$671,000	McConnell	
National Institute of Food and Agriculture	SRG	Preharvest Food Safety, KS	\$500,000	Brownback; Roberts	Jenkins; Moore (KS); Moran (KS); Tiahrt
National Institute of Food and Agriculture	SRG	Preservation and Processing Research, OK	\$174,000	Inhofe	Boren; Lucas
National Institute of Food and Agriculture	SRG	Protein Production for Research to Combat Viruses and Microbes, CT	\$500,000		DeLauro; Murphy (CT)
National Institute of Food and Agriculture	SRG	Protein Utilization, IA	\$600,000	Grassley; Harkin	
National Institute of Food and Agriculture	SRG	Rangeland Ecosystems Dynamics, ID	\$300,000	Crapo; Risch	
National Institute of Food and Agriculture	SRG	Regional Barley Gene Mapping Project, OR	\$471,000	Cantwell; Klobuchar; Merkley; Murray; Wyden	Dicks; Hastings (WA); McCollum; McDermott; McMorris Rogers; Peterson; Schrader; Walden; Wu
National Institute of Food and Agriculture	SRG	Regionalized Implications of Farm Programs, MO, TX	\$595,000		Edwards (TX); Emerson
National Institute of Food and Agriculture	SRG	Renewable Energy and Products, ND	\$1,000,000	Conrad; Dorgan	Pomeroy
National Institute of Food and Agriculture	SRG	Rice Agronomy, MO	\$174,000		Emerson
National Institute of Food and Agriculture	SRG	Ruminant Nutrition Consortium, MT, ND, SD, WY	\$563,000	Johnson; Thune	Hereth Sandlin
National Institute of Food and Agriculture	SRG	Rural Policies Institute, IA, MO, NE	\$889,000	Harkin	Emerson
National Institute of Food and Agriculture	SRG	Rural Renewable Energy Research and Education Center, WI	\$500,000		Obey
National Institute of Food and Agriculture	SRG	Russian Wheat Aphid, CO	\$250,000	Bennet; Mark Udall	Markey (CO)
National Institute of Food and Agriculture	SRG	Seed Technology, SD	\$350,000	Johnson; Thune	Hereth Sandlin
National Institute of Food and Agriculture	SRG	Small Fruit Research, ID, OR, WA	\$307,000	Cantwell; Crapo; Merkley; Murray; Risch; Wyden	Baird; Blumenauer; Dicks; Hastings (WA); Insee; Larsen (WA); Schrader; Simpson; Walden; Wu
National Institute of Food and Agriculture	SRG	Soil-Borne Disease Prevention in Irrigated Agriculture, NM	\$187,000	Bingaman; Tom Udall	Teague
National Institute of Food and Agriculture	SRG	Southern Great Plains Dairy Consortium, NM	\$350,000	Bingaman; Tom Udall	Heinrich; Teague
National Institute of Food and Agriculture	SRG	Southwest Consortium for Plant Genetics and Water Resources, NM	\$271,000	Bingaman; Tom Udall	Grijalva; Pastor (AZ); Teague
National Institute of Food and Agriculture	SRG	Soybean Cyst Nematode, MO	\$556,000	Bond	Emerson
National Institute of Food and Agriculture	SRG	Soybean Research, IL	\$745,000	Burris; Durbine	Jackson (IL); Johnson (IL)

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
National Institute of Food and Agriculture	SRG	Specialty Crops, AR	\$175,000	Lincoln; Pryor	
National Institute of Food and Agriculture	SRG	Specialty Crops, IN	\$235,000		Ellsworth
National Institute of Food and Agriculture	SRG	STEEP IV—Water Quality in Northwest	\$444,000	Crapo; Merkley; Murray; Risch; Wyden	Dicks; Hastings (WA); McMorris Rodgers; Simpson; Walden; Wu
National Institute of Food and Agriculture	SRG	Sustainable Agriculture and Natural Resources, PA	\$142,000	Specter	Dent; Holden; Platts; Shuster; Thompson (PA)
National Institute of Food and Agriculture	SRG	Sustainable Agriculture, CA	\$357,000		Farr
National Institute of Food and Agriculture	SRG	Sustainable Agriculture, MI	\$266,000	Levin; Stabenow	Ehlers; Rogers (MI)
National Institute of Food and Agriculture	SRG	Sustainable Beef Supply, MT	\$682,000	Baucus	Rehberg
National Institute of Food and Agriculture	SRG	Sustainable Engineered Materials from Renewable Sources, VA	\$485,000	Warner; Webb	Boucher
National Institute of Food and Agriculture	SRG	Sustainable Production and Processing Research for Lowbush Specialty Crops, ME	\$200,000	Collins; Snowe	Michaud; Pingree (ME)
National Institute of Food and Agriculture	SRG	Swine and Other Animal Waste Management, NC	\$349,000	Hagan	Etheridge; Price (NC)
National Institute of Food and Agriculture	SRG	Technology for Irrigated Vegetable Production, SC	\$500,000		Spratt
National Institute of Food and Agriculture	SRG	Texas Obesity Research Project	\$500,000		Johnson; Eddie Bernice
National Institute of Food and Agriculture	SRG	Tick Borne Disease Prevention, RI	\$280,000	Reed	Kennedy; Langevin
National Institute of Food and Agriculture	SRG	Tillage, Silviculture, Waste Management, LA	\$200,000	Landrieu	Alexander
National Institute of Food and Agriculture	SRG	Tri-state Joint Peanut Research, AL	\$413,000		Bright
National Institute of Food and Agriculture	SRG	Tropical and Subtropical Research/T-Star	\$6,677,000	Akaka; Inouye	Abercrombie; Bordallo; Hirono; Putnam; Young (FL)
National Institute of Food and Agriculture	SRG	Tropical Aquaculture, FL	\$300,000		Castor (FL); Putnam
National Institute of Food and Agriculture	SRG	Virtual Plant Database Enhancement Project, MO	\$588,000	Bond	Carnahan
National Institute of Food and Agriculture	SRG	Virus-free Wine Grape Cultivars, WA	\$260,000	Cantwell; Murray	Dicks; Hastings (WA); Inslee; Larsen (WA); McDermott; McMorris Rodgers
National Institute of Food and Agriculture	SRG	Viticulture Consortium, CA, NY, PA	\$1,454,000	Boxer	Farr; Hinchey; Thompson (CA)
National Institute of Food and Agriculture	SRG	Water Conservation, KS	\$500,000	Brownback; Roberts	Jenkins; Moore (KS); Moran (KS); Tiahrt
National Institute of Food and Agriculture	SRG	Water Use Efficiency and Water Quality Enhancements, GA	\$346,000	Chambliss; Isakson	Bishop (GA); Kingston; Marshall
National Institute of Food and Agriculture	SRG	Wetland Plants, LA	\$200,000	Landrieu	Alexander
National Institute of Food and Agriculture	SRG	Wheat Genetic Research, KS	\$1,000,000	Brownback; Roberts	Jenkins; Moore (KS); Moran (KS); Tiahrt

National Institute of Food and Agriculture	SRG	Wildlife/Livestock Disease Research Partnership, WY	\$300,000	Barrasso	
National Institute of Food and Agriculture	SRG	Wood Utilization, AK, ID, LA, ME, MI, MN, MS, NC, OR, TN, WV	\$4,841,000	Burr; Byrd; Cochran; Collins; Crapo; Klobuchar; Landrieu; Levin; Risch; Snowe; Stabenow; Wicker; Wyden	Butterfield; DeFazio; Harper; Michaud; Miller (NC); Oberstar; Price (NC); Rogers (MI); Schrader; Wu
National Institute of Food and Agriculture	SRG	Wool Research, MT, TX, WY	\$206,000		Conaway; Rodriguez
National Institute of Food and Agriculture	SRG	World Food and Health Initiative, IL	\$461,000	Burris; Durbin	Jackson (IL); Johnson (IL)
Animal and Plant Health Inspection Service	Salaries and expenses	Agriculture Compliance Laboratory Equipment, Delaware	\$69,000	Carper; Kaufman	Castle
Animal and Plant Health Inspection Service	Salaries and expenses	Animal management and control, Mississippi	\$496,000	Cochran	
Animal and Plant Health Inspection Service	Salaries and expenses	Beaver Management in North Carolina	\$208,000		Price (NC)
Animal and Plant Health Inspection Service	Salaries and expenses	Beryman Institute, Jack Beryman Institute Utah and Mississippi Agriculture and Forestry Experiment Station	\$1,500,000	Bennett; Cochran; Wicker	
Animal and Plant Health Inspection Service	Salaries and expenses	Bio-safety and antibiotic resistance, University of Vermont	\$240,000	Leahy	
Animal and Plant Health Inspection Service	Salaries and expenses	Bio-Safety Institute for Genetically Modified Agriculture Products	\$259,000	Grassley; Harkin	Latham
Animal and Plant Health Inspection Service	Salaries and expenses	Blackbird management, North and South Dakota	\$265,000	Conrad; Dorgan; Johnson	
Animal and Plant Health Inspection Service	Salaries and expenses	Blackbird Management, Louisiana	\$94,000	Landrieu	Alexander
Animal and Plant Health Inspection Service	Salaries and expenses	Bovine tuberculosis eradication, Michigan	\$248,000	Levin; Stabenow	
Animal and Plant Health Inspection Service	Salaries and expenses	California County Pest Detection Augmentation Program	\$619,000	Feinstein	Cardoza; Costa; Farr; Filner; Honda; Schiff
Animal and Plant Health Inspection Service	Salaries and expenses	California County Pest Detection Import Inspection Program	\$738,000	Bower; Feinstein	Cardoza; Costa; Farr; Filner; Honda; Schiff
Animal and Plant Health Inspection Service	Salaries and expenses	Chronic Wasting Disease Surveillance, Wisconsin	\$1,024,000		Kagen; Obey
Animal and Plant Health Inspection Service	Salaries and expenses	Cogongrass control, Mississippi Department of Agriculture	\$208,000	Cochran	
Animal and Plant Health Inspection Service	Salaries and expenses	Cooperative Livestock Protection Program Pennsylvania and Pennsylvania Department of Agriculture	\$223,000	Casey; Specter	Holden
Animal and Plant Health Inspection Service	Salaries and expenses	Comorant control, Vermont and Vermont Fish and Wildlife Department	\$103,000	Leahy	
Animal and Plant Health Inspection Service	Salaries and expenses	Comorant Control, Michigan	\$139,000	Levin; Stabenow	Stupak
Animal and Plant Health Inspection Service	Salaries and expenses	Comorant control, Mississippi	\$223,000	Cochran	
Animal and Plant Health Inspection Service	Salaries and expenses	Crop and Aquaculture Losses in Southeast Missouri	\$207,000		Emerson
Animal and Plant Health Inspection Service	Salaries and expenses	Database of North Carolina's Agricultural Industry for Rapid Response	\$208,000	Burr	Etheridge; Kissell; McIntyre; Miller (NC); Price (NC)

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Animal and Plant Health Inspection Service	Salaries and expenses	Disease prevention, Louisiana Department of Wildlife and Fisheries	\$69,000	Landrieu	Melancon
Animal and Plant Health Inspection Service	Salaries and expenses	Greater Yellowstone Interagency Brucellosis Committee, MT, ID, WY	\$650,000	Barrasso; Baucus; Crapo; Enzi; Risch; Tester	Rehberg; Simpson
Animal and Plant Health Inspection Service	Salaries and expenses	Hawaii interline activities	\$3,000,000	Akaka; Inouye	Abercrombie, Hirono
Animal and Plant Health Inspection Service	Salaries and expenses	Hawaii wildlife services activities	\$2,230,000	Akaka; Inouye	Abercrombie; Bordallo; Hirono
Animal and Plant Health Inspection Service	Salaries and expenses	Hemlock Woolly Adelgid, University of Tennessee	\$500,000	Alexander	
Animal and Plant Health Inspection Service	Salaries and expenses	Integrated predation management activities, West Virginia	\$280,000	Byrd	
Animal and Plant Health Inspection Service	Salaries and expenses	Invasive aquatic species, Lake Champlain Fish and Wildlife Management Cooperative, Vermont	\$94,000	Leahy	
Animal and Plant Health Inspection Service	Salaries and expenses	John's Disease activities, Wisconsin	\$939,000		Kagen; Obey
Animal and Plant Health Inspection Service	Salaries and expenses	Mormon crickets, Nevada	\$1,000,000	Reid	
Animal and Plant Health Inspection Service	Salaries and expenses	National Agriculture Biosecurity Center, Kansas	\$500,000	Brownback; Roberts	Moore (KS); Moran (KS); Tiahrt
Animal and Plant Health Inspection Service	Salaries and expenses	National Biodiversity Conservation Strategy, Kiski Basin, Pennsylvania	\$200,000		Murtha
Animal and Plant Health Inspection Service	Salaries and expenses	National farm animal identification and records, Holstein Association, New York and Vermont	\$343,000	Leahy	
Animal and Plant Health Inspection Service	Salaries and expenses	National Wildlife Research Station, Texas A&M	\$290,000	Hutchison	Ortiz
Animal and Plant Health Inspection Service	Salaries and expenses	New Jersey Gypsy Moth Pest Management	\$500,000	Lautenberg; Menendez	LoBiondo; Pallone; Pascrell; Rothman (NJ); Sires; Smith (NJ)
Animal and Plant Health Inspection Service	Salaries and expenses	New Mexico Rapid Syndrome Validation Program, New Mexico State University	\$404,000	Bingaman; Tom Udall	Heinrich; Teague
Animal and Plant Health Inspection Service	Salaries and expenses	Nez Perce Bio-Control Center, Idaho	\$176,000	Crapo; Risch	Simpson
Animal and Plant Health Inspection Service	Salaries and expenses	Noxious weed management, Nevada Department of Agriculture	\$235,000	Reid	
Animal and Plant Health Inspection Service	Salaries and expenses	Remote Diagnostic and Wildlife Disease Surveillance, ND	\$700,000	Conrad; Dorgan	Pomeroy
Animal and Plant Health Inspection Service	Salaries and expenses	Technology to Combat Asian Long-Horned Beetles in New York Forests	\$500,000	Gillibrand; Schumer	Arcuri; Higgins; Maffei; McHugh; Tonko
Animal and Plant Health Inspection Service	Salaries and expenses	Tri-State Predator Control Program, Idaho, Montana, and Wyoming	\$926,000	Barrasso; Baucus; Crapo; Enzi; Risch; Tester	Simpson
Animal and Plant Health Inspection Service	Salaries and expenses	Varroa mite suppression, Hawaii	\$469,000	Akaka; Inouye	Abercrombie, Hirono

Animal and Plant Health Inspection Service	Salaries and expenses	Viral Hemorrhagic Septicemia Monitoring and Management, Wisconsin	\$588,000		Kagen; Obey
Animal and Plant Health Inspection Service	Salaries and expenses	Wildlife Services South Dakota, South Dakota Department of Game, Fish, and Parks	\$519,000	Johnson	
Animal and Plant Health Inspection Service	Salaries and expenses	Wisconsin Livestock Identification Consortium	\$1,500,000		Kagen; Obey
Animal and Plant Health Inspection Service	Salaries and expenses	Wolf Predation Management in Wisconsin, Minnesota, and Michigan	\$727,000		Oberstar
Natural Resources Conservation Service	Conservation Operations	Accelerated Soil Mapping Survey, WY	\$200,000	Enzi	
Natural Resources Conservation Service	Conservation Operations	Agricultural Development and Resource Conservation, Hawaii RC&D Councils, HI	\$1,400,000	Akaka; Inouye	Hirono
Natural Resources Conservation Service	Conservation Operations	Agricultural Wildlife Conservation Center, MS	\$939,000	Cochran	
Natural Resources Conservation Service	Conservation Operations	Appropriate Wetland and Wet-Mesic Species, IA	\$134,000	Grassley; Harkin	Braley
Natural Resources Conservation Service	Conservation Operations	Assistance to Improve Water Quality for Tarrant County, TX	\$336,000		Barton (TX); Granger
Natural Resources Conservation Service	Conservation Operations	Audubon conservation curriculum	\$333,000		Moran (VA)
Natural Resources Conservation Service	Conservation Operations	Best Management Practices and Master Farmer Special Research Grant with LSU, LA	\$267,000	Landrieu	Alexander
Natural Resources Conservation Service	Conservation Operations	Cane Run Creek Watershed Remediation, KY	\$400,000		Chandler
Natural Resources Conservation Service	Conservation Operations	Carson City Waterfall Fire Restoration, Carson City, NV	\$375,000		Heller
Natural Resources Conservation Service	Conservation Operations	CEMSA with Iowa Soybean Association, IA	\$288,000	Grassley; Harkin	Boswell; King (IA); Latham; Loebsock
Natural Resources Conservation Service	Conservation Operations	Center for Invasive Species Eradication, Texas AgriLife Research, TX	\$1,000,000	Hutchison	
Natural Resources Conservation Service	Conservation Operations	Chenier Plain Sustainability Initiative, McNeese State University, LA	\$500,000	Landrieu	
Natural Resources Conservation Service	Conservation Operations	Chesapeake Bay Activities	\$3,998,000		Bartlett; Connolly (VA); Edwards (MD); Kratochvil; Moran (VA); Norton; Ruppertsberger; Sarbanes; Scott (VA); Van Hollen
Natural Resources Conservation Service	Conservation Operations	Conservation Fuels Management and Restoration, Wildfire Support Group, NV	\$269,000	Reid	
Natural Resources Conservation Service	Conservation Operations	Conservation Internships, Wisconsin Land and Water Conservation Association, WI	\$120,000	Kohl	
Natural Resources Conservation Service	Conservation Operations	Conservation Planning, MA and WI	\$423,000	Kennedy; Kerry	Frank (MA)
Natural Resources Conservation Service	Conservation Operations	Conservation Technical Assistance in New Jersey, NJ	\$236,000	Lautenberg; Menendez	Holt; Rothman (NJ)
Natural Resources Conservation Service	Conservation Operations	Conservation Technical Assistance, NRCS TN	\$1,000,000	Alexander	

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Natural Resources Conservation Service	Conservation Operations	Conservation Technology Transfer, University of Wisconsin, WI	\$516,000	Kohl	
Natural Resources Conservation Service	Conservation Operations	Cooperative Agreement with Tufts University, CT	\$333,000	Dodd	Courtney; DeLauro
Natural Resources Conservation Service	Conservation Operations	Deer Creek Watershed Conservation and Restoration, MD	\$400,000	Cardin	Bartlett; Kratochvil; Ruppertsberger
Natural Resources Conservation Service	Conservation Operations	Delta Conservation Demonstration, Washington County, MS	\$376,000	Cochran	
Natural Resources Conservation Service	Conservation Operations	Delta Water Study, NRCS MS	\$235,000	Cochran	
Natural Resources Conservation Service	Conservation Operations	Farm Viability Program, VT	\$300,000	Leahy	Welch
Natural Resources Conservation Service	Conservation Operations	Fountain Creek Watershed Project, CO	\$500,000	Salazar	
Natural Resources Conservation Service	Conservation Operations	Genesee River Watershed, NY	\$500,000		Lee (NY)
Natural Resources Conservation Service	Conservation Operations	Georgia Soil and Water Conservation Commission Cooperative Agreement, GA	\$2,423,000	Chambliss	Kingston; Marshall; Scott (GA)
Natural Resources Conservation Service	Conservation Operations	Grosvenor Center for Geographic Education Watershed Project, Texas State University, TX	\$300,000	Hutchison	Doggett
Natural Resources Conservation Service	Conservation Operations	Grazing Lands Conservation Initiative, WI	\$835,000	Kohl	Obey
Natural Resources Conservation Service	Conservation Operations	Great Lakes Basin Program for Soil Erosion and Sediment Control	\$404,000	Levin; Stabenow; Voinovich	Ehlers
Natural Resources Conservation Service	Conservation Operations	Great Plain Riparian Initiative, National Wild Turkey Federation, NE	\$500,000	Ben Nelson	
Natural Resources Conservation Service	Conservation Operations	Green Institute, FL	\$267,000		Boyd
Natural Resources Conservation Service	Conservation Operations	Green River Water Quality and Biological Diversity Project, Western Kentucky Research Foundation, KY	\$100,000	McConnell	
Natural Resources Conservation Service	Conservation Operations	Hawaii Plant Materials Center, HI	\$106,000		Abercrombie; Hirono
Natural Resources Conservation Service	Conservation Operations	Hungry Canyons Alliance, IA	\$282,000	Grassley; Harkin	King (IA)
Natural Resources Conservation Service	Conservation Operations	Illinois Conservation Initiative, Illinois Department of Natural Resources, IL	\$576,000	Durbin	
Natural Resources Conservation Service	Conservation Operations	Kentucky Soil Erosion Control, KY	\$724,000	Bunning; McConnell	Rogers (KY)
Natural Resources Conservation Service	Conservation Operations	Long Island Sound Watershed, NY	\$133,000		Lowey
Natural Resources Conservation Service	Conservation Operations	Massaro Community Farm, CT	\$300,000		DeLauro
Natural Resources Conservation Service	Conservation Operations	Maumee Watershed Hydrological and Flood Mitigation, OH	\$667,000		Kaptur

Natural Resources Conservation Service	Conservation Operations	Mississippi Conservation Initiative, NRCS MS	\$2,000,000	Cochran	
Natural Resources Conservation Service	Conservation Operations	Mojave Water Agency Non-Native Plant Removal, CA	\$667,000		Lewis (CA)
Natural Resources Conservation Service	Conservation Operations	Municipal Water District of Orange County for Efficient Irrigation, CA	\$150,000	Boxer; Feinstein	Calvert; Miller, Gary; Rohrabacher; Sanchez; Loretta
Natural Resources Conservation Service	Conservation Operations	Nitrate Pollution Reduction, NRCS RI	\$155,000	Reed	
Natural Resources Conservation Service	Conservation Operations	Operation Oak Program	\$267,000	Chambliss; Cochran; Graham	Berry; Bishop (GA)
Natural Resources Conservation Service	Conservation Operations	Pace University Land Use Law Center, White Plains, NY	\$133,000		Lowey
Natural Resources Conservation Service	Conservation Operations	Pastureland Management/Rotational Grazing, NY	\$400,000		Arcuri
Natural Resources Conservation Service	Conservation Operations	Phosphorus Loading in Lake Champlain, Poultney Conservation District, VT	\$179,000	Leahy	
Natural Resources Conservation Service	Conservation Operations	Phosphorus Reduction Cooperative Agreement, Kansas Livestock Foundation, KS	\$1,000,000	Brownback	
Natural Resources Conservation Service	Conservation Operations	Potomac River Tributary Strategy, NRCS WV	\$168,000	Byrd	
Natural Resources Conservation Service	Conservation Operations	Quabbin to Cardigan Conservation Initiative, NH	\$282,000	Shaheen	Hodes
Natural Resources Conservation Service	Conservation Operations	Range Revegetation for Fort Hood, TX	\$333,000		Carter; Edwards (TX)
Natural Resources Conservation Service	Conservation Operations	Riparian Restoration along the Rio Grande, Pecos, and Canadian Rivers, New Mexico Association of Soil and Water Conservation Districts, NM	\$200,000	Bingaman	
Natural Resources Conservation Service	Conservation Operations	Risk Management Initiative, NRCS WV	\$673,000	Byrd	
Natural Resources Conservation Service	Conservation Operations	Sand County Foundation, WI	\$892,000		Baldwin
Natural Resources Conservation Service	Conservation Operations	Soil Phosphorus Studies, NRCS WV	\$202,000	Byrd	
Natural Resources Conservation Service	Conservation Operations	Soil Surveys, NRCS RI	\$134,000	Reed	
Natural Resources Conservation Service	Conservation Operations	Technical Assistance Grants to Kentucky Soil Conservation Districts, Kentucky Division of Conservation, KY	\$545,000	Bunning; McConnell	Rogers (KY)
Natural Resources Conservation Service	Conservation Operations	Technical Assistance to Livestock/Poultry Producers, NC	\$300,000		Price (NC)
Natural Resources Conservation Service	Conservation Operations	Town of Cary Swift Creek Stream Bank Restoration, NC	\$199,000	Hagan	Miller (NC)
Natural Resources Conservation Service	Conservation Operations	UMASS-Amherst Ecological Conservation Initiative, MA	\$140,000	Kennedy; Kerry	
Natural Resources Conservation Service	Conservation Operations	Upper White River Basin Water Quality, MO	\$287,000		Blunt
Natural Resources Conservation Service	Conservation Operations	Utah Conservation Initiative, NRCS UT	\$2,500,000	Bennett	
Natural Resources Conservation Service	Conservation Operations	Water Quality Protection Program for the Monterey Bay Sanctuary, CA	\$400,000		Farr

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Natural Resources Conservation Service	Conservation Operations	Watershed Agricultural Council, NY	\$480,000		Hinchey
Natural Resources Conservation Service	Conservation Operations	Watershed Demonstration Project, IA	\$134,000	Grassley; Harkin	Boswell; King (IA); Latham; Loeb sack
Natural Resources Conservation Service	Conservation Operations	Watershed Planning Staff, NRCS Pacific Island Area	\$500,000	Akaka; Inouye	Hirono
Natural Resources Conservation Service	Conservation Operations	Watershed Protection Plan for Hood County, TX	\$67,000		Edwards (TX)
Natural Resources Conservation Service	Conservation Operations	Yankee Tank Dam, NRCS KS	\$1,000,000	Brownback; Roberts	
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Alameda Creek Watershed Project, CA	\$1,337,000		Stark
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Ashley Valley Flood Control, Uintah County, UT	\$300,000	Hatch	
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Big Slough Watershed Project, AR	\$57,000		Berry
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Departee Creek Watershed Project, AR	\$110,000		Berry
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Dry Creek Watershed, City of Rocklin, CA	\$500,000	Feinstein	
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Dunloup Creek Watershed Project, NRCS WV	\$1,500,000	Byrd	
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	DuPage County Watershed, IL	\$1,000,000	Durbin	
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Farmington River Restoration Project, Riverton, CT	\$500,000	Dodd; Lieberman	Larson (CT)
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Hurricane Katrina Related Watershed Restoration Project, MS	\$229,000	Wicker	Taylor
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Lahaina Watershed, NRCS HI	\$1,000,000	Akaka; Inouye	Hirono
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Lake Oscawana Management and Restoration Plan, NY	\$400,000		Hall (NY)
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Little Sioux Watershed Project, IA	\$1,146,000	Grassley; Harkin	King (IA)
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Lost River, NRCS WV	\$4,000,000	Byrd	
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Lower Hamakua Ditch Watershed Project, HI	\$1,800,000	Akaka; Inouye	Abercrombie; Hirono
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Missouri Watershed Projects, NRCS MO	\$2,000,000	Bond	



Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Pidcock-Mill Creeks Watershed Project, PA	\$573,000		Murphy, Patrick
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Pocasasset River Watershed, NRCS RI	\$2,000,000	Reed	
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Richland Creek Reservoir, Paulding County, GA	\$100,000		Gingrey (GA)
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Soap Creek Watershed Project, IA	\$984,000	Grassley; Harkin	Loebbeck
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	South Fork of the Licking River Watershed Project, OH	\$125,000	Brown	Space
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Upcountry Maui Watershed Project, HI	\$2,000,000	Akaka; Inouye	Hirono
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Upper Clark Fork Watershed, Watershed Restoration Coalition, MT	\$200,000	Tester	
Natural Resources Conservation Service	Watershed/Flood Prevention Operations	Wailuku-Alenaio Watershed Project, HI	\$250,000	Akaka; Inouye	Abercrombie; Hirono
Food and Drug Administration	Salaries and expenses	Dietary supplements research, National Center for Natural Products Research, Oxford, Mississippi	\$1,608,000	Cochran; Wicker	Childers
Food and Drug Administration	Salaries and expenses	ISSC vibrio vulnificus education	\$174,000	Vitter	Melancon
Food and Drug Administration	Salaries and expenses	National Center for Food Safety and Technology, IL	\$2,077,000	Durbin	Jackson (IL); Lipinski
Food and Drug Administration	Salaries and expenses	New Mexico State University Agricultural Products Food Safety Laboratory	\$1,650,000	Bingaman; Tom Udall	Teague
General Provision		Agricultural pest facility, Hawaii	\$2,600,000	Akaka; Inouye	Abercrombie; Hirono
General Provision		Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program	\$3,000,000		Emerson; Kaptur; McGovern
General Provision		Dairy Market Development, Wisconsin Department of Agriculture, Trade, and Consumer Protection	\$2,000,000	Kohl	Obey
General Provision		Center for Foodborne Illness Research and Prevention	\$200,000		DeLauro
General Provision		International Food Protection Training Institute	\$1,000,000	Levin; Stabenow	Schauer
General Provision		Market Development, Vermont Agency of Agriculture, Foods, and Markets	\$1,000,000	Leahy	
General Provision		Phase II construction, National Center for Natural Products Research, Oxford, Mississippi	\$3,497,000	Cochran; Wicker	
General Provision		Prototype for a National Carbon Inventory and Accounting System	\$1,000,000		Lewis (CA)
General Provision		Specialty Markets, Wisconsin Department of Agriculture, Trade, and Consumer Protection	\$350,000	Kohl	Kagen

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—Continued  
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
General Provision		Workforce development and out-migration, Kansas Farm Bureau Foundation	\$250,000	Brownback	

## FUNDING RECOMMENDATIONS

## CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2009 .....	\$120,966,466
Budget estimates of new (obligational) authority, fiscal year 2010 .....	123,919,720
House bill, fiscal year 2010 .....	123,843,248
Senate bill, fiscal year 2010 .....	124,520,248
Conference agreement, fiscal year 2010 .....	121,230,291
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2009 .....	+263,825
Budget estimates of new (obligational) authority, fiscal year 2010 .....	-2,689,429
House bill, fiscal year 2010 .....	-2,612,957
Senate bill, fiscal year 2010 .....	-3,289,957

DAVID R. OBEY,  
ROSA L. DELAURO,  
SAM FARR,  
ALLEN BOYD,  
SANFORD D. BISHOP,  
LINCOLN DAVIS,  
MARCY KAPTUR,  
MAURICE HINCHEY,  
JESSE L. JACKSON, Jr.,  
JO ANN EMERSON,  
RODNEY ALEXANDER,

*Managers on the Part of the House.*

HERB KOHL,  
TOM HARKIN,  
BYRON L. DORGAN,  
DIANNE FEINSTEIN,  
RICHARD DURBIN,  
TIM JOHNSON,  
BENJAMIN NELSON,  
JACK REED,  
MARK PRYOR,  
ARLEN SPECTER,  
DANIEL K. INOUE,  
SAM BROWNBACK,  
ROBERT F. BENNETT,  
THAD COCHRAN,  
KIT BOND,  
MITCH MCCONNELL,  
SUSAN COLLINS,

*Managers on the Part of the Senate.*

## HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. WEINER) is recognized for 60 minutes.

Mr. WEINER. Mr. Speaker, before I proceed with the subject I want to talk about, I just want to summarize the last hour.

Apparently ACORN is going to kidnap your children and drag them to Planned Parenthood where they're going to be forced to have national health care.

That sounds pretty frightening. But if you were having trouble following

that, Mr. Speaker, so were the rest of us.

And for you, Mr. Speaker, and my colleagues and for anyone watching, if you're looking for a 1-hour screed about the ghosts that lurk in the closets of our government, I can't help you.

But I would like to have a little bit of a conversation about the discussion that we're having around dining room tables and diners and church basements all throughout this country about the health care we provide Americans, how we pay for it, and what we should do to make it better. And to any of my Republican colleagues who are watching in their offices, who are watching off somewhere in the congressional campus, and this is kind of quiet at this hour, I am interested in having a real discussion and a real debate.

There are things that we disagree with. There are philosophical schisms that have emerged in this. But, frankly, a lot of the debate, unfortunately, has been too much like the last hour, which is just something bordering on nonsense.

But let me just start with the notion that we're really trying to solve with health care three problems, two of which are relatively easy to solve and one of which is very difficult to solve.

The first problem we're trying to solve is that there are a lot of people that don't have health care. Well, I shouldn't say that. There are a lot of people that don't have health insurance. They get health care. Everyone in this country, everyone who's got insurance, not insurance, documented, undocumented, old, young get health care. And what I mean by that is if someone right now outside the steps of this Capitol falls down with a stroke, we're going to come and there's going to be an ambulance that's going to rush to get them. They're going to take them to an emergency room. A doctor is going to do everything medically possible to revive them and to make them healthy. The only question is, How do we pay for that service?

If you have health insurance, you pay for it one way. If you have Medicare or Medicaid, you pay for it another way. If you pay for it out of your own pocket, you pay for it a third way. But if you have no health insurance at all, we the taxpayer by and large pay that bill. And it's a lot of money. It's a relatively small number of people who are uninsured, but the expenses that they have are very, very high because when you go into a hospital emergency room for care, that is usually pretty expensive care. And it might not come directly back to us in taxes, although a lot of it does.

In New York City, for example, about \$2 billion each and every year we pay for the uninsured that come into our emergency rooms. Some of it is paid for by everyone else that has health insurance paying higher premiums, but a

lot of it is just passed along to the hospitals and doctors and saying, hey, you foot the bill. As a result, in my home county, there are three fewer hospitals than there were just a year ago. It's an unsustainable dynamic that the people who are not insured, frankly, if they can afford to pay, well, in some cases they do, but in a lot of cases, they pass along the expense to us.

But that problem is pretty easy to solve. What do you do? You give them some money or you give them some tax benefit or you give them some tax credit and you say go out and go shopping for health insurance. Go buy some. We'll require you to do it. You go out and buy some.

It gets a little bit complicated in how much you provide the subsidy, and it does get complicated when you're trying to figure out will they be able to afford that health insurance plan. And that's where the public option discussion comes in, but I will get to that in a moment. But that problem is a relatively easy one to solve. As some of my colleagues have pointed out, it's only 10 percent of the American public. How hard can it be?

The second problem is also relatively easy to solve, but it's important: for all of us who have health insurance, making sure our health insurance company treats us relatively well. When we need care, do we get it? Do we get dropped because we have preexisting conditions? When they're deciding how to set a price for it, do they price it in an unfair way where effectively we're locked out of the market? That too is relatively easy to solve, and I think there is some agreement.

Look, no one should be able to drop someone for preexisting conditions, and now that we in the Democratic Party are in charge of this Chamber, we're going to pass something to fix that. Those things are relatively easy. In fact, since insurance companies are regulated in all 50 States, a lot of States have tried to do those things, some with more effect than others.

But the third problem, and it's the mother of all problems, is the overall cost to the system. The overall cost to those of us who have insurance, the overall cost to those of us who are taxpayers is getting so large that it's drowning everything else in the economy. And the question is, How do you solve that problem?

Now, what has been suggested by the President and the majority party in Congress through the various committees is essentially what you try to do is if you require everyone to get insurance, meaning insurance companies will have more people to cover, that hopefully what that will mean is they'll have more money coming in from lower-cost people, meaning people that don't have a lot of illnesses, and that the insurance companies will be magnanimous and they'll lower their

prices. That's basically what the argument is. Maybe it's right. Maybe that's what will happen here.

Now, I believe, and what I would like to devote a little time to today, is I believe that we are using a bank shot when we should go directly at the problem. I say we are using a bank shot because we are basing all of this on private insurance companies to help us.

I ask you, ladies and gentlemen, what is it that health insurance companies do? They don't provide check-ups. They don't provide clinical services. They certainly don't operate on you. What do they do? We know they take your money. They take my money. We know they take the money from your employers. But then what do they do? Unlike any other insurance plan, they don't apportion risk because they don't cover anyone over 65. All of those people are on Medicare. They price a lot of people out of the market by saying to people like those who are of my father's age when he retired, we're going to charge you \$15,000 or \$16,000 for a policy. So the question becomes, What is it that insurance companies do?

What they do is they make money. They take money out of your pocket, give it to doctors, and along the way they take some money for themselves. How much? Up to 30 percent. And the question that many of us are asking in the context of this debate is, Why do it that way? Why not try something different? Why not try to say if you're going to take your money and give it to your doctors and give it to your insurance companies, why not do it a little bit more directly? Why not do it the way we fund, I don't know, the fire department or the department of sanitation in your town? Why not treat it as if it's a service?

Frankly, the fire department model is a pretty good one. If you think about it, it's very similar. You don't need the fire department every day. Day in and day out, you go without needing the fire department to be there. But when it's there, you really want it to be there for you. You need it. You can't put out the fire yourself. You need brave men and women of your local fire department, and maybe they're volunteers, to come to your home and put out your fire. So we all put in money into the fire department hoping that it won't be there; and when it does, we understand and it's a service that we willingly pay for.

But you don't have to fantasize what it would be like in health care to have a government-run health care plan. And when I say "government run," to some degree I am borrowing the language of our opponents because when I say "government run," I mean really government running the reimbursement system. We do have some experience with that and it's called Medicare.

Now, people have different views of Medicare. People either love it or they

like it a lot or they think, oh, my goodness, it's never going to be there for me or it's unsustainable or it's growing broke. In a way both sides are right, both groups are right about that. Medicare has been an exquisite model of efficient government care and government services for 44 years. It didn't start out being all that much of a bipartisan program, but now it is, as you see from my Republican friends who thump their chests about how they are trying to defend Medicare. But the problem is at the very same time they say, But I'm against anything that's government run. I'm not quite sure I see the disconnect.

□ 1930

Now some of them argue, but, wait a minute. Isn't Medicare on an unsustainable financial track? No doubt about it. All health care is on an unsustainable financial track. I'm going to borrow some of the charts that have been used previously to give you a sense of what that means. This is the average health insurance premiums from 1999 to 2008. It went from about \$5,800 to \$13,000 from 1999 to 2008, in 7 years. It essentially doubled. That is unsustainable. And this is private insurance.

Now, it is true that Medicare is also seeing that type of strain. Why? Well to some degree, it is a victim of its own success. Today the average life expectancy of someone is about 10 years longer than it was 44 years ago when Medicare was created. And by the way, Mr. Speaker, you're not getting those 10 years when you're a teenager. You get them at the end of your life. So that is adding to a lot of expense. Technology has added to a lot of expense. And there's a lot of things that we do in Medicare that don't make a lot of sense that we could do to save money. A lot of them I hope we are going to do in our national health care fix that we are going to do. But one of the things you can absolutely say is that no money is going for profits. Very little money is going for overhead, only about 3.5 percent, according to a Rand study, compared to 30 percent for health care for health insurance companies.

So the question has to be, what are the benefits that we are getting from those private insurance companies? Well, my colleagues frequently say, it gets you competition. Really. Competition? Explain to me how competition works in the health care business. If I fall down here, not to keep using morbid examples, but if I fall down and I have an appendicitis attack right now and I have to get my appendix replaced, tell me about competition. Do I get to shop around to see maybe I will have a liver or a spleen instead? Of course not. Do I get to say, I'm not going to get my appendix done right now, I'm going to wait and I'm going to

get it done in December when I hear they go on sale? No. In fact, I also can't go out and say, wait a few years, don't operate on me. I'm going to go to medical school and learn how to do it myself in my garage to take out my appendix.

The notion of competition is further folly in that for most people that have health insurance at their work, they don't have a choice of plans. The employer comes in and says, on the floor of the warehouse, they say, guys, gather around, you are going to get Oxford or you're going to get Aetna. That's our plan. I'm going to pay 60 percent, you're going to pay 40, that's it. You don't get to say, no, I'm going to do it different. I'm going to go to Blue Cross instead. There is not real effective competition in that context as well because most people get their insurance through their work.

Remember something, the basic element of competition does exist within Medicare in a very important way. Patients have their choice of what doctor to go to. They have their choice of what hospital, what clinician to go to. They have absolute choice. So we are right back to where we started that both private insurance and Medicare both have financing problems. The private insurance, as I said, is worse. They both have some elements of choice, Medicare more choice than the private insurance companies. But the difference, and this is that third problem we are trying to solve, the difference is how much private insurance companies take out of the pot for their shareholders, for advertisements, for overhead. It's an enormous amount. And we should want it back.

Now some have suggested, and I keep trying my best to do the other side of the argument, since none of my colleagues on the other side of this argument have taken me up on my offer to come down and discuss it with us tonight, but some have said, well, those insurance companies, the money that they are taking, they employ a lot of people, their shareholders have a right to take that money from the taxpayer, to take that money from patients. That might be an argument that you make at a shareholders' meeting, but it shouldn't be an argument you make on the floor of Congress. We shouldn't be standing up fighting for shareholders.

I guess the equivalent would be in the 1980s when we discovered we were paying \$700 for toilet seats in the Department of Defense, I guess I would have heard my colleagues stand up and say, yes, but there are many hard-working people making those toilet seats. You can't take that money away from them. Of course not. We said, you find a way to get a \$10 toilet seat like everybody else because we are here fighting for the taxpayers' money, and we are here fighting to improve the lot of patients.

So I believe that where we have to start is taking an example of something that worked, which is Medicare. Now Medicare, as you all know, begins when you turn 65. So the Speaker has about another 30 years before he has to worry about it. But frankly, I don't understand what the magic is about the 65th birthday that makes it a plan that works. Ninety-six percent, every year we do a survey of people on Medicare. We ask them to grade the care that they get, the efficiency of the care, the quality of the care. They gave it a 96 this year, 96 percent. By the way, we also asked the contractors. We always hear how terrible Medicare is for providers. We also ask each year, CMS asks the providers, they call them contractors, the doctors and the hospitals, they gave them a 4.5 out of 6. So basically both elements are pretty happy with it. We started at age 65.

Try this little experiment next time you go to the supermarket. Tap someone on the shoulder who looks like they are 55 or 60 and say, would you like to have Medicare now when you're 55 or 60? They will say, heck, yeah. Because those are the people for whom health insurance is the most expensive. Many of them have trouble getting it. Those are the people more likely to be laid off in this economy, that kind of in between group. Yet we don't offer it to them. Why? We have a system that works, Medicare, and yet instead of trying to figure out a way to take a system that works and expand it to more people, we say, no, it has got to be 65. Why don't we provide Medicare for those that are like 21 to 25 who are just off their parents plan or just out of college? Those are people that we would like to have covered. Those are the so-called invincibles. Those are the people who have trouble finding health care. Why don't we provide them with Medicare? Now, some have suggested oh, wait a minute, you're taking over health care, socialized medicine. Well, putting aside for a minute that socialism has a meaning, and it means that government controls the means of production and no one is suggesting that, the doctors are still going to be the doctors, the hospitals are still going to be the hospitals, if you take a look at that argument, you realize that, I don't know, what do you think, Mr. Speaker, 50 percent of this place has Medicare? Sixty? I don't see them complaining. They don't seem to mind socialized medicine when they are getting it. I don't hear anyone saying, we have heard a lot in this discussion, well, how come Members of Congress don't take the public plan? They already do have the public plan. They have got Medicare. And by the way, when I turn 65, sign me up. It's going to be a while, Mr. Speaker, so don't rush me. But look, the fact is we have a model of something that works.

Now, as I said, and I want to stipulate to this, that it's expensive. And we

need to contain that cost. But this brings us to the ideas about how you do it. And I will say this at the risk of antagonizing any of my colleagues or breaching the rules—I just wanted to see if the Parliamentarian would perk up at the suggestion I might be breaching the rules. But my Republican colleagues have not been honest in trying to deal with the cost of the argument. They have said a couple of things repeatedly. They say, oh, if only we had tort reform. We have tort caps in 46 of the 50 States. In some of the States that have the toughest cap, you have got the greatest rates of increases in health insurance and the malpractice insurance. Why? Well, it's obvious why. The health insurance companies lobby for the caps, and then they keep the money. They don't pass it along to us. And their shareholders cheer. Tort reform they say. Well, we asked them, by the way, we said to the Congressional Budget Office, the CBO, we said what would happen if you overnight can reduce 30 percent of all tort claims? What would happen? They said you get some savings, .4 percent. And we went back and said how can this be if you reduce 30 percent of all the tort claims, you don't do better than that? And they said to us—These are propeller heads. They are pencil pushers. They are not politicians. They said, yes, because we looked at the different States, and what did we find out? We find out that when you get caps, the insurance companies keep the money. So that's one thing they said about cost containment, and that clearly doesn't prove to be right.

And then they said something else that's interesting. They said, why don't we let all health insurance companies compete in every other market, essentially adding to competition? Now this is an interesting one because it kind of argues for the public option in an odd way, but let's take it where it goes. Now, first of all, let me make it clear. There is a reason that a health insurance company in Maine doesn't come in and offer a health insurance policy in New York, because the first thing they have to do is develop their network of doctors in New York. That is very expensive and very difficult. But New York has made it very clear that they are willing, more than happy, there are no applications pending for someone who wants to come in and offer insurance. And that is true of most of the States. Now, why is it you need to apply to a State? This is where my Republican friends tie themselves into a little bit of an intellectual knot. Insurance is regulated by the 50 various States. And why is that? Because, and this is a place where as much as I'm critical of insurance companies, I kind of agree. Health insurance companies say, listen, we need to be able to do things that might be deemed anti-competitive under other laws. We need

an exemption from the antitrust laws so that we can share information across State lines and across companies, essentially—it's too strong a word, but I'll use it anyway—essentially collude, share information about patients. You don't want somebody who gets into a car accident in New Mexico being able to hide it by going to New Jersey. So each and every State, since it's not regulated federally, it's not interstate commerce technically, each individual State has it, so each individual State has their own process for allowing insurance companies to come in. Do you know what? Nobody is saying no. You look at the 50 State insurance commissioners, nobody is saying, oh, I'm getting overrun with applications to provide health care in Idaho. No. They are not doing that because insurance companies have no real interest in competing on price. So once all the customers are basically locked up, there is no interest in coming in. But I guess the logical extension of the argument for people who want to have that type of competition is to take away the antitrust exemption from insurance companies. You can do that. I don't think that your patrons, the insurance industry, who provide so much funding for campaigns and some of my colleagues, would be very happy about that though.

So what is it that the President proposes? And what is it that H.R. 3200 proposes? It proposes that for some Americans, not many to be honest, some Americans, meaning those that don't have insurance through their work, are not working but are not eligible for Medicaid, who are individuals, who are just looking to get insurance but are not covered, that is a relatively small group of people, remember, 45 percent or so of all Americans have either Medicare, Medicaid, health care from the Department of Defense, the Department of Veterans Affairs, or the Bureau of Indian Affairs, you have got about 55 to 60 percent who have health care through private insurance, so you're talking 10 percent, 5 percent, 8 percent, who are going to then be able to, we're going to give them a tax benefit, they're going to then go shopping. But in order to make sure that there is some competition so that the rate of health insurance that they're buying doesn't keep going up, we're going to have a public plan like Medicare that is going to be introduced for those people.

Now, it's anticipated that maybe a third of all of those people at most would go into the public plan. So you have a tiny sliver if you are covered by insurance at your work. Theoretically you can say to your employer, keep your money, keep your money, I'm going to absorb all the costs and go try to shop for the public option. But that is not going to realistically happen according to CBO. If you have your own

insurance policy, if you have Medicare, you're not going to be able to do it. But you're going to be able to get something resembling a choice if you're one of those people. And the argument that H.R. 3200, which is the bill we have all been discussing, and an argument that President Obama made when he spoke to us before Congress, is that if you have that element of choice, you will have low overhead, you won't be advertised, you won't be given bonuses, you won't be taking money out for shareholders, and that people, that company, that public option will hold down costs.

Now in a strange way, both proponents of the public option and opponents of the public option argue for the Weiner plan, argue for single payer. And I will tell you why. People who argue for it say it's going to be an effective way to hold down costs because people are going to choose that public plan, because they are going to like the low prices, the low overhead and the like. People who are opposed to it say, no, we are opposed to it because people are going to choose that plan. And if they do, private insurance companies won't be able to get those customers. They won't be able to compete. But in both cases, they are saying the same thing. They are saying that citizens are going to go to the public option. They are going to go to the Medicare for everyone else, whatever we are going to call it.

So the question gets begged, why not just go there directly? Why give people tax benefits that they can go buy in the private market to take 30 percent off the top? Why not just say let's expand a program like Medicare? Let's find ways to get cost savings for Medicare by doing things like not paying \$900 for a slip and fall for a night in a hospital for a senior citizen, but maybe \$30 to build a handrail next to their shower. Why spend an enormous amount of money in the very final days of life and do nothing in the early days to try to get people living a better life, living a healthier life?

□ 1945

Mr. Speaker, so that the question comes back to how you get the savings, and it also comes back to who's accountable for those savings.

Now, I believe we've got to get savings in Medicaid. We've got to get savings in Medicare. We've got to get savings. Frankly, this is not just something that has to be done by the private insurance companies. We have to find savings because, frankly, as the President said when he stood here, virtually our entire deficit right now is health care costs, and the health care costs that are paid for by the taxpayer are going up.

And people say, well, why is that happening? Well, everyone watching this broadcast tonight is not only pay-

ing their premiums, not only paying their copayments, but they're paying taxes that are supporting the city workers in your town for health care. You're supporting the State workers, the Federal workers, all of the retirees. You're paying an increasing amount because that health care inflation is coming back to you in a lot of ways.

I had someone stand up at a town hall meeting—and I had 13 of them I think over the August recess—come up to me and he says, well, Congressman, why can't you give all of the uninsured the same plan you have? I don't think the person who made that suggestion realizes he's my employer. He's putting in the 70 percent I think for the health care plan that I and every other Federal employee gets. So you might not see that you're paying it, but you're paying it, and we need to turn that cost down.

But before I yield back the time, I do want to try to address some of the kind of visceral concerns that the opponents to this health care plan have had. One I've already touched upon but I'll do a little bit more now, and that is the notion, you know, that it's going to be a government-run program, and by definition, government-run programs are not good programs. You know, there are some good government programs, and there are some not-so-good government programs.

I think Social Security is a program that worked. You know, people talk how we're falling off a demographic cliff that's unsustainable. Baloney. It's got giant surpluses. It's the only part of the budget right now that does have giant surplus.

I think Medicare has worked. I think that people haven't gotten rich off it, but it took a group of people, seniors, who had about a 28 percent poverty rate and lifted them to the point now that we have single digits, that it's so popular now that the Chair of the Republican national party put out a couple of weeks ago the Republican plan to protect Medicare, which I thought was unintentionally ironic because at the same time he was lamenting the growth of government-funded health care.

There are some maybe government programs that aren't so good. This one works. And there's a certain level of phoniness about going home to our districts, as I know opponents of this legislation do, and they rail against government-funded plans, the government-administered plans, and then embrace Medicare.

But listen to what the choice is. The choice is health insurance companies. Now, some of my colleagues have come to the floor with clever and creative boxes showing different where your money goes, where you go to try to show how bureaucratic health care is. Well, this is the present. This is the way private insurance operates today. You think it's not bureaucratic?

You know, you've got consumers, and then they're passing through their costs to employers who then have copayments. Then they have to go out and try to figure up—by the way, don't forget about this. This system that we right now, it's employers have to go out and get health insurance. Actually, let me spend a moment on this.

You know, why is it that we have health care that's provided by our employer? Where did that come from? Why should a shoe store on one side of Queens Boulevard in my district have a different obligation to its workers than one on the other side? Why should they compete based on what health care plan they have? I mean, that's what happened. If Joe's shoe store on one side decides, you know what, I want to do the right thing and cover my employees; I'm going to put, let's say, \$7,000 an employee into the till—yet, he's competing against the guy across the street who says, wait a minute, let me see about this; no, I'm going to provide no insurance; I'm going to send them to the neighborhood emergency room for their health care, but since I'm saying \$7,000 an employee, I'm going to cut the cost of my shoes by 15 percent. How is that fair?

Medicare says we're not going to do it based on employers, and that's what, frankly, I think we should do with all health care. Ask your neighborhood employer who's wrestling with trying to keep a business afloat whether having to provide health care is a bureaucratic headache for them. It ain't for Medicare. Medicare's a 4 percent overhead. The doctors say it's efficient; patients say it's efficient.

Getting back to this, this is the way private insurance is modeled right now because they've got to go through all the rigamarole. They've got to go negotiate with hospitals and communities and doctors. They deal with drug companies. They take a couple of dollars off the top there as well. Then they're dealing with the sellers of goods, and you've got administration of costs, then there's profit.

Well, here's what Medicare looks like on a chart. Patients get health care, the patients pay taxes, and then administrators, Medicare pays the doctors. That's it, over and done with, pretty simple. The only thing simpler is taking money out of your own pocket and giving it to your doctors which, frankly, Medicare being able to take this pool of people together has been able to do much more efficiently than you or I could do.

You know, another thing to keep in mind as we take a look at this is that there's a lot of money being spent on health care that we don't see. If you do a single payer plan like I have suggested here, no longer will you have cities and States being left holding the bag for unreimbursed expenses? What happened to my colleagues lamenting

the unfunded mandate? Health care is the mother of all unfunded mandates because our States and our cities and our businesses all have to pay because you're doing nothing. That's the ultimate unfunded mandate.

So, hopefully, what we are going to do here as I conclude, hopefully what we are going to do here is try to come up with a plan that does provide additional choices for people that don't have choices right now: the uninsured. We're going to try to improve the circumstances that people that have private insurance find themselves under, and we're going to try to do something to introduce some element of competition to hold down costs.

But I tell you, I don't think that that's the right way to go, and I'm going to offer a different plan when we're on this debate in the next month or so. And I'm going to offer legislation, a modified version of H.R. 676 offered by Congressman CONYERS with many cosponsors, that says, you know what, we're going to take a plan like Medicare and we're going to offer it to all America. We're going to take their payroll taxes and the taxes they pay, and we're going to fund the system. We're not going to do a backdoor way. You're not going to have to dump all your city and State taxes. We're going to say, you know what, we're going to do it Federally. We're not going to do it based on employer. It's not going to be just based on the luck of the draw; hey, I got lucky, I didn't get born with asthma. That's not the way we're going to choose who's going to get health care.

We're going to take hospitals and we're going to fund them globally. We're not going to incentivize them to run up the bill. We're going to say here is your area, this is the number of people you have in it, this is the number of uninsured people you have in it, this is the number of seniors you have in it, this is the number of people who have higher needs; here's your budget. You come in under budget, you keep the extra money.

Doctors are going to be the same way Medicare is. Patient gets to choose, you come in, you provide the service. And if you think we can't afford to pay for it, this is an old chart from a couple of years ago. \$2.2 trillion we're paying for health care in this country, \$2.2 trillion. It's actually \$2.5 trillion today. This is the dreaded socialized part: Medicare, Medicaid, DOD. So essentially this is what it would like for more Americans. By the way, you're paying this out-of-pocket number, and you're paying about, let's say, let's round it, \$200 billion in profits of this guy, for your private insurance companies.

And what we're saying is don't do it that way anymore. Other countries don't do it that way, but put aside other countries. When you hear people

come to the floor of this Congress and say, oh, you want to make a system like England, you want to make a system like Canada? No, I want to make a system like United States of America where we tried something 44 years ago that has been an abiding success and that's Medicare.

I want to try that. I want to try that plan that—I don't know, I really do have to get the exact number. It would be a good thing to get—that half my colleagues have. A third of my colleagues have Medicare. If it's good enough for Congress, why isn't it good enough if you're 55 or if you're 60 or if you're 45?

That's the kind of plan that we should have, and if you think we can't afford to do it for less than \$2.5 trillion, you're wrong. We can, because the present system is completely unsustainable.

And so the question is not whether we're going to do something. It's kind of like Buddhism. It's not whether you're going to have change but what type of change it's going to be. We can continue along this arc—it's funny, the 30 Something Group's charts aren't nearly as good as mine—but this arc here that says our national health expenditures are going to keep going up and up, they actually have a better one here. Here it is. Share of our GDP, are we going to let it get to 20 percent of our GDP? How about 50 percent? Sixty percent? How far are we going to let it continue to grow?

The answer isn't whether we're going to do something; it's what we're going to do and when. Well, the what we should do is take a system like Medicare that is efficient, that is well-liked, that is understood, that is simple, and extend it to more Americans.

What we're not going to do, what we're not going to do is follow the advice and counsel of my friends on the other side who for the hour preceding mine went on some screed about ACORN, you know, kidnapping, Planned Parenthood, babies, and bringing them into Obama-funded death camps or something. We're not going to have a conversation like that. I mean, you can keep doing it. It didn't stop you for the last 6 years. I guess you've got to do it and you've got to feed the beast of the talk radio and everything else, but the adults of this institution and President Obama and the Senate, we're going to try to solve this problem because that's what we get paid to do.

And we have the luxury in this body of laying down our head tonight with pretty good insurance, Medicare many of my colleagues have, and I see no reason why all Americans shouldn't have that, they shouldn't have what so many Members of Congress have.

# REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. MATSUI (during the Special Order of Mr. WEINER), from the Committee on Rules, submitted a privileged report (Rept. No. 111-280) on the resolution (H. Res. 788) providing for consideration of the conference report to accompany the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARNEY (at the request of Mr. HOYER) for today and through October 13 on account of serving in active duty.

Mr. NEUGEBAUER (at the request of Mr. BOEHNER) for September 29 and the balance of the week on account of medical reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NYE) to revise and extend their remarks and include extraneous material:)

Mr. SNYDER, for 5 minutes, today.

Mr. NYE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 7.

Mr. JONES, for 5 minutes, October 7.

Mr. FORBES, for 5 minutes, today.

Mr. BROWN of Georgia, for 5 minutes, today.

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. JOHNSON of Georgia, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

## ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2131. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 2918. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3593. An act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

## ADJOURNMENT

Mr. WEINER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, October 1, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3865. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Decreased Assessment Rates [Doc. No. AMS-FV-09-0013; FV09-916/917-2 IFR] August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3866. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Peanut Promotion, Research, and Information Order; Section 610 Review [Doc. No.: AMS-FV-08-0110; FV-08-704], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3867. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Revision of Outgoing Quality Control Requirements [Doc. No.: AMS-FV-08-0045; FV08-981-2 IFR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3868. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R-1353] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3869. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Payments in Lieu of Low Income Housing Tax Credits [RIN: 1505-AC17] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3870. A letter from the Asst. Gen. Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule —

International Education Programs [Docket ID ED-2009-OPE-0002] (RIN: 1840-AC97) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3871. A letter from the Secretary, Department of Energy, transmitting a report entitled "Smart Grid System Report", pursuant to Public Law 110-140, section 1302; to the Committee on Energy and Commerce.

3872. A letter from the Acting Principal Deputy, Assistant Secretary — Indian Affairs, Department of the Interior, transmitting a proposed plan pursuant to a Settlement Agreement entered into by the U.S. Department of Justice and the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to 25 U.S.C. 1401; to the Committee on Natural Resources.

3873. A letter from the Controller, National Society Daughters of the American Revolution, transmitting the Audited Financial Statements of NSDAR for the Fiscal Year ended February 28, 2009, pursuant to Public Law 88-504; to the Committee on the Judiciary.

3874. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems Propeller Models B5JFR36C1101/114GCA-0, C5JFR36C1102/L114GCA-0, B5JFR36C1103/114HCA-0, and C5JFR36C1104/L114HCA-0 [Docket No.: FAA-2006-25173; Directorate Identifier 2006-NE-24-AD; Amendment 39-16021; AD 2009-19-04] (RIN: 2120-AA64) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3875. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Temporary Assistance for Needy Families (TANF) Carry-Over Funds (RIN: 0970-AC40) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3876. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualifying Advanced Energy Project Credit [Notice 2009-72] August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON  
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3224. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes (Rept. 111-276 Pt. 1). Ordered to be printed.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3045. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937, with an amendment (Rept. 111-277). Referred to the Committee of the Whole House on the State of the Union.

Mr. PASTOR: Committee of Conference. Conference report on H.R. 3183. A bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other

purposes (Rept. 111-278). Ordered to be printed.

Ms. DELAURO: Committee of Conference. Conference report on H.R. 2997. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-279). Ordered to be printed.

Ms. MATSUI: Committee on Rules. House Resolution 788. A resolution providing for consideration of the conference report to accompany the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-280). Referred to the House Calendar.

TIME LIMITATION OF REFERRED  
BILL PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2868. Referral to the Committees on Energy and Commerce and the Judiciary extended for a period ending not later than October 23, 2009.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DAVIS of Alabama (for himself, Ms. KILROY, Mr. ISRAEL, Mr. COURTNEY, and Mr. SCHIFF):

H.R. 3675. A bill to improve the quality and cost effectiveness of cancer care to Medicare beneficiaries by establishing a national demonstration project; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. MILLER of Florida, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. FLEMING, Mr. KINGSTON, Mr. AKIN, Mr. WAMP, Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. DEAL of Georgia, Mr. BISHOP of Utah, Mr. TIAHRT, Mr. MANZULLO, Mr. LAMBORN, Mrs. BACHMANN, Mr. CHAFFETZ, Mr. LUETKEMEYER, Mr. FRANKS of Arizona, Mr. BILBRAY, Mr. PITTS, and Mr. BARTLETT):

H.R. 3676. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make permanent the E-Verify Program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER:

H.R. 3677. A bill to provide relief payments to recipients of Social Security and railroad retirement benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.



By Mr. MICA (for himself, Mr. PETRI, Mr. BOYD, Mr. EHLERS, and Mr. GRAVES):

H.R. 3678. A bill to amend title 49, United States Code, to modify the authority of the Assistant Secretary of Homeland Security (Transportation Security Administration) to issue regulations and security directives using emergency procedures; to the Committee on Homeland Security.

By Ms. MCCOLLUM (for herself, Mr. STARK, Mr. GRIJALVA, Mr. McDERMOTT, Mr. ELLISON, Ms. LEE of California, Mr. OBEY, and Ms. WOOLSEY):

H.R. 3679. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote certain corporations or companies guilty of certain felony convictions; to the Committee on Oversight and Government Reform.

By Ms. BORDALLO (for herself, Mr. HONDA, Mr. FALCOMA, and Ms. HIRONO):

H.R. 3680. A bill to amend the Public Health Service Act to provide for health data regarding Native Hawaiians and other Pacific Islanders; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself and Mr. TIERNEY):

H.R. 3681. A bill to provide for minimum loss ratios for health insurance coverage; to the Committee on Energy and Commerce.

By Mr. MOORE of Kansas:

H.R. 3682. A bill to require telecommunications carriers to provide call location information to law enforcement agencies in emergency situations, to authorize education and training for State and local law enforcement agencies and officers with respect to the collection and use of call location information for emergency situations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself and Mr. KLINE of Minnesota):

H.R. 3683. A bill to amend the Elementary and Secondary Education Act of 1965 to establish the Teacher Incentive Fund Program, and for other purposes; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 3684. A bill to amend the Small Business Investment Act of 1958 to improve the New Markets Venture Capital Program and to establish an Angel Investment Program, and for other purposes; to the Committee on Small Business.

By Mr. STEARNS:

H.R. 3685. A bill to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website; to the Committee on Veterans' Affairs.

By Mr. TOWNS (for himself and Mr. WHITFIELD):

H.R. 3686. A bill to authorize appropriations for the Federal Trade Commission for certain international technical assistance activities; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H. Res. 785. A resolution authorizing the Committee on the Judiciary to inspect and

receive certain tax returns and tax return information for the purposes of its investigation into whether United States District Judge G. Thomas Porteous should be impeached, and for other purposes; to the Committee on Rules.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Mr. KLEIN of Florida, Mr. PERLMUTTER, Mr. SPRATT, Mr. DINGELL, Mr. HINOJOSA, Mr. KUCINICH, Mr. LUJAN, Ms. MARKEY of Colorado, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. SHEA-PORTER, Mr. THOMPSON of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. HONDA, Mr. HOLT, Mr. BILBRAY, Mr. McDERMOTT, Ms. MATSUI, Mr. BERRY, Mr. AL GREEN of Texas, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. YARMUTH, Ms. CLARKE, Ms. FUDGE, Ms. MOORE of Wisconsin, Ms. ZOE LOFGREN of California, Mr. SCHAUER, Mr. OLVER, Mr. HINCHAY, Mr. LIPINSKI, Mr. DEFazio, Mr. COURTNEY, Mr. BECERRA, Mr. PASTOR of Arizona, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. WALZ):

H. Res. 786. A resolution commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Mr. LOBIONDO, Mr. SPRATT, Mrs. LOWEY, Mr. GRIJALVA, Mr. BURTON of Indiana, Mr. ISRAEL, Mr. KIRK, Ms. SHEA-PORTER, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. PAYNE, Mr. LARSON of Connecticut, Mr. SMITH of New Jersey, Mr. WOLF, Mr. MOORE of Kansas, Mr. DINGELL, Ms. WASSERMAN SCHULTZ, Mr. MASSA, Mr. LATOURETTE, Mr. MCGOVERN, Ms. EDWARDS of Maryland, Ms. SCHAKOWSKY, Mr. MANZULLO, Mr. SMITH of Washington, Mr. HASTINGS of Florida, Mr. DOUGGETT, and Mr. HIMES):

H. Res. 787. A resolution expressing support for designation of October 13, 2009, as National Metastatic Breast Cancer Awareness Day; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

194. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 29 urging the President of the United States and the United States Congress to encourage and promote continued responsible exploration, development, and production of domestic oil and gas resources; to the Committee on Natural Resources.

195. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 7 urging the United States Congress to preserve its right to enact a law providing for the environmentally responsible exploration and development of oil and gas resources in the Arctic National Wildlife Refuge by not passing any legislation that designates land in Area 1002 of the Arctic National Wildlife Refuge as wilderness; to the Committee on Natural Resources.

196. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 24 memorializing the Congress of the United States to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration

and that the Alaska State Legislature is opposed to further wilderness or other restrictive designation in the area of the coastal plain; to the Committee on Natural Resources.

197. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 16 urging the Congress to support responsible development of the oil and gas resources in federal waters offshore of Alaska's coast as a means to ensure energy independence, security for the nation, and jobs for Alaskans; to the Committee on Natural Resources.

198. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 28 memorializing the Congress of the United States to recognize the sovereignty for the state under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 208: Ms. KOSMAS, Mr. BISHOP of New York, Mr. PRICE of North Carolina, Mr. BROWN of Georgia and Mr. BRIGHT.

H.R. 213: Ms. FOX.

H.R. 303: Mr. ADERHOLT, Mr. MACK, Mr. NYE, and Mr. CRENSHAW.

H.R. 333: Mr. ALEXANDER.

H.R. 413: Mr. CAPUANO, Mr. McDERMOTT, Mr. MINNICK, Mr. HIGGINS, Mr. BRADY of Pennsylvania, Ms. CHU, Mr. MCGOVERN, Mr. PERLMUTTER, Mr. CLEAVER, and Mr. GRIJALVA.

H.R. 460: Ms. LORETTA SANCHEZ of California.

H.R. 615: Ms. KILROY.

H.R. 635: Ms. KILROY.

H.R. 666: Mr. OLSON.

H.R. 690: Mr. CULBERSON and Mr. BUTTERFIELD.

H.R. 734: Mr. MILLER of Florida and Mr. GRAVES.

H.R. 761: Mr. ISRAEL.

H.R. 811: Mr. NYE.

H.R. 874: Mr. BOREN, Mr. CASSIDY, Ms. CHU, Mr. FALCOMA, Mr. AL GREEN of Texas, Mr. HILL, Ms. HIRONO, Mrs. KIRKPATRICK of Arizona, Mr. LATOURETTE, Mr. MASSA, Mr. MINNICK, Mr. MITCHELL, Mr. MURPHY of Connecticut, Mr. SABLON, Mr. SCHRADER, Ms. SHEA-PORTER, Ms. TITUS, and Mr. TONKO.

H.R. 1032: Mr. ROSS.

H.R. 1166: Mr. DELAHUNT.

H.R. 1182: Mr. ISSA, Mr. TURNER, Mr. YARMUTH, Mr. BERRY, Mr. THOMPSON of California, Mr. WELCH, Mr. COHEN, Mr. BISHOP of New York, Mr. COFFMAN of Colorado, and Mr. KLEIN of Florida.

H.R. 1207: Mr. DAVIS of Tennessee.

H.R. 1215: Mr. CAO.

H.R. 1230: Mr. MCCOTTER.

H.R. 1310: Mr. KAGEN.

H.R. 1326: Mr. PASCRELL and Mr. HOLT.

H.R. 1443: Mr. HOLT.

H.R. 1584: Mr. BONNER.

H.R. 1599: Mrs. MCMORRIS RODGERS.

H.R. 1623: Mr. BILBRAY and Mr. NYE.

H.R. 1645: Ms. WATERS.

H.R. 1699: Mr. SESTAK.

H.R. 1791: Mr. CAO.

H.R. 1864: Mr. KLEIN of Florida.

H.R. 1868: Mr. TIM MURPHY of Pennsylvania and Mr. OLSON.

H.R. 1925: Mr. MAFFEI, Mr. ENGEL, Mr. ANDREWS, Mr. HALL of New York, Ms. DEGETTE,

Mr. LARSEN of Washington, Ms. VELÁZQUEZ, Mr. SCOTT of Georgia, Mr. WALZ, and Mr. ADLER of New Jersey.

H.R. 1941: Mr. SPRATT.

H.R. 1970: Mr. BOCCIERI.

H.R. 1993: Mr. WELCH, Mr. SCHIFF, and Mr. DONNELLY of Indiana.

H.R. 2017: Mrs. NAPOLITANO, Mr. BURTON of Indiana, Mr. CAO, and Mr. ALEXANDER.

H.R. 2103: Ms. HIRONO.

H.R. 2135: Mr. MORAN of Kansas.

H.R. 2137: Mr. GRAYSON and Mr. QUIGLEY.

H.R. 2149: Mr. COOPER.

H.R. 2160: Mr. ROHRBACHER, and Mr. GARRETT of New Jersey.

H.R. 2209: Mr. ROONEY.

H.R. 2243: Mr. ALEXANDER.

H.R. 2349: Mr. WALZ and Mr. KENNEDY.

H.R. 2358: Ms. GIFFORDS.

H.R. 2408: Ms. BALDWIN.

H.R. 2421: Mr. JOHNSON of Illinois, Mr. KILDEE, and Mr. SHADEGG.

H.R. 2429: Mr. MITCHELL.

H.R. 2452: Mr. LEWIS of Georgia, Mr. NYE, and Mr. ROONEY.

H.R. 2476: Mr. CHAFFETZ and Mr. FARR.

H.R. 2483: Mr. LEE of New York.

H.R. 2515: Mr. SABLAN.

H.R. 2563: Mr. REHBERG and Mr. CARDOZA.

H.R. 2567: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2672: Mr. MASSA.

H.R. 2695: Mr. HALL of Texas and Mr. SHULER.

H.R. 2756: Mr. PETRI and Mr. WU.

H.R. 2766: Ms. HIRONO.

H.R. 2842: Mr. BOEHNER.

H.R. 2866: Mr. SARBANES.

H.R. 2879: Mr. LUJÁN.

H.R. 2932: Ms. RICHARDSON, Mr. STARK, and Mr. BACA.

H.R. 2941: Mr. ALTMIRE.

H.R. 3012: Mr. SPACE.

H.R. 3092: Ms. BALDWIN.

H.R. 3098: Mr. SESTAK.

H.R. 3101: Mr. KANJORSKI and Mr. HINCHEY.

H.R. 3110: Mr. FORBES.

H.R. 3240: Mrs. BLACKBURN, Mr. SOUDER, Mr. MORAN of Virginia, Mr. DUNCAN, Mrs.

McMORRIS RODGERS, Mr. BURTON of Indiana, Mrs. EMERSON, Mr. MAFFEI, Mr. DANIEL E. LUNGREN of California, and Mr. FRANKS of Arizona.

H.R. 3340: Mrs. MALONEY.

H.R. 3356: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3359: Ms. LINDA T. SÁNCHEZ of California, Ms. MATSUI, and Mr. RUPPERSBERGER.

H.R. 3375: Mr. MASSA.

H.R. 3403: Mr. FARR.

H.R. 3407: Mr. OBERSTAR and Mr. LATOURRETTE.

H.R. 3427: Mrs. HALVORSON and Mr. KIRK.

H.R. 3448: Mr. CHAFFETZ.

H.R. 3458: Mr. INSLEE and Mr. HINCHEY.

H.R. 3472: Mr. SMITH of Washington, Ms. KOSMAS, and Ms. TSONGAS.

H.R. 3522: Mr. FILNER.

H.R. 3554: Mr. KAGEN and Mr. LATHAM.

H.R. 3594: Mr. FRANKS of Arizona, Mr. LUETKEMEYER, Mr. HERGER, Mr. MANZULLO,

Mr. CONAWAY and Mr. ISSA.

H.R. 3596: Mr. ABERCROMBIE.

H.R. 3608: Mr. REHBERG.

H.R. 3611: Mr. LUETKEMEYER, Mr. HERGER, Ms. FALLIN, and Mr. LAMBORN.

H.R. 3612: Mr. CHAFFETZ and Ms. FALLIN.

H.R. 3613: Mr. CULBERSON and Mr. CHAFFETZ.

H.R. 3625: Mr. HIMES.

H.R. 3650: Ms. PINGREE of Maine.

H.R. 3663: Mr. DAVIS of Kentucky and Mr. JONES.

H.R. 3671: Mr. HARE.

H.R. 3674: Mr. OBERSTAR.

H. Con. Res. 149: Mr. KLINE of Minnesota.

H. Con. Res. 151: Mr. MCGOVERN and Mr. JOHNSON of Georgia.

H. Con. Res. 160: Mrs. MALONEY, Mr. ROE of Tennessee, Mr. THOMPSON of California, Mr. BOSWELL, and Mr. GUTHRIE.

H. Con. Res. 170: Mr. DAVIS of Kentucky and Mr. YOUNG of Alaska.

H. Con. Res. 185: Mr. BACHUS, Mr. BLUNT, Mr. BUCHANAN, Mr. BURGESS, Mr. CAMP, Mr. DENT, Mr. FORBES, Mr. FRELINGHUYSEN, Mr. ISSA, Mr. JOHNSON of Illinois, Mr. JONES, Mr.

LUCAS, Mr. MCCOTTER, Mr. MICA, Mr. MILLER of Florida, Mr. PUTNAM, Mr. REICHERT, Mr. ROSKAM, Mr. YOUNG of Alaska, and Mr. HASTINGS of Washington.

H. Res. 255: Mr. STARK.

H. Res. 554: Mr. ROGERS of Michigan, Mr. KISSELL, Mr. TURNER, Mr. SMITH of New Jersey, Mr. MASSA, Mr. GRIFFITH, Mr. YOUNG of Alaska, Mr. INGLIS, Mr. GERLACH, and Mr. WILSON of South Carolina.

H. Res. 627: Mr. LAMBORN.

H. Res. 700: Mr. POLIS of Colorado.

H. Res. 715: Mr. GALLEGLY.

H. Res. 721: Mr. MORAN of Kansas, Mr. MILLER of Florida, and Mr. BARTON of Texas.

H. Res. 727: Mr. WITTMAN, Mr. RADANOVICH, Mr. SMITH of New Jersey, Mr. BERRY, Mr. WILSON of South Carolina, and Mrs. BLACKBURN.

H. Res. 729: Mr. BOOZMAN.

H. Res. 736: Mr. TURNER and Mr. FORTENBERRY.

H. Res. 739: Mr. EDWARDS of Texas.

H. Res. 748: Mr. LUETKEMEYER and Ms. FALLIN.

H. Res. 749: Mr. POSEY.

H. Res. 756: Mr. HARPER and Mr. LAMBORN.

H. Res. 763: Mr. LAMBORN.

H. Res. 768: Ms. SCHAKOWSKY.

H. Res. 782: Mr. FILNER, Mr. ROSS, Mr. WEXLER, Ms. NORTON, Mr. POLIS of Colorado, Mr. SIRES, Mr. FATTAH, Mr. DEAL of Georgia, Mr. SKELTON, Mr. WESTMORELAND, and Mr. KINGSTON.

#### PETITIONS, ETC.

Under clause 1 of rule XXII:

71. The SPEAKER presented a petition of City Council, City of Pensacola, relative to Resolution No. 15-09 reaffirming the City's Opposition to Offshore mineral Exploration and Extraction; which was referred to the Committee on Natural Resources.

## EXTENSIONS OF REMARKS

PAUL "RED" FAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. PELOSI. Madam Speaker, last week the Bay Area lost a fourth-generation San Franciscan and a proud American, Paul "Red" Fay.

Over his long life, Red was a devoted public servant, a successful entrepreneur, and a noted philanthropist. Above all, Red was a much-beloved friend to many. He was a man of great humor and an indefatigably good spirit.

Red became a close confidant of President Kennedy when they served together in the Navy during World War II. He worked on all of the President's political campaigns, and was an usher at the President's wedding. He was proud to serve as Undersecretary of the Navy in the Kennedy Administration. Their friendship lasted until President Kennedy's death.

Red was a successful entrepreneur, leading the Fay Improvement Co., his family-owned contracting business and a successful investment firm.

Mr. Fay was a generous supporter of many worthy causes. Proud of his Irish heritage, he was a champion of the American Ireland Fund. He donated his time to the Robert Odell Foundation and the Robert F. Kennedy Foundation. But the cause he devoted the most to was Youth Tennis Advantage, which helped teach underprivileged children the game of tennis that Red enjoyed so much.

Red is survived by his beloved wife of 62 years, Anita, his three children, Paul, Katherine and Sally, and seven grandchildren. I hope it is a comfort to them that so many people are mourning their loss and praying for them at this sad time.

HONORING SHERIFF BILL  
KOLENDER

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to honor Bill Kolender, a distinguished public servant, lifelong law enforcement official and well-respected and recently retired Sheriff of San Diego County.

After growing up in Chicago, Bill Kolender found his way to San Diego. In 1964, he earned a Bachelor of Arts in Urban Affairs and Public Administration from San Diego State University, which wisely honored him as its outstanding alumnus in 1985. It was one of many well-deserved awards he received during his 13 years of service as Chief of Police for the San Diego Police Department.

Although he retired from the San Diego Police Department in 1988, Bill Kolender remained in the public eye and continued to serve the public good. In 1991, Governor Pete Wilson appointed Bill to serve as Director of the California Youth Authority (CYA), the largest youth correctional agency in the nation. I remember hearing him speak eloquently of the young people whose lives he touched and how engaged he was in their rehabilitation.

His passion for public safety remained strong and his commitment to San Diego never faltered. Before long, Bill decided to run for sheriff. He was elected by the people of San Diego County to serve as their 28th Sheriff, a position he assumed in 1995. He was re-elected three times.

Serving as Sheriff of San Diego County is no small task. His responsibilities were many. As Sheriff, Bill led over 4,000 employees, oversaw a \$500 million budget, and successfully operated 7 detention facilities and 11 court facilities. He led by example and administered justice in a firm, but fair, manner. He never sought to exploit a situation or to use another's tragedy to promote a personal agenda. Instead, he worked tirelessly to protect the people of San Diego.

As Sheriff, Bill served as the de facto police chief for 9 of the 18 cities in San Diego County that contracted the services of his office. Bill Kolender was, in short, the chief law enforcement officer for much of San Diego County. It was here, in law enforcement, that he truly shined. When Bill retired earlier this year, crime in San Diego County was at a 25-year low. Across the board and across the county, San Diego is safer thanks to Bill Kolender. In nearly every category, and in nearly every city, crime is down.

As a former police chief, Bill understood that criminals do not respect city boundaries. By working cooperatively, Sheriff Kolender brought together leaders of federal, state, and local law enforcement agencies to create multi-jurisdictional task forces that successfully shared information and strategies to fight crime and to reduce it.

Those who understand this issue—whether they serve in public safety, in elected office or in academics—credit Bill Kolender for ushering in an era of cooperation between law enforcement agencies across the county. Bill Kolender was the leader who brought these different agencies together to make all of San Diego safer.

I am not the first to honor Sheriff Bill Kolender, and I will not be the last. But I am proud to add my voice to the chorus of those singing his praises because the accolades are well deserved. Thanks to Bill Kolender, San Diego is not only America's finest city, it is one of America's safest cities.

NATIONAL PREPAREDNESS MONTH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. LORETTA SANCHEZ of California. Madam Speaker, as Vice-Chair of the House Homeland Security Committee, I am working to ensure that our country and communities have the resources they need to respond to all types of disasters.

I was happy to see that Secretary of Homeland Security Napolitano designated September as National Preparedness Month, and that the Department of Homeland Security is offering resources and classes to ensure our citizens are prepared to handle disasters.

In classrooms and at community events around the country, Americans are learning how to prepare their family for potential disasters.

In California, this type of outreach and education has become especially critical for ensuring that our citizens are able to stay safe during the massive and frequent Southern California wildfires.

I am also a proud cosponsor of H. Res 731, which was introduced by Congresswoman YVETTE CLARKE, and commends our first responders and local law enforcement.

These men and women are on the frontlines every day, preventing disasters, educating the public on preparedness, and assisting in response efforts.

I urge all Americans to continue the spirit of national preparedness month beyond September by taking an active role in making sure all of our families and communities are prepared for natural or man-made disasters.

HEAVEN HOLDS A PLACE—A TRIBUTE  
TO SENATOR EDWARD KENNEDY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. MEEK of Florida. Madam Speaker, I rise today with a poetic tribute penned by Albert Carey Caswell in honor of and in memory of a truly great American.

HEAVEN HOLDS A PLACE

Heaven holds a place!

For all of those whom have so held such faith!

Who, no matter how dark the days . . .

Somehow, always so kept pace!

Heaven holds a place!

For such men of love and grace . . .

Who all the while, somehow always kept their smile . . .

No matter the darkest of days!

All in what, they so faced . . .

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Yes, Heaven so holds a place!  
 For men of peace, and of such grace!  
 Who have so fought for the poor, the sick,  
 and the old each day!  
 Heaven, so holds a place!  
 For those who gave warmth, even though the  
 wind's turned cold they faced . . .  
 For all those who have so loved children, our  
 Lord God so holds a special place!  
 For a 77 year old man, who with the heart of  
 a child who would stand . . .  
 Who somehow ever wore a smile!  
 Who touched all those around him, all the  
 while!  
 Yes, Teddy . . . Heaven so holds a place!  
 For heroes like you, who had to wipe those  
 tears from your face!  
 Holding a family together, with an of your  
 courage and grace!  
 Yes, for you Ted . . . Heaven so holds a  
 place!  
 For men who have so fallen from grace . . .  
 And, but asked for redemption, and so  
 prayed and prayed . . .  
 As our Lord so heard you calling, calling  
 night and day . . .  
 As such burdens, upon your own soul you  
 placed!  
 As for redemption you so prayed!  
 Men who have taught love, not hate!  
 Why, Heaven so holds a place!  
 Who in the darkness cried out such tears, as  
 the new day they faced . . .  
 For all those with hearts like of a lion . . .  
 Who for mankind, never stopped trying!  
 For you see, such things . . . time can not so  
 erase!  
 And for such men, Heaven so holds a place!  
 In loving memory of Senator Edward M.  
 Kennedy. May God bless you and your  
 family . . .

#### INTRODUCING LEGISLATION AUTHORIZING THE FEDERAL TRADE COMMISSION TO CONDUCT INTERNATIONAL TECHNICAL ASSISTANCE ACTIVITIES

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. TOWNS. Madam Speaker, I am pleased today to join my friend and colleague from Kentucky, Congressman WHITFIELD, in introducing legislation authorizing the Federal Trade Commission to conduct international technical assistance activities.

On April 2, 2007, The Antitrust Modernization Commission, a non-partisan Commission established by an act of Congress, submitted a report to Congress and the President, containing a comprehensive set of recommendations for modernization of our nation's antitrust laws. Included in the report was a recommendation that Congress "provide budgetary authority, as well as appropriations, directly to the Federal Trade Commission and the Antitrust Division of the Department of Justice to provide international antitrust technical assistance."

While recognizing that progress has been made toward convergence, or standardization, of antitrust laws from country-to-country, in discussing the need for Congress to authorize and fund technical assistance activities, the Commission pointed to three primary reasons

for the need of for a sustained technical assistance program. The Commission concluded that: "First, companies may be subject to conflicting and inconsistent laws, creating uncertainty as to the legal standards applicable to their business arrangements. Second, companies must comply with the procedural requirements of multiple jurisdictions, potentially increasing their costs significantly, particularly with respect to notification requirements for mergers. Third, different countries may ultimately impose different, and inconsistent, remedies with respect to the same conduct or transaction."

Technical assistance programming involves sending antitrust experts from U.S. agencies with institutional expertise in the regulation and enforcement of antitrust laws to foreign capitols to provide guidance and consultation to their foreign counterparts in the development, implementation and enforcement of antitrust law.

As noted in the Antitrust Modernization Commission Report, "the DoJ and FTC provide extensive technical assistance to nascent competition law regimes." Funding for such technical assistance programming is derived from USAID. USAID, a foreign aid agency of the Department of State, has as its mission to foster democracy, economic growth and human health in developing nations through a variety of means, including food aid, infrastructure construction, training, and technical assistance across a number of public policy and legal areas, including competition policy. As the Commission notes, "FTC and DoJ requests for limited USAID funding to support antitrust training efforts accordingly compete with others' demands for basic needs such as food and healthcare support."

As a result of these competing demands, technical assistance funding to DoJ and the FTC is severely limited and inconsistent from year-to-year. The limited and inconsistent nature of USAID funding for technical assistance presents unique challenges for the agencies involved. According to a University of Missouri study by D. Daniel Sokol and Kyle W. Stiegert, entitled "An Empirical Evaluation of Long Term Advisors and Short Term Interventions in Technical Assistance" there are generally two types of technical assistance activities, long term advisors (LTA) and short term interventions (STI). "LTAs are advisors that spend an extended time period working in-country with a recipient antitrust agency. STIs are technical assistance interventions based on a "discrete set of issues including concentrated programs that simulate investigations of competition cases, training for judges, or other inputs." Both approaches involve the commitment of highly skilled and specialized agency staff. Absent a clear and dedicated funding source for technical assistance activities, agencies are reluctant to commit such resources to building out a robust technical assistance program and to dedicate staff to technical assistance activities.

There are other limitations inherent in USAID as the funding source for technical assistance activities that are driven primarily by the mission and foreign aid restrictions placed on the agency. By definition, USAID's mission is to work with emerging democracies and economies. While this mission is important,

the countries that receive foreign assistance from USAID, including technical assistance training in whatever form, generally are not those where U.S. businesses are increasingly encountering problems with domestic barriers to entry for trade—countries such as Brazil, India, South Korea and China, which are deemed to be too developed to qualify for USAID assistance. China exemplifies another limitation on use of USAID funding for technical assistance. Because of the nature of Chinese government, it is illegal to provide US foreign aid to China. As a result, even if USAID was inclined to provide funding for technical assistance programming in China, it would be prohibited by law from doing so.

With the rapid proliferation of antitrust enforcement regimes around the globe, the future of international commerce is no longer about classic market access issues like tariffs and quotas. The debate is increasingly about divergent regulations and other so-called "in-country barriers" to trade. These in-country barriers to entry make it increasingly difficult for U.S. companies to compete effectively around the world. While technical assistance training, alone, will not solve these highly complex problems, its approach, based on trust building, education and cooperation, represents one very important tool to addressing the challenge of international standardization of antitrust laws and competition policy regimes.

#### HONORING THE FORT WORTH ZOO ON ITS 100TH ANNIVERSARY

#### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. GRANGER. Madam Speaker, I rise today to recognize the 100th anniversary of the Fort Worth Zoo, the oldest zoo in Texas.

This nationally renowned zoological park opened in Trinity Park in 1909 with just two bears, a lion, a coyote, an alligator, a peacock, and a few rabbits. Today, it is home to over 5,000 exotic and native animals.

The Zoo moved to its present home in Forest Park in 1912 after flooding from the Trinity River killed all of the animals. The first permanent structure was built to house Queen Tut, the Zoo's first Asian elephant.

The Zoo's early years saw many changes. In 1924, amusement rides were added. This included the Zoo train, which is still in use today. Throughout the 1930s, many improvements were made to include additional exhibits. In the 1940s, another elephant was added, as well as a hippo. The 1950s brought exciting changes. The Zoo not only formed the Fort Worth Zoological Association, but the aquarium opened with 100 tanks and 400 species. The herpetarium was added in 1960. The 1980s and 1990s included the opening of the Asian elephant breeding facility, the World of Primates, Asian Falls, and numerous exhibits featuring animals such as penguins, meerkats, koalas, and flamingos. The eight-acre Texas Wild! Complex opened in 2001 and showcases seven separate exhibits with animals that are all native to our great state.

The future is bright with the planned Museum of Living Art, which will house amphibians and reptiles. It will also serve as an educational facility so that visitors can learn about wildlife conservation.

All of these incredible additions have made the Fort Worth Zoo one of the most popular attractions locally, as well as a destination for people from across the United States.

Madam Speaker, it is my honor to recognize the Fort Worth Zoo on its 100th anniversary and to offer my sincere congratulations to an outstanding facility and its staff that have provided countless memories to children and adults over the years.

**A PROCLAMATION HONORING  
ZACK BAKER FOR WINNING THE  
BOYS' DIVISION III STATE BASE-  
BALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Zack Baker showed hard work and dedication to the sport of baseball; and

Whereas, Zack Baker was a supportive team player; and

Whereas, Zack Baker always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Zack Baker on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

**RECOGNIZING THE NIGHT  
MINISTRY**

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of The Night Ministry and their Response Ability Pregnant and Parenting Program, a program that is devoted to providing supportive services to pregnant and parenting homeless teens to strengthen family support systems, reduce subsequent pregnancies, keep teens in school, improve parenting skills and increase the safety and stability in their living situations.

The Night Ministry's RAPP Program is this year's recipient of the Healthy Teen Network's National Outstanding Emerging Innovation Program Award. This award is given out annually to a program that has demonstrated commitment to the prevention of teen pregnancy or excellence in teen pregnancy and parenting services. The RAPP Program assists teen parents while focusing on both short- and long-term goals such as medical and mental health care, acquiring stable housing, vocational training, accessing public aid and general assistance by offering services in the community

and at the eight-bed, eight-crib Open Door Shelter in Lake View.

The Night Ministry's RAPP Program assists homeless teens while they deal with the stresses and strains of pregnancy and parenting. I am proud to recognize the hard work, ingenuity and charity of The Night Ministry as the RAPP Program continues to improve teenager's lives and the prospects of their futures.

**ACORN DESERVES EQUAL JUSTICE  
UNDER THE LAW**

**HON. CAROLYN C. KILPATRICK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. KILPATRICK of Michigan. Madam Speaker, I oppose the final version of the Legislative Branch Appropriations bill, which includes language that would ban funding for the Association of Community Organizations for Reform Now (ACORN). While ACORN has fallen under media scrutiny for actions reported by the media, no criminal charges have been filed against ACORN, no indictment has been reached against ACORN, and no trial by jury has taken place regarding ACORN.

I support an investigation of ACORN, and ACORN has already moved forward with an objective, unbiased investigation of these allegations. Instead of acting on factual data, Congress is reacting based on media reports of alleged wrongdoing. All Americans have the presumption of innocence. With this vote, Congress has ignored this presumption, and the Constitution, as well. This vote against ACORN—or any liberal, conservative, or independent organization without merit—is wrong. In these economically and socially difficult times, Congress must utilize leadership, reason, sense, and sanity. This vote is not sound leadership, and it is not what the American people expect or need.

Congress should not, and must not, start punishing individuals, businesses, or groups without a fair trial. Congress must not assume guilt based on media reports, Internet chat rooms, or anything less than a complete and full investigation of the facts by the appropriate law enforcement agency. Some Members of Congress have even questioned the Constitutionality of Congress' refusing funds to inflict punishment on individuals without a fair trial. While I am not an expert on the Constitution, I do know that we must protect the rights of all individuals. The language in this bill, which would ban federal funds for ACORN for the length of any Continuing Budget Resolution, is wrong. It is wrong to punish organizations or individuals without a trial, and it is wrong because it totally obscures the good work that groups like ACORN have done for years. It is wrong because Congress must lead and not follow.

ACORN has operated for almost 20 years fighting for poor people. The organization has registered voters and attained housing for low income individuals and families.

This vote sets a very chilling precedent of acting first and asking questions or investigating later. I do not know the merits, or lack thereof, of ACORN's alleged wrongdoing. I do

know that when Congress acts without the complete set of facts and does not consider the ramifications that this precedent sets, it hurts all Americans.

**A PROCLAMATION HONORING  
TREY PORTER FOR WINNING  
THE BOYS' DIVISION III STATE  
BASEBALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Trey Porter showed hard work and dedication to the sport of baseball; and

Whereas, Trey Porter was a supportive team player; and

Whereas, Trey Porter always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Trey Porter on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

**EXPRESSING CONDOLENCES AND  
CELEBRATING THE LIFE OF  
JUDGE JERRY BUCHMEYER**

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor a trail-blazing legal mind that changed the face of public housing and city elections, The Honorable Jerry Buchmeyer.

Judge Buchmeyer, a retired U.S. District judge, was first appointed to the bench by President Jimmy Carter in 1979. His unwavering pursuit of fairness, in spite of the discriminatory practices that prevailed during this era, led to laws being changed in the name of equality. Most notably, his work with public housing desegregation allowed lower income individuals access to neighborhoods once denied to them because of racial grounds.

As a Representative from the Dallas area, I appreciate Judge Buchmeyer's contribution to fair housing in addition to city elections. It is important to note that in the early 1990s the Judge ordered an election system that required more single-member districts which increased the opportunity for fair representation city-wide.

As much as he was known as a proponent of equality and fairness, he was also known for his great sense of humor and legal wit. I urge my colleagues to join me in expressing condolences and celebrating the life of Judge Jerry Buchmeyer.

# HONORING CONDUCTOR ERICH KUNZEL

## HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. LARSON of Connecticut. Madam Speaker, I rise today to honor a great loss in the world of music. I ask that this tribute penned by Albert Caswell of the Capitol Guide Service be placed in the Congressional Record. The Conductor Erich Kunzel, known as "The Prince of Pops," was always a colorful showman who sold well over ten million recordings and for over two decades conducted the National Symphony on Memorial Day and Fourth of July concerts at the United States Capitol in Washington. As the founding conductor, he has directed the Cincinnati Pops Orchestra since its inception in 1977. He will be missed.

### ORCHESTRATING A LIFE

Orchestrating, a life . . .  
The beats and measures, that which now forever so burn bright . . .  
All in the rhythms of our lives . . .  
Are all of those songs which we now so leave behind . . .  
Are all of those beats of our lives so in time . . .  
Composing, something so sublime . . .  
All in how we lead, all in these our lifetimes . . .  
Composed, all in these our short lives . . .  
In this, The Symphony of our lives . . .  
which we so now leave behind!  
Of this the leader of The Band, so very fine . . .  
As Erich, you so stood there so waving your baton . . .  
All in what you so invoked, so inspired, so beautiful we now so find . . .  
Such emotion and masterpieces, with such rhyme . . .  
As one of the greatest of all Maestros of our time . . .  
As why Erich, for you the violins now so cry . . .  
And the drums so beat, for you now that you've died . . .  
As that lone bugle plays taps, one last time . . .  
Thinking of you, the smiles and the tears we now so find . . .  
Of a gentle warm man, so very kind . . .  
All because of the life you so conducted, which now so comes to mind . . .  
Like a great symphony Erich, what you so orchestrated all in your time . . .  
Thinking of you, we hear a rhapsody in blue . . . and now so cry . . .  
Knowing, that we have so lost such a wonderful guy . . .  
But life, has only so many beats . . . and measures to define . . .  
What it is, that we have so left behind . . .  
All in what we have so composed, all in these our times . . .  
Magnifica, Maestro as is your life's Masterpiece so very fine!  
And now, Erich . . . there is music in Heaven so sublime . . .  
All because of the kind of life, that you have so orchestrated in your time!  
In heaven now, waving his baton . . .

# A PROCLAMATION HONORING TANNER ECKSTEIN FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

## HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Tanner Eckstein showed hard work and dedication to the sport of baseball; and

Whereas, Tanner Eckstein was a supportive team player; and

Whereas, Tanner Eckstein always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Tanner Eckstein on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

### PERSONAL EXPLANATION

## HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. ORTIZ. Madam Speaker, on September 29, 2009, my flight to Washington, DC, was delayed because of inclement weather, and I missed rollcall vote No. 740. If I had been present, I would have voted "yea."

### TRIBUTE TO MR. LESLIE M. GREEN

## HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to one of America's unsung heroes, Mr. Leslie M. Green. Mr. Green is a retired Corporal of the 118th Army Air Forces Base Unit who has recently celebrated his 90th birthday. He is an ordinary man who has led an extraordinary life, one that deserves our recognition.

Leslie Green was born in East Point, Georgia on August 14, 1919. He was educated in the only high school available to him at the time, the all-black Booker T. Washington High School in Atlanta. After graduation, he worked on the family farm and in his father's business, which was unusual at the time. However, Leslie was drafted into the United States Army at Fort Benning, Georgia, in 1941, and was sent to New Orleans for basic training with the 9th Aviation Squadron.

After basic training, he was sent to Maxwell Field in Tuskegee, Alabama, where he received on-the-job training in aircraft maintenance. He became an aircraft crew chief with the rank of Corporal. For his outstanding work,

Corporal Green received the American Defense Ribbon, the American Theater Ribbon, Good Conduct Ribbon and the World War II Victory Medal. He was discharged in 1945.

Madam Speaker, there have been many honors and recognitions bestowed upon the pilots known as the Tuskegee Airmen. However, the crews that supplied and serviced these pilots and their aircraft have gone unnoticed by comparison. I want to take this opportunity to thank Corporal Leslie Green and all of his fellow crew members. Our country owes them a debt of gratitude for their role in the remarkable success of the Tuskegee Airmen.

However, his military service is not the only extraordinary aspect of Leslie Green's life. Upon his discharge from the Army, Mr. Green joined his brother in Detroit, Michigan where they opened the first barber school in the city. Mr. Green served as an instructor and helped operate this successful business until 1985. In 1991, he returned to his roots in East Point, Georgia.

Yet Mr. Green knew he wanted to accomplish even more in his life. During most of his adulthood, he had been overweight. His weight led to diabetes, high blood pressure, high cholesterol, and arthritis. Mr. Green knew he had to get his weight under control to improve his quality of life. He changed his diet and started working out in the fitness center. Over time, he was able to lose seventy pounds, wean himself off insulin, and reduce his other medications. Today he exercises in the fitness center nearly every day serving as a positive example at ninety years old to those much younger. He is an ambassador for healthy living and a motivator for countless people in his community.

Madam Speaker, I ask my colleagues to join me today in recognizing Mr. Leslie Green's lifetime of achievement. This ordinary man has spent his life doing extraordinary things. He is a war hero, an entrepreneur, and a role model for healthy living. Mr. Green has never met a challenge he wasn't willing to take on wholeheartedly. Through hard work and dedication, he has succeeded time and again. He is a testament to American dedication and ingenuity. I applaud Mr. Leslie Green, and wish him a belated happy 90th birthday.

### HONORING LORI WEINSTEIN AS AN ANGEL IN ADOPTION

## HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. VAN HOLLEN. Madam Speaker, I am honored to recognize Lori Weinstein as a 2009 Angel in Adoption for her exceptional work in Montgomery County, Maryland's Health and Human Services Department. Lori has served as a social worker in Montgomery County Child Welfare for 21 years and has been involved in Adoption Services since 1991. She has been instrumental in finding permanent loving homes for more than 160 children.

Lori is a tireless advocate on behalf of the children with whom she works. She ensures that the clinical needs of her children are met

and she works with families to resolve difficulties that arise during the adoption process. Indeed, she is known for her adept handling of conflicts that arise from cultural differences. Thanks to her exceptional skills and professionalism, many families have specifically requested Lori's assistance in the adoption process.

Lori is also dedicated to finding ways to improve the systems for handling adoption cases. For example, she developed a database system that better facilitates adoptions by carefully tracking milestones. Lori is known as a respected leader by her colleagues and others working on adoptions in Montgomery County.

Lori's compassion, determination and commitment to her important work have made her a true Angel to countless children and families. I am pleased to name Lori Weinstein a 2009 Angel in Adoption.

**A PROCLAMATION HONORING SHANNON MCCOMB FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Shannon McComb showed hard work and dedication to the sport of baseball; and

Whereas, Shannon McComb was a supportive coach; and

Whereas, Shannon McComb always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Shannon McComb on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

**PERSONAL EXPLANATION**

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. PENCE. Madam Speaker, I rise to state for the RECORD that I was unavoidably absent and unable to vote on rollcall votes 740, 741, and 742. Had I been present, I would have voted "aye" on Nos. 741 and 742, and "nay" on No. 740.

**PERSONAL EXPLANATION**

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SMITH of Washington. Madam Speaker, yesterday evening, I was unfortunately de-

tained and missed the recorded vote on the motion to suspend the rules and pass, as amended, H.R. 905, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act. Had I been present, I would have voted "yes" on rollcall vote No. 740.

**HONORING THE HISTORICAL CONTRIBUTIONS OF CATHOLIC SISTERS IN THE UNITED STATES**

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. MCCOLLUM. Madam Speaker, I rise in strong support of this resolution to honor the historical contributions of Catholic sisters in the United States.

In 1727, nine Ursuline Sisters from France arrived in New Orleans to live and work. Since then, Catholic sisters have contributed to the vitality of this country through their dedication to education, health, and social justice. Today the approximately 59,000 Catholic sisters in the U.S. continue to educate our youth, nurse the sick, and serve the most vulnerable in our society.

Catholic sisters have provided a well-rounded education to millions of students across the U.S. They established the nation's largest private school system and founded more than 110 colleges and universities. Attending an all day Catholic kindergarten gave me a strong start in my own education. Later, I attended the College of St. Catherine in St. Paul, now St. Catherine's University. It was founded by the Sisters of St. Joseph of Carondelet in 1905 and for more than 100 years has educated students of diverse ages and backgrounds in a tradition of the liberal arts and social justice. At St. Catherine's, I had the opportunity to student teach at St. Luke's Catholic School in St. Paul and worked with educators who enriched students' lives through academics and spiritual development.

As the United States expanded westward, Catholic sisters not only built schools but also established hospitals and other charitable organizations. St. Paul is home to Minnesota's first hospital—St. Joseph's. It was founded by the Sisters of St. Joseph of Carondelet in 1853 in response to the cholera epidemic afflicting the Minnesota territory. My two children were born at St. Joseph's and to this day this hospital provides quality care to the people of Minnesota's Fourth Congressional District.

It is with gratitude for their commitment and efforts that I rise to thank Catholic sisters for their valuable contributions to our nation.

**A PROCLAMATION HONORING MIKE SMITH FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Mike Smith showed hard work and dedication to the sport of baseball; and

Whereas, Mike Smith was a supportive team player; and

Whereas, Mike Smith always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Mike Smith on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

**PERSONAL EXPLANATION**

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Tuesday, September 29, 2009.

Had I been present, I would have voted "no" on rollcall vote No. 740 (on motion to suspend the rules and agree to H.R. 905), "aye" on rollcall vote No. 741 (on motion to suspend the rules and agree to H. Res. 16), "aye" on rollcall vote No. 742 (on motion to instruct conferees on H.R. 2997).

**A TRIBUTE TO SHERWIN-WILLIAMS PAINT COMPANY IN GARLAND**

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to honor an exceptional group of people at a superb company, Sherwin-Williams, in Garland, Texas.

This summer Sherwin-Williams in Garland marked two special-milestones—50 years of service and their historic 1 billionth gallon of paint produced at the nation's largest paint plant.

Founded in 1958, the plant opened with a production starting at 4 million gallons of paint a year. The company has grown to produce, on average, 20 million gallons a year. That translates to roughly 125 gallons per minute, 7,500 per hour, or 180,000 per day. The Garland plant now boasts 235 associates who work three shifts seven days a week.

With 1 billion gallons and a 4-inch paint brush you could: circle the earth 9,200 times; make 480 round trips of the moon; travel to Mars and back three times; cover Maryland and Delaware; paint the Golden Gate Bridge 21,000 times; paint the Empire State Building 72,000 times; paint the length of the Great Wall of China 2,400 times; or fill the Houston Astrodome 53 times.

Founded in 1866, the Sherwin-Williams Company is a global leader in the manufacture, development, distribution, and sale of coatings and related products to professional

industrial commercial and retail customers. The company manufactures products under well-known brands such as Sherwin-Williams®, Dutch Boy®, Krylon®, Minwax®, Thompson's® Water Seal®, and many more.

The folks at Sherwin-Williams Garland have achieved great things for their community, their industry and their company. Thank you and congratulations on your remarkable achievements. For your landmark milestones, I salute you.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 1, 2009 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### OCTOBER 2

9:30 a.m.

##### Joint Economic Committee

To hold hearings to examine the employment situation for September 2009.

SD-106

##### OCTOBER 6

9:30 a.m.

##### Banking, Housing, and Urban Affairs

To hold hearings to examine minimizing potential threats from Iran, focusing on administration perspectives on economic sanctions and other United States policy options.

SD-538

10 a.m.

##### Foreign Relations

To hold hearings to examine Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date (Treaty Doc.110-21).

SD-419

##### Judiciary

Human Rights and the Law Subcommittee  
To hold hearings to examine accountability for human rights violators.

SD-226

##### Small Business and Entrepreneurship

To hold hearings to examine the Recovery Act for small businesses, focusing on what is working and what comes next.

SR-485

2 p.m.

##### Judiciary

##### Constitution Subcommittee

To hold hearings to examine the history and legality of executive branch "czars".

SD-226

2:30 p.m.

##### Commerce, Science, and Transportation Competitiveness, Innovation, and Export Promotion Subcommittee

To hold hearings to examine promoting export success for small and medium-sized businesses.

SR-253

##### Foreign Relations

To hold hearings to examine Al-Qaeda, focusing on Afghanistan.

SD-419

#### OCTOBER 7

10 a.m.

##### Commerce, Science, and Transportation Communications and Technology Subcommittee

To hold hearings to examine reauthorization of the Satellite Home Viewer Extension and Reauthorization Act of 2004.

SR-253

##### Health, Education, Labor, and Pensions

Business meeting to consider the nominations of M. Patricia Smith, of New York, to be Solicitor, Lorelei Boylan, of New York, to be Administrator of the Wage and Hour Division, Joseph A. Main, of Virginia, to be Assistant Secretary for Mine Safety and Health, and William E. Spriggs, of Virginia, to be Assistant Secretary for Policy, all of the Department of Labor, and Regina M. Benjamin, of Alabama, to be Surgeon General of the Public Health Service, Department of Health and Human Services, and any pending nominations.

SD-430

##### Judiciary

To hold hearings to examine workplace fairness.

SD-226

2:30 p.m.

##### Banking, Housing, and Urban Affairs Securities, Insurance and Investment Subcommittee

To hold hearings to examine securitization of assets, focusing on problems and solutions.

SD-538

4 p.m.

##### Judiciary

To hold hearings to examine the nominations of Barbara Milano Keenan, of Vir-

ginia, to be United States Circuit Judge for the Fourth Circuit, Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General, Department of Justice, and Ketanji Brown Jackson, of Maryland, to be a Member of the United States Sentencing Commission.

SD-226

#### OCTOBER 8

9:30 a.m.

##### Veterans' Affairs

To hold hearings to examine the Department of Defense and Veterans' Affairs response to certain military exposures.

SD-562

10 a.m.

##### Finance

To hold hearings to examine the nominations of Jim R. Esquea, of New York, to be Assistant Secretary, and Bryan Hayes Samuels, of Illinois, to be Commissioner on Children, Youth, and Families, both of the Department of Health and Human Services.

SD-215

2:30 p.m.

##### Energy and Natural Resources

##### Public Lands and Forests Subcommittee

To hold hearings to examine S. 522, to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act, S. 865 and H.R. 1442, bills to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909, S. 881, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, S. 940, to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, S. 1272, to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and S. 1689, to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico.

SD-366

#### OCTOBER 21

9:30 a.m.

##### Veterans' Affairs

To hold hearings to examine pending legislation.

SR-418



# HOUSE OF REPRESENTATIVES—Thursday, October 1, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DAVIS of Tennessee).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 1, 2009.

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

## PRAYER

Rev. Dr. Adam Dooley, Red Bank Baptist Church, Chattanooga, Tennessee, offered the following prayer:

Heavenly Father, we come seeking Your blessing on this hallowed hall and the men and women who serve here. We do so with the full awareness of the Apostle Paul's teaching that "there is no authority except from God, and those which exist are established by God."

So Lord, we pray that Your steady hand guide them, Your eternal wisdom inform them, Your compassionate heart encourage them, and Your relentless holiness purify them.

May their decisions preserve America as a city on a hill with a light that cannot be hidden. Forgive us of our sins as we forgive those who sin against us. Bring us to a place of humility before You in order that we might enjoy Your richest blessings.

In Jesus' name we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. MCCARTHY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MCCARTHY of New York led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 186. Concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month.

## WELCOMING REV. DR. ADAM DOOLEY

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee (Mr. WAMP) is recognized for 1 minute.

There was no objection.

Mr. WAMP. I want to welcome this morning to the House of Representatives my pastor, Dr. Adam Dooley, who hails from Berea, Kentucky, graduated from Clear Creek Bible College, and went on to receive his Doctor of Divinity from the Southern Baptist Theological Seminary.

He was the senior pastor at the Red House Baptist Church in Kentucky before he came to my home church of Red Bank Baptist in Red Bank, Tennessee.

Dr. Dooley, his wife, Heather, and their son, Carson, bless our large congregation there in Chattanooga, and today we welcome him to the House of Representatives as the guest chaplain and thank him for that extraordinary opening prayer this morning.

Welcome, Dr. Dooley.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

## MAD AS HELL DOCTORS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. I want to acknowledge the presence in our Capitol of a group of physicians who have traveled across the country rallying public support for a single-payer health care system.

The group, which calls itself the Mad As Hell Doctors, is expressing the concern of millions of Americans about a health care system which is failing to meet the people's needs: that there are 47 million Americans without any health insurance, that 50 million Americans are underinsured, that people are

literally going broke, not being able to pay their hospital bills.

We clearly recognize that this system is not sustainable. That's why JOHN CONYERS and I drafted a bill, H.R. 676, that provides for universal single-payer, not-for-profit health care. We're already paying for such a system. It's just that we're not getting it because \$1 out of every \$3 goes for the activities of the for-profit system for corporate profits, stock options, executive salaries, advertising, marketing, the cost of paperwork.

It's time to take that \$800 billion a year and put it into care for people. Everyone is covered then for vision care, dental health care, mental health care, prescription drugs, long-term care. It's time for single-payer.

## CONTRADICTING INTELLIGENCE ON IRAN'S NUCLEAR PROGRAM

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. The United States revealed a secret underground uranium enrichment facility near Qom, Iran. U.S. officials told us they were carefully observing it for "several years." But earlier this year, the Director of National Intelligence, Dennis Blair, provided written congressional testimony that the intelligence community has "no evidence that Iran has yet made a decision to produce highly enriched uranium."

There is a glaring contradiction between the administration's revelation and Blair's testimony. I urge Members to cosign the bipartisan Kirk-Berkley letter calling on Director Blair to account for contradictory testimony on the growing Iranian threat.

The 2007 National Intelligence Estimate on Iran downplaying the threat now appears to be a glaring intelligence failure. According to the Wall Street Journal, the main authors of that NIE, Van Van Diepen, Tom Finger, and Ken Brill, should be accountable, too.

Congress should ensure that key officials get this right, especially on Iran.

## ALERT DRIVERS ACT

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Madam Speaker, distracted driving is a serious problem in our Nation. One

study conducted by Virginia Tech University found that drivers are 23 times more likely to get into an accident when texting. A recent New York Times/CBS News Poll indicated 90 percent of adults agree that texting while driving should be illegal.

This is an issue that rises above political power. This is why the Department of Transportation has dedicated a 2-day summit here in Washington this week to address the rising concerns of distracted driving on our Nation's highways.

H.R. 3535, the ALERT Drivers Act, which I am proud to introduce along with my colleague, NITA LOWEY from New York, would ban anyone from writing, sending, or reading text messages while operating a moving vehicle.

Already endorsed by Ford Motors and the Advocates for Highway and Auto Safety, I ask that you join me in curbing preventable accidents on our Nation's roadways and cosponsor the ALERT Drivers Act.

Madam Speaker, we see these accidents all the time. We need to do something.

#### SMALL BUSINESSES AND HEALTH CARE

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, affordable health care is critical to our country, but let's not forget small business. They create 70 percent of the jobs in Florida. Ninety-nine percent of all businesses in Florida are small businesses, but yet in this debate we're looking at charging small businesses an 8 percent tax on payroll. That's like a fixed expense.

They're also looking to raise taxes up to 45 percent, with a 5.4 in sunseting President Bush's tax. So, again, 45 percent. A lot of that's pass-through income for many of our small companies.

These taxes will kill jobs. The 8 percent alone, they're talking, will put 20 percent of our businesses out of business in Florida. I know. I've been in business for 30 years.

Let's help our small businesses. Small businesses create the jobs. We can cannot afford to tax them to death. It needs to be about the economy and jobs.

#### SAVE THE OCEANS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, yesterday, the actor Sigourney Weaver showed a movie in the Capitol which was scarier than her movie *The Aliens* because it was fact, not fiction, and it was a movie documenting the acidifica-

tion of the oceans caused by carbon dioxide that we burn that goes in the atmosphere, goes in the water, and makes the oceans acidic. This documentary showed that the waters off the Pacific coast soon will be so acidic that they can actually melt shell life.

The reason I mention this is that yesterday the EPA rolled out proposed rules to do something about these noxious gases. Some have said we shouldn't do that, but those are the same people saying we shouldn't pass a bill. They're saying we shouldn't regulate CO<sub>2</sub> here, there, or anywhere.

I urge all of us to move forward on a bipartisan basis to stop ocean acidification by passing the energy bill we passed in the House. We hope the Senate will pass it. That's a route to do it. But, one way or another, we've got to save the Pacific and Atlantic Oceans.

#### NATIONAL MEDIA IGNORES MEDIA EVALUATION

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, if a poll is conducted but no one hears about it, does that poll really exist? Sacred Heart University recently found out that five out of six Americans see the national news media as "very or somewhat biased." But you aren't likely to hear about the Sacred Heart poll from the establishment media.

A search of The New York Times, The Washington Post, the Los Angeles Times, and USA Today yielded zero articles about the poll. Network news programs have also intentionally ignored it.

It seems the establishment media believe that if they simply ignore the poll, it does not exist. It's no wonder that almost half of Americans have stopped watching a news outlet because of the media bias. By ignoring a poll that shows their bias, the establishment media has confirmed the poll's results that most Americans believe the national media is biased.

And that's just the way it is.

#### CORAL REEFS

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Last week, the House passed critical legislation to protect one of Florida's most treasured national wonders. The Coral Reef Conservation Act Reauthorization and Enhancement, which I strongly supported, will be a key tool in protecting this endangered ecosystem.

The bill will support grants for coral reef conservation and scientific research at our outstanding institutions like the National Coral Reef Institute in Fort Lauderdale, Florida.

Coral reefs are integral to our safety and economy in south Florida. They act as a first line of defense against hurricanes and storm surges and they drive our tourist economy by bringing divers, snorkelers, and fishermen from all over the world to our community. In Broward County alone, coral reefs contribute over \$2 billion annually to our local economy.

Madam Speaker, this is not a Democrat or a Republican issue. Protecting our national treasures is something we can all agree on. I'm proud that my colleagues came together to pass this important piece of legislation.

#### MEDIA SLOW TO REPORT ON ACORN SCANDAL

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Madam Speaker, in his latest column, New York Times Public Editor Clark Hoyt criticized the Times for its lack of coverage of the ACORN fraud and corruption scandal. Hoyt wrote that the Times showed "slow reflexes" and risks appearing "clueless" or "partisan" if it does not cover similar stories in the future.

The Times wasn't alone. The Washington Post's ombudsman admitted the Post was slow to cover the story as well and speculated that reporters' liberal leanings might have played a part.

Most other national news outlets ignored or downplayed the ACORN scandal. Days passed before the network news programs covered the story, and only one out of five Sunday news show hosts asked the President about ACORN last week.

The national media should report the facts instead of ignoring stories that don't fit their liberal agendas.

#### HUMAN RIGHTS SITUATION IN VIETNAM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. I rise today to call attention to the human rights situation in Vietnam, particularly because today Vietnam will be taking over the Presidency of the United Nations Security Council. I find this development shocking and appalling and unacceptable, especially when we look at Vietnam's human rights record.

Just this past Sunday, the police in Vietnam assaulted over 130 monks and removed them from the Bat Nha Monastery before destroying it. Recently, eight dissidents were imprisoned by the Vietnamese Government for practicing their rights to freedom of speech and expression.

Today, Secretary of State Clinton is planning to meet with the Foreign

Minister of Vietnam. I would urge Secretary Clinton to address these ongoing human rights violations in Vietnam and to strongly urge the Government of Vietnam to uphold their promises to respect the rights of their citizens.

The United States must recommit itself to making human rights a diplomatic priority.

□ 1015

#### NETANYAHU U.N. SPEECH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, last week at the United Nations, Israeli Prime Minister Benjamin Netanyahu gave a powerful address, challenging those who would deny the Holocaust. Speaking from the podium, he held up the documents recording the Nazis' plan for the eradication of the Jews. He held up the original blueprints of the Auschwitz concentration camp, signed by Heinrich Himmler, the infamous head of the Gestapo. He called out those nations who sat by idly as President Ahmadinejad put forth vague insinuations that the Holocaust was just a phony pretext for the establishment of Israel. Ahmadinejad at other times has called the Holocaust "a lie based on an unprovable and mythic claim," and he's called Israel "a cancerous tumor that must cease to exist."

I applaud our diplomats and those of many other freedom-loving nations for showing no tolerance for his hate speech by walking out during the Iranian president's tirade. Any nation that denies one of the most horrific and barbaric acts of hatred and murder cannot be trusted to peacefully develop nuclear capabilities.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. PRICE of North Carolina. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. ROGERS of Kentucky. Madam Speaker, I have a motion at the desk. The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Rogers of Kentucky moves that the managers on the part of the House at the

conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2892 be instructed as follows:

(1) Recede to subsection (a) of section 567 of the Senate amendment (the Detainee Photographic Records Protection Act).

(2) Insist on subsections (b) and (c) of section 552 of the House bill (regarding the inclusion of individuals detained at Naval Station Guantanamo Bay, Cuba on the No Fly list and the prohibition on the provision of immigration benefits for such individuals).

(3) Recede to the Senate position on subsections (a) and (d) of section 552 of the House bill (regarding certain threat assessments and the transfer of individuals detained at Naval Station Guantanamo Bay, Cuba to the United States).

(4) That they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from North Carolina (Mr. PRICE) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

The motion to instruct conferees is very simple. Madam Speaker. It would prohibit the transfer of Gitmo prisoners to the United States. It ensures the detainee pictures are never made public, and it mandates the conference report is made public at least 72 hours before being considered on the floor. It's that simple. And that's exactly what the Homeland Security appropriation bill is all about, protecting the American people from all threats, including the warped intentions of terrorists and radical extremists.

Let me state my sincere gratitude to Subcommittee Chairman DAVID PRICE for listening to the views of the minority during all of these proceedings, during our preconference deliberations especially over the last few weeks. I truly appreciate his bipartisanship and consideration of our concerns.

Madam Speaker, this motion strengthens the House bill's current restrictions on Guantanamo Bay detainees by ensuring their names have been put on the No Fly List and by clearly prohibiting their transfer to the United States for whatever reason. For 9 months, the Obama administration has insisted the detention facility at Guantanamo Bay be shuttered within the year. But what have we seen during that time in preparation for that? Absolutely nothing, no plan, no idea of how to proceed, no instructions to the Congress, no instructions to the public about where these prisoners would be moved to.

Now we read in the press that the administration is thinking of releasing

up to 75 of the detainees there. Where will they go? Europe, Fiji, maybe somewhere closer. Maybe in Michigan, maybe in Kansas, maybe somewhere else in the U.S. Who knows. Certainly the Members in those districts in the U.S. don't know. So this motion prohibits the granting of any immigration benefit for any reason to these detainees. Without such a benefit, there is no legal way to bring these terrorists to American soil and in our constituents' backyards. That means these terrorists cannot be granted the same constitutional rights as American citizens. After all, these detainees are enemy combatants caught on the battlefield. They are not common criminals, and they should not be granted legal standing in our criminal courts by bringing them onto U.S. soil.

From my point of view, we can't waiver on this issue, nor can we be weak. There is no reason these terrorists, who pose a serious and documented threat to this Nation, cannot be brought to justice right where they are in Cuba at Guantanamo Bay. If we want to try them, there is the place. I certainly think that that is where the American people stand on this issue as well. They don't want these terrorists in their hometowns, inciting fellow prisoners in our prisons, abusing our legal system and terrorizing their communities.

In addition, Madam Speaker, this motion insists upon the Senate's language prohibiting the release of detainee pictures, language unanimously adopted in the Senate, supported by this Chamber in June and endorsed by President Obama himself by way of his letter to the Senate on July 29. In that letter, I think the President said it best himself: "Nothing would be gained by the release of the detainee photos other than allowing our enemies to paint our troops with a broad, damning, and inaccurate brush." I frankly couldn't agree more.

And finally, Madam Speaker, this motion also requires the conference report to be made public at least 72 hours before being brought to the floor for consideration. We want to read the bill before we vote.

So Madam Speaker, the ongoing terrorist investigations ranging from Denver to New York to Dallas over the last few weeks and the persistent attacks by radical extremists upon our citizens, our soldiers and our interests overseas remind us of why there is absolutely no reason to bring a terrorist to American soil or to release images that endanger this great country and its Armed Forces.

I urge support of the motion.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, I rise in opposition to the motion to instruct offered by the gentleman from Kentucky and yield myself as much time as I may consume.

Madam Speaker, I want to begin by echoing the words of the ranking member. We have, indeed, enjoyed fruitful cooperation in formulating this bill and bringing it to this point. Mr. ROGERS is a distinguished ranking member. He was the founding chairman of this subcommittee, and I think on both sides, we take pride in the process that we've developed that involves full consultation and, of course, not always perfect agreement, but a respect for each other's views and a product that can rightfully be called the fruit of our common labor.

Having said that, I do want to oppose this motion to instruct. I don't oppose it in its entirety. It has some positive features, but I want to concentrate in my brief remarks this morning on what leads me to ask for a "no" vote. This mainly has to do with some parts of items two and three of this motion.

The motion to instruct would basically prevent us from bringing anyone held in Guantanamo Bay to the United States for the purpose of prosecution. This provision is more restrictive than the House-passed bill, which allowed persons detained at the naval station at Guantanamo Bay to be brought to the U.S. for prosecution.

Accepting a more narrow provision goes against basic American principles, as well as basic American interests. People are to be given due process and access to a fair trial in this country, and it is certainly in this country's interest to bring these people to trial, to dispose of their cases. I must say, this motion also goes against a perfecting amendment that the distinguished ranking member himself voluntarily accepted—in fact, eagerly accepted—in our full committee markup.

So I have to ask, what would have made the other side change its mind all of a sudden? It appears that even when they get "yes" for an answer, it's hard to accept "yes" for an answer. Without allowing these detainees to come to the United States for prosecution, we're basically saying that our judicial and law enforcement officials are unable to handle these criminals here in the United States, and that our country's core values and interests do not apply in these cases. That's just wrong.

The U.S. has successfully tried dangerous terrorists before—in fact, many times, executing some, putting others behind bars to fade into obscurity. The perpetrators of the 1993 World Trade Center and Murrah Federal Building bombings are perfect examples.

Treating these individuals as though they are so dangerous that we cannot possibly put them on trial or punish them or lock them up and throw away the key, the way we deal with our most savage criminals here in the United States, gives these detainees an exalted status. Why do we want to do that? An exalted status is far from what they deserve.

We can handle this, Madam Speaker. We're up to this challenge, and the last thing we ought to be doing is elevating these Guantanamo prisoners in the eyes of the world. The amendment that was accepted in committee, to permit us to bring these people into the United States for the purpose of prosecution, most certainly should remain.

Finally, Madam Speaker, let me just say a word about the process by which this bill is being brought to the floor. We, of course, want to make certain that Members have ample time to study and understand bills before we vote on them. At the same time, I have to say, this bill has been a long time in the making. There has been a long period of discussion and debate and deliberation, and Members of this body should be assured that a full range of interested parties have been involved in crafting this bill in a bipartisan fashion since we received the budget in May.

Even before receiving the budget, we held 15 days of hearings on a wide variety of topics, including responses to natural disasters, technology and efficiency improvements, immigration enforcement, and border security. We had testimony from DHS as well as GAO and other non-Department sources. So it's a thoroughly vetted bill, and the issues in this bill have been thoroughly examined. They've been given their proper due diligence. There are no surprises, and we are, indeed, ready to go to conference.

With that, I reserve the balance of my time.

□ 1030

Mr. ROGERS of Kentucky. Madam Speaker, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, I yield such time as he may consume to the distinguished chairman of our full committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentleman for the time.

Madam Speaker, from time to time, people in this House know that I quote my old favorite philosopher, Archie the Cockroach, and Archie said, or maybe it was Will Rogers—I've forgotten exactly which—but one of them noted that there is nothing more pitiful than the sight of a flock of politicians in full flight. They can look as panicked as a loon trying to take off from choppy lake water. And if you've ever watched one of those, it takes them a long time, they make a lot of ruckus, and they look like an unjointed turkey in the process. That's the way the Congress has looked, in my judgment, with respect to this Guantanamo Bay issue.

Now, this country has a problem. After September 11 we picked up a lot of bad and dangerous characters and shipped a lot of them to Guantanamo. We also picked up, on the basis of bad

information, some who didn't belong there. From what I can tell, it would appear like virtually every single person there now deserves to be there.

But the problem is that the previous administration had no process by which to separate the merely criminal or the merely misguided from the truly evil. And as a result, thanks in part to the unrelated chaos of Abu Ghraib, the United States, which has rightly prided itself on being the principal advocate of due process and human rights in the world, has come to be seen by some these days as a pretty major apologist for torture and imprisonment without review or remedy. I don't think that's what America really stands for.

President Obama has tried to deal with the fact that Guantanamo has become a major liability to this country in the court of world opinion and in some cases has become a recruiting ground for the very forces that we wish to contain.

In the Presidential campaign, to their credit, both candidates called for closing Guantanamo because they recognized the damage being done to our influence and our security. President Obama won that election and announced his intention to close the facility.

Admittedly, the administration did not demonstrate a high degree of skill in implementing that decision. They had a credible goal, but they clearly had not thought through how to get there. That's why this committee insisted in the 2009 supplemental that the administration present its analysis to the Congress before people who were imprisoned in Guantanamo could be shipped elsewhere and before any detainees could be brought to the U.S. or transferred to another country.

Very frankly, the administration has received very little help from Capitol Hill in thinking through this problem. A number of Members have had legitimate concerns, but they could not come up with any reasonable set of criteria by which transfers could be effected.

Now, this motion would have this body declare that no prisoners can be transferred anywhere in this country even for prosecution, which they so richly deserve. That means the detainees would have to be transferred to other countries or that Guantanamo would have to remain open as a permanent stain on our reputation for due process.

I think we can do better than that.

Has this country, this country that has even tried the worst criminals in the history of the world at Nuremberg, has this country experienced such a pitiful decline of modern thoughtful political leadership that we now have no capacity except to say lock them up forever, no questions asked, and no due process provided under any circumstances? We may want to lock

them up. I'm sure we do. But we can do better in the way we do it.

In America we do not provide due process for the benefit of criminals; we provide it for our own safety's sake.

I don't know how many Members are familiar with the play "A Man for All Seasons" about Sir Thomas More, who was martyred by King Henry VIII. When More's son-in-law, Richard Roper, in that famous play, said that he would cut down every law in England to get at the devil, More replied, "And where would you hide then, the laws all being flat? Yes, I give the devil benefit of law, for my own safety's sake."

That's why it's important that we have a process that will allow us to lock up and throw away the key on everyone in Guantanamo who deserves it; but we cannot tell the world that just because this process is difficult, we are simply going to take the easy road and step over the valleys that make this Nation great.

I refuse to believe, as the gentleman from North Carolina has already indicated, I refuse to believe that our law enforcement officials, our prison officials, and our Justice Department officials are not skilled enough and thoughtful enough to imprison these thugs in high-security facilities at minimal or no danger to our citizens and our communities. Our prisons keep us safe from the likes of Charles Manson; David Berkowitz, the "Son of Sam" killer; the World Trade Center bombers; and the Kenyan Embassy bombers, whom I detest because they killed several friends of mine. What we want to propose in conference will be built on the faith that we do have that capacity.

Now, we can either let somebody else deal with our problems, or we can let them fester because we don't want to deal with them and make hard choices ourselves. That's unacceptable, and I think it's time that we face up to that.

What will emerge from conference, I suspect, will be language that any reasonable person will be able to say is a good-faith, effective process by which we can keep Americans safe and still continue to stand for the due process principles that we have always stood for.

I know these people are enemy combatants and they don't deserve it. But we don't make our decisions on the basis of what we think of defendants. We make our decisions on the basis of what we think of ourselves. And that's what makes us the greatest country in the world. And I do not want, as this motion would have us do, to depart from that high standard today.

Again, I thank the gentleman for the time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, this motion prohibits the granting of any benefits to

the detainees at Guantanamo to be brought here for criminal prosecution.

As Mr. OBEY has just said, these are enemy combatants caught, captured on a battlefield. They are not criminal defendants; they are prisoners in a war. Prisoners in a war.

They can and have been tried by the military tribunals at Guantanamo. My understanding is that there were five military tribunal proceedings ongoing until this administration halted those proceedings, trying to figure out what they want to do next.

But my point is these are not criminal defendants; these are enemy combatants captured on a battlefield. They are prisoners of war and should be treated as such, as they have been at Guantanamo. Do not bring them to the U.S. for any purpose. Why would you bring an enemy captured prisoner of war to your country, give them the Miranda warnings, and proceed to a trial as you would an American citizen? It's beyond any question, I think.

These detainees, many of them, those who posed a minimal security threat, have been shuttled off to other foreign countries, leaving hundreds of suspected terrorists, hardened killers that are unwelcome by any place on Earth to be potentially bound for American soil.

Madam Speaker, we need to take a very serious step back and closely examine what we are thinking of doing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS of Kentucky. I yield myself an additional 2 minutes.

This motion clarifies and says they would not be brought here for any, any, purpose, including prosecution.

Now, if you have any doubts about the kind of people we are talking about, read the resumes of these detainees. Read them, and you will have no doubt that these are enemy combatants sworn to kill you and every American they can find. And you want to bring them to the U.S.? It's insane, Madam Speaker. It's insane.

Madam Speaker, I yield 5 minutes to a very distinguished former trial judge in the State of Texas for 21 years, Judge CARTER.

Mr. CARTER. Madam Speaker, this debate goes on, and I hearken back to how did this all start. It started with enemies of the United States killing American citizens on American soil. By the grace of God, they didn't kill the number they were hoping to kill because they were hoping to bring down those towers in New York completely full of people, and potentially hundreds of thousands of people could have died. But because of the braveness of the police force and the fire department and others, we were able to evacuate those buildings and the casualty toll was not in the hundreds of thousands or the tens of thousands. But, still, every single American life lost there we care about.

I think most people thought we're going to war, world war. That's what I thought. That's what the people I was with in Taos, New Mexico, at the time thought. And we wanted to do something about it. The American soldiers in two fields of battle have done something about it. They continue to do something about it today. And through the work of our intelligence people and the American soldier and the American Marine Corps, we have brought many of these terrorists to captivity. They are enemy combatants captured on the battlefield.

We're not talking about people who have rights to Miranda warnings. My Lord, how can you fight a war if you're going to have to have Miranda warnings every time you come in contact with an enemy soldier? It makes no sense. Neither our Founding Fathers nor the Supreme Court, I would say, ever envisioned us giving Miranda warnings on the battlefield.

But I believe and I think Americans believe that these people mean us harm and by their very presence on the sacred soil of the United States they bring harm to this country. Because I would argue, as we all know, the recruiting of radical Islam is going on in our prisons right now. Witness just recently some arrests that were made inside this country and how those American citizens got to be influenced by radical Islam. Much of it comes out of the prison systems. And we are going to put people that are being held properly in Guantanamo, we're going to bring them to our soil, give them the rights of an American defendant and put them in the prison system of this country where they can continue—even if they are in solitary confinement, their very presence can make them a hero of the recruiters inside the prison.

□ 1045

Gangs are bad enough in the prisons without us creating gangs that are part of an international plot to destroy the United States of America. These people have no business being on the sacred soil of the United States. They certainly don't have the rights that are being argued for here. They are in the right place, where they belong. The military justice system is fair and they will get a fair trial, and I would argue that they belong in Guantanamo and they should stay in Guantanamo.

Yes, I agree with my colleagues on the other side of the aisle that we have maximum security prisons that we could put them in. There is one that was featured in "60 Minutes" awhile back in Colorado where we put the worst of the worst; but did anybody listen to how much it costs us to put the worst of the worst in those maximum security prisons?

We are spending enough money around here without going out and spending that kind of money on prisoners where we already have them in a

secure facility, where they are being humanely treated, and where they are able to meet with their lawyers and they are able to prepare for the defense of their case. There is no reason on God's green Earth to bring them over here and spend hundreds of thousands of dollars incarcerating each and every one of them in a Federal maximum security prison. It makes no sense in light of the fact that we are practically bankrupting our country with spending in the last 8 months.

So I think Mr. ROGERS has a very good bill here. I think what he is asking in this motion to instruct the conferees is common sense that the American people understand. Now, we get in this political world up here and common sense seems to go out the window. But I think if you stop the average American on the street, they will tell you that these people intend to kill us and as far as we are concerned, we don't care where they stay, but we don't want them in our neighborhood.

I certainly don't want them in Texas, and I would argue that each Member who represents their district in this august body does not want them in their neighborhood. I have a Federal prison that is within 30 miles of my home, and I promise you, my friends and neighbors do not want one of these detainees in that Federal prison because they are evil and they will corrupt those who are already there.

Madam Speaker, we spend most of our time in the courtroom giving people their constitutional rights as criminal defendants. And I have spent, in a criminal case, at least 50 percent of the time spent on every criminal case, my job was to protect those people's rights and make sure that they got every one of them. I did the very best I could. But at some point in time, in a criminal trial, upon the finding of guilt, those rights convert over to the State and to the people to make decisions on punishment.

I would argue these people don't start with those rights, and the American people have in mind what they think should happen to these people that would kill more American citizens on American soil.

Don't we have the courage of our Greater Generation forefathers to stand up to evil when it addresses our country and do something about that evil? Why would we want to coddle people who have a proven track record of being part of the network that attacked the United States of America?

Madam Speaker, I would argue this is an excellent instruction to the conferees, and I believe Mr. ROGERS and what he has stated here has expressed the will of the American people.

To address just one of the other issues about photographs, I think that pretty well has been decided.

But, you know, one more thing, as we bring these people here and we put

them into the American justice system, which I treasure, the American justice system, but in turn the defense lawyers will be able to use the discovery process to find out about covert operations of the United States intelligence. We have already put our intelligence folks in bad places by our bad behavior around this place many times before. But to put our intelligence people in the courtroom with everybody to see, and out those people, if you will, would be absolutely a travesty of justice.

So this is a good thing to do, and I support Mr. ROGERS in his effort, and I would hope that everybody who cares about this country will support this motion.

Mr. PRICE of North Carolina. Madam Speaker, I am still trying to process the notion that we have in our high-security prisons a population that is just waiting to be corrupted.

We are all aware of the kind of people who are in these high-security prisons. They are already corrupted and they are dangerous, and we have proven our capacity to deal with them. I don't think that it behooves this body to cast such doubt on our capacities, the capacities of the judicial and penal systems of this country. We are up to this, Madam Speaker, and yet the motion before us would say that we cannot bring these people into this country for prosecution when it is clearly in our interest to do so. It is in our interest to close Guantanamo within a reasonable period of time and to bring these people before the bar of justice.

I would like to yield 30 seconds to our full committee chairman.

Mr. OBEY. I thank the gentleman.

I find it quite humorous to think that we are doing these Guantanamo prisoners a favor by exposing them to the "gentle niceties" of the prison population in our high-security prisons. In fact, I would suspect that those prisoners at Guantanamo, if they knew what kind of people they would be finding, would much prefer to stay in Guantanamo than wind up in some of those high-security

Mr. PRICE of North Carolina. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Madam Speaker, I thank the gentleman for this time.

Every so often an issue comes before Congress where I honestly have to admit I scratch my head and say, Do I fully understand what we are talking about here? Because it makes no sense to me.

On every appropriations bill that we see come before the full committee, there was this notion that we couldn't bring folks from Guantanamo here to be prosecuted. Now, I know how dangerous some of these folks may be. I know how dangerous some of these folks are. I was in New York in my city on September 11. I was not here. Many

people forget that was primary day in New York. Many people forget that one of the accomplishments, if you will, of the terrorists was to suspend, in the middle of the day, an election that was taking place in New York. They didn't just attack the symbol of our military power. They didn't just attack the symbol of our financial power. They were not just geared towards attacking, and did not get a chance to do it, to attack the symbol of our legislative power, but they disrupted an election, which is perhaps at the center of our strength, our electoral process.

I was there. I saw the pain. I know that they killed a lot of people, but they didn't defeat us. Let's be clear about that. They killed a lot of Americans, but they didn't defeat us, and they will never defeat us unless we begin to run away from who we are as a people and as a Nation. Unless we begin to throw away and turn our back on the Constitution, on what makes us a unique country, then they have a chance to win.

My friend, and we say this on the floor, but he truly is my friend from Kentucky, says, Why would we want to do that? Why would we want to bring them here? Because we are the United States of America. Because we are a great democracy that is not afraid to bring people to justice when they deserve to come to justice. Because we have nothing to hide.

Ironically, on another issue that I discussed with my friend at length over the years, we want nothing to do with Cuba except to use them to hold people there for trial. Why not bring them to New York where they committed their act, the scene of their crime? Why not let the world know in the middle of our pain, in the midst of all of our anguish over September 11, we are big enough and democratic enough to bring people to trial here within our territory. We have nothing to fear.

As far as whether or not there will be Miranda rights involved and whether the people have rights, why not? What is so difficult to understand about that? There is a contradiction in a country that continuously tells the world we are better, and we are; we are more democratic, and we are; we have a better justice system, and we do, and at the same time says but not for these individuals.

Now, if I was making the argument on behalf of the individuals in Guantanamo, we know how many were detained and eventually released because we have, throughout the last few years, nothing to charge them with. It might be that we have to release some and send them back to their countries, but this fear that somehow they are going to be watching the streets of Washington, D.C., and eating at local restaurants and planting bombs everywhere, these folks will probably be the most guarded people in the history of

the world. But we will do ourselves a great disservice if we continue to say that they cannot be brought to the United States for justice.

Why should they be near our community residents was one of the questions asked. I see it differently. Why not see our system in full bloom? Why not allow the world to see and understand that we are not afraid to bring people here to pay for their crimes, to go before our justice system.

Now, here is another question. So we bring them to justice in Guantanamo. We find them guilty in Guantanamo. Are we going to incarcerate them in Guantanamo? Are we going to keep them in a foreign country for crimes they committed against our country or are we going to bring them to a prison here? If we bring them to a prison here, after convicted, those who are convicted, why not try them here to begin with?

Again, this whole notion that these people have no rights, the terrorists win if we suggest that everybody that comes before us has no rights. That's why I oppose this motion.

Mr. ROGERS of Kentucky. May I inquire of the time remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 14 minutes. The gentleman from North Carolina has 9½ minutes remaining.

Mr. ROGERS of Kentucky. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, I would like to express my greatest appreciation to the chairman of the subcommittee and the ranking member for the job they have done on this bill, which will be perfected by this motion to instruct.

Clearly, the work that involves our dealing with these detainees at Guantanamo Bay is very important work. We have been waiting for a long time now for a complete report from the administration giving us an indication as to how they would implement this campaign promise. We find ourselves in a circumstance today where it is apparent that a pretty sizable number of detainees are in plan for release somewhere, perhaps not the continental United States, but foreign countries and otherwise.

It is almost impossible to discuss, in this environment, the most serious concern about these detainees, for much of the information involved is highly classified information. But, needless to say, this is a group of very dangerous people, and a lot of circumstances have changed since the bill has come out of committee and we finally have it here on the floor for consideration by the conference.

Perfecting this package as we go forward by passing this motion to instruct would bring us very close to being in mesh with what is being pro-

posed in the other body. It would appear that the leadership of our committee in the other body feels pretty strongly that we should not be spending funds that would allow these detainees to come to the United States.

This motion to instruct, I believe, will cause our conference to be a much more comfortable conference when we go there. I would urge the Members strongly to support Mr. ROGERS' motion to instruct.

□ 1100

Mr. PRICE of North Carolina. Madam Speaker, I have no further speakers.

Mr. ROGERS of Kentucky. We have no further speakers, Madam Speaker, and I would be prepared to yield to the gentleman for a close.

Mr. PRICE of North Carolina. Madam Speaker, I reiterate my request to our Members to vote against this motion to recommit. The motion is long and complex and by no means totally objectionable. But we have highlighted here today a feature of the Guantanamo provisions which not only is objectionable, but fundamentally runs counter to our country's interest—our country's interest in closing Guantanamo in a timely fashion and bringing the detainees there to trial.

It also, in a strange way, seems to question our country's capacity, the capacity of our judicial system and our penal system, to handle hardened criminals, whereas I think that our capacity to handle even the most dangerous criminals is beyond question. And I believe this motion also risks elevating these criminals in the eyes of the world, suggesting that we can not handle them through our normal processes of justice. For all these reasons, I believe this motion to instruct is unwise, and I urge a "no" vote.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume. In closing, this is a very simple motion to instruct the conferees on Homeland Security. One, prohibit the transfer of Gitmo prisoners to the U.S., period. Two, insist on the Senate language prohibiting the release of detainee photographs. And three, require that this bill be available at least 72 hours before the bill is brought to the floor so that Members may have a chance to read and consider before they vote on the conference report. That's simple.

These people in Gitmo, if you read their resumes, and study their history, they are not criminal defendants in the sense that most people understand that phrase to be in the U.S. These are hardened killers captured on the battlefield, and they are prisoners of war subject to a military tribunal hearing at Gitmo, which was proceeding until stopped by this administration. They are not criminal defendants. They are hardened criminals on the battlefield

captured in the process of trying to kill American soldiers. Pure and simple.

Now, this motion to instruct is in line with Chairman INOUE in the Senate, who has similar prohibitions in his bill for the Defense appropriations bill. This mirrors what the Senate leadership wants the policy of the country to be. And so I would hope all Members would vote for this motion to instruct conferees and keep our position in line with the Senate in prohibiting prisoners at Gitmo from being brought to the U.S., period.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ROGERS of Kentucky. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct conferees will be followed by 5-minute votes on suspending the rules and agreeing to H. Res. 517 and H. Res. 487.

The vote was taken by electronic device, and there were—yeas 258, nays 163, not voting 11, as follows:

[Roll No. 746]

YEAS—258

Aderholt	Camp	Forbes
Akin	Campbell	Fortenberry
Alexander	Cantor	Foster
Altmire	Cao	Fox
Arcuri	Capito	Franks (AZ)
Austria	Cardoza	Frelinghuysen
Bachmann	Carnahan	Gallegly
Bachus	Carter	Garrett (NJ)
Barrow	Cassidy	Gerlach
Bartlett	Castle	Giffords
Barton (TX)	Chaffetz	Gingrey (GA)
Bean	Chandler	Gohmert
Biggart	Childers	Goodlatte
Blibray	Coble	Gordon (TN)
Blirakis	Coffman (CO)	Granger
Bishop (GA)	Cole	Graves
Bishop (NY)	Conaway	Grayson
Bishop (UT)	Costa	Griffith
Blackburn	Costello	Guthrie
Blunt	Crenshaw	Hall (NY)
Bocieri	Cuellar	Hall (TX)
Boehner	Culberson	Halvorson
Bonner	Dahlkemper	Harper
Bono Mack	Davis (AL)	Hastings (WA)
Boozman	Davis (KY)	Heinrich
Boren	Davis (TN)	Heller
Boucher	Deal (GA)	Hensarling
Boustany	DeFazio	Heger
Boyd	Dent	Herseth Sandlin
Brady (TX)	Diaz-Balart, L.	Higgins
Bright	Diaz-Balart, M.	Hill
Broun (GA)	Donnelly (IN)	Himes
Brown (SC)	Dreier	Hodes
Brown-Waite,	Duncan	Hoekstra
Ginny	Ehlers	Holden
Buchanan	Ellsworth	Hunter
Burgess	Emerson	Inglis
Burton (IN)	Fallin	Inslee
Buyer	Flake	Issa
Calvert	Fleming	Jenkins



Johnson (IL) McMorris  
 Johnson, Sam Rodgers  
 Jones McNeerney  
 Jordan (OH) Meek (FL)  
 Kanjorski Melancon  
 Kaptur Mica  
 King (IA) Michaud  
 King (NY) Miller (FL)  
 Kingston Miller (MI)  
 Kirk Miller, Gary  
 Kirkpatrick (AZ) Minnick  
 Kissell Mitchell  
 Klein (FL) Mollohan  
 Kline (MN) Moore (KS)  
 Kosmas Moran (KS)  
 Kratovil Murphy (NY)  
 Lamborn Murphy, Patrick  
 Lance Murphy, Tim  
 Latham Myrick  
 LaTourette Nunes  
 Latta Nye  
 Lee (NY) Olson  
 Lewis (CA) Paulsen  
 Linder Pence  
 Lipinski Perlmutter  
 LoBiondo Perriello  
 Lucas Peters  
 Luettkemeyer Peterson  
 Lummis Petri  
 Lungren, Daniel Pitts  
 E. Platts  
 Lynch Poe (TX)  
 Mack Pomeroy  
 Maffei Posey  
 Manzullo Price (GA)  
 Marchant Putnam  
 Markey (CO) Radanovich  
 Marshall Rehberg  
 Massa Reichert  
 Matheson Roe (TN)  
 McCaul Rogers (AL)  
 McClintock Rogers (KY)  
 McCotter Rogers (MI)  
 McHenry Rohrabacher  
 McIntyre Rooney  
 McKeon Ros-Lehtinen  
 McMahon Roskam

## NAYS—163

Abercrombie Etheridge  
 Ackerman Farr  
 Andrews Fattah  
 Baca Filner  
 Baird Frank (MA)  
 Baldwin Fudge  
 Becerra Gonzalez  
 Berkley Green, Al  
 Berman Green, Gene  
 Berry Grijalva  
 Blumenauer Gutierrez  
 Boswell Hare  
 Brady (PA) Harman  
 Braley (IA) Hastings (FL)  
 Brown, Corrine Hinchey  
 Butterfield Hinojosa  
 Capps Hirono  
 Carson (IN) Holt  
 Castor (FL) Honda  
 Chu Hoyer  
 Clarke Israel  
 Clay Jackson (IL)  
 Cleaver Jackson-Lee  
 Clyburn (TX)  
 Cohen Johnson (GA)  
 Connolly (VA) Johnson, E.B.  
 Conyers Kagen  
 Cooper Kennedy  
 Courtney Kildee  
 Crowley Kilpatrick (MI)  
 Cummings Kilroy  
 Davis (CA) Kind  
 Davis (IL) Kucinich  
 DeGette Langevin  
 Delahunt Larsen (WA)  
 DeLauro Larson (CT)  
 Dicks Lee (CA)  
 Dingell Levin  
 Doggett Lewis (GA)  
 Doyle Loebach  
 Driehaus Lofgren, Zoe  
 Edwards (MD) Lowey  
 Edwards (TX) Lujan  
 Ellison Markey (MA)  
 Engel Matsui  
 Eshoo McCarthy (NY)

Ross  
 Royce  
 Rush  
 Ryan (WI)  
 Sanchez, Loretta  
 Scalise  
 Schauer  
 Schock  
 Schrader  
 Schwartz  
 Sensenbrenner  
 Sessions  
 Shea-Porter  
 Shimkus  
 Moran (KS)  
 Shuster  
 Simpson  
 Skelton  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Souder  
 Space  
 Stearns  
 Sullivan  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Titus  
 Turner  
 Upton  
 Walden  
 Wamp  
 Westmoreland  
 Wilson (OH)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Yarmuth  
 Young (AK)  
 Young (FL)

Sires  
 Slaughter  
 Snyder  
 Speier  
 Spratt  
 Stupak  
 Sutton  
 Thompson (CA)  
 Thompson (MS)  
 Tierney

## NOT VOTING—11

Adler (NJ)  
 Barrett (SC)  
 Capuano  
 Carney  
 Maloney  
 McCarthy (CA)  
 Neugebauer  
 Schmidt

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1140

Messrs. GONZALEZ, CLEAVER, BLUMENAUER, DICKS, HINOJOSA, DAVIS of Illinois, BRADY of Pennsylvania, LEWIS of Georgia, GUTIERREZ, WEINER, OLVER, PAYNE, ENGEL, HARE, VAN HOLLEN, HOLT, SESTAK, Ms. WOOLSEY, Ms. LINDA T. SANCHEZ of California, Mrs. MCCARTHY of New York, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Ms. SLAUGHTER, Ms. EDWARDS of Maryland, Ms. ESHOO, Messrs. DOGGETT and LARSEN of Washington changed their vote from “yea” to “nay.”

Messrs. HERGER, YARMUTH, BILIRAKIS, MOORE of Kansas, WILSON of Ohio and TANNER changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Madam Speaker, on rollcall No. 746, had I been present, I would have voted “yea.”

## MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Without objection, 5-minute voting will continue.

There was no objection.

## CONGRATULATING WOMEN'S COLLEGE WORLD SERIES CHAMPION WASHINGTON HUSKIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 517, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 517.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 747]

## YEAS—421

Abercrombie Castle  
 Ackerman Castor (FL)  
 Aderholt Chaffetz  
 Akin Chandler  
 Alexander Childers  
 Altmire Chu  
 Andrews Clarke  
 Arcuri Clay  
 Austria Cleaver  
 Baca Clyburn  
 Bachmann Coble  
 Bachus Coffman (CO)  
 Baird Cohen  
 Baldwin Cole  
 Barrow Conaway  
 Bartlett Connolly (VA)  
 Barton (TX) Conyers  
 Bean Cooper  
 Becerra Costa  
 Berkley Costello  
 Berman Courtney  
 Berry Crenshaw  
 Biggert Crowley  
 Bilbray Cuellar  
 Bilirakis Culberson  
 Bishop (GA) Cummings  
 Bishop (NY) Dahlkemper  
 Bishop (UT) Davis (AL)  
 Blackburn Davis (CA)  
 Blumenauer Davis (IL)  
 Blunt Davis (KY)  
 Boccieri Davis (TN)  
 Boehner Deal (GA)  
 Bonner DeFazio  
 Bono Mack DeGette  
 Boozman Delahunt  
 Boren DeLauro  
 Boswell Dent  
 Boucher Diaz-Balart, L.  
 Boustany Diaz-Balart, M.  
 Boyd Dicks  
 Brady (PA) Dingell  
 Brady (TX) Doggett  
 Braley (IA) Donnelly (IN)  
 Bright Doyle  
 Broun (GA) Dreier  
 Brown (SC) Driehaus  
 Brown, Corrine Duncan  
 Brown-Waite, Edwin (MD)  
 Ginny Edwards (TX)  
 Buchanan Ehlers  
 Burgess Ellison  
 Burton (IN) Ellsworth  
 Butterfield Emerson  
 Buyer Engel  
 Calvert Eshoo  
 Camp Etheridge  
 Campbell Fallin  
 Cantor Farr  
 Cao Fattah  
 Capito Filner  
 Capps Flake  
 Cardoza Fleming  
 Carnahan Forbes  
 Carson (IN) Fortenberry  
 Carter Foster  
 Cassidy Foxx

Frank (MA)  
 Franks (AZ)  
 Frelinghuysen  
 Fudge  
 Gallegly  
 Garrett (NJ)  
 Gerlach  
 Giffords  
 Gingrey (GA)  
 Gohmert  
 Gonzalez  
 Goodlatte  
 Gordon (TN)  
 Granger  
 Graves  
 Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
 Grijalva  
 Guthrie  
 Gutierrez  
 Hall (NY)  
 Hall (TX)  
 Halvorson  
 Hare  
 Harman  
 Harper  
 Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Heller  
 Hensarling  
 Herger  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Hoekstra  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inglis  
 Insee  
 Israel  
 Issa  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee



Adler (NJ)	Maloney	Shadegg
Barrett (SC)	Massa	Stark
Berman	McCarthy (CA)	Wexler
Capuano	Neugebauer	Whitfield
Carney	Royce	Wilson (OH)
Carter	Rush	
Heller	Schmidt	

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1155

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Madam Speaker, on rollcall No. 748, had I been present, I would have voted "yea."

#### APPOINTMENT OF CONFEREES ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. PRICE of North Carolina, SERRANO, RODRIGUEZ, RUPPERSBERGER, MOLLOHAN, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Messrs. FARR, ROTHMAN, OBEY, ROGERS of Kentucky, CARTER, CULBERSON, KIRK, CALVERT, and LEWIS of California.

There was no objection.

#### PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 788 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 788

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes. All points of order against consideration of the conference report are waived. The conference report shall be considered as read. All points of order against the conference report are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore (Mr. ALTMIRE). The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Ms. MATSUI. I ask unanimous consent that all Members be given 5 legis-

lative days in which to revise and extend their remarks on House Resolution 788.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 788 provides for consideration of the conference report for H.R. 3183, the Energy and Water Development Appropriations Act for 2010. The rule is a standard conference report rule. It waives all points of order against the conference report and against the consideration and provides that the conference report shall be considered as read. However, I want to point out that although the rule waives all points of order, the conference report does not violate either clause 9 or 10 of rule XXI. The resolution provides for 1 hour of general debate controlled by the Committee on Appropriations.

Mr. Speaker, I first want to thank Chairman OBEY as well as Mr. PASTOR for their work to bring this conference report before the House today.

When we think of the long-term health of our country, the Energy and Water appropriations bill is one of the most important bills that we consider. The conference report before us today will keep communities safe from flooding, invest in clean energy and renewable technologies, fight nuclear proliferation, and create jobs through infrastructure development.

Without this bill, millions of homes would be exposed to devastating floods, clean energy research that will power the next generation of money-making technologies will stop, nuclear weapons proliferation would pick up again, and the pace of job creation in the clean energy sector would slow to a crawl or even stop altogether. These are the reasons why today's conference report is so important.

In the field of energy, the conference report fulfills Congress's promise to chart a new path for a national energy policy. The conference agreement provides \$27 billion for the Department of Energy to help fund clean energy development and perform basic scientific research. It devotes millions of dollars to solar energy development, advanced vehicle technologies, energy-efficient buildings, and biofuels that can be grown right here at home.

When we make our own fuel, Mr. Speaker, we create domestic jobs and also take steps toward becoming energy independent. We recognized this fact in the Energy and Commerce Committee when we wrote the American Clean Energy and Security Act, which is why I'm pleased to see these provisions part of today's conference report.

This appropriations bill also funds a number of applied research grants at the Department of Energy for poten-

tially high-reward activities like fusion energy, high-energy physics, and biological research. Future generations will look back at these investments and thank us for having the foresight to recognize that one generation's long-term research is future generations' short-term gain.

□ 1200

Many of my colleagues would be satisfied to know that the conference report also devotes resources to fossil fuel-based energy that can provide a boost to our energy independence efforts in relatively short order. In it, \$672 million is provided for research and development into things like carbon capture and sequestration, natural gas recovery, and unconventional petroleum research activities. This research will benefit independent petroleum producers and can also help make our country more energy independent for the short term.

Also to that end, the conference report takes a responsible approach toward nuclear energy by investing in fuel cycle research and development. By providing more than \$700 million for nuclear energy, the conferees made the pragmatic calculation that nuclear will be part of our energy mix in the short term. But no matter how electricity is generated, one challenge we face is delivering it effectively to its destination. For this reason, the conference report provides more than \$100 million to modernize and secure our national electricity grid. By almost tripling the amount of funding for grid-connected energy storage and cybersecurity, the conferees have recognized how closely our energy policy is tied to our national security.

The energy portion of this conference report is only half the story though, Mr. Speaker. For my district and for people living in floodplains across the country, this energy and water conference report is a major victory. Funding for the Army Corps of Engineers is increased over both 2009 levels and over the President's request for a total of \$5.4 billion. For my constituents, this funding can be a matter of life and death. My district is where the Sacramento and American Rivers converge. As a result, Sacramento is the most at-risk city for major flooding in the United States. More than 440,000 people, 110,000 structures, the capitol of the State of California and up to \$58 billion are at risk from flooding in my district alone. Nearly \$90 million of vital funding in this conference report will reinforce levees along the American and Sacramento Rivers to keep these national assets safe and dry.

For all of Sacramento, this means safer homes, more secure schools, better protected community centers and a higher quality of life. According to the American Society of Civil Engineers, Federal levees currently provide a 6-to-

1 return on flood damages prevented when compared to initial building costs.

But the flood protection funding in this conference agreement is more than just dollars and cents, Mr. Speaker. When I go home and walk along the Sacramento River, and when I look at the houses and schools and parks that sit behind the levees, I'm reminded how vital the Energy and Water bill is. In many parts of the country, it can mean the difference between a thriving city and a disaster area. Flood protection is a regional undertaking though. Floodwaters do not stop and start based on congressional district boundaries. That is why I am pleased that the conference report contains more than \$60 million to improve the ability of Folsom Dam to protect my constituents who live below it. This money will also help the Joint Federal Project to provide greater efficiency in managing flood storage in Folsom Reservoir.

Around the whole country, from Sacramento to the Mississippi River Delta, from rural Ohio to the Bronx River Basin, this conference agreement protects our communities by investing in our aging infrastructure. And when we rebuild our infrastructure, we rebuild our economy. The infrastructure funding in this conference report before us today will continue this pattern of creating jobs while investing in public safety. For that reason, I strongly support the rule and the underlying conference report, and I urge my colleagues to do the same.

Mr. Speaker, again, I want to thank Mr. OBEY and the Appropriations Committee for their hard work on this conference agreement.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentlewoman from California, my friend, for yielding me the time. I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this closed rule—once again, a closed rule—coming out of the Rules Committee and the process that brought this bill to the floor. My friends on the other side of the aisle for the first time in history shut down the appropriation process by placing extremely restrictive rules on every single appropriation bill that has come to the floor of the House this year. Chairman OBEY set an arbitrary timeline to finish the fiscal year 2010 spending bills, which has forced the Democrat Rules Committee to limit every Republican and Democrat's chance to offer an amendment on the floor.

Why? For what reason? There are hundreds of good amendments which were offered by all of my colleagues which were rejected in this unprecedented fashion. Now that this House has finished all the appropriation bills, you would think that my friends on the other side of the aisle would allow for

an appropriate time and an appropriate process for consideration of the conference reports, not just come to this House floor but for Members to be heard from and for us to go back to a process which this House was used to in its precedents for so many years.

But no. Last night the conference report was filed after 6 p.m., I believe 6:17, and the Rules Committee met at 7:15 to report out a rule for floor consideration. Our Democrat colleagues in the committee waived the House rule that requires a 3-day layover of conference reports and scheduled a bill on the floor first thing this morning. Additionally, just last week this House voted to adopt a motion to instruct that stated that the conference report, a bill that we are discussing on the floor here today, should be available online in a searchable format for at least 48 hours before it's voted on.

Well, Mr. Speaker, forget the 3-day rule. Forget the 48-hour motion to instruct; this House was given just less than 24 hours to review the conference report and its changes. I don't know when my Democrat colleagues will allow for the open, honest and ethical Congress that they once called for, but we're on the floor once again saying, We have met the deadline that Chairman OBEY wanted. Can we get back to a normal process now, a normal process that is not good just for Republicans and not just for our Democratic Members but good for this House to follow?

Mr. Speaker, today we are discussing the Energy and Water appropriation conference report for fiscal year 2010. Today it is my intention to focus on the increase in spending over last year's level and destructive initiatives that the Democrat majority continues to pursue that have only killed jobs and led to record deficits. This administration and this Democratic Congress promised the American public jobs, economic growth, economic recovery, health care, a cleaner environment, better education and just a wonderful, wonderful life, all contained within their appropriation bills. And the list goes on and on with other promises.

Yet the only thing up to now that they really have accomplished is record deficits, record spending and record unemployment numbers all across America. The fiscal year 2010 Energy and Water appropriation conference report provides \$33.5 billion in total funding, which is hundreds of millions of dollars above last year's level, and this is in addition to the \$58.7 billion provided in fiscal year 2009 emergency funding just from a few months ago, mostly from the stimulus bill.

We have seen massive government spending. Now this bill does not represent any commitment to fiscal sustainability. More promises, more spending, more deficit, more record unemployment. Mr. Speaker, the Obama administration promised America, if

Congress passed the stimulus bill, that unemployment would not go beyond 8 percent, that it would create and save millions of jobs. Here we are 8 months later with a record 9.7 unemployment rate, the highest in 26 years, and more than 2 million Americans have lost their jobs since the passage of the \$1.2 trillion "stimulus employment plan."

This summer when discussing the stimulus, Vice President BIDEN said the Obama administration—and I quote—"misread how bad the economy was," even though as a candidate for President and Vice President both of them had been all over the country. They had seen firsthand exactly the circumstance this country was in.

The Obama administration got it wrong. They got it wrong when it came to the stimulus, and the American people know they got it wrong also. The American people can no longer afford this Democrat-controlled House, Senate and White House. We've got to start getting it right, not guessing and getting it wrong. Spending hundreds of millions of dollars more in addition to the \$58 billion additional spending this year is not a way to fix the problem. In June of this year, my friends on the other side of the aisle passed a cap-and-trade bill that will raise prices on energy, goods, and services, and every single hardworking American across the country will pay that price.

In my home State of Texas, the average household can expect to pay more than \$1,100 a year extra as a result of that legislation. Additionally, this legislation could ultimately kill over 1.38 million jobs that are in the manufacturing sector of this economy. That's 1.38 million more jobs.

Mr. Speaker, some time this month the Democrat-controlled House wants to pass sweeping health care reform. Effectively, it will diminish the employer-based insurance market and forces 114 million Americans into a government-run program. This \$1.2 trillion package raises taxes once again, raises taxes once again, raises taxes once again, which is what this Democratic-controlled Congress is about. Raise \$1.2 trillion in taxes on individuals and small businesses that do not participate in the government plan and \$800 billion, which the President talks about will be necessary to fund this massive government takeover and will result in 4.7 to 5.5 million more private-sector jobs being lost in America.

In July, the Congressional Budget Office director stated that the Democratic health care proposal "significantly expands the Federal responsibility for health care costs." Mr. Speaker, I thought that the goal of health reform was to bring costs down for Americans, not to increase the cost, further America toward bankruptcy and to cost 4.7 to 5.5 million more enterprise system jobs. By the way, those

are jobs that are not in Washington, D.C.

The American people know that you cannot spend what you don't have, and that's exactly what we are doing here today with the Democratic majority. Earlier this month, the Treasury Department released a statement reporting that the Federal budget deficit reached a record \$1.378 trillion and that the national debt reached \$11.8 trillion by the end of August. This means that since 2007, this Democratic Congress has increased the Federal deficit by \$1.217 billion and increased the national debt by over \$3 trillion. What a record.

In closing, Mr. Speaker, I will continue to point out that our friends on the other side of the aisle should not tax and spend not only this country but also hardworking families into a further economic recession.

□ 1215

My Democratic colleagues need to get a handle on the out-of-control spending which they dogged us repeatedly about when we were in the majority at far lesser levels.

Rising unemployment and record deficits cannot be remedied with massive increases in spending by Uncle Sam. Huge energy and health care costs that raise taxes and kill jobs is not what our economy needs right now. Americans need a balance. They need to listen to what is happening in Washington only to see that Washington is the problem, not the answer. Americans are tightening their belts because they get it. Congress should be doing the same thing.

Mr. Speaker, we have talked today about the process. We have talked today about spending. And we have talked about the overall agenda of this Democratic majority that is about taxing, it is about spending, it is about record unemployment, rather than working on the things that the American people, the people back home who sent us here to do our job, are working on.

I encourage a "no" vote on this rule. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I want to remind my colleague on the other side of the aisle that we're not debating the American Clean Energy and Security Act or the health care reform bill. We are dealing today with the conference report for Energy and Water Development.

And I must say that this is a bill, a conference report, that has strong bipartisan support. As far as job creation, this is about infrastructure, spending on public safety projects that will save jobs across America. As I said before, it's a smart investment, the type of smart investment the American people want this Congress to be making at this difficult point in our history.

Our Nation's levees are crumbling, and we're putting public health at risk because of things like that. This is the time to invest in infrastructure like this.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, the thought process here in Washington is that we can solve all the problems that our country has, just trust Washington. I think now more than ever we are seeing at the end of this year that the leadership in Washington, D.C., the bills that are on this floor, the votes which we take virtually every single time, every single vote is about more taxes, more spending, more rules and regulations that are thrown to the American people with this package about how great this is for the American people.

Yet what happens is that Members of Congress, lots of them in our body on both sides, go back home and they listen to the American people. And they listen to the American people talk what I think is a lot of common sense: common sense about how to fix our health care, how to fix our spending, how to fix the unemployment, how to encourage manufacturing rather than deleting it.

Then they look up and see the political agenda of the Democratic Party, that in the three biggest political bills that represent the Democratic Party we will lose almost 10 million jobs in this country; and the political agenda of the Democratic Party, one which this body is barreling down that pathway to meet and match, has resulted in disaster for people back home.

So the Republican Party will continue to come to Washington and be faithful after listening, and we will go to our committees and we will throw our ideas on the floor and ask the committees to vote on them. We will continue to have Members come to the Rules Committee that seek time, permission to speak about ideas that will better the bills.

Yet we find that in these instances before the Rules Committee, it really doesn't matter. It doesn't matter not just for Republicans, but it really doesn't matter to a Democrat either. They will block the best ideas that come from the heartland.

Mr. Speaker, this is not a way to continue. We are once again coming to the floor, as I have done all year, and my colleagues DAVID DREIER, LINCOLN DIAZ-BALART, and VIRGINIA FOXX, as we explain the rules and explain the Rules Committee, explain what is happening: receiving a bill at 3 o'clock in the morning; getting a bill, as we did last night, 1 hour before the meeting; not even following the rules from a resolution we had just the week before about online availability of bills.

Mr. Speaker, no wonder the American people are up in arms and insist-

ing that Members of Congress read the bill first; that every single Member of this body is given a chance every single time to say, I disagree with the direction that the Democratic leadership is taking us.

We need to read the bills. We need to take the ideas from people in the heartland, through their Representatives in committees and up in the Rules Committee, and make these in order and follow a process that the American people, if they were sitting in, would say, Why not take more time? Why not understand the bill? Why not cut spending? Why not make some commonsense directional issues happen in this Congress? This leadership, these bills continue to follow a process that the American people are questioning.

We will continue coming to the floor and politely, on behalf of people back home, say that we would hope that we would go back to regular processes instead of setting a new record every time for closed rules. I think it's important. I think it's important.

We will keep coming to the floor, and we will dutifully keep speaking up, and we will make sure that we are properly representing those people who are talking about better process, better direction, and doing the things that will work.

Mr. Speaker, I thank the gentlewoman for yielding the time, and I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

The rule before us today is a fair rule that is aligned with the customary practice of the House for rules governing debate on conference reports.

After numerous hearings and constructive negotiations with the Senate, the Appropriations Committee has crafted an important and balanced bill. It invests in new technologies, scientific research, and conservation efforts that are critical to the long-term health of our economy and our planet.

Most importantly for my district, this legislation increases funding for the Army Corps of Engineers and the Bureau of Reclamation. Every dollar is crucial for my constituents in Sacramento as we work to improve our water infrastructure, as I know it is to all my colleagues in the House with similar bills.

I want to thank Chairman OBEY and Chairman PASTOR for recognizing how critical this funding is to all of us. We rely upon it to fortify our levees, raise our dams, and keep our communities safe and dry.

This bill also looks to the future by investing in the development of a new smart grid to ensure electricity delivery and energy reliability. And it makes a strong commitment to renewable energy and scientific research.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 788 will be followed by 5-minute votes on motions to suspend the rules on H. Res. 692 and H. Con. Res. 151.

The vote was taken by electronic device, and there were—yeas 234, nays 181, not voting 17, as follows:

[Roll No. 749]

#### YEAS—234

Abercrombie	Engel	Markey (MA)
Ackerman	Eshoo	Marshall
Altmire	Etheridge	Massa
Andrews	Farr	Matheson
Arcuri	Fattah	Matsui
Baca	Filner	McCarthy (NY)
Baldwin	Foster	McCollum
Barrow	Frank (MA)	McDermott
Bean	Fudge	McGovern
Becerra	Giffords	McIntyre
Berkley	Gonzalez	McMahon
Berman	Gordon (TN)	McNerney
Berry	Grayson	Meek (FL)
Bishop (GA)	Green, Al	Meeks (NY)
Bishop (NY)	Green, Gene	Michaud
Blumenauer	Grijalva	Miller (NC)
Boccieri	Gutierrez	Miller, George
Boren	Hall (NY)	Mitchell
Boswell	Halvorson	Mollohan
Boucher	Hare	Moore (KS)
Boyd	Harman	Moore (WI)
Brady (PA)	Hastings (FL)	Moran (VA)
Braley (IA)	Heinrich	Murphy (CT)
Brown, Corrine	Herseth Sandlin	Murphy, Patrick
Butterfield	Higgins	Murtha
Capps	Hill	Nadler (NY)
Cardoza	Himes	Napolitano
Carnahan	Hinchee	Neal (MA)
Carson (IN)	Hinojosa	Oberstar
Castor (FL)	Hirono	Obeys
Chandler	Hodes	Oliver
Childers	Holden	Ortiz
Chu	Holt	Pallone
Clarke	Honda	Pastor (AZ)
Clay	Hoyer	Payne
Cleaver	Israel	Perlmutter
Clyburn	Jackson (IL)	Perriello
Cohen	Jackson-Lee	Peters
Connolly (VA)	(TX)	Peterson
Conyers	Johnson (GA)	Pingree (ME)
Cooper	Johnson, E. B.	Polis (CO)
Costa	Kagen	Pomeroy
Costello	Kaptur	Price (NC)
Courtney	Kennedy	Rahall
Crowley	Kildee	Rangel
Cuellar	Kilpatrick (MI)	Reyes
Cummings	Kilroy	Richardson
Dahlkemper	Kind	Rodriguez
Davis (AL)	Kirkpatrick (AZ)	Ross
Davis (CA)	Kissell	Rothman (NJ)
Davis (IL)	Klein (FL)	Roybal-Allard
Davis (TN)	Kosmas	Ruppersberger
DeFazio	Langevin	Rush
DeGette	Larsen (WA)	Ryan (OH)
Delahunt	Larson (CT)	Salazar
DeLauro	Lee (CA)	Sánchez, Linda
Dicks	Levin	T.
Dingell	Lewis (GA)	Sanchez, Loretta
Doggett	Lipinski	Sarbanes
Donnelly (IN)	Loebach	Schakowsky
Doyle	Lofgren, Zoe	Schauer
Driehaus	Lowey	Schiff
Edwards (MD)	Lynch	Schrader
Edwards (TX)	Maffei	Schwartz
Ellison	Markey (CO)	Scott (GA)

Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skeltan  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark

Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Townes  
Tsongas  
Van Hollen  
Velázquez

Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

□ 1252

Mrs. BLACKBURN, Mr. OLSON, Mr. SIMPSON and Mrs. BIGGERT changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### SUPPORTING TAY-SACHS AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 692, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 692, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 750]

#### YEAS—415

Abercrombie	Burton (IN)	Dent
Ackerman	Butterfield	Diaz-Balart, L.
Aderholt	Buyer	Diaz-Balart, M.
Akin	Calvert	Dicks
Alexander	Camp	Dingell
Altmire	Campbell	Doggett
Andrews	Cantor	Donnelly (IN)
Arcuri	Cao	Doyle
Austria	Capito	Dreier
Baca	Capps	Driehaus
Bachmann	Cardoza	Duncan
Bachus	Carnahan	Edwards (MD)
Baird	Carson (IN)	Edwards (TX)
Baldwin	Carter	Ehlers
Barrow	Cassidy	Ellison
Bartlett	Castle	Ellsworth
Barton (TX)	Castor (FL)	Emerson
Bean	Chaffetz	Engel
Becerra	Chandler	Eshoo
Berkley	Childers	Etheridge
Berman	Chu	Fallin
Berry	Clarke	Farr
Biggert	Clay	Fattah
Bilbray	Cleaver	Filner
Billakis	Clyburn	Flake
Bishop (GA)	Coble	Fleming
Bishop (NY)	Coffman (CO)	Forbes
Bishop (UT)	Cohen	Fortenberry
Blackburn	Cole	Foster
Blumenauer	Conaway	Fox
Blunt	Connolly (VA)	Frank (MA)
Boccieri	Conyers	Franks (AZ)
Boehner	Cooper	Frelinghuysen
Bonner	Costa	Fudge
Bono Mack	Costello	Gallely
Boozman	Courtney	Garrett (NJ)
Boren	Crenshaw	Gerlach
Boswell	Crowley	Giffords
Boucher	Cuellar	Gingrey (GA)
Boustany	Culberson	Gohmert
Boyd	Cummings	Gonzalez
Brady (PA)	Dahlkemper	Goodlatte
Brady (TX)	Davis (AL)	Granger
Braley (IA)	Davis (CA)	Graves
Bright	Davis (IL)	Grayson
Brown (GA)	Davis (KY)	Green, Al
Brown (SC)	Davis (TN)	Green, Gene
Brown, Corrine	Deal (GA)	Griffith
Brown-Waite,	DeFazio	Grijalva
Buchanan	Ginny	Guthrie
Burgess	Delahunt	Gutierrez
	DeLauro	Hall (NY)

#### NAYS—181

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Baird  
Bartlett  
Barton (TX)  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Ellsworth  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy

Adler (NJ)  
Barrett (SC)  
Capuano  
Carney  
Gingrey (GA)  
Inslee

#### NOT VOTING—17

Lamborn  
Lujan  
Maloney  
McCarthy (CA)  
Neugebauer  
Pascarell

Quigley  
Schmidt  
Souder  
Wexler  
Whitfield

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E.B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeback  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Manzullo  
Marchant  
Markey (MA)  
Marshall  
Massa

Matheson  
Matsui  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce

Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

Neugebauer  
Pascrell  
Quigley  
Schmidt  
Wexler  
Whitfield  
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1300

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### CALLING FOR RELEASE OF LIU XIAOBO

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 151, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 151, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 1, not voting 21, as follows:

[Roll No. 751]

YEAS—410

Abercrombie  
Ackerman  
Aderholt  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Beerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright

Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar

Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxo  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge

Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeback  
Lofgren, Zoe  
Lowey

Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nunes  
Nye  
Oberstar  
Olson  
Oliver  
Ortiz  
Pallone  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)

Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Petri  
Velázquez  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

#### NOT VOTING—17

Adler (NJ)  
Barrett (SC)  
Capuano  
Carney

Gordon (TN)  
Lamborn  
Lujan  
Maloney

Markey (CO)  
McCarthy (CA)  
McNerney

## NAYS—1

Paul

## NOT VOTING—21

Adler (NJ)	Gohmert	Pascarell
Barrett (SC)	Lamborn	Quigley
Capuano	Lujan	Schmidt
Carney	Maloney	Tiberi
Conyers	McCarthy (CA)	Visclosky
Deal (GA)	Miller (NC)	Wexler
Ellison	Neugebauer	Whitfield

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1307

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# CONFERENCE REPORT ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. PASTOR of Arizona. Mr. Speaker, pursuant to House Resolution 788, I call up the conference report on the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TIERNEY). Pursuant to House Resolution 788, the conference report is considered read.

(For conference report and statement, see proceedings of the House of September 30, 2009, at page 23048.)

The SPEAKER pro tempore. The gentleman from Arizona (Mr. PASTOR) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) each will control minutes 30 minutes.

The Chair recognizes the gentleman from Arizona.

## GENERAL LEAVE

Mr. PASTOR of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report to accompany H.R. 3183.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. PASTOR of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House today the conference report on H.R. 3183, the Energy and Water Development Appropriation Act for fiscal year 2010.

The conference agreement before us is a good one, and it merits the support of all of the Members of the House.

The agencies and the programs under the jurisdiction of energy and water development contribute to solving many of the most pressing challenges facing our country, including strengthening and maintaining our water infrastructure, advancing U.S. scientific leadership, combating global climate change with renewable and cleaner energy technologies, and providing security against nuclear threats. I believe the conference agreement provides strong support for these agencies and programs.

The total amount of funding included in the energy and water conference agreement is \$35.5 billion. This constitutes an increase of \$204 million from the enacted level for fiscal year 2009. While the conference agreement is below the budget request, the primary reason for this difference is the Congressional Budget Office score of the Department of Energy's budget. The conference agreement provides \$571 million above the budget request in program scope to further critical energy, water development and related goals.

Mr. Speaker, I want to thank my Senate counterpart, Chairman BYRON DORGAN, and his ranking member, ROBERT BENNETT, for their hard work during this conference. I especially want to extend my appreciation to my ranking member, the Honorable RODNEY FRELINGHUYSEN of New Jersey, for his extraordinary cooperation and insight. I truly value his support and advice and that of all of the members of our Energy and Water Subcommittee. I believe we are all proud of this bipartisan product.

Mr. Speaker, before I conclude, I would also like to thank the staff for their help in shepherding this bill through the House and through conference with the Senate. The subcommittee staff includes Taunja Berquam, Robert Sherman, Joseph Levin, James Windle, Casey Pearce, and our detailee from the Corps of Engineers, Lauren Minto.

I also want to thank Richard Patrick of my staff and Rob Blair and Kevin Jones of the minority staff, and Nancy Fox and Kathleen Hazlett of Mr. FRELINGHUYSEN's staff.

Mr. Speaker, I urge unanimous support in the House for the adoption of this conference report.

Mr. Speaker, I am pleased to present to the House today the conference report on H.R. 3183, the Energy and Water Development Appropriations Act for fiscal year 2010. The agencies and programs under the jurisdiction of Energy and Water Development contribute to solving many of the most pressing challenges facing our country, including strengthening and maintaining our water infrastructure, advancing U.S. scientific leadership, combating global climate change with renewable and cleaner energy technologies, and providing security against nuclear threats. I believe the conference agreement provides

strong support for these agencies and programs.

The total amount of funding included in the Energy and Water conference agreement is \$33.5 billion. This constitutes an increase of \$204 million from the enacted level for fiscal year 2009, and is approximately \$929 million below the budget request. While the conference agreement is below the budget request, the primary reason for this difference is a Congressional Budget Office score of \$1.5 billion for the Department of Energy's budget request for the Innovative Technology Loan Guarantee Program. The conference agreement provides \$571 million above the budget request in program scope.

Title I of this conference report provides funding for the Civil Works program of the U.S. Army Corps of Engineers, including the Formerly Utilized Sites Remedial Action Program. The conference agreement provides the Corps with \$5.4 billion in fiscal year 2010, slightly above fiscal year 2009, and \$320 million over the budget request. These investments will provide increased transportation efficiency on our nation's waterways, job creation, clean water, and, most importantly, will ensure the safety of our citizens. The conference agreement also recognizes the increasing cost of aging infrastructure through significantly increased funding for the operation and maintenance of existing projects.

The conference agreement continues to limit new contract obligations that require funding from the Inland Waterways Trust Fund due to the insolvency of the Fund. If the revenue stream is not addressed, the level of investment must be adjusted to the available resources—resulting in increased costs to existing projects as they are suspended, as well as the deferral of new projects in need of recapitalization. I would urge the administration and interested parties to pursue this issue with the relevant authorizing committees.

Funding for title II, which includes the Central Utah Project Completion Account and the programs of the Bureau of Reclamation, is \$1.13 billion, \$12 million above the amount appropriated last year and \$67 million above the budget request. The conferees support funding for two projects to alleviate water supply and conservation issues in the California Bay-Delta, as proposed by the House. The conference agreement provides \$133 million, \$69 million above the request, for rural water projects to bring clean water to tribal and rural communities in Arizona, California, Montana, New Mexico, and South Dakota.

Total funding for title III, the Department of Energy, is \$27.1 billion, \$318 million above fiscal year 2009 and \$1.3 billion below the budget request due to a score by the Congressional Budget Office of \$1.5 billion for the Department of Energy's budget request for the Innovative Technology Loan Guarantee Program. This conference agreement, when combined with the \$36.6 billion of American Reinvestment and Recovery Act funding, represents a historic investment into energy and science technology, as well as the cleanup of the nation's nuclear legacy. The conference agreement also supports the national security missions of the National Nuclear Security Administration.

Our nation's ongoing energy crisis affects our economy, security, and environment, and



the conferees have taken. action with this agreement to develop lasting solutions for our energy challenges. Americans today face rising electricity prices, a transportation system still dependent on foreign oil, and the looming uncertainty of global climate change. A broad portfolio of approaches across energy technologies at the Department of Energy will be required to transform our energy economy and address this energy crisis. To further diversify this portfolio, the conferees provide a prudent level of funding for Energy Innovation Hubs, Hubs, a new research model that will gather a broad array of researchers around critical energy challenges. The conference agreement provides the Department of Energy with the opportunity to establish three Hubs to research the next generation of clean and safe nuclear power, cutting-edge science and technology to convert sunlight to transportation fuels, and systems to reduce energy use in buildings.

The conference agreement provides a record investment of \$2.24 billion in renewable energy and efficient energy technologies, \$314 million above the fiscal year 2009, to develop and deploy long-term solutions to our energy challenges. By investing in ways to harness energy from solar, wind, geothermal, biomass, and water sources, the conference agreement takes steps to advance technologies that will provide affordable, clean energy from domestic, renewable sources. Although they offer vast, untapped renewable energy resources in the United States, these technologies currently account for less than 3 percent of our electricity generation. Applied research and development for these renewable energy technologies is funded at \$620 million, an increase of 17 percent over the fiscal year 2009, to launch our nation into the next generation of clean and secure electricity generation.

To bring electrical power from these new renewable resources to the population centers that use it, and to reduce energy losses during power transmission, the conference agreement boosts funding by 26 percent over 2009 for electricity delivery and energy reliability. In addition to funding research and development for smart grids, energy storage, and other ways to modernize the nation's power transmission and distribution system, the conference agreement more than triples funding over the fiscal year 2009 for cyber security research and development to secure the nation's electric power system as cyber attacks increase worldwide while the grid is becoming increasingly network-connected.

Chronically high fuel prices and dependence on foreign oil continue to hinder our nation's economy and transportation sector. The conference agreement invests nearly \$950 million in activities at the Department of Energy to permanently reduce our dependence on petroleum fuels. The agreement provides \$311 million for vehicle technologies, \$38 million above the fiscal year 2009, to increase vehicle efficiency, advance alternative fuel technologies for next-generation biofuels, and develop electrified vehicles that can run petroleum-free. Further, the conference agreement provides \$174 million for hydrogen and fuel cell technologies, to continue the work at the Department of Energy, in conjunction with private industry and research institutions, furthering one

of a small handful of pathways that may reduce the need for imported petroleum fuels.

The conference agreement invests \$570 million in programs that cost-effectively cut energy consumption now and in the future by developing and deploying efficient energy technologies. Americans will save money and energy in the near-term through \$210 million in funding for weatherization assistance grants, a 5 percent increase over the fiscal year 2009. Further, the conference agreement increases funding for Industrial Technologies and Building Technologies to develop innovative technologies that will help our homes, businesses and industries save energy and money while reducing harmful emissions.

The conference agreement is a measured commitment to positioning nuclear energy to play a role in the nation's energy future. The conference agreement provides \$787 million for nuclear energy, \$5 million below fiscal year 2009 and \$10 million above the request. This funding supports the licensing, research, and development of nuclear reactor technologies.

In addition, the conference agreement supports fossil energy funding to emphasize carbon capture and sequestration—the key to enabling the use of our extensive reserves of coal while reducing greenhouse gas emissions. Fossil Energy research and development programs are funded at \$672 million, \$55 million above the request, of which \$404 million is for fuels and power systems and \$37.8 million focuses on natural gas and unconventional petroleum research.

There is a legacy of contamination from the past 60 years of nuclear weapons manufacturing and research. This conference agreement is a major investment in mitigating the environmental effects of the nation's nuclear legacy and, for the first time, meets virtually all of the cleanup regulatory compliance milestones at sites around the country. The conference agreement provides \$6.4 billion for environmental cleanup, which includes national defense and non-defense sites, as well as Uranium Enrichment Decontamination and Decommissioning (UED&D). Defense sites are funded at \$5.6 billion, \$147 million above the request. The conference agreement provides non-defense sites with \$245 million, \$7 million above the request, and \$574 million for UED&D, \$14 million above the request. The clean-up projects and activities take place around the country, in places like Hanford, Washington; Savannah River, South Carolina; Los Alamos, New Mexico; Oak Ridge, Tennessee; Portsmouth, Ohio; Idaho; and Paducah, Kentucky, among others.

The conference agreement increases funding for the Office of Science 3 percent from fiscal year 2009, progress in these constrained times. The conference agreement provides \$394 million for advanced scientific computing research, \$25 million above fiscal year 2009. The Office of Science conducts world-leading scientific research and development, both in exploring the fundamental nature of matter and energy, and in laying the technological foundations upon which are found our best prospects of building energy independence and control of climate change.

While the administration is determining national policy regarding how to dispose of high-level radioactive waste and nuclear spent fuel,

it is prudent to continue to learn from the investment that has been made to the Yucca Mountain waste repository. For nuclear waste disposal activities, the conference agreement provides a total of \$197 million to continue the licensing process at Yucca Mountain. Within these funds, the conference agreement provides \$5 million to create a Blue Ribbon Commission to evaluate all alternatives for nuclear waste disposal.

The programs of the National Nuclear Security Administration, NNSA, reduce the threat of nuclear proliferation overseas, maintain the U.S. nuclear weapons stockpile, and provide reliable nuclear propulsion for the U.S. Navy. The conference agreement provides a total of \$9.9 billion for the NNSA, which includes \$666 million of construction activities for the Mixed-Oxide Fuel Fabrication Facility not funded in the NNSA in fiscal year 2009. Adjusting for the new activities, the conference agreement for the NNSA is \$9.2 billion, the same as fiscal year 2009.

Nuclear weapons or material with nuclear weapons potential, in the hands of terrorists are a priority national security threat to the United States and our allies. The NNSA programs address the full spectrum of the proliferation threat by supporting multilateral agreements, securing nuclear materials overseas, detecting illicit trafficking, and researching and developing the leading-edge technology to support nonproliferation. Defense Nuclear Nonproliferation activities are funded at \$2.1 billion. The International Nuclear Material Protection and Cooperation program that works in Russia and elsewhere to secure nuclear material and enhance border and port security receives \$572 million, \$20 million above the request and \$172 million above fiscal year 2009. The conference agreement includes funds for the Mixed-Oxide Fuel Fabrication Facility, Waste Solidification Building, and supporting activities at Savannah River, South Carolina.

Given the serious international and domestic consequences of the U.S. initiating a new nuclear weapons production activity, it is critical that the administration lay out a comprehensive course of action before funding is appropriated. Major transformation of the weapons complex can only be produced with significant bipartisan support, lasting over multiple sessions of Congress and multiple Administrations.

The Nuclear Posture Review should inform an enduring strategy and provide the basis of the underlying complex necessary to ensure the nation's nuclear weapons continue to keep our nuclear weapons safe and reliable. The conference agreement provides \$32.5 million for a limited study of how to improve the non-nuclear components of the B61 bomb. The agreement also includes direction for the NNSA to commission two independent studies to ensure that the B61-12 is both necessary and technically sound. In particular, the second study will examine whether the B61-12 has sufficient technical advantages to constitute a long-term 21st century weapon, or whether it is likely to need near-term replacement or retirement. Should the Nuclear Posture Review confirm the B61-12 as a national security requirement, the agreement includes a provision allowing the NNSA to reprogram



funds from other, limited, activities to address technical issues associated with the non-nuclear portion of this program. In the interim, this agreement maintains B61-related technical expertise while evaluating whether the program is essential for national security.

For Naval Reactors, the conference agreement provides \$945 million, \$117 million above fiscal year 2009, in order to support the next-generation nuclear reactor for the U.S. Navy.

Funding for title IV, Independent Agencies, is \$292 million, a decrease of \$16 million from the previous fiscal year and \$27 million below the budget request. The conference agreement funded the Appalachian Regional Commission at \$76 million and the Delta Regional Authority at \$13 million, the same as the request. The conference agreement also provides \$12 million for the Denali Commission, the same as the request. Two new commissions have been funded by conference agreement: the Northern Border Regional Commission at \$1.5 million and the Southeast Crescent Regional Commission at \$250,000. The Nuclear Waste Technical Review Board is funded at \$3.9 million, the same as the request, and the Defense Nuclear Facilities Safety Board is funded at \$26 million, the same as the request. The Federal Coordinator for the Alaska Natural Gas Transportation Projects is also funded at the budget request level of \$4.5 million. Finally, the conference agreement provides \$154.7 million for the Nuclear Regulatory Commission, NRC, \$29 million below the budget request.

We have a responsibility to do everything possible to address our current energy crisis and the state of our infrastructure. This conference agreement invests in the energy areas that will put us on the long-term path to increased energy independence, reduce the emissions of greenhouse gases, and lead global efforts to confront global climate change. Further, it provides funding to build and maintain our nation's navigation, flood damage reduction projects and water supply facilities to strengthen our economy, protect our citizens and provide those who do not have it, clean water.

I want to thank my Senate counterpart, Chairman BYRON DORGAN, and his Ranking Member, Senator ROBERT BENNETT, for their hard work during this conference. I especially want to extend my appreciation to my Ranking Member, the Honorable RODNEY FRELINGHUYSEN of New Jersey, for his extraordinary cooperation and insight. I truly value his support and advice, and that of all the members of our Energy and Water Subcommittee. I believe we are all proud of this bipartisan product.

Mr. Speaker, before I conclude I would also like to thank the staff for their help in shepherding this bill through the House and through conference with the Senate. The Subcommittee staff includes Taunja Berquam, Robert Sherman, Joseph Levin, James Windle, Casey Pearce, and our detailee from the Corps of Engineers, Lauren Minto. I also want to thank Richard Patrick of my staff, and Rob Blair and Kevin Jones of the minority staff, and Nancy Fox and Kathleen Hazlett of Mr. FRELINGHUYSEN's staff.

I urge the unanimous support of the House for adoption of this conference report.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself as much as time as I may consume.

I rise in support of the Energy and Water appropriations conference agreement for 2010. I would like to recognize Vice Chairman PASTOR for his friendship and leadership—it has been a good working partnership—and all members of the committee.

I would also like to thank all of the staff on both sides of the subcommittee as well as in my office and his for their dedication and hard work. On the majority side, Taunja Berquam, the Clerk Bob Sherman, Joe Levin, James Windle, Casey Pearce, and Lauren Minto. On the minority side, Rob Blair and Kevin Jones. In my personal office, Katie Hazlett and Nancy Fox; and in Mr. PASTOR's personal office, Rich Patrick. All of these individuals worked tirelessly to put together the product before us which meets the needs of every congressional district in the Nation.

Mr. Speaker, the conference agreement totals \$33.465 billion, which is \$928 million below the President's request, and \$167 million, or 0.6 percent, above the fiscal year 2009 enacted level.

However, the conference agreement was preceded by the American Recovery and Reinvestment Act and other emergency stimulus appropriations for the fiscal year 2009, which gave more than \$58 billion in new money to the agencies under our jurisdiction. In fact, nearly 39 billion new dollars alone went to the Department of Energy.

So while the growth from the fiscal year 2009 regular appropriation to this conference report is minimal, the Department of Energy is going to have a difficult time spending and accounting for all of the new money it has received.

However, Mr. Speaker, in general, this conference agreement is reasonable and balanced.

I do want to highlight one area in which I have significant concerns: the future of nuclear power in this country and what happens when political science trumps sound science.

During the Republican motion to recommit the House Energy and Water bill, my colleague from Idaho (Mr. SIMPSON) spoke eloquently about the perils of following the President's plan to terminate our current nuclear waste management plant at Yucca Mountain. My biggest regret with this conference agreement is that we were unable to overcome Senator REID's influence, and consequently, the disposal plan is barely on life support.

The amount of funding in this bill for continuing with the Yucca Mountain license application is now half of what is requested, further delaying the progress on the establishment of a national nuclear waste disposal site.

And what will the results be of this decision? Spent nuclear fuel and radio-

active waste is being stored on site at 121 locations across 39 States. These are our States; they're our constituents. I am sure this fuel is safe where it is today, but I know many of our constituents want it stored somewhere where the environment will not be affected and where the material will be kept safely.

The President's and the majority leader in the Senate's decision will ensure that the fuel stays where it is for at least 15 or 20 years with each site bearing all of the major costs and responsibilities for management and security of the waste material.

Second, their plan will rob our country of potential jobs and tax revenue. These jobs range from Ph.D.s in physics to pipe fitters, from welders to plumbers. Operating nuclear power plants can sustain 700 permanent jobs while new plants generate as many as 2,400 construction jobs.

Currently, the Nuclear Regulatory Commission has applications for 26 new plants. That's at least 60,000 jobs at stake. I don't understand how the President can push for an economic revitalization and reduce carbon emissions while gutting the single technology which will help accomplish both of those goals.

□ 1315

Our constituents need these jobs and the clean power source that they create.

Third, killing Yucca Mountain would bring billions of dollars of liability against the Federal Government, anywhere from \$11 to \$22 billion. This is money which the Federal Government owes industry because we have failed to live up to our responsibilities. We've signed contracts with these companies to take the waste off their hands. And because of the political arrangement between the White House and the Senate leader, we have failed, taxpayers and ratepayers must now carry that burden for the foreseeable future.

These are not empty threats or dire predictions. They are facts. Last week, the Nuclear Regulatory Commission had a vote that basically denies the go-ahead for the construction of new nuclear power plants because of the administration's plans to terminate Yucca Mountain.

Those 54,000 jobs I mentioned earlier are on hold. The nuclear waste in our districts is still there and not going anywhere. The billions of liability that our children will have to repay? Well, that's another few billion on top of our current \$1.6 trillion deficit.

The one bright side of the conference agreement is that we were able to keep the license application alive, but just barely. Until the American public wakes up to the pitfalls of this political arrangement between the White House and the Senate leader, we will all have to bear the costs.

With that said, Mr. Chairman, I would like to thank Vice Chairman PASTOR for his leadership and friendship. Overall, this is a great conference agreement, and I intend to support it, and I reserve the balance of my time.

Mr. PASTOR of Arizona. I wish to yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of the conference report for the Energy and Water appropriations bill.

This bill commits \$180 million in Federal funding for critical Everglades restoration projects. While it is less than the administration request and the House-funded level, it represents a firm commitment from this Congress. To be clear, we must move boldly forward in saving this unique national treasure. Time is our enemy, and we have delayed too long.

In 2000, Congress authorized the Comprehensive Everglades Restoration Plan as a State-Federal partnership to restore the ailing River of Grass. However, to date, the State has outspent the Federal Government by more than 2 to 1.

Finally, after 8 years of inaction, we are beginning to meet our commitment—and I can't thank Chairman PASTOR and Chairman OBEY enough for their steadfast support of funding to restore the Florida Everglades to its once pristine state—with significant funding in the FY09 bill, the American Recovery and Reinvestment Act as well, and now in the FY10 legislation.

Chairman OBEY, Chairman VISCLOSKEY and Chairman PASTOR, your leadership on this effort will not be forgotten. It will preserve a national treasure for years and years to come so that my children and my children's children can enjoy the Florida Everglades. Today's bill is a positive step forward for the Everglades, and I hope it will spur further action in the next fiscal year.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the committee.

Mr. WAMP. I thank the chairman, and I thank the ranking member and the Speaker. It's my 15th year here. I have been on this committee for 13 years, and I inherited a district that is really heavy in this bill, and I know that. I represent Oak Ridge, Tennessee.

The committee has been incredibly good through the years to recognize the needed investments in science, energy research, national security and environmental management, and yet again this conference report recognizes those critical priorities on behalf of our country, and I'm grateful for that. But much like Paul Revere, I have come to the committee, the subcommittee, and the House again today to say we have a huge problem at the Chickamauga Lock on the Tennessee River.

We began construction of the replacement lock a few years ago. The cofferdam is complete. Inside this cofferdam, we will dry out the Tennessee River in the next few months to test that the cofferdam works. The cofferdam is about the size of this entire building, the Capitol Building, in the middle of the Tennessee River.

We are ready now to begin pouring the foundations in the middle of the river to replace the lock. The current lock will close. I just had the briefing today from the Corps.

Yesterday at the conference committee closing this out, and I signed the conference report, I offered an amendment to put language and up to \$14 million in the bill to make sure we can move the project forward. It failed on a 10-8 vote. I appreciate LINCOLN DAVIS, the only member of the majority for voting "yes." Everyone in the minority voted "yes." This is a critical problem.

I say to the administration, you only made a \$1 million funding request. It's not sufficient to move it along. The current lock will close. The Corps just briefed us again today. They cannot keep it open. It will be the largest inland waterway system in the history of our country to close.

The current lock was set to close at 2014. We are not building the lock yet. The cofferdam is complete. The Kentucky lock only got \$1 million, but their stimulus money allows them to start construction. We could not. I made this case at the subcommittee, at the full committee, and on the House floor Mr. PASTOR helped us. We put \$14 million in, and just like happens in this place, somehow by the time we got to the conference meeting, it was taken back out. We tried to restore it yesterday, change of support, went down virtually party lines.

I'm telling you, we got a problem. We need help. And it's not me. It's the entire eastern system. It's the largest inland waterway system in the country. It is going to close. We've got to do something.

Please, to the committee, to the Senate, to the House, both parties, administration, when there is an emergency supplemental, let's get together ahead of time and fix the Inland Waterway Trust Fund problem. This is a crisis for all the inland waterway system, and the first big failure will be Chick Lock unless we exert the leadership that we are elected to do. It's a can that has been kicked down the road too long.

I plead with you on behalf of the constituents, not just in my district, not just in my State, but in the entire eastern part of our country. From Peoria to south Georgia, you will have truckloads of cargo and goods, 150,000 18-wheelers a year added to carry the cargo that currently goes through this lock, and it is about to close because we're not doing our job. That's the

truth. And I hate it. And I have done my best, but I am only one. I need help. Our people need help. Our country needs help. We need leadership.

Let's keep the Chickamauga Lock open. If there's an emergency supplemental that moves, we need to step up and fix this problem before the 2011 cycle. I'm going to do everything I can. I've been here long enough to know how to cooperate, how to get it done and sometimes how to keep the trains from going any further until the right things are done. That's not a warning. I need your help. That's a plea.

Mr. PASTOR of Arizona. Mr. Chairman, this is the first time I've done this bill, and I have to tell you that one of the lessons I learned is that the inland waterway is of great value to our country, and we have not paid enough attention to it. So I would agree with my colleague that it's a problem that we need to solve.

The Inland Waterway Trust Fund is the vehicle which would construct and maintain these locks. But at this point, we haven't been able to solve that problem. And the gentleman is right. We did help him here in the House when we passed this bill, but I have to tell him with great regret that in the conference we found very little support from the Senate in this particular lock, and in working out the conference bill, we had to go back to the \$1 million.

At this moment, I would like to yield 3 minutes to my colleague from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, this bipartisan bill will greatly improve our Nation's water infrastructure, robustly fund vital energy research and help protect our Nation from the threat of nuclear terrorism. The bottom line is that it will create jobs, strengthen our economy and protect our Nation.

The bill provides \$5.4 billion for the U.S. Army Corps of Engineers to address our Nation's vitally important water infrastructure needs. It moves us forward in funding the construction and maintenance of our Nation's ports and navigational waterways, which are crucial to our economy and international trade.

H.R. 3183 also makes great strides in protecting our communities from natural disasters by providing \$2 billion for flood protection efforts. Also included is \$27.1 billion to fund the Department of Energy's efforts to decrease our reliance on foreign sources of oil and increase our investment in technologies that use energy more efficiently and to expand energy sources right here at home.

While providing \$2.2 billion for research into energy efficiency and renewable energy efforts such as solar, wind, biofuels and hydrogen, this bill also invests in conventional energy sources by providing \$787 million for

nuclear energy research and \$672 million for fossil energy research.

Mr. Speaker, there is no more important mission for our country, for this Congress, than preventing nuclear weapons from falling into the hands of terrorists, and this bill provides \$2.1 billion for our Nation's nuclear non-proliferation efforts at home and abroad. Why? To keep the American family safe.

Our Nation's communities, national economy and security are strengthened by this bill, which is why I urge all of my colleagues, Republicans and Democrats alike, to support it.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. CALVERT), a member of our committee.

Mr. CALVERT. I thank the gentleman.

Mr. Speaker, the conference report that we are considering today addresses a number of issues affecting the energy and water infrastructure of our country. However, when it comes to the ongoing water crisis in California, the conference report comes up short.

The ongoing water crisis in California has exacerbated the economic downturn up and down my State. Statewide, the unemployment rate has risen to more than 12 percent. In the Central Valley, regional unemployment has now reached 20 percent, with some communities' unemployment now over 40 percent. California's water crisis is the result of severe drought conditions on top of the federally imposed pumping restrictions that have been placed on our State's critical water infrastructure.

While the conference report does provide some funding for a number of California's mid- and long-term water resource management projects, many of the projects are years away from completion and will not provide any assistance to Californians that are suffering today. Many of the most affected communities have made it clear they are not looking for a handout. They want their water and their jobs back.

During the markup of this bill in the Appropriations Committee, I offered an amendment to do exactly that, by ending the federally imposed pumping restrictions. Sadly, most of my colleagues on the other side of the aisle rejected my amendment and voted to protect a 3-inch fish instead of protecting jobs and the people of California. Similar efforts by my colleague, Mr. NUNES, have been rebuffed by the Democratic majority.

The fact remains that the flaws and shortcomings of the Endangered Species Act have tied the hands of judges and water resource planners, creating a manmade drought that is killing jobs, destroying livelihoods and hurting families in California.

I realize this issue should be addressed by the authorizing committee,

but if the Democratic leadership will not force the committee of jurisdiction to act, the members of the minority have no other option. If this Congress and this administration fail to take the bold steps necessary to address this crisis in the near future, the people of California will know exactly who is responsible for their mounting job losses and economic suffering.

Mr. PASTOR of Arizona. Mr. Speaker, when we were doing this bill, and in fact, when this bill was on the floor, we assisted, to the best of our ability, in terms of providing authorization and also money, and in some cases we waived matching restrictions so that we would have both the authority and the financial resources to deal with the problem.

What the previous speaker had asked us to do was to waive the environmental impact statements that were required, and we did not have the ability to do it, and the authorizing committee would not allow us to do it. So we did not have that ability to do it. But we did try, and it was kept in the conference to provide the authorization and the financial resources to continue to, in the short term, deal with the water shortages in central California.

At this point, I would like to yield 3 minutes to my friend and a member of the subcommittee, the gentleman from Colorado (Mr. SALAZAR).

□ 1330

Mr. SALAZAR. I want to thank the chairman and ranking member for their wonderful leadership on this subcommittee.

I rise today to support what I consider to be my best legislative accomplishment since I came to Congress in 2004, but let me first say how important the investments that we are making in this bill are.

The nearly \$2.5 billion for renewable energies will play a vital role in reducing carbon emissions, creating jobs, and producing clean energy. I especially want to point out the \$225 million included for solar energy. The Third Congressional District of Colorado already has some of the largest solar farms in the world, and my constituents are already recognizing the very benefits of the solar industry.

The \$1.13 billion included for the Department of the Interior and the Bureau of Reclamation are so vitally important to the Western United States. As other speakers have mentioned, water continues to be a damper to the livelihood of many Westerners, and this investment in our Nation's water infrastructure from dams, canals, treatment plants, and rural water projects is extremely important to our rural citizens as they face crisis after crisis, from Colorado all the way to California.

This bill included several desperately needed dollars for rural water projects

in Colorado. The \$1.75 million for the Jackson Gulch Rehabilitation Project in Mancos, Colorado, and the \$600,000 for the Platoro Reservoir in the San Luis Valley will help provide major assistance to improving these rural water districts.

Lastly, and most importantly, I want to thank the chairman and ranking member and all the staff of the subcommittee for taking a step that has not been taken for 50 years.

The roots of the Arkansas Valley Conduit stretch back to 1962, when President Kennedy signed the authorization by Congress, which was part of the Fryingpan-Arkansas Project, which included the construction of Lake Pueblo. The Federal project was the end result of years of work by Pueblo and southern Colorado leaders who wanted to make better use of the region's water.

"This is the best news I've heard in a long time," said Bob Rawlings, publisher of the Pueblo Chieftain and an avid fighter for water rights in Colorado.

I am happy to say to the people of southeastern Colorado you will no longer have to wait for clean drinking water. Clean drinking water is on the way.

Mr. FRELINGHUYSEN. I yield 3 minutes to the gentleman from Florida (Mr. ROONEY).

Mr. ROONEY. I rise today in support of the Energy and Water appropriations bill. This bill contains support for various projects within my district that will help with the continued restoration and preservation of the south Florida ecosystem.

I'm pleased with the funding for the continued restoration of the Hoover Dike. This earthen dike is currently undergoing a massive rehabilitation project that will continue to ensure the health and human safety of Pahokee, South Bay, Okeechobee, Belle Glade, Clewiston, Moore Haven, and the surrounding communities.

However, while I'm grateful to the committee for its support of these projects, I must express my great disappointment with the Senate for stripping out most of the vital construction funding for the Indian River Lagoon. This project was originally authorized in the 2007 Water Resources Development Act as a component of the Comprehensive Everglades Restoration Plan.

While some in the upper body argued that the Indian River Lagoon was a new project and a "new start" and therefore not deserving of funding, I argue it's not a new start, as it is a component of the overall ongoing Everglades Restoration project. By cutting the majority of its vital funding, we are only kicking the can further down the road for not getting this vital project started.

It's time for the Federal Government to live up to its financial commitment

to this project. My only hope now is that the lagoon will receive funds, however minimal, and our colleagues in the Senate will now agree that this is not a new start and therefore deserves to be fully funded next year.

Every year that goes by, however, without adequate funding, further damage is done to our fragile ecosystem there in the Indian River Lagoon, making recovery that much harder.

I'd like to thank my fellow Florida colleagues, especially Congresswoman WASSERMAN SCHULTZ, for their tireless work and support for these projects, and the House committee for including funding in the original House bill. I look forward to continuing the good work that we have started.

Mr. PASTOR of Arizona. In response to the comment from my friend from Florida, all new starts in this bill—and there were a few, and the Everglades got two. We have the number of 100,000, but that was to signify that a new start is available for this project. By designating the new start for the Everglades, that means that recovery money can be used now for the purpose that you spoke about.

Secondly, the Corps will now be able to reprogram moneys that now you designated as a new start, can reprogram moneys to continue the efforts on this lagoon.

And so we thought that the new start was not a cutback in money but was a vehicle that would make more money available so that the Everglades program could go forward. That's how we attempted to solve this problem. Hopefully, that will be the result.

Mr. Speaker, at this time I'd like to yield 3 minutes to the distinguished chairman of the Transportation Committee, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I'm proud to stand today in support of the fiscal year 2010 Energy and Water appropriations conference report. I'd like to thank Chairman PASTOR and Ranking Member FRELINGHUYSEN for their great work on this legislation, and I praise them for their cooperation and bipartisanship. Because of their work and the excellent work of our subcommittee staff, we have before us a comprehensive, fair, and targeted bill that makes significant investments in our country's future and in the goal of achieving energy independence. They have been able to do this with only a slight increase of \$200 million over last year's funding level; yet these investments will build on the success of the American Recovery and Investment and Recovery Act in developing a clean-energy economy and creating more American jobs.

I'm particularly grateful that this bill increases by more than 10 percent the funding for the Department of Energy's Energy Efficiency and Renew-

able Energy Program. This program, funded at \$2.2 billion, invests in producing cleaner and more efficient energy technologies to produce inexpensive energy from domestic sources.

Included are \$225 million for research to harness the vast amount of solar energy reaching the Earth every day, \$311 million to improve vehicle and battery technology, and \$200 million for research into improving energy efficiency in commercial and residential buildings, which currently consume about 40 percent of our Nation's total energy usage.

As a scientist, I'm pleased to see \$4.9 billion for the Office of Science's basic and applied science research program. Such investments are critical to maintaining America's place as a leader in the world economy.

Additionally, this legislation supports President Obama's historic commitment to nuclear nonproliferation by providing \$2.1 billion for securing vulnerable nuclear material. This will protect Americans from the risk of nuclear material falling into terrorist hands by securing stockpiles in the former Soviet Union. The money will also improve our ability to stop nuclear and radiological materials from being smuggled into the U.S.

Again, I strongly support this bipartisan legislation, and I urge my colleagues to vote "yes" on final passage.

Mr. FRELINGHUYSEN. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank the gentleman from New Jersey for yielding.

Mr. Speaker, I rise in opposition to this conference report. There was language in this bill that was stripped in the conference report that would have directed the Corps of Engineers to pursue a much safer level of flood protection for the New Orleans region.

Our entire delegation, Republicans and Democrats, were unanimous in support of the language that was in the bill, and the conference report stripped out that language, which would have directed the Corps to pursue a much safer option than the one they're currently pursuing.

If we have learned anything from the lessons of Katrina, it's that the Federal levees that failed us before cannot be rebuilt the same way they were the last time that they failed. There's too much taxpayer money that's been put at stake for us to get this wrong. And so we much more support the option that would have actually made sure that the Corps gets it right for all the money that's being spent as opposed to the route that they're choosing right now.

Option 2a, which was the language that we would have directed the Corps to pursue, is known as Pump to the River. According to the Corps's own re-

port, Pump to the River, this option 2a that's being thrown out by this report, is more technically advantageous than the one they're pursuing. It's more operationally effective than the one the Corps is pursuing. It provides greater reliability, and, most importantly, it further reduces the risk of flooding.

That's the option that our entire State delegation, that our Governor's office, that all the people back home—the city of New Orleans, the parish of Jefferson—fully support; an option that reduces the risk of flooding. That's what we should all support after what we saw happen during Hurricane Katrina; yet that language that we had unanimous support from our delegation that was in the bill is now being stripped out by this conference report.

We need to learn from the lessons of Katrina. And it's time this administration stopped paying lip service to our flood protection needs and actually put its money where its mouth is and do the right thing as opposed to making the same mistakes that were made in the past.

We cannot afford to let them go forward with building an option that, by their own admission, is much less reliable in protecting the people of New Orleans for future flooding, so I rise in opposition.

Mr. PASTOR of Arizona. Mr. Speaker, in response, I have to tell you that the conferees on the House side, the House managers, were united on this front, as well as the chairman of the other body's committee. We felt that the alternative that was desired did not provide additional protection and it would have delayed the permanent protection of New Orleans by anywhere from 18 to 36 months, which we thought was too long of a period of time to keep New Orleans unprotected. The cost, we believe, would have been \$3 to \$4 billion more.

And so for that reason, we felt that, in fairness, that we should continue with the program that the Corps has for New Orleans.

At this time, I'd like to yield 3 minutes to the distinguished member of the subcommittee, the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. I thank the gentleman from Arizona, and I certainly thank him for his leadership in getting this bill to this point. I appreciate the ranking member and the good work that they have both done in a very fair and nonpartisan way to serve this country, and also the staff of the Energy and Water Subcommittee and what a magnificent job they have done.

This is a very special bill to the First Congressional District of Arkansas. It makes continued investment in our flood protection ability in the operations and maintenance of our flood protection system. It adds money for construction where construction is

needed, for investigations where investigations are needed and more study needs to be done.

The Department of Energy has moved forward with the appropriations in this bill. We tried to do what we can to improve the solar energy research, the biofuels research, vehicle technology research, hydrogen technology, energy-efficient buildings, industrial technologies, and weatherization grants. All of these things are an investment in the future of this country and our ability to reduce our dependence on foreign oil. And that's what the committee had in mind. I think our leadership has done a great job with all these things.

We also make a serious investment in electricity delivery and reliability. In the area of the science and the basic sciences, we have made another serious investment.

I think that this is the kind of thing that the Appropriations Committee was created for—to make these decisions, make the necessary investments in the future of this country, and continue to build our infrastructure, protect our people, and provide the opportunity for us to be successful.

I urge passage of this bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. DEAL).

□ 1345

Mr. DEAL of Georgia. I thank the gentleman for yielding. I rise today unfortunately in opposition to this conference report. I want to point out to this body that something has been added in the original version from the other body that injects itself into something that I don't think the House wants to be involved in, and that is the water wars between Alabama, Florida and Georgia. Unfortunately, there is language here that directs the Corps of Engineers to calculate critical yields on the two major basins that flow through my State of Georgia and, in particular, involve the basins themselves and the reservoirs, the largest of which is Lake Lanier.

Now I do not think that the gentleman who is handling this bill or the Republican gentleman who is handling this bill has any intention of having this inject itself into a controversy that has been going on for decades in the Federal courts and is still currently under appeal as a result of the latest decision. Now the effect of this is one of two things: since it directs the Corps of Engineers to within 120 days to calculate critical yields of the two major river basins, it will either be used for purposes of the ongoing litigation or it will be used as an argument for why human consumption should not be considered in the resolution of this issue between the three States, or among the three States.

Now to spend Corps dollars calculating something that does not take

into account the right of people to drink the water that is in their State is unrealistic, and it is a true waste of Federal money. I find it quite ironic that the gentleman who injected this language into this bill just a couple of years ago was injecting language that directed the Corps not to do these kinds of studies. Isn't it ironic how all of a sudden the positions have flip-flopped? Now if you do not think that this is an issue that involves the so-called water wars, I would invite you to look at the press release for the gentleman who is claiming credit for injecting this in it, and it's referred to as the Water Wars amendment.

Now I would hope that this body would not see fit to get involved in a fight that is going to be resolved, hopefully, by agreement of the Governors of the three States. My Governor has initiated an effort to try to resume those negotiations, and we have had a response from at least the State of Alabama. We are hopeful that the State of Florida will respond accordingly. Ultimately, I think this issue will be resolved by the Governors reaching a conclusion and then bringing that conclusion to this body and to the other body and asking for us to incorporate it into the laws of this country.

Mr. PASTOR of Arizona. Mr. Speaker, in reference to Mr. DEAL, it's our understanding that that is right, the language in this conference requires two studies to determine the critical yield of the Federal projects. But we don't know, first of all, what the outcomes are going to be, so that's why we're having these studies. We don't want to get into the water wars, and we don't think that the consumption issue is an issue that will be part of the studies. Well, the language is report language, and this administration could do what it wants with the Corps of Engineers.

At this time, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I come down to concur with my colleague Mr. DEAL from Georgia. The water situation in our State of Georgia is dire. It's a very delicate situation. We are working towards a very, very good response for the people of Georgia and for our entire region. We've just had the court ruling. It's very sensitive there. Our major concern—and again, this is with great respect to the chairman. He just spoke and we concur with that as well. But we need to be very careful that there is no language in the reporting language or in any of the studies that removes the words “for human consumption” for water. Because if the manuals are not constructed with the measurements by using water that is used for human consumption, that shoots right into our bull's-eye because that's why in metro Atlanta, in the Lake Lanier area where the point of the discussion is, we

use that water for human consumption. So we're very sensitive to anything that would disallow that. We are working with the Governors of both Florida and Alabama, jointly with our Governor of Georgia, to come to a conclusion. As you all may or may not know, the judge, when he ruled in his decision, declared that it would be here in Congress that we would have to at some point reauthorize the water use of Lake Lanier and that region for human consumption. So this language would make it very difficult for us. We certainly want to concur with that. I concur with Mr. DEAL and the folks in Georgia, and I would respectfully hope that our words would be taken within the spirit of understanding that we are to deliver those words. I thank the chairman for yielding.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank the gentleman for yielding. I want to stand with my colleagues about this language that was put in the conference committee report, and I am looking at the press release now: “Conference Committee Adopts Shelby Water Wars Amendment.” I just want to give a little warning to some other Members of this because, not only would the judges' ruling about the Tallapoosa Basin and the Chattahoochee Basin—it also mentioned that because this drinking water was nonauthorized, and who would ever have thought we would have to authorize the ability for humans to have drinking water out of their water source, it also is going to affect 17 other States with approximately 42 Corps impoundments in their States.

If they do not believe that this will be used as a test case and a model for others to file suit with the Endangered Species Act or whatever for people taking unauthorized drinking water out of those water sources, they are very much confused. This bill needs to be defeated. This conference report needs to be defeated. We need to go back to conference. We need to get this language out. I hope that other Members in this body who have these impoundments located in their States understand the consequences this language could have for them if this conference committee report is passed in this body and goes to the President's desk for signing. Because if you don't believe this isn't going to be brought up in some of these court cases, you're just fooling yourself. So I would like to ask the other Members of this body to join me and my colleagues in voting against the conference report.

Mr. PASTOR of Arizona. Mr. Speaker, I just want to clarify that the Corps was wanting to do these studies, and defeating this conference report is not going to stop the Corps from doing

these studies. I have committed to the gentleman from Georgia that we will work with him because we don't believe that the consumption of water by the residents of Atlanta or Georgia should play a role, and it should be a factor in these studies.

I now yield 3 minutes to my colleague from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman. I would like to also thank the ranking member. This is a good conference report. This is a good piece of legislation. I think there are some sound investments in here. I wish some were more, but I think given the stimulus and everything, we are moving in the right direction. We send about \$750 billion a year to oil-producing countries. A couple of years ago the Department of Defense spent about \$115 billion escorting big oil ships in and out of the Persian Gulf. We have got to get away from our dependency on foreign oil. We have got to get away from our dependency on these foreign countries that get us into all of these political entanglements.

I think the investments that are made here on solar energy (\$225 million), biofuels, vehicle technology, hydrogen technology, energy-efficient buildings—for those of us who represent manufacturing States in the Midwest, this green economy is opportunity for us. We have manufacturing. We have great research and development institutions. This is an opportunity for us to revive the middle class in the United States of America through these green jobs. There was a report that was just done for the Midwest Governors meeting that is coming up, and it says, "Regional Report Endorses Clean-Energy Economy for the Midwest."

"Midwestern States should use their abundant natural resources and manufacturing base to build an economy based on clean energy." And we have the opportunity to do that if we continue investing in research and development, especially coal.

There is one last point that I would like to mention. I hope that next year we can continue to push these energy hubs. Secretary Chu has made this a top priority. They're modeled after the old Bell Laboratories. A variety of different universities are going to be involved in the research. They're going to be able to collaborate and focus on the technologies that are working, not focusing on just getting money so you can have a budget for next year. So I hope as we continue to move, we continue to push, these energy hubs are going to be nothing but opportunity for us to get into the commercialization and continue to create jobs.

Again, this is a good piece of legislation. I want to thank the chairman. I would also like to thank the staff. I know a lot of work went into it.

Mr. FRELINGHUYSEN. I reserve the balance of my time.

Mr. PASTOR of Arizona. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. First of all, I would like to thank the chairman, the ranking member and the professional staff of the committee. A wonderful job has been done, I think, dealing with and grappling with the whole set of issues. But in this \$33.5 billion conference report, there are some very significant investments and priorities, \$2.2 billion in energy efficiency and renewable energy, everything from solar to biofuels and hydrogen, weatherization grants. We are very, very pleased that they were able to produce that as part of this conference report.

But I also want to say that on the nuclear side, a continuing investment by the committee, some \$787 million on a whole range of very important efforts related to nuclear energy so they can be safe and environmentally useful to us to continue to expand, both through the loan guarantee program but also through a number of other investments that are being made in the conference report. And to deal with the President's commitment on nuclear non-proliferation, on the weapons side, a \$2.1 billion investment.

I think that Congressman PASTOR, who has led this effort, and the staff have done a great job. We had a good process in negotiations with the Senate in our conference committee, which wrapped up yesterday. I encourage the House to favorably report this. I thank my good friend from New Jersey, who has served as the ranking Member and who has done an extraordinary job. This has been a bipartisan effort and is a bipartisan work product that I think moves the country's priorities forward in terms of energy and energy efficiency. I recommend it to the House.

Mr. FRELINGHUYSEN. I reserve the balance of my time.

Mr. PASTOR of Arizona. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise today in support of the Energy and Water conference report. By now I suspect all of the Members of the House understand the drought crisis affecting California, particularly in the heart of the San Joaquin Valley, a large part of my district. If this drought continues a fourth, fifth year, it could impact the entire State of California.

Among many of the items in this conference report are two amendments that Congressman CARDOZA and I have been fighting hard for on behalf of our farmers, farmworkers and farm communities who are at ground zero as it relates to this drought crisis. Communities are having 30 and 40 percent unemployment, the most difficult situation they've ever faced. In July, we offered an amendment to bring drought relief to the San Joaquin Valley by

providing funding for two projects. The 2-Gates project and the Intertie project, both of these projects were on the back burner for years. They should have been already implemented. This administration is moving forward to put these into construction next year.

The second amendment addresses impediments to transfers. Transfers are critical during drought conditions, both regulatory and that by Mother Nature. This gives the Bureau of Reclamation the flexibility needed to facilitate, and much more needs to be done.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. PASTOR of Arizona. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. COSTA. I thank the gentleman from Arizona. This gives the flexibility for the Bureau of Reclamation to facilitate these water transfers. This year, we transferred over 6,000-acre-feet of water that was a critical lifeline. Much more needs to be done. I urge my colleagues to support these two amendments in this conference report. I thank the gentleman from Arizona for his support in these efforts.

Mr. FRELINGHUYSEN. I am prepared to yield back the balance of my time, Mr. Speaker.

□ 1400

Mr. PASTOR of Arizona. Mr. Speaker, Tom Bevil used to describe this bill as the "all-American bill" because it meets the needs of America. I urge my colleagues to support it.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the FY 10 Energy and Water Appropriations Conference Report, and I commend Chairman PASTOR and Ranking Member FRELINGHUYSEN for bringing this bipartisan legislation to the floor today.

The FY 10 Energy and Water Appropriations bill makes key investments that will drive American innovation, enhance our energy security, clean up our environment, reduce the threat of nuclear weapons and support our water infrastructure.

The conference report provides \$4.9 billion to the Department of Energy's Office of Science, \$1.6 billion for basic energy sciences and \$2.4 billion for applied research. These funding levels, when added to last year's appropriations and this year's stimulus bill, exceed the goals of the America COMPETES Act and meaningfully advance our Nation's innovation agenda.

The \$2.2 billion allocated to energy efficiency and renewable energy represents a 16 percent year over year increase and, in conjunction with continued Title 17 Innovative Technology Loan Guarantee authority, will strengthen our energy security by accelerating our research, development and deployment of homegrown solar, biofuel, smart grid, and advanced vehicle technologies.

This legislation continues the Nation's half century commitment to mitigating the environmental impacts of contaminated military and



civilian nuclear sites by spending \$6.419 billion for that purpose, and it provides \$9.072 billion to confront the global nuclear threat, including \$2.1 billion in support of President Obama's nuclear nonproliferation initiative.

Finally, the FY 10 Energy and Water bill designates \$6.7 billion for the Army Corps of Engineers and the Bureau of Reclamation for priority water infrastructure, flood protection, and conservation projects. In that regard, I am particularly pleased with the inclusion of over \$3 million for specific Chesapeake Bay restoration initiatives of particular importance to my congressional district and the rest of the Chesapeake Bay watershed.

Mr. CARDOZA. Mr. Speaker, I rise in support of the FY 2010 Energy and Water Development and Related Agencies Appropriations Act. I would like to point out two provisions of the report that help to address the water supply crisis in California's San Joaquin Valley.

California is experiencing its third consecutive year of dry conditions. Our State's water supply outlook is further exacerbated by the "regulatory drought" that has resulted from agency regulatory actions. The Endangered Species Act in particular has proven to be a regulatory hammer, preventing water conveyance, transfers, and storage, even when water supplies have been plentiful. The Departments of the Interior and Commerce developed new Biological Opinions to protect Delta smelt and salmonid species, respectively. These decisions have resulted in significant restrictions on pumping water out of the Delta. These cuts were in addition to the many previous cuts that had already been imposed, including the Bay Delta Accord, the Central Valley Project Improvement Act and other actions.

The combination of the drought and the regulatory drought has resulted in dangerously low reservoirs and a 10 percent water allocation to farmers on California's westside. Over 400,000 acres of some of the world's most productive farmland have been fallowed, resulting in devastating job losses and high unemployment—as much as 40 percent in some cities on the westside.

It is crucial that the State of California and the Federal Government build new storage facilities and that we develop a better conveyance and water management system. In the meantime, it is important for the Departments to development programs that allow for flexibility as a means of achieving greater water supply. There are two provisions that Mr. COSTA and I added to the House Energy and Water Appropriations bill that do just that.

First, the \$40 million in CALFED funding provides the Bureau of Reclamation with the flexibility to use these funds to help fund crucial projects, such as the Two Gates Project and the Intertie Project, which will help relieve some of the pressure on the water supply in the San Joaquin Valley of California. More funding is needed for these two projects as well as others, and this report provides a good start on a downpayment toward these projects and others that will help the Bureau, the State Department of Water Resources and our water district to move and transfer water in California to the people and farms that need it the most.

Second, I support the clarification of the Central Valley Project Improvement Act of

1992, which clarifies that additional restrictions under the CVPIA on water transfers within certain areas of the Central Valley Project South of Delta are not required. Several years ago, the Bureau of Reclamation changed its interpretation of this statute, and began applying additional and cumbersome requirements to water transfers within the CVP unless they were within the same county. These restrictions on water transfers have prevented the transfer of water from one area to another and have created an impediment to efficient and practical water use. This amendment would clarify that water transfers between Friant and South of Delta agricultural service contractors can occur beyond county boundaries so that water districts within one county can transfer to districts outside the county.

Unfortunately, the House version of the Energy and Water Bill which provided for permanent clarification in the law was not included in this report. Instead, this language clarifying the water transfer provision is limited to a 2-year period. Senator FEINSTEIN, Mr. COSTA and I will be introducing a bill to make this transfer amendment permanent, and we look forward to bringing something to the floor in a short period of time.

Mr. HOLT. Mr. Speaker, I rise in support of the conference report on the Fiscal Year 2010 Energy and Water Development and Related Agencies Appropriations Act. Programs funded under this legislation range from nuclear weapons and nonproliferation capabilities to basic research on current and next generation energy sources and distribution technologies. I am pleased that the conference agreement before us today reflects a strong commitment to our nation's needs in these areas.

I believe that nuclear proliferation is the single greatest threat to global peace and security. The United States should be leading efforts to eliminate nuclear weapons and secure loose or inadequately safeguarded nuclear material. That is why I am very pleased that the conference agreement increases our investment in nonproliferation programs to \$2.1 billion, including a 43 percent increase in funding for International Nuclear Material Protection and Cooperation. These funds will improve our ability to stop illicit nuclear trafficking and prevent terrorists from gaining access to unsecured nuclear material around the world. Equally important is the fact this agreement exceeds the budget request for weapons dismantlement and disposition, reflecting a dedication to reduced U.S. nuclear weapon stockpiles.

The conference agreement also maintains significant investments in Department of Energy research and development programs that are critical to placing our nation on a path toward a sustainable energy future. The support for energy efficiency and renewable energy research in this legislation will help us develop new, less expensive ways to produce and use energy. Funding for electricity delivery and reliability will allow us to begin modernizing and securing our aging electrical grid against internal and external threats. The \$4.9 billion in funding for the Office of Science will support the basic research that will be the foundation of tomorrow's transformative discoveries and innovations. I appreciate the \$426 million investment for fusion energy sciences included

in the conference agreement, and I hope we will continue to strengthen this and other basic and applied energy programs in the coming years.

Finally, I applaud the conference agreement for upholding the funding goals of the America COMPETES Act—an important step toward restoring the rightful place of science in our nation. Yet we should not underestimate the size or scope of the challenges posed by climate change and energy security. As we consider future legislation, the twin goals of a clean energy future and a robust economy will require a firm dedication to providing our scientists and engineers the resources they need to initiate genuinely transformative changes in our energy sector.

Mr. MARKEY of Massachusetts. Mr. Speaker, I wish to address briefly the language of Section 401 of the conference report, which requires the Nuclear Regulatory Commission (NRC) to provide a report on barriers to the issuance of a combined construction and operating licenses (COLs).

As the Chairman of the Energy and Environment Subcommittee of the House Energy and Commerce Committee, which has jurisdiction over the NRC, I want to ensure that the Commission, in responding to Section 401, remains cognizant of its responsibilities to comply with the substantive and procedural requirements of the Atomic Energy Act, the National Environmental Policy Act (NEPA) and NRC regulations in the issuing of COLs to new nuclear power plants. These laws cannot be overridden or even challenged by a reporting requirement appended to an annual appropriations bill.

The NRC should, of course, review COL applications in an efficient fashion, without undue or unwarranted delays. However, speed of action is not the only policy interest that the Congress has with respect to licensing. Public confidence in the fairness and integrity of the licensing process requires the Commission to ensure that licensees comply with the substantive safety requirements of the law and of NRC regulations. The Commission must therefore assure that it does not sacrifice crucial safety evaluations, public input or adequate environmental review as part of any effort to streamline or accelerate its regulatory functions.

Under Section 185 of the Atomic Energy Act, the NRC is directed, after holding a public hearing, to "issue to the applicant a combined construction and operating license if the application contains sufficient information to support the issuance of a combined license and the Commission determines that there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of this Act, and the Commission's rules and regulations."

The Act further stipulates that in conducting its licensing activities, "The Commission shall identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of this Act, and the Commission's rules and regulations."

Moreover, the Act mandates that: "Following issuance of the combined license, the Commission shall ensure that the prescribed inspections, tests, and analyses are performed and, prior to operation of the facility, shall find that the prescribed acceptance criteria are met."

In addition, NRC regulations 10 CFR Part 51 and 10 CFR Part 52 implement the requirements of the Atomic Energy Act and NEPA in regards to the licensing process. Under these regulations, for example, the NRC is required to prepare an environmental impact statement (EIS) as part of the COL application. According to the NRC website, "the NRC staff estimates that the environmental review process will take approximately 24 months. This includes scoping, issuance of the draft EIS, a comment period, and issuance of the final EIS."

While it is true that the necessary reviews take time, the NRC's licensing regulations were enacted to protect the public from poorly sited locations, untested reactor designs, and other factors that could lead to environmental damage, unsafe construction, or even catastrophic nuclear emergencies. I support an efficient and effective NRC licensing process as long as it does not come at the expense of the safeguards codified in existing law.

In point of fact, it does not appear that the licensing process itself is to blame for any delays in new reactor approval. In 2007 the NRC established the Office of New Reactors (NRO), separate from the Office of Nuclear Reactor Regulation, so that the NRO can focus solely on the review of new reactors. Indeed, NRC Chairman, Dr. Gregory Jaczko, has repeatedly stated that the licensing delays are "almost exclusively tied to challenges with the [reactor] designs not being complete," resulting in license applications that reference uncertified design plans. This bottleneck has far more to do with the iterative design approval process, than with potential internal NRC barriers such as inefficient administration or inadequate funding. Certainly all must agree that it is impossible for the NRC to approve a license application for which there is not yet an approved design!

Finally, I would note that while Section 401 mandates report submission to the committees on Appropriations, the House Energy and Commerce Committee, which is the NRC's authorizing committee, also expects to receive copies of any reports submitted pursuant to this Section.

I look forward to seeing the Commission's report on this matter, and I urge the Commission to pay careful heed to the current laws and regulations under which the NRC operates, so that we ensure that the nuclear reactor application process works properly.

Mr. PASTOR of Arizona. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 788, the previous question is ordered.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 308, nays 114, not voting 10, as follows:

[Roll No. 752]  
YEAS—308

Abercrombie	Forbes	McMorris
Ackerman	Fortenberry	Rodgers
Aderholt	Foster	McNerney
Akin	Frank (MA)	Meek (FL)
Alexander	Frelinghuysen	Meeks (NY)
Altmire	Fudge	Melancon
Arcuri	Gerlach	Michaud
Austria	Giffords	Miller (MI)
Baca	Gonzalez	Miller (NC)
Bachus	Gordon (TN)	Miller, George
Baldwin	Granger	Minnick
Bean	Grayson	Mitchell
Becerra	Green, Al	Mollohan
Berkley	Green, Gene	Moore (KS)
Berman	Griffith	Moore (WI)
Berry	Grijalva	Moran (VA)
Biggert	Guthrie	Murphy (CT)
Bilbray	Gutierrez	Murphy (NY)
Bishop (NY)	Hall (NY)	Murphy, Patrick
Blumenauer	Hall (TX)	Murphy, Tim
Boccheri	Halvorson	Murtha
Bonner	Hare	Nadler (NY)
Boren	Harman	Napolitano
Boswell	Harper	Neal (MA)
Boucher	Hastings (FL)	Oberstar
Boustany	Hastings (WA)	Obey
Boyd	Heinrich	Olver
Brady (PA)	Herger	Ortiz
Braley (IA)	Herseht Sandlin	Pallone
Bright	Higgins	Pastor (AZ)
Brown, Corrine	Hill	Payne
Brown-Waite,	Himes	Perlmutter
Ginny	Hinchey	Perriello
Buchanan	Hinojosa	Peters
Butterfield	Hirono	Peterson
Camp	Hodes	Pingree (ME)
Cao	Holden	Polis (CO)
Capps	Holt	Pomeroy
Cardoza	Honda	Price (NC)
Carnahan	Hoyer	Quigley
Carson (IN)	Inslee	Rahall
Cassidy	Israel	Rangel
Castle	Jackson (IL)	Rehberg
Castor (FL)	Jackson-Lee	Reichert
Chandler	(TX)	Reyes
Childers	Johnson (GA)	Richardson
Chu	Johnson, E. B.	Rodriguez
Clarke	Jones	Rogers (AL)
Clay	Kagen	Rogers (KY)
Cleaver	Kaptur	Rogers (MI)
Clyburn	Kennedy	Rohrabacher
Cohen	Kildee	Rooney
Connolly (VA)	Kilpatrick (MI)	Ros-Lehtinen
Conyers	Kilroy	Ross
Cooper	King (NY)	Rothman (NJ)
Costa	Kirk	Roybal-Allard
Costello	Kirkpatrick (AZ)	Ruppersberger
Courtney	Kissell	Rush
Crowley	Klein (FL)	Ryan (OH)
Cuellar	Kosmas	Salazar
Cummings	Kratovil	Sanchez, Linda
Dahlkemper	Lance	T.
Davis (AL)	Langevin	Sanchez, Loretta
Davis (CA)	Larsen (WA)	Sarbano
Davis (IL)	Larson (CT)	Schakowsky
Davis (TN)	Latham	Schauer
DeFazio	LaTourette	Schiff
DeGette	Lee (CA)	Schock
DeLaunt	Lee (NY)	Schrader
DeLauro	Levin	Schwartz
Dent	Lipinski	Scott (VA)
Diaz-Balart, L.	LoBiondo	Serrano
Diaz-Balart, M.	Loebbeck	Sestak
Dicks	Lofgren, Zoe	Shea-Porter
Dingell	Lowe	Sherman
Doggett	Luetkemeyer	Shuler
Donnelly (IN)	Lujan	Shuster
Doyle	Lungren, Daniel	Simpson
Dreier	E.	Sires
Driehaus	Lynch	Skelton
Edwards (MD)	Maffei	Slaughter
Edwards (TX)	Markey (CO)	Smith (NJ)
Ehlers	Markey (MA)	Smith (WA)
Ellison	Massa	Snyder
Ellsworth	Matsui	Souder
Engel	McCarthy (NY)	Space
Eshoo	McCollum	Speier
Etheridge	McCotter	Spratt
Farr	McDermott	Stark
Fattah	McGovern	Stearns
Filner	McIntyre	Stupak
Fleming	McMahon	Sutton
		Tanner

Taylor	Tsongas	Watt
Teague	Turner	Waxman
Terry	Upton	Weiner
Thompson (CA)	Van Hollen	Welch
Thompson (MS)	Velazquez	Wexler
Thompson (PA)	Visclosky	Wilson (OH)
Thornberry	Walz	Wittman
Tiberi	Wamp	Wolf
Tierney	Wasserman	Woolsey
Titus	Schultz	Wu
Tonko	Waters	Yarmuth
Towns	Watson	Young (FL)

NAYS—114

Andrews	Franks (AZ)	McKeon
Bachmann	Gallely	Mica
Baird	Garrett (NJ)	Miller (FL)
Barrow	Gingrey (GA)	Miller, Gary
Bartlett	Gohmert	Moran (KS)
Barton (TX)	Goodlatte	Myrick
Bilirakis	Graves	Nunes
Bishop (GA)	Heller	Nye
Bishop (UT)	Hensarling	Olson
Blackburn	Hoekstra	Paul
Blunt	Hunter	Paulsen
Boehner	Inglis	Pence
Bono Mack	Issa	Petri
Boozman	Jenkins	Pitts
Brady (TX)	Johnson (IL)	Platts
Broun (GA)	Johnson, Sam	Poe (TX)
Brown (SC)	Jordan (OH)	Posey
Burgess	Kanjorski	Price (GA)
Burton (IN)	Kind	Putnam
Buyer	King (IA)	Radanovich
Calvert	Kingston	Roe (TN)
Campbell	Kline (MN)	Roskam
Cantor	Kucinich	Royce
Carter	Lamborn	Ryan (WI)
Chaffetz	Latta	Scalise
Coble	Lewis (CA)	Scott (GA)
Coffman (CO)	Lewis (GA)	Sensenbrenner
Cole	Linder	Sessions
Conaway	Lucas	Shadegg
Crenshaw	Lummis	Shimkus
Culberson	Mack	Smith (NE)
Davis (KY)	Manzullo	Smith (TX)
Deal (GA)	Marchant	Sullivan
Duncan	Marshall	Tiahrt
Emerson	Matheson	Walden
Fallin	McCaul	Westmoreland
Flake	McClintock	Wilson (SC)
Foxx	McHenry	Young (AK)

NOT VOTING—10

Adler (NJ)	Maloney	Schmidt
Barrett (SC)	McCarthy (CA)	Whitfield
Capuano	Neugebauer	
Carney	Pascrell	

□ 1427

Messrs. SULLIVAN, BARROW and POE of Texas changed their vote from "yea" to "nay."

Messrs. TURNER and PRICE of North Carolina changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASCRELL. Madam Speaker, I want to state for the RECORD that I missed four rollcall votes. Unfortunately I missed these votes because I was in my district attending the funeral of my sister-in-law Barbara Gamero who recently passed away this last Tuesday at the age of 73. Had I been present I would have voted "yea" on rollcall votes 749, 750, 751 and 752.



COMMENDING HOMELAND SECURITY DEPARTMENT EMPLOYEES AND ANTI-TERRORISM PARTNERS

The SPEAKER pro tempore (Mr. KRATOVL). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 731.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the resolution, H. Res. 731.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1430

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday the House will not be in session. On Tuesday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30. On Wednesday and Thursday the House will meet at 10 a.m. for legislative business. On Friday there are no votes expected.

We will consider several bills under suspension of the rules. The complete list of suspension bills, as is the custom, will be announced by the close of business tomorrow. In addition to the suspension bills, we will consider H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009, the conference report on H.R. 2997, the Agricultural, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act of 2010, and the conference report on H.R. 2892, the Department of Homeland Security Appropriations Act of 2010.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I'd ask the gentleman if we could turn to the discussion of health care, and as the gentleman knows, he and I have had discussions this week, perhaps, I think, a discussion that could yield the ability for us to work together on the things that we agree on in health care. Obviously, the divide is great when talking about any type of move towards a government takeover of health care. But he and I have spoken about maybe there are some areas of agreement. And he and I

have also talked about the fact that we could meet together and discuss that, and I look forward to hearing from him or his office to schedule that. And along those lines, I'd like to ask the gentleman what he expects the schedule to be towards bringing a health care bill to the floor of this House.

Mr. HOYER. First of all, let me say that, as far as I know, we have no premise that we want to pursue of a government takeover of health care, so notwithstanding the characterization, we don't believe that what's being proposed does that, any more than Medicare, from our perspective, was a takeover of the health care system. Having said that, we are working, as you know, as the press is reporting, on seeing what alternatives are available. There are three committee bills that have been reported out of the Energy and Commerce Committee, had full markups, Ways and Means Committee, and the Education and Labor Committee. As you know, they differ in part, and so there are now discussions as to how you meld those bills together with the theory and intention of offering a bill from those three bills.

We would expect the Rules Committee, at some point in time, to effect that objective, as has been done in the past. Our expectation is that we will do that within the time frame that we're able to do it; that is to say, there's not yet a resolution of how that is accomplished, so we don't have a time frame. And we haven't set a time frame, but we will do it when it's possible to put forward.

Lastly, I would say to the gentleman, he and I talked earlier this week, as he pointed out, and I look forward to sitting down with him next week to see if there are areas where we can agree. If there are, we'd like to do that. And I think the gentleman has expressed his desire to do so as well. On the other hand, as we know, there are areas of substantial disagreement. It's certainly not our view that we can start over again. It is our view that this matter has had over 90 hearings over the last couple of years; that we've had over 2,000 town meetings on this, and we've been really at this for about over a year now, with very substantial discussions during the Presidential campaign from all candidates on both sides of the aisle, as to the fact that health care reform was necessary, and we believe the overwhelming majority of the American people believe that. Obviously, the details are the critical issue, and I look forward to pursuing discussions next week with the gentleman.

Mr. CANTOR. I thank the gentleman. And Mr. Speaker, I'd ask the gentleman further as to the timing of a bill. I understand that he's indicated that there is no resolution as to exactly when a bill would come to the floor.

Mr. HOYER. If the gentleman will yield.

Mr. CANTOR. I yield.

Mr. HOYER. I do not expect a bill to be on the floor within the next 2 weeks, if that's what the gentleman's asking. I think we'll have time to have discussions.

Mr. CANTOR. I thank the gentleman because I was going to ask about the Speaker's commitment prior. So I thank the gentleman for that.

Mr. HOYER. If the gentleman would yield, because I think probably—to complete the answer—the Speaker and I are both committed to giving substantial notice, not only of the bill, when a bill is put together, but also of any manager's amendment which may effect the resolution between the three committee documents. It is our expectation that there would be at least 72 hours for either the bill and the manager's amendment or, if they are separate, 72 hours for each.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as to the scheduling of a bill dealing with sanctions on Iran, we've had discussions together on the floor and elsewhere regarding the Iran Refined Petroleum Sanctions Act. And Mr. Speaker, I'd say to the gentleman, now, in particular, I think time is of the essence that we act because, as we have seen over the last 10 days, Iran revealing its secret enrichment program, indicating, yet again, that the regime in that country refuses to comply with international law or the will of the world community.

So it is my sense that we should, and we can work together on this issue. The gentleman had indicated last time we were engaged in a colloquy that he was going to meet with Chairman BERMAN of the Foreign Affairs Committee about moving that bill and bringing it to the floor. So I would ask the gentleman if he could tell us when we could expect that bill to come to the floor.

Mr. HOYER. Since I made that representation, I have, in fact, met with both not only Mr. BERMAN, the chairman of the Foreign Affairs Committee, but also Mr. FRANK, the chairman of the Financial Services Committee. As the gentleman knows, there are two sanctions bills. One is Chairman FRANK's bill, which passed the House overwhelmingly last year, and provides authority to State and local governments to divest their assets from any company that invests \$20 million or more in Iran's energy sector. That is not as consequential, obviously, as Mr. BERMAN's bill. Mr. BERMAN's bill, as you know, requires any foreign entities that sell refined petroleum to Iran or otherwise assist such sales to be banned from doing business in the United States. Obviously, that has real teeth to it.

As the gentleman also knows, October 1, discussions are underway with Iran for the first time in a long time. Furthermore, significantly, the administration is working with our allies,

certainly with, as the gentleman knows, with Britain and France, but also engaged with Germany as well, and with Russia and with China, members of the P-5 plus 1, essentially, members of the Security Council plus Germany, on how we might respond to what the world has viewed as a violation of the U.N. resolutions and what Iran has been doing. The gentleman and I share a view that Iran's process is unacceptable, that Iran's pursuing of nuclear armed capability, weapons capability is unacceptable and dangerous to the region and to the international community.

The administration shares that view, and therefore, with respect to Mr. BERMAN's resolution, we are in contact with the administration, and Mr. BERMAN is prepared to bring that forward at a time when, based upon whatever may occur in the next week—I don't want to put a time frame on it—a week or two, that might indicate that we could get a broader international toughening of sanctions that now exist, with the agreement, particularly of Russia. As you know, President Medvedev has made some pretty strong statements about Qom and the findings there, and what he believes to be Iran's failure to keep the world informed and concern about what Iran is doing, which was a positive sign.

But with those considerations in mind, I know that Mr. BERMAN is very focused on this and ready to bring a resolution to the floor at a time he believes is consistent with the administration's trying to attain, with the international community, the strongest possible sanctions internationally, as well as our own sanctions.

Mr. CANTOR. I thank the gentleman. And I would only add that I believe I'm speaking for our conference here in indicating that it's not necessarily what we would do in terms of trying to wait for China and Russia to move the bill. I'm not saying the gentleman said that, but it sounded as if we've got to wait until there is some collective agreement on the world stage in order for Congress to act. As the gentleman and I have agreed for a long time now, we, in this country, believe very strongly of standing up against the regime in Iran. It has an impact on our allies across that region in the world and particularly for us here at home. So I would encourage the gentleman by telling him that our side stands ready to want to help with moving that bill.

Mr. HOYER. If the gentleman would yield, I appreciate that, and I am confident that, as the gentleman points out, that we will move ahead in a bipartisan and overwhelming fashion on this bill. But I want to make it very clear: We don't have to wait for anybody. Having said that, the judgment of the chairman, in concert with the administration, is that we do want to see what developments occur in the

very near term. And I think that's what I meant. Hopefully that's what I said. The gentleman's accurate; we don't have to wait, certainly for Russia or China or for anybody else, to take the action we deem to be appropriate.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as the gentleman knows, there is a very important debate occurring in our country right now regarding our position towards the commitment we've made in Afghanistan. And it's clear that the Republicans believe, as I'm sure the gentleman does, that this Congress must be devoting attention to this important issue as it relates to the national security of the United States and our interests in that arena, as well as abroad. And I'd like to ask the gentleman, Mr. Speaker, whether he, in his leadership, will call on General McChrystal to testify before Congress as soon as possible. And I'd note, as the gentleman well knows, that Chairman SKELTON has been reported to have made such requests of his leadership.

Mr. HOYER. As the gentleman probably knows, I have also indicated I thought General McChrystal ought to come to the Congress and testify, not only before the committees, but perhaps brief a bipartisan session. I don't mean an address to it, but a bipartisan briefing, either in the Armed Services Committee or on the floor here or in the auditorium. I think that's appropriate. As the gentleman knows, the President has been involved in very extensive consultation with the Cabinet members that deal with the national security issues, including Chairman of the Joint Chiefs, Admiral Mike Mullen; General Jones, the National Security Advisor; Secretary Clinton; the Vice President and others who are dealing with this issue.

As you know, there has been no specific request directed to the Congress at this point in time, either by General McChrystal, Secretary Gates, or the President, so that it may well be an issue of timing as to when they're ready to come to the Congress to lay out the specific plans that they believe we ought to pursue. But I think that everyone shares the conviction that this is a critical issue with which the Congress is going to deal, and that General McChrystal, who is the commander on the ground in Afghanistan, needs to come before the Congress and give us his best judgment as to how we can be successful.

Mr. CANTOR. I thank the gentleman. And I know it's just been reported that in the Senate there was an amendment offered by Senator MCCAIN on this very point, requiring there to be some testimony by General McChrystal before Congress by a date certain. And I'm told that that amendment went down on a party-line vote. So I would just tell the gentleman, again, that our side believes it's very important, as I know

he does, in terms of our national security and Congress' role that General McChrystal be before us so that we can be informed and conduct our constitutional duty as such.

□ 1445

If I could, Mr. Speaker, turn to the question of jobs.

We have a running debate, the gentleman and I and others, as to the effectiveness of the stimulus bill. And as we all know, back in January it was reported that that bill would arrest the rise of unemployment. In fact, the goal was set that unemployment would not overreach beyond 8½ percent. We know in this country now we're just under 10 percent unemployment nationally.

I feel very strongly, Mr. Speaker, that we should be focusing on this economy while we're trying to deal with so many other issues. And it has been some time now where we have missed the opportunity on this floor to bring up bills that have to do with job creation.

If we look at some of the evidence of the stimulus bill, it is the contention of our side that that bill has not fulfilled its mission. We could go through any list of expenditures that we have noted in the press and elsewhere, where you have got \$2.8 million to fight forest fires in the District of Columbia; you have \$3.4 million to help turtles cross the road in Florida. These are the kinds of items that, frankly, rob the public of their confidence in what we do.

So I would ask the gentleman, is there any effort, is there any hope that we may perhaps have some constructive debate around the rest of the stimulus money and perhaps orient that towards job creation, sustainable job creation and growth in the economy? Because after all, I think that's what all of us are after.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

And he's correct: we do have a different perspective on this. Of course, the gentleman supported economic policies in 2001 and 2003 that of course produced the worst job performance of any administration since Herbert Hoover. We lost 3.1 million jobs in the last 14 months of the Bush administration, lost an average of 680,000 jobs during the last 3 months of the administration that President Obama was faced with.

We acted decisively and boldly, in my opinion, under the President's leadership. In point of fact, we reduced the average of some 680,000 in the last 3 months of the Bush administration to, over the last 3 months, 350,000 and only 216,000 jobs lost. I say "only." That relates to 741,000 jobs lost the last month of the Bush administration. That is a half a million fewer jobs. It's not where we want to be, but it is certainly a lot better.

Many economists in our party and, frankly, in your party, Mr. Zandi we refer to, estimate that we have over a million jobs more than we would have had had we not passed the Recovery and Reinvestment Act. There has been a 1.3 percent rise in consumer spending in August. It was the biggest increase since the 2.8 surge in October of 2001. The Labor Department released a report last week showing that during the previous week, the number of newly laid-off workers seeking unemployment benefits fell for the third straight week, evidence that layoffs are continuing to ease at the earliest stages of the economic recovery.

Without going into a lot more statistics, we do have a substantive difference as to whether or not our economy is getting better. The good news, from my perspective, is most economists agree with us that we've bottomed out and we're starting to come up. We're going to have unemployment figures tomorrow that will be announced. Hopefully, they're down even further.

The stock market, I will tell my friend, in the Recovery and Reinvestment he thinks hasn't worked is up from about 7,200–7,300 up to about 9,700. I will tell you that every American that opens their 401(k) or retirement plan thinks that progress has been made. I know I do when I open mine. I am very pleased to see that.

So we do differ. We differ not only on the success of the economic plan that was pursued for 8 years that led to the deepest recession that we have had in 75 years.

But the gentleman stands and asked me a question about adopting more of those policies, and with all due respect, my friend, we didn't think those policies were going to work, we don't think they did work, and, in fact, the policies that your party voted against to a person in 1993 produced exactly the opposite results: high employment, low deficits; in fact, a net surplus at the end of the 8 years of the Clinton administration, and a reduction in spending which you doubled in terms of percentage, 3.5 under the Clinton years and 7 percent under President Bush's years. So, yes, we have a difference of opinion.

We think we have pursued vigorously policies to create jobs, create economic stability, create growth in our economy, and we think it's working.

Mr. CANTOR. I thank the gentleman. I would say in response, I, nor most of my conference, was not here in 1993 on that vote.

I would simply say to the gentleman, as he knows, in the stimulus debate and on down through the rest—cap-and-trade, the health care, the budget debate—the proposals that we are offering, especially as he refers to in the economic arena, are not the same policies. We have proffered an agenda which speaks to small businesses.

And, Mr. Speaker, I would say I don't think it is necessarily a constructive route to take for us to say who was worse because none of us, as the gentleman suggests, likes the fact that we've lost 2½ million jobs in the last 8 months. And if you ask the small business people in our districts if they think things are better, I think there's pretty much unanimity that small businesses are having difficulties still keeping the lights on, maintaining payroll.

Something is amiss. We've got to be focusing on how we can expand the opportunity for those small businesses to grow again. It's very central to the idea of getting the capital markets straight, of getting our fiscal house in order. I am very troubled by the bills that are coming along in the Financial Services Committee, the Consumer Financial Protection Agency, yet more attempts by the majority to impose the will of Washington on the entrepreneurs across this country, restricting ultimately their ability to access credit.

You know, we do have differences, Mr. Speaker. I am just hopeful that we can find a way to work together to promote jobs.

With that, Mr. Speaker, I thank the gentleman very much for his time.

#### **HOUR OF MEETING ON TOMORROW**

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow; and, further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 6, 2009, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### **THE STIMULUS PACKAGE HAS BEEN PRODUCTIVE**

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, we just had a question raised as to the effectiveness of the stimulus package in creating jobs. Well, I know that Mr. CANTOR from Virginia tries to criticize the package for not being productive, but you can't convince the members of my district of that.

In my district alone, according to the school district, 150 teaching jobs were saved; we are beginning construction on a new facility for our transit system, putting 80 new jobs on the street. Most importantly, we had an announcement from GE, General Electric appliance park, that they are moving a unit back from China building revolutionary environmentally advanced water heaters creating more than 400

new jobs in my district. That's the result of stimulus money being used for an incentive.

And, finally, we've seen housing gains for the first time in a year of 10 percent in both July and August due to the first-time homebuyers' credit that was part of that stimulus package.

So when the American people wonder whether that stimulus package, which is still in its infant stages—20 percent, at most, of the money's gone out—you can look at Louisville, Kentucky, and I'll give you evidence that the stimulus package is working and creating jobs.

#### **THE POST-9/11 GI BILL**

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, the most important domestic policy following World War II was the GI Bill which paid for the education of the brave men and women who served in the name of freedom.

Montana has some of the best colleges and universities in the country; but for some returning soldiers, a traditional campus isn't the best fit. The post-9/11 GI Bill provided flexibility for soldiers who wanted to take advantage of distance education benefits.

Currently, five of the 10 colleges with the highest veteran populations are colleges that are entirely online or have significant online course loads. While veterans may receive funds to pay for tuition, fees, and books, distance learners are ineligible for living expenses.

I've introduced the Veterans Distance Education Benefits Act, which reimburses soldiers' living expenses so they can focus on their education. I encourage my colleagues to join me in sponsoring this important legislation so we can get it passed quickly.

#### **OVER 100 DAYS WAITING FOR A REPUBLICAN PLAN**

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today because it has been more than 100 days since my friend and colleague, Representative ROY BLUNT, the point man for the rumored Republican alternative health reform plan, said, I guarantee you we will provide you with a bill.

Even Louisiana Republican Governor Bobby Jindal urged his party Tuesday to work with Democrats to offer health care solutions.

The time to act on health insurance reform is now. We must act to offer the choice of affordable quality health care to all Americans putting you and your doctor, not the insurance companies, in charge of your health care while we reduce the problem of ballooning health

care costs on American families, businesses, and our fiscal future.

"No" is not a solution. Saying you support reform with no evidence of that support and no plan just doesn't cut it. Continuing to say "no" to reform leaves tens of millions of Americans without health insurance, and 45,000 Americans die every year because of this.

Our friends on the other side of the aisle can't run away from the fact that they have no plan.

The time to act on health insurance reform is now.

#### COAL IS NEEDED

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Bjorn Lomborg, one of the world's leading environmentalists, wrote in Monday's Washington Post these words:

"Today, coal accounts for almost half of the planet's electricity supply, including half the power consumed in the United States. It keeps hospitals and core infrastructure running, provides warmth and light in winter, and makes lifesaving air-conditioning available in summer. In China and India, where coal accounts for more than 80 percent of power generation, it has helped to lift hundreds of millions of people out of poverty.

"There is no doubt that coal is causing environmental damage that we need to stop. But a clumsy, radical halt to our coal use—which is what promises of drastic carbon cuts require—would mean depriving billions of people of a path to prosperity.

"To put it bluntly: despite their good intentions, the activists, lobbyists and politicians making a last-ditch push for hugely expensive carbon-cut promises could easily end up doing hundreds of times more damage to the planet than coal ever could."

I wish we would heed those words of this environmentalist because if we drastically cut back on coal, we're going to hurt millions of poor people in the process.

#### ARRA IS WORKING

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, this week in Congress will be ending, and I have some interesting experiences to relate.

In Transportation Committee today, we had a hearing, and one of our former Members is now the Secretary of Transportation, Ray LaHood, a Republican member from Illinois. Secretary LaHood reported to the committee that the ARRA is working, that much of the money has been spent or

utilized in plans by State governments and that lots of employment has been made on building of roads and bridges and airport improvements and on rail programs around the country, that people are going back to work.

I also have an opportunity on Tuesday to attend the National Institutes of Health for a briefing, which I plan to do with other colleagues. President Obama announced that \$5 billion has been spent on cancer research through NIH. I offered an amendment to the ARRA in the House for a \$10 billion improvement. That didn't make it through the House, but a similar proposal made it through the Senate. It will be interesting to see where those moneys are creating jobs and finding cures for cancer and other catastrophic illnesses like Parkinson's, diabetes, and Alzheimer's.

The ARRA is working.

□ 1500

#### PROTECT OUR CULTURAL HERITAGE

(Mr. CAO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAO. Mr. Speaker, for many immigrant families like mine, the struggle to preserve our culture and heritage and to contribute to the rich cultural fabric of our Nation assumes center stage. We make efforts to ensure, for example, that our children speak their native language and are familiar with their customs and traditions.

One of the tools most often used by immigrant communities is multimedia through which cultural traditions are exhibited and transmitted. In the Vietnamese American community, for example, music and videos produced and distributed throughout the United States have cultivated and instilled in the minds of our children the love and respect for the heritage of their parents and grandparents.

Unfortunately, organizations that produce these cultural expressions are being forced to close their doors due to significant financial losses from copyright infringement both here and abroad. Often, these organizations have lesser means and cannot survive this theft.

Today, I call upon my colleagues in Congress to join me in tough oversight of the Federal agencies responsible for prosecuting copyright infringement because enforcing these laws is critical for the survival of our cultural diversity.

#### HEALTH CARE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, everyone here knows that we have spent the past several months working to craft legislation that will bring much-needed health insurance reform to the American people. Costs and premiums are spiraling out of control, and more and more families, working families, are being priced out of health insurance.

While Democrats have debated the best way to produce a reform package that will cut costs and ensure quality and affordability, our colleagues across the aisle have been playing hooky with their responsibilities to the American public.

It has been over 100 days now since Congressman BLUNT told us his party would be offering an alternative health reform bill. We've heard nothing yet. Representative CANTOR recently suggested to a constituent that she find "charity care" for an unemployed family member in need of surgery. Find a charity? Is that the full extent of Republican health care reform?

So I ask again, where is the GOP plan for health insurance reform? Or is it just to maintain the status quo?

#### IN PRAISE OF THE "BUDDY WALK"

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to praise the "Buddy Walk" being held this Saturday in State College, Pennsylvania. It is sponsored by the Centre County Down Syndrome Society. The society exists to be a resource for families with a child with Down syndrome and for those who are expecting a child with Down syndrome. Their goal is to educate friends, relatives and even communities that individuals with Down syndrome are energetic, capable and loving people who play, work and go to school just like the rest of us.

The statistics on their Web site change some of the preconceived stereotypes many people have. For example, half of all Down syndrome children go to mainstream school classes, one out of every five plays a musical instrument, and three out of five know how to operate a computer.

I am a member of the Congressional Down Syndrome Caucus who supports legislative activities that would improve Down syndrome research, education, treatment and promote public policies that would enhance the quality of life for those with Down syndrome.

The Centre County Down Syndrome Society does a great deal to educate people that those with Down syndrome do lead productive lives, and they deserve to be commended.

#### POLANSKI EXTRADITION

(Mr. DANIEL E. LUNGREN of California asked and was given permission

to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the laws of the United States should stand for all. No one is above the law, whether it is the criminal laws or the extradition laws. That's why I ponder why some of the elites in Hollywood are now telling us that Roman Polanski should not be subject to the laws of the United States, the State of California or the international law that recognizes extradition.

What is it that suggests that fame excuses criminal conduct? What is it that allows some people in our society to say that a rape is not really a rape, or to suggest that because someone is a great film director that therefore they ought not to be brought to the bar of justice?

Thirty some years ago in the State of California, a crime was committed. Thirty years ago, someone admitted to that crime, and 30 some years ago, that person did not show up when his sentence was to be given to him. And now it is time for the laws of the State of California and the United States and international law to be followed.

Mr. Polanski should come home, and he should meet his justice.

#### AMERICAN TROOPS IN AFGHANISTAN: COMMIT 100 PERCENT OR GET THEM OUT

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, we know that in the 1960s and 1970s we committed our troops to Vietnam. But we found out at the end of the war, after 2 weeks of constant carpet bombing of Hanoi when SAM JOHNSON was leaving the Hanoi Hilton, he was told, You silly Americans, if you'd kept bombing us for 1 more week like that, we would have had to surrender unconditionally.

The message of Vietnam should be either commit 100 percent or get out. Don't leave people out there to die without full commitment.

Now we have people on the left saying, get out of Afghanistan now. We have people on the right saying, do whatever it takes to win. And I'm here to say, Mr. Speaker, the President should not keep going on talk shows and going around the world while he has a report suggesting what to do. He needs to commit 100 percent to the war in Afghanistan, give them everything they need, or get out now.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### IT'S TIME FOR MORAL LEADERSHIP IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, President Obama has often said that America must restore its moral leadership in the world. He took a very important step toward doing that last week when he spoke at the United Nations. In his speech, the President called for a new era of engagement and diplomacy. He called for international cooperation to address such critically important issues as nuclear nonproliferation, climate change and economic recovery. He also spoke about banning the use of torture and his decision to close Guantanamo as examples of America's new desire to abide by the rule of law.

I welcome the President's words. They show that President Obama is committed to peace and human rights. Those are the foundations of moral leadership. But now the President is facing the greatest test of his moral leadership as he reviews his strategy in Afghanistan.

The generals are urging him to pour in more troops. I'm sure there are others who are telling him to escalate the fighting just so he can look "tough on terrorism." But as the President makes his next decisions about Afghanistan, I would urge him to make the tough choices. I would urge him to base his decision-making on the following facts: the American people do not believe the war in Afghanistan is worth fighting and want to draw down the numbers of troops there. Sending in more troops will cause the Afghan people to see us as occupiers. And history has told us that the Afghan people always resist foreign occupations and always succeed.

America cannot afford to pour billions of dollars more into a futile occupation when we are going through the worst economic crisis of the past 70 years. We cannot, in good conscience, ask our brave troops to take more casualties without a clear mission, and we don't have one. We cannot ask our military families to continue to sacrifice when they have already suffered so very much.

And finally, we have no exit strategy. After the disaster of Iraq, the American people will not stand for another endless foreign occupation, one that will cost many lives and not make our country any safer.

Afghanistan is a difficult problem, but the President still has good options. He can order the Pentagon to develop a troop redeployment plan and a timetable for withdrawal. At the same time, he can be bold and shift to a new mission that will be far more likely to succeed because it will actually have the support of the Afghan people.

This new mission in Afghanistan would include economic development,

education, infrastructure, humanitarian assistance, better governance and improved local policing and intelligence to hunt down extremists. This is what the Afghan people want from America so that they can have hope for a better future and reject violent extremism.

Mr. Speaker, President Obama deserves credit for reviewing his decision earlier than expected to send more troops to Afghanistan. He is showing political courage, and he is showing an open mind by considering other alternatives. I urge him to choose a new course, one that will make our country proud and the world a much safer place.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, for 60 years our country has been trying to come up with a better way to deliver health care. Despite the lingering differences of opinion over how to achieve this goal, we really have come along further than we ever have before.

We all agree we need to put an end to insurance companies' most egregious practices. We need to lower the costs of health care for everyone. We need to better incentivize preventive and primary care.

These are all accomplished by the bill which has now passed out of our three House committees. Of course, it's much more interesting for the media to talk about the few areas where disagreements still exist rather than the accomplishments we have made so far. But the legislation before us means so much more security for America's hardworking families.

Right now, when you lose your job, it can mean your entire family loses access to health insurance. And if you are unfortunate enough to have a pre-existing condition, which in some States can be defined as having been the victim of domestic violence, then you may not qualify for any affordable health insurance coverage. Worse yet, when you buy health insurance on the individual market, there is a team of people ready to comb through your records to find a reason to drop you if you are ever diagnosed with a condition that is costly to treat. Now a few States have protections against these practices. But don't we agree that all Americans deserve access to these protections?

Ironically, my colleagues on the other side of the aisle have often touted a supposed "solution" to our health care troubles by allowing insurers to sell across State lines. If anything, their proposal would essentially allow insurance companies to continue their very worst practices because insurers

would simply begin a race to the bottom. They would move their operations to whichever State affords the least consumer protections and sell those policies across State lines.

I'm especially concerned because I come from California, a State with some of the strongest consumer protections from health insurance company abuses. Here are some examples: California law requires that insurers cover a minimum stay in the hospital after a mastectomy. Our neighboring States of Nevada and Arizona do not. California law requires that patients have the right to appeal decisions by insurance companies and receive an external review. Idaho and Mississippi do not. And California has stricter laws defining what may and may not qualify as a preexisting condition. In Florida and Georgia, there are no definable conditions that insurers may classify as "preexisting," which means that a preexisting condition could mean pretty much anything.

So to my friends on the other side of the aisle who believe that selling insurance across State lines will solve all of our problems, I remind you that your suggestion would do just the opposite. It would strip away vital consumer protections that exist for many patients now at the very time our focus needs to be on increasing consumer protections for American families.

□ 1515

We also agree that we need to lower costs. I'm very heartened by provisions in this bill that will achieve this shared goal.

For seniors, we're taking immediate steps to reduce their prescription drug costs by closing the doughnut hole. Since the rollout of Medicare part D, my constituents and seniors across the country have begged for relief from the doughnut hole. The doughnut hole is the period of time during which you pay an insurance company to not cover the cost of your medications. I have objected to this policy from day one.

Under our plan, seniors will see relief immediately. As we begin to close the doughnut hole, prescription drugs will be available at deep discounts. Eventually, the doughnut hole will disappear completely. This is the relief that America's seniors need, and we all can agree that they deserve it.

We will bring down costs by introducing a public option to compete with private insurers. Currently, private insurance companies have every reason to increase costs for patients and to reduce reimbursements to physicians in order to line their pockets.

Why? Because there's no competition. There's no one else in the market offering consumers a choice. But the public option will finally bring greater choices to consumers in the individual insurance market. Once that happens, premiums will become more affordable

as insurers compete for customers. Insurance companies will be enticed to reimburse physicians better in order to retain them in their networks. The necessity for more affordable choices is something we can all agree on.

We can also agree that we need to do a better job of improving preventive care and giving people the tools they need to be more personally responsible for their health and well-being. As a public health nurse, I spent decades educating people about the importance of adopting healthy habits. But too many people in this country don't have access to primary care and never see a health professional until an otherwise preventable disease has worsened. How tragic is this?

H.R. 3200 encourages better primary and preventive care. It does away with copays for preventive services. It increases primary care service reimbursements under Medicare and Medicaid. It makes smart investments in community-based prevention and wellness programs. These are the things we can all agree upon.

I urge my colleagues to join me in enthusiastically supporting H.R. 3200, supporting these principles on which we all agree.

#### YEMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. I want to talk about an issue dealing with our national security. CNN reported this morning that the security situation in Yemen is rapidly deteriorating, making a dangerous new haven for al Qaeda and terrorists.

This report is just the latest in a series of warnings about the security situation in Yemen. Earlier this week, Time magazine reported that "two-thirds of the country is out of government control," and that "al Qaeda is turning the lawless mountain areas of Yemen into a new staging area."

According to press reports today, U.S. counterterrorism officials believe that al Qaeda's "presence in Yemen threatens to turn the country into a dangerous base for training and plotting attacks."

In September 2008, al Qaeda terrorists in Yemen attacked the U.S. Embassy with vehicle bombs, killing 10 guards and civilians. Since that time, al Qaeda's posture in Yemen has grown stronger with the merger of the Saudi and Yemeni arms of al Qaeda into one group—al Qaeda in the Arabian Peninsula—with Yemen as its base for training and operations.

We have seen the consequences of these developments. Last August, a Yemeni al Qaeda loyalist detonated a suicide bomb in an attempt to kill Saudi Prince Mohammed bin Nayef. He was able to gain access to the prince by

pretending to be an al Qaeda defector before detonating the explosions.

Despite this deteriorating situation, it was reported—and it's hard to believe—in Reuters on Monday in an article I'm submitting for the RECORD that at least one detainee from Guantanamo Bay has been released to Yemen—released to Yemen, where you can't control the country—and at least 26 others have been cleared to return, according to a list at the detention facility posted in Arabic and Pashto.

What kind of policy is this that the detainees—some who have killed American citizens—at Guantanamo Bay have a list of those that are being released, but not one Member of Congress or the American people know anything about it and are kept in the dark.

Most of these detainees were captured in Afghanistan and Pakistan in 2001 and 2002. They have spent 8 years living among the most dangerous terrorists in the world, including Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks and who beheaded Daniel Pearl.

In an attempt to meet this self-imposed deadline to close Guantanamo Bay next January, Eric Holder and the administration are prepared to release perhaps a third of its cleared detainees to Yemen, a dangerously unstable country that is clearly unprepared to accept and monitor and rehabilitate these detainees.

Given that more than 15 percent of released detainees have returned to terrorism, this release will have a dangerous consequence for the American people. It's not beyond the imagination that there will be an article in the paper several months from now that somebody who was at Guantanamo, from Yemen, released by Eric Holder, goes back to Yemen and kills an American citizen or is involved in an act of terrorism.

Combined with al Qaeda's growing strength and presence in Yemen, this release is concerning. As our State Department noted in its 2008 Country Reports on Terrorism, "The security situation in Yemen deteriorated significantly over the past year as al Qaeda and Yemen increased its attacks against Western and Yemeni Government institutions."

What is Eric Holder and the Justice Department—what are they thinking about? Surely, there must be a better solution, one that won't release detainees from Guantanamo who are involved in activities against American military, who have served time with Khalid Sheikh Mohammed, to send them back to Yemen.

Earlier today, I wrote Attorney General Eric Holder to urge that no additional detainees be released to Yemen or other unstable countries. The deadline to close Guantanamo Bay is no excuse to expedite the release of Yemeni detainees, especially if the country, as



it is, is unprepared to take responsibility for them. The decision to release the detainees requires due diligence. It cannot be undone.

While we may have a difference of opinion on how best to deal with the situation in Guantanamo Bay, I think, I hope, I believe that we can all agree that a rush release of terrorist detainees, people who have served with Khalid Sheik Mohammed, should not be released back into Yemen when it is so destabilized.

What is this Obama administration thinking? What is Eric Holder thinking? I urge Members of Congress to have hearings and for Eric Holder to cease and desist any returnees back to Yemen.

[From Reuters, Sept. 28, 2009]

#### OBAMA TEAM CLEARS 75 AT GUANTANAMO FOR RELEASE

(By Jane Sutton)

MIAMI.—An Obama administration task force has so far cleared 75 of the remaining 223 Guantanamo prisoners for release as part of its effort to close the detention camp, a military spokesman said on Monday.

The review team is examining each prisoner's case to decide who will be held for trial and who can be sent home or resettled in other nations.

President Barack Obama had set a January 22 deadline to shut the detention camp although Defense Secretary Robert Gates told ABC News in an interview broadcast on Sunday that "it's going to be tough" to meet the deadline.

As the review team makes its decisions, military officials at Guantanamo post an updated list in the camps to let the prisoners know how many from each nation have been judged free to go.

It was an opportunity to just provide better communication," said Navy Lieutenant Commander Brook DeWalt, a spokesman for the Guantanamo detention operation. "There's a lot of information out there and you get a lot of things from a lot of different angles. It helps put it in a more succinct context for them."

The prisoners are well aware of Obama's announcement that the camp would be closed and have heard piecemeal information from their lawyers and relatives during phone calls arranged by the International Committee of the Red Cross, he said.

The list is posted in Arabic, Pashto and English. The latest list of 78 prisoners includes two Uzbeks sent to Ireland and a Yemeni returned to his homeland on Saturday, an indication that some progress is being made in thinning the camp population of those who are not considered a threat.

"We are not focused on whether the deadline will or won't be met on a particular day," White House spokesman Robert Gibbs said. "We are focused on making . . . the most progress that is possible."

Some on the list are among the 30 ordered freed by U.S. courts but still awaiting transfer, including 13 Chinese Uighurs. The Pacific island nation of Palau has agreed to accept most of them.

Also on the list are 26 other captives from Yemen, nine from Tunisia, seven from Algeria, four from Syria, three each from Libya and Saudi Arabia, two each from Uzbekistan, Egypt, the West Bank and Kuwait, and one each from Azerbaijan and Tajikistan.

Most were captured in Afghanistan and Pakistan after U.S. troops invaded Afghani-

stan in 2001 to oust al Qaeda in response to the September 11 hijacked plane attacks on the United States.

HOUSE OF REPRESENTATIVES,  
Washington, DC, October 1, 2009.

Hon. ERIC H. HOLDER, Jr.,  
Attorney General, Department of Justice, Washington DC.

DEAR ATTORNEY GENERAL HOLDER: It has come to my attention that at least 27 detainees held at Guantanamo Bay have been cleared for release to Yemen. I received official notification about the release of one of these transfers, Alla Ali Bin Ali Ahmed, but was only made aware of the additional 26 Yemenis allegedly cleared for release after reading a Reuters report titled, "Obama team clears 75 at Guantanamo for release" on September 28, 2009.

I urge you to reconsider any pending or future releases of detainees to Yemen, particularly in light of the country's deteriorating security and growing al-Qaeda presence. Earlier this week, Time magazine reported that "about two-thirds of the country is out of government control," and that "al-Qaeda is turning the lawless mountain areas of Yemen into a new staging area." According to an AFP report today, U.S. counterterrorism officials believe that al-Qaeda's "presence in Yemen threatens to turn that country into a dangerous base for training and plotting attacks."

You will recall the September 2008 al-Qaeda attack on the U.S. Embassy in Yemen using vehicle bombs, rocket-propelled grenades and automatic weapons to mount a coordinated assault, killing 10 guards and civilians. Since that time, al-Qaeda's posture in Yemen has grown stronger with merger of the Saudi and Yemeni arms of al-Qaeda into one group—al-Qaeda in the Arabian Peninsula—with Yemen as its base for training and operations.

We have seen the consequences of these developments. Last August, a Yemeni al-Qaeda loyalist detonated a suicide bomb in an attempt to kill Saudi Prince Mohammed bin Nayef. He was able to gain access to the prince by pretending to be an al-Qaeda defector before detonating the explosives. This case is particularly concerning because it demonstrates an evolution and sophistication in the type of attacks being planned and launched by al-Qaeda leaders in Yemen.

While I continue to be troubled that, according to the Reuters report, the detainees at Guantanamo Bay currently have more information about their release than do member of Congress or the American people, it is of particular concern that detainees who have spent the last eight years living among the most dangerous terrorists in the world, including Khalid Sheik Mohammed, the mastermind of the 9/11 attacks and who beheaded journalist Daniel Pearl, would be released into countries with a strong al-Qaeda presence. Such a disposition is only adding kerosene to a fire.

Although we have clear differences of opinion on how best to deal with the situation in Guantanamo Bay, I think we can both agree that a rushed release of terrorist detainees to countries with a strong al-Qaeda presence is not in America's best interest. I strongly urge you to halt all transfers of detainees to unstable countries, including Yemen, Afghanistan, and Algeria, until evidence is provided to this Congress demonstrating that the detainee can be properly received and monitored in the receiving country.

I look forward to your response, as well as your responses to my letters to you dated

March 13, April 23, May 13, June 8, July 7, July 10, July 17, July 22, and July 31. Please do not hesitate to contact me or my staff member, Thomas Culligan.

This is very important for the safety of our country.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

#### H.R. 3611, THE LIMITS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Georgia. Counterterrorism officials have warned mass transit systems around the country to increase patrols after they discovered that a group of individuals within the United States were allegedly planning to detonate backpack bombs aboard New York City trains.

In the past month, we have once again been reminded that terrorists are still targeting U.S. mass transit systems and other major landmarks. We have to continue to be proactive against those seeking to do us harm and minimize our vulnerabilities, especially vulnerabilities on U.S. soil.

I'd like to discuss one continuing threat that needs to be addressed. In 2002, 2003, and 2004, personnel from Iran, a designated state sponsor of terrorism, were caught photographing and videotaping the New York City subway and other popular landmarks.

I ask my colleagues and the American people to think about why Iranian personnel would photograph and videotape the New York subway system and other popular sites. I'm referring to individuals from state sponsors of terrorism that are here with diplomatic immunity, supposedly in the United States for official business at the United Nations.

Let me be clear. Personnel from a state sponsor of terrorism have been caught on numerous occasions spying. What do you think they intended to do with that information, the videotapes and the photos? These are not our friends. A few, but not all, of these individuals were expelled by the U.S. Department of State. Between 2004 and 2009, the State Department issued over 8,600 visas to delegates and representatives from countries designated as state sponsors of terrorism.

Through the 1947 United Nations Headquarters Act, the United States is required to allow diplomats and personnel into the United States for official business at the United Nations headquarters complex in New York City, including personnel from countries who otherwise would be ineligible for U.S. visas.

We can't afford to take these threats lightly. The presence of hundreds of individuals with diplomatic immunity from countries designated as state sponsors of terrorism is an overwhelming and expensive task for U.S.

counterterrorism and counterintelligence resources.

Michelle Van Cleave, the U.S. National Counterintelligence Executive from 2003 to 2006, put it well when she said, "While the FBI—by far, America's premier counterintelligence agency—is assigned responsibility for countering all foreign intelligence operations in the United States, it lacks the manpower, the resources, the training, and probably the public support to venture into the complex grounds of analyzing the vast foreign presence in the country to identify the intelligence operations embedded therein." . . . "The counterintelligence problem is not one of sheer numbers, though by any measure there are far more intelligence operatives in the United States than we have personnel to address them. The larger and more compelling issue is the scope of their activities. Historically, embassies and other diplomatic establishments within the United States have served as a hub for foreign intelligence activities because of the operational security that they afford."

Why are we helping state sponsors of terrorism gather intelligence information within the United States? When and where will we draw the line?

If we can't stop these people from coming to the United States, the least we can do is limit their access to our country by dramatically limiting the radius that personnel from state sponsors of terrorism are permitted to travel.

Congressman DAN BOREN and I have introduced H.R. 3611, the LIMITS Act, Limiting the Intrusive Miles of International Terrorist Sponsors, which would limit personnel from state sponsors of terrorism to a half-mile radius of the U.N. complex. A half mile is more than enough space for personnel from state sponsors of terrorism to obtain lodging, food, and other necessities, and will be an easier and more cost-effective use of U.S. counterterrorism and counterintelligence resources, as well as the New York Police Department.

The FBI's top two priorities are to: number one, protect the United States from a terrorist attack; and, number two, protect the United States against foreign intelligence operations and espionage.

□ 1530

When it comes to state sponsors of terrorism with diplomatic immunity in our country, it is past time to make the FBI's job a little easier. I urge my colleagues to cosponsor the LIMITS Act and restrict access of State sponsors of terrorism on U.S. soil.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia

(Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you, and I thank my leadership for allowing me to take this Special Order hour to discuss what has certainly become the most important issue that has been going on in this Congress over these last couple of months, and that is the issue of health care reform or, as the Democratic leadership and the President himself have rephrased that now, reform of our health insurance industry, rather than reform of our health care system. But we're going to spend a little time, Mr. Speaker, talking about where we are with regard to this and what are some of the alternatives. Particularly from our side of the aisle, we are often criticized, I think unjustly, about being the party of opposition without having any sufficient alternative ideas to present. In other words, the accusation of being "the party of no."

My colleague from Georgia, Mr. Speaker, is here with me on the floor today, this afternoon, and he and I laugh about that a little bit. We both agree, yeah, we are the party of "know"—it's spelled K-N-O-W. So I would like to take this opportunity to share with our colleagues on both sides of the aisle just what it is we do know and what are some of those suggestions with regard to health care reform or, indeed, health insurance reform, that the minority, loyal minority wants to present.

We want to make sure that our President, who said his door is wide open as he spoke to the Nation from right here, from your seat, Mr. Speaker, a couple of weeks ago, saying, Look, if anybody—whether it's the Republican Party or doctors out across the Nation or some of the many men and women who have attended these town hall meetings throughout the month of August—If you've got ideas, bring them to me. My door is always open.

Certainly we have tried to do that, Mr. Speaker, in the way of writing letters, making calls to his staff and to say to the President, We do have some good ideas, Mr. President. In fact, just today within the last hour and a half, a group of physicians from across this country—they call themselves the Million Med March group, were here out on the Mall, talking about this be very issue and bringing ideas. Yes, there were some physician Members of the House with them to speak to the group that had a symbol. It is a grassroots effort, and there are lots of ideas, Mr. Speaker, Mr. President, Mr. Majority Leader. I say to Ms. PELOSI, the Speaker of the House, and to Senator REID, Senate majority leader, we have lots of good ideas, and we want an opportunity to be heard.

So we are going to take this next 45 minutes or so to talk about some of

these ideas. My friend from Georgia is not only a colleague here and a fellow Georgian but also a fellow physician. And while I specialize, Mr. Speaker, in OB/GYN, Dr. PAUL BROUN from Athens, Georgia, his specialty is family medicine, primary care. You talk about somebody whose voice needs to be heard, and I hope the President will also acknowledge the fact that Dr. BROUN has some great ideas. I will yield to him right now and hear some of those ideas as we colloquy and so forth.

Dr. BROUN, thank you for being here, and I would like to yield to you.

Mr. BROUN of Georgia. Dr. GINGREY, thank you so much for yielding to me. I, indeed, went down to the park where all these physicians were. I know Dr. GINGREY and our colleague Dr. TOM PRICE, also from Georgia, was at that same meeting with the physicians. This was a group of physicians from all over the country that are very concerned about ObamaCare, about the direction that they perceive that the Congress is going. They see H.R. 3200, the ObamaCare bill here in the U.S. House, as well as the bill that MAX BAUCUS has over in the U.S. Senate, as being a tremendous attack on their ability to practice medicine, to be able to make the decisions along with their patients of how health care is delivered within their offices and how they can deliver surgery, prescriptions, and the tests and procedures that they need.

I think they're exactly right. Dr. GINGREY, I know you spoke with them before I did. But Mr. Speaker, when I was down there, I spoke to these physicians, and I told them that they and their patients around this country are what's going to stop this steamroller of socialized medicine that's going on here in the House of Representatives. I reminded them that if we can generate enough grassroots support all over this country to ask particularly the leadership here in the House and the Senate as well as the President to open up this process, to listen to all of the second opinions that Dr. GINGREY and others are putting forward.

I know you are going to talk a little while tonight about your health care bill of rights and the 10 Prescriptions for a Healthy America. I applaud you, Dr. GINGREY, for bringing this forward, but the only thing that's going to slow down this process of the Federal Government taking over the health care system is the "We the People." The Constitution of the United States starts off with three very powerful words, "We the People." Up here we're supposed to be representatives, not rulers, and we, the people, need to stand up and say, Whoa, this is an issue that is too important to rush through. We should not have any deadlines. The Speaker and the President have talked about trying to get a bill on his desk before Thanksgiving. This is too complex of an issue to rush it.



What we, as physicians here in Congress, are trying to do is to offer a second opinion. Actually, we've got many opinions that Republicans have introduced. Dr. GINGREY, you have been very instrumental in fostering the idea of health information technology, digitizing electronic medical records and that sort of thing, which would help save money. We have to find a way to lower the cost. In my private practice of general medicine, I couldn't afford to buy health information technology for my patients. We've got to lower the cost of that, but we have got to lower the cost of everything in health care.

The Republicans have many ideas. I, as well as you and the other people on our side, want to see us open the process so that all the ideas are put on the table, and unfortunately, neither the President nor Speaker PELOSI are allowing that to happen. The American people just need to stand up and say "no" to ObamaCare. Let's put these ideas all on the table. Let's discuss them, find ways to lower the cost of health care without creating a big Federal debt, which ObamaCare, H.R. 3200, will do. The President said it wouldn't, but that was not true. He also said that it would not give free health care to illegal aliens, and that is not true. A lot of things that he said that night were not true. In fact, the only person who said the truth that night in that speech was JOE WILSON, our dear colleague from South Carolina.

But the thing is, the American people are in charge. That's what I told the doctors, Mr. Speaker, when I was down there is that the physicians in this country and everybody who is concerned about where we're going in health care—and particularly the elderly—need to say no to this H.R. 3200, which is going to be disastrous for everybody. And let's open up the process, and in a bipartisan way, in a bicameral way use the House and the Senate together, let's find some commonsense market-based solutions that lower the costs for health care.

And in doing so, let the doctor-patient relationship dictate how health care decisions are made, not through some government bureaucrat, as in the House bill right now. The ObamaCare bill here in the House will put a government bureaucrat between a doctor and a patient. Let's find ways of lowering the cost of medicine in the drugstore. Let's find ways of doing the things that make sense economically without stealing our grandchildren's future. We can do that, and we can do that in a bipartisan way if the leader of this House and the leader of the Senate would just open it up and let us do so.

Dr. GINGREY, I applaud your effort, because you've been a leader, right on the forefront in this process of trying to offer second opinions. You've been here week after week, as well as many

others. A lot of physicians in the House have been here on the floor week after week offering second opinions. Republicans are the party of K-N-O-W. We know how to solve the health care financing crisis here in America. We know how to solve the energy problems in America and make America energy independent without having this huge energy tax that the cap-and-trade—I call it the tax-and-cap bill—will put on the poor and elderly, those on limited incomes who will really be hurt by that energy bill. We know how to stimulate the economy without creating a bigger government and without bailing out Wall Street. We need to bail out Main Street.

So we are the party of know. We have got about 10 physicians and medical personnel who are a part of the Republican Doctors Caucus, and we are offering many second opinions, really. So Dr. GINGREY, I applaud your effort. I applaud everything that you're doing. You're the chairman of the House Doctors Caucus on the Republican side, and I am honored to be one of your two cochairmen on that group. The American people should know, need to know, that there are alternatives beside the ObamaCare bill, and the American people need to stand up and say, Let's do this in a bipartisan way. Let's stop all the partisanship, the bickering, the discord and all the things that are going on in this country, and let's do it so that people can manage their own health care along with their doctors.

Dr. GINGREY, I will yield back, and I thank you for what you're doing.

Mr. GINGREY of Georgia. I thank the gentleman from Georgia.

Mr. Speaker, Dr. BROWN brings up a couple of points that I think we need to elaborate on. He mentioned two things. He mentioned the need for electronic medical records, and he also mentioned the need for medical liability reform. Mr. Speaker, these are two things that the President has said. In fact, in his speech to the Nation a couple of weeks ago from this Chamber, he mentioned both things. Of course there is money set aside in the stimulus package, the American Recovery Act 2009, toward electronic medical records. But what physicians know which maybe a lot of Members of Congress don't know, don't have any real way of knowing, is what are the impediments to practicing medicine and to getting fully integrated in an electronic medical records system.

Even though doctors realize that it would save time, it would save money—most importantly though, it would save lives with regard to electronic medical records—it's something that's very expensive. It's like trying to—you know, your old jalopy car is falling apart, and you need a new car. Let's make that analogous to this old medical records, keeping paper records, charts where records are falling out all

over the place, and you can't find things in a timely manner when the patient maybe comes in with an emergency condition.

That's the old car. The new car, of course, would be a laptop or a notebook computer that you go into the exam room or go over to the emergency room, and you've got it, and all of a sudden you just with a punch of a key, you have that entire record of the patient. Maybe the patient happens to be a patient of an associate or a partner that you're covering for. But that information is there, and it's accurate. Well, that's the new car. Unfortunately the cost of the new car, the sticker shock, a lot of times is going to keep people driving the old jalopy that's polluting the Nation and putting people at risk—in this case, patients at risk.

I have introduced a bill for 2 or 3 years in a row that would incentivize even a small country doctor. Maybe he's got a partner or she's got a partner or two. But it's a small group, and they're seeing 75, 80 patients a day each. They can't afford to come up with \$30,000, \$40,000 per doctor to purchase an electronic medical records system, a computer, the hardware, the software, the maintenance program. They know—they're convinced that over a period of time that it's the thing to do and that eventually it would pay for itself. But by golly, they just can't afford that front-end sticker shock.

□ 1545

So we are, Mr. Speaker, continuing to introduce H.R. 1087 that would give them a break under the Tax Code. No free grant necessarily, but let them write off the expense in the first year to help them be able to do what Mr. President and what the majority party and minority party and all the doctors in the House and two in the Senate fully agree that we need to do: fully integrate electronic medical records by the year 2014. Indeed, former President Bush said the same thing. So that's an area in which we have full agreement.

Mr. Speaker, I really study this. I follow this. I go to the HIMSS meetings on an annual basis and usually speak to that group, the Healthcare Information Management Systems Society. It's an organization of people that are in this industry, in this business. And I know from talking with them that we're talking about maybe \$150 billion-a-year savings because you cut down on medical errors, you cut down on duplication of not ordering very, very expensive things like CAT scans and MRIs; and, even more importantly, of course, not making the mistake of prescribing a medication that would be contrary to the patient's health based on other medications that they're having or conditions that they're suffering from. So this is something where we could save a lot of money. You're talking about \$120 billion a year, Mr. Speaker.

Maybe if we did that, then we wouldn't have to try to pay for this health care reform, or is it health insurance reform, by taking \$500 billion out of the Medicare system and literally gutting Medicare Advantage, a choice of fully 20 percent of our seniors.

Some 10 million of the 45 million Medicare recipients choose Medicare Advantage because for them it's better. They're able to go in and have an annual physical. They're able to have a lot of screening procedures done that are covered under Medicare Advantage and that are not covered under your typical Medicare fee-for-service.

There is a follow-up program usually provided by the insurance companies that offer Medicare Advantage where within a few days of your appointment, a nurse, a nurse practitioner, or maybe even a doctor herself, Mr. Speaker, will call the patient and make sure that they got that prescription filled, that they're not having any side effects.

We keep saying we need to go to a whole new paradigm. That word has become kind of trite, but a whole new paradigm where we incentivize our health care teams to provide wellness rather than just treat illness. It is a more compassionate way to deliver health care, but it also is going to save lives and save money.

So for me to look at these bills that are out there, whether it's this 1,200-page bill that I have behind me, H.R. 3200, that has been passed by three committees in the House, mainly by the committee that I sit on, Energy and Commerce, where we're going to reform the health care system by gutting Medicare of \$500 billion over 10 years.

Mr. Speaker, I heard someone, and I believe it was an official of the AARP, suggest that, well, you know, this is just a little cut in Medicare; \$500 billion, with a "b," is a lot of money even for Washington, D.C. but when you look at what we spend every year on Medicare, I think in 2008 the total expenditure for Medicare was about \$480 billion. Well, if you cut that \$500 billion over 10 years, do the math, Mr. Speaker. It's fairly simple, my colleagues. We're not all math majors, but this is arithmetic; this is not calculus. That's something like a 13 or 14 percent cut every year. Actually, it's closer to a 10 percent cut. But it cuts Medicare Advantage about 17 percent a year.

And 10 percent is a lot. If you don't believe it, ask those who are among that group of unemployed in this country right now, those 10 percent that are without a job. For them it's 100 percent. It's not a recession; it's a depression. It's a depression mentally and physically and actually.

So we can do these things like electronic medical records, and we could save a lot of money. We don't have to

gut Medicare, and we don't have to raise taxes \$800 billion, \$900 billion and, further, cause small businessmen and women to lay people off or not hire new employees because they just can't afford to.

And, golly, how many jobs has it been, Mr. Speaker, since we passed the economic stimulus package that was going to save the country back in February? I think we've lost 2 million jobs since then. And when we passed that bill, the unemployment rate was 7 percent, 7.5 percent; and now it's 10 percent. We have got real problems here in River City, and it's not just the need to reform our health care system. We need to put people back to work.

I heard the President of the United States say we are in a crisis; we're losing 14,000 people every day; 14,000 people are losing their health insurance. Well, Mr. Speaker, the reason for that is because they're losing their jobs. And I think, yes, they have a concern about health insurance, but they also have a great concern about feeding their children and clothing them and providing shelter for their family. And then, of course, let's make sure that they get affordable health insurance.

Again, it's all about priorities. I think that we can do this, and I think we can do it without spending \$1.5 trillion over the next 10 years or \$2.5 trillion over the next 15 and running up an additional at least \$250 billion worth of red ink and long-term debt. We can do it by adopting electronic medical records.

We also can save, Mr. Speaker, a tremendous amount of money by medical malpractice reform, medical liability reform. The President has acknowledged it. He said it to the AMA at their annual meeting in his hometown of Chicago back in June. He said it again right from this dais 2 weeks ago when he spoke to the Nation. He has acknowledged the need. He has said, If you've got an idea on either one of these things, medical records, medical liability reform, my door is open, I want you to call me. I want you to come see me.

Well, we are trying, Mr. Speaker and my colleagues, and we will continue to try because I believe the President. I take him at his word. I'm going to be patient on this. Hope springs eternal because we do. It's not just me, but Members on both sides of the aisle, not just physician Members but all Members have ideas, and they need to be listened to just as in the amendment process that we went through when we marked up H.R. 3200.

Why was every Republican amendment rejected, and why was it done almost completely along party lines? That's something the American people, Mr. Speaker, want us to get away from. They want us to cooperate. It's fine for the President to say that if you don't agree with him that you're just bick-

ering and complaining and griping and being untruthful. There's no corner on truth by the President of the United States or the majority party. Let's all be truthful. And if we disagree, that doesn't mean one side is being, shall we say, a serial disingenuous person, rather than using more inflammatory language. No, it's a fair and honest difference of opinion. And if we come together and share those differences of opinion and pick the best of both, then we come up with, I think, a bill that the American people can accept.

Mr. Speaker, these town hall meetings, people all across this country, whether they be of the Democratic or Republican persuasion or independent voters, whether they are young or old or African American, Asian, it doesn't matter. They're United States folks. They are hard working and they want and deserve us, their Representatives, to do it in a way that helps them, that we are not constantly in gridlock up here.

So, Mr. Speaker, my opportunity today to talk about some of these things is heartfelt and it's a commitment, and I know my colleagues on both sides of the aisle feel the same way, and we are going to work toward this solution.

Now, I particularly wanted to talk about a second opinion that I have. We talk about that a lot in medicine about getting a second opinion and how important it is. Maybe the first opinion is not the best opinion. Maybe it is, but oftentimes a second or third opinion, you need that. You need that. So the second opinion that I want to talk to my colleagues about today, Mr. Speaker, is what I call a Health Care Bill of Rights, or, to put it another way, 10 Prescriptions for a Healthy America. And this is a bill that I introduced just today, and it's H.R. 3700.

Now, H.R. 3200, here it is. It's about 1,200 pages. The chairman of the House Judiciary Committee has been a Member of this body for a long time. He still looks young and healthy to me, thank God, but he's been here a long time. And he's an attorney. That's his profession. He's not a doctor; he's a lawyer. Somebody questioned him about whether or not he'd read the whole bill, and he said, I don't know. I mean, I need two lawyers to help me read it. And he is a Member of the majority party and an attorney himself and I think has been a Member of this body for at least 35 years. That's the problem with bills like this.

Now, my colleagues, I want to hold up for you H.R. 3400. H.R. 3400 is a bill that Dr. TOM PRICE is the original author of, Dr. PRICE on our side of the aisle, an orthopedic surgeon, chairman of the Republican Study Committee. And many of us, including myself, co-sponsored H.R. 3400. It's a little bill. It looks like maybe about 260 pages instead of 1,200 pages. And it does many

things in a way that is economically sound, that brings down the cost of health care, that makes health care affordable and accessible so that individuals can own their policy and the marketplace works, and we don't have any government takeover in this bill.

I want to commend my colleagues to go online, get a copy of this bill, read the summary, read the Cliff Notes, whatever, and understand that this is just one of, I would say, three or four Republican bills, alternatives to H.R. 3200 or the health bill that's come out of the Senate, the Health, Education, Labor, and Pensions Committee that was chaired by Senator DODD, CHRIS DODD, in the absence of Senator Kennedy while he was struggling with his illness. But this is a good bill, and I think the President needs to look at it and needs to consider it and keep that door wide open.

But what I am going to talk about in regard to H.R. 3700 is it's really a statement of principles. But it's a bill, and as I say, we just introduced it today. Mr. Speaker, I have it on a little card almost like a contract. Well, we call it 10 Prescriptions for a Healthy America or the Health Care Bill of Rights, similar to the Contract with America of maybe 15 years ago, that people can put in their front pocket and they can pull it out and they can look at it. But I'm going to take a little time to go through some of the principles in this bill because I think this is important. I think this is a guideline for whatever we ultimately adopt. And let's go through some of these posters, Mr. Speaker.

The number one principle of this health care bill of rights is to say this, and it does in the bill:

□ 1600

There will be no government-run health care plan.

That is what the American people are saying. They do not want a Canadian-style system or a U.K. system, or any system where the Federal Government interferes and makes decisions and tells the doctor and the patient that you are going to have to do it this way, my way or the highway. We don't want that. The American people don't want that, and they said that loud and clear during the August recess.

So number one in this Health Care Bill of Rights is no government-run health care system.

The second item in the Bill of Rights is no cuts to Medicare. Mr. Speaker, I have already talked about that in the \$500 billion, those Medicare cuts. It is something like a \$10 billion cut to the hospice program. I think we all know what the hospice program is. In the last weeks, days, months of people's lives, we are going to cut that program to provide access to health care for 5 percent of the population, many of whom prefer not to have health insur-

ance and we are going to end up forcing them to? No cuts to Medicare. Medicare needs to be shored up. It needs to be improved.

Today, unless you are in a Medicare Advantage program, you cannot go and get an annual physical examination. You can when you first turn 65 and get on Medicare, that is called an entry-level physical exam. But how about when you are 68 or 72? You absolutely on an annual basis need a physical examination as you age to make sure that nothing has happened. And yet a lot of seniors don't go and get a physical because it is not paid for, and they are on a fixed income. For goodness sake, this year there is no increase in COLA for Social Security. How are they going to pay for these things? Yet, instead of solving that problem and putting more into Medicare, we are going to take \$500 billion out of it. It makes no sense.

So under this Health Care Bill of Rights, my bill, H.R. 3700, no cuts to Medicare. And no new deficit spending.

You know, the President said, Mr. Speaker, and he said it very clearly, I will not sign any bill that adds one dime to the deficit. I think I am quoting him word for word. Well, Mr. President, you will like my bill because it says no new deficit spending. We can do this without any additional deficit spending. My colleagues, look at H.R. 3400 and you will see, it can be done without adding to the debt and spending into red ink.

Colleagues, number four is a good one and it is important to people across this country. Number four on the Health Care Bill of Rights, no new taxes. No new taxes. These bills, whether we are talking about H.R. 3200, the House bill, or the bill that is coming through the Senate, there are new taxes all over the place. The Joint Commission on Taxation has attested to that. That is a bipartisan group. The Congressional Budget Office has attested to that. Again, a creation of the Congress, they work for us, and their director is chosen by the majority party, indeed, by the Speaker of the House.

And you ask the question: Are there new taxes in here? Absolutely. There is going to be a tax on every insurance policy. The Senate bill is coming along that is being marked up this week and maybe next week as well, taxes some health insurance policies 40 percent. You put a 40 percent excise tax, Mr. Speaker, on these insurance policies, who pays that? I guarantee you the premiums go up, and John Q. Citizen, who is not making \$250,000 a year—the President promised when he was campaigning when he became President, if he became President, and of course he did, that nobody making less than \$250,000 a year would see any increase in their taxes, not one dime, just like he said there would be not one dime of

deficit spending for this health care, oh, excuse me, health insurance reform. So no new taxes. H.R. 3400, no new taxes.

The fifth thing on the group of ten, no rationing of health care. This may be one of the biggest concerns that our citizens have. As a former physician, OB/GYN doctor for 26 years, I can assure you that people worry about this. If we had this public plan, this public option, the government competing with the private marketplace, as H.R. 3200 calls for—and the Speaker and all three of the chairmen of the committees of jurisdiction, Mr. RANGEL, Mr. WAXMAN, Mr. MILLER, they all want a strong government hand to really ultimately squeeze out the private marketplace. What happens is, and this is not just PHIL GINGREY predicting this, Mr. Speaker, this is the Lewin Group, a well-respected group which says that within 3 to 4 years, probably 100 million people who today get their health insurance through their employer and they are happy with it, they will end up losing that because the employer will be in a position that it will be cheaper for them to just pay a fine and let them go into the government plan.

Well, so much for the President's promise that if you like what you have, you can keep it. Until you can't. You know, this is something that I think we need to hold the President's feet to the fire and say, look, let's promise the American people that they truly can keep what they have if they like it.

So you get the situation where everybody is on the government plan, well, that's when you get to the business of rationing when maybe the party in power has made a pledge of no new taxes, they are not going to raise taxes, and yet you have all these additional people, millions, maybe 100 million that have morphed off of their employer plan into the government plan, and we can't pay for all of them. So what are you going to do? You are going to have to raise taxes and cut reimbursement to the providers, to our rural hospitals who have a disproportionate share of the poor that they are trying to treat and people who can't pay, so you are going to lower reimbursement to them.

And finally, you are going to say to the patient, you know what, we would love to be able to fix your hip, but you are 85 years old and we just can't afford it. You are just going to have to take a little Advil or aspirin. And by the way, we will pay for a walker and an alarm that you can wear on your belt if you happen to fall. But we will not fix your hip or replace your knee. That happens in other countries that have single payer, government-run systems. That will happen here unless my bill passes which says no rationing of health care.

Number six on the Health Care Bill of Rights, no employer or individual mandate to provide or have health insurance.

Now look, colleagues, Mr. Speaker, of course I want employers to continue to provide that health insurance benefit for their employees. I think that is something that people have come over the last 75 years in this country to expect. A decent job includes health care coverage for you and hopefully your family, and that your employer pays the bigger percentage of that, and the amount you have to pay is a smaller amount. And I want employers to continue to do that and provide that benefit and not whittle away at how much they pay versus how much the employee has to pay.

I would encourage every person in this country, every adult who is working, whether they are 21 years old or 72 years old, to have health insurance. I think it is important especially to have catastrophic coverage, even if you think you are 10 feet tall and bullet-proof and you are 26 years old and you don't smoke or drink alcohol and exercise on a regular basis, nobody in your family has ever suffered from cancer or heart disease, and your grandparents and great-grandparents lived to be 100 years old, and you think, I don't need this. I can't afford it, for one thing. I am paying for a car and rent on an apartment. I have \$125,000 in student loans with interest that I am trying to pay off. I can't afford this.

And then you convince them, yes, but what if you get hit by a truck? What if you are the person who comes down with insulin-dependent diabetes or high blood pressure or heart disease and you are not covered? So at least purchase a health care insurance policy that gives you catastrophic coverage in the event of a catastrophe.

In the halls of the hospitals I worked in, we used to refer to those as "horrendaplasties," when something horrible happens to a person, and it could, any motor vehicle accident. Have that catastrophic coverage. Get an insurance policy where you have a high deductible and maybe you have to pay \$3,000 or \$4,000 out of your own pocket before insurance kicks in, but we want to encourage people to at least do that.

But this bill, the big fat one, H.R. 3200, actually allows the government to say, no, that is not good enough. You have a mandate. You have to have health insurance, but this high deductible, low premium that you can afford, that gives you that catastrophic coverage, that doesn't count. We are not going to count that as health insurance. And so we are going to mandate that you have coverage and we are going to mandate that you have high first dollar and very high premium that you can't afford, and you are probably not eligible for Medicaid or some

safety net program or a government subsidy. And yet we are going to hold a gun to these people's head, Mr. Speaker, and say you have to have health insurance, and if you don't, the IRS is going to fine you \$25,000 and you could be charged with a misdemeanor and spend a year in jail.

My colleagues, is that America? I mean, you know, I try to always keep a copy of the Constitution in my pocket, and sure enough, here it is, the Constitution of the United States. If you go to the glossary, you are not going to find anything in here about mandatory health care. No. You talk about the Bill of Rights and freedom of speech and press and religion, but there is nothing in here about forcing people in this country against their will, even though it is good public policy for them to have health insurance, and we would encourage and try to provide, as we do in H.R. 3400, the 250-page bill, to help them be able to get an affordable policy, but to force them to buy something they can't afford, no.

So number 6 in the Health Care Bill of Rights, no individual or employer mandate. Just encourage them and help them to be able to do that.

Number 7, and this is what created all of the controversy, Mr. Speaker, when the President was right here at the dais giving yet again a fantastic speech, as he always does, and talked about, made the comment that in his health care reform plan, that no illegal immigrant would be eligible for any government subsidy, and then the comment was made, and you know the rest of the story.

But truth in fact is, and that's the reason for number 7, no taxpayer funded coverage for illegal immigrants in my bill, H.R. 3700. No taxpayer funded coverage for illegal immigrants.

□ 1615

I think the President realized though, after he made that speech here a couple of weeks ago, and maybe his crackerjack staff told him, said, Mr. President, you know, there is this problem in the bill where it doesn't make people verify who they are. You know, they don't have to show a photo ID or a secure Social Security number to attest that truly they are here in this country legally. And if you don't require that, as we do, by the way, Mr. Speaker, in other safety-net programs like Medicaid and like the SCHIP program, the Children's Health Insurance Program, if we don't require that in this new reform bill, you are going to have—let me tell you, that's just—you might as well point a strong electromagnet to the southern border and say, you know, Come on, hey, have we got a deal for you. We've got a great education system. We've got a great health care system, the best in the world and, you know, you too can enjoy that.

No, the American people don't want it. I don't want it, nobody in this Chamber should want it. So no taxpayer-funded coverage for illegal immigrants. Number 7. Now, the last three items in this Health Care Bill of Rights, we've spent a little time here, Mr. Speaker, talking about what my bill would prohibit in any health care or health insurance reform. Now, I want to talk about the next three items, 8, 9 and 10, which would assure what we have in any health care reform bill or health insurance reform.

And Number 8, and the President has been very firm on this, and I agree with him completely. The Democratic majority has been very firm on this, and I agree with them completely. Pre-existing condition coverage. Insurance companies would not be allowed to deny coverage to people because of pre-existing conditions. And that denial can take two shapes, Mr. Speaker. It can be an outright denial of saying, No, I'm sorry, you know, you've got high blood pressure or you've got diabetes or you've had a coronary bypass and we're not going to offer you insurance. You're just not insurable. You're too big a risk for us.

Or they could do it another way and say, oh, yeah, heck yeah, we'll cover you. We're a great, good company and want to get some good PR out of this. But oh, by the way, your premium's going to be four times standard rates.

Well, that's pretty much a denial too. People can't afford that, so Number 8 is very important. Preexisting condition coverage. You know, you think about somebody that—I talked about young people and wanting to encourage them to have health insurance. Let's say you are 19 years old, straight out of high school and have your first job, or 25 years old, right out of college or graduate school, have your first job, and you're one of those people I described that's in good health and you think, gee, you know, I'd rather just kind of go bare and pay my own way. And I'll put money aside each month in an escrow account. I'll have a special savings account, and I'll save this money, and when I need it—hopefully I won't. Maybe I'll have an annual physical and spend \$175. But I'm not going to get sick because I'm taking care of myself. I'm not like a lot of people who show no personal responsibility in regard to their own health.

And so you know, they really don't want to spend \$400, \$500, \$600 a month paying a premium when they're not using it. But they do it anyway. They do it anyway. And they work for a company for 20 years, and for the first 15 they're paying that same premium that everybody else pays. They have to because of the Federal law, called HIPPA, and they're paying those premiums but yet the insurance company is not having to pay out any claims for them.

But during that time, you know, all of a sudden they get a little skin cancer that has to be removed. Or maybe they have a little chest pain and it turns out they've got some coronary blockage or their blood pressure goes up. And you know, here they've been paying, and then all of a sudden we get an economy like we have today and they lose their job, and then they try to get insurance after COBRA runs out, if they're even eligible—they have to work for a company that has more than 20 employees to be eligible for COBRA. And let's say that runs out. And then they're out of luck. Mr. Speaker, they can't get coverage.

Well, that's not fair. That's absolutely unfair. And I would say, under Number 8, to the insurance companies, you need to cover that person for the rest of their life, or at least until they go on Medicare, and you need to cover them at standard rates because you have made a really good profit off of them and now, when they need you, you should not be allowed to abandon them. These are the kind of things that we can agree on. And I think we do. And quite honestly, Mr. Speaker, I think the insurance industry, the health insurance industry, they're ready to do that. They have already made commitments and they're ready to do that. And these are some of the things that we can do. And that's Number 8 in my Health Care Bill of Rights.

The ninth thing, we've already talked about a little bit, medical liability reform. You know, there are a lot of different ideas out there, not just mine, although I've introduced a bill every year since I've been here for the last 7 years, calling on certain specific things. I won't get into the details today, Mr. Speaker, but it's called the Health Act. And it's a fair bill that guarantees that patients that get injured by a health care provider or hospital where they're practicing below the standard of care for that community, they've just messed up, that patients do not lose their right to a redress of their grievances to be compensated for their lost wages and for any health care that they need for the rest of their lives, quite honestly. In some cases you're talking about a compensation or a judgment in the millions of dollars.

So we don't deny that in wanting liability reform. What we try to do is cut down on frivolous lawsuits so that doctors are not spending so much time worrying about this and running up the cost of health care for everybody else by ordering needless, cover-your-back tests that, in some cases, could be downright detrimental to the health of the patient. And of course, so many doctors in high-risk specialties, at a fairly young age, before they turn 50, they give it up. They stop delivering babies. They won't go to the emergency room. So surely the President

means what he says when at least he promises pilot projects on medical liability reform.

Please, Mr. President, please, it could save \$120 billion a year. You would not have to tax people, the small business men and women \$800 billion and cause us to lose more jobs, and you would not have to gut Medicare if you'll do these things. And Number 10. And this is the last in the list of the 10 prescriptions for a healthy America, called the Health Care Bill of Rights, H.R. 3700, the promise to reduce health care cost. Why should we do anything if it doesn't bring down the cost? And so far, Mr. Speaker, the Congressional Budget Office is just saying repeatedly, it doesn't.

What this bill, H.R. 3200, no matter how you slice it and dice it and combine it with the one out of the Ways and Means Committee and the one that came through the Education and Labor Committee and you shake it all around and let it come through the Rules Committee; it doesn't bring down the cost. In fact, it bends the curve in the wrong direction. So my bill would assure that we reduce health care cost. H.R. 3400 does that. Senator Dr. TOM COBURN's bill that he cosponsored with Representative PAUL RYAN from Wisconsin, our ranking member on the Budget Committee here in the House—that bill brings down the cost of health care.

So that's my pledge. That's the bill that I wanted to talk about today to my colleagues, Mr. Speaker, and I hope that they will look at it. You know, I've got a—I carry this around in my pocket. And colleagues, you can go to [gingrey.house.gov](http://gingrey.house.gov) and look for the Health Care Bill of Rights or 10 Prescriptions for a Healthy America. That's what we've talked about here over this last hour, almost an hour. And I commend it to my colleagues, and I welcome their ideas. My door's open, just as the President said his door's open and he welcomes our ideas. It's a sharing. It's a bipartisan thing. Yes, let's stop bickering and let's get the job done. I thank you for the time, Mr. Speaker, and I will now yield back.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege and honor of addressing you here on the floor of the House of Representatives. And I also appreciate the opportunity to listen to my good friend and colleague, Dr. GINGREY from Georgia. I think he's actually putting out a few more words per minute than he usually does. This is a passionate subject matter for him, and the bills that he's introduced and the foundation that he's laid, I think,

is an excellent rebuttal to the statement that was made earlier in the 5 minutes by the gentlelady from California who said, Republicans, where is your plan on health care?

Well, we have many, many plans on health care. And we have many, many ideas on how to address this. And they are consistent. They are consistent with human freedom and the instincts of humanity. They're consistent with the marketplace, consistent with the foundation of what has made this a great country. And on the other side of the aisle they seem to be consistent with managed economies and managed societies, the kind of societies that have always failed, the kind of societies that have drained away human ambition and put countries, entire nationalities in a position where, I believe it was Ronald Reagan that said, In the Soviet Union they pretend to pay people, and in the Soviet Union, people pretend to work.

There's something about human nature that we understand over here on this side of the aisle, and we want the best out of all of us. And so I'd take us back to the broader structure of what has been delivered here on the House. There's really only one bill out here that has passed out of committees and is before the American people as the subject matter to be discussed, and that is, here in the House, H.R. 3200. And I have, first, Mr. Speaker, a diagram of the previous bill that came out in 1993 and '94 that was known in many ways as HillaryCare. And so I have an observation here that I will post. This, Mr. Speaker, is the flow chart of HillaryCare. This is out of the archives of the New York Times. And it also is very close, if not identical to the flow chart that was on the wall of my office back in the early and mid-nineties, actually all the way through the nineties.

This is the flow chart that was laid out when the previous attempt to take over health care, for the government to take over the American health care system, was made. Here, on this floor, a few feet behind where I stand now, at the time President Bill Clinton came to the floor, September 22, 1993, and he did the unprecedented thing. He asked to address a joint session in Congress to speak of a subject matter that wasn't about war. That was the unprecedented component of it. But it was about the Federal Government taking over 100 percent of the health insurance and health care delivery system in the United States of America. That is a huge reach, and it was something that mobilized the American people in opposition. There were good reports on President Clinton's speech immediately after he gave it, because he, like our current President, had an ability and retains that ability to be a compelling speaker and to move people

with the force of his words and not necessarily the force of ideas, but the tone and the force of the words themselves.

So President Clinton, in the aftermath of that September 22, 1993, speech right here to this joint session of Congress, his numbers moved and it looked like he had perhaps broken the dam and there was going to be a National Health Care Act that would transform and take over the entire health insurance industry and the health care delivery system in the United States.

□ 1630

We know how that came out, Mr. Speaker. We look back on that 15 years ago, we know how it came out. And that was there was a push-back across the land. I don't know that we actually used that expression in those days. But I recall Harry and Louise and I recall Senator Phil Gramm, who, right down this hallway at the other end of the doors that you and I are facing, Mr. Speaker, at the other end of this Capitol Building, stood on the floor of the United States Senate and he said, This National Health Care Act will pass over my cold, dead, political body. That was Senator Phil Gramm. And a lot of people thought that his political body was going to be cold and dead and that we would have HillaryCare in America.

It didn't take 15 years to find the results of that, Mr. Speaker, because the American people rejected the idea that the freedom that they had to purchase their own health insurance and the freedom that they had to make many of their own decisions with their doctor in the marketplace would be taken away, and it would be government run and government owned.

This is the flowchart that described it better than anything else. I would submit as we look at these stacks of bills, an 1,100-page bill in H.R. 3200, the health care bill that has passed out of committee and is here waiting to come to the floor of the House, you can't understand the language; I don't care how good a lawyer you are if you have some diagrams. And you have to be able to look at the flowchart and track through the diagrams to find out what the language does, draw some pictures, so to speak. And even then I believe it is impossible for a single individual to analyze this legislation and be able to predict the pitfalls that are created by the vagaries in the language. There are many.

But this was enough to scare the living daylights out of the American people and me. And in fact, Mr. Speaker, this flowchart was one of the significant components that drove me to take time away from my private business, the construction business that I started in 1975.

And, Mr. Speaker, I seldom tell the story about that background, but I think for the sake of those who are lis-

tening—and we all want to evaluate the background of the people that are making recommendations for all 306 million Americans. For me, Mr. Speaker, I grew up in a lower-middle class family. My father was a law enforcement worker, a manager of the State police radio station, middle-level management. So he had pressure from the Governor on down and then he had some people who worked underneath him. Great reverence for the rule of law, a profound work ethic that something had to be going on all the time and you had to constantly be making progress.

That was my background. No business background.

But by 1975, Mr. Speaker, I had concluded that if I were going to control my destiny, it didn't pay for me to sit back and wait for the government to send me a check. The eagle wasn't going to fly for STEVE KING unless I did something to make the nest and get the eggs laid and hatch those eggs out. I had to take care of my own destiny.

So one day in June of 1975, I decided that I didn't have a lot of alternatives, but one of those was to take a risk and a chance and start a business. And I decided it was the best alternative. And so by August of that year, I had borrowed a hundred percent and gone out and bought a bulldozer, and that was the business, it was the foundation of the business. I don't know how many hundred pounds of welding rods I burned on that machine and how much repair work I had to do just to put it out on the job for the first hour. By the way, it broke down again in the first half a day and back to the shop it went, and I had to tear it completely down, rebuild it again and try again.

Many of us who have started businesses got knocked down over and over again, picked ourselves up again, and in the process of doing that were forced to learn the components of running a business. And anybody that started out with—I'll say for me it was a negative net worth in a highly capital-intensive business and had to meet payroll and meet the government regulations. And by the way, back then—I did a count. I had 43 government agencies that regulated my business. I had to answer to 43 government agencies, and if any one of them stepped in at any time and declared me to be out of compliance, they could either levy a fine or shut me down.

Government was then the biggest fear that I had when I started the business. I wasn't worried so much about whether I could do the work or I could repair the machines or whether I could drive the truck. I wasn't even so worried about whether I could market the service that I had decided to provide. All of those things were going to take time and effort, and all of those skills had to be improved upon. But the one I was most concerned about was how do

I possibly meet all of the government regulations that I don't even know.

And there isn't any one single contact go-to point that any person who is starting a business to find out how many regulations you're going to have to meet, what will be the nature of that regulation. If you just stacked it all up, stacked up all of the paperwork and the regulations for 43 agencies that regulated me at that time, if I had known that, that would have been enough to scare me completely out of business before I ever went into business.

I lay this background to tell you, Mr. Speaker, that I met payroll for over 28 years, over 1,400 consecutive weeks, and I paid myself last, if at all; and I paid my employees first and then I fed the kids. But we got through those years, and we had our ups and downs. And I would never categorize it as a magnificent success except that being a business owner, a founder and a manager had laid the groundwork for me to understand the components of the other businesses in the country and gave me the tools that I had the flexibility to raise my family in a fashion that I thought was far more constructive than it might have been if someone else were telling me when and where I was going to show up to work. And it also gave me a burning desire to try to clear some of the path for others that might want to do the same thing.

So regulation has always been, I'll say in the last couple of generations anyway, the number one concern of business. What will government do not for us, but what will government do to us.

So this was 1975 when I began. We had our ups and downs, Mr. Speaker. I had barely gotten a position that I was even there to be a target of the farm crisis in the 1980s. But I went through all of that, and many of us got hammered flat over and over again and got back up. And some of my neighbors didn't make it. And some of them, their spirit was destroyed even though they made it. Those were tough years.

And the floods in 1993 and the other experiences along the way that I could chart on my financial statements, the ups and downs, all are triggered with some kind of an event.

But the experience of dealing with government and the experience of having to be my own accountant, mechanic, truck driver, my own sales manager, my own human resources manager, my own equipment operator, sometimes my shovel operator, sometimes the wrench operator, sometimes just the person who is the superintendent that steers everybody else when things are working and it's all in tune, that's when you're the least busy. I went through all of that.

I had to also deal with lawyers and insurance men and also, of course, our bankers. All of that laid a background

and I think a knowledge base that's been so very useful here in public life.

But of all of the things that I mentioned, the one that's concerned me the most from the beginning, and the greatest impediment to people who might be entrepreneurs that want to establish and found a business, are government regulations. And this spider web of government regulations that were created by HillaryCare was enough to—didn't scare me out of business because it didn't pass over Senator Phil Gramm's cold, dead, political body, but it was enough to scare me towards politics, if not completely into politics. And I think it was enough to scare the living daylights out of the American people, and they killed HillaryCare.

Now we have the modern era. Fast forward 15 years, Mr. Speaker. The previous chart, Mr. Speaker, was black and white. This is in full living technicolor. This is a 2009 version, the most recent version of a government takeover of the health care industry; and I mean, Mr. Speaker, the health insurance industry and the health care delivery industry in America. This 17½ percent of our Nation's economy and this flowchart with this full color is scarier yet.

Now, I don't mean that it's actually scarier by functionality, because marginally it at least leaves the opportunity for health insurance companies to survive for a while. But, Mr. Speaker, it certainly sets the scene for the destruction of every private health insurance company in the United States and the elimination, potentially, of every health insurance policy in the United States. In fact, H.R. 3200 compels that every health insurance policy within 5 years be approved by the health choices administration commissioner.

This bill sets up a new health choices czar. It calls him a commissioner because Americans are full up to here with czars, but this is a health choice administration commissioner. I don't know that he's a czar; I don't know that he's a commissioner; I don't know if he's a commissar. So I have called him the Health choice administration's commi-czar-issioner. And he would be the person who heads up this commission through which every health insurance company here, the private insurers, everything in white on this are existing. Those in color are newly created agencies, departments, and functionalities.

Thirteen hundred private health insurance companies. That sounds like a big number. Some of those companies have names for the different States that they operate in. But, Mr. Speaker, 1,300 health insurance companies here and the 100,000 potential, I'll say existing, policy variations here, the traditional health insurance plans, would all have to be qualified by this new

commi-czar-issioner's board in order to provide through this period of 5 years to qualify, in order to provide the qualified health benefits plans.

So every health insurance policy in America would have 5 years to be approved by the new health choices commi-czar-issioner. And the regulations would be written by them. So we have a piece of legislation that sets up a commission that would write new regulations, the commission to be named later, to write regulations that would be named later that would control the destiny of 1,300 health insurance companies and 100,000 health insurance policy varieties, options that the American people have.

All of that would have to jump through the hoops to be created later after the legislation has passed by people to be appointed later, including the health choice administration commi-czar-issioner.

So for the President to make the promise to the American people that if you like your health insurance policy and your doctor, don't worry, you get to keep it—if you noticed, he had to change the language when he stood here and gave his address to the joint session of Congress—I believe that was September 8. That's within a day, Mr. Speaker, and his language changed to actually be: "Nothing in this bill will force you to give up your doctor or your health insurance policy."

Well, I don't know that that's true because something in this bill may force those companies out of business and may disqualify your health insurance policy, and it may discourage your doctor to the point where he decides that he wants to go drive a taxi cab like they do in Cuba. If you want to meet a doctor in Cuba, take a taxi. You'll get in the back seat of a 1954 Chevy with a five cylinder Russian diesel in it, and the guy behind the wheel might be a doctor. They have a lot of doctors in Cuba. It pays better to drive a taxi cab.

So this reach that we have of taking the private insurance companies, 1,300, and force their 100,000 policies to go through new regulations to be written—and we know there are going to be fewer than 100,000 policies—so people will lose their policies.

I hope the President, Mr. Speaker, turns on C-SPAN and understands what I'm saying. He can't say it any more, Mr. President. If anything more like this passes, people will lose their policies, and they're likely to lose their doctor.

And you haven't told the Speaker of the House that she can't support something like this if she's going to be consistent with the intent of the language that she used herself.

So, Mr. Speaker, I'll submit that this, the recharacterization, needs to revert back to the language of the bill. And we need to understand what hap-

pens when bureaucrats make decisions. And by the way, we sometimes just need to listen to the people on the other side of the aisle. They're for single-payer government takeover. A hundred or more of them have signed a letter saying they would vote against a health care bill if it didn't have a "government option." Excuse me, that's not the right quote. The quote is a "public option."

Mr. Speaker, a public option is a government option. It is a government takeover of the health care industry eventually. And, by the way, this is the purple circle of the 100,000—it won't be 100,000—but those that are left of the original 100,000 policies and the 1,300 companies. This purple circle, the qualified health benefits plans, that will be the private sector that actually meets the regulations after 5 years.

Fewer companies, fewer policies. We don't know how many, but we do know this: the government then would produce a public health plan. That's the second purple circle here. They would be under this health insurance exchange. So envision that as maybe an Internet site you would go to that had a series of bureaucrats behind there that would make recommendations, evaluate policies, and let you look at the government option versus the private sector option.

□ 1645

But this public health plan, this government option, has to be set up with Federal taxpayer dollars. You can't start an insurance company without capital. Where is it going to come from? The American taxpayers. And where does our money come from now after we have long past burned through the tax revenue for the 2009 fiscal year? It comes from the Chinese and the Saudis. And we are borrowing money from foreign countries. We are borrowing money to buy things from them, and now we would be borrowing money to start up a health insurance company. In any case, it would be national debt money, billions that would be the capital foundation to set up an insurance company so that there would be conceivably 1,301 health insurance companies. One more company.

The President's view was, we need more competition in the health insurance industry. So, if 1,300 companies is not enough, set up a Federal company. That will be the difference. And we will borrow money and put billions into it. And now this enterprise, this Federal enterprise that is in direct competition with the private companies has to succeed.

Well, if it can't sell policies, it can't succeed. So how does the government go about doing this? Well, they set the premiums low enough and the benefits competitive enough that they can get people to buy the policies, otherwise they are an irrelevant entity.



So I guess you would say that's fine, except we need to understand this. The regulations that would be written for the government plan would be regulations that are written so the government plan can compete with all of these private plans, which means that the regulations would be written to favor the government plan. And the premiums the government would charge would be premiums that are designed to be competitive, and I'm going to say likely cheaper than can be offered in the private sector. And so the result of that will be that either we are going to have to subsidize the government plan health insurance company, or we are going to have to regulate these private sector businesses out of business.

It's how government operates. We have several models that we can look at.

The simplest and most stark of them all is the National Flood Insurance Program. If you want to know, Mr. Speaker, how health insurance will go if we have the government option, look at the National Flood Insurance Program. We had a government option on Federal flood insurance. In 1968, this Congress passed legislation that established the National Flood Insurance Program. We had property and casualty insurance companies in the private sector that sold flood insurance. But when the government got involved, they set new premiums and new regulations, and they still couldn't crack into the market well enough. And so then they passed a regulation that required that a real estate loan through a national bank had to include flood insurance. And when they put that mandate on the national banks, they required the flood insurance to be purchased—from where? The Federal Government. With premiums set by? The Federal Government.

Today, it is impossible to buy flood insurance in America from anyone other than the National Flood Insurance Program because the Federal Government has squeezed out all of the competition, and the Federal Government owns the entire territory.

We have today—I say “we,” the Federal Government has a monopoly on flood insurance. And their operation is pretty wobbly because they are \$19.2 billion in the red. That's billion with a B, Mr. Speaker. The National Flood Insurance premiums don't reflect the risk. They've pushed out all the competition. They've lowered the premiums. And now what are we doing as a result? We are building more and more and developing more and more real estate in floodplains because the premiums for the flood insurance are cheaper than the risk. And so people can do that, and we create more risk accordingly.

The markets, Mr. Speaker, can restrain and bring about rational deci-

sions. Bureaucrats make mistakes over and over again. That's the Federal flood insurance. That's what will happen to this Federal health insurance if it should get passed.

In addition, we have the school loan program. Twenty-five years ago, that was completely private. The private lending institutions set up the school loan program. But today, thanks to some very liberal Members of Congress, it looks like the steps have been taken that will, within a very short period of time, squeeze out what is left of the private school loan program, the school loan program, where I will predict that within 5 years from today, if there isn't a dramatic difference in the elections that are taking place in this country, there will be nothing but government student loans. There will no longer be any private student loans.

This is a country that was built on free enterprise. We are a proud and independent people. We are slowly settling into dependence.

We have handed over the private sector flood insurance. And by the way, in the State of Florida, they have State hurricane insurance now that owns that market, because they decided government could do it better than the private sector.

Over and over again, we give up our freedoms and we forget about the underpinnings of American exceptionalism and the markets and personal responsibility. I heard the gentleman from Ohio say last night, I believe it was, that if you get sick, you may have to go into bankruptcy to pay your bills. He then asked the question, is that freedom? Well, yes, actually. This is a country that if you're going to have freedom, you have to be willing to take some risks. You have to have the freedom to succeed, and you have to have the freedom to fail.

Now, I'm all about, and many of us are about reaching out to our neighbors and our friends, and we don't want people that have been responsible to have to pay a consequence because they happen to be very unfortunate. But by the same token, I don't want to take away the personal responsibility from the American people.

I remember when Jimmy Carter was running for President. He said this profound thing. Well, for Jimmy Carter, this was a profound thing. He said, the people that work should live better than those that don't. Now I don't know whether he actually lived by that or set policy by that. But I remember when he said that because it caught my attention. This was maybe 1976 or so. The people that work should live better than those that don't. The people who step up and take responsibility should at least have a modicum of benefit for taking that responsibility.

But the effort over on the Democrat side of the aisle seems to be take all the responsibility away from the peo-

ple because I think they disrespect the ability, the work ethic, the character, the morality, the discipline, the education, the intellect and the core values that we have as American people.

We can rise above anything. Mr. Speaker, we are not a regular people here in America. We're Americans. We're not just an extension of Europe. That was the base of our original population. We are far different from that. We are a people that are the recipients of all the best that came from Western civilization. But we have got also the cream of the crop from every donor civilization.

The vitality that it must have taken and the dreams that it must have taken to be able to get on a ship and find a way to barter your way for passage or pay the passage to come across here. My great grandfather multiple times over came over here in 1757 from England. He served as an indentured servant in a livery stable and paid off his passage. He was the father of 17 kids, and their dreams were realized. And multiple generations arrived here that way. That's part of what is the core of who it is to be an American. It is not a normal, regular thing. We're not just an extension of Europe or any other country. We have a special vitality, because it has been hard to get here, and you had to have a dream to come here. The people that didn't have a dream stayed home in their own country. And some of them sat back and didn't work and didn't excel.

Many came here for religious freedom. Many came here for economic freedom. And many more came here for religious and economic freedom. That beacon of the Statue of Liberty was in the minds of the American people and an inspiration for the world long before the statue was put up at Ellis Island. We are a unique people that have relied upon this freedom. Our vitality has been an inspiration for the world.

We sit in the Congress and we begin to erode these freedoms one after another after another and trade them off for a dependency. If we take this false clarion call that somehow we can push the expenses for this, the debt for this, off on to the succeeding generations, what moral standard would anyone have to make a declaration to the little kids growing up in America and those children not born, that we, our generation, in our time, have somehow a right to put them in debt in the first place? And secondly, what right do we have to put them in debt because we want to give everybody in America not health care—not health care—because everybody in America has access to health care. The argument is we want to give everybody in America a health insurance policy created by the government.

Think how this works. This single-payer national health care plan is the goal of the President of the United



States, the goal of the Speaker of the House and the goal of the leadership here. And I know that there is reference made to the chairman of the Judiciary Committee, Mr. CONYERS. I went back and pulled a bill that he had introduced on health care in 1981. It's getting to be a while back now, 28 years ago. I know Mr. GINGREY referenced him in his earlier speech. But I read the bill. That bill I read. It was about 167 pages. It sets up a United States health services department, an agency.

It says in there that every human being, every person, in the United States, legal and illegal, whatever their status might be, whatever their proclivities might be, has a right to quality, timely and respectful health care, a right to this in 1981. It's pretty astonishing to read that.

Now you can have that concept, I guess, and that is the concept of the chairman. But to follow this thing along, he also declares that everybody has a right to this health care, legal and illegal, but in addition, all health care workers will be salaried employees. So he sets up a national company to manage all the health care in America, and no worker can be there working off a fee for service. The brilliant surgeons that are creating new ways to save lives and improve the quality of lives, and new surgical techniques and new equipment, they would all have to be paid at the end of the month just like the person who is, let me say, maintaining the building.

It takes away the incentive. You have forgotten completely about the difference between being an American and being a regular dependent soul in a social democracy in Western Europe, for example.

We have got to remember: We are Americans. We are a distinct group of people. That kind of idea of socialized medicine is anathema to freedom-loving, freedom-breathing people. If we bargain it away, it's never to be retained again, not in this generation, not in any other.

I will conclude and go to the gentleman from Missouri.

There's a lot at stake here. The future of America is at stake. And it is not just this national health care act. It is the socialized medicine that lies underneath it. It is the cap-and-trade which pushes our industry to India and China. It's the comprehensive amnesty policy that they are preparing to deliver. If any combination of these three should become law, they will try to ram the rest of them through. And that, Mr. Speaker, sounds to me like the end of American freedom.

I will stand and fight it every step of the way, as will my friend from Missouri (Mr. AKIN) to whom I will be very happy to yield whatever time he may consume.

Mr. AKIN. It's my pleasure to join my good friend. And as you talk a lit-

tle bit about freedom, you have spoken in somewhat general terms about the effects of the government taking over paying the doctors and what that would do. But I would like to get a little bit more into the details, because I think we have to remember the results of what that freedom has done in the area of medicine.

The level of innovation that has occurred in medicine in a free society such as ours is just incredible. And it is America that drives all of these new developments of various drugs. It is America that is driving all of these things like laser surgery for eyes.

We see examples now of something that was considered a very risky and strange procedure that wasn't covered by insurance company, called Lasik surgery for your eyes, which now is tremendously common. My wife had some 10 years ago, and her vision was terrible. It's much better than mine now because of the fact we had this innovation. We have innovation in terms of heart surgery and the way that we deal with that. My dad just had a seven-way heart bypass. That was something that wasn't available 30, 40 years ago. And he is surviving and doing well at 88 years old. There are so many different kinds of innovations, use of radiation which is now focused in a very, very tiny area to be able to destroy cancer, and different types of drugs and things. All of this innovation is the product of freedom, because as people take risks and try new ideas, new and better ways to do things are born.

It struck me, my good friend from Iowa, that it was said that it wasn't until about the First World War that when you got sick and went to a doctor that you came out ahead. In other words, if you went to see a doctor before World War I, it was certainly after the Civil War, but if you got sick and went to see a doctor, at least 50 percent of the time you would leave the doctor worse than where you started. And that is, of course, kind of a grim situation to be very sick and have to see a doctor knowing you have got less than a 50 percent chance to do better than when you started.

Mr. KING of Iowa. If the gentleman would yield, how would you compare those results to the results of dealing with the Pelosi Congress today?

Mr. AKIN. I'm afraid that America is probably less healthy under the results of the Pelosi Congress. If you were to judge in economic terms, you would be talking in trillion-dollar measurements of less healthy. You would be talking about excessive spending and excessive government control.

I think sometimes history is so close to us we fail to grasp the significance. Did you ever stop to think that the President of the United States fired the President of General Motors? That is an incredible intrusion that our forefathers would say, What? I can't believe that.

And now we are talking about this isn't just a sort of semi-benign Lyndon Baines Johnson war on poverty. He figured out there were people that were hungry out there, so he decides to hand out some food stamps, which has turned out to be a very corrupt program.

□ 1700

So he decides to hand out some food stamps, which has turned out to be a very corrupt program, but he didn't try to have the government take over every supermarket and every farm in America.

You've got 100 million people that have got good health insurance, good relations with their doctors and hospitals, getting good medical treatment, and for what he started saying, 30 million, and then your chart I see coming up is going to explain about how small this is.

So we're going to basically have the government take over the entire system and mess everything up for 100 million people in order to try and help 15 million? I mean, just the common sense of this. And you're talking about the Pelosi Congress. I will tell you, the patient is a lot sicker than they were 6 months ago, my friend.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Missouri, and I hope we can continue this dialogue. You've inspired me to go with this other chart. Some say 50 million uninsured. The highest number I generally hear is 44 million to 47 million, but this is the 47 million uninsured chart.

Now, the President has said there are two things that are very compelling that cause us to have to go down this path of a national health care plan. One is we spend too much money. We spend about 14.5 percent of our GDP on health care. The average of the industrialized world is 9.5 percent.

So we may spend too much. We could fix almost all that with tort reform and allowing people to buy insurance across State lines. The too much question, spending too money can be fairly easily resolved. The other component of this is too many uninsured.

The gentleman from Missouri.

Mr. AKIN. Now, who is it that should allow the Federal Government to tell American citizens whether they're spending their money in the right place? Isn't that kind of this Big Government top-down mindset that comes up with something as dumb as that?

If you're sick, you're going to spend as much money as you need to try and get well. Who's to tell you you spent too much or too little? Even the very sniff of that speaks of this Big Government mindset.

Mr. KING of Iowa. I'd suggest it's probably the predecessors to Merkel, Sarkozy, and Gordon Brown, or maybe even they, themselves. In fact, I heard

an actual dialogue with Chancellor Angela Merkel. We spend too much on health care. They have that look-over-our-shoulder tendency, as if global norms would be right. I remember one of those contributors to global norms would be the health care industry in Iraq. When we went in there in March of 2003, the average annual expenditure for health care per person in Iraq was fifty cents per year. So I suppose you could add that into the global average.

We do spend a lot of money. We get great results. And I haven't heard the American people complaining all that much about their results, because they are great results. But if we want to take the cost down, then we take care of medical malpractice.

I talked to an orthopedic surgeon—and my days blend together, but I believe it was yesterday—that out of his small little operation they spend more than a million dollars a year in premiums for malpractice and in unnecessary—unnecessary tests in order to avoid the litigation. Defensive medicine, over a million dollars a year out of what he considers to be a small practice; what I consider to be he's a great contributor to our society and to our civilization. That's multiplied across the country.

When I hear numbers that come from representatives that are part of the health insurance underwriters in America and they tell me that 8.5 percent of the overall health care costs are malpractice premiums, litigation, and defensive medicine, those three things in that category, and I multiply .085 times the gross receipts for the cost of health care, that comes to \$203 billion a year unnecessarily spent because the trial lawyers have that corner of the market fixed, and there's no will on HARRY REID's side of this Capitol building or NANCY PELOSI's side of this Capitol building. In fact, there's a huge will to resist addressing malpractice and the reform of lawsuit abuse. That's the best and most important thing we could do.

We evaluate these bills on the part of a 10-year plan; \$203 billion a year. If we could fix it all, that's over \$2 trillion. The President, in fixing the health care industry that he says costs too much money, only proposes to fix it by putting another \$1.6 trillion into it. So we simply fix the malpractice and we have been able to fund all the other ideas which I don't agree with. That's a component of this. It needs to happen.

And then we have the uninsured, Mr. AKIN. I would like to raise the issue about the uninsured. These 47 million—now, this chart has got somebody else's software that did it, so I will tell you the numbers that I remember that I have vetted to be accurate.

Starts out with 47 million uninsured. We need to fix this because there are too many uninsured in America. So what are they comprised of? All people

who don't have affordable options? No is the answer, and here's what it's comprised of.

These are the illegal aliens. This chart says 6 million. Mine said 5.2 million. Then you have those that are here in the country legally that the law bars from benefits. That's the 5-year bar. It's a matter of solid Federal practice. They add up to 10 million—10.2 million, actually.

Then you have those who earn more than \$75,000 a year. That's about 9 million people. And, presumably, they could write a check and buy themselves at least catastrophic insurance. They are not in a position where we need to tax somebody that makes less to take care of those people that are making more.

Then you go on down the line. Those that are eligible for government programs; that number is actually 9.7 million. Most of that is people that qualify for Medicaid but don't bother to sign up. And then you have those that are eligible for employer insurance, roughly 6 million people, that either opt out or don't opt in to their employer-offered plan.

So once you add up all of these people and you subtract these numbers that I believe are not the target of this dialogue and rhetoric or the bill, you end up with 12.1 million Americans that don't have affordable options. That's less than 4 percent of the population.

This is what it looks like, Mr. Speaker. This is the entire population of the United States here, 306 million people, maybe 307 million by now, and these are the categories that I have mentioned: illegals/immigrants; those with \$75,000 a year; those that qualify for, generally, Medicaid; those under an employer's plan. But over here, this little sliver in red, those are the Americans without affordable options. Less than 4 percent; 12.1 million people.

All of the rest of these people, not only are they insured, but they're happy with what we have.

Mr. AKIN. So what we're doing, gentleman, is we're saying we're going to scrap the whole system, have the government take it over, because of that little 4 percent thing. I came from the engineering world, and there's one thing about solving a problem. There's another one to have a solution to just try to force your solution on something that doesn't make sense.

It appears to me that the solution is we want the government to run everything. We want the government running health care, so we're going to force a government solution just because of that little red—that isn't even a decent piece of pie. You couldn't even gain any weight on that amount.

Mr. KING of Iowa. A tiny little sliver. Even though 12.1 million people are a lot of people, they're still a small percentage of the American population.

And to upset a hundred percent of the health insurance industry, perhaps destroy a hundred percent of the health insurance industry and change the delivery system for the best health care delivery system in the world, all of that—this is an excuse for a government takeover. It's not a reason.

And if there's anything that my father taught me, he said, you know, Son, there's a difference between reasons and excuses. And I'm you're dad and I will tell you I know the difference. And I don't have to explain it to you. I will just label them as such.

Well, this is an excuse, and I will label it as such. It's not a reason, not a reason to upset the entire industry, but an excuse because the people on this side of the aisle believe in Big Government. They don't believe in the American people, and they are sapping our vitality.

Mr. AKIN. Gentleman, the truth of the matter is we're not standing here defending everything about the American health care system. There's things that need to be changed, and we've talked about those things. You have mentioned on the floor that tort reform has to be a big part of it because tort reform is just using up a whole lot of money that doesn't need to be spent, which could be spent on good medicine. So that's one item.

But there's some other things that I think almost any American, if you heard about it, would say, Oh, yeah, that's right. For instance, there are some people in America who get to buy their health insurance using pretax dollars; whereas, small business men and self-insured people have to use the money they pay after they've paid taxes on the money.

So that's not just justice. People are not equal before the law. We say we're a Nation of laws, but that's not a just solution. What we should do is that everybody should use the same equation. I think you and I would agree that we just pay for health insurance with pretax dollars. That would be making everybody consistent.

There's a second thing that we could do. Another thing is the idea of a medical savings account. You could allow people with pretax dollars to set money aside. They could use that money to buy health insurance or to pay medical bills. And if they don't use it, they can keep it earning interest in an uninsured account. If they up and die, they can pass it on to their kids. That makes sense, too. That allows us to allow Americans having their own money, buying health care, and that equation starts to get people to shop for prices. So that's another good idea. And there are quite a number of other ones that we've proposed.

You mentioned another one which makes a whole lot of sense. People say, Oh, well, you're trying to help the big insurance companies. No. What we

want is reasonable competition. And that idea of being able to shop for health insurance across State lines is a very effective and competitive mechanism, because if one State has got laws that allow the insurance to be purchased at a lower price, then why can't a citizen, particularly where we have a big metropolitan area that bridges two different areas, get their health insurance from places less expensive?

So there's another idea that's been proposed. And there are other ones. I don't want to run too long on your time, gentlemen, but there are a number of things that we can do to make medicine better in our country.

Let me tell you. You know who votes with their feet? You get some sheik in Bahrain or some other place or some other part of the world that's loaded with millions of dollars and they get sick, guess where they come to get their medical care? They come to the good old USA. That's because our medical system is not bad. It's producing very good results. It's just that there's a lot of cost shifting going on.

Here's an idea, gentlemen. I just toss this out for you to think about it. Somebody summarized, if there is a problem with American health care, the problem is this: that is that one-third of Americans are paying nothing for it and the other two-thirds are paying for it, and that that cost shift is the problem, that one-third are paying nothing. And that's part of what's causing our cost shift problem.

I'd yield.

Mr. KING of Iowa. Reclaiming, I thank the gentleman from Missouri. Initially, I put this concept out here, Mr. Speaker, that the circumstances that are going on this way are that for a long time those that are in the income-earning and productive years of their lives have been paying for the health insurance, the health care of those that are retired. We've decided to do that. It's a matter of public policy. And I don't hear an objection on the part of the people that are paying their taxes on their payroll to support Medicare. In fact, I don't hear a complaint very much on the funding that goes into Medicaid at the lower-income side. And, generally, the younger people are beneficiaries of Medicaid.

So you have on the low-income side Medicaid funded by the working, producing, tax-paying Americans, and on the senior citizen side you have Medicare funded by the working, producing, tax-paying citizens. But in the middle, those working, producing, tax-paying citizens today at least have the freedom to choose a policy of their choice, buy a policy of their choice or not buy a policy of their choice. And this bill, H.R. 3200, takes that away.

And the subliminal message that I have not heard articulated that seems to be viscerally understood is that the people that are paying for Medicaid

and Medicare out of their paycheck because they're going to work every day and managing and planning, now the government is saying, You no longer have the freedom to choose your own. You have to pay for everybody else's. You've been doing that a long time, but now we want to take away your right to buy your own health insurance policy. And that sticks in the craw of the American people because it diminishes freedom.

Mr. AKIN. That strikes me a little bit as, first of all, you run over them with a car and then back over them to say you're sorry. I mean, you're getting them coming and going.

First of all, they're doing what we would say is the right thing as a responsible citizen—having a job, buying health insurance, and trying to take care of their own bills—and now you're going to tax them for doing the very thing that you wanted them to do in the first place.

There's a basic rule of economics, and that is what you tax, you get less of, and what you pay for, you get more of. The more people you pay for free medical care, you're going to get more and more people signed up for it. And the more you tax people who are working and paying for their own health care, you're going to get less of it. So why in the world would we want to adopt a policy like that?

The interesting thing is, gentleman, this proposal, the Pelosi health care proposal, in spite of the fact that a lot of major media is pushing it and the President is pushing it and all kinds of people like that are pushing it, the American public is not buying this thing. And I was just kind of thinking in my mind, Who would be against this? Why is it that the polling data shows that this is not popular with the American public? And I'm thinking, well, it's almost like politics, in a way.

□ 1715

How many groups of people does this Pelosi plan antagonize? Well, let's see. First of all, if you're on Medicare, you're going to take \$500 billion out of Medicare. Well, the people who are on Medicare are thinking, I don't want you to take \$500 million out of the place where I'm getting my health. So the older people—who are pretty regular voters, by the way—they don't like this thing.

Well, then you've got other people. Gentleman, you were a successful owner of a small business. Well, the small business guys are going to get soaked to have to pay for this plan, so they're not too enthused about it. Then you have some other people. They call themselves pro-lifers. They don't like this plan very well either because there was an amendment offered in committee making it clear that we weren't going to use this government socialized money to pay for free abortions. That

amendment was defeated in committee. It is very clear that this money is going to go for abortions, and that's why National Right to Life says, This is the biggest threat in the pro-life area since *Roe v. Wade*.

So the pro-life people don't like this, small business people don't like it, older people don't like it. Then you have got the 100 million people that have their insurance, doctors that they like and a system that's giving them good health care, and basically you're creating something that's going to destroy that, and they're going to have to change to a government system within some number of years, so they're not liking this.

After you start adding those people together, it starts to make sense why people don't like this. And particularly, most Americans at a fundamental level understand that good health care has to start with a patient-doctor relationship. It has to start with the doctor and the patient deciding what is the right health care alternative. We don't like it when some big insurance company sticks their nose in that relationship, and we like it a whole lot less when it's going to be a government bureaucrat.

Mr. KING of Iowa. Reclaiming again, I completely agree. As I'm listening to the gentleman from Missouri, the engineer who sees things in black and white and finite formulas that work out or else they can be checked and balanced, a logical approach is, let me say, that's the engineering approach. As I'm listening to this, it's triggering in my memory some of the things about what it was like to start and run a business for 28 years and what the motivations are. Now my business, a construction business, seasonal business. I looked at it, and I look at it from this concept: I wanted to have people that I could rely on. I wanted it to be a career. So I set things up where we would keep people on all year long, even though it was a seasonal business. And when things freeze up in Iowa, and it gets cold, there is frost and the temperatures go down, we move people into the shop where we would rebuild our equipment.

Sometimes we would take on some custom work, fixing somebody else's, but we kept them around. I kept people around 12 months out of the year. I want them to have a health care package. I want them to have a retirement plan. I want them to have a vacation plan. That's all fine when you pay the payroll, but when the government interferes—for example, the unemployment tax, and if they would offer unemployment benefits and sometimes they gave unemployment benefits to somebody that just didn't want to work. But it was sometimes impossible for me to fight it.

So even though I had my reading at zero, if you're not willing to fight that,

many others would see it go up to 9 percent, and they'd pay the percent of their payroll to unemployment because government regulation had decided they knew better than the marketplace. As I said, the year-round work part of this, keep people working year round. Well, the incentive is, if you're going to pay unemployment at the top rate anyway, you might as well lay people off rather than keep them working when you don't really need them. So instead, they become piecemeal workers rather than career employees.

Then the Federal Government decided, you shall pay union scale, Davis-Bacon wage scale, and we'll decide what those categories are. Now you have people jockeying for a position, undermining the efficiencies, and the Federal Government looking over your shoulder, telling you how to run your business. All of that still has created inefficiencies by government regulation that bring about the illogical, irrational business decisions until you consider the government regulation. Then it becomes rational within those rules.

To throw this health care thing on top of it, employers that have capitulated and decided they're going to use people as piecemeal workers rather than career employees because of too much regulation, they're going to also decide, I'm not going to pay this health insurance. I am just going to pay the premium. I'm going to add it on to the price of the work I'm doing, and it undermines the relationship between employers and employees. That's a component of all this.

I wanted to throw out before our time ticks down, in what I believe is about 6 minutes, a little subtle segue, Mr. AKIN. I think most of America should know what this little subtle segue is. This is a pervasive influence of the corrupt criminal enterprise ACORN. ACORN has developed since 1970, 39 years, to be this insidious operation of now, according to a Government Reform report issued by Mr. ISSA of California on July 23, 361 affiliations, affiliations that have been engaged in shaking down lenders across this country in 120 cities.

Put this in your mind, Mr. Speaker. This of Chicago, Chicago politics, Chicago hardball politics. The make-a-deal—this is shakedown. The head of ACORN who recruited President Obama and is proud of their relationship has bragged about going into lenders' offices and shoving the banker's desk over against the wall and surrounding him with ACORN people and intimidating that lender into making bad loans in bad neighborhoods.

Mr. AKIN. You know, you talked about a lot of corrupt and illegal practices, gentleman. And when I think of ACORN, maybe as an engineer, I'm thinking cause and effect. ACORN is more closely associated with the cen-

tral nerve center and hub of what created the housing crisis and the housing bubble in America. They're the ones that basically started all of these bad loans which Wall Street then lied about, saying that they were good loans, packaged them up and sold them all over the world, creating the current economic crisis. So if you want to look at the epicenter of what created, for many of us who lost 30, 40 percent of our life savings in this economic mess, you're looking at the symbol of that ACORN. I'm glad you've got a line through it because we don't owe them any favors.

Mr. KING of Iowa. These are the people that are undermining American freedom more aggressively than any other. They're in many, many walks of life. Their influence is pervasive. They are at the core of the mortgage meltdown crisis. The intimidation factors, the shakedown in the cities of the lenders and at the same time the lobbying effort where they spent millions in this Congress to push to lower the underwriting standards on the secondary market of Freddie Mac and Fannie Mae. The chairman of the Finance Committee, Mr. FRANK, has been engaged in lowering and fighting off the increased capitalization requirements of Freddie Mac and Fannie Mae, and that was lobbied by ACORN. If you look back through the financial crisis in the community level, it is ACORN at the core of that. The President of the United States has been at the beginning of this. His entire political career he has been part and parcel, tied to ACORN, and he has said so, and the videotape is available.

Mr. AKIN. The interesting thing is, our judicial system should be punishing lawbreakers, and yet what we saw just a few weeks ago was a couple of courageous—I don't know if they were college students—some gal with some pretty legs going in with a hidden camera at ACORN and getting all of the financial information necessary and the legal information, how they could set up a house of ill repute, bring in underage illegals to work, to write them off as dependents so that the taxpayer is paying some of the tab so that this guy could run for Congress because he started this illegal brothel.

This whole thing is on tape, and yet we've got the Justice Department and all of these institutions of law in America that should have been cracking down on this organization; instead, you've got a couple of courageous kids that are barely out of college, taking some videos and capturing the attention and building the rage of the American public. It is just mind-boggling that our government is so inefficient and so unable to stop this organization that passed out money like it was water down here in Washington, D.C.

Mr. KING of Iowa. The crimes that they were promoting and supporting in

those five major cities, Baltimore, Washington, D.C., Brooklyn, San Bernardino, California, and San Diego, California. All of that at an organization, and the President claims that he is not paying attention to this. I will submit, he knows who Joe Wilson is. He knew who Professor Gates was. He got involved in Officer Crowley's law enforcement up near Harvard, but he says he doesn't know what's going on in ACORN, even though I have seen the videotape of the President speaking to ACORN, telling them, We walk this walk together. ACORN was involved in promoting a whole series of crimes within these five cities, including: promotion of child prostitution; illegal immigration; violations of the Mann Act; helping to facilitate mortgages for a house of ill repute and telling them how to avoid taxes, report only 10 cents on the dollar and then qualify for the earned income tax credit, tapping money out of the taxpayer; and the child care tax credit for little children prostitutes.

And were these mothers that were sitting behind the desk at ACORN when we saw the face of them? I heard children playing in the background. They're recruiting girls to be prostitutes while girls are being raised in the background. Those things happened, and there are some similarities in five cities across America. And that's not the full spectrum. The voter-registration fraud, the voter election fraud. Today in the State of Nevada, ACORN, as an entity, is under prosecution right now. The trial is going on right now about ACORN's fraudulent voter registrations, and Troy, New York, fraudulent votes—Mr. Speaker, this has got to stop.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CAPPS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. FORBES, for 5 minutes, today.

Mr. BROWN of Georgia, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, October 8.

Mr. JONES, for 5 minutes, October 8.

Mr. WOLF, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, October 6, 7 and 8.

Mr. PENCE, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, October 6, 7, and 8.

BILLS PRESENTED TO THE  
PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 30, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 3593. To amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

H.R. 2131. To amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 2918. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3614. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 3607. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

## ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 2, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3877. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final "Major" rule — Farm Storage Facility Loan and Sugar Storage Facility Loan Programs (RIN: 0560-AH60) received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ametryn, Amitraz, Ammonium Soap Salts of Higher Fatty Acids, Bitertanol, Coppers, et al., Tolerance Actions [EPA-HQ-OPP-2009-0251; FRL-8431-7] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerances [EPA-HQ-OPP-2008-0624; FRL-8431-1] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3880. A letter from the Secretary, Securities & Exchange Commission, transmitting the Commission's final rule — Extension of the Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle

Credit Default Swaps (RIN: 3235-AK26) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3881. A letter from the Secretary, Department of Education, transmitting the Department's final rule — International Education Programs [Docket ID ED-2009-OPE-0002] (RIN: 1840-AC97) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3882. A letter from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment [Docket No.: OSHA-2007-0044] (RIN: 1218-AC08) received September 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3883. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final "Major" rule — Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment [Docket No.: EERE-2008-BT-STD-0013] (RIN: 1904-AB83) received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3884. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries—Technical Correction [EPA-HQ-OAR-2008-0236; FRL 8954-3] (RIN: 2060-AP85) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3885. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-AA98) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3886. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Health Breach Notification Rule (RIN: 3084-AB17) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3887. A letter from the Program Manager, Health and Human Services, transmitting the Department's final rule — Breach Notification for Unsecured Protected Health Information (RIN: 0991-AB56) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3888. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3889. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3890. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3891. A letter from the Acting Assistant Secretary, Legislative Affairs, Department

of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3892. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3893. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3894. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3895. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3896. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3897. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3898. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3899. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3900. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3901. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3902. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3903. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3904. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3905. A letter from the Acting Assistant Secretary, Legislative Affairs, Department

of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3906. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3907. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3908. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3909. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3910. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3911. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3912. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3913. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3914. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3915. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3916. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3917. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3918. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3919. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — EPAAR Prescription and Clauses-Government Property-Contract Property Administration [EPA EPA-HQ-OARM-2008-0817; FRL-8956-4] (RIN: 2030-AA98) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3920. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Outer Continental Shelf — Technical Corrections [Docket No.: MMS-OMM-2009-0008] (RIN: 1010-AD52) received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3921. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final "Major" rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3922. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final "Major" rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3923. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final "Major" rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009-10 Early Season [FWS-R9-MB-2009-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3924. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final "Major" rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3925. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final "Major" rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3926. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final "Major" rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009-10 Late Season [FWS-R9-MB-2009-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3927. A letter from the Trial Attorney, Office of Chief Counsel, Federal Railroad Administration, Department of Transportation,

transmitting the Department's final rule — State Highway-Rail Grade Crossing Action Plans [Docket No.: FRA-2009-0032; Notice No. 1] (RIN: 2130-AC05) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, and -300 Series Airplanes; and Model 747SP and 747SR Series Airplanes [Docket No.: FAA-2009-0477; Directorate Identifier 2008-NM-191-AD; Amendment 39-16003; AD 2009-18-07] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3929. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No.: FAA-2009-0622; Directorate Identifier 2009-CE-034-AD; Amendment 39-15999; AD 2009-18-03] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3930. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes [Docket No.: FAA-2009-0489; Directorate Identifier 2009-CE-025-AD; Amendment 39-16000; AD 2009-18-04] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3931. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes [Docket No.: FAA-2009-0386; Directorate Identifier 2008-NM-184-AD; Amendment 39-16002; AD 2009-18-06] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3932. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No.: FAA-2009-0622; Directorate Identifier 2009-CE-034-AD; Amendment 39-15999; AD 2009-18-03] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 and F.28 Mark 0100 Airplanes [Docket No.: FAA-2009-0496; Directorate Identifier 2008-NM-139-AD; Amendment 39-16001; AD 2009-18-05] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness



Directives; CFM International, S.A. CFM56-5B1/P; -5B2/P; -5B3/P; -5B3/P1; -5B4/P; -5B4/P1; -5B5/P; -5B6/P; -5B7/P; -5B8/P; -5B9/P; -5B1/3; -5B2/3; -5B3/3; -5B4/3; -5B5/3; -5B6/3; -5B7/3; -5B8/3; -5B9/3; -5B3/3B1; and -5B4/3B1 Turbofan Engines [Docket No.: FAA-2008-0174; Directorate Identifier 2008-NE-03-AD; Amendment 39-15997; AD 2009-18-01] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disregarded Entities Excise Taxes [TD 9462] (RIN:1545-BH91) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3936. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modifications of Commercial Mortgage Loans Held by a Real Estate Mortgage Investment Conduit (REMIC) [TD 9463] (RIN: 1545-BG77) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3937. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modifications of Commercial Mortgage Loans Held by an Investment Trust [Notice 2009-79] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3938. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Agency's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2009-45) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3939. A letter from the Director, Child Nutrition Division, Department of Agriculture, transmitting the Department's final rule — Marketing and Sale of Fluid Milk in Schools [FNS-2005-0009] (RIN: 0584-AD83) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Education and Labor.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 2393. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, and for other purposes (Rept. 111-281). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA:

H.R. 3687. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in

the United States; to the Committee on the Judiciary.

By Mr. ARCURI (for himself, Mr. BUYER, Mr. CASTLE, Mr. POLIS of Colorado, Mr. DONNELLY of Indiana, and Mr. DEAL of Georgia):

H.R. 3688. A bill to encourage programs of health promotion or disease prevention; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself and Mr. HASTINGS of Washington):

H.R. 3689. A bill to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes; to the Committee on Natural Resources.

By Mr. FALCONE (for himself, Mr. RAHALL, Ms. HIRONO, and Mr. ABERCROMBIE):

H.R. 3690. A bill to establish a Commission on Recognition of Indian Tribes to review and act on petitions by Indian groups applying for Federal recognition, and for other purposes; to the Committee on Natural Resources.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. TIBERI, and Mr. REICHERT):

H.R. 3691. A bill to extend to 2010 the program for economic recovery payments established under the American Recovery and Reinvestment Act of 2009; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, Transportation and Infrastructure, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. HINCHAY, Mr. GRIJALVA, Mr. JOHNSON of Illinois, Mr. KIRK, Mr. RAHALL, Mr. HARE, Mr. BERMAN, Ms. MCCOLLUM, Mr. NADLER of New York, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mrs. CAPPS, Ms. HIRONO, Ms. LEE of California, Mr. TIERNEY, Mr. WEXLER, Mr. STARK, Mr. WAXMAN, Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. WU, Mr. MURPHY of Connecticut, Mr. LEWIS of Georgia, Mr. CONNOLLY of Virginia, Mr. CARNAHAN, Mr. SHERMAN, Mr. FRANK of Massachusetts, Mr. SMITH of Washington, Ms. ESHOO, Mr. OLVER, Ms. BALDWIN, Mr. LANGEVIN, Mr. COHEN, Mr. COSTELLO, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. NORTON, Mr. HOLT, Mr. HONDA, Mr. KENNEDY, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Mr. NYE, Mr. MARKEY of Massachusetts, Mr. HEINRICH, Mr. PAYNE, Mr. MILLER of North Carolina, Mr. QUIGLEY, Mr. LEVIN, Mr. DEFazio, Mr. MICHAUD, Mr. ACKERMAN, Mr. FILNER, Ms. WOOLSEY, Ms. BERKLEY, Mr. PALLONE, Mr. ROTHMAN of New Jersey, Ms. SCHWARTZ, Mr. SCHIFF, Mr. MCNERNEY, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, Mr. RYAN of Ohio, Mr. PASCRELL, Mr. HIGGINS, Mr. RANGEL, Mr. GRAYSON, Mr. DINGELL, Mr. SARBANES, Ms. DEGETTE, Mr. BLUMENAUER, Mr. CLEAVER, Mr. LUJÁN, Mr. SPRATT,

Mr. CLAY, Ms. SPEIER, Ms. DELAUNO, Mr. CONYERS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PERRIELLO, Mr. YARMUTH, Mr. FARR, Ms. EDWARDS of Maryland, Mr. SESTAK, Mr. PRICE of North Carolina, Mr. JOHNSON of Georgia, Ms. SLAUGHTER, Mr. SNYDER, Mr. MCDERMOTT, Mr. HALL of New York, Mr. ANDREWS, Mr. SCOTT of Georgia, Mr. KILDEE, Mr. CHANDLER, Mr. WATT, Mr. DOYLE, Mr. PETERS, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. ISRAEL, Mr. COOPER, Mr. ARCURI, Ms. SCHAKOWSKY, Mr. BISHOP of New York, Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, Mr. RUSH, Mr. CARSON of Indiana, Ms. WATERS, Mrs. LOWEY, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. BRALEY of Iowa, Mrs. DAVIS of California, Mr. ALTMIRE, Mr. ELLISON, Mr. MOORE of Kansas, Mr. BUTTERFIELD, Mr. GONZALEZ, Mr. MEEK of Florida, Ms. KILROY, Mr. MASSA, Ms. CASTOR of Florida, Mrs. MCCARTHY of New York, Mr. KIND, Mr. GENE GREEN of Texas, Mr. PASTOR of Arizona, Mr. LIPINSKI, Ms. ROYBAL-ALLARD, Ms. KILPATRICK of Michigan, Ms. LORETTA SANCHEZ of California, Mr. ENGEL, Mr. TONKO, Ms. VELÁZQUEZ, Mr. DOGGETT, Ms. SUTTON, Mr. LANCE, Mr. DELAHUNT, Mr. FOSTER, Mr. MAFFEI, Mr. BRADY of Pennsylvania, Mr. LYNCH, Ms. TSONGAS, Ms. MATSUI, Ms. LINDA T. SANCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MARSHALL):

H.R. 3692. A bill to protect inventoried roadless areas in the National Forest System; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Mr. DEAL of Georgia, Mr. LINDER, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. THORNBERRY, Mr. DENT, Mr. MCCAUL, Mr. SESSIONS, and Mr. WALDEN):

H.R. 3693. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Georgia:

H.R. 3694. A bill to establish judicial procedures for causes and claims relating to any action or decision by a Federal official regarding the leasing of Federal lands (including submerged lands) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut (for himself and Mr. POE of Texas):

H.R. 3695. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for

other purposes; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mr. BOEHNER, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. JONES, Mr. LANCE, Mr. MCCARTHY of California, Mr. ROYCE, Mr. MCCOTTER, Mr. POSEY, Mr. KING of New York, Mrs. CAPITO, Mr. GERLACH, Mrs. BIGGERT, Mr. LEE of New York, Mr. MCHENRY, Mrs. BACHMANN, Mr. MANZULLO, Mr. PRICE of Georgia, Mr. ISSA, and Mr. SMITH of Texas):

H.R. 3696. A bill to prohibit recipients of TARP assistance from funding ACORN, and for other purposes; to the Committee on Financial Services.

By Mr. COLE:

H.R. 3697. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Natural Resources.

By Mr. MORAN of Kansas:

H.R. 3698. A bill to authorize grants to State and local law enforcement training centers to provide training to State and local law enforcement agencies and officers to communicate with telecommunications carriers in emergency situations, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Ms. WOOLSEY, Mr. MCGOVERN, Ms. WATERS, Mr. CONYERS, Mr. ELLISON, Mr. LEWIS of Georgia, Ms. WATSON, Mr. TOWNS, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. HONDA, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. STARK, Mr. HINCHEY, Mr. KUCINICH, Ms. EDWARDS of Maryland, Ms. CLARKE, Mr. FILNER, and Mr. GRAYSON):

H.R. 3699. A bill to prohibit any increase in the number of members of the United States Armed Forces serving in Afghanistan; to the Committee on Armed Services.

By Mr. GINGREY of Georgia:

H.R. 3700. A bill to establish requirements for any health reform legislation enacted by the Congress or the President during the 111th Congress; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM:

H.R. 3701. A bill to establish the More Books for Africa Program to facilitate the donation, processing, shipping, and distribution of text and library books to African schools, libraries, community centers, and other centers of learning in partnership with United States-based entities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BOOZMAN:

H.R. 3702. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mr. WEXLER, Mr. MCMAHON, and Mr. TURNER):

H.R. 3703. A bill to require the President to call a White House Conference on Autism; to the Committee on Energy and Commerce.

By Mr. DEAL of Georgia:

H.R. 3704. A bill to authorize a Department of Veterans Affairs major medical facility lease in Atlanta, Georgia; to the Committee on Veterans' Affairs.

By Mr. ELLISON (for himself, Mr. MCGOVERN, Mr. GRIJALVA, Mr. CONYERS, Mr. SERRANO, and Mr. HASTINGS of Florida):

H.R. 3705. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals; to the Committee on Education and Labor.

By Mr. GARRETT of New Jersey:

H.R. 3706. A bill to require borrowers under FHA-insured mortgages for single-family housing to make downpayments of at least 5 percent and to prohibit financing of closing costs under such mortgages; to the Committee on Financial Services.

By Mr. GARRETT of New Jersey:

H.R. 3707. A bill to amend the Internal Revenue Code of 1986 to exclude combat zone compensation of members of the Armed Forces from employment taxes; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 3708. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the earned income of a spouse of a member of the Armed Forces of the United States serving in a combat zone; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. SIMPSON, Mr. MINNICK, and Mr. BLUMENAUER):

H.R. 3709. A bill to amend the Geothermal Steam Act of 1970 to authorize noncompetitive leasing of certain areas adjoining other lands for which a qualified company or individual holds a preexisting legal right to develop geothermal resources, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOWEY (for herself, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. SHERMAN, Ms. BERKLEY, Mr. ROTHMAN of New Jersey, Mr. GEORGE MILLER of California, Mr. FARR, Mr. BLUMENAUER, Mr. HINCHEY, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. BERMAN, Ms. DELAURO, Mr. WEXLER, Mr. GRIJALVA, Mr. STARK, Mr. JOHNSON of Georgia, Mr. CONYERS, Mrs. MALONEY, Mr. HARE, Mr. MARKEY of Massachusetts, Mr. HOLT, Ms. WOOLSEY, Mr. CROWLEY, Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mr. PASCRELL, Mr. MOORE of Kansas, Mr. ACKERMAN, Mr. SERRANO, Ms. BALDWIN, Ms. SCHAKOWSKY, and Mr. WU):

H.R. 3710. A bill to end the use of body-gripping traps in the National Wildlife Refuge System; to the Committee on Natural Resources.

By Mr. NADLER of New York:

H.R. 3711. A bill to authorize States or political subdivisions thereof to regulate fuel economy and emissions standards for taxicabs; to the Committee on Energy and Commerce.

By Mr. PLATTS (for himself, Mr. ARCURI, Mr. CAMPBELL, Mr. DOYLE, Mr. GERLACH, Mr. HINCHEY, Mr. ISRAEL, Mr. MURTHA, Ms. SCHWARTZ, Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. COHEN, Mr. FORTENBERRY, Mr. GORDON of Tennessee, Mr. HOLDEN, Mr. MILLER of North Carolina, Mr. PITTS, Mr. SESTAK, and Mr. WOLF):

H.R. 3712. A bill to require the Secretary of the Treasury to mint coins in recognition of and to commemorate the 1863 invasion of Pennsylvania, the Battle of Gettysburg, and President Abraham Lincoln's Gettysburg Ad-

dress; to the Committee on Financial Services.

By Mr. ROGERS of Michigan (for himself, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. PITTS, Mrs. MYRICK, Mrs. BONO MACK, Mr. BUYER, Mr. UPTON, and Mr. HALL of Texas):

H.R. 3713. A bill to provide bipartisan solutions to lower health costs, increase access to affordable coverage, and give patients more choices and control; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Appropriations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mr. PENCE):

H.R. 3714. A bill to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, establish a grant program to promote freedom of the press worldwide, and for other purposes; to the Committee on Foreign Affairs.

By Ms. SCHWARTZ (for herself, Mr.

TIBERI, Mr. CARNAHAN, Mr. GORDON of Tennessee, Ms. BERKLEY, Mr. WELCH, Mr. LARSON of Connecticut, Mr. HIGGINS, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr. YARMUTH, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. BLUMENAUER, Mr. LANGEVIN, Mr. CONNOLLY of Virginia, Mr. HOLT, Mr. DOYLE, Mr. TURNER, Mr. ALTMIRE, Mr. COURTNEY, Mr. PRICE of North Carolina, Mr. TONKO, Mr. ARCURI, Ms. KAPTUR, Ms. SHEA-PORTER, Ms. SUTTON, Mr. MCGOVERN, Mr. ETHERIDGE, Ms. DELAURO, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. COSTELLO, Mr. ABERCROMBIE, Mr. TIERNEY, Ms. TSONGAS, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. SERRANO, and Mr. SESTAK):

H.R. 3715. A bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Mr. WELCH):

H.R. 3716. A bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce; to the Committee on Energy and Commerce.

By Mr. TIAHRT:

H.R. 3717. A bill to amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself, Mr.

PIERLUISI, Mr. MICA, Mr. YOUNG of Alaska, Mr. SERRANO, Ms. ROSELEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. PASCRELL, Ms. WASSERMAN SCHULTZ, and Mr. CROWLEY):

H.R. 3718. A bill to amend the Internal Revenue Code of 1986 to make residents of Puerto Rico eligible for the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mr. BURGESS (for himself and Mr. GONZALEZ):



H. Con. Res. 193. Concurrent resolution expressing the sense of Congress regarding the need to pass meaningful legislation to protect commercial and government data from data breaches; to the Committee on Science and Technology, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H. Res. 789. A resolution expressing support for designation of October 2, 2009, as World MRSA Day; to the Committee on Oversight and Government Reform.

By Ms. BERKLEY (for herself, Ms. TITUS, Mr. HELLER, Mr. WAMP, Mr. HASTINGS of Florida, Mr. ELLSWORTH, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Ms. WATSON, Mr. GENE GREEN of Texas, Mr. COSTA, Mr. LANGEVIN, Mr. DONNELLY of Indiana, Mr. DUNCAN, Mr. DAVIS of Tennessee, Ms. LORETTA SANCHEZ of California, Mr. HARE, Mr. KIND, Mr. HOLT, Mr. DRIEHAUS, Mr. WALZ, Mr. THOMPSON of Mississippi, and Mr. LOEBSACK):

H. Res. 790. A resolution supporting the goals and ideals of a national day of remembrance on October 30, 2009, for American nuclear weapons program workers and uranium miners, millers, and haulers; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas (for himself, Ms. JACKSON-LEE of Texas, Mr. POE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. CULBERSON, Mr. BRADY of Texas, Mr. OLSON, Mr. BARROW, Ms. DEGETTE, Mr. BURGESS, Mr. INSLEE, Ms. WOOLSEY, Mr. GONZALEZ, Mr. THORNBERRY, Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. CUELLAR, Mr. RODRIGUEZ, Mr. MCCAUL, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. MOLLOHAN, Mr. COSTELLO, Mr. REYES, and Mr. HONDA):

H. Res. 791. A resolution congratulating the Aldine Independent School District in Harris County, Texas, on winning the 2009 "Broad Prize for Urban Education"; to the Committee on Education and Labor.

By Mr. POSEY (for himself and Ms. HIRONO):

H. Res. 792. A resolution honoring Robert Kelly Slater for his outstanding and unprecedented achievements in the world of surfing and for being an ambassador of the sport and excellent role model; to the Committee on Oversight and Government Reform.

By Mr. REYES (for himself, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. BUTTERFIELD, Ms. ZOE LOFGREN of California, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. HOLT, Mr. EHLERS, Mr. BARTLETT, Mr. MCGOVERN, Mr. OLVER, Ms. MATSUI, Mr. BOREN, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. BURGESS, Mr. POE of Texas, Mr. HALL of Texas, Ms. CORRINE BROWN of Florida, and Mr. FOSTER):

H. Res. 793. A resolution supporting the goals and ideals of National Chemistry Week; to the Committee on Science and Technology.

By Mr. ROHRABACHER (for himself, Mr. DELAHUNT, and Mr. BURTON of Indiana):

H. Res. 794. A resolution calling for a runoff election in Afghanistan between the two

top finishers; to the Committee on Foreign Affairs.

By Mr. SHUSTER:

H. Res. 795. A resolution honoring the people of Shanksville, Pennsylvania, and the Flight 93 Ambassadors for their efforts in creating the Flight 93 temporary memorial and encouraging the completion of the National Park Service Flight 93 National Memorial by the 10th anniversary of September 11, 2001; to the Committee on Natural Resources.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. Harper.  
H.R. 32: Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. TIERNEY, and Mr. LUCAS.  
H.R. 124: Mrs. MILLER of Michigan and Mr. LINDER.  
H.R. 213: Mr. GOODLATTE, Mr. MOLLOHAN, Mr. GARY G. MILLER of California, and Mr. KILDEE.  
H.R. 227: Mr. ROE of Tennessee.  
H.R. 268: Mr. MANZULLO.  
H.R. 275: Mr. WOLF and Mr. KRATOVIL.  
H.R. 391: Mr. THORNBERRY, Mr. CULBERSON, Mr. HOEKSTRA, Mr. KING of Iowa, Mrs. MCMORRIS RODGERS, and Mr. RYAN of Wisconsin.  
H.R. 422: Mr. BUTTERFIELD and Mr. MCCLINTOCK.  
H.R. 442: Ms. MARKEY of Colorado.  
H.R. 471: Mr. HOLDEN, Mr. LIPINSKI, and Mr. RYAN of Ohio.  
H.R. 503: Mr. MARKEY of Massachusetts.  
H.R. 510: Mrs. MILLER of Michigan and Mrs. EMERSON.  
H.R. 571: Mr. MILLER of North Carolina.  
H.R. 579: Mr. COHEN.  
H.R. 690: Mrs. CAPITO and Mr. REICHERT.  
H.R. 718: Mr. SHUSTER.  
H.R. 836: Mrs. HALVORSON and Mr. TURNER.  
H.R. 868: Mr. SOUDER, Mr. SIREN, and Mr. DOGGETT.  
H.R. 932: Ms. MOORE of Wisconsin and Mr. LARSON of Connecticut.  
H.R. 953: Mr. CHILDERS.  
H.R. 1067: Mr. RYAN of Ohio and Mr. COURTNEY.  
H.R. 1074: Mr. TURNER.  
H.R. 1079: Mr. BISHOP of Utah.  
H.R. 1086: Mr. GRAVES.  
H.R. 1132: Mr. MCCLINTOCK.  
H.R. 1233: Mr. CHAFFETZ.  
H.R. 1245: Mr. LEE of New York, Mr. OLSON, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. WAMP.  
H.R. 1310: Mr. DRIEHAUS.  
H.R. 1351: Mr. CUMMINGS and Mr. DEAL of Georgia.  
H.R. 1352: Mr. MURTHA.  
H.R. 1378: Ms. GIFFORDS.  
H.R. 1398: Mr. PERLMUTTER.  
H.R. 1441: Mr. MILLER of North Carolina.  
H.R. 1521: Mr. HASTINGS of Washington and Mrs. CAPITO.  
H.R. 1569: Mr. BERMAN and Mr. STARK.  
H.R. 1596: Mr. MINNICK, Mr. RAHALL, Mr. SNYDER, Mrs. MALONEY, and Mr. BERRY.  
H.R. 1618: Ms. RICHARDSON and Ms. SUTTON.  
H.R. 1623: Mr. INGLIS.  
H.R. 1677: Mr. DEAL of Georgia, Mr. COLE, and Mr. GONZALEZ.  
H.R. 1695: Ms. FOXX.  
H.R. 1766: Mr. CARSON of Indiana and Mr. THOMPSON of Mississippi.  
H.R. 1792: Mr. ISRAEL.  
H.R. 1799: Mr. KAGEN.  
H.R. 1800: Ms. HARMAN.

H.R. 1826: Ms. TSONGAS and Ms. KAPTUR.  
H.R. 1829: Mr. ETHERIDGE, Mrs. BIGGERT, Mrs. MILLER of Michigan, and Mr. MILLER of North Carolina.

H.R. 1831: Mr. LARSEN of Washington, Mr. THOMPSON of Mississippi, Mr. FRANK of Massachusetts, and Ms. TSONGAS.

H.R. 1908: Mr. KRATOVIL and Mr. BLUMENAUER.

H.R. 1941: Mr. SHULER.

H.R. 1987: Mr. JOHNSON of Georgia and Mr. ORTIZ.

H.R. 2000: Mr. SCHAUER and Mr. ABERCROMBIE.

H.R. 2001: Mr. POLIS of Colorado, Mr. KILDEE, Ms. SCHWARTZ, Mr. ENGEL, Mr. ROTHMAN of New Jersey, Mr. PASCRELL, Mr. CASTLE, Mr. UPTON, Mr. SALAZAR, Ms. HIRONO, Ms. SHEA-PORTER, Mr. OLVER, Ms. BERKLEY, and Mr. FILNER.

H.R. 2017: Mr. CUMMINGS and Mr. REHBERG.

H.R. 2054: Mr. THOMPSON of Mississippi.

H.R. 2109: Mr. WEXLER, Mr. COHEN, Mr. EHLERS, Mr. PLATTS, and Mr. MCGOVERN.

H.R. 2136: Mr. LATOURETTE, Mr. PRICE of North Carolina, Mr. FATTAH, Mrs. CHRISTENSEN, Mr. THOMPSON of Pennsylvania, Mr. GRIJALVA, Ms. HIRONO, Ms. CORRINE BROWN of Florida, Mr. PAYNE, and Ms. SUTTON.

H.R. 2139: Ms. DELAURO, Mr. HASTINGS of Florida, Ms. ZOE LOFGREN of California, and Mr. VAN HOLLEN.

H.R. 2149: Mr. BOUCHER.

H.R. 2176: Mr. MASSA and Mr. THOMPSON of Pennsylvania.

H.R. 2227: Mr. INGLIS and Mrs. BIGGERT.

H.R. 2246: Ms. TSONGAS.

H.R. 2266: Mr. CARSON of Indiana, Mr. WATT, Mr. NADLER of New York, Mr. POLIS of Colorado, and Mr. THOMPSON of Mississippi.

H.R. 2267: Mr. THOMPSON of Mississippi and Mr. SMITH of Washington.

H.R. 2329: Mr. CARSON of Indiana.

H.R. 2336: Ms. ZOE LOFGREN of California.

H.R. 2366: Mr. LATHAM.

H.R. 2369: Mr. COHEN.

H.R. 2393: Ms. FALLIN.

H.R. 2398: Mr. ROE of Tennessee, Mr. GALLEGLY, and Mr. MILLER of North Carolina.

H.R. 2404: Ms. SLAUGHTER.

H.R. 2406: Mrs. CAPITO and Mr. FORTENBERRY.

H.R. 2421: Mr. SKELTON.

H.R. 2446: Mr. ROSS.

H.R. 2452: Mr. KRATOVIL.

H.R. 2493: Ms. LORETTA SANCHEZ of California, Mr. BURTON of Indiana, and Mr. BACA.

H.R. 2499: Mr. CROWLEY.

H.R. 2502: Mr. BILBRAY and Mr. POLIS of Colorado.

H.R. 2541: Mr. KIRK and Mr. SCHOCK.

H.R. 2553: Mr. LANCE.

H.R. 2556: Mr. HOEKSTRA.

H.R. 2567: Mr. MASSA.

H.R. 2573: Mr. DOYLE and Ms. BERKLEY.

H.R. 2584: Mr. CROWLEY, Mr. SNYDER, and Mr. COBLE.

H.R. 2597: Mr. BOSWELL and Mr. RUPPERSBERGER.

H.R. 2672: Ms. MARKEY of Colorado.

H.R. 2698: Mr. YOUNG of Alaska.

H.R. 2699: Mr. YOUNG of Alaska.

H.R. 2727: Mr. EDWARDS of Texas, Mr. LIPINSKI, and Mr. MILLER of North Carolina.

H.R. 2788: Mrs. MILLER of Michigan, Mr. POSEY, Mr. LINDER, and Mr. GARY G. MILLER of California.

H.R. 2817: Mr. HONDA.

H.R. 2842: Mrs. BACHMANN and Mr. MCCLINTOCK.

H.R. 2852: Mr. KISSELL, Mr. BOUCHER, and Mr. UPTON.

H.R. 2879: Mr. TEAGUE.  
 H.R. 2891: Mr. BOSWELL.  
 H.R. 2903: Mr. OBERSTAR and Mr. KAGEN.  
 H.R. 2935: Mr. MILLER of North Carolina, Mr. CALVERT, Ms. MATSUI, Mrs. MILLER of Michigan, and Mr. TEAGUE.  
 H.R. 2936: Mrs. DAHLKEMPER.  
 H.R. 3002: Mr. BLUNT.  
 H.R. 3015: Mr. MARSHALL, Mr. CARTER, Mr. BARTLETT, Mr. GRAVES, Mr. MILLER of Florida, Ms. GRANGER, Mr. ROONEY, Mr. SAM JOHNSON of Texas, Mr. SMITH of Nebraska, Mr. ROGERS of Michigan, Mr. WOLF, Mr. BUYER, Mr. DENT, and Mr. WHITFIELD.  
 H.R. 3018: Mr. BURGESS, Mr. HALL of Texas, Mr. TIBERI, and Mr. BARTON of Texas.  
 H.R. 3044: Mr. CONAWAY, Mr. CARTER, Mr. HUNTER, Mr. BILIRAKIS, Ms. KOSMAS, Mr. LUJAN, Mr. CRENSHAW, Mr. SCHOCK, and Mr. HILL.  
 H.R. 3046: Mrs. MILLER of Michigan.  
 H.R. 3070: Mr. KILDEE.  
 H.R. 3116: Mr. BOCCIERI, Mr. BROWN of South Carolina, Mr. DUNCAN, and Mr. PASTOR of Arizona.  
 H.R. 3140: Mr. JONES.  
 H.R. 3174: Mrs. CAPITO.  
 H.R. 3227: Ms. MARKEY of Colorado.  
 H.R. 3251: Mr. SOUDER.  
 H.R. 3355: Mr. COURTNEY and Mr. GERLACH.  
 H.R. 3375: Mrs. BLACKBURN.  
 H.R. 3380: Mr. LATOURETTE, Mr. SHERMAN, and Mr. PALLONE.  
 H.R. 3400: Mr. GARY G. MILLER of California and Mr. HALL of Texas.  
 H.R. 3407: Ms. GINNY BROWN-WAITE of Florida and Mr. KAGEN.  
 H.R. 3420: Mr. COHEN.  
 H.R. 3421: Mr. ORTIZ, Mr. OLVER, Ms. SUTTON, Ms. EDWARDS of Maryland, Mr. COURTNEY, Ms. WATSON, and Ms. WOOLSEY.  
 H.R. 3427: Mr. FOSTER.  
 H.R. 3463: Mr. LATOURETTE.  
 H.R. 3486: Mr. HODES and Mr. DONNELLY of Indiana.  
 H.R. 3501: Mr. COHEN.  
 H.R. 3510: Mr. COHEN and Mr. BISHOP of New York.  
 H.R. 3519: Ms. MARKEY of Colorado, Mr. MORAN of Kansas, and Mr. COHEN.  
 H.R. 3524: Mr. KIND, Mr. MCNERNEY, Mr. CALVERT, Mr. THOMPSON of Mississippi, Mr. FILNER, and Mr. CONAWAY.

H.R. 3554: Ms. SUTTON.  
 H.R. 3569: Mr. LUCAS and Mr. WITTMAN.  
 H.R. 3582: Mr. LATTA.  
 H.R. 3586: Mr. WALZ.  
 H.R. 3608: Mr. JONES.  
 H.R. 3610: Mr. LATTA and Mr. JORDAN of Ohio.  
 H.R. 3611: Mr. MCMAHON.  
 H.R. 3612: Mr. SMITH of Texas and Ms. MARKEY of Colorado.  
 H.R. 3613: Mr. LUCAS, Mr. WITTMAN, and Mr. SOUDER.  
 H.R. 3621: Mr. LIPINSKI and Mr. BISHOP of New York.  
 H.R. 3636: Mr. BERMAN.  
 H.R. 3674: Mr. BOCCIERI.  
 H.R. 3680: Mr. ABERCROMBIE and Mr. SABLAN.  
 H.J. Res. 26: Mr. KIRK.  
 H. Con. Res. 42: Mr. MEEK of Florida, Ms. NORTON, and Mr. CONYERS.  
 H. Con. Res. 43: Mr. MEEK of Florida and Mr. CONYERS.  
 H. Con. Res. 129: Ms. PINGREE of Maine, Mr. BOREN, Mr. LAMBORN, Mr. KLINE of Minnesota, Mr. SESTAK, Mr. EHLERS, and Mr. THORNBERRY.  
 H. Con. Res. 160: Mr. LATHAM, Mr. WITTMAN, and Mr. MCCAUL.  
 H. Con. Res. 168: Mr. MURPHY of New York.  
 H. Con. Res. 177: Mr. PAULSEN and Mr. KRATOVIL.  
 H. Con. Res. 181: Mr. DINGELL and Mr. HINCHEY.  
 H. Res. 150: Mr. CLAY, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, and Mr. CARNAHAN.  
 H. Res. 159: Mr. BRALEY of Iowa, Ms. SCHWARTZ, Mr. QUIGLEY, Mr. MORAN of Virginia, Mr. MINNICK, Mr. HINCHEY, and Ms. BERKLEY.  
 H. Res. 504: Mr. KIRK.  
 H. Res. 510: Mr. LANGEVIN.  
 H. Res. 554: Mr. MINNICK, Mr. GINGREY of Georgia, Mr. BOEHNER, Mr. FLEMING, Mr. BISHOP of Utah, Mr. RADANOVICH, Mr. CAMPBELL, Mr. KIRK, Mr. DEAL of Georgia, Mr. COBLE, Mr. MICA, Mr. YOUNG of Florida, Mr. TERRY, Mr. THORNBERRY, Mr. BLUNT, Mr. BARTON of Texas, Mr. ROGERS of Kentucky, Mr. LUETKEMEYER, Mr. GOHMERT, Mr. PUTNAM, Mr. THOMPSON of Pennsylvania, Mr.

REICHERT, Mr. TIBERI, Mr. BILBRAY, and Mr. PENCE.  
 H. Res. 567: Mr. GALLEGLY, Mr. BERMAN, Mr. DANIEL E. LUNGREN of California, Mrs. BONO MACK, Mr. MACK, Mr. COSTA, Mrs. CAPPs, Mr. BUCHANAN, Ms. MATSUI, Mr. SCHIFF, Mr. LEWIS of California, Mr. DREIER, Mr. ISSA, Mr. CARDOZA, Ms. ZOE LOFGREN of California, Mr. LEE of New York, Mr. MCCLINTOCK, Mr. BURTON of Indiana, Mr. MCNERNEY, and Mr. SHERMAN.  
 H. Res. 603: Mr. FILNER and Mr. MASSA.  
 H. Res. 605: Mr. MURPHY of New York and Mr. STEARNS.  
 H. Res. 611: Mrs. LOWEY.  
 H. Res. 649: Mr. SABLAN, Ms. BALDWIN, Mr. FILNER, and Mr. RUSH.  
 H. Res. 660: Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Ms. EDWARDS of Maryland, and Mr. RUSH.  
 H. Res. 700: Mr. COHEN.  
 H. Res. 708: Mr. QUIGLEY, Mr. JOHNSON of Illinois, and Mr. JACKSON of Illinois.  
 H. Res. 709: Ms. MATSUI.  
 H. Res. 715: Mr. KIRK.  
 H. Res. 719: Mr. MORAN of Kansas.  
 H. Res. 736: Mr. SOUDER.  
 H. Res. 740: Mr. SHULER.  
 H. Res. 747: Mr. SHIMKUS and Mr. MURPHY of New York.  
 H. Res. 749: Mr. INGLIS.  
 H. Res. 752: Mr. RUSH, Mr. LOEBSACK, and Mr. ROSKAM.  
 H. Res. 754: Mr. BOOZMAN and Mr. KLINE of Minnesota.  
 H. Res. 759: Mr. UPTON.  
 H. Res. 773: Mr. SHUSTER, Mr. WOLF, Mr. WITTMAN, and Mr. NEAL of Massachusetts.  
 H. Res. 783: Mr. WOLF, Mr. SCHAUER, and Ms. ROYBAL-ALLARD.  
 H. Res. 786: Mr. ACKERMAN, Mr. PAYNE, Mr. ENGEL, Mr. DELAHUNT, Mr. MILLER of Florida, Ms. CASTOR of Florida, Mr. SIREs, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Ms. BORDALLO, Ms. WOOLSEY, Mr. GINGREY of Georgia, and Mr. COSTELLO.

**SENATE—Thursday, October 1, 2009**

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, we thank You for the gifts You generously give to humanity. We are grateful for the loveliness of Earth and sea and sky. Thank You for great music to hear and for great books of prose and poetry to read. Thank You for minds to think, for hands to labor, and for hearts to love.

Lord, we praise You for the abilities You have given our Senators and for their willingness to serve You and country. Teach them Your lessons; show them Your way. Make them Your instruments of a durable peace, just to all nations and hopeful for all humanity. As they work today, let their words, thoughts, and actions reflect the content of Your character.

We pray in Your Holy Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 1, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following the remarks of the leaders, there will be a period of morning business for 90 minutes. The majority will control the first half and the Republicans will control the final half. Following morning business, the Senate will resume consideration of the Defense appropriations bill. Last night, cloture was filed on the committee-reported substitute amendment. As a result, the filing deadline for first-degree amendments is 1 p.m. today. Senators should expect rollcall votes to occur throughout the day as we work through amendments to this bill.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**MCCHRYSAL AMENDMENT**

Mr. MCCONNELL. Madam President, as the Senate fulfills its constitutional duty this week of providing for the common defense, it will also have an opportunity to fulfill its oversight responsibilities in the global war on terror and, more specifically, in the crucial theater of Afghanistan. Later today, the ranking member of the Senate Armed Services Committee, Senator MCCAIN, will offer an amendment to the Defense appropriations bill that calls on our top commander in Afghanistan, GEN Stanley McChrystal, and the Centcom Commander GEN David Petraeus, to come to Washington to explain to Congress and the American people why they believe the situation in Afghanistan is so perilous, what they believe is necessary for our success, and why.

There is recent precedent for this. Many Americans will recall that 2 years ago, in accordance with a requirement contained in another Defense appropriations bill, GEN David Petraeus came to Washington to explain what had gone wrong in Iraq and what he and the rest of our forces were doing to turn things around. By providing a sober assessment of the situation that cut through the political cross-currents of the moment, General Petraeus's testimony, along with that of Ambassador Ryan Crocker, focused the national debate. It left us newly confident in their ability to lead us in Iraq. And it set us on a path of progress that continues today.

No one is arguing that the two situations are identical. They are clearly

not. But it is hard to deny the urgency of the assessment that General McChrystal sent to the White House in late August, parts of which have been made public. And it is impossible to ignore his depiction of a grave and deteriorating situation on the very soil where al-Qaida terrorists plotted the 9/11 attacks. General McChrystal's assessment of the worsening situation in Afghanistan should be of concern to all of us, particularly its account of a resurgent Taliban and a resilient al-Qaida. As the President told a Turkish audience in April, "The world has come too far to let this region backslide, and to let al Qaeda terrorists plot further attacks."

But there is also reason to be confident. At a time of worsening violence in Iraq, America was fortunate to be able to turn to General Petraeus, the man who literally wrote the book on counterinsurgency. And now, at a time of worsening violence in Afghanistan, we are just as fortunate to be able to turn to General McChrystal, who in reported previous combat experience supervised, planned, and executed counterterrorism operations.

No one is better equipped to assess the situation on the ground—and whether it calls for a new counterinsurgency strategy, or for a continuation of the same kind of counterterrorism strategy which the previous administration pursued, and which the current Vice President is reportedly urging the current administration to embrace.

Earlier this year, President Obama expressed his confidence in General McChrystal by appointing him to his current mission. Following the President's lead, the Senate expressed its confidence in General McChrystal by confirming him for his current mission without dissent. Now it is time for Congress and the President to work together on a plan for success.

Since no strategy will succeed without the support of the public, the President will doubtlessly want to explain to the American people why he plans to accept or reject the McChrystal Plan. This is especially true of a counterinsurgency strategy, which, by definition, requires a large commitment of troops and resources and great endurance on the part of the Armed Forces and the public alike.

Congress, for its part, has a responsibility to fund and to oversee our armed forces. Part of that is ensuring that we have the best information possible, and that we make that information available to the American people. And that is why it is crucial that we have an opportunity to hear General

McChrystal's personal assessment of the mission that we confirmed him for, and that we give him an opportunity to explain why he has concluded that more troops are needed to avoid failure in Afghanistan.

General Petraeus's testimony served a necessary purpose during an earlier debate over strategy. General McChrystal's will do the same in this one.

We know he would be a willing witness. General McChrystal has spoken freely about his assessment on network television. And he recently told a visitor to Afghanistan that, if asked, he would welcome the opportunity to come to Washington to make the case for additional troops. He also said that it is his sacred duty to provide the unvarnished truth. With today's vote—which I urge our friends on the other side of the aisle to support—the Senate will give him a chance to do both.

#### HEALTH CARE WEEK XI, DAY II

Mr. MCCONNELL. Madam President, Americans have been watching the health care debate play out in various committees in Congress, and they are wondering where it's all headed. I will make it easy for them. The final bill is going to cost about a trillion dollars. It is going to include \$½ trillion in cuts to seniors' Medicare in order to create a new government program. It is going to raise hundreds of billions of dollars in taxes on individuals and businesses. And it is going to expand the government's role in the health care of every single American, whether they like it or not, limiting choices and leading to the same kind of denial and delay we have seen in other countries.

And then there is the issue of rushing through a bill and denying the American people the chance to read it. Imagine that, a trillion dollars out of the taxpayers' wallets for a bill that will affect the health care of every single American, and the majority has already voted to deny a mere 72 hours of public review before voting on it. This is outrageous, and hopefully this is not the way the majority decides to go forward.

One group that has become increasingly vocal in its criticism of this legislation is our Nation's Governors. Over the course of this debate, at least one in three of them have issued statements expressing their urgent concerns about a proposed expansion of Medicaid, which will force them either to cut services, raise taxes, or both. That is on top of the tax hikes that come about on the Federal level as a result of this bill.

One Democrat Governor had this to say of the Medicaid proposal: "... it's very scary for governors to be saying as soon as the revenues get back there, the Federal Government is going to come in and say here's how you're going to spend your new money."

Governor Schwarzenegger of California says he won't support Federal health care reform proposals that impose billions of dollars in new costs on California.

Governor Crist of Florida says the proposed Medicaid expansion would have a crippling effect on Florida's State economy.

Governor Linda Lingle of Hawaii says the proposed Medicaid expansion would be tantamount to mandating a tax increase on every resident of Hawaii . . . and further harm residents who are struggling to make ends meet.

Idaho Governor "Butch" Otter calls the proposal "an . . . irresponsible effort to shift a substantial and unmanageable financial burden to the states."

Those are just a few of the comments we have heard from Governors. They are issuing the same kind of dire warnings about the proposed health care legislation that Americans have been sounding for months.

The fact is, supporters of this legislation know that most Americans oppose it. That is why they are not listening. And that is why they are trying to rush it through without giving anybody a chance to study the details. The American people understand these proposals. They understand the strategy. And they are not happy about either.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 90 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Oregon is recognized.

#### HEALTH CARE REFORM

Mr. MERKLEY. Madam President, a week ago, freshman Democratic Senators came to this floor to discuss as a group how our current health care system is broken and unsustainable. Today, we return to address the challenge of runaway costs and how health care reform can bend the cost curve, making health care more affordable and more accessible to our families and our businesses.

Many folks have said to me: Is this really the time to take on health care reform, when we are in the middle of

the worst recession since the Great Depression? The answer is an unequivocal yes. Now is the time. Now is the time because health care costs are a runaway train that can do great damage to our families and our small businesses and large businesses. Indeed, consider the situation of a family when health care costs have doubled in the last 9 years, so families who could afford insurance just a few years ago cannot afford it today. Now health care premiums are rising even faster. They are expected to double in the next 7 years. As a result, many families and many individuals who are struggling to pay those health care premiums right now won't be able to do so in just a few more years. So fixing our broken health care system cannot wait. Indeed, reform is essential to our families, our small businesses, and our large businesses.

Consider this: For a working family, every additional dollar that goes into a health care premium comes out of the wages that would otherwise go to increase the family's purchasing power. So rising health care premiums are a tax on family wages, a tax on family purchasing power, making it much harder for our families to get ahead and provide for their children and establish a high quality of life.

Controlling cost is also essential to small businesses. Small businesses want to offer health coverage to attract and keep good employees, to do what is right for their employees' quality of life. But runaway costs are making that more and more difficult.

Consider the example of the Hawthorne Auto Clinic founded and operated by Jim Houser and his wife Liz Dally. When they opened 26 years ago, Jim and Liz were committed to offering those who worked for them and with them a good benefits package, including comprehensive health care.

They are still able to provide health insurance to their employees, but it is getting tougher. Premiums have gone from 9 percent of their payroll to 18 percent in just the last 5 years. As a result, they have had to cut back on the benefits they have offered. Over the last decade, health care premiums have skyrocketed for small businesses across the board like they have for the Hawthorne Auto Clinic.

Large businesses see the effect as well. If you build a car in America, it costs \$1,500 in health care. If you build that same car across the border in Canada and Europe, the cost is zero. In fact, in 2007, GM spent more on health care than they did on steel. So controlling costs is essential for our large businesses to be competitive in the world, to be able to build products here in America.

If we do not build products in America, we will not have a middle class in America. So health care reform cannot wait. Our families need help with runaway costs. Our small businesses are

looking for us to help control costs, and our large businesses need reform to be competitive in the world and to build the strong economy that will raise all boats.

Today, freshmen Democratic Senators are here to discuss this from a number of perspectives. First will be Senator ROLAND BURRIS of Illinois. As comptroller and attorney general of Illinois, Senator BURRIS committed himself to serving the health and well-being of underserved populations in his State.

I yield 4 minutes to my distinguished friend from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. BURRIS. Madam President, I am proud to join my freshmen colleagues on the floor today.

Across America there is a broad agreement on the need for meaningful health care reform. But there is much debate about what reform means and who pays the bills for keeping all our Nation's citizens well, including the disadvantaged.

As the center of this controversy is a simple question of dollars and cents, what is cost-effective reform? According to a recent study by the Joint Center for Political and Economic Studies, eliminating ratios and ethnic health disparities in this country for the period between 2003 and 2006 would have reduced direct health care expenditures by nearly \$230 billion.

Further, when the study factors in indirect economic losses, such as missed days of work and premature death, the total cost of health care disparities to our economy approaches \$1.25 trillion over the same period. This is a cost our country cannot bear.

Part of the problem is a lack of coverage. People of color make up about one-third of the population of the United States, but they represent one-half of the Nation's uninsured. Providing quality, affordable health care options, including a public plan, will help address this problem.

We must also change the way people receive their care. In disproportionately high numbers, many Black and Hispanic Americans use high-cost emergency room care for all their health needs. Often, by the time they seek treatment, their ailment has reached catastrophic levels. This drives everyone's costs up and puts extra strain on a system that is already stretched to the breaking point.

But with certain basic steps on the front end, we can create a healthier nation and save a lot of money on the back end. For example, by encouraging and enabling health care providers to reach out to their communities, with culturally competent prevention and wellness initiatives, we can prevent some of the chronic conditions and catastrophic health care problems that have such a high cost for our economy.

Basic nutrition education and access to healthy foods could drastically reduce the wide disparities in diabetes and heart disease. Expanding the prevalence of racial and ethnic minority health care professionals could increase the cultural competence of our health workforce.

The health reform bills under consideration take significant steps to address the health disparities our country faces. I would like to take this opportunity to thank the HELP Committee and the Finance Committee for their tireless work in this effort.

As a final combined bill comes to the floor, I look forward to an opportunity to debate and improve upon the provisions that will help our Nation's disadvantaged populations get access to the health care they need.

This is not only a moral imperative in its own right, but it will help us achieve the health cost savings our health system so desperately needs.

Mr. MERKLEY. I thank the Senator very much for his comments and his emphasis on making the best use of every dollar while addressing ethnic disparities in our health care system and the dire need to invest in prevention and wellness.

Next, we will hear from Senator JEANNE SHAHEEN from New Hampshire. As Governor of New Hampshire, Senator SHAHEEN enacted the New Hampshire Children's Health Insurance Program, which provides affordable health and dental coverage to tens of thousands of children in her State.

She also initiated a senior prescription drug program, providing seniors with lower cost prescription drugs. I yield 4 minutes to the Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I wish to begin by thanking Senator MERKLEY for coordinating this effort today. I am pleased to be able to, once again, join my fellow freshmen Senators discussing how critical it is for the Senate to act on health care reform.

As the Senate moves to reform our broken health care system, we must address the skyrocketing cost of health care. We must ensure quality in our health care system. Over the past several months, I have heard from many individuals and families from New Hampshire who are dealing with the rising costs of health care. The stories they tell me are the most poignant reminders of why we must reform our health care system.

Recently, I heard from a man named Jeff, who is from Loudon, a small community close to the capital city of Concord. Jeff had recently lost his job and with it his health insurance. So when he experienced swelling of his right leg and shortness of breath, he was afraid to go to the doctor because he was afraid he could not afford the cost.

So he ignored the symptoms until they got so bad he had to call 911. He

was taken to a local hospital. Doctors realized he had a blood clot in his leg which had migrated to his lung. This was a life-threatening condition called a pulmonary embolism. Since treatment, his condition has improved dramatically.

However, the final bill from the hospital was over \$200,000. To this day, Jeff remains in debt. Think how much we could have saved if he could have gone to the doctor when he first felt those symptoms. Stories such as these are unacceptable. They can happen to anybody. The truth is, similar to Jeff, we may all be one medical condition away from financial disasters because of the high cost of health care. So we must work to protect hard-working individuals and families as we put forward a bill.

I am proud to come from New Hampshire for so many reasons but one of them is because of the great work that is done by the Dartmouth Institute of Health Policy. For more than 20 years, Dartmouth has been a leader in comparative effectiveness research and has revolutionized our understanding of our health care system. Because of the Dartmouth Atlas Project, we now know there are huge variations in the way health care resources are used and how money is spent depending on where we live.

This chart shows the difference in spending among different regions per Medicare patient. It is amazing to me that Medicare costs can range from the lowest spending referral region, which as you can see is just over \$5,000, to the highest spending referral region, where in some parts of the country Medicare pays over \$14,000 to provide the same kind of treatment that in other parts of the country is provided for only a little over \$5,000.

Unfortunately, the research also shows that just because someone is in a higher spending area, it does not mean they are going to live longer or have better health outcomes. Simply put, more costly care does not mean better care. There is a fundamental problem with our health care system, and this is something we have to work on.

Things do not have to be this way. We can find savings in our system and still provide high-quality care. As I mentioned last week, we can save significantly on Medicare costs by reducing hospital readmissions. I have introduced bipartisan legislation with Senator COLLINS to do that. We have the opportunity to fix a problem that has been around for generations. We need to work together to achieve this goal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MERKLEY. I thank Senator SHAHEEN so much. It is enormously valuable to have her experience fighting for health care at the State level and

bringing that to this conversation, recognizing we do have a partnership between what the State can do and what the Federal team can do and that the goal of reforming the way we deliver health care can have a huge impact on price.

Next, we turn to Senator MICHAEL BENNET from Colorado. As the highly successful superintendent of Denver Public Schools, Senator BENNET committed himself to ensuring the health and educational well-being of Denver's school-aged children.

I yield 4 minutes to my friend from Colorado.

Mr. BENNET. I thank the Senator from Oregon.

It is good to be here this morning with all my colleagues to talk about health care reform. There is a lot of disagreement about what the right answer is.

What I would like to spend my time on this morning is why the status quo is not an answer. I think that if we can get agreement on that, we can solve the issues that confront the working families in my State and all across the country.

The median family income in Colorado has actually declined by \$800 over the last 10 years. At the same time, the cost of health insurance has gone up by 97 percent. It has doubled during that time. That has happened all over the country. This slide shows the difference between the rate of increase in wages in my State, from 2000 to 2007, versus the rate of the increase in insurance.

I have talked to small businesspeople all over the State of Colorado who have said they are trying to continue to insure their employees just as they have for generations in family-owned businesses, but they are finding they are having to make a tradeoff between people's wages because the cost of insurance is getting so large.

By 2016 in my State, working families in Colorado are going to be spending roughly 40 percent of their income on health care if we do not change the status quo. It is also having a profound effect on the finances of the Federal Government. The biggest drivers of our deficit, as the red line shows, are rising Medicare and Medicaid costs. If we can change that, we can begin to restore our Government to fiscal health. If we do not change it, we are going to continue to pile mountains of debt onto our kids and our grandkids, something that no one in my State wants us to do.

Finally, the last slide shows we are consuming almost 20 percent of our gross domestic product on health care, devoting almost one-fifth of our economy to health care, when all our competitors across the globe are devoting less than half that to health care. It is no different than if you had two small businesses across the street from each other, one spending one-fifth of their

revenue on their light bill, the other is spending less than half of that on their light bill. You do not need an MBA to know which of those two companies is going to be able to invest and grow their business.

The Senator from New Hampshire talked about a very important cost control measure in this bill that has to do with the transition of care. Right now in this country, one out of five Medicare patients is readmitted to the hospital within the first month that they leave. That is because nobody is following up to make sure they are getting the care they need to stay well. Nobody is checking to see whether they fill their prescriptions or whether they are taking it.

In Colorado, we have a great model in Mesa County and Grand Junction, where the hospital readmission rate is not 20 percent but 2 percent. This alone is costing us \$17 billion a year.

If we can do it smarter, more cheaply, and provide the kind of quality we see in Grand Junction, the Mayo Clinic, and other places across the country, we should. That is what this reform is about. It is time for us to put politics aside and come to an agreement that will create a much improved situation for working families and small businesses. The status quo is eating people alive. We ought to be able to do better than that.

Mr. MERKLEY. I thank the Senator. I appreciate his pointing out how health care costs are also a factor in the rising deficit contributing to the national debt and challenging our international competitiveness in the world.

I now turn to Senator MARK BEGICH of Alaska. As mayor of Anchorage, he was committed to protecting and strengthening the health care needs of small businesses and has continued his advocacy in the Senate.

I yield 4 minutes to Senator BEGICH. The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I thank Senator MERKLEY.

I am pleased to stand here again with my freshmen colleagues and resound the call for meaningful health insurance reform. We know reform is critically important and long overdue. We know reform will provide coverage to tens of millions of currently uninsured Americans. As I said last week, we know reform will bolster America's small businesses and help rebuild the economy. Here is something else we know: We must have reform that bends the cost curve and slows down the growth of health care costs. If we extend insurance to millions more people but do nothing to slow skyrocketing health care costs, we will not have reformed anything. We only will have added to the problem of an overburdened, unsustainable health system. Today we stand together to offer our

ideas for reducing overall health care costs.

My focus this morning is on promoting good health and preventing the burden of chronic disease. The HELP and Finance Committees have done a great job on this subject. I commend them. I also want to make sure that when the final reform bill comes to the floor, we will not waiver on our commitment to prevention. I want to frame these brief remarks around a handful of words: nutrition, physical activity, tobacco use, and personal responsibility. Common sense tells us that smart investments that reduce the burden of chronic disease will make a huge difference not only in cost savings but also in healthier and more productive lives. The dollar amounts are staggering. Here are a few examples of why health reform must include a substantial commitment to prevention and good health.

Each year we spend \$2.2 trillion on health care, and 75 percent of all health care costs go to treat chronic diseases, many of which could have been prevented. Each of our States is paying the price. Listen to the most recent numbers from the State of Alaska and think again of poor nutrition, lack of physical activity, and the toll of tobacco. Alaska currently spends \$600 million annually for heart disease and stroke hospitalization, \$419 million for treatment related to diabetes, \$491 million for medical care related to tobacco use and lost productivity from tobacco-related deaths. We spend \$477 million on direct medical costs of obesity. We need to do something, and we need to start now, in my State and every State.

We know prevention can work. Even though youth smoking in Alaska is still too high, it has been cut in half since 1995, thanks to sustained antitobacco funding. I know as a former mayor, when I came into office we had double-digit increases in health care costs; when I left, a less than 1-percent increase. Why? Because we created wellness programs, created personal responsibilities and incentives for people to live a healthier lifestyle.

Let's make a similar commitment in health reform this year. Let's promote personal responsibility. Let's give more American families the tools they need to take charge. Let's improve our Nation's highways and transportation systems. And as we do it, let's make sure sidewalk trails are part of the package. Let's hire more PE teachers and build upon proven community programs. Let's save lives and save dollars by keeping tobacco away from kids.

As reform moves forward, our promise is to keep it deficit neutral, now and into the future. Health care reform, health insurance reform now, is important.

I yield the floor.

Mr. MERKLEY. I thank my colleague from Alaska for his remarks and his

emphasis that prevention and management of chronic diseases are essential to bending the cost curve. I now turn to Senator WARNER from Virginia. Before serving as Governor of Virginia, Senator WARNER helped create the Virginia Health Care Foundation, which is providing health care to more than 600,000 underserved Virginians. I yield 4 minutes to Senator WARNER.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I thank my colleague, the Senator from Oregon, for helping organize this morning. I thank all other colleagues for once again coming together and speaking with different voices but with similar themes. I also thank our newest colleague, the new Senator from Massachusetts, for being here. I know he will take time in another moment to give his maiden speech. Being here and giving us moral support is helpful.

One of the things we all get to do as freshmen Senators is sit in that chair and preside over the Senate at various times. Consequently, we often get, perhaps more than other colleagues, a chance to hear the folks on the other side and their talking points. Monday afternoons, I get to hear it for uninterrupted hours. What I hear time and again from our colleagues on the other side is complaints about the various proposals this side—and, hopefully, some on the other side will join us on—has put forward.

What I do not hear from the other side is what happens if we take their approach, which is doing nothing. What I do not hear from the other side is a simple recognition not of the moral challenges of covering close to 30 million additional Americans, but the fiscal challenges of not acting, a fact that we all brought forward last week when we pointed out, if we fail to act, we will see Medicare go bankrupt by 2017; if we fail to act, our deficit numbers will continue to explode; if we fail to act, an average Virginia family, and an average Colorado family as well, will be spending close to 40 percent of their disposable incomes within the next decade paying for health care. Senator MERKLEY and Senator BEGICH have mentioned if we fail, American business cannot compete when we have to pay \$3,000 to \$4,000 more per employee than our competitors across the world in terms of increased health care costs.

Some may say that the simple reason for these increasing health care costs is because we have an aging population. We do. But an aging population is not the only reason for rising health care costs. Our rising health care costs are increasingly driven by an inefficient delivery system, by a system that does not reward value, by a system that does not compensate based upon any rational basis. That is where so many of the reforms are focused through the Senate Finance Committee and the

HELP Committee bills—and others we will be putting forward in later weeks, perhaps even on the floor, that will bring these reforms to the overall delivery system.

Again, some of my colleagues have already mentioned wellness. Senator SHAHEEN mentioned the enormous differential between states in terms of Medicaid reimbursements. We can and must do a better job.

For example, if as we see here, we can put health care reform in place and drive system reform, we could potentially save \$3 trillion over the next 10 years across the entire system. If we fail to act, we leave those costs in a system that does not provide good quality health care and, with 70 percent of the cost going for chronic diseases, does not provide better coverage, either.

On this last chart, in terms of what we are talking about in expanded savings, if we fail, if we simply expand the current system—this is based upon Lewin Group studies, the Commonwealth Fund that has been cited many times on the other side—if we simply put in place expanded coverage without reform, we will continue to explode the deficit. But if we put in place the kinds of reforms we are talking about, which is wellness, and increased transparency—and I strongly believe in a free market system—but we have no transparency in our system in terms of what costs are and what people actually pay. If we take advantage of some of the best examples in the private sector, where health reform is taking place right now, we can bring about not only reform but bring about reform with lower costs, higher value, and truly make sure Americans all across the country get the coverage they need and that does not break the deficit.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. I thank the Senator from Virginia, particularly for noting the consequences if we fail to act and the absolute necessity to reform an inefficient delivery system. I turn now to Senator TOM UDALL of New Mexico. As a Member of the House, Senator UDALL was a champion of preventive health care initiatives, including legislation to encourage employers to offer wellness programs to workers.

I yield 4 minutes to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, if we want to do something about runaway health care costs, the way to control them is to institute prevention and make prevention a major part of this bill. We are in danger of systematically neglecting prevention. I believe if we focus on prevention, we can get control of the cost curve. Prevention can mean clinical services such as mammograms and colonoscopies and

cholesterol screens. The good news is that most of the bills being considered would make these services much more accessible and affordable. But successful reform also means addressing another aspect of prevention. I am talking about primary prevention, the kind that keeps people from getting sick in the first place.

Evidence suggests that primary prevention should focus on three behaviors: physical activity, nutrition, and smoking. But the reality is, whether through personal choice or lack of options, too many Americans are struggling. Today two-thirds of Americans are overweight or obese and often more than 20 percent smoke. Things are even worse for minorities who often suffer the most from the lack of preventive care.

In my State, we have a diabetes epidemic among Native Americans and Hispanics. We are in this crisis today because we have neglected prevention for years. Of the more than 2 trillion we spend on health care each year, only 4 cents of every dollar is invested in prevention. It doesn't make sense. Studies have shown that primary prevention will not only save lives, it will also save money. In New Mexico, a \$10-per-person investment in community-based prevention programs would save \$88 million annually. Nationally that translates to more than \$16 billion annually. That is a return of \$5.60 for every \$1 invested.

We have solid evidence that we can spend less on health care while saving more lives. So what should we do? Experts say effective prevention must address three levels: the individual, the institutional, and the environmental. Individual prevention is about Americans making the right choices for themselves. This means choosing nutritious foods, maintaining an active lifestyle, avoiding excess weight, avoiding smoking, drug abuse, and excessive drinking. Institutional and environmental prevention helps individuals stay on the path to a healthy lifestyle. This could mean incentives for physical activity, disincentives for smoking, and nutritional labeling on menus. It could also mean more bike paths and more school gardens.

Legislation approved by the HELP Committee would establish a new fund to support these activities. This kind of dedicated, stable funding stream is critical to effectively address America's legacy of neglect regarding prevention. There is an often-quoted parable that tells of a nurse fishing downstream. As she fishes, she sees a person coming down the river struggling for life. The nurse pulls him out. Then, another comes and again must be rescued. This happens all afternoon and the nurse tires from constantly pulling people out of the river. Eventually, she realizes she has to get upstream, to see what is pushing them in the river in the first place.



It is time for America to look upstream, to see where the real problems lie. It is time to honestly address these preventable health problems.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, I thank Senator UDALL for his clarion call for primary prevention to save lives and save dollars.

We now turn to Senator MARK UDALL of Colorado. As a Member of the House of Representatives, Senator UDALL championed legislation highlighting the health benefits of physical activity for the public.

I yield 4 minutes to the Senator from Colorado.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, let me start by thanking my colleague, the Senator from Oregon, for holding this important gathering on the floor of the Senate this morning.

Mr. President, as my fellow freshmen have stressed, health insurance reform is essential in helping us lower spending, chip away at our Federal deficit, and strengthen our economy.

While the reform proposals before us would contain costs across the board, I wish to focus on a particular area of health care reform near and dear to nearly 45 million Americans, and that is Medicare. Reforming how we pay for Medicare and how we spend those valuable taxpayer dollars is one of the biggest cost-containing tools we can include in health care reform, and it will also improve the health of seniors.

Coloradans have rightly asked me and Senator BENNET how health care reform can reduce government spending on Medicare while at the same time strengthen benefits and improve their health. They want to know how they can be getting more as the government spends less.

The answer is that health insurance reform can make our government and us smarter consumers. Because right now, 30 to 50 percent of spending on health care does not make a patient healthier. That is a lot of room for savings.

Let me give you an example. Today, Medicare actually pays doctors and hospitals more to amputate a leg than it does to treat early diabetes and actually prevent that amputation. Our government should be paying for quality outcomes, not writing checks that encourage expensive care that could have been prevented in the first place.

Let me give you a couple of examples of how reform can change these incentives, help improve care for our seniors, and also decrease costs for all of us, the taxpayers.

First, reform can lower the rate of unnecessary hospital readmissions. Right now, one-quarter of all Medicare patients who are discharged from a

hospital end up going back into that hospital for the same problem. Health reform would reward hospitals such as Saint Mary's in Grand Junction, CO, which coordinates care and followup to make sure patients do not end up back in the hospital.

Second, reform can hold hospitals accountable if they are not doing enough to reduce the number of patients who develop infections in their facility. Such infections cause seniors to stay in the hospital longer, cost tens of thousands of additional dollars to treat, and—in the worst cases—they are life threatening.

Health care reform would also invest in and encourage innovative ways to deliver more efficient care to seniors. So-called patient-centered care can prevent seniors from being admitted to the hospital in the first place.

You will notice a theme here: The government would be paying less when we pass health reform, and seniors would be healthier for it.

I have not even touched on the billions of dollars per year in waste, fraud, and abuse that health insurance reform will help wring out of the system. I also have not discussed the tough cost-controlling mechanisms, such as a new Medicare payment advisory body to ensure Medicare dollars are being spent efficiently to improve patient care and balance our Federal checkbook.

The reforms we are considering are critical to changing the way the government pays for Medicare so we can ensure its long-term sustainability. The reality is, if we do not act, as was mentioned early this morning—if we keep spending as we do today—Medicare will be bankrupt by 2017, just 8 years from now. That is a sobering thought.

If we take the step to reform our health care system, it will have the immediate effect of extending the life of our Medicare trust fund for 5 more years, and at the same time we will lay down a foundation that will keep costs down in the long term so we can make Medicare sustainable for generations to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank Senator UDALL very much for his remarks. I thank the Senator for his emphasis on quality outcomes and patient-centered care as a way to improve care and to decrease costs.

We will now turn to Senator KAY HAGAN of North Carolina. As a State senator in North Carolina, Senator HAGAN worked to extend health insurance to uninsured children, to expand care for uninsured patients living in rural areas of the State, and to end insurance discrimination against mental health care patients.

I yield Senator HAGAN 4 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I thank my fellow colleague from Oregon, Senator MERKLEY. I also welcome our new colleague from Massachusetts.

I am joining my freshmen colleagues on the floor today to talk about how health care reform will improve women's access to care. I received a heart-breaking e-mail this week from a young woman in North Carolina. When this woman was 27 years old, she was diagnosed with breast cancer. She had a 16-month-old son and was in an abusive relationship with her husband. Her husband knew she would not leave him because she could not afford medical treatment without his employer-provided insurance. She looked into COBRA. She looked into other individual insurance plans. But her breast cancer was, obviously, considered a preexisting condition. So for 7 years, this woman stayed in an abusive relationship because she had to have health insurance for herself and her child. Unfortunately, women across America face similar challenges to exactly what that woman has faced. Inefficiencies and discriminatory practices in our health care system disproportionately affect women. In a majority of States, insurance companies are permitted to charge women more than men for the exact same insurance policy. In Washington, DC, and in eight States, insurance companies can deny coverage to victims of domestic violence, citing that as a preexisting condition. In all but 12 States, insurance companies are allowed to charge women more than they charge men for coverage. In my family, my daughter, who just graduated from college—out there looking for health insurance on her own—was quoted many times more money for her coverage than if she had been a male.

Only 12 percent of individual market policies provide comprehensive maternity care. When women do have health insurance, it often does not cover basic preventive care such as mammograms and Pap smears. In the HELP Committee and in the Finance Committee bill, insurance companies can no longer charge women more than men or use preexisting conditions to prevent anyone from purchasing health insurance, and we are ensuring that basic preventive screenings will be covered.

I am focused on sending our President a bill that ends discriminatory practices against women, provides security and stability for people with insurance, expands access to health insurance for those without it, and slows down the skyrocketing cost of health care. Women across America cannot afford inaction any longer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank Senator HAGAN very much for



her comments and her observations about how the current health care system, the current rules of insurance, including the ability to turn down patients and to deny folks with pre-existing conditions, works to discriminate against women and prevent preventive health care.

We will now turn to Senator KIRSTEN GILLIBRAND of New York. As a Member of the House of Representatives, Senator GILLIBRAND was a champion of children's and family health care issues and was a leading voice on the need to improve health care services for America's veterans.

I yield my friend from New York 4 minutes.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, right now we are engaged in a historic debate about the future of our health care system. The crisis has reached historic proportions, and Congress must act now.

In 2000, family health insurance purchased through an employer was approximately \$6,700. In 2008, it nearly doubled to \$12,600. If we do not act now, by 2016, family health insurance is expected to double again, to nearly \$24,300.

We pay nearly twice the average of what other developed nations pay for health care: \$2.2 trillion a year—more than 16 percent of our gross domestic product. However, the United States ranks 29th in the world in infant mortality.

We have more than 47 million uninsured Americans. In 2007 and 2008, 86.7 million Americans—1 out of every 3 Americans under 65—went without health insurance for some period of time.

There is a hidden tax in America's health care system that all insured Americans pay to cover the cost of emergency care for the uninsured. For more than half of the 47 million Americans who do not have insurance, the only care they receive is through the emergency room. In fact, that hidden tax costs about \$1,100 per year for family insurance premiums and over \$400 per year for individual insurance premiums.

Every day we fail to act, 14,000 Americans lose their health insurance. We must provide affordable, quality health insurance to every man, woman, and child in this country. But we also must take additional steps to contain costs and make sure our system is more efficient. The health care reform plans we are considering today will address a number of these issues.

First, health care providers will be rewarded for the quality of the care they provide, not just the quantity. Hospitals and clinics around the country will model the success at places such as Bassett Healthcare which is in Cooperstown, NY, and is one of the

leading health care providers in terms of positive outcomes because of the quality of care. We will also employ new methods to reduce medical errors through accountability and through health care IT, and prevent costly illnesses through better care management, through diet, exercise, and preventing diseases, such as preventing childhood obesity.

Second, we will address the needless redtape and excessive administrative costs in our current health care system. Senate health insurance reform combats this problem by setting administrative standards that insurance companies must meet, and providing new tools to combat fraud. I would like to see a universal, one-page form that all people can use for reimbursements for all insurance companies that can be submitted on line. Changes like that could transform efficiencies in the market.

Finally, we will make use of health care technology that could reduce health care spending by \$77 billion a year. Currently, just 1 in 25 American physicians utilizes fully functional electronic medical records. Senate health insurance reform expands the use of electronic prescribing, electronic health records, and electronic support for diagnosis and treatment options. Studies have shown that one out of every four tests is needlessly done because there is no record of that test. This must change.

We know our Nation's health care costs are steadily bankrupting our government and our citizens, and we owe it to every generation that comes after our own to act now.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my Democratic freshmen colleagues for coming to the floor today to talk about our broken health care system and the absolute necessity to control costs in this system, that we are on a train headed for a wreck. It is making it so difficult for families and small businesses and large businesses to afford health care, to establish a high quality of life, strong, thriving small businesses and international competitiveness for our large businesses. We can and must improve our health care system. The moment is now.

I thank my colleagues for coming to the floor and sharing their vast experience in so many different capacities and bringing it to bear on this challenge that touches the life of every single American.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

#### ORDER OF PROCEDURE

Mr. ALEXANDER. Madam President, I ask unanimous consent that the Sen-

ator from Georgia and I be permitted to engage in a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask if the Acting President pro tempore will let me know when we have 5 minutes remaining on the Republican side.

The ACTING PRESIDENT pro tempore. All right.

#### HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, the Senator from Georgia and I wish to talk a little bit today about the health care plans coming through. Fundamentally, our position is that we do not want to see another Washington takeover. We are deeply concerned about the cuts in Medicare that will affect seniors, about the taxes—both the increase in Federal taxes and State taxes, which we will talk more about—about the trillion dollars in new spending, and about the threats to the health care choices the legislation coming through would pose.

Instead of such a large enterprise as what I have just described, we would propose that we take practical, small steps to reducing costs such as allowing small businesses to pool their resources, reducing junk lawsuits against doctors, allowing consumers to purchase across State lines, and creating health insurance exchanges. There are other steps that could be taken; in other words, instead of scaring the country half to death with new taxes and Washington takeovers and threatening their health care choices, let's don't throw the whole system out. Let's take practical steps to reduce costs and to improve services.

Today we wish to specifically talk more about two government-run programs that already exist. One is Medicaid, which is the program for low-income Americans that today serves about 59 million Americans. About 60 percent is paid for by the Federal Government and about 40 percent by the States. The second is Medicare, which seniors know very well because about 40 million American seniors are dependent upon Medicare. We are concerned because the proposals coming through the Senate Finance Committee would shift costs of Medicaid to the States, causing State budgets to be put in ruin, according to the Governors of those States, and either taxes go up or services are cut. We are concerned because the President and others have said we are going to pay for this big new program by savings in Medicare, not to be put in Medicare for seniors, but for the new program.

A lot of people say it is hard to find opportunities for bipartisanship when we talk about health care, but I think I have found one. I am on the Senate

floor today to say I would like to be a cosponsor of the Reid amendment, the proposal by the majority leader of the Senate—the respected HARRY REID from Nevada. The New York Times reported yesterday that the majority leader had heard from his Governor and from other people in his State, and he was deeply concerned about the legislation that is coming through because it would increase costs in Nevada.

In fact, I have a copy of the letter from the Governor of Nevada to majority leader HARRY REID, and it says: As you know, like the U.S. Constitution, most State constitutions require a balanced budget, including Nevada. Nevada will spend \$907 million for programs on Medicaid. This is about 14 percent of our budget. We can't afford more taxes. Revenues are down.

So the majority leader did exactly what I think a Senator would do. He introduced an amendment, or proposed an amendment, to the Senate Finance Committee and said: Take care of Nevada. If the Federal Government is going to expand coverage for Medicaid, then the Federal Government ought to pay for it.

That is exactly what I believe. That is exactly the opinion of all of the Governors. The National Governors Association, of which I used to be chairman, has said to us: If you are going to expand Medicaid, if that is your big idea in Washington, then pay for it.

Nothing irritates Governors and legislators more than Washington politicians who come up with big ideas, announce them, take credit for them, and then send the bill to the Governor and the legislature. I was a Governor. The Senator from Georgia was in the Georgia Legislature for 17 years. He was the leader of the Republicans in the senate for 8 years. He knows a good deal about State budgets and about the Medicaid Program and how it is an integral part and a very difficult problem for State governments.

I am wondering if the Senator from Georgia thinks there might be opportunity for more bipartisan support for Senator REID's amendment to have the Federal Government pay for 100 percent of Medicaid costs if Medicaid is expanded.

Mr. ISAKSON. Well, I think the majority leader is exactly right. There is a prime example of what happens when the Federal Government mandates a benefit or a program and doesn't pay for it; the States end up having to do it. Just take No Child Left Behind or take the Elementary and Secondary Education Act, and IDEA. Back in 1978 we mandated funds to be appropriated for individuals with disabilities in America. In fact, we mandated States spend 40 percent per FTE more on a special needs child than on a regular child. We never sent them a dime for about 20 years. We finally, in 1999, started paying part of that 40 percent. Now we are only paying half of it.

So now we take Medicaid. Medicaid is a program, for the people out there who are listening today, where the States pay about one-third of Medicaid and the Federal Government pays about two-thirds. It changes a little bit, but that is about right. The State runs the program; the Federal Government mandates the program.

When I was first elected to the Georgia Legislature, the expenses for Medicaid the year I was elected in the State budget were \$20 million, State funds. That was 1 percent of the State's \$2 billion budget. Now, today, this year, even with all of the cuts that have taken place, Medicaid is 12 percent of Georgia's budget. So it has grown from 1 percent of the budget to 12 percent of the budget in about 30 years.

Plans in the health care bill that are being talked about in the Finance Committee and that have been talked about in the House would mandate an increase of 150 percent—from 100 percent of poverty to 150 percent of poverty for Medicaid eligibility. It is said the States will be held harmless until 2013 or 2014 but no promises after that.

Let me tell my colleague what would happen to my State of Georgia if we raised mandatory eligibility to 150 percent of poverty and the State paid its third of that one-third, two-thirds matched by the Federal Government. It would raise Georgia's Medicaid budget expenses annually from 12 percent of our budget to 20 percent of our budget, \$3.32 billion. States can't afford to do that.

As the Governor of Nevada said, 43 of our States can't deficit spend; 43 percent of our States must balance their budgets. Medicaid has been carved on and worked on as it is to try and preserve it under the existing law. With a 150-percent increase in eligibility and no funds from the Federal Government guaranteed, the States would be put in a position of spending one penny out of every five on Medicaid, which is about 12 percent of my State's population. That is disproportionate and it is not fair.

I think Senator REID is exactly right. Our States should be held harmless on any mandated increases in Medicaid.

Mr. ALEXANDER. Mr. President, going back to the Senator's point, the thing I think about, those of us who have been a Governor or in the legislature—in fact, I have said to some of my colleagues many times that if we expand Medicaid for low-income Americans—which States have to pay a third or more of—without paying for it, that we Senators ought to be sentenced to go home and serve as Governor for 8 years to see what it is like. I mean that because I can remember as Governor for 8 years balancing budgets, first I would come up with the money for kindergarten through the 12th grade—that was a pretty set amount—then for the

highways, and then for the prisons, and I would get down toward the end and there would be a certain amount of money left to either go into higher education or it would go for increasing Medicaid costs. Almost always that was the choice. If I put it into Medicaid, I had to take it out of education, and that would keep the University of Tennessee or Georgia or the community colleges from getting better.

Guess what happens when the State can't put the money in. The tuition rates go up.

Mr. ISAKSON. It is interesting the Senator talked about that. By the way, his experience as Governor was a great experience for Tennessee, and the Senator's leadership in education was phenomenal. But already with the restricted economy we have today and the recession in my State, our teachers this year are having to take a minimum of 3, and at the university system a maximum of 6, furlough days without pay just to try and meet the balanced budget. Part of that is the pressure of Medicaid, which is an entitlement. We cannot decide to just not pay Medicaid, we have to do it. It is a Federal law; the State has to run it.

What the States are having to do this year—my State of Georgia and I think the State of Tennessee has probably experienced some of the same thing—they are having to cut back on other programs in order to still manage Medicaid.

In a State, when they say "other programs," they are talking first and foremost about education. In Georgia, 54 percent of the budget is the university system and elementary and secondary education, one out of every two cents. Well, if they can't cut Medicaid because it is an entitlement, then they have to cut education first and foremost, which is the most important function of State government. So the unintended consequences of such a mandate are going to be devastating. They only have two choices: to continue to cut education or to raise taxes. Neither one of those are a good choice.

Mr. ALEXANDER. There is an article in the New York Times today which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 1, 2009]  
RATE OF ENROLLMENT IN MEDICAID ROSE RAPIDLY, REPORT SAYS  
(By Kevin Sack)

The recession is driving up enrollment in Medicaid at higher than expected rates, threatening gargantuan state budget gaps even as Congress and the White House seek to expand the government health insurance program for the poor and disabled, according to a survey released Wednesday.

The annual survey of state Medicaid directors, conducted for the Kaiser Family Foundation's Commission on Medicaid and the

Uninsured, found that the program had been spared the worst effects of massive state budget shortfalls because of federal aid in the stimulus package. But it also revealed grave concerns about what will happen when that relief dries up at the close of 2010.

As unemployment surged, enrollment in state Medicaid programs grew by an average of 5.4 percent in the previous fiscal year, the highest rate in six years, according to the Kaiser survey. In eight states, the growth exceeded 10 percent.

Last year's average growth was well above the 3.6 percent that had been forecast by the Medicaid directors a year earlier. In this year's survey, the directors projected that enrollment would continue to accelerate in the current 2010 fiscal year, growing by 6.6 percent.

The states and the federal government share the \$333 billion annual cost of Medicaid, which insured 62 million low-income and disabled people at some point in 2007. It is the states, however, that regulate that spending by setting eligibility cutoffs, benefit levels and provider payments, within federal guidelines.

The Kaiser survey found that the growth in Medicaid spending in 2009, at 7.9 percent, was the highest in five years. That number also may increase this fiscal year. Three-fourths of the agency directors said they already fear their appropriations will not be enough and that lawmakers will have to find more money or, more likely, cut benefits or provider payments.

One such state is Nevada. "We're seeing the trajectories of our enrollment growth as well as our revenues all going in the wrong direction," said Charles Duarte, administrator of the state's Division of Health Care Financing and Policy.

Medicaid is, by definition, a countercyclical program. Demand for it is always highest at the time that states can least afford it because of slumping tax revenues.

The highest spikes in Medicaid enrollment often trail the worst recessionary indicators. It was not until a year after the 2001 recession that the growth in Medicaid enrollments peaked at 9.3 percent.

Vernon K. Smith, who directed the survey for Health Management Associates of Lansing, Mich., said he doubted that enrollment growth would reach that level as a result of this recession, but that it was not out of the question. "Significantly many states said the pace of growth accelerated as the year went on," he said.

Some states did cut certain Medicaid benefits last year, and two-thirds of them either froze or reduced payments to providers. Those payments are typically the lowest made by any insurer—often falling below actual costs—and as a result some physicians decline to accept patients with Medicaid.

Nonetheless, state budgets were buffered from even worse pain by the federal stimulus package enacted in February. The largest single component of state aid in the package, worth about \$87 billion, provided a temporary increase in federal Medicaid reimbursement to the states.

The survey found that 38 states used the money to avoid or reduce cuts in provider payments and that 36 avoided benefit cuts. Because the federal money was conditional on states not reducing eligibility for Medicaid, 14 states reversed previously enacted restrictions and five abandoned plans to tighten coverage.

But state officials are already panicking about how to compensate when the spike in federal matching funds expires at the end of

2010. Few anticipate any significant reduction in their Medicaid rolls by then.

"Many states believe they may be pressured to consider previously unthinkable eligibility and benefit reductions," the Kaiser report concluded. Unless Congress and President Obama extend the federal aid, the cuts needed to balance state budgets may be "on a scale not ever seen in Medicaid," the authors warned.

"What we will have to look at is wholesale elimination of eligibility groups," Mr. Duarte said.

Deborah Bachrach, New York's Medicaid director, said her state would face a \$5 billion annual gap and would have to consider deep cuts in home and personal care.

Both Mr. Duarte and Ms. Bachrach said there likely would be further cuts in provider payments. "This could affect access," Mr. Duarte said, "but we're at the point where that may be a secondary consideration."

Governors also have expressed concern about the fiscal impact of the health care legislation being negotiated in Washington, which would vastly expand eligibility for Medicaid as one means of covering the country's 46 million uninsured.

The program is largely limited at present to low-income children, pregnant women and parents of qualifying children. But under bills in both houses, eligibility would be granted to anyone with an income of up to 133 percent of the federal poverty level (currently \$29,326 for a family of four). That could add an estimated 11 million people to the rolls.

Initially, the federal government would absorb most of the cost. But the bills vary on that score and some states may bear higher costs than others. Three-fourths of the Medicaid directors said they thought the changes might deepen their budget holes.

"Many officials felt that their states would be unable to finance the cost of a Medicaid eligibility expansion unless the federal government assumed 100 percent of the costs, especially during the early years," the report said.

Mr. ALEXANDER. Mr. President, the headline is "Rate of Enrollment in Medicaid Rose Rapidly, Report Says."

The recession is driving up enrollment in Medicaid at higher than expected rates, threatening gargantuan State budget gaps—

This is the New York Times; this is not the Republican Party saying this—even as Congress and the White House seek to expand the government health insurance program for the poor and disabled.

It goes on to say:

As unemployment surged, enrollment in State Medicaid programs grew by an average of 5.4 percent in the previous fiscal year, the highest rate in 6 years . . . in eight States, the growth exceeded 10 percent.

Three-fourths of the agency directors of Medicaid said they already fear their appropriations will not be enough and that lawmakers will have to find more money or, more likely, cut benefits or provider payments.

One such State is Nevada.

The home State of the majority leader.

We're seeing the trajectories of our enrollment growth as well as our revenues all going in the wrong direction—

Said their head of financing. State budgets were buffered from even worse

pain by the stimulus package, but the New York Medicaid director said her State would face a \$5 billion annual gap and would have to consider deep cuts in home and personal care, and that is before we make any changes or add any costs.

When the Federal Government talks about adding State Medicaid costs:

Three-fourths of the Medicaid directors—

The New York Times said—

said they thought the changes might deepen their budget holes.

What do you suppose in Georgia—already struggling in the way you have just described—would happen if—and this is why we said we insist on reading the bill before we vote on it and knowing how much it costs before we vote on it. We want to know exactly what the provisions are because I hear that States will be required to pay 5 to 22 percent in the first 5 years of the Medicaid expansion, and then after 5 years they might have to go up to 35 percent or so.

What do you suppose will happen to Georgia if these kinds of costs are added to the State budget?

Mr. ISAKSON. I will tell you a little story that happened in the month of August that is indicative of what is going to happen in Medicaid services if we have the continuing pressure. I was in Forsyth, GA. It is about halfway between Macon and Atlanta. I had done a speech at the Law Enforcement Training Center and decided to go into the local sandwich shop in downtown Forsyth and have a sandwich and greet people and say hello. I had greeted people and said hello. There were about 10 of them in the room. I went up to get my sandwich. When I came back this lady had circled all the tables around and saved a seat for me, and said: Senator, we are going to have a townhall meeting. They started talking to me about their concerns.

Toward the end of the meeting, one gentleman at the end of the table finally said: Senator, I want to tell you a story. I am a pediatric ophthalmologist. I am the last pediatric ophthalmologist who takes Medicaid patients.

He said: I just want to tell you what is happening because of the pressure on Medicaid expenses.

He said: I have a child right now who has a condition where if it is not addressed, the child will go blind. There is a medicine, it is very expensive, but it can restore the cornea and the lens and help that child to be able to see. We have submitted it three times to Medicaid, and they will not pay it. It is the only drug. There is not an option. There is not a generic substitution. It is one of the breakthroughs.

So what we have already going on in health care and in our entitlement programs, but in particular in Medicaid, is we try and manage the expense by lessening the amount we reimburse. The unintended consequence of that is we

lose physicians who finally say: I am just not going to take Medicaid patients anymore.

Then, the ones who finally are doing it, then we start to see what they submit as a treatment not being approved for reimbursement. So the unintended consequence of putting even more pressure on the Medicaid system is going to put more pressure to ration health care for all Medicaid patients, and that is not fair nor is it right.

Mr. ALEXANDER. No, it is not fair or right. The Governors have said, Democratic and Republican Governors—and the Senator raised a second point about this Medicaid expansion: That dumping millions more low-income Americans into Medicaid is not health care reform because Medicaid, as the Senator just pointed out, so poorly reimburses the doctors and the hospitals that about 40 percent of doctors will not see Medicaid patients.

So when we say to someone: Congratulations, we have just fixed the health care system; we have dumped you into Medicaid, you are giving somebody a bus ticket to a bus system that operates 60 percent of the time. So the first thing we are doing with the proposal as it is coming toward us is we are—and I am not exaggerating—we are potentially bankrupting States.

Speaking of States, let me just share one letter with Senator ISAKSON from the Governor of California.

This is a State that has really struggled with its budgets. They have a number of problems.

Here is what the “Terminator” has to say. He wrote to Senator REID and to Senator MCCONNELL on the Republican side and Speaker PELOSI. It is a long letter. This is the basic idea. Arnold Schwarzenegger says:

I will be clear on this particular proposal: if Congress thinks the Medicaid expansion is too expensive for the federal government, it is absolutely unaffordable for states.

Governor Schwarzenegger goes on to say:

Proposals in the Senate envision passing on more than \$8 billion in new costs to California annually—crowding out other priorities or constitutionally required state spending and presenting a false choice for all of us. I cannot and will not support federal health care reform proposals that impose billions of dollars in new costs on California each year.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 31, 2009.

Hon. HARRY REID,  
Majority Leader U.S. Senate, Washington, DC.  
Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate, Washington, DC.  
Hon. NANCY PELOSI,  
Speaker of the House, House of Representatives,  
Washington, DC.

Hon. JOHN A. BOEHNER,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, MADAM SPEAKER AND MR. BOEHNER: I appreciate your commitment and hard work toward reforming the nation's health care system. I think we can all agree that the current system is not working as it should, and I have long supported a significant overhaul. Costs continue to explode, while tens of millions remain uninsured or underinsured. Many families are one illness away from financial ruin—even if they do have insurance. We have the greatest medical technology in the world at our fingertips, yet Americans' health status lags behind many countries that spend less than half what we do per capita. Any successful health care reform proposal must be comprehensive and built around the core principles of cost containment and affordability; prevention, wellness and health quality; and coverage for all.

#### COST CONTAINMENT AND AFFORDABILITY

Cost containment and affordability are essential not only for families, individuals and businesses, but also for state governments. Congress is proposing significant expansions of Medicaid to help reduce the number of uninsured and to increase provider reimbursement. Today, California administers one of the most efficient Medicaid programs in the country, and still the state cannot afford its Medicaid program as currently structured and governed by federal rules and regulations. The House originally proposed fully funding the expansion with federal dollars, but due to cost concerns, members decided to shift a portion of these expansion costs to states. I will be clear on this particular proposal: if Congress thinks the Medicaid expansion is too expensive for the federal government, it is absolutely unaffordable for states. Proposals in the Senate envision passing on more than \$8 billion in new costs to California annually crowding out other priority or constitutionally required state spending and presenting a false choice for all of us. I cannot and will not support federal health care reform proposals that impose billions of dollars in new costs on California each year.

The inclusion of maintenance of effort restrictions on existing state Medicaid programs only compounds any cost shift to states. We simply cannot be locked into a cost structure that is unsustainable. Governors have three primary ways to control Medicaid costs: they can adjust eligibility, benefits and/or reimbursement rates. Maintenance of effort requirements linked to existing Medicaid eligibility standards and procedures will effectively force state legislatures into autopilot spending and lead to chronic budget shortfalls.

The federal government must help states reduce their Medicaid financing burden, not increase it. A major factor contributing to Medicaid's fiscal instability, before any proposed expansion, is that the program effectively remains the sole source of financing for long-term care services. Therefore, I am encouraged by congressional proposals that create new financing models for long-term care services. Proposals that expand the availability and affordability of long-term

care insurance are steps in the right direction, but they must be implemented in a fiscally sustainable way. More fundamentally, however, the federal government must take full responsibility for financing and coordinating the care of the dually eligible in order to appreciably reduce the cost trend for this group. This realignment of responsibilities is absolutely essential to controlling costs for this population, while ensuring that state governments will be better positioned to fill in any gaps that will undoubtedly arise from federal health care reform efforts.

I also encourage Congress to incorporate other strategies to help stabilize Medicaid costs for states. Delaying the scheduled phase-out of Medicaid managed care provider taxes pending enactment of new Medicaid rates, reimbursement for Medicaid claims owed to states associated with the federal government's improper classification of certain permanent disability cases, and federal support for legal immigrant Medicaid costs are examples of federal efforts that could provide more stability to state Medicaid programs. Moreover, given the fiscal crisis that many states, including California, are experiencing, I strongly urge Congress to extend the temporary increase in the federal matching ratio to preserve the ability of state Medicaid programs to continue to provide essential services to low-income residents pending full implementation of national health reform.

#### PREVENTION, WELLNESS AND HEALTH QUALITY

Prevention, wellness and health promotion, along with chronic disease management, can help to lower the cost curve over the long run and improve health outcomes in the near term. This was one of the cornerstone pieces of my health care reform proposal in California, and I continue to believe it should be a key piece of the federal efforts. Prevention, wellness and chronic disease management programs should include both the individual and wider population levels.

At the individual level, proposals to provide refunds or other incentives to Medicare, Medicaid and private plan enrollees who successfully complete behavior modification programs, such as smoking cessation or weight loss, are critical reforms. To ensure they are widely used, individual prevention and wellness benefits should not be subject to beneficiary cost sharing.

Because individuals' behaviors are influenced by their environments, health reform must place a high priority on promoting healthy communities that make it easier for people to make healthy choices. California has demonstrated through its nationally recognized tobacco control efforts that population-based strategies can be effective and dramatically change the way the people think and act about unhealthy behaviors, such as tobacco use. A similar model, community transformation grants, has been advanced in the Senate Committee on Health, Education, Labor, and Pension legislation, and it should be included to support policy, environmental, programmatic and infrastructure changes that address chronic disease risk factors, promote healthy living and decrease health disparities.

Quality improvement measures are also critical to health reform. The House proposal for a Center for Quality Improvement to improve patient safety, reduce health care-associated infections and improve patient outcomes and satisfaction is a positive step. Coordinated chronic disease management is necessary to improve outcomes for chronically ill people. Systematic use of health information technology and health information exchange, including access for public

health agencies, is vital to providing the necessary tools to measure the success of quality improvement efforts. Finally, investments in core public health infrastructure can be facilitated through the creation of the proposed Prevention and Wellness Trust.

#### COVERAGE FOR ALL

Coverage for all is also an essential element of health care reform and I believe an enforceable and effective individual mandate, combined with guaranteed issuance of insurance, is the best way to accomplish this goal. The individual mandate must provide effective incentives to help prevent adverse selection that could occur if the mandate is too weak. Creating transparent and user-friendly health insurance exchanges to help consumers compare insurance options will also help facilitate participation. States should maintain a strong role in regulating the insurance market and have the ability to maintain and operate their own exchanges, with the understanding that some national standards will need to be established. California has a long history of protecting consumers through our two separate insurance regulators, one covering health maintenance organizations and the other monitoring all other insurance products. Maintaining a strong regulatory role at the state level is in the best interest of consumers, and I urge Congress to maintain this longstanding and effective relationship as you design these new market structures.

I hope our experience in California working toward comprehensive health care reform has informed the debate in Washington. There will be many short-term triumphs and seemingly insurmountable roadblocks for Congress and the nation on the road to comprehensive health care reform. We must all remain focused on the goal of fixing our health care system and remember that we all have something to gain from the reforms, and we all have a shared responsibility to achieve them. I look forward to working with you as you move forward on this desperately needed legislation.

Sincerely,

ARNOLD SCHWARZENEGGER.

Mr. ALEXANDER. Madam President, I say to the Senator from Georgia that we are not being clever when we say we would like to be cosponsors of the Harry Reid amendment. The problems of the States are so well documented today. They don't just exist in Nevada or the two or three other States he picked out yesterday; they exist in California, which is now not part of the Reid amendment. I guess that Senators FEINSTEIN and BOXER would be happy to cosponsor the Reid amendment if it included California. I certainly would be if it included Tennessee. I know the Senator from New York and others would be also.

Our States cannot afford to have the Federal Government say: We are going to expand your health care, Mr. and Mrs. Low-Income American. It is not a very good health care program. And then we are going to send 40 percent of the bill to States that are already bankrupt, making it more difficult for them to provide good care.

Mr. ISAKSON. The Senator from Tennessee has said frequently over the last couple of months that what we really need to do is take a step-by-step

approach. Comprehensive health care reform's unintended consequences will be a disaster because it affects 17 percent of the economy. You are taking the entitlements and 86 percent of the people who have some coverage and you are threatening that they have to go into a government option. This Medicaid debate is a good example of how we need to take a step-by-step approach, we need to take first things first.

In the report before our committee, the HELP Committee, on which we serve together, we spent 67½ hours in the markup on that bill during the months of June and July. We heard about the uninsured and the uncovered in America. Of that 14 to 16 percent we hear about, a number of them are Medicare or Medicaid eligible, and they are not enrolled. So the first step we ought to take is to say we are going to create a mechanism where every Medicaid-eligible person and Medicare-eligible person is covered, which would probably mean that when someone visits a hospital because they are ill and they are qualified for Medicare or Medicaid, they get enrolled automatically so that they do have the coverage. That is the first step we ought to take in terms of entitlement.

Then we can take another part of the uninsured—those people you and I talk about, the independent contractors, small businesspeople—and we can allow the forming of risk pools across State lines and insurance sales across State lines and allow like professions to associate together to form larger risk pools to compete with major corporations. And then insurance becomes more accessible and affordable.

This debate we are having over Medicaid and the Governors' immediate reaction—which is 100 percent of the Governors, not just a couple—demonstrates to us that we need to slow down and take step-by-step approaches to begin addressing the uncovered and uninsured without creating unintended consequences that bankrupt States and ration health care.

Mr. ALEXANDER. The Senator is being very sensible. I think most Americans would agree with us that our goal is to reduce the costs of health care—reduce the costs of your health care insurance when you buy it and reduce the costs to your government that is running up a big debt every year.

The Senator from Georgia mentioned two specific ways we can take steps in the right direction without getting into this business of taking over so much in Washington, with trillions of dollars of debt, passing on big taxes to States, and cutting Medicare and threatening seniors in a whole variety of other ways. One was to allow small businesses to pool their insurance so they could offer more to their employees. That could affect millions of Americans. Another was to sign up

more people who are already eligible. Another is to do something about junk lawsuits against doctors that are driving up costs. Another is to create more insurance exchanges in the States. We have proposed these.

People say: Where is the Republican plan? If they are looking for some comprehensive, trillion-dollar, thousand-page bill, they are not going to see it. If they are looking for four or five practical steps to move in the right direction, we talk about that every day, and we are not afraid to warn against the big, thousand-page bill plans. We compliment the Senator from Nevada for recognizing that it would ruin his State if we passed this bill, and we hope we have the opportunity to cosponsor that amendment so it applies to every State.

Mr. ISAKSON. There is no question—when the Senator referred to independent contractors, I had a flashback to my 33 years in business. For 22 of those years, I ran a real estate brokerage company. I had accountants, secretaries, and backroom operators. All my salespeople were independent contractors. I provided group medical under ERISA for my secretaries, backroom operators, and my employees, but the Federal law—the IRS Code—prohibits an employer from providing health care to an independent contractor.

So here we have another unintended consequence of a Federal mandate that says to somebody: Simply because of the way in which you establish yourself and earn your income, some people can get group medical coverage and some cannot. In the case of those who worked for me, it forced second-career, middle-aged people not to be able to participate in a group policy. They had to buy insurance in the spot market. That spot market in health care is expensive because there is no shared risk. You don't have young people, older people, and well people to balance the cost of the pool. You have one individual who, if they already have health problems, may be uninsurable because of a preexisting condition.

It is important that we look at the existing unintended consequences in the Tax Code that prohibit companies from being able to offer group medical insurance to the independent contractors who work for them.

Mr. ALEXANDER. That is exactly right.

As we think about Senator REID's amendment and also the step-by-step proposals, one way to describe his amendment is to say to Nevada—and Oregon, Rhode Island, and Michigan—that we are going to pay 100 percent of your Medicaid costs. That is a step in the right direction. I think that is the way I should characterize that. That is not a criticism of the majority leader. That is saying: Mr. Majority Leader, you are going in the right direction, but you didn't include Tennessee, and

Tennessee is not expected to recover to the 2008 levels until 2014. State employees won't receive raises for 6 years, the reserves will be depleted, and there will be no new construction projects.

Our Governor, a Democrat, said this proposal is the mother of all unfunded mandates. So I think Tennessee Senators would like to be included in the Reid amendment. I imagine the Texas Senators would too. The Texas Medicaid office says the proposal would cost their State \$20 billion over 10 years if we here expand Medicaid there and make them pay for a third or 40 percent of that. The South Carolina Governor says it would cost their State \$1.1 billion over 10 years. I imagine those Senators would like to be a part of this. The Alaska Governor says it would cost \$140 million in State general funds. I imagine the Alaska Senators would like to cosponsor the amendment. Governor Schwarzenegger—I suppose his Senators would like to be part of this as well. The Nebraska Governor says this could mean higher taxes in Nebraska, cutting State aid to Nebraska school districts as well as State appropriations to universities. This proposal is not in Nebraska's best interest. The South Dakota Governor said so as well.

This is serious business for the States. It is easy, when you come to Washington, to forget about the States. In the States, if you are a Governor or if you are a legislator, as the Senator from Georgia and I have been, you have to put all your responsibilities out there ahead of you. The first one is education. You take the available money and spend it as best you can and you balance your budget. Then you look up to Washington, and here comes some Congressman or Senator saying: I have a great idea; let's expand health care all over your State and you will pay for it. That is called an unfunded Federal mandate. It is the wrong thing to do. The Senator from Nevada noticed it in his State.

All States would like to be part of that amendment.

Mr. ISAKSON. I agree. You cannot just treat 4 States differently from the other 46. You have to treat everybody alike.

I say to Senator ALEXANDER that there is another step-by-step thing we ought to talk about. In the pay-fors—the Medicaid increase of 150 percent is a pay-for. It is part of the cost of insuring everybody. There is another one; that is, the assumed \$500 billion in savings from waste, fraud, and abuse in Medicare. I got a phone call—

Mr. ALEXANDER. That often confuses people. Medicaid is the program we have been talking about, of which States administer and pay a third or 40 percent. That has about 59 million people in it. The proposal is to move it to where one out of four Americans would be on Medicaid. There is also Medicare,

which has about 40 million people, all seniors.

Mr. ISAKSON. This is my Medicare month. I am supposed to enroll. So it is now a personal issue with me.

Mr. ALEXANDER. That is the way it is with most Americans. It has become a personal issue, and I think that is why so many people are going to town-hall meetings.

Mr. ISAKSON. I did a telephone townhall meeting, and a fellow said: Senator, I have a question for you. If there is \$500 billion in savings in Medicare, why aren't you all using it now to help save Medicare instead of giving it to another program to pay for it? Medicare is going broke by 2017.

Mr. ALEXANDER. Yes, and that is not just a casual statement. Those are the Medicare trustees, whose job it is to look over the Medicare money, who are saying it is going broke by 2015 to 2017.

Mr. ISAKSON. They are saying it is over. So we are selling a revenue saver to pay for the expansion of health care at the Federal level by saying we are going to reduce payout for seniors in Medicare by  $\frac{1}{2}$  trillion in waste, fraud, and abuse. Well, assuming we know there is  $\frac{1}{2}$  trillion there, it ought to already be cut out and it ought to be going into the Medicare trust fund to shore it up so it lasts longer than 2017. We should never promise we are going to pay for something on something we think is there and then just move the numbers down for the convenience of making a sale today.

I think, as a senior, and on behalf of all seniors, we all realize if that  $\frac{1}{2}$  trillion isn't there in waste, fraud, and abuse, the first thing you are going to do is have reimbursements cut; the next thing, instead of three out of four doctors taking Medicare patients, it will only be two out of four or one out of three; and pretty soon the next thing is that seniors will have health care that is inaccessible and their doctors will not be available. That is a dangerous road to go down.

Mr. ALEXANDER. I hear our friends on the other side say: Republicans are trying to scare you about Medicare cuts. We are not trying to scare anybody about Medicare cuts. We just listen, and the President said in his speech to us that the savings for this program—nearly  $\frac{1}{2}$  trillion in savings to pay for the new program is coming from savings in Medicare. That is Medicare cuts. We know the specific proposals are \$130 billion in cuts to Medicare Advantage, which one out of four Medicare seniors has; \$120 billion in Medicare cuts to hospitals; \$40 billion to home health agencies; \$8 billion to hospices.

Our point, if I am correct about this—and if I am not, please correct me—of course there could be savings in Medicare, in the growth of it, but if we have savings in Medicare, we ought to

put the money into Medicare; we ought not to take it from grandma and spend it on somebody else. That is the problem. The other day, the Senator from Kansas said it is like writing a check on an overdrawn bank account to buy a big, new car. Whatever money we ought to have ought to go in the overdrawn bank account, which is Medicare.

Mr. ISAKSON. That is correct.

Social Security is another example of what happens when you don't have good fiscal discipline. Unfortunately, for the better part of half a century, when people have paid their FICA taxes to go into the Social Security trust fund, it goes in and then immediately it is replaced by an IOU and the money is moved to general appropriations and spent. That is why Social Security is going broke in 2037. I just got my statement last week, and on the cover—everybody ought to read their Social Security letter, the column on the right-hand side which tells you what the trustees are telling you about the solvency of Social Security.

We cannot make any more hollow promises to the American people. We have to keep the promises we have made, and those promises are Medicare, Social Security, and Medicaid. So instead of expanding things we already can't afford, we need to be finding ways to stabilize them before we run off and make a promise we can't keep.

Mr. ALEXANDER. Madam President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. There is 13 minutes 54 seconds remaining.

Mr. ALEXANDER. Two minutes fifty-four seconds. If the Senator from Georgia will permit me, I ask unanimous consent to put in the RECORD the following—

The ACTING PRESIDENT pro tempore. The Senator has 13 minutes remaining.

Mr. ALEXANDER. I thought you said 2 minutes 54 seconds. We will continue. I remember former Senator Warner once said when he first came to the Senate, he was sitting there wondering what to do. One of the older Senators came over and said to him: Son, you will have no trouble getting used to this. All you have to do is stand up and start talking and eventually you will think of something to say.

I think we have something of considerable importance to say. What we are saying is we need health care reform and the focus should be on reducing costs and we ought to go step by step toward those costs. That is our proposal, instead of these big, comprehensive, trillion-dollar, 1,000-page bills with all these unintended consequences.

We are talking about one of those unintended consequences, which is a very severe consequence for the States. The idea that Senators and Congressmen



would decide to expand a program that is going to cover one out of four Americans, called Medicaid, and just send the bill to the States which, according to today's Wall Street Journal: "plunging state revenues noted that the second quarter was the worst performance for state taxes since at least the 1960s." This is not just Nevada and Michigan and Oregon and Rhode Island, which are the four States that were in the majority leader's amendment. This is virtually all the States.

If the Senator from Georgia will indulge me for a moment, I have several letters from Governors to Senators that I ask unanimous consent to have printed in the RECORD at the end of our remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Madam President, here is a letter to Mr. BILL NELSON, a Senator from Florida, from Gov. Charlie Crist, talking about enrollment in Florida's Medicaid Program increasing and how the State of Florida cannot afford to spend more.

I have a letter from Governor Otter of Idaho to Senator CRAPO: "It has been estimated that combined federal-state Medicaid costs in Idaho could increase by \$501 million."

I have a letter from Governor Daniel of Indiana to Senator LUGAR which says: "We have estimated that the price for Indiana could reach upwards of \$724 million annually."

We talk about big numbers in Washington so much that maybe this doesn't sound like much. But I did an estimate of what it would cost, I say to Senator ISAKSON, in Tennessee if we expanded Medicaid in the way it is proposed here and we increase the reimbursement rate so patients in Medicaid will actually have somebody to go see, a doctor or a hospital to go see. I said it equaled about a new 10-percent State income tax. Some group in Tennessee said: The Senator is wrong, it is only about a 3-percent new State income tax. Well, either one, we don't want elected representatives in Washington deciding for us whether we want a new 10-percent or 3-percent State income tax.

There are just a few more I wish to include. I have a letter to Senator REED from the Governor of Rhode Island. Of course, Rhode Island was included in the majority leader's amendment. They should feel pretty good. They are going to get 100 percent of their Medicaid paid.

The Governor of Arizona has written to Senator MCCAIN and Senator KYL to point out that "Arizona is facing one of the worst financial deficits in the nation. . . ." If Arizona is facing one of the worst financial deficits in the Nation, why is it left out of the majority leader's amendment? It seems to me

the citizens of Arizona deserve just as much attention. I imagine their Senators would like to cosponsor it as well.

I have a letter from the Governor of Louisiana talking about an unprecedented fiscal situation and the Governor of Mississippi saying:

In Mississippi, the issue of Medicaid expansion hits close to home, since our state's share of the Medicaid is currently \$707 million. . . .

"According to the National Association of State Budget Officers, Governor Barbour said, Medicaid expenses . . . were \$336 billion" for State and local government and a third of that is State money, and we are just going to up it. We don't raise that money, we just send them an edict from Washington and say: We have decided that a good thing to do is to increase the number of low-income Americans in your Medicaid Program and you pay for it, you take it out of this road, you take it out of this teacher's salary, you raise the tuition at the University of Tennessee or Georgia and you cut their State funds. That is up to you, but we are going to pass the program.

Here is a letter to the Senator from Nebraska saying this new unfunded Federal Medicaid mandate could result in higher taxes in Nebraska or in cutting State aid to Nebraska school districts. I imagine the Senators from Nebraska, both of whom were Governors, would be happy to be cosponsors of the Reid amendment.

Here is the letter to Senator GRAHAM from the Governor of South Carolina. Another from the Governor of Alabama; a letter from the Governor of Alaska and the Governor of Guam.

I say to Senator ISAKSON, we have been fairly specific on one point. I heard on the television this morning someone said this is so confusing to the American people; they don't understand it. I think they can understand an unfunded Federal mandate. I think they can understand the Governor has to raise taxes unless Congress pays 100 percent of it. I think they can understand it when the majority leader picks out four States and says we will pay 100 percent of ours and the rest want to be part of that as well.

Mr. ISAKSON. The American people understand. This colloquy has been helpful to demonstrate something, I say to Senator ALEXANDER. We on the Republican side have been accused from time to time of being obstructionists on health care reform. I think we indicated this morning we have been instructive, going on a step-by-step basis, dealing with the problems manageable one at a time, not sacrificing Social Security or Medicaid or Medicare, not sacrificing our States and forcing them into the impossible position of declining revenues and increasing costs through a mandated Federal program that, in the end, is only going

to result in rationing of care to Medicaid-eligible beneficiaries and more and more pressure on our States already.

We are not trying to obstruct anything. We find it very instructive that there are ways, on a step-by-step basis, that we can close the gap on the number of uninsured people without taking away the benefits others have.

I thank the Senator for allowing me the opportunity to participate in this discussion. We are learning from our Governors. I have learned from my townhall meetings and from my visits in Georgia. We understand America is tuned in and a lot of America, 16 percent of it, needs attention for more affordable, accessible health care. Let's be about the business, on a step-by-step basis, of providing that and closing that gap without threatening to destroy the programs we have established over the years and promised to our seniors and to those less fortunate.

Mr. ALEXANDER. Madam President, I thank the Senator from Georgia for his experience in State government and for his comments today. We want the majority leader to know our comments yesterday were not to be critical of him, just to say we think he is on the right track. He said to four States: If we expand your Medicaid, we are going to pay for it. We would like to include all States.

I yield the floor.

#### EXHIBIT 1

STATE OF ARIZONA,  
Phoenix, AZ, July 16, 2009.

Senator JOHN MCCAIN,  
U.S. Senate,  
Washington DC.  
Senator JON KYL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCAIN and Senator KYL: Thank you for the opportunity to provide information about Arizona's Medicaid program, the Arizona Health Care Cost Containment System (AHCCCS).

As you know, Arizona is facing one of the worst financial deficits in the nation and projections show that the State is expected to make a slow recovery. In the meantime, unemployment has continued to increase and counter-cyclical programs like AHCCCS have continued to experience record-breaking enrollment. In the last four months alone, AHCCCS has grown by more than 100,000 new enrollees, and July 2009 enrollment is almost 17 percent above the same month in 2008. Total enrollment, including our Title XXI KidsCare program, in July reached 1,275,109 members, which is almost 19 percent of the state's total population.

I am proud that AHCCCS program has served as a model for other state Medicaid programs across the country in terms of cost containment. This is due, in large part, to the fact that AHCCCS is a capitated managed care model and 65 percent of its long-term care members receive home and community based services rather than institutional care. According to the Kaiser Family Foundation, AHCCCS has the lowest per member per year (PMPY) cost among Medicaid programs in the country. The average PMPY costs are: 1) \$5,645.52 for acute care; 2)

\$45,960.72 for long-term care, which is a blended average of our elderly and physically disabled and developmentally disabled programs. The weighted average PMPY cost across all Title XIX groups is \$7,182.60.

I am concerned that the Medicaid expansion proposals being discussed at the federal level do not consider the fiscal difficulties states are facing and are likely to continue to face over the next few years. At the same time as Congress is considering prohibiting states from changing their Medicaid eligibility standards, there have been discussions about establishing a federal floor for Medicaid provider rates, which even further limits state flexibility in setting funding levels. State flexibility has been key to Arizona's success in developing and efficiently managing a Medicaid program that provides high quality care at a low cost.

Even with our strong cost containment measures, I remain concerned about Arizona's ability to sustain the existing AHCCCS model, let alone a mandatory expansion to 150 percent, regardless of whether the federal government provides full financing of the expansion for the first five years. Medicaid is already an increasing share of state budgets—Arizona's General Fund spending on AHCCCS has increased by 230% over the past ten years, and has risen from 8 percent of General Fund spending in FY 1999 to an estimated 16 percent in FY 2009. Maintaining this level of spending increases will be difficult, especially given that Medicaid enrollment and costs continue to rise. Moreover, Arizona's revenues are not expected to turn around for several years and, even when they do rebound, we would require significant revenue growth in order to sustain rising expenditures for the existing Medicaid program.

Attached, please find data responsive to your requests. There is a summary sheet that provides an overview of the information requested, along with several other sheets that provide additional detail. As you know, there are many unanswered questions regarding the proposals. This analysis includes the assumptions that were used to develop the figures, which will obviously change as the proposals are refined.

Please do not hesitate to contact my office if you have questions or should require additional information. I share your concern regarding Arizona's ability to expand its Medicaid program and what the long-term fiscal implications will be for Arizona, and I hope you find this information useful as you consider the various proposals that are before you.

Sincerely,

JANICE K. BREWER,  
Governor.

STATE OF INDIANA,  
Indianapolis, IN, September 8, 2009.

Hon. RICHARD LUGAR,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR LUGAR: During your summer recess I am sure that many, if not all of you heard from your constituents regarding health care reform.

I have heard from them as well. In fact, over the past few months, I have watched Americans come forward to passionately express their anxieties about the legislation currently making its way through Congress. Their worries are well-founded.

There is no disputing the fact that aspects of American health care, such as access and affordability, truly do need to be restructured and improved. Yet, I have serious con-

cerns about Congress's proposed solutions to these problems. In fact, I fear the current rush to overhaul the system will ultimately do more damage than good and create far more problems than it solves.

And unfortunately, Indiana would bear the brunt of many of the reckless policies being proposed. For example, our Healthy Indiana Plan (HIP), an innovative and successful state sponsored health insurance program for uninsured citizens, would suffer greatly as Congress expands Medicaid coverage, forcing many of the Hoosiers already enrolled in HIP out of the plan and into a broken Medicaid program that does not focus on prevention, healthy lifestyles, or personal responsibility.

Additionally, states will likely have to pick up the tab for this extension of Medicaid. We have estimated that the price for Indiana could reach upwards of \$724 million annually. These additional costs will overwhelm our resources and obliterate the reserves we have fought so hard to protect.

While these reforms could do serious damage to our state, I fear they will also have harmful consequences all across the country by reducing the quality and quantity of available medical care, stifling innovation, and further burdening taxpayers.

There is another way. Americans from all walks of life and every political stripe should work together with President Obama and Congress to create a set of measured and sensible reforms that bring down costs, increase access and portability and stress the importance of innovative state-run health insurance programs.

The majority of Americans do believe that health care reform is needed, but do not believe that the legislation currently on offer is the answer. I agree. And I will do everything in my power to raise these concerns and work with you to find a solution.

Sincerely,

M.E. DANIELS, JR.,  
Governor.

STATE OF IDAHO,  
Boise, Idaho, September 15, 2009.

Hon. MIKE CRAPO,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR CRAPO: Idaho has a proud history of fiscal responsibility, ensuring that our State government serves its proper role for the people of Idaho while staying within their financial means. As the United States Congress attempts to address the healthcare challenges facing our nation, it is important that we remain diligent in assessing the implications of our decisions, always ensuring that we take seriously our duty to safeguard the financial resources of the American public, and allocating taxpayer money in an efficient and effective manner.

As revised healthcare proposals continue appearing in Congress, the full consequences of these reforms remain unknown and we are uncertain of the possible negative impacts on local businesses, families and senior citizens. However, it is clear that these sweeping proposals would irresponsibly shift a substantial and unmanageable financial burden to the states. Like Idaho, many states already are functioning under severely limited and strained budgets. It is certain that the burden of these reforms would be placed upon the shoulders of hardworking Americans.

The costs associated with these proposed reforms are astounding. Conservative estimates from the Idaho Division of Medicaid indicate that the bill's Medicaid eligibility

proposal would increase our state share of Medicaid and the federal matching rate effective would drop in the middle of fiscal year 2011, leaving Idaho struggling to fill the void. Idaho's tax base could not support this large unfunded mandate without resorting to tax increases, including a possible increase in Idaho's already 6-cent sales tax—an irresponsible action which would do serious harm to Idaho taxpayers. The proposed reforms would impose an undue burden on citizens already struggling in this difficult economy.

It has been estimated that combined federal-state Medicaid costs in Idaho could increase by \$501 million. In addition, raising the Medicaid reimbursement rate to 110 percent of the Medicare reimbursement rate would increase total federal-state costs \$50 million more.

This proposed change in the federal reimbursement rate likely would reduce the number of plans that are offered to persons on Medicare, resulting in increased premiums and reduced services and access to service providers. Seniors in rural Idaho already have trouble finding providers who accept Medicare patients. Should these changes be approved, that trend could continue statewide—severely limiting access to medical care for some of Idaho's most vulnerable residents.

The people of Idaho have entrusted us with a responsibility to use our government resources wisely and efficiently. Imposing costly federal mandates that cannot be sustained in the long run is an irresponsible violation of this public trust. Quite simply, these proposals are financially irresponsible and would not adequately address the needs of senior citizens and other vulnerable groups.

I encourage you to join me in opposing current health care reform proposals. By ending these nonsensical debates and stopping the proposed reforms, we can move forward in a more positive, measured and reasonable direction, using common sense to find a workable healthcare solution that benefits all Americans.

As Always—Idaho, "Esto Perpetua,"  
C.L. "BUTCH" OTTER,  
Governor.

STATE OF MISSISSIPPI,  
September 8, 2009.

Hon. ROGER WICKER,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR WICKER: Governors across the nation are growing increasingly concerned about the financial strain rising healthcare costs are putting on state budgets. During the National Governors Association (NGA) meeting in July, governors—both Republicans and Democrats—formalized their opposition to current Congressional reform proposals by issuing a policy opposing unfunded mandates that shifts costs to the states. This will necessarily require almost all states to raise taxes to manage this burden. In Mississippi, the issue of Medicaid expansion hits close to home, since our state's share of the Medicaid program is currently \$707 million, or 12 percent of a \$5.87 billion state-supported budget, which includes temporary stimulus funds.

Nevertheless, the current proposals, both in the House and Senate, will expand the Medicaid program at additional costs paid not by the federal government, but passed down to the states. After a call with the governors representing the NGA Healthcare Task Force and the Senate Finance Committee, Chairman Baucus told the news



media it would be impossible for the federal government to pick up all the costs for new Medicaid recipients; thus, states would have to bear some of the costs.

Why? Although CBO appears to estimate that H.R. 3200 will cost more than \$1 trillion over the next ten years, the fine print reveals the true cost would be much higher. By imposing tax increases early in the budget window, before the bulk of the spending occurs, the true cost of the bill is hidden by budget gimmickry. Delaying the implementation of the program until the fourth year also uses budget tricks effectively to hide the immense long-term cost of this proposal. CBO has projected a 10-year deficit of more than \$200 billion associated with the bill as is. However, when the full cost of the bill is taken into account after it is fully implemented, the spending in the bill skyrockets to nearly \$2 trillion over 10 years (2014-23) with a deficit of more than \$600 billion. I have included an attachment showing the scoring of H.R. 3200 the only comprehensive health care reform bill CBO has scored.

According to the National Association of State Budget Officers, Medicaid expenses in 2007 for federal and state government combined were \$336 billion. This number is projected to reach \$523 billion by 2013, a 56 percent increase in just six years. Should the reforms being debated in Congress become law, Mississippi would be saddled with an average increase of \$360 million in additional costs, on top of the already \$707 million it costs to fund Mississippi's annual state share of the Medicaid program. These proposals, which would cover all individuals at 133 percent federal poverty level (FPL), will burden state budgets, forcing states to raise taxes. In Mississippi, that would necessarily mean increases in our state income or sales tax rates. Mississippi, like so many states, simply can't afford to pick up the tab for another unfunded mandate passed by Congress.

Such state tax increases would be on top of the federal tax increases already included in the House and Senate bills, like huge tax increases on small businesses whether in the form of an additional 8 percent payroll tax or a 5.4 percent income tax surcharge. During a deep recession, when most people believe job creation and economic growth should be top priorities, huge tax increases will make it more expensive to employ people; consequently, employers will employ fewer people.

Medicare, the nation's largest provider of health coverage for the elderly and people with disabilities covering over 46 million Americans, is on the chopping block. CBO has estimated that provisions in H.R. 3200 would lead to a total of \$162.2 billion in cuts being taken from Medicare Advantage plans. This \$162.2 billion impacts 11 million people and represents nearly \$15,000 in new costs passed to every Medicare Advantage senior beneficiary. These harmful and arbitrary cuts could result in Medicare Advantage plans dropping out of the program, harming beneficiary choice, and causing millions of seniors to lose their current coverage. Moreover, the bill grants federal bureaucrats the power to eliminate the Medicare Advantage program entirely, making the oft-repeated statement, "if you like your plan you can keep it," ring hollow for seniors.

Lastly, if we are trying to make health care more affordable, how do you leave out tort reform? After all, litigation and the resulting practice of defensive medicine add tens of billions to the cost of health care. In Mississippi we passed comprehensive tort reform in 2004, partially to stop lawsuit abuse

in the area of medical liability. It worked. Medical liability insurance costs are down 42 percent, and doctors have received an average rebate of 20 percent of their annual paid premium. The number of medical liability lawsuits against Mississippi doctors fell almost 90 percent one year after tort reform went into effect. Doctors have quit leaving the state and limiting their practices to avoid lawsuit abuse.

With all the issues concerning a government-run health care system, I wanted to warn you of the state tax increases Mississippi will shoulder on top of the federal tax increases in the pending bills as well as my concern for the increased costs our senior citizens will face as Medicare Advantage is cut. Congress must slow down and work in a bipartisan manner. Everybody agrees that health reform is needed, but it should be done thoughtfully. I hope you'll keep this important information in mind when proposals that shift costs to states—or to our senior citizens—are considered.

Sincerely,

HALEY BARBOUR,  
Governor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

#### ALASKA TERRITORIAL GUARD

Ms. MURKOWSKI. Madam President, on January 22 of this year, I came to the floor to inform our colleagues in the Senate about a decision by the Department of Defense that service in the Alaska Territorial Guard during World War II would not be regarded as Active-Duty service for purposes of military retirement. That decision reversed the position that had previously been taken by the Army that this service did count toward military retirement.

As a consequence, 26 elderly Alaskans, descendants of the aboriginal people who originally inhabited Alaska, 26 Native people, predominantly Eskimo, were about to see a substantial reduction in their military pensions, this all happening in the dead of an Alaska winter when we were paying extraordinarily high fuel prices.

At that time when I came to the floor, I wondered out loud what kind of government, what kind of "Cruella" would cut the pensions of 26 elderly people who stood up to defend Alaska and our Nation during World War II with absolutely no prior warning, no advanced notice? The answer was our government, on advice of the lawyers.

In the Defense Appropriations Act for fiscal year 2001, Congress recognized service in the Alaska Territorial Guard as Active-Duty service. Section 8147 required the Secretary of Defense to issue discharge certificates to each member of the Alaska Territorial Guard under honorable conditions if the Secretary determined the nature and duration of the service of the individual so warrants. The military first concluded that included retirement benefits and then abruptly reversed that position with immediate effect.

As Lieutenant Colonel McNorton explained in a story carried by the Asso-

ciated Press, section 8147 applies to military benefits, including health benefits, but it does not make members of the Territorial Guard eligible for retirement pay.

I must emphasize, at this point, that no Alaska Territorial guardsman claimed a military pension solely because of his service in the Territorial Guard. The Alaska Territorial Guard was created in 1942 and disbanded in 1947. Many members of the "Tundra Army," as some called it, continued to serve in the Alaska National Guard and other units of the military. That service, combined with service in the Territorial Guard, forms the basis for the claim.

I have come to learn that when you use the term "Cruella" on the Senate floor, people sit up and take notice. My remarks were telegraphed across the blogosphere and national media outlets. The response that came from across the country to the plight of the 26 elderly Alaskans was truly heartwarming. Across the ideological spectrum, the response from the American people was outrage over this situation. The high level of national interest in the plight of these Alaska Territorial Guard members was not lost on the senior leaders of the Army. The Secretary of the Army rose to the occasion. He reached into his emergency and extraordinary expense fund—the triple E fund—to continue the payments to those elders for 60 days, in the hope that Congress would have an opportunity to address the issue by then.

My colleague, Senator BEGICH, and I promptly introduced legislation to correct that situation, but the legislation was not considered before the 60 days of temporary payments ran out. The Alaska Legislature stepped up to fill the gap, and they enacted legislation to continue the payments from State funds until February of 2010 in order to, again, give Congress the time to fix the problem.

With the support of our colleagues—and I especially appreciate the leadership and support from Senator LEVIN, my colleague and friend Senator INOUE, and Senator COCHRAN—language to clarify that service in the Alaska Territorial Guard counts toward eligibility for retirement pay that was included in that 2010 Defense authorization bill—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Ms. MURKOWSKI. Madam President, it was my understanding that I was to have 15 minutes under this time agreement; is that correct?

The ACTING PRESIDENT pro tempore. The Chair is aware of no such agreement, and the time for the Republican side has expired.

Ms. MURKOWSKI. Madam President, I do have additional comments I wish to make. I ask unanimous consent that

I have 5 minutes to conclude these remarks, if that is acceptable.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, I also wish to recognize my friend and colleague, Senator McCAIN, who was there at the end to help us with this issue.

The people of Alaska thank our colleagues, Senator INOUE, Senator McCAIN, and so many others for the consideration that was given these Alaska Territorial guardsmen. Last Friday, we were disappointed to learn that some in the administration might not share our enthusiasm for putting this matter to bed and restoring the retirement benefits for the 26 elderly Alaska Native veterans.

The statement of administration position on the Defense appropriations bill contains two sentences that read as follows:

The administration objects to a new General Provision that would count as "active duty" service the time the Alaska Territorial Guard members served during World War II. This provision would establish a precedent of treating service performed by a State employee as active duty for purposes of the computation of retired pay.

The notion that restoring these benefits establishes a precedent of treating service performed by a State employee as active-duty service defies logic and it defies history. Not only is it inconsistent with the letter of Congress's finding in section 8147 of the 2001 Defense Appropriations Act that the service was indeed Federal service, it is inconsistent with the facts, and I believe it is inconsistent with the law.

When our Lieutenant Governor—retired LTG Craig Campbell—heard this, he remarked:

The administration doesn't understand what the territorial guard is. This was an initiative of the Federal Government. They provided a federal service.

General Campbell recently retired as Adjutant General of the Alaska National Guard, and he is absolutely correct on this.

The Alaska Territorial Guard was created back in 1942 to protect Alaska from invasion by the Japanese. The notion that Japan had an interest in Alaska was far from speculative, as we know. The Japanese bombed Dutch Harbor and landed in Attu and Kiska in the Aleutian Chain. Enemy submarines lurked in the Bering Sea.

The ATG was organized by U.S. Army MAJ Marvin Marston under the leadership of a territorial Governor who reported to Washington. These were Uncle Sam's men. All who served were volunteers. They were not State employees. It was organized in the name of the President of the United States, and it was armed by the U.S. Army. The operations of the units were inspected by the U.S. Army, and the unit was disbanded in 1947 by order of the

U.S. Army. The unit was well known for its skill in protecting Alaska. These gentlemen were Native hunters and fishermen, but they knew the land better than any soldier that the army might have sent up from the lower 48. They kept watch over 5,000 miles of coastline for enemy vessels and submarines, shooting down Japanese balloon bombs, protecting the Lend-Lease Route between Alaska and Russia and recovering downed airmen. These were the core missions of the territorial guard.

It is very disappointing that 62 years after the Alaska Territorial Guard was disbanded the value of their service to our Nation and to our success in World War II has been drawn into question.

When I came to the floor on January 22 of this year, I gave the Defense Department the benefit of the doubt. I believe, as did General Campbell and his staff judge advocate, that the 2000 legislation entitled members of the ATG to all the military benefits merited by their service. The military at one time held that position, but then on January 22, they didn't. I called upon the Department of Defense to work with me, to work with Senator BEGICH, to make things right. The Alaska congressional delegation wrote to the President to enlist his personal support for this effort.

Nine years now have passed since Congress determined that service in the Alaska Territorial Guard during World War II was Federal service. Nine years have passed since the Secretary of Defense ordered that these brave members of the tundra army who remain alive are entitled to discharge certificates from the U.S. Army; 9 years since they were granted full Federal veterans benefits. I would suggest it is 9 years too late for the Defense Department to reopen the question of whether service in the ATG was Federal service. The Congress has answered this question with finality.

I mentioned that many Americans have registered their opinions on the Internet over the administration's position on territorial guard retirement benefits. Many think it is cruel to continue to deny these benefits. And many believe the administration's position denigrates the service of the Alaska Territorial Guard. Some have suggested the men who served deserve an apology. But one perceptive individual suggested, I doubt that President Obama actually made this decision or even knows about it.

So once again, I ask that President Obama personally support us in our quest to obtain justice for a few elderly Alaska Natives who once served our Nation with patriotism, with pride, and with distinction.

President Obama, show some heart, do the right thing, and support our efforts to restore military retirement benefits for these 26 individuals.

With that, Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

Mr. BEGICH. Madam President, I rise today to seek the continued support of my colleagues for recognition of a group of patriotic heroes who defended our Nation and Alaska from our enemies in World War II.

In 1935, famed Army GEN Billy Mitchell told Congress:

I believe that in the future, whoever holds Alaska will hold the world. I think it is the most important strategic place in the world.

General Mitchell was right. Less than a decade later, Alaska became the first American soil occupied by a foreign enemy since the Revolutionary War. To counter Japanese aggression against the territory of Alaska during World War II, a group of Alaskan Natives voluntarily formed the Alaska Territorial Guard. These brave men engaged in direct combat, as described by my colleague from Alaska, Senator MURKOWSKI, with the enemy in protecting all of Alaska. They shot down Japanese air balloons, conducted scouting patrols, carried out rescue missions of downed airmen, and built military airstrips and rescue shelters.

They played a key role in logistics support for the U.S. military stationed in Alaska by delivering food, ammunition, and other equipment to the forces. Their actions were vital to successful U.S. military efforts, preventing our enemies from securing a strategic location during the war.

As you can see by these photos surrounding me, the Alaska Territorial Guard was a unique group. They were mostly subsistence hunters and fishermen—the main breadwinners in their families—living in some of the most remote villages in the entire country. Receiving no pay or recognition for their service, the territorial guard mission was driven by a single value: patriotism.

Many of these members continued their service for years in the U.S. military after the Alaska Territorial Guard was disbanded in 1947. Unfortunately, the contributions of the Alaska Territorial Guard during World War II went unrecognized for half a century. In 2000, Congress finally acknowledged our Nation's debt to these brave men by qualifying their time spent in the Alaska Territorial Guard as Federal service.

Congress also directed the Secretary of the Army to issue discharge certificates to all those who served in the territorial guard. These discharge certificates entitled ATG members to veterans' benefits and was interpreted by

the Department of Defense to count as service in the Alaska Territorial Guard toward retirement credit. Twenty-six former members of the Alaska Territorial Guard finally began receiving a well-earned pension from the government. At long last, the sacrifice and the contributions of Alaskan Natives during World War II were recognized.

Then in January of this year, abruptly and without warning, the Defense Finance and Accounting Service stopped issuing pensions to these 26 guardsmen. This was based on the finding that their service was not Federal and, therefore, the payments were not legal. Thankfully, former Army Secretary Pete Geren issued temporary payments to ease the economic hardship experienced by these heroes while we worked on a more permanent solution.

To its credit, the Alaska legislature stepped up where the Federal government fell short. The State is paying their pensions until Congress can provide a permanent legislative solution or until February 2010, whichever comes first. I cannot imagine another situation where Congress would stand by and let veterans' entitlements be revoked and their sacrifices go unrecognized.

Luckily, my Senate colleagues also recognized this injustice. I thank my colleague, Senator MURKOWSKI, who introduced S. 342, a bill to provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay to restore pensions. I am a proud cosponsor of this legislation.

Working together with the leader of the Armed Services Committee, Senator LEVIN, and the ranking member, Senator MCCAIN, we were able to secure similar legislation to restore those pensions in an amendment to the National Defense Authorization Act for the year 2010, supported unanimously by the Senate. Most recently, the Senate Appropriations Committee included the same provision in the Defense Appropriations Act for fiscal year 2010.

However, I was extremely disappointed to learn in the statement of administration policy for fiscal year 2010 Defense Appropriations bill that the national administration has voiced objection to the provision that would count Alaska Territorial Guard service as active-duty time for retirement purposes. I remind my colleagues that the Alaska Territorial Guard members were not State employees. They were patriotic Alaska Natives answering the call of duty from their country.

Allowing their service in the Alaska Territorial Guard to count as Federal service cannot set a precedent because there is no other group like them in this country. They served the United States in a time of war by defending an

American territory from the enemy. They engaged in combat. And they did this because they felt the same sense of patriotism during World War II that every active member of the Army and Air Force and every other military branch did.

These brave Alaskans are now in their 70s and 80s. Just this past Monday, one of them—Nicholai E. Nicholai of Kwethluk—passed away before he could see this issue resolved. I ask my colleagues for their continued support to ensure that the now 25 Alaskan Natives who defended this Nation receive their earned pension by supporting the provisions in the National Defense Authorization Act and Defense Appropriations Act for fiscal year 2010.

I also join my colleague Senator MURKOWSKI in asking the administration to reexamine their objection to restoring the retirement payments and honoring our World War II veterans. Our time is running short to correct this injustice and restore these modest payments. The Federal Government turned its back on these men at the end of the war. I hope Congress and my colleagues in the Senate won't let that happen.

I yield the remainder of my time.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for fiscal year ending September 30, 2010, and for other purposes.

Pending:

McCain amendment No. 2575, to provide for testimony before Congress on the additional forces and resources required to meet United States objectives with respect to Afghanistan and Pakistan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I believe that the McCain amendment is the pending amendment. We will be offering or suggesting that a unanimous consent agreement be entered into where an amendment of mine could be voted upon side by side with the amendment, with the vote on mine occurring first, under the traditions of the Senate. We are trying to see if we can enter into a time agreement.

I believe our staff is working on a unanimous consent agreement that would allow for that to happen pending the offering and acceptance of that, hopefully.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, may I say through the Chair to my friend, the distinguished chairman, I understand there will be side-by-side amendments. I would be glad to enter into a time agreement that is agreeable to the chairman, and not an extended length of time—it is not a complicated issue—and then votes on both side-by-sides. I hope we could announce that agreement shortly, and I thank the chairman for his courtesy.

We are discussing now two amendments, as I understand it, and both of them call for testimony before Congress on meeting the United States objectives on Afghanistan and Pakistan. Many of us have been very concerned about the fact that we have not heard from General McChrystal and General Petraeus on this issue of our strategic policy in Afghanistan, and of course most importantly the disposition or dispatch, I might say, of American troops, and increasing American troops to Afghanistan to implement the strategy that, according to Admiral Mullen, the Chairman of the Joint Chiefs of Staff, was agreed upon last March.

I must say, without mentioning any classified information, the briefing that I attended yesterday with General Jones doesn't seem to corroborate that statement by Admiral Mullen. But the point is we need to hear from the architects and the commanders.

If the President does not want to talk to the commander in the field, General McChrystal very often—in fact, it was reported in a “60 Minutes” interview that he gave he said he had spoken to the President once in 70 days, although the President talks to labor leaders almost on a daily basis pushing his health care agenda—the fact is we as Members of Congress, a coequal branch of government, also have a responsibility in this decision-making process.

I respect the President's role as Commander in Chief. I respect the President of the United States making a decision. But I also cherish the role of the Senate and House of Representatives in being informed as to the views of our military commanders in whom we place the responsibility for the lives of our young men and women who are in harm's way.

All we are seeking with this amendment is a date certain, not immediately—the date for this requirement of testimony by General McChrystal, General Petraeus, General Stavridis and perhaps others if necessary—by November 15. That is a month and a half from now. Should not we hear a month and a half from now, within a month and a half, as to what we are considering? I hope the decision would be made clear.

Admiral Mullen, Chairman of the Joint Chiefs, in testimony said:

The President has given us a clear mission: disrupt, dismantle and defeat al Qaeda . . .

But the President, in March, said of the situation—the President of the United States said the situation there was “increasingly perilous and that the future of this troubled nation is inextricably linked to the future of its neighbor Pakistan.” He also called it a “war of necessity,” and declared “America must no longer deny resources to Afghanistan.”

Obviously I agree with him. Time after time I have made my commitment of willingness and desire to work with him. But it is very difficult for members of the Armed Services Committee and Members of the Senate to work with him if we are not informed by the uniformed commanders in the field. Admiral Mullen, the Chairman of the Joint Chiefs of Staff, emphasized in testimony before the Senate Armed Services Committee, time is not on our side. There are already somewhere between 62,000 and 68,000 American troops in the field in danger. Tragically, casualties have gone up. We have a responsibility also. We have a responsibility to hear from our commanders in the field.

Let me point out, General McChrystal was on “60 Minutes” talking about what we needed to do in Afghanistan. General McChrystal gave a speech in London just yesterday talking about what we needed to do. So it is OK with the administration for General McChrystal to go on “60 Minutes.” It is OK for him to give a speech at the Institute for Strategic Studies in London. But the administration does not want General McChrystal and General Petraeus before the Senate Armed Services Committee. How does that work?

I hope my colleagues will vote for my amendment, which calls for the same, basically, testimony by the commander of the United States Central Command, commander of the United States European Command, and Supreme Allied Commander—Europe, Commander of the United States Forces—Afghanistan, and of course we would like to hear from the United States Ambassador to Afghanistan, Ambassador Eikenberry.

This is pretty clear. This is a very clear decision we have to make. We are asking that within a month and a half from now these individuals appear before the respective committees and testify as to what they believe the best strategy is to be employed in order to achieve victory. Why should not the Senate and the Congress and the people of the United States hear, directly in testimony before the Congress, what they believe is the best way to ensure victory in Afghanistan?

I understand the debate that is going on within the White House and the deliberations that the President is undertaking as he considers the most heavy

responsibility that any President has, and that is to send our young men and women into harm’s way. I have some sympathy. But I would point out there are already close to 68,000 young Americans there, and casualties are going up.

According to Admiral Mullen, according to every expert, the situation is deteriorating in Afghanistan, so this should not and must not be a leisurely exercise. Decisions have to be made and we—I speak for myself and I am sure all of my colleagues—we want to be part of that decisionmaking. We do not want to make that decision because that is the responsibility of the President of the United States, but it is also the responsibility of the Congress of the United States to appropriate the money for it.

When a President lost the confidence of the American people and the Congress of the United States in a war long ago and far away, the Congress of the United States did cut off the funding for further assistance in Vietnam.

I hope the Senate will act in a positive fashion and act on what I think is a reasonable request, that within a month and a half we could have the testimony before the Senate Armed Services Committee.

I remind my colleagues, the chairman of the House Armed Services Committee, the distinguished Congressman IKE SKELTON, and the ranking member of the House Armed Services Committee, also want this testimony to take place. The majority leader of the House of Representatives, Congressman HOYER, has also called for testimony before the Congress of the United States. Why the administration should be reluctant to send these people before us so we can, in any way we can find possible, support the President of the United States as he makes these tough decisions—which we cannot do unless we are informed of the opinion of those we are sending to command and lead in battle—then it is difficult for us to show our support for the President in the form of appropriations bills and authorizations as to what is needed without hearing from the commanders in the field.

There will be discussion about General Petraeus’s testimony before the Congress of the United States. I remind my colleagues the decision was made by the President on the surge very rapidly; that the decision was made and General Petraeus was called before what—appeared before the Senate Armed Services Committee to give the reasons for that. I think it is very important. It is very important that the man the President of the United States fired, the previous commander—let’s be clear, fired the previous commander because he had confidence in General McChrystal—that we should also be allowed the ability to hear about his vision and his strategy that would bring

about a successful conclusion of a long, tragic, hard involvement in Afghanistan.

I hope we can have the same luxury that the Institute for Strategic Studies in London received with General McChrystal giving a speech there and answering questions; that we would have the same courtesy that “60 Minutes,” the producers and commentators on “60 Minutes” just received. I hope the Senate would receive that same ability to directly question General McChrystal, General Petraeus, and others.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I don’t know if the unanimous consent agreement has been cleared yet, so I will proceed to debate both the McCain amendment but also the amendment I will be offering as though it is currently pending, because I do expect both amendments will be voted on at the same time.

First, to comment on the two statements that were just made by Senator MCCAIN, one has to do with when did General Petraeus testify relative to the Iraq surge. This is a very critical point because indeed General Petraeus did testify relative to the Iraq surge, but he only testified after the decision was made relative to that surge by the President of the United States. The person who was the commander in Iraq at that time, while the deliberative process was underway in the White House as to whether a surge should take place, did not testify and was not asked to testify. There was no pressure placed on the President of the United States during those 3 months when he was deliberating on whether to surge troops into Iraq, to have his Iraq commander come up here and testify right in the middle of that deliberative process. There was no resolution, there was no request, there was no pressure being placed on the Bush White House to have his commander, who was then General Casey in Iraq, to come up and testify about whether additional troops should be sent to Iraq.

I have no doubt as to what the response would have been by President Bush and his folks: We are in the middle of a deliberative process—which took about 3 months. Secretary Gates has testified to this. He has spoken about this 3-month deliberative process and we have gone back and checked. It was about a 3-month deliberative process that the President then was engaged in.

The first thing that happened was that President Bush announced this surge on January 10, 2007. Then and only then did Secretary Gates and General Pace, who was the Chairman of the Joint Chiefs, testify before the Armed Services Committee. And then and

only then did General Petraeus testify before the committee on January 23. The commander in Iraq during those critical months—September, October, November, December of 2006—was General Casey.

I think history records that he, as a matter of fact, opposed additional troops to go in to Iraq. But there was no effort made here to get General Casey to come before us and to testify as to why he was opposed to putting troops into Iraq at the same time that President Bush was considering whether to adopt a policy which would send additional troops into Iraq. We did not do that and we didn't do it for a good reason. We didn't think it was appropriate.

So my first comment has to do with whether the kind of policy that we adopted relative to the President of the United States when President Bush was President, and undergoing the same kind of deliberative process as to whether additional troops should be sent into a country—very similar to what President Obama is undergoing right now—whether the commander there now should be put in a position which we did not put General Casey in? We know what the response of the Bush White House would have been. There was no doubt as to what the response would be. While the President of the United States is thinking through whether to surge troops into Iraq, his commanding general, General Casey, was not called before us. We did not have resolutions here saying call General Casey in. Those of us who opposed additional troops going into Iraq probably had an ally in General Casey, as history has written; in opposition to sending in additional troops.

But there was no effort to put pressure on President Bush by having his commander in the field come before us at a public hearing and say he was opposed to the very thing the President of the United States was considering.

The commander, General Casey, was not put in that position. No commander should be put in that position while the President is hearing from the commander as part of a deliberative process on the very critical issue of whether to send troops in.

So a request was made of me by a number of my colleagues to have a hearing at which General McChrystal would be called. My answer was: We should not do that at this time. There will be an appropriate time. There will be an appropriate time.

The appropriate time is the same time General Petraeus was called in and the Chairman of the Joint Chiefs was called in, which was after the decision and not in the middle of that deliberative process.

So the White House is now undertaking a rigorous review of General McChrystal's assessment of the situation and approach in Afghanistan. By

the way, before I go any further on this, I read the transcript of General McChrystal on "60 Minutes." I have not seen the speech in London that my good friend, Senator McCain, made reference to, but I have read the "60 Minutes" transcript. There was no effort to obtain from General McChrystal what his advice was relative to the resource question, the troops question, which lies before the President.

I know what his response would have been had he been asked, which is, that is between him and the President. But the very purpose of the hearing which is the subject of the McCain amendment, the very purpose, is a hearing on the resources needed or recommended for Afghanistan. That is the very subject which is now under consideration by the President of the United States.

So we have now a President, with his security team, including General McChrystal, who I understand was on a TV monitor yesterday with his responses—we have a President of the United States undertaking a rigorous review of General McChrystal's assessment. We have the assessment relative to the situation in Afghanistan that has already been provided and has now been made public.

What is now under consideration is whether there ought to be a change in strategy from the March strategy, given the problems that have occurred in Afghanistan since the election, and given the other changes that have taken place, including in neighboring Pakistan, which has an effect on Afghanistan.

According to General McChrystal himself, a policy debate is warranted. What he has said over and over again in his assessment is: Debate strategy before you debate resources. He said: Resources are going to be needed whatever the strategy is. That is General McChrystal's statement: There will be needed resources.

General McChrystal: "Additional resources are required." This is his assessment. But it is the second half of his sentence which is ignored too often, particularly in the media. After he said additional resources are required, without specifying what they are, that is left to this document which is now in the hands of the President, he said:

Additional resources are required. But focusing on force or resource requirements misses the point entirely. The key takeaway—

He said from his assessment, these are his words—

is the urgent need for a significant change to our strategy and the way that we think and operate.

Yet it is a hearing on resources that could come in the middle of a deliberative process. We are not sure whether by November 15 that deliberative process will be completed. I have every reason to believe it will be by November 15, but we do not know. So the McCain

amendment has an arbitrary date, whether this deliberative process is completed by November 15 or not under this resolution—and I will be offering an alternative to this. Under this McCain resolution, he must come before appropriate committees before November 15.

That is an arbitrary date, whether the deliberative process of the President of the United States is completed or not. But it is on the very subject, on the very subject that is now under consideration by the President. That subject is resources, troops. But listen to what General McChrystal says. He said: Yes, there are going to be resources needed—without specifying what they are.

As far as we know, he has not, at least in the assessment that is unclassified. But then he says:

New resources are not the crux. To succeed, ISAF requires a new approach with a significant magnitude of change, in addition to a proper level of resource.

So it is not the crux. He says strategy is the crux. But the McCain amendment says: We want to hear from McChrystal by a specific date, whether there has been a decision on the crux of the matter or not, which is the strategy. That is not me talking, that is General McChrystal who is saying: The crux of the matter is the strategy.

So now we have the White House—by the way, I am happy to interrupt my comments at any time if there is a unanimous consent agreement that has been reached. So if either the ranking member or Senator McCain knows whether we are in a situation—I would tell you so everybody can know what the proceedings are here, that at any time there is a unanimous consent agreement that can be offered, I would be happy to interrupt.

Mr. McCain. I ask unanimous consent to respond to my colleague on that issue.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCain. I would say to my colleague, we are asking if there are any other speakers. We should know that in a few more minutes. Then we would agree to a time agreement.

Mr. Levin. I thank my friend.

So now General McChrystal himself talks about the value of a policy debate. Here is what he said in the article in the New York Times: He welcomes alternative proposals for how to stabilize Afghanistan and Pakistan. Then he says: "This is the right kind of process." He says: "I have been given the opportunity to provide my input to the decision."

So we have this internal deliberation going on in the White House, which I think we would all agree is a matter of supreme importance; that is, whether we put troops in harm's way, and how many, what is the strategy they are

following, what is their mission. That is the most important decision I believe a President of the United States can make. It should be a deliberative decision. It is going to be a deliberative decision. This President has made it clear.

There was a March strategy, but there are a number of things that have changed since March, including an election where there are significant allegations of fraud. When such an election takes place, that lowers the support of the people of Afghanistan for a strategy which involves them. They must succeed. It is the people of Afghanistan who have to succeed. It is the Army of Afghanistan that has to succeed. It is the police in Afghanistan. It is the civil administration which must succeed in Afghanistan.

If there is this question about an election which then might impact the support of the people for the very policies in Afghanistan, the institutions that need to be fought for, that could change things. There are events in Pakistan. The Pakistani Government is doing a lot better relative to some of the threats they face. That can make a change. But the President of the United States is committed to reviewing what has happened since March, to see whether that strategy still applies or whether he wishes to change that strategy. It is a debate General McChrystal himself has said is warranted. There are a number of differences between the amendment which I am going to be offering and the pending amendment of Senator MCCAIN.

Madam President, I think we now have a unanimous consent agreement which has been cleared. I ask unanimous consent that amendment numbers 2593, which is the Levin amendment, and 2575, which is the McCain amendment, be debated concurrently for a period of 30 minutes, with the time equally divided and controlled between Senators LEVIN and MCCAIN or their designees; that no amendments be in order to either amendment prior to a vote in relation thereto; that the vote sequence be as the amendments are listed above; further, that once this agreement is entered, Senator LEVIN be recognized to call up amendment 2593; and that prior to the second vote in the sequence, there be 2 minutes, equally divided and controlled, prior to each vote, with the second vote 10 minutes in duration; and that the votes in relation to the amendments be at 2 p.m. today; provided further that following this debate, the amendments be set aside until 2 p.m.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I ask the distinguished chairman, does that mean 30 minutes from now, equally divided, or the time that has already been consumed?

Mr. LEVIN. I understand it means from now.

Mr. MCCAIN. From now. I do not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 2593

Mr. LEVIN. I thank my friend from Arizona. I now call up amendment No. 2593.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2593.

Mr. LEVIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

#### AMENDMENT NO. 2593

(Purpose: Relating to hearings on the strategy and resources of the United States with respect to Afghanistan and Pakistan)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) HEARINGS ON STRATEGY AND RESOURCES WITH RESPECT TO AFGHANISTAN AND PAKISTAN.—Appropriate committees of Congress shall hold hearings, in open and closed session, relating to the strategy and resources of the United States with respect to Afghanistan and Pakistan promptly after the decision by the President on those matters is announced.

(b) TESTIMONY.—The hearings described in subsection (a) should include testimony from senior civilian and military officials of the United States, including, but not limited to, the following:

- (1) The Secretary of Defense.
- (2) The Secretary of State.
- (3) The Chairman of the Joint Chiefs of Staff.
- (4) The Commander of the United States Central Command.
- (5) The Commander of the United States European Command and Supreme Allied Commander, Europe.
- (6) The Commander of United States Forces-Afghanistan.
- (7) The United States Ambassador to Afghanistan.
- (8) The United States Ambassador to Pakistan.

Mr. LEVIN. Madam President, I believe that the Congressional hearings, which are appropriate, should now be handled in the same way as was done when President Bush was deliberating on a surge strategy for Iraq. That is when the President has received his recommendations and has made a decision.

We will, at that point, properly have administration officials come up to Congress, explain the President's decision. We will hear from our military chain of command at that time, including General McChrystal but not limited to General McChrystal. We have a Secretary of Defense whom we need to hear from. We have a Chairman of the Joint Chiefs of Staff whom we need to hear from, as well as our CENTCOM

commander and our Afghanistan commander.

First, we need to be clear on our strategy. I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LEVIN. We need to be clear on our strategy first, then address the question of the resources that are needed to be committed to that strategy.

Under the amendment which I am offering, which will be voted on concurrently, or at the same time as the McCain amendment, we are going to have, if this amendment is adopted, a hearing not just on resources but on strategy and resources.

We are going to have that hearing, if this amendment is adopted, at the appropriate time, not with an arbitrary deadline, which sets a very bad premise. I believe in this circumstance, similar to the Bush Iraq surge circumstance, where the President of the United States, be it President Bush or President Obama, has before him and is considering, in a very deliberative way, this kind of a life-and-death decision.

Under the Levin amendment, there will be a hearing without an arbitrary deadline, but the hearing will take place and could take place long before November 15. The hearing under my amendment will take place promptly after the decision is made by the President.

There is another difference between the two amendments. In addition to the Levin amendment including a hearing on strategy as well as resources, again, General McChrystal says the strategy is the crux of the matter, not just resources. So under the Levin amendment, the hearing will look at both the decision on strategy as well as on resources.

Secondly, under the Levin amendment, the testimony will come after the decision of President Obama, just the way we had hearings after the decision by President Bush.

Third, the hearings will include testimony not only from the Central Command commander and from General McChrystal, our Afghanistan commander, and the Ambassador to Afghanistan, under the Levin amendment the hearing will also take testimony from senior civilian officials and military officials not included in the McCain amendment, including the Secretary of Defense, the Secretary of State, the Chairman of the Joint Chiefs of Staff, and the Ambassador to Pakistan. That is the third difference between the two amendments which we will be voting on at 2 o'clock.

Finally, in addition to outlining those three critical differences between the two amendments, I want to read from a letter received yesterday—or this morning from Secretary Gates by the majority leader.

I am writing in response to your request for an update on the . . . strategy and resource assessments prepared by General Stanley McChrystal.



He goes through a number of paragraphs describing pretty much what we all know, including that General McChrystal's initial assessment, which has been available to us, "will serve as the prime focus" of the review the President has undertaken, "although other options and perspectives will also be included." So in addition to General McChrystal's initial assessment, he will also be looking at other options and considering other perspectives.

Then Secretary Gates says the following in this letter to the majority leader:

The decisions that the President faces may be some of the most important on Afghanistan in his presidency, so it behooves us to take the necessary time to make sure we get this right. That said, there are a number of internal meetings scheduled over the next few weeks on this topic. I do not expect decisions on the overall strategy—or the resources necessary to carry it out—to take an extended period of time.

He concludes as follows:

Until the President makes his decision on the way forward in Afghanistan, it would be inappropriate for me—or our military commanders—to openly discuss the advice being provided or the nature of the discussions being carried out with the President. However, once the President acts, I will be happy to testify before the appropriate committees of the Congress and to facilitate similar testimony by commanders and other senior Department leaders.

I believe that is the right approach. It is the approach we took when President Bush was considering for 3 months whether to surge troops in Iraq. We did not try to bring his Iraq commander before the Congress for public hearings, a commander who history has indicated—at least it was fairly clear at the time—had a very different perspective than his Commander in Chief. We did not put him in that position. We didn't do that to the President of the United States, to have his commander in the field come before us and say what his opinions were that he was giving to the President at that time. We should not do that now.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to point out what Admiral Mullen at the Joint Chiefs of Staff said: Time is not on our side. We cannot afford to leisurely address this issue. I believe the Congress needs to be involved. The Commander in Chief is the Commander in Chief. But the Congress has a role to play because only the Congress can provide needed funding and develop other policies as regards the responsibility we all have when our government decides to send young Americans into harm's way.

I have watched a lot of decisions being made in my time. I have agreed with some and disagreed with others. One of the earliest decisions I was involved in was many years ago when

Ronald Reagan decided to send marines to Beirut. At the time, I thought the mission was not sufficiently resourced and I thought it would unnecessarily put young marines in harm's way. I objected; I spoke against it. Unfortunately, I was correct.

History does have a tendency to repeat itself. The fact is, unless this effort in Afghanistan is properly resourced, as recommended by General McChrystal, as recommended by Admiral Mullen and supported by history, we are doomed to failure. To think that a month and a half would elapse before that decision was made, because the strategy was decided on last March, and then to go through a bizarre sequence of events—I have never seen anything like it. First, General McChrystal was told not to send his troop request to Washington while these discussions were going on. After that was revealed to be the farce it was, now the Secretary of Defense is not going to forward the troop request to the White House as they make decisions on the number of troops needed. How does that work?

Let's get this straight. The Secretary of Defense has said he is not sending over the number of troops requested by General McChrystal, which is known to everyone as 30,000 to 40,000 troops. Apparently, it will be known to everyone except the President, who is supposed to make the decision. We have legitimate questions about a process such as that to start with. No Commander in Chief can make a decision about how to conduct a conflict unless that Commander in Chief knows what resources are required. Without having the recommendation for the number of troops being transmitted to the Commander in Chief, there is no way a rational decision can be made.

What is going on here is pretty obvious. It is very obvious what is going on. The Chairman of the Joint Chiefs, General Petraeus, General McChrystal—all know we need additional troops in the range of 30,000 to 40,000, and the administration is backing off of that or trying to find the exit sign. It is well known. It had been broadcast all over television that there are individuals—including the Vice President, now, unfortunately, the National Security Adviser, the chief political adviser to the President, Mr. Rahm Emanuel—who don't want to alienate the left base of the Democratic Party. That is what this is all about.

The American people need to know what our military commanders, in their best judgment, think we need to defend this Nation. They need to know it within the next month and a half. Do I need to remind my colleagues we have 68,000 Americans there now? Just a few days ago, five brave young Americans died in 1 day. Admiral Mullen said in his testimony before the Armed Services Committee that the clock is

ticking. We are running out of time. This is an urgent situation. This is not a decision as to whether to send troops into harm's way. Troops are already in harm's way. They are already there, and they are getting wounded and killed while, according to the President's National Security Adviser, we are considering all options. Shouldn't we consider seriously the option of the recommendations of military commanders? I am not saying they have the final say; I am saying they should be given great weight.

Here we are asking for testimony from those people who, again—the President fired the commander in the field to replace him with General McChrystal, and yet we are not transmitting the fundamental and most difficult aspect of General McChrystal's recommendations as to how to implement a strategy that was agreed on last March.

I fear that domestic political considerations are impacting a decision which has to do with the future security of the United States. Just recently, the former President of Pakistan, President Musharraf, said that American delay is being interpreted as a sign of weakness by countries in the region. We left Afghanistan once. We helped the brave Afghans drive out the Russians who were then trying to make Afghanistan part of the Soviet Union. We drove them out and we left. What happened? The Taliban took control. Al-Qaida cooperated with them, and the attacks on the United States of 9/11 took place by people who were trained in Afghanistan.

Let's have no doubt what is at stake. The American people and their representatives at least need to hear within the next month and a half, 45 days, as to what the recommendations and strategy of our military leaders are. I emphasize, they are not the last word. The Commander in Chief has the last word. But the Commander in Chief, whatever decision he makes, also has to come to Congress for the necessary assets and authorization to do whatever his strategy is. So we do play a significant role. The American people and their elected representatives, as the chairman of the House Armed Services has said, as the majority leader of the House of Representatives has said, need to hear from these military leaders.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. LEVIN. I yield myself 2 minutes.

It is clear that a number of things are happening. One is, there is a deliberative process going on. There is not much doubt that the clock is ticking. That is clear. The question is—and this

is what General McChrystal says—get your strategy straight. Take the time to get your strategy straight. He also recommends that there will be new resources, whatever the strategy. But he says the key here—these are his words—take the time to get your strategy right. We can either spend the time that the President deserves and President Bush took to get the strategy right or we will be jeopardizing the lives of the men and women who put on the uniform of the United States, if there is a wrong strategy in place.

The clock was ticking in Iraq. Back in September 2006, there was a recommendation that there be a change in strategy in Iraq, that there be a surge of troops. The recommendation was made by General Keane in September 2006, start a surge. For over 3 months, while the clock was ticking, President Bush considered whether to change the strategy in Iraq. He finally changed it in January of 2007, taking 3 or 4 months to make that decision.

Do you know what. He got the strategy right, finally, in January of 2007, because the surge had a positive effect. But he took the time to make a decision. We did not put pressure on him by calling a commander from the field, who apparently had a very different perspective, for hearings during that process. We respected that process. We did not try to put pressure on a President of the United States by calling the commander, General Casey, in to tell us: No, we do not need more troops, which is apparently what he would have told us, while the President of the United States was considering whether to send additional troops.

The analogy is incredibly close to what is going on now. We should be treating the President of the United States, President Obama, with the same respect for the deliberative process that we provided to President Bush.

Mr. President, I ask unanimous consent that a letter which was sent by Secretary Gates to the majority leader, Senator REID, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,  
Washington, DC, September 29, 2009.

Hon. HARRY REID,  
Senate Majority Leader, U.S. Senate,  
Washington, DC.

DEAR MR. MAJORITY LEADER: I am writing in response to your request for an update on the ongoing evaluation of the strategy and resource assessments prepared by General Stanley McChrystal, Commander, International Security Assistance Force (ISAF).

As we stay on the offense against Al-Qaeda, from here at home to around the world, the President and his national security team are in the midst of an ongoing evaluation of the mission in Afghanistan in order to assess the overall situation and our strategy following the Afghan elections. Those elections, as well as the evolving situation in Pakistan over the last number of

months, require us to review the U.S. approach in the region to ensure that, first, we have the right strategy and, second, we have the necessary resources in place to carry it out.

You will recall that when the Administration announced the results of the initial review of Afghanistan strategy in March 2009, we also acknowledged the need to reassess our approach following the national elections this fall. Accordingly, the President has asked that we conduct a careful and thorough assessment of these questions in order to provide him with the considered best judgment of his national security team and military leadership. General McChrystal's initial assessment will serve as the prime focus of this review, although other options and perspectives will also be included.

The decisions that the President faces may be some of the most important on Afghanistan in his presidency, so it behooves us to take the necessary time to make sure we get this right. That said, there are a number of internal meetings scheduled over the next few weeks on this topic. I do not expect decisions on the overall strategy—or the resources necessary to carry it out—to take an extended period of time.

Until the President makes his decision on the way forward in Afghanistan, it would be inappropriate for me—or our military commanders—to openly discuss the advice being provided or the nature of the discussions being carried out with the President. However, once the President acts, I will be happy to testify before the appropriate committees of the Congress and to facilitate similar testimony by commanders and other senior Department leaders.

Sincerely,

ROBERT M. GATES.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, again, unfortunately, a lot of the information we have to get is through the media rather than testimony before the Senate Armed Services Committee. I do think it is worthy of note that there is a story dated October 1, 2009, which says:

The top military commander in Afghanistan, Gen. Stanley A. McChrystal, rejected calls for scaling down military objectives there on Thursday and said Washington did not have unlimited time to settle on a new strategy to pursue the eight-year-old war.

... General McChrystal said that the situation in Afghanistan was serious and that "neither success nor failure can be taken for granted."

General McChrystal was asked by a member of an audience that included retired military commanders and security specialists whether he would support an idea put forward by Mr. Biden to scale back the American military presence in Afghanistan to focus on tracking down the leaders of Al Qaeda, in place of the current broader effort now under way to defeat the Taliban.

"The short answer is: no," he said. "You have to navigate from where you are, not where you wish to be. A strategy that does not leave Afghanistan in a stable position is probably a short-sighted strategy."

He did not mention Mr. Biden by name.

All of us here have great affection and appreciation for the Vice President. We have all gotten to know him

and like him over the years. But the fact is, the Vice President of the United States, in the first gulf war, after Saddam Hussein had invaded Kuwait, voted against the resolution, saying it would be another Vietnam war. He has voted consistently against U.S. involvement. And the latest, of course, was when his idea was to divide Iraq into three different countries. So the Vice President does have a clear record of being consistently wrong. I hope that is taken into consideration when he comes up with his ideas about Afghanistan.

General McChrystal has been reported to be seeking as many as 40,000 additional American troops for the war, a number that has generated concern among other top American commanders.

But that number—which is known to everyone, and keeps being reported—that number is not going to be transmitted to the President by the Secretary of Defense. You can't make that up. Everybody knows it, but it is not going to be sent to the President by the Secretary of Defense.

Anyway:

In a confidential assessment of the war last month now under consideration by the Obama administration, General McChrystal said that he needs additional troops within the next year or else the conflict "will likely result in failure."

Mr. President, we have a limited amount of time, but I do not have to tell most people and colleagues here what the consequences of failure in Afghanistan might be. So what we are asking is, sometime within the next month and a half—the next month and a half—that we get General McChrystal in particular but also the most brilliant general I have ever encountered in my life, General Petraeus, and others, to testify before the Senate Armed Services Committee. Maybe the House Armed Services Committee, whose chairman said they needed that testimony, will proceed without us. I would feel very badly if the U.S. Senate were not given the same opportunity to have General McChrystal and General Petraeus appear before them, as the House Armed Services Committee chairman has said they want.

I want to emphasize to my colleagues, we are asking, sometime within the next 45 days, an appearance by the leaders we have put in charge of the lives of our young American men and women. We are just asking for them to come and testify before our committees of jurisdiction, to exercise our responsibilities as representatives of our States. That is all we are asking. That is all we are asking.

There are already 68,000 there. They are being wounded and killed as we speak. And as the Chairman of the Joint Chiefs of Staff has said: Time is not on our side. The situation is deteriorating.



Shouldn't the Senate Armed Services Committee and, through us, the American people and the Senate Appropriations Committee, which has its responsibilities, also hear from these great leaders who are in charge of the lives and safety and well-being of our men and women in uniform and are charged with achieving victory and not defeat, achieving success and not failure in Afghanistan?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. LEVIN. Mr. President, the stakes here are truly huge. We obviously share one goal; that is, to succeed in Afghanistan. What General McChrystal has pointed out repeatedly in his assessment is that the way to succeed is not just with resources. He says the crux of the matter is to get a new strategy. His words: get a new strategy.

The question is, are we going to allow this President the same opportunity to put a strategy in place or to change it, as President Bush did in Iraq, as we have afforded to other Presidents, including President Bush?

The right strategy here is key, as well as the resources. And to set an artificial date is a terrible precedent. To put a commander in the field at a public hearing to try to pressure a Commander in Chief to reach a certain result is unacceptable, inappropriate. The Secretary of Defense is not going to allow it, nor should he, and we are not going to ask it, as chairman of the Armed Services Committee. I hope the Senate does not ask for that to happen either. We did not do that to President Bush. We should not do that to President Obama.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. Each Senator has 2 minutes remaining.

The Senator from Arizona.

Mr. MCCAIN. Well, Mr. President, let me say, if I could—I will use my remaining 2 minutes—I appreciate very much the relationship I have developed over more than 20 years with the chairman of the committee. From time to time, we have had differences and vigorous debate. I want to emphasize, I respect the opinions and views and authority of the chairman of the committee. We just simply have an open and honest disagreement.

I hope my colleagues will understand the urgency of this situation and agree to my amendment that does not in any way diminish my respect and appreciation of the way the Senator from

Michigan chairs the committee and acts on a bipartisan basis, which is a long tradition of the Armed Services Committee. I urge my colleagues to vote in favor of my amendment.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield my remaining 2 minutes to Senator KAUFMAN.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I cannot think of two better people to be involved in a discussion about what we should be doing in Afghanistan than Senator MCCAIN and Senator LEVIN.

Where I come down on this issue is with Senator LEVIN because I believe it is very important we give the President time to discuss this issue in detail. There are a lot of different pieces to this puzzle. It is not just General McChrystal's report. It is a report by Ambassador Eikenberry. It is a report by Ambassador Holbrooke. I think he would have a report from Ambassador Patterson from Pakistan. I think we need a report from the DOD in terms of force structure and what additional troops we would have beyond that.

There are a number of issues that have to be dealt with here. I think as in the past with President Bush, where there was a 3-month process before the surge—during that time, people were able to talk to the President, and to work their way up the chain of command in the military, and the civilians to work their way up in the Department of Defense, to talk to the President so the President could have their counsel before the President made his decision.

I think that is what we need here. I think one of the most important things President Obama said in his speech the other night to the joint session was: I am going to be here for a long time, so I want to get it right.

We have to get it right in Afghanistan. I think this is the obvious time to proceed. Clearly, the present election and the flaws in the election, in addition to General McChrystal's report which points out the rise of the Taliban, demonstrates it is time for us to sit down and take a hard look at what our strategy in Afghanistan is. I think the President is going to do that. He is going to go through a process. Many people have to be involved. Many different issues have to be done. And then the President will come with his plan for Afghanistan.

At that time, after that happens, I think then—Chairman LEVIN is correct—we should have hearings, we should have people come and testify, and that will be the time to do it. In the meantime, I think we owe it to the military chain of command that everyone involved in that chain of command

be allowed to come and talk to the President so he can make the best decision he can possibly make before the Senate gets an opportunity to deal with everyone who is going to be involved with the President.

So, again, I support Senator LEVIN's amendment. I think it is essential we have a process that allows it to go forward.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KAUFMAN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to speak for 10 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I want to thank Senator MCCAIN for his warm comments. I feel very strongly about our relationship. It is a great relationship. It could not be possibly affected by differences over policies. I have great respect for the Senator and the huge contributions he makes to this body and to the Nation.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the order of business?

The PRESIDING OFFICER. The Levin amendment is the pending amendment.

AMENDMENT NO. 2569

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2569 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2569.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore \$294,000,000 for the Armed Forces to prepare for and conduct combat operations by accounting for the August 2009 Congressional Budget Office economic assumptions and by reducing funding for congressionally directed spending items for low-priority research and development projects)

On page 239, beginning on line 21, strike "the total amount" and all that follows through "\$236,000,000" and insert "the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$530,000,000".

Mr. COBURN. Mr. President, I have several amendments that go along this line, but my question to the Appropriations Committee is one of trying to clarify for the American people the numbers that were used to downsize

the operation and maintenance account based on what the expected inflation rate was.

It is important to know. The O&M account is what runs everything. What came out of the bill was \$294 million because you chose to use an inflation rate that was less than what CBO and OMB had stated it would be. You did use the one that was the one prior. But the one presently would, in fact, add another \$294 million to the operation and maintenance account. I would be glad to hear the reasoning why we chose to use it. I think I know why the reasoning—because it allows more ability to do other things Members would like to do.

What this amendment is trying to do is to restore that money to truly reflect the inflation rate that OMB and CBO have said it would be. Three-tenths of 1 percent makes a big difference when you are talking about taking something from our military. I would remind my colleagues that last year the Navy ran out of O&M money and we needed an emergency supplemental to supply it. So by under-shooting what the real inflation factor is for their costs, both in fuel and maintenance and operations, if we undervalue that account, what it means is we are going to take away from readiness. I know that is not the intent of this committee. The intent of this committee is to make sure our military has the needs and the means with which to carry out their requirements.

Let me get a little more detailed on it. When the committee set the O&M number, they used a GDP index inflation rate from the Congressional Budget Office that was 3 months old, and they ignored the updated one for August, which was three-tenths of a percent higher. That means that if—and I agree, they are estimates; they may not be correct. What I would like to know is, what if you are wrong with the lower number you put in? Are we going to be coming back with a supplemental to be able to drive the O&M? For the American people what that means is, when we do a supplemental, it is outside the budget rules, which means we borrow it. We borrow the money.

This amendment says let's realistically predict what the inflation rate is going to be in the operation and maintenance account. Let's truly put the money there that should be there. What this amendment does is simply restore it.

We know, by history, that O&M has been rising faster than inflation for the past 9 years. We have not gotten it right once, in terms of the actual amounts. How this amendment technically works is it restores \$294 million by striking part of section 8091 of the bill that reduces that funding.

I will not spend any more time on it. I will discuss it again later.

## AMENDMENT NO. 2563

Mr. President, I ask unanimous consent that this pending amendment be set aside and amendment No. 2563 be called up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2563.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Mr. COBURN. Mr. President, this is a straightforward amendment, and the Appropriations Committees heretofore have agreed with it. This says, other than in terms of national security or something that should not be released for general circulation, the reports that are authorized and paid for in this bill, which are going directly only to the Senators on the Appropriations Committee, be made available to the rest of the Senators in the body as well as the rest of the American public. If there is a good national security reason not to do so, fine, there is no problem with that, but all the rest of the American people ought to see it. It is called transparency. The American people are paying for them. The American people have a right and an obligation to see them if they are going to be involved in the governance of our country. In fact, they are supposed to be in charge of the governance of our country.

So what it will do is allow the American citizens to see how their money is actually being spent and allow them to get to see the results of those reports. It is very simple.

My hope is the chairman and ranking member would be inclined to support this amendment.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT NO. 2565

Mr. COBURN. I ask unanimous consent that amendment No. 2565 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2565.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure transparency and accountability by providing that each member of Congress and the Secretary of Defense has the ability to review \$1,500,000,000 in taxpayer funds allocated to the National Guard and Reserve components of the Armed Forces)

On page 177, line 23, strike “the modernization” and all that follows through line 25 and insert the following: “and the Secretary of Defense, who upon completion of a thorough review, shall provide to each standing committee of Congress a modernization priority assessment for their respective Reserve or National Guard component.”

Mr. COBURN. Mr. President, in this bill we are attempting to address what I agree is a very serious problem, the funding of our National Guard and Reserve. I do have some concerns, though, about how we are going about doing that.

I would love to be corrected by either the chairman or the ranking member. As I understand the bill, the \$1.5 billion in upgrades for the National Guard and Reserve actually bypasses the Department of Defense, bypasses the Joint Chiefs of Staff, and goes directly to the committee in terms of the approval of how they do that. I would inquire of the chairman if that is accurate.

Mr. INOUE. If I may, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. This matter has been requested by two Members of the caucus, the National Guard caucus. They would like to say a few words about it. If I may, can we set this aside?

Mr. COBURN. Absolutely. I am happy to do that.

I ask unanimous consent to set this amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HEALTH CARE REFORM

Mr. REID. Mr. President, I have listened with great interest to the conversation coming from the other side of

the aisle this morning. A couple of things I have been watching make it very clear to me, and it is probably very clear to the American people: One side stands for changing the health care delivery system and the other side stands for keeping things the way they are.

We need to do something to keep our broken health care system from running off the tracks completely. It is already headed off the tracks. There is a wide range of ideas out there—a range as diverse as the people of this Nation—and that is the way it should be. I am confident those details will be worked out in the legislative process, and we are in the midst of that.

We Democrats fundamentally agree on one bottom line: We must act and we must act now to make it easier for people in America to live a healthy life.

I can't blame the American people for feeling somewhat frustrated because we have all these fake controversies, such as death panels—a way to divert attention from what we are trying to do. There are no death panels. The only thing that has been suggested is that people have an examination every year and sit down with their physician and find out what the future holds in the way of treatment. Death panels is a diversion.

The abortion issue is a diversion. We want to keep things the same way they have been in this country for a long time: Use the so-called Hyde amendment, which is now the so-called Capps amendment, which, in effect, just carries that over.

One of their real diversions in this is a bill to help undocumented, illegal aliens. All these are diversions. They have nothing to do with what we are trying to do: to improve the health care delivery system.

There are so many examples. A woman from Las Vegas came to see me yesterday. She was raised in Reno, now from Las Vegas, living a wonderful life. She gets sick. She has breast cancer at age 29. It changed her life dramatically. Because why? Her health insurance was so terribly inadequate. I am from Searchlight, NV. A woman whom I have known for many years, she is the assistant postmistress. She helps me at my home. I give her a few dollars every month. Her husband is retired. They have a 23-year-old son. Of course, he goes off their insurance when he is 23. He is young. He is healthy. Within 6 weeks of turning 23, he no longer has health insurance, he is diagnosed as having testicular cancer. He has no insurance. What does that do to that family?

What we are doing is we are trying to change that so that 29-year-old woman with breast cancer, the 23-year-old with testicular cancer has some coverage, insurance coverage. That is what we are trying to do.

We were here yesterday talking about four States: Oregon, Rhode Island, Michigan, and Nevada, four States that have been hit so hard by this recession—I mean, so hard. Nevada has led the Nation in foreclosures for 31 months in a row. People on the other side of the aisle are complaining because, in the Finance Committee, they are trying to help Nevada, Oregon, Rhode Island, and Michigan. Does that mean those are the only States they are going to try to help? Of course not.

Every day in Nevada, 220 people lose their health insurance. People woke up this morning with insurance and they will go to bed tonight without it. That is 7 days a week they are losing their insurance in Nevada. Do we want to change that? Of course, we want to change that.

Thirteen percent of Nevadans are employed. More than 18 percent are uninsured. A lot of people have insurance that is inadequate. They are underinsured. It is not good insurance. We have had some come from the other side of the aisle over the last few days saying they don't care about Nevadans hurting. They think the status quo is just fine, and they refuse to help their fellow citizens who are suffering. They seem to want me to apologize for helping my constituents who are struggling. I am never going to apologize for trying to help the people of Nevada. I was born there. I am going to do everything I can to help the people in the State of Nevada.

Let me tell everyone within the sound of my voice something else. I was talking to one of my Republican colleagues recently. He is from the State of Georgia, a wonderful man, JOHNNY ISAKSON. I said: How about those rains? He said: Well, I have a rain gauge in my home. In 24 hours, it rained 18 inches. I can't comprehend that. In Las Vegas, the average rain fall per year is 4 inches, but he got 18 inches in 24 hours, and the next day I think he told me they got 8 inches. That torrential rain they had in Georgia has created problems the State can't handle, and they are asking for Federal emergency help. I want to help them. I am a Senator of the United States. I am not a Nevada Senator; I am a Senator of the United States. My first obligation is to help my people in Nevada, but if there is a problem in Georgia because of the rains or the fires in California, I am going to do everything I can to help them, just as I am going to do everything I can to help the people of Michigan, Oregon, and Rhode Island, as I spoke yesterday.

So we have to look out for each other. We have mutual responsibilities. I am disappointed that people would complain about the fact that we have situations in our States that we need help for. We have a lot of poor people and a lot of people getting poorer real quick.

It is becoming increasingly clear that Republicans simply don't have any ideas for helping the American people as it relates to health care, even people in their own States who are suffering so desperately. It is another excuse. It is more of the same. It is more evidence that some on the other side think it will never be a good time—never be a good time—to reform the health care system.

For the latest episode on that, look what is going on in the Finance Committee. Are there constructive amendments offered? No. Just nitpicking, just a way to slow things down. It is more proof they want to defend the status quo, refuse to take care of their suffering and struggling constituents, and ignore the will of the American people—at any cost. We know that cost is great.

Mr. LEVIN. Mr. President, while the majority leader is on the Senate floor and talking so eloquently about the inadequacy of health insurance and specific examples, one of the statistics—and I know it is just a statistic, not a specific example—which has moved me so dramatically in the direction the majority leader described is, if I understand this correctly, the majority of people in this country go into personal bankruptcy because they cannot pay their health care costs. That is bad enough; nobody should go bankrupt because they cannot pay for health care. That is unacceptable in this country.

But what compounds that is that a majority of them do have health insurance. The American people focus on that statistic, and I know statistics are difficult to put our arms around. But the majority of people who go bankrupt because of not being able to pay health care bills have health insurance. This isn't just a matter of trying to get people covered who are not covered; it is a matter of also trying to fill in for the inadequacy of the uncertainty that exists, the instability that exists for people to have health insurance.

Mr. REID. Mr. President, if I may respond to my friend, President Obama told me on a telephone call 6 weeks ago to make sure when we finish this health care legislation it is not a program for only the poor but that it is a program for the American people; that in the process the poor and middle class will be taken care of. I agree with the President.

What the Senator has said is true. The majority of the people who file bankruptcy do so because of health care costs. That says it all.

Mr. LEVIN. I thank the leader. We are not going to be able to get to the needed health care reform without his leadership. He also pointed out a particular circumstance that a number of our States are in. I am grateful for this situation.

In Michigan, we are losing 27,000 jobs a month. I believe we have the highest

unemployment rate in the country, which is 15.2 percent. It is growing, and it will continue to grow, apparently. People are losing their health care. The number of people eligible for Medicaid is increasing.

The bill before the Finance Committee has a provision in it that we will have more people eligible for Medicaid. That is critically important. That is one way to get more people eligible for health care. But what the Finance Committee does in its current mark is also say that certain States—including Nevada, Oregon, Rhode Island, and Michigan—are suffering particularly, and in particular ways, and we are a long way from economic recovery. So the additional Medicaid support for those States is highly appropriate. There are reasons for that.

The majority leader talks about the flooding in Georgia or the disaster we had in Louisiana a few years ago or the fires in California. We have an economic fire taking place in my home State of Michigan. I thank the majority leader for his willingness not just to grapple with the entire issue of health care reform but to also recognize not just the situation in his own State, with all the foreclosures they have been facing, but the situation we face in a number of other States economically. We are very grateful.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I join the majority leader and the chairman of the Armed Services Committee to express my appreciation to colleagues who will support the provisions for Federal assistance for high-need States. Rhode Island is one of those high-need States.

One of the key targets to being a high-need State is a high unemployment rate. Right now, ours in Rhode Island is about 12.8 percent—nearly 13 percent. Since the beginning of this crisis, we have either been the second or third highest unemployment State in the Nation, only behind Senator LEVIN's State of Michigan. It is the highest level of unemployment Rhode Island has seen since World War II, in a generation. It amounts to, in our very small State with a population of fewer than 1 million people, 73,000 people who are unemployed. That is only counting the ones who qualify as unemployed under the labor standards; for people out too long, they are even more. After a while, they don't count them any longer in the statistics. It is actually more than 73,000 people unemployed in a State of less than 1 million; 73,000 families are facing unemployment and are worrying about how to care for their loved ones.

We know this is a national problem, and we know many States are suffering. To be in this category of these four States that are high-need States and that are getting a little extra at-

tention in the Finance bill is not something we want. I would love for Rhode Island to have a 7- or 8-percent unemployment rate. I would be delighted. This is a real trial for the people of Rhode Island, and I appreciate that there are people, including our distinguished majority leader, who are reaching out to try to help Rhode Island while we are in this period of intense economic suffering.

From my perspective, I have supported others when we went to help the States that depended on the auto industry. I have watched billions of dollars flow across this floor to support those big auto States. I have watched and supported billions of dollars flowing across this floor to support the big finance industry States—Wall Street—and to protect our banking industry. I have supported it when billions of dollars flowed across this floor to support coastal States that were hit hard by storms and hurricanes. I watched billions of dollars flow through here for the States hit by flooding recently with the terrible floods in the South and a little while ago when the terrible floods hit the upper Northwest. I have watched enormous support go to States when they experienced wildfires, and when our distinguished leader on the Budget Committee, Senator CONRAD, argued so effectively for the States affected by drought.

I am on the Environment and Public Works Committee. The coal States are getting taken care of in amazing ways. Over and over again, when we have seen our fellow States in trouble, we have been willing to help them out. All I am asking is, from Rhode Island's perspective, we have watched all of these things go by, and there is yet to be anything for Rhode Island.

I hope very much that my colleagues will not take this opportunity to turn what has been a very collegial atmosphere about helping each other's States when they are in trouble and, for purposes of politics, pile onto little Rhode Island. This is something that we need. This is something that is important to us.

Do we depend on coal? No. Do we depend on the auto insurance industry? No. Do we depend on Wall Street? No. Have we had a big hurricane? No. Nor have we had flooding, wildfires, or drought. But the condition of our people, economically, is just as bad as if those things had occurred.

Rhode Island is at nearly 13 percent unemployment. I urge my colleagues to stand with the leader and with the tradition of kindness and collegiality that has always characterized this body when a State is experiencing particular distress and difficulty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I listened to my leader with great admira-

tion. I wish him to know that I support his action in support of the health reform measures before us.

The leader touched upon two problems. One was that each day in the State of Nevada, 221 men, women, and children will go to bed and the next morning find themselves without health insurance coverage. I believe it should be noted that, as we speak, over 15,000 men, women, and children of the United States will wake up in the morning finding that they have no insurance coverage—15,000 a day. That means close to half a million every month. This is not acceptable. I don't think we should tolerate this and set it aside.

Mr. President, my leader, the very distinguished Senator from Nevada, brought up the matter of the death panel. It is the responsibility of physicians throughout this land, when confronted with terminal cases, to tell their patients of the condition. They should also notify the patients that as long as they want care and life-sustaining medicine, it will be done. But I believe it is the right of the patients to suggest that they would like to rest.

Three years ago, I lost a wife. We were married for 57 years. It wasn't an easy moment, believe me. One evening—and I have never discussed this publicly before—as I sat near her, she said, "I have something I would like to discuss with you that is very important." She looked at me and said, "I will be dead in 10 days." I said, "Now, you must be kidding." She said, "No, I have discussed this matter with the doctor. We all know it is terminal. This cancer is beyond control, and I don't wish to continue this agony. I hope you will support me." She said, "I will be OK for a week, but on the seventh day I will go into a coma. During those 7 days, I would like to discuss with you certain things, such as where my funeral services should be held."

She kept all these details. There was no death panel. What the doctor did was to provide her with comfort—comfort of her emotions, her senses. She passed away happy. She knew that things were going to be done.

I am sorry to see—and it hurts me to see—fellow Americans distort a good aspect of health care and turn it into something murderous. They should be ashamed of themselves.

Mr. President, our leader is a good man.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, it has become clear that our health care debate is entering the twilight zone. We

have such a challenge in this Nation of individuals who have no health care, small businesses struggling to provide health care, and large businesses that are having a difficult time competing and producing products in America for the world because of the accelerating price of health care.

So often, over the last couple of months, I have heard colleagues come and attack this effort to repair our broken system. Those repairs are essential to our family members. They are essential to our workers, to our small businesses, and to our big businesses. We have had very strange stories shared in this Chamber—stories, as my colleague from Hawaii mentioned, about death panels, a creation in the mind of the former Governor from Alaska, having nothing to do with anything that happens to be in any bill before this body. We have had strange stories about benefits provided to individuals who are here undocumented, in direct opposition to the straightforward language that is in the House bills and the Senate bills.

We have had strange stories about a murky government takeover, when the heart of this plan is to create the same sort of marketplace that gives 8 million Federal workers access to multiple private plans, to create that same marketplace and access for every single American. Now, in the last day, there is something even more strange: an attack on States that are having the most difficult time in this recession.

We are deep in the twilight zone when Members come to this body to attack efforts to assist the States most severely damaged by this recession—the States of Michigan, Rhode Island, Nevada, and my home State of Oregon.

Oregon is having a difficult time for a host of reasons. We are a State that does a lot of trading, and a lot of the countries we trade with have had year-over-year recessions even worse than our own. For example, South Korea, 20-percent year-over-year drop in gross domestic product.

We have a timber industry that provides a lot of dimensional lumber to build houses and build commercial buildings around this Nation. The collapse of building has damaged it severely.

We have a wonderful section of our economy involving growing fruits and growing Christmas trees, and the Mexican tariffs have hit that very hard. Add it all up and Oregon is one of the four States worst hit.

I read a few weeks ago that if we include the underemployed as well as the unemployed, Oregon is the single worst hit State in our Nation.

I applaud the efforts of Members of this Chamber to say we have a broken health care system and we are going to repair it. They are absolutely right. I am pleased to be a member of that team working to make those repairs.

I applaud the Members of this Chamber who said we must help those States worst hit by this recession, continuing a great American tradition. When a State is hard hit by drought, we reach out and assist. When a State is hard hit by a hurricane, we reach out as a nation to gather and assist. When a State is hard hit by a flood, there is a natural disaster called, and we as a nation respond. When an earthquake strikes, as a nation we are there.

Now we have another disaster, an economic disaster, that is hitting particularly hard in four States. I applaud the efforts to reach out and assist those States together as a nation, as we have so many other States in so many other circumstances.

Let's pull this conversation out of the "Twilight Zone." Let's come together, as we have so many times before, to take on the challenge of a broken health care system, to take on assistance to the worst hit States and help them adjust to providing Medicaid that is so urgently needed by their populations.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend Senator MERKLEY, Senator WHITEHOUSE, and Senator REID of Nevada for their eloquent and accurate description of the situation that faces several States.

Throughout this country, there is a crisis in unemployment. But in States such as Michigan, Oregon, Nevada, and Rhode Island, it is a catastrophe—over 12 percent unemployment.

As my colleague pointed out, that is just the official number. That number does not include those who have lost their job, but not filed their official employment status. That number does not include those people who are looking for work and not finding employment. It is a situation that is extremely difficult on the individuals and families of Rhode Island.

We are engaged in a very serious debate about health care reform. There seems to be a consensus that the status quo will not work. Yet our proposals to change it are dismissed without appropriate response in terms of alternatives. Our colleagues in the minority are simply saying the status quo is bad, but it is good for us.

We have to make changes, and we have to make those changes that recognize not only the inefficiencies in our medical care system but also the overall economic system.

One of the impetuses for this reform is not just access and affordability of health care, it is the economic future of the country. Again, in States such as Rhode Island, Michigan, Oregon, and Nevada, this is an issue that is incredibly important.

We understand that some States have taken a much more aggressive ap-

proach to their Medicaid populations. In recognition of our costly health care system, they have tried to enroll as many people as they could. They recognize a higher level of poverty, one that I think is going to be recognized in federal reform initiatives. But effectively, these States, unless they are given some help, will be punished for being ahead of their colleagues, for trying to extend health care coverage before the Nation was ready to do that. In that sense, we have to also recognize the need to support the Medicaid Program and also support particularly those States that are in this economic catastrophe.

As Senator WHITEHOUSE pointed out, we routinely come together and recognize the special needs of regions and States—wildfires in California, agricultural disasters throughout the middle of the country and elsewhere, the great crisis of Katrina. To say now that we cannot recognize something as extraordinarily important, such as health care, to several States, including my own of Rhode Island, is, I think, neglecting what we do here on a relative routine basis.

The other fact is that some of the criticism directed at proposals that have been made in the Finance Committee have been made by Governors who simply say you cannot shift the burden to us, and that is particularly the case in Rhode Island. We are facing a significant crisis in State funding. If we give them a responsibility without resources at a time of this great unemployment crisis, it would add a further burden. We would be, I think, not only disadvantaged by the economic situation but, as I suggested before, punished for a good deed, which is to try and incorporate more people into our Medicaid system.

We have to support the Finance Committee's approach. In fact, I thank the Finance Committee and Senator BAUCUS for considering this issue. This is critical. Again, we all wish we would be in a situation where unemployment could confidently be seen in the future as not a factor to support the States, but we know it is going to be.

The support the chairman and the members of the Finance Committee have given is appropriate. I strongly support it and urge my colleagues to do so, as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 2578

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 2578.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. KAUFMAN], for himself, Mr. LUGAR, Mr. BAYH, and

Mr. REED, proposes an amendment numbered 2578.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for continuing support of certain civilian-military training for civilians deploying to Afghanistan)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The Secretary of Defense shall, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, continue to support requirements for monthly integrated civilian-military training for civilians deploying to Afghanistan at Camp Atterbury, Indiana, including through the allocation of military and civilian personnel, trainers, and other resources for that purpose.

Mr. KAUFMAN. Mr. President, I am grateful to the Senator from the State of Hawaii and the Senator from the State of Mississippi for their work on this very important bill. I also thank Senator JACK REED from Rhode Island, Senator LUGAR, and Senator BAYH for their support of this amendment, which instructs the Secretary of Defense, in consultation with the Department of State and USAID, to continue to support the integrated civilian-military training for all civilians deploying to Afghanistan, occurring once a month in Indiana at Camp Atterbury.

The civilian role in Afghanistan is absolutely critical to achieving the broader goals of counterinsurgency. As we discuss the way forward in Afghanistan, it is essential to remember that troop levels are only one part of that strategy.

In order to cultivate support among the population and implement an effective counterinsurgency, civilians from across government agencies must continue to partner and work in tandem with the military.

In May, I offered an amendment to the supplemental which aimed to ensure that civilians deploying to Afghanistan receive training that cultivates greater civilian-military unity of mission and which emphasized the importance of counterinsurgency and stability operations.

Prior to passage of this amendment, joint civil-military training was only occurring once every 9 months to coincide with scheduled military deployments. Since then, officials throughout the government—and especially the State Department—realized this was insufficient to meet the increased needs presented by the civilian surge in Afghanistan.

As such, the joint training schedule was increased to once a month, and Ambassadors Eikenberry and Holbrooke recently mandated that all civilians working in the field in Afghanistan must receive this training prior to deployment.

On Monday, I visited Camp Atterbury to observe and express my support for the training, to thank these brave men and women for their service, and to emphasize the key role of our civilians in Afghanistan.

Civilians from across the interagency process—including the Department of State, U.S. Agency for International Development, and the Department of Agriculture—have come together in Camp Atterbury for a 1-week intensive course with the military, where they simulate real life experiences in Afghanistan.

This includes participating in vignettes with role players and the military to brainstorm ways to help their Afghan partners deliver essential services, security, and economic opportunity.

This essential skill set and level of familiarity with the military would take weeks to achieve once in theater. But the integrated training at Camp Atterbury allows our civilians heading to Afghanistan to hit the ground running.

Given the increased demand for this training, I am offering an amendment to ensure that training at Camp Atterbury continues to receive the support it needs in terms of military and civilian personnel, trainers, and other resources.

With a new mandate from Ambassadors Holbrooke and Eikenberry, the class size for this training has obviously increased. As we continue with the civilian surge, I hope the training at Camp Atterbury will receive a commensurate level of increased funding and support which it needs.

We owe it to our brave men and women in Afghanistan to get this right. It is critical to remember that our strategy in Afghanistan is not just about the troops; it is also about the civilians.

Just as we seek to ensure our troops headed to the field have the proper preparation and equipment, it is critical our civilians have the same level of training to ensure their effectiveness and security.

As the number of civilians in Afghanistan continues to grow—up to nearly 1,000 by the end of the year—our support for this mandatory training must also increase.

Integrated civilian-military training is a great example of steps being taken to improve our counterinsurgency strategy. In order to succeed in Afghanistan, civilians must successfully partner with the Afghans to help provide essential services, to promote economic development, and to improve systems of governance.

I am especially grateful to the Indiana National Guard. General Umbarger, adjutant general of the Indiana National Guard, and General Touley are so involved in this and doing such a wonderful job. They are to

be commended. I also am grateful to the staff at Camp Atterbury and the broader training support team from the Departments of State, Defense, and USAID.

Most important, I am extremely grateful to the thousands of our brave men and women—civilian and military—who are serving in Afghanistan.

I believe this amendment is non-controversial, and with support of the bill managers, I will be more than happy to adopt it by voice vote at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2592

Mr. CASEY. Mr. President, I come to the floor to speak about an amendment, one we are going to be spending more time on in the next couple hours—amendment No. 2592. I will not call it up at this time, but I will speak about it.

First, I am very honored that our assistant majority leader, Senator DURBIN, has worked with me and our staffs have worked together on this amendment. I ask unanimous consent that Majority Leader REID, Senator KERRY of Massachusetts, and Senator BILL NELSON of Florida be added as cosponsors of amendments Nos. 2591 and 2592, which I filed for consideration during the debate on H.R. 3326, the Defense Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, the first amendment I will speak about is 2592.

This amendment has three major goals:

First, this amendment will make sure the shoddy electrical work on American military bases gets fixed immediately. When I say shoddy electrical work, in some of the circumstances I will describe, that is an understatement.

Second, it would also ensure that the brave men and women serving in war zones have clean water. It is kind of hard to believe we have to have an amendment to deal with that. We should have that anyway. But once again, it is something we have to correct and fix.

Third, the amendment would establish and enforce strict standards for preventing and prosecuting sexual assault on Army bases.

These are the three goals and objectives of this amendment. These simple, commonsense reforms are long overdue. These problems should have been corrected a long time ago, but they haven't, so we have to take action.

For the moment, I would like to focus on the first provision of the amendment, which requires immediate correction of substandard electrical work.

Since the 2003 invasion of Iraq, 10 brave servicemembers and civilian contractors in Iraq have died—have died—



as a result of electrocutions that could have been prevented. This includes SSG Ryan Maseth of Shaler, PA, which is in the southwestern corner of our State.

Ryan died on January 2, 2008, when he was electrocuted while showering in his barracks in Iraq. It is hard to describe in a short presentation and a few number of words the horrific nightmare he had to live through and was killed by and the nightmare his family has lived through ever since. His mother Cheryl Harris is someone I have come to know. She has been a strong advocate not just for finding out what happened to her son but also making sure this doesn't happen to other sons and daughters serving in harm's way.

Just imagine this: A brave soldier, willing to take on the enemy and trained to do that, willing to go into the battlefield and endure a firefight, is killed in a shower because someone didn't do their job in ensuring a shower was grounded or installed correctly to prevent shock or electrocution and death.

Ryan was not killed in combat. He was killed by the mistakes of others in a place where he should have had a reasonable expectation of safety and security away from the battlefield. In one of those few moments when our soldiers can relax and get a breather, he was killed. So this amendment is necessary because Ryan's tragic death could have been prevented if the bad electrical work had been fixed in a timely manner.

Ryan's case is not an isolated incident. Other incidents involve servicemembers and contractors from all over the country, including Georgia, Texas, California, Nevada, Oregon, Hawaii, Minnesota, and, as I mentioned, my home State of Pennsylvania. The risk continues to persist, and it has been going on since 2004.

Ryan died in January of 2008, but the risk is still there for our soldiers. On September 1 of this year, the beginning of last month, a civilian contractor, Adam Hermanson, died as a result of being electrocuted—again, just like Ryan—while showering.

Adam grew up in San Diego and Las Vegas. He served three tours in Iraq—three tours—with the Air Force before leaving at the rank of staff sergeant. Adam Hermanson was planning to move to Pennsylvania with his wife Janine. Janine is currently living in our State with her parents and searching for an explanation—an explanation as to why this happened to her husband. The Departments of Defense and State have an obligation to provide this explanation.

We have had lots of investigations and lots of reviews but not enough in the way of answers. We have an obligation in the Senate as well to prevent any further electrocutions of our troops in these circumstances.

This amendment attempts to right a wrong by ensuring that the Army reviews the language of a contract at the time of formation of that contract to ensure that it includes explicit language that clearly requires contractors to immediately correct deficiencies, such as improperly ground equipment or facilities which could cause the death or serious bodily harm of a soldier. This review should be happening already, but the facts make clear that it isn't. The Senate needs to take concrete steps now to reduce and ultimately eliminate this danger to our troops. No family should have to endure the pain suffered by Ryan's mother Cheryl Harris or Adam's wife Janine Hermanson or any other family members of the other eight fallen soldiers.

Americans serving in this theater of war or any theater of war face challenges on the battlefield that most of us can't even imagine. I know Chairman INOUE understands what I am talking about. He served in combat and we know of his great heroic story. He can understand it, but I am not sure I can, not having faced those challenges myself. But the risk of death should not follow those brave men and women into the barracks, where they should have a reasonable expectation of safety and security away from the battlefield.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the 10 servicemembers and contractors who have died in Iraq as a result of electrocutions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### ELECTROCUTION DEATHS IN IRAQ

Since the March 2003 invasion, 19 people have died from electrocution, including 10 from the Army, 5 from the Marine Corps, 1 from the Navy, 2 military contractors and 1 State Department contractor.

According to the Inspector General of the United States Department of Defense, nine of the 19 electrocutions involved accidental deaths that resulted from the victims touching or coming into contact with live electrical power lines. The Inspector General's report on these incidents concluded that "[w]hether equipment maintenance complied with proper electrical standards or grounding requirements were not issues in these nine electrocutions, and the investigations conducted in the cases sufficiently established responsibility for the deaths."

The remaining ten electrocutions involved equipment malfunctions that could have related to whether equipment maintenance complied with proper electrical standards or whether the respective chain of command acted responsibly in protecting Service members.

1. Army Spc. Marvin A. Camposiles, 25, of Austell, Georgia: Army Spc. Camposiles died in Samarra, Iraq, when he was electrocuted while performing routine generator maintenance. He was assigned to 1st Battalion, 26th Infantry Regiment, 2nd Brigade, 1st Infantry Division, Schweinfurt, Germany. Died on April 17, 2004.

2. Marine Pfc. Brian K. Cutter, 19, of Riverside, California: Marine Pfc. Cutter died in Al Asad, Iraq, after being electrocuted while

working on a cooling system for a tent, only two days after arriving in Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. Died on May 13, 2004.

3. Spc. Marcus "O." Nolasco, 34, of Chino, California: Spc. Marcus Nolasco died in Baji, Iraq, when he was electrocuted while showering. He was assigned to Battery B, 1st Battalion, 33rd Field Artillery, 1st Infantry Division, Bamberg, Germany. Died on May 18, 2004.

4. Navy Petty Officer 3rd Class David A. Cedergren, 25, South St. Paul, Minnesota: Petty Officer 3rd Class Cedergren died near Iskandariyah, Iraq, died as a result of being electrocuted. He was assigned to the 2nd Marine Division Fleet Marine Forces Atlantic. Died on September 11, 2004.

5. Spc. Chase R. Whitham, 21, of Harrisburg, Oregon: Spc. Whitham died in Mosul, Iraq when an electrical current surged through a swimming pool in which he was swimming. Died on May 8, 2005.

6. Sohan Singh, Civilian Contractor Employee: Mr. Sohan Singh was electrocuted while attempting to enter his quarters at Fallujah Surgical, Camp Fallujah, Iraq, on July 19, 2005. Mr. Singh was a third country national from India.

7. Staff Sgt. Christopher L. Everett, 23, of Huntsville, Texas: Staff Sgt. Everett died in Al Taqqadum, Iraq, when he was electrocuted while power washing sand from a Humvee. He was assigned to the Army National Guard's 2nd Battalion, 112th Armor Regiment, 56th Brigade Combat Team, Arlington, Texas. Died on September 7, 2005.

8. Army Sgt. Michael J. Montpetit, 31, of Honolulu, Hawaii: Army Sgt. Montpetit died when he was electrocuted while working on a generator outside of Baghdad. He was assigned to the 15th Forward Support Battalion, 2nd Brigade Combat Team, 1st Cavalry Division, Fort Hood, Texas. Died on June 22, 2007.

9. Staff Sgt. Ryan Douglas Maseth, 24, of Shaler, Pennsylvania: Staff Sgt. Maseth was electrocuted while showering in his barracks in Baghdad in January 2, 2008.

10. Adam Hermanson, 25, of Las Vegas, Nevada: While working as a State Department contractor, Adam was electrocuted on September 1, 2009 while showering in Baghdad. According to press reports, military medical examiner told her that preliminary findings indicate that Adam died from low voltage electrocution. Adam served three tours in Iraq with the Air Force before leaving at the rank of staff sergeant. Died on September 1, 2009.

Mr. CASEY. Mr. President, let me conclude with a couple of remarks.

The Associated Press published a story written by Kimberly Hefling on September 8, 2009, and I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press, Sept. 8, 2009]

#### STATE DEPARTMENT CONTRACTOR ELECTROCUTED

(By Kimberly Hefling)

WASHINGTON.—A State Department contractor apparently has been electrocuted while showering in Baghdad even as U.S. authorities in Iraq try to remedy wiring problems that have led to the deaths of American troops there.

The contractor, Adam Hermanson, 25, died Sept. 1, his wife, Janine, said Tuesday. She added that a military medical examiner told her that preliminary findings indicate her husband died from low voltage electrocution.

Electrical wiring has been an ongoing problem in Iraq. At least three troops have been electrocuted in the shower since the start of the Iraq War, while others have been electrocuted under other circumstances such as while operating a power washer. Inspections and repairs are under way at 90,000 U.S.-maintained structures there.

Hermanson grew up in San Diego and Las Vegas. He joined the military at age 17, and did three tours in Iraq with the Air Force before leaving at the rank of staff sergeant. He returned to Iraq as an employee of the Herndon, Va.-based private contractor Triple Canopy.

Jayanti Menches, a spokeswoman for Triple Canopy, said in an e-mail that the company was saddened by his death but would not be commenting further until an investigation was complete.

State Department spokesman Robert Wood also offered condolences to the family, but would not elaborate further on the cause of death, pending an investigation.

Janine Hermanson said her husband took the contracting job so they would have money to buy a house in Muncy, Pa., where they were planning to live. She said she'd already moved there and was living with her parents.

The two would have celebrated their fourth wedding anniversary on Sunday.

"He was supposed to come back and we had a lot of plans," said his wife, who also served in Iraq with the Air Force.

Besides three Iraq tours, Adam Hermanson served in Uzbekistan with the Air Force. His mother, Patricia Hermanson, 53, of Las Vegas, said everyone in her family was struggling to understand how he could survive four war tours, then die suddenly in a seemingly safe place.

"We all know that Adam was as strong as a tank," his mother said. "He was in good health."

In July, the Defense Department's inspector general said that of the 18 electrocution deaths of U.S. soldiers and contractors in Iraq, eight involved possible equipment faults or malfunctioning that caused or contributed to the electrocutions. The accidental touching of live wires was blamed in about half the deaths.

Mr. CASEY. Mr. President, I won't read all of this Associated Press story but will just make note of two statements by two people who loved Adam Hermanson very much.

There is a statement in this story about his wife and his mother. His wife said, when reflecting upon what had happened to her husband and the circumstances: He was supposed to come back, and we had a lot of plans. So after serving three tours as a soldier and then going back as a contractor, he would have hoped to have come back to be with his wife, and she says in the story that they had a lot of plans. And then Adam's mother, Patricia Hermanson of Las Vegas, said everyone in her family was struggling to understand how he could survive so many tours of duty and then die suddenly in a seemingly safe place. That is a question all of us should ask and have an-

swered—those who are family members who have lived through this nightmare and those who are Senators trying to do something about it.

I know there are many people here in this Chamber who want to do something about this, so I ask my colleagues to support this amendment.

Mr. President, I hope someone can tell me whether we can call it up at this time.

Mr. INOUE. Will the Senator yield?

Mr. CASEY. I will.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. I commend the Senator from Pennsylvania for his amendment. I support the intent and the purpose of that amendment. However, I have been advised there are certain technical changes that have been recommended for better acceptance by this body. So if I may ask that the Senator's staff and the staff of the committee get together, I think we can work it out.

Mr. CASEY. I thank the chairman for his comments, and we will certainly act in accordance with his statement.

Mr. INOUE. I thank the Senator.

Mr. CASEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2578, AS MODIFIED

Mr. KAUFMAN. Mr. President, I ask unanimous consent that amendment No. 2578 be modified with the changes at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The Secretary of Defense may, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, continue to support requirements for monthly integrated civilian-military training for civilians deploying to Afghanistan at Camp Atterbury, Indiana, including through the allocation of military and civilian personnel, trainers, and other resources for that purpose.

Mr. KAUFMAN. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment at this time?

Mr. KAUFMAN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I would like to advise the Senate that the committee has no objection to the Kaufman amendment and we accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2578), as modified, was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2567

(Purpose: To prohibit the use of funds for the Center on Climate Change and National Security of the Central Intelligence Agency)

Mr. BARRASSO. I ask the pending business be set aside and I be allowed to call up my amendment, No. 2567, and make it pending.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO] proposes an amendment numbered 2567.

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. No amounts appropriated or otherwise made available by this Act may be available for the Center on Climate Change and National Security of the Central Intelligence Agency.

Mr. BARRASSO. Mr. President, on September 25 the Central Intelligence Agency announced the creation of the CIA Center on Climate Change and National Security. I am proposing an amendment today to the fiscal year 2010 Defense appropriations bill that would prevent funds in this bill from going to that center. The CIA is responsible for gathering foreign intelligence information for the United States. We have threats from around the world. The most immediate of these threats is the prevention of future terrorist attacks on U.S. soil. I do not believe that creating a Center on Climate Change is going to prevent one terrorist attack.

Why is this administration having our intelligence officials, the men and the women who protect this country, have these men and women staff and operate a climate change center? The creation of this center appears to elevate the issue of climate change to the



level of terrorism and foreign espionage.

To me, this raises a number of questions. The CIA always claims to have scarce resources and competing priorities. What are the costs going to be of creating this new climate center? Isn't there a more efficient way to achieve the same results using existing resources? Why can't the CIA get this information through traditional channels, such as the State Department officials in the field, the EPA, the National Ocean and Atmospheric Administration, and other Federal agencies?

How does the CIA get information about other issues—world hunger, disease, financial markets—to make their decisions? Do they have centers for all of these issues as well? Is this center going to make demands on the current CIA bureaucracy? Will they use existing personnel? Will they hire new people? Will necessary personnel have tasking authority?

Tasking authority means the ability to take satellites off of watching terrorists and having them instead watching arctic ice sheets. Will someone sitting in a dark room watching satellite video of northern Afghanistan now be sitting in a dark room watching polar ice caps?

The priorities seem to be out of focus. I believe the Senate should support this amendment and bring the focus back in line with America's national security interests. The CIA has an important job to do. It must not be distracted by being forced to deal with climate change.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I have two things to do. First, there is an amendment from the Senator from Oklahoma on the National Guard REA accounts. I think the amendment would miss the point and make a faulty assumption that the National Guard/Reserve equipment accounts do not go through a process.

The Secretary of Defense and service chiefs already review the unfunded list that the NGREA funds are put toward. The Air National Guard and Army National Guard, working closely with their major command counterparts, have been able to use these funds on critical capability requirements by leading with funding for integration and procurement of various weapons systems capabilities.

The Army and the Air Force are responsible for equipping their Reserve components, and they do so within budgetary constraints.

We know historically that the Air National Guard has been equipped at a level significantly lower than the Active components and, constitutionally, the Congress has the explicit power to provide for equipping the militia. Even in recent history the Air National Guard's equipment requirements are placed in the supplemental or in the outyears, which often do not survive.

Congress has traditionally understood that the Army cannot meet the Reserve component's equipment requirements. The National Guard has a Federal "wartime" mission as an operational Reserve and, in order to ensure that the Reserve component, specifically the Guard, can meet both its Federal and domestic missions, Congress provides the NGREA.

After Katrina, the Guard had only 33 percent of the homeland equipment needed to respond to its State emergency response mission. The Guard primarily focuses its NGREA procurements on critical dual-use items that support both the Chief and the National Guard Bureaus' "Essential 10" capabilities—their overseas military responsibility—and the Governors.

The funding provides for the modernization, unfunded MTOE equipment requirements, and items of equipment that are not managed by the Army G4 or G8.

With all that said, I hope my colleagues will continue to recognize that investments in our citizen soldiers and airmen provide the best bang for the taxpayers' hard-earned dollars and, further, that the funds in the National Guard and Reserve equipment account are subject to an internal process review by the Secretary of Defense and respective Guard Chiefs.

Mr. President, I also will ask to call up another amendment that I have. I believe it is at the desk. This is an amendment on behalf of the citizen airmen in the Air National Guard.

At present, the Air Force possesses sufficient numbers of fighter aircraft to accomplish its national military strategy objective which, as its first priority, is the defense of the homeland. However, even with an aggressive strategy to reflow legacy aircraft to Air Guard units, the Air Guard will experience a significant drawdown of fighters as existing fighters reach the end of their service life.

Unfortunately, this is the result of year after year of failing to recapitalize our fighter fleet. This is due to cost growth and production delays of the so-called fifth generation aircraft that have resulted in reduced purchases of aircraft and chronic delivery delays which threaten to put a tremendous bathtub in the available craft needed by the Air Guard for its mission.

Most of us all know what happens when the pot shrinks in the Pentagon. The Guard gets the short end of the

stick. The Air Force must recapitalize its older fighter force, the F-15s and F-16s. Fifth generation aircraft investment, proposed investment, is crowding out other Air Force priorities with limited resources when we have to have the resources now for work that the Guard is continuing to do.

Of the F-16s in the Air National Guard, 80 percent will begin to reach the end of their service life in less than 8 years. The net result is the Air Guard is facing a major gap between when the jets are retired and when aircraft to replace them are available.

That is the fighter gap. The result is units would not be capable of supporting the Air Sovereignty Alert; that means defending the skies of the Homeland.

Currently, the Guard covers series 16 of 18 sites where units stand alert 24 hours a day, 7 days a week, 52 weeks a year. Recapitalizing the Air National Guard and modernizing must occur proportionally and in parallel with the total Air Force; otherwise, mission gaps, such as the all-important Air Sovereignty Alert, will come down and the absence of necessary aircraft will leave many units eviscerated.

There is no program or plan that prevents the fighter gap from occurring. I was very pleased to hear the Air Force Chief of Staff, GEN Norton Schwartz, announce at the National Guard Association his intent to work with the Guard to develop a preservation strategy.

The strategy is being developed. At the time, it will be presented to the Air Force, the Guard, and the Adjutant Generals in November. Senator LEAHY and I have continued to endorse the procurement of 4.5-generation aircraft to address the shortfall.

I believe we will have to consider purchasing more F-16s, F-15s or F/A-18s that are relevant to the current and foreseeable war on terror, are cost-effective, and are available to bridge the Guard through the fifth generation.

The Air Guard absolutely needs to be a part of the fifth-generation missions but not at the expense of the vast majority of units it would lose due to a lack or delay in follow on. We do not need to accept a smaller Air Force, particularly when it is not based on thoughtful analysis but based on the need to cut budgets and cost growth in the procurement of the new planes that are so far behind schedule, underperformance, and overbudget.

We will see too many units shut down. That is why Senator LEAHY and I have offered an amendment to restrict the retirement of the current generation aircraft until the Secretary reports to the Congressional Defense Committees a detailed plan on how the Secretary of the Air Force will fill the force structure, a description of the follow-on missions, an explanation of the criteria for selecting the bases, a plan

for the reassignment of regular and Reserve Air Force personnel, and an estimate of the cost avoidance to be achieved by the retirement of such tactical air.

Many of the efforts we have had to wage over the last few years have been the result of the Guard getting shut out of key decisions on resources and equipment. America's oldest fighting force is now more relevant than ever. In today's world, the need for a National Guard is greater than ever before. The Guard has experienced and capable fighting units. There is no program or plan that prevents this fighter gap from occurring. Unless we pass this amendment, the issue remains unresolved. This amendment will prevent the loss of any additional force structure until we get the information needed.

I ask unanimous consent to set aside the pending amendment and call up this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I reserve the right to object. Let me inquire as to what is pending now.

The PRESIDING OFFICER. The pending amendment is the Barrasso amendment No. 2567. Five other amendments are also pending.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, as we consider the Defense Department Appropriations bill, the most important question we face concerns our military operations in Afghanistan. That is why I have filed an amendment which commends the President for focusing on Afghanistan and Pakistan and for developing a comprehensive, interagency strategy for the region. It also expresses the sense of the Senate that the President should provide Congress and the American people with some basic information before he authorizes any potential increase in troop levels in Afghanistan. In particular, it urges the President to inform Congress how much such an increase would cost, how long he expects it to last, the likelihood that it will have any impact on our ability to confront the al-Qaida safe haven in Pakistan, and the likelihood that it will actually destabilize one or both countries. I realize that we cannot know these things with absolute certainty, but we should have some idea of the expected costs, duration, and likelihood of success or failure before embarking on such a significant undertaking. The President should not send tens of thousands of brave young men and women into harm's way, if he so decides, without first answering these questions, and Congress should not support such a de-

cision without first obtaining this information.

My amendment, which is nonbinding, does not attempt to pressure the President to make a decision about troop levels. I, for one, am pleased to see that this administration is apparently asking some very tough questions about our Afghan strategy. I think it is unfortunate that some, including in this body, have suggested that any delay in responding to General McChrystal's request is unacceptable. The stakes are too high for a rushed decision, and not only for the troops who could be deployed. After 8 long years of war, we need to question all our assumptions and rethink our approach from top to bottom. What was possible and desirable 5 or even 2 years ago may now be neither. Getting Afghanistan right has serious implications for our national security, and the answers to the questions I raise in my amendment will help us, and the people we represent, to know whether we have done so.

Eight years ago, I voted in favor of the authorization to use military force against those who planned and carried out the 9/11 attacks. Since then, I have remained focused on that goal and have noted with alarm the resiliency of al-Qaida's leadership in Pakistan and its growing footholds in Yemen, Somalia, North Africa and elsewhere. The decision to go to war in Iraq was a tragic mistake that undermined our ability to go after al-Qaida. That initial mistake was compounded by flawed thinking as too many people focused narrowly on "getting Iraq right" without realizing that the key to getting Iraq right was to place it in the context of a comprehensive, global strategy to defeat al-Qaida. So, too, we cannot simply focus on getting Afghanistan right, we need to make sure that our Afghan approach is part of, and contributes to, that broader strategy I just mentioned.

This administration sees that bigger picture, which is why it has begun to redeploy troops from Iraq, though not as quickly as I would prefer. And President Obama has brought needed focus and attention to the Afghanistan-Pakistan region, but I am concerned that our current and proposed military strategy Afghanistan may play into al-Qaida's hands. Our current approach has mobilized a tribal network in the Afghan-Pakistan border region that does not share al-Qaida's international terrorist agenda but nonetheless opposes our massive military presence in the region. It has driven people into the arms of the Taliban even while Taliban and al-Qaida leadership remains out of reach in Pakistan. And it risks further destabilizing Pakistan, a nuclear-armed country where al-Qaida is now based. Rather than continue down this road, we need a smart, targeted strategy to pursue al-Qaida and Taliban leadership without provoking further militancy in both countries.

Our enemy is agile. It has a network that spans the globe, receives financing from individuals around the world and has a presence in even the most developed nations. We have expanded our ability to go after these networks, working with allies and cutting off the flow of funds. Chasing after elusive Taliban foot soldiers in Afghanistan will not defeat al-Qaida; rather, we must use all elements of our national power to target al-Qaida without getting bogged down in massive military operations with unrealistic goals and potentially dangerous unintended consequences.

Armed nation-building in a country hostile to foreign interventions and with a feckless, corrupt central government is at best an experiment and at worst a dangerous distraction. Rather than looking desperately for a quick fix to the problems that plague that country, we must acknowledge the limits of our ability to radically remake Afghan society no matter how many billions of dollars and tens of thousands of troops we may commit to the cause. Instead, we should pursue a sustainable, civilian-focused strategy to support the emergence of legitimate governance. This is the surest way to defeat the Taliban in the long term.

Unfortunately, while the decision to go to war in Afghanistan was the right one, the exigencies of our military operations are now undermining our ability to help promote such legitimate governance. We have looked the other way when our supposed allies committed human rights abuses, sold drugs or embraced corruption. As General McChrystal stated in his assessment, we have embraced "problematic" relationships with "polarizing and predatory" power brokers, including in the Afghan National Security Forces, who "have been major agents of corruption." He reported that "extortion associated with large-scale development projects undermines the economy in Afghanistan." Additionally, he notes, the Afghan public "perceives that ISAF is complicit in" the abuse of power and corruption.

Some who want to persist with our current strategy are calling for a rapid increase in the size of the Afghan security forces. But without a legitimate, functioning national government, a rapid expansion of these forces is likely to provoke further instability.

Currently, the only face of the Afghan government in many parts of the country is the Afghan police force which is itself beset by corruption.

While our current strategy depends upon our ability to address the corruption that plagues the Afghan government, no one has explained how we can achieve this goal. With the input of millions of dollars, international pressure and additional U.S. troops, we did not even have the ability to prevent

wide-scale fraud in the recent presidential election. In the absence of a legitimate local partner, our counterinsurgency goals, while perhaps laudable, appear unrealistic.

Rather than further aligning ourselves with this badly flawed government, we should focus on targeting our aid to those actually working to promote good governance and the rule of law. This does not require a massive military presence. Indeed, attempting to accelerate this process with an increase in U.S. troop levels may well be counterproductive. Countries are typically built by their own people, over time, through a process of building a national consensus. This cannot be imposed by foreigners, especially when they are active participants in an ongoing war in a country that is highly resistant to foreign occupation. And we cannot afford to link this lengthy and unpredictable process to an open-ended and unsustainable military escalation.

General McChrystal has argued that we should significantly increase our military resources in Afghanistan for the purpose of "protecting" the Afghan population. However, he acknowledges that, if we endorse his proposal, it "is realistic to expect that Afghan and coalition casualties will increase." This does not make sense. Occupying the population centers of southern Afghanistan is likely to provoke greater resentment and increase the danger to our troops and to the Afghan public. The majority of Afghans oppose an increase in foreign troops and want to see foreign troops leave the country within 2 years. Without giving the American and Afghan people a sense that our military operations will not go on indefinitely, we are unlikely to gain the support needed to accomplish our goals, particularly if we know going in that civilian casualties will only increase in the short term. That is why I have called for a flexible timetable to draw down our troop presence in Afghanistan.

Rather than risking more American lives and spending more American dollars in support of an illegitimate partner in Afghanistan, we must find a way to relentlessly pursue al-Qaida without further destabilizing Afghanistan and its nuclear-armed neighbor. Our massive, open-ended military footprint is not only unnecessary and unlikely to accomplish this goal, it may well be counterproductive.

Now, some will argue that anything short of a troop escalation means "abandoning" Afghanistan. That same argument was made about Iraq, and it is just as phony now as it was then. The question is not about abandoning Afghanistan, it is about correctly defining and achieving our goals there. Unlike Iraq, we also hear arguments pointing out that the 9/11 attacks were launched from Afghanistan, which is absolutely true.

But the leaders of al-Qaida and the leaders of the Taliban are in Pakistan, they are not in Afghanistan. We should be concerned about al-Qaida potentially re-establishing a safe haven in Afghanistan, but we should be even more concerned about al-Qaida's current safe haven in Pakistan. Pakistan is home to a witches' brew of militancy, radicalism, terrorism, nuclear weapons and weak civilian leadership, and getting this country right will be even more challenging, and more important, than Afghanistan.

Our primary goal should be to help support the emergence of a civilian government in Pakistan that is effective, democratic and a reliable partner. It has been widely reported that elements of the Pakistani security services continue to provide support to militants. Our ability to pressure the Pakistani security forces to hold those elements accountable is undermined by our focus on military operations in Afghanistan, specifically our dependence upon our supply line running through Pakistan. Some have suggested that if we redeploy troops from Afghanistan, the Pakistanis will decide we are not committed to the region, and we will lose what leverage we have over them. In fact, we should consider whether drawing down our troops in Afghanistan would help enable us to deal with Pakistan from a position of strength.

The Director of National Intelligence summarized the depth of the problem earlier this year during his testimony before the Senate Select Committee on Intelligence. He stated that:

No improvement in the security in Afghanistan is possible without . . . Pakistan taking control of its border areas and improving governance, creating economic and educational opportunities throughout the country. . . . [M]ounting economic hardships and frustration over poor governance have given rise to greater radicalization. . . . Islamabad needs to make painful reforms to improve overall macroeconomic stability. . . .

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator be given 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD.

Among the needed reforms are measures to improve the transparency of government expenditures and impose taxes on wealthy landowners. Such reforms would reduce the opportunities for corruption among Pakistani political leaders, help to establish a more level political playing field, and help build the confidence of average Pakistanis in their government.

As Admiral Blair's testimony illustrates, militancy in the region stems from an incredibly complicated set of problems, few of which are amenable to a military solution. Now that the United States is focused on its relationship with the civilian government in Pakistan after too many years in

which we placed all our chips on an unreliable, unpopular and undemocratic strongman, we are finally on the right track, trying to support the emergence of a legitimate government that, in the long run, is more likely to support our counterterrorism goals and provide the stability that country needs.

Progress on this front, however, may well be compromised by our massive presence in Afghanistan. During a recent Senate Foreign Relations Committee hearing, former British foreign service officer, Rory Stewart testified that "U.S. operations in Afghanistan may, in fact, contribute to the destabilization of Pakistan." Special Envoy Holbrooke and Admiral Mullen have also acknowledged to me in appearances before the Foreign Relations Committee that there is a danger that our operations in Afghanistan will further destabilize Pakistan by pushing militants into that country. We must carefully consider the alternatives before we pursue a significant escalation in Afghanistan that is not likely to fix the governance problems in that country or to address the al-Qaida presence in Pakistan, and that could further destabilize the entire region.

Over the last 8 years, we have committed tremendous resources in an effort to dramatically rework Afghan society. We have doubled our troop levels over the past year and, this year alone, we will spend over \$50 billion in that country. This has already become the deadliest year for U.S. troops in Afghanistan. Rather than doubling down on a strategy with objectives that may well be unachievable, we should focus on relentlessly pursuing al-Qaida's network in Pakistan and around the world, and set realistic goals for providing civilian assistance to legitimate actors within the Afghan and Pakistani governments. My amendment asks tough questions about any potential military escalation to ensure that we carefully consider the costs of the proposed strategy, its likelihood of achieving our counterterrorism goals, the potential pitfalls and the alternatives. I hope my colleagues will ask themselves these questions as they consider whether to support the underlying bill, which funds a military approach in Afghanistan that is badly in need of rethinking.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. I ask unanimous consent to set aside the pending amendment and call up my amendment at the desk, No. 2588.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, I have no objection to the Senator from Minnesota offering his amendment. I wanted to get two other amendments pending. I ask that I be included in the request.

The PRESIDING OFFICER. Is there objection to modifying the request?

Mr. FRANKEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRANKEN. I would like to get my amendment in.

Mr. COBURN. If the Senator objects for me, then I will object to him getting his.

The PRESIDING OFFICER. Objection is heard.

#### AMENDMENT NO. 2593

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment 2593 offered by the Senator from Michigan, Mr. LEVIN.

Mr. LEVIN. Mr. President, there are two amendments that we will be voting on next to each other, side by side, relating to the appearance of not only General McChrystal but, if my amendment is passed, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Commander in CENTCOM and General McChrystal, both. That was the approach we used when President Bush, for 3 months, had under consideration an Iraqi surge. Nobody tried to have a hearing at that time to bring in his commander while the President was deliberating to give us the commander's views that he was sharing with his Commander in Chief. As a matter of fact, that commander, General Casey, had views which ran very contrary to his Commander in Chief. But we should follow that same pattern here. We should allow this deliberative process to take place. We should not try to intrude upon it or to put the commander in the field in a position where he is testifying in public relative to what he is advising his Commander in Chief.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I hope everybody had a chance to read the wording of this amendment that says "appropriate committees of Congress shall hold hearings," et cetera, "promptly after the decision by the President on those matters is announced." In other words, we don't have any input into the decisionmaking process. We don't get to hear from the Secretary of Defense on down while the decision is being made by the President as a coequal branch of government. This is bizarre. I have never seen a requirement that we can't call witnesses and won't call witnesses on an issue about sending young Americans into harm's way. This is a remarkable statement that we are not going to be in on the takeoff and so therefore we will not be in on the landing. We aren't going to have a hearing on one of the most pressing and incredible emergencies of our time? We aren't going to have any witnesses before the appropriate committees until after the decision is made? I am not ready to abrogate those responsibilities that I have to the citizens of Arizona who are in harm's way. I urgently ask col-

leagues to vote against this bizarre amendment.

The PRESIDING OFFICER (Mr. FRANKEN). The question is on agreeing to amendment No. 2593.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 39, as follows:

#### [Rollcall Vote No. 304 Leg.]

##### YEAS—60

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Kirk	Sanders
Burr	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dorgan	Lincoln	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

##### NAYS—39

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Murkowski
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Snowe
Collins	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Wicker

##### NOT VOTING—1

Dodd

The amendment (No. 2593) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. NELSON of Nebraska. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

#### SENATOR ORRIN HATCH'S 12,000TH VOTE

Mr. MCCONNELL. Mr. President, I rise to honor our colleague and good friend, the senior Senator from Utah, who is about to cast his 12,000th vote. Today, Senator HATCH becomes part of a small group. He is now one of fewer than 15 Senators in history, and the only Senator in the history of Utah, to have cast 12,000 votes in the well of the Senate.

The people of Utah have elected ORRIN HATCH to this body six times,

and I am sure they couldn't be more proud to see him reach this milestone. For more than 32 years, he has been a phenomenal representative of the Beehive State. He has made sure no one in Washington, as he likes to put it, has been able to push Utah around. He has also made a lot of sacrifices in the process. A few years ago, when Senator HATCH was deciding whether to run for reelection, his wife Elaine asked him if maybe it was time to leave Washington so they could have a life. ORRIN responded with the words of a public servant: "This is our life," he said. "My life is a life of service."

It actually started out early. As a young man growing up in Pittsburgh, ORRIN was elected to the student Senate and then as student body president at Baldwin High School. Later, at Brigham Young University, thanks to an alphabetical seating chart, he met Elaine Hansen. It was probably the only thing he ever got in his life simply by way of good luck.

ORRIN was always a hard worker. As a boy, he sold eggs from his family's chickens. He worked as a janitor in college. He left Brigham Young with a degree in history and went on to make some history himself, becoming the longest serving Senator in the history of Utah and one of the most influential and well-known Senators of our time.

Politics came naturally and quickly. Before winning a Senate seat, he had never held elected office. A tireless campaigner, ORRIN set out across his State to meet the people of Utah and to tell them how he could help them in Washington. His message and his work ethic earned him their respect and it earned him 54 percent of the vote.

From the moment he was sworn in, ORRIN kept his early pledge. He has helped the people of Utah and all Americans keep more of their hard-earned money by sponsoring tax relief legislation. He has been a champion of health care reform, particularly children's health, through his work on the Finance and Health, Education, Labor, and Pensions Committees.

Senator HATCH is also known to millions of Americans as a veteran member of the Judiciary Committee. He has been involved in the debate over eight—eight—sitting Supreme Court Justices.

He has been a major player in recent debates over national security, energy, labor, the second amendment, and the current debate over health care, and he has done it all in the spirit of bipartisanship, earning the friendship and respect of every Senator in this Chamber. No one who has ever met ORRIN HATCH isn't struck by his courtesy and the dignity with which he carries out his duties. For Republicans, he is a good friend, a constant ally, and one of the best advocates we have. To Americans, he is the very picture of a Senator.

Incidentally, he is also one of the most prolific songwriters ever to serve

in Congress. He wrote all 13 songs from one of his albums over the course of one weekend, and well-known musicians such as Gladys Knight have sung his songs. But he will never be accused of false modesty when it comes to his talents as a songwriter. ORRIN once told a reporter: Everybody loves my music.

In everything else, though, ORRIN is happy to share the credit. He will be the first to tell you that his success wouldn't be possible without his family. So today we also honor Elaine, their 6 children, and their 23 grandchildren on this very historic occasion.

These milestones are important because they testify to hard work and commitment. But they also give us an opportunity to recognize colleagues whom we admire and respect, colleagues such as the senior Senator from Utah.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have looked forward for the last half-hour or so to this occasion, recognizing that ORRIN was going to be making his 12,000th vote the next vote.

The people of Utah are proud of Senator HATCH for a lot of reasons. His name is synonymous with Utah. Even though he spent a lot of his growing up in Pennsylvania, the name "Hatch" is a prominent name throughout Utah. They even have a town named Hatch. His great-grandfather, Jeremiah Hatch, helped found the town of Vernal. ORRIN, I have to say this: My staff preparing this said the beautiful town of Vernal. I had to change it to say the interesting town of Vernal. But it is an indication of the roots of the Hatch family in Utah. That town of Vernal, UT, was founded more than 130 years ago by Jeremiah, and the heart of every Hatch since then was been part of the State of Utah.

Senator HATCH has chaired the Judiciary Committee on more than one occasion. He spent 7 years at the helm of that panel during some of the most difficult times we have had in the Senate dealing with judicial appointments. He served as chairman of the HELP Committee. In that post, he sat alongside his friend, Ted Kennedy, for almost two decades. Senator HATCH has a lot to be proud of in his legislative record. One of the things that is a hallmark of Senator HATCH: He is the reason we have a Surgeon General's warning on cigarette packages and advertisements. That is because of Senator HATCH.

He has not only been a good Senator, he is also a terrific lawyer. He excelled in his younger days as a basketball player, has fought in the ring, and as we have heard from the Republican leader, he is an accomplished musician, and he really is. He recently wrote a song in honor of Senator Kennedy. It is not the first song he has written about his friend.

ORRIN HATCH has dedicated his life to people, period. As a young man, he took 2 years out of his life to serve as a Mormon missionary in the States of Indiana, Ohio, and Michigan. That is, as some say, similar to going into the Army and not having a gun to carry. It is a very strict 2 years. They have very strict assignments and a routine they go through, and it prepared him well for what we do in the Senate. But during his heavy load in the Senate, he has rarely not been a Sunday school teacher or doing other things with the church.

I think we on this side would agree that ORRIN HATCH on occasion can be fairly partisan, but I would also say that is not always the case. He has almost, nearly alone on a number of occasions, broken away and been responsible for important legislation in recent years, including the Children's Health Insurance Program. Many educational issues, including Leave No Child Behind, have been as a result of his stepping out.

ORRIN and I are not political soulmates, but we are soulmates. He is a wonderful man and a good friend. As we have heard, he is the father of 6, the grandfather of 23, and a great-grandfather. He is one of the most senior Members of this body and one of the most respected.

I think truly the reason that ORRIN is the person he is is because of Elaine. He has an angelic wife, a woman who is at his side, supportive of him through good times and bad. She is a wonderful woman.

I am happy to have as one of my neighbors from the State above ours, Utah, ORRIN HATCH, who will truly go down as one of Utah's outstanding, great Senators, and that is the way it should be.

The PRESIDING OFFICER. The junior Senator from Utah.

Mr. BENNETT. Mr. President, I will not prolong this a great deal, but I need to stand as ORRIN's junior colleague and acknowledge not only all the things the two leaders have acknowledged, but the great friendship I have experienced coming here as a Senator.

ORRIN, we shall now reveal, was somewhat enamored of my opponent when I ran the first time. He, at the same time, in great fairness, reached out to me to become acquainted with me, and after we had a particular problem arise in that campaign, ORRIN reached out to my opponent and settled that problem with the kind of diplomacy and capacity he always has. From that time forward, I could not have had and could not have wished for a more reliable or more supportive senior colleague than ORRIN HATCH.

I am senior to him when it comes to age. You wouldn't think that, but it happens to be true. But never at any time has he treated me as anything but

a complete equal. He has acted as a mentor.

I am grateful to the two leaders for their setting aside this time. I wish to join with them in congratulating ORRIN on his 12,000th vote.

The PRESIDING OFFICER. The senior Senator from Utah.

Mr. HATCH. Well, thank you so much to the two leaders. This is embarrassing, but it is very moving to have all my friends and colleagues here. This means so much to me. I didn't realize it was such a big deal, to cast 12,000 votes, but I am grateful the people of Utah have given me this privilege and this opportunity to serve in the greatest legislative body on Earth today, with the most wonderful people I know on both sides of the floor. I appreciate each and every one of you, and as long as I am here, I am going to try to do the very best job I can.

I am very grateful to BOB BENNETT as well. He is a wonderful colleague and a wonderful companion here in the Senate. He has been a wonderful guide, and he has helped me as well.

This body means a great deal to me. We all saw what it meant to Ted Kennedy and the great accolades he received throughout his lifetime. It was a real privilege to be close to him, as I am to almost all of you and will be to all of you. This is a tremendous body. I just wish we could get rid of some of the partisanship as well as work together a little bit better than we have. To the extent that I can, I will certainly try to do that.

I wish to thank my friends on the Democratic side for their patience and their tolerance and kindness and my friends on the Republican side for putting up with me all these years. I am very grateful to you.

By the way, I have three great-grandchildren as well, so I have 26 grandchildren, and I think probably more on the way by now.

When I was a missionary in Ohio, Indiana, and Michigan, they once called me to start the congregation in Sandusky, OH.

We had four members there who hadn't been to church in less than 10 years. Within a month we had 30, all women, of course, and children. I became the first branch president, pastor of that congregation. We have the longest serving woman's organization in the world in the Mormon church, and it is called the Relief Society, which is presided over by women. I don't want you to misconstrue this, but I was also a part of and the president of the Relief Society as well in that small branch of the church.

From those humble beginnings, I have to say I received some of the greatest experiences of my life. That mission was important to me. This is important to me. I love each and every one of you. I think I have expressed

that to you in various ways, even at times when I am sure you wondered about it. I am sorry I took so long, but I am moved by this nice care that you have all shown to me. Thank you so much.

(Applause, Senators rising.)

AMENDMENT NO. 2575

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 2575, offered by the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. Mr. President, this amendment says within 45 days that we should have testimony from our military leaders, whom we have given the responsibility for combat operations in Afghanistan.

We have just abrogated the Senate's obligations and constitutional authority for advice and consent, because now, thanks to the passage of the Levin amendment, we will not have testimony from those commanders in the field. I take special exception to it, and so should most people who have their young citizens over there in harm's way today fighting and dying.

What we are going to do is say we cannot have any hearing as regards to strategy concerning how we are going to succeed in Afghanistan. So we are not in on the takeoff, and a lot of us may have trouble being in on the landing. This is an issue regarding which the Senate should have a role—at least of being informed.

I guess maybe we will be restricted to interviews with General McChrystal on "60 Minutes." I urge my colleagues to vote in favor of the amendment.

Mr. LEVIN. Mr. President, I very much oppose the amendment. Secretary Gates opposes it. It would be totally inappropriate, in the middle of a deliberative process, to pit a commander of our troops in the field against the Commander in Chief. We did not do this when President Bush was President and General Casey was the commander. Apparently, he had very different views about the surge. Three months went by while President Bush deliberated on whether to surge troops. We never put General Casey at a hearing to tell us what he was advising President Bush, asking why we heard he might be advising a very different course of action. We never did that to President Bush. We should extend the same courtesy to President Obama during this deliberative process.

There are good reasons why Secretary Gates opposes bringing his commander in front of a public hearing at this time. We should show the same respect for the President of the United States now as we did when President Bush was President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), is necessarily absent.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—40

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NAYS—59

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burr	Kirk	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—1

Bayh

The amendment (No. 2575) was rejected.

Ms. LANDRIEU. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The junior Senator from Minnesota is recognized.

AMENDMENTS NOS. 2588, 2596, 2585, AND 2566, EN BLOC

Mr. FRANKEN. Madam President, I ask unanimous consent that the pending amendment be set aside, and on behalf of myself and Senators BOND and COBURN, I call up the following amendments en bloc, and ask that once they have been reported by number, they be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. I call up amendments Nos. 2588, 2596, 2585, and 2566.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. FRANKEN] proposes an amendment numbered 2588.

The Senator from Minnesota [Mr. FRANKEN], for Mr. BOND, for himself and Mr. LEAHY, proposes an amendment numbered 2596.

The Senator from Minnesota [Mr. FRANKEN], for Mr. COBURN, proposes an amendment numbered 2585.

The Senator from Minnesota [Mr. FRANKEN], for Mr. COBURN, proposes an amendment numbered 2566.

The amendments are as follows:

AMENDMENT NO. 2588

(Purpose: To prohibit the use of funds for any Federal contract with Halliburton Company, KBR, Inc., any of their subsidiaries or affiliates, or any other contracting party if such contractor or a subcontractor at any tier under such contract requires that employees or independent contractors sign mandatory arbitration clauses regarding certain claims)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

AMENDMENT NO. 2596

(Purpose: To limit the early retirement of tactical aircraft)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) LIMITATION ON EARLY RETIREMENT OF TACTICAL AIRCRAFT.—The Secretary of the Air Force may not retire any tactical aircraft as announced in the Combat Air Forces structuring plan announced on May 18, 2009, until the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report described in this subsection is a report that sets forth the following:

(1) A detailed plan for how the Secretary of the Air Force will fill the force structure and capability gaps resulting from the retirement of tactical aircraft under the structuring plan described in subsection (a).

(2) A description of the follow-on missions for each base affected by the structuring plan.

(3) An explanation of the criteria used for selecting the bases referred to in paragraph (2) and for the selection of tactical aircraft for retirement under the structuring plan.

(4) A plan for the reassignment of the regular and reserve Air Force personnel affected by the retirement of tactical aircraft under the structuring plan.

(5) An estimate of the cost avoidance to be achieved by the retirement of such tactical aircraft, and a description how such funds would be invested under the period covered by the most current future-years defense program.



## AMENDMENT NO. 2585

(Purpose: To restore certain funds for the Armed Forces to prepare for and conduct combat operations by accounting for the August 2009 Congressional Budget Office economic assumptions and by reducing funding for congressionally directed spending items for low-priority research and development projects)

On page 239, beginning on line 22, strike "\$294,000,000" and all that follows through "\$236,000,000" and insert "\$194,000,000, the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$336,000,000".

## AMENDMENT NO. 2566

(Purpose: To restore \$166,000,000 for the Armed Forces to prepare for and conduct combat operations, by eliminating low-priority congressionally directed spending items for all operation and maintenance accounts)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. No amounts appropriated or otherwise made available by this Act may be obligated or expended to fund any congressionally directed spending item included in the report of the Committee on Appropriations of the Senate (Senate Report 111-74) with respect to any account as follows:

- (1) Operation and Maintenance, Army.
- (2) Operation and Maintenance, Navy.
- (3) Operation and Maintenance, Marine Corps.
- (4) Operation and Maintenance, Air Force.
- (5) Operation and Maintenance, Defense-Wide.
- (6) Operation and Maintenance, Army Reserve.
- (7) Operation and Maintenance, Navy Reserve.
- (8) Operation and Maintenance, Marine Corps Reserve.
- (9) Operation and Maintenance, Air Force Reserve.
- (10) Operation and Maintenance, Army National Guard.
- (11) Operation and Maintenance, Air National Guard.

The PRESIDING OFFICER. The Senator from Minnesota.

## AMENDMENT NO. 2588

Mr. FRANKEN. Madam President, the amendment I offer today is inspired by the courageous story of a young woman who has dedicated 4 years of her life to making sure no other woman lives through her nightmare.

Four years ago at the age of 19, Ms. Jamie Leigh Jones signed a contract to become an employee of KBR, then a Halliburton subsidiary. That contract contained a clause which required her to arbitrate any future dispute against her employer—this means to force her to give up her right to seek redress in court if she was wronged. At the time, Ms. Jones had no idea what implications this seemingly innocuous fine-print clause would have.

Ms. Jones arrived in Iraq in July of 2005. Immediately, she complained to supervisors about the hostile conditions imposed by KBR. She was constantly being harassed by her male colleagues and was housed in barracks with 400 men and only a few women.

Her pleas for safer housing were ignored.

Four days after her arrival, Ms. Jones was drugged and gang-raped. She requested medical attention, and a doctor administered a rape kit. Parts of that rape kit have since mysteriously disappeared.

After Ms. Jones reported the rape to her supervisors, she was locked in a shipping container with an armed guard and prohibited any contact with the outside world. They locked her in a container. It was only after she convinced one of the guards to lend her a cell phone that she was able to talk to her father, who enlisted the help of Representative TED POE, a Republican Congressman from Texas, to arrange for her safe return to the United States.

But Ms. Jones' horrific plight did not end there. Having survived this ordeal, most of us would expect that she would have had her day in court to seek justice for the actions and inactions of her employer. Instead, KBR sought to enforce the arbitration clause in Ms. Jones' contract and tried to force her into arbitration. So over the past 3 years, Ms. Jones has been fighting for her right to bring a lawsuit, and KBR has been fighting her every step along the way. This is simply too long for a rape victim to wait, just to have her day in court.

The only thing more outrageous than KBR's actions is that Ms. Jones' story is not an isolated one. Since Ms. Jones courageously shared her story, many more women have come out of the shadows saying the same thing happened to them. And, yes, some of these women are still waiting for their day in court too. Others were forced into arbitration, and their outcome remains secret due to the nondisclosure clauses in the arbitration agreement.

Arbitration has its place in our justice system. For two companies haggling over the price of goods, arbitration is an efficient forum, and the arbitrator will undoubtedly have the appropriate expertise. The privacy that arbitration offers can protect their proprietary business information. But arbitration has its limits. Arbitration is conducted behind closed doors and doesn't bring persistent, recurring, and egregious problems to the attention of the public. Arbitration doesn't ever allow a jury of your peers. Arbitration doesn't establish important precedent that can be used in later cases.

Many of our Nation's most cherished civil rights were established by individuals bringing claims in court, the court ruling in their favor, and then extending the protection of those rights to anyone in a similar situation. Arbitration does have a place in our system, but handling claims of sexual assault and egregious violations of civil rights is not its place.

Ms. Jones won a small but important victory just a few weeks ago. The con-

servative Fifth Circuit Court, encompassing Texas, Louisiana, and Mississippi, ruled that most of Ms. Jones' claims do not belong in arbitration, and she is entitled to her day in court. The Fifth Circuit ruled that even when you sign an employment contract requiring arbitration, there are some rights to sue your employer that can't be signed away. These include assault and battery, infliction of emotional distress, false imprisonment, and negligent hiring, retention, and supervision. But the Fifth Circuit's ruling only applies to the Fifth Circuit's jurisdiction, so it is not settled law throughout the United States. Who can say what might happen to claims filed in other circuits?

My amendment seeks to extend much of the Fifth Circuit's reasoning to government contractors who continually subject workers to these so-called mandatory arbitration clauses. The government shouldn't be doing business with defense contractors such as KBR as long as they continue this practice.

The amendment I am offering today seeks to narrowly target the most egregious violations. The amendment applies to defense contracts, many of which are administered abroad, where women are the most vulnerable and least likely to have support resources. The amendment will apply to many contractors that have already demonstrated their incompetence in efficiently carrying out defense contracts and have further demonstrated their unwillingness and their inability to protect women from sexual assault.

I urge my colleagues to support this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, it is my understanding the Senator from Louisiana is going to be the next speaker, but I ask unanimous consent at the conclusion of her remarks that the Senator from Georgia be recognized, and that I be recognized after him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand there are several colleagues wishing to speak on the underlying bill. I am going to speak for a minute on an event that happened last night to honor many of our constituents who were here in Washington for a special event. But before I do, and before the Senator from Minnesota leaves the floor, I want to thank him for bringing the amendment he just brought to the bill and to ask that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I sincerely appreciate the work that has

gone into that amendment and hope it will see a significant vote on the Senate floor and that it will help not only the individual he spoke of but perhaps hundreds, if not thousands, of other people who might find themselves in similar situations.

#### CONGRESSIONAL COALITION ON ADOPTION

Madam President, I see my good friend, Senator INHOFE, on the Senate floor today. He and I have the privilege and honor of cochairing the adoption caucus, and I wanted to speak briefly and to thank the 43 Senators who participated in this annual event by honoring individuals in their States—and, Madam President, you participated as well—for something special they had done on behalf of adoption or foster care in the United States or abroad.

This event is in its eleventh year. Collectively, the Members of Congress—Democrats and Republicans—have honored over 1,500 Americans—some judges, some social workers, parents, advocates, lawyers in the system—who are helping to find permanent homes for orphans in America and around the world. We have approximately 500,000 children in foster care. That is a large number, but actually a small percentage if you think about all the children in our country—about 100 million. This represents less than one-half of 1 percent. But these children are in the custody of the government. Governments don't, by their nature, love children, human beings do, and parents particularly. So our job as Senators and Congressmen is to try to break down barriers, legal and otherwise, so we can find these orphans permanent homes.

In the last 20 seconds that I have, I want to submit for the RECORD the names of the 43 Senators and their angels from a variety of States in the Union. I want to acknowledge the three national angels: Judge Michael Nash of California, nominated by the Senators from that State and from all of us who started National Adoption Day, where judges such as Judge Nash took the liberty to hold adoptions on Saturdays so we could move a backlog of children. Because of his action, 350 communities now hold adoptions on Saturday.

Al Roker, who greets most Americans in the morning, an adoptive father, is now using his position of power to advocate on behalf of orphans.

And Sean and Leanne Toohey, who adopted a young man at 16 years old, are a couple who had raised two biological children, then adopted a young man who was going nowhere, on a dead-end street. Because of their love and because of their mutual support, he now is the No. 1 draft choice and is going to play for the Baltimore Ravens—a young man with a great deal of potential who just simply didn't have any parents who believed in him. Now he does.

That is the work we do. We honor all of our angels who were here for many

days, understanding they are not alone in this fight to find homes for orphans.

Madam President, I ask unanimous consent to have printed in the RECORD the 2009 Congressional Coalition on Adoption Institute Angels in Adoption.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### 2009 CONGRESSIONAL COALITION ON ADOPTION INSTITUTE ANGELS IN ADOPTION

##### ALABAMA

Linnie and Debbie Dickson; AGAPE of North Alabama, Inc.

##### ALASKA

Elaine Cordova; Mechele and Ricky Adams.

##### ARIZONA

James and Virginia Avelar.

##### ARKANSAS

Christie Erwin; Keith Morrison.

##### CALIFORNIA

Dan and Brook Meehan; Wanda Bonnell; Christine Devine; Mark D. Widelock; Kimberly Felder; Olive Crest; Knotts Family Agency; Mimi Katz; John and Kathy Prosser; Patrick and Judy Dahlson; Kathy Van Osten.

##### CONNECTICUT

Haley Dunning.

##### FLORIDA

Ione and Don Hemby; Michael and Patricia Iania; Sarah and Johnnie James; George and Barbara Kadzis; Dean and Debbie Heaton; Frances P. Allegra; Sarah Franco; Jodi Sue Rutstein, MSW, Esq.; Gia Tutalo-Mote; Shirley Dunlap; Children's Home Society of Florida; Karen and John Burns.

##### GEORGIA

Rachel Ewald; Mr. Everett Expose'.

##### IDAHO

Al Barrus.

##### ILLINOIS

David and Christine McCarty; Lloyd and Gloria Otterson; Jim and Andrea Thome and Paul and Jennifer Konerko; CASA Kane County.

##### INDIANA

Ben and Debbie Evans; Theresa and Michael Teders; Stacy Lynn Taylor; The Villages.

##### IOWA

Gary and Sandy Launderville; Ray and Joanne Walton.

##### KANSAS

Brandon and Melissa Hoffman; Dr. Kimberlee Murphy.

##### KENTUCKY

Lea Ann Gollihue; Terry Winterberg.

##### LOUISIANA

Lisa Gould; Edith H. Morris; Barbara Thompson; Irene Williams; Ada Burson.

##### MAINE

Jaimie and Belinda Erskine.

##### MARYLAND

Samuel and Mildred Stewart; Lori Weinstein.

##### MASSACHUSETTS

Etta Lappen Davis; Mary Gambon.

##### MICHIGAN

Kimberly Roberson and Carroll Baker; Robert and Caroline Deppe; Steve and Sarah Rosinski; Belinda Geertsma; Addie D. Williams; Christ Child House.

##### MINNESOTA

Dean and Teresa Julkowski; Heidi Reitz; Kari Fletcher.

##### MISSISSIPPI

Patricia Digby.

##### MISSOURI

John and Christie Hancock; Anthony and Jennifer Dattoli; Keith and Tami Hoskins; Mike and Holly Hyde; Mary Beck; Fran Albrecht.

##### NEBRASKA

Sara and Junior Heredia; Steven and Shelley Brune; Boys Town.

##### NEVADA

Roberta and Merrill Simon; Deanna Workman and Denise Gernant.

##### NEW JERSEY

Ted and Marsha Burke; Alice Nadelman; Victoria Howard; Brenda Mirly.

##### NEW MEXICO

Ginni Jones.

##### NEW YORK

David and Eileen Shifter; Caren Sue Peet; Archbishop Voni Johyn; Frederick J. Magovern; Claudette and Jean Adrien.

##### NEW HAMPSHIRE

Gail DeGoosh.

##### NORTH CAROLINA

Ross and Diane Moreton; Dawn Davenport; Walter Johnson; Ken Tutterow.

##### NORTH DAKOTA

Robert and Vicki Thu; Leanne Johnson.

##### OHIO

Peter and Angela Schoepflin; Larry and Vicki Palur; Carole Adlard.

##### OKLAHOMA

Duane and Cathy Shipman.

##### OREGON

Zak and Alexa Knight; Rose McBride.

##### PENNSYLVANIA

Thomas and Theresa Stacy; Charles and Shannon Eder; Mary Ann Petrillo; Tom and Patti Long.

##### RHODE ISLAND

Adoption Rhode Island.

##### SOUTH CAROLINA

Bob Porterfield.

##### SOUTH DAKOTA

Bob and Donna Burke; Dan and Becky Foster.

##### TENNESSEE

Mark, Janet, and Nathan Carlton; Josh and Katrina Hildabrand; Smoky Mountain Children's Home; Michael McDonald.

##### TEXAS

Holli and Eric Kounce; Jenny L. Womack; A World For Children; Dell and Gladys LeFever.

##### VERMONT

Lund Family Center.

##### VIRGINIA

Linda and Vic Sisson; Loren M. Walck, Sr.; Captain Sean Welch.

##### WASHINGTON

Randy S. Perin; Antioch Adoptions.

##### WEST VIRGINIA

David and Dawn Heatwole.

##### WISCONSIN

Marshall and Marjorie Barlow; Aaron and Laura Maki.

##### WASHINGTON, DC

Michele Zavos.

Ms. LANDRIEU. Madam President, I thank my colleagues for the opportunity to speak briefly and to take the time from this important bill.



I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I would first like to commend the Senator from Louisiana for her great work on this issue of adoption. She has been very diligent over the years in promoting the issue of adoption of needy children across America, and I am very pleased to be a part of that caucus and commend her and thank her for her great work there.

Madam President, what is the status of the business before the Senate?

The PRESIDING OFFICER. The last offered amendment is the Coburn amendment, No. 2566.

AMENDMENT NO. 2608

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up amendment No. 2608.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for Mr. KYL, proposes an amendment numbered 2608.

The amendment is as follows:

(Purpose: To appropriate an additional \$900,000,000 for the Afghanistan Security Forces Fund)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title IX under the heading "AFGHANISTAN SECURITY FORCES FUND" is hereby increased by \$900,000,000.

Mr. CHAMBLISS. Madam President, very quickly, this amendment restores the amount of money for the training of the Afghan security police and military back to the level that was requested both by the President in his budget submitted to this body, as well as restores the number that was approved in the Defense authorization bill that has previously been voted on by this body and is now in conference with the House.

The fiscal year 2010 Defense appropriations bill takes \$900 million from the President's request for Afghan security forces at a point in time when our troops are in the trenches fighting and defending us, defending the Afghan people from both the Taliban and al-Qaida, and there is no more critical issue out there right now than training both the Afghan military as well as the Afghan security police.

We have just received General McChrystal's assessment, and let me quote a portion of that assessment where he states as follows:

Failure to provide adequate resources also risks a longer conflict, greater casualties, higher overall cost, and ultimately a critical loss of political support. Any of these risks, in turn, are likely to result in mission failure.

General McChrystal's No. 1 issue is the training of the Afghan military and the Afghan security police because of the fact, if we are ever going to achieve success over there, we have to know that once we root out the bad guys, once we take out the Taliban and al-Qaida, that we can turn that country over to the Afghans, as we are doing in Iraq today, and we can remove our troops with the confidence that the Afghan military and the Afghan security police will be able to maintain security within that country as well as to protect the Afghan people from external sources. But the only way we will be able to do that is to train the military as well as to train the security police.

The President's budget that came over for this particular issue requested \$7.5 billion. That is a lot of money—a lot of money for any issue—but certainly a lot of money for training. But it is obviously absolutely necessary if we are going to complete the job.

We are at a very critical crossroads in Afghanistan right now. The President has under consideration the issue of whether to call for additional troops to be sent into Afghanistan. He is obviously weighing that very heavily. While he should, I would hope he is going to make a very quick decision on that particular issue. But whatever the decision is, and whenever he makes it, we know for a fact that the Afghan military and the Afghan security police have to continue to receive the training our troops are providing for them today.

Let me just quote a couple of other statements from other very high-profile individuals who are very knowledgeable and very thorough in their assessment of the situation with respect to the Afghan military and the Afghan security police. First of all, Admiral Mullen, during testimony before the Senate Armed Services Committee on September 15, said the following in response to Chairman LEVIN:

I share your view that larger and more capable Afghan national security forces remain vital to that nation's viability. We must rapidly build the Afghan army and police.

Senator LEVIN, chairman of the Senate Armed Services Committee, at that same hearing stated:

We basically need a much larger Afghan army, much quicker. That is the bottom line. That is the winning strategy.

Senator LIEBERMAN said in July that the commitment to the expansion of Afghan forces "is a decision that we have avoided making for far too long. Every day we continue to drag our feet and fail to commit to the indigenous security forces hinders the fight against the extremists and delays the pullout of U.S. troops in Afghanistan."

Lastly, the outgoing Supreme Allied Commander for Europe—the SACEUR—GEN John Craddock, said during his testimony this summer:

I don't think the intent there is to ever occupy and stay. The key, as has been pointed

out, is the enabling of development of the Afghan national security forces. As the SACEUR for the last 2½ years, I repeatedly told NATO nations the very first thing we need are more trainers for the army and the police, particularly the police.

Madam President, what this amendment does is add \$900 million basically back to the top line. The reason we can do that is that under the appropriations bill, as has been passed, and as compared to the President's budget and the budget passed here, this bill is about \$3.5 billion under the budget. So there is room to add this \$900 million back in to make sure we are giving the Afghan people the ability to protect themselves from external forces as well as the ability to protect themselves from dangers within their own country.

Last, let me say the President has been very critical of the reduction of this \$900 million. In the statement of administration policy, or the SAP that was put out on the 25th of September, here is what the President said:

The administration opposes the reduction of \$900 million for ANSF sustainment. Accelerating the growth in size and capability of the Afghanistan National Security Forces is a key component of the U.S. strategy in Afghanistan. The President's full request reflects his commanders' plan for Afghan forces to assume a greater share of responsibility for security as quickly as possible.

Simply stated, it is critically important that this training proceed at a very rapid pace. In order to do that, we have to resource the training that our troops are doing today and we will need to continue to do over the next fiscal year.

I ask this amendment be called up at the appropriate time for a vote by this body and that our colleagues will support the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, let me first comment on the comments made by the Senator from Georgia, because I was privileged to be in Afghanistan several years ago with the Oklahoma 45th, which actually took a great responsibility in the training over there and also turning over some of the training to the Afghans. They have done a good job, but as the Senator pointed out, this takes resources and it takes equipment and it takes money. I applaud him and join him in this effort to provide the resources necessary to make that happen.

Let me make a couple of comments. We will have some amendments coming up concerning the C-17. I wish to share maybe an opposing view to some of the things we have heard. I was deeply distressed, I guess it was in April, when we got the defense portion of the President's budget and the termination of such programs as the F-22, next generation bombers, the Future Combat System, and particularly doing away with our commitment to Poland and the Czech Republic to have an opportunity there to knock down a missile,

an ICBM coming to the United States from Iran, when we know they should be having that capability by around 2015.

Today I want to mention a couple of things about the C-17. The Air Force budget justification documents state:

The C-17 can perform the entire spectrum of airlift missions and is specifically designed to operate effectively and efficiently in both strategic and theater environments.

I can remember when the first C-17 came in. The training takes place actually in my State of Oklahoma at Altus Air Force Base, and in 1995, it was the spring of 1995, the first C-17 swept into Altus Air Force Base. At that time the chief was General Fogleman, and I was honored to accompany him and actually sit in the right seat and see what this new spectacular airplane was.

We never dreamed at that time we would have the use of the C-17 to the extent we did in Bosnia and Kosovo, missions we did not dream at that time we would have to be confronted with.

Every time you watch the news or see a disaster or emergency of some type anywhere in this Earth where our military is involved, you are going to see the C-17. The country and its military must be able to engage globally, and the C-17 enables that engagement.

In my 22 years on the Hill, I have seen our airlift requirements increase, not decrease. I have had experience. Sometimes you talk about a system, a platform such as the C-17. Our dealing with that doesn't happen in a vacuum. Right now we have other lift vehicles. We have the C-130s, better ones, the C-130Js and the C-130Es, which are getting old and outdated. I actually had two experiences on two of my trips coming into and out of Baghdad. One experience was when we actually lost not one engine but two engines. We are talking about some pretty old, beat-up E models that should not be flying right now.

The very next trip, I remember, was the first trip of our recently retired Senator from Florida when we actually received some SAM activity. We had to fire the flares. The reason we did, it was 8 minutes after taking off from Baghdad and the engines should have had us out of SAM's range. However, the E models are getting old and tired. So it is life threatening. I say that even though I am here to talk about C-17s.

We can absorb a lot of deficiencies we have in other areas by increasing our number of C-17s. Currently it is the only aircraft capable of performing every airlift mission, whether ferrying troops and supplies to remote airfields overseas or returning wounded service-members back home.

The Congressional Research Service has indicated that the C-17 was designed to fly 1,000 hours a year over 30 years. However, as our overseas commitments have grown since 2001, the

fleet has averaged 1,250 hours per year instead of 1,000 hours a year. Some aircraft have even reached as high as 2,400 hours in a single year.

A November 2008 GAO study stated the C-17:

—production line is currently scheduled to close in September 2010 with the supplier base and portions of the line closing sooner.

The study concludes that:

Analysis indicates that once closed it would not be feasible or cost effective to restart the production due to the costs for hiring and training a new workforce, re-installing tooling, and reestablishing the supply base.

That is what the study concluded. The GAO estimates that restarting the line could cost up to \$1 billion.

This is something we are always concerned with when you talk about altering the life of a particular platform, but this is one I don't see how we can get along without. I know we have the C-5. I remember the old C-141—a lot of lift capacity—a lot of tired C-130s, but the prize of all these capabilities is the C-17. While the administration objects to funding 10 additional C-17s based on 205 C-17s and the existing fleet of C-5 aircraft, the Air Force has cut the number of C-5s it plans to fully modernize by more than half because of substantial cost increases in the modernization efforts. In testimony to the House Armed Services Committee in May of 2009, the Air Force said it will fully modernize only 52 of the 40-year-old C-5s.

While we are upgrading some of these aircraft, some of these, specifically the C-5A, had to be retired. However, this Congress, by bill language, is preventing the Air Force from retiring any of the C-5s. In terms of cost, the GAO calculated "the DOE would need to fully modernize 7 C-5s to obtain the equivalent capability achieved from acquiring 1 C-17 and the costs would be 3 times more."

It found the unit cost of modernizing one C-5 is \$132 million, while the unit cost of one new C-17 is \$267 million.

To put it another way, it would take seven modernized C-5s to provide the capability equivalent to one new C-17, or \$924 million worth of work on modernizing the C-5 to provide the capability equivalent to procuring one additional new C-17 at \$276 million. I am hoping when this issue does come up we will have a chance to think that through.

I would say this: Even if we were inclined to do that, to go along with the smaller number, it would seem to me that we should not be doing that until we have the Quadrennial Defense Review and the upcoming Mobility Capability and Requirements Study. It is my understanding these would come sometime early in 2010. I suggest we at least wait until we have the benefit of that report before taking such drastic action.

Let me mention one other thing that happened last night, for clarification. At midnight last night the highway program of the American people suffered a major loss because of a calculated decision that politics should trump common sense.

I have often thought that congressional inaction is a good thing sometimes, but in this case we failed miserably to do our job. As a result, we are unable to pass the 3-month extension of the highway program that Senator BOXER and I were pushing. It is very interesting when you have a combination such as that. Senator BOXER is a very proud liberal Democrat, I am a very proud conservative Republican, and we both agree one of the major functions of government is infrastructure, and right now we have a crumbling infrastructure. So our failure to work together to fix the rescission, which was \$8.7 billion of highway money, before midnight yesterday has resulted in the following: Up to 17,000 jobs could be lost because States may be forced to cancel \$500 million worth of projects. We are now stuck with a 30-day extension that cuts highway spending by 25 percent compared to 2009. The 3-month extension would have funded the 2010 equal to 2009.

The short length of this extension is now going to create uncertainty and erratic funding for States that are going to delay projects and gear down the letting of contracts.

I have to say this, too. There will be contracts, due to this 25-percent reduction, that are going to have to be defaulted. There are going to be lawsuits. There will be all kinds of problems that will result from this. It is not just my State of Oklahoma. I am sure the State of Alabama and other States have a crumbling infrastructure that needs to be addressed.

I was on the phone with Gary Ridley, who was our highway director for many years, and I always said he was the best highway director in the country. He is now Oklahoma's transportation secretary. He gave me the impact of our failure to act, just on my State of Oklahoma. He said we would normally receive \$53.6 million of Federal money but instead are likely only to receive \$36 million. That is the 25-percent reduction. They have a \$28 million bond obligation which leaves them only about \$8 million for letting projects, instead of \$26 million. This means that they will likely only be able to let three or four projects in November, the first letting of the year, and probably none in December. That is my guess. That was his guess.

Here is the real-world impact of what we do here. This will be devastating for construction workers in Oklahoma and will be repeated in every State. This may come as a surprise to those in the other body who have said that this will have no effect on States. They are the

ones over there in the House who have made it impossible for us to send something over there and get it complied with. I have been trying to pass a long-term extension with rescission fix since July. At that time opposition from Congressmen and Senators from both sides of the aisle prevented taking care of the problem.

Our attempts to set a prudent length for highway extension has been plagued by some people's unrealistic expectation that we can complete a 6-year transformational highway bill and plug a \$150 billion shortfall in the next 3 months if we "keep the pressure" on. We do not even have the 3 months now, as of midnight last night. We are looking at 30 days, so it obviously cannot be done. We may have to repeat what we did a few years ago. Between the years of 2003 and 2005 we had a series of short-term extensions where you can't do any funding, planning in advance. That is kind of where we are today.

I was proud to be the chairman of the Environment and Public Works Committee in 2005 when we had a very robust transportation reauthorization bill.

Taking up an extension is always problematic. Unfortunately, some view this as an opportunity to make a point. There are those on my side of the aisle who will not hesitate to hold the entire highway program hostage in order to enumerate yet again their distaste for congressionally directed spending on highway projects. At the same time, the majority leadership has known for months this was coming but was unable to force the issue and take the time to have votes on this important issue. This could have been resolved weeks ago if they had been invested in it.

Fixing the rescission would increase the deficit by just under \$500 million. This is very significant. The other body wanted an offset for this, and they were right. So did I. I wanted an offset. I think the most reasonable offset is the unused stimulus funds. I have stated all along that there was not enough there in the stimulus bill to actually stimulate the economy. In fact, I had amendments during the debate on the stimulus bill that would almost triple the amount of money that would go into highway construction. Those are real jobs. That would be very meaningful. But according to CBO's most recent analysis that was done a month ago, only \$85 billion of stimulus funds has actually been spent. Furthermore, less than 60 percent of the stimulus funds has even been obligated, leaving \$150 billion in unobligated balances.

Money being unobligated means they do not have a plan for how they are going to spend it and are now nowhere near doing so.

This is clearly not stimulating the economy. It makes sense to move a fraction of this money to something

that will actually save jobs—in this case, 17,000 jobs we can identify. It is something that would stimulate the economy and give us something at the end of the day for our money. It is a perfect source to pay for fixing the rescission.

In fact, Senator VITTER's approach from last July was to actually give President Obama's OMB, the Office of Management and Budget, the discretion to pick which stimulus funds would be cut. So he did not care which ones were cut; just we need to put these stimulus funds to work to create jobs. So they couldn't cut the things that were not working or were just congressional pet programs. This is simply cutting the worst 1 percent of the stimulus—something everybody should be able to agree to whether or not you voted for the stimulus, which I did not. But the other side blocked this approach in a show of partisanship. So Senator BOXER and I brokered a bipartisan agreement to use TARP funds, the Troubled Asset Relief Program. To me, this made sense because this would have offset the amount of money that would be lost in the rescission fix, as a way of doing it, and it would have actually taken care of the problem.

Some people thought this would have somehow affected the deficit, but it would not. It meant we would reduce TARP authority by \$8.7 billion, which would reduce the deficit by \$4.35 billion, according to CBO. Putting aside politics, penciling this out shows that \$4.35 billion in deficit reduction, minus the cost of the rescission—\$500 million—means a deficit savings of just under \$4 billion. I thought this was a good thing. We would preserve up to 17,000 jobs and reduce the deficit—clearly a win-win solution, I thought. I thought this up until late last night because I thought we were going to be able to do it. But there were objections.

We reduced funding for a program that was a bad idea from the inception. I opposed it initially. We are talking about TARP. I voted against it. A lot of those people who are complaining about the amount of money being spent voted for a \$700 billion bailout, as it has been referred to. But I did not. I opposed it. Some people supported it, thinking the government buying so-called toxic assets was necessary. But then, when this money was given to unaccountable bureaucrats, it was used for buying insurance companies, car companies, and bailing out banks.

But some of my conservative colleagues opposed this approach because they want to use TARP money for debt reduction. I agree with that. As I pointed out, the compromise Senator BOXER and I were pushing would have resulted in a net reduction of the deficit of about \$4 billion.

Even as I say this, I honestly don't understand their opposition. Those who

talk about using TARP funds were willing to stimulate the funds, but the Democrats refused to do that. So we came up with another idea: Let's go ahead and use stimulus funds. If we used stimulus funds, I thought that would have overcome the objections that were on the floor last night, and I thought that was a good idea. Unfortunately, the Democrats did not want to do that.

So I think we have tried. I think it kind of demonstrates that it is a serious problem. We had a fix, and the Republicans and the Democrats were equally responsible for not getting it. Now we are going to pay the price. I don't know that the problem is worse in Oklahoma. It is probably not. It is about the same throughout the Nation. But speaking now as a conservative, one who is always ranked in the top two or three conservatives, I have always felt conservatives can be big spenders in some areas. One is defending America, as I talked about a few minutes ago, and the other is in our infrastructure. That is a function our government is supposed to perform.

So I think we failed last night. Hopefully, we will find some way to overcome this problem and get back on track.

I thank Senator BOXER and Secretary LaHood. They both tried very hard. We talked and worked for many hours. There are countless others on both sides of the aisle who worked together and tried to fix this problem. We didn't do it. Let's hope we can do it shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, what is the pending business?

The PRESIDING OFFICER. Amendment 2678 is the pending business.

Mr. SHELBY. I ask unanimous consent that the current amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2594

Mr. SHELBY. I call up my amendment No. 2594 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 2594.

Mr. SHELBY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 2594

(Purpose: To require reports on certain elements of the ballistic missile defense system)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) REPORT ON GROUND-BASED INTERCEPTOR MISSILES.—Not later than 60 days

after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the utilization of funds to maintain the production line of Ground-Based Interceptor (GBI) missiles. The report shall include a plan for the utilization of funds for Ground-Based Interceptor missiles made available by this Act for the Midcourse Defense Segment, including—

(1) the number of Ground-based Interceptor missiles proposed to be produced during fiscal year 2010; and

(2) any plans for maintaining production of such missiles and the subsystems and components of such missiles.

(b) **REPORT ON GROUND-BASED MIDCOURSE DEFENSE SYSTEM.**—Not later than 120 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the acquisition strategy for the Ground-Based Midcourse Defense (GMD) system during fiscal years 2011 through 2016. The report shall include a description of the plans of the Missile Defense Agency for each of the following:

(1) To maintain the capability for production of Ground-Based Interceptor missiles.

(2) To address modernization and obsolescence of the Ground-Based Midcourse Defense system.

(3) To conduct a robust test program for the Ground-Based Midcourse Defense system

Mr. SHELBY. Iran and North Korea continue to pose a threat to our Nation and our allies because of their intense efforts at ballistic and nuclear development. My amendment before the Senate now supplements the committee's additional \$50 million for ground-based midcourse defense.

The amendment before the Senate is simple. It requires the Missile Defense Agency to conduct two reports related to the ground-based midcourse defense. We need to know the agency's plan for the ground-based interceptor funds in this bill before us. This report would provide further details into exactly what that plan is. I believe this is imperative. Congress and our Nation must fully understand how the Missile Defense Agency will utilize this critical capability for our Nation. The second report asks the Missile Defense Agency to outline the acquisition strategy for the ground-based midcourse defense system over the next 6 years from fiscal year 2011 to 2017.

North Korea and Iran will continue their ballistic efforts, and I believe we must be able to counter those threats.

In its budget request for the year 2010, the administration proposed several funding cuts and eliminations impacting our national missile defense, including a \$700 million reduction to GMD. I appreciate Chairman INOUE and Ranking Member COCHRAN including an additional \$50 million in the bill before the Senate for GMD, which will hopefully keep our GBI production line from going cold.

Yet the threat is not diminishing. We must have a plan for countering nations that threaten our security. We need to know the Missile Defense Agency's plan for this fiscal year as well as

the next years. Our enemies are still our enemies, and now so more than ever we should be cognizant of the fact that Iran and North Korea are working hard at technological advancement designed to destroy us and our allies.

Despite nearly unanimous opposition in the international community, Iran has pressed on with nuclear ambitions and has shown no intention that I have known of abandoning this reckless path. Every day, Iran continues to add to the thousands of centrifuges it already has to enrich its uranium. It continues to test its ballistic missiles. In fact, the International Atomic Energy Association recently released a report stating that Iran is now working to conjoin ballistic and nuclear capabilities. I believe we need an integrated, layered national missile defense to deter this threat, and we need it now.

Moving forward, I hope that the Missile Defense Agency will ensure our Nation's production line for ground-based interceptors and that their subsystems and components will not die on the vine if we ever have to meet this threat.

The ground-based midcourse defense system and the interceptors in particular are valuable national assets. And I will continue to work with Chairman INOUE, Senator COCHRAN, and others on the Appropriations Defense Subcommittee to ensure that we have here in the United States a robust national missile defense system.

It is my understanding in talking to the chairman that this amendment has been agreed to by Senator INOUE and Senator COCHRAN. I hope they will adopt it.

I yield the floor.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2594) was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2617.

Mr. SANDERS. I ask unanimous consent to lay aside the pending amendment and call up my amendment No. 2617.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2617.

Mr. SANDERS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 2617

(Purpose: To require a report on Federal contracting fraud)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting

fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

Mr. SANDERS. Madam President, in recent weeks there has been some discussion about what types of organizations might or might not receive Federal funding. I think that is a very appropriate discussion for this legislation which obviously expends many hundreds of billions of taxpayer dollars.

One of the concerns I have is that a number of the largest defense contractors in this country, it turns out, over a period of years, have, time after time, been involved in illegal behavior. I think the American people and the taxpayers of this country want to know how it happened that year after year we continued to do business, to the tune of tens and tens of billions of dollars, with large corporate interests—in this case, defense contractors—that were then found guilty of defrauding the American people. How many times do you have to be found guilty before we say enough is enough? Let me give you a few examples—really, quite a few—of what I am talking about.

According to the Project on Government Oversight, the three largest government contractors—Lockheed Martin, Boeing, and Northrop Grumman—have a history riddled with fraud and other illegal behavior. Combined, these companies, these three companies, have engaged in 109 instances of misconduct since 1995 and have paid fees and settlements totaling over \$2.9 billion. Despite this history, these organization received over \$77 billion in government contracts in 2007 alone.

Let me repeat. Three major defense contractors—Lockheed Martin, Boeing, and Northrop Grumman—have engaged, combined, in 109 instances of misconduct since 1995 and have paid fees and settlements totaling \$2.9 billion. This is not a videotape on a TV show having some people say stupid things. These are people who have been found guilty of defrauding the taxpayers of this country and have paid fees and settlements totaling \$2.9 billion.

Let me give you some specificity here.

The largest contractor, Lockheed Martin, has engaged in 50 instances of misconduct since 1995, paying fines and

settlements totaling \$577 million. Yet in 2007 it still received \$34 billion of government contracts.

According to the U.S. Attorney's Office, in 2008 Lockheed Martin Space Systems Company paid \$10.5 million to settle charges that it defrauded the government by submitting false invoices for payment on a multibillion-dollar contract connected to the Titan IV space launch vehicle program.

According to the Department of Justice, in 2003 Lockheed Martin paid \$38 million to resolve allegations that it fraudulently inflated the costs of performing several Air Force contracts for the purchase and navigation and targeting pods for military jets.

In 2001, Lockheed Martin paid \$8.5 million to settle criminal charges that it lied about its costs when negotiating contracts for the repair and restoration of radar pedestals installed in U.S. warships, costing the Navy millions of dollars, also according to the Department of Justice.

But this behavior is not unique to Lockheed Martin. Boeing, the world's leading aerospace company and the largest manufacturer of commercial jetliners and military aircraft, has engaged in 31 instances of misconduct since 1995 and paid \$1.5 billion in fines and settlements.

I know people here have expressed concerns about what one group did in, clearly, stupid behavior. But what about a company such as Lockheed Martin which has paid \$8.5 million to settle criminal charges? What about companies such as Boeing which has engaged in 31 instances of misconduct since 1995 and paid \$1.5 billion in fines and settlements? In 2000, for example, according to the Department of Justice, Boeing agreed to pay \$54 million to settle charges that it defrauded the Army by selling it more than 140 helicopters containing defective gears, putting the lives of the men and women in the Air Force in danger. These defective gears resulted in the deaths of at least five servicemen. We are not talking ACORN here. We are talking about \$54 million to settle charges and actions that may have resulted in the death of at least five servicemen. How many years does this have to go on before we begin to deal with it? In 2007, Boeing received \$24 billion in Federal contracts.

Finally, Northrop Grumman, the third largest contractor, has a similar history, with 27 instances of fraud totaling \$790 million over the past 15 years. In 2003, according to the Project on Government Oversight, Northrop Grumman paid \$111.2 million to settle charges that a subsidiary overcharged the United States on government contracts; i.e., ripping off the taxpayers. According to the Department of Justice, the Northrop Grumman subsidiary engaged in five separate schemes that increased the cost the Government paid for space projects.

Also in 2003, according to the Department of Justice, Northrop Grumman paid the United States \$80 million to settle charges that it overcharged the government and knowingly installed substandard parts in target drones designed for the Navy.

Over and over and over again, year after year after year, the largest defense contractors engage in illegal activity to rip off the taxpayers and, in some instances, put in danger the lives of the men and women in the Armed Forces.

These are only a few snapshots of what appears to be a culture of fraud and entitlement within the military contracting community. We owe it to taxpayers to begin to get to the bottom of the situation. To reform the culture of greed, of illegal behavior, we have to expose it first. For that reason, I am offering an amendment under which the Secretary of Defense would calculate the total amount of money that goes to companies that have engaged in fraud against the United States and then make recommendations about how to penalize repeat offenders. We have an expression when we deal with criminal justice. We say: Three strikes, you are out.

A lot of these guys are getting a lot more than three strikes. They keep striking out and they come back and get lucrative defense contracts. How many times do they have to strike out?

I hope very much this study will be a first step in the process of cleaning up the world of defense contracting. I look forward to continuing to work to make absolutely sure the money we have set aside for our national defense is, in fact, spent on national defense, on protecting the men and women who bravely serve us in the Armed Forces and is not frittered away on fraudulent bids, illegal behavior, and wasteful projects.

I hope very much that when the amendment comes up, we will have bipartisan support. I cannot understand why anybody would be opposed to having us finally address this outrage. I hope the Senate will pass it.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Ohio.

Mr. BROWN. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BROWN. Madam President, I support the Sanders amendment and thank him for his good work on these issues.

I come to the floor pretty often to share letters from people in my State. As the Presiding Officer receives letters from New Hampshire, I get letters from people in Ohio who are increasingly dissatisfied not with their health care from the doctor and hospital but with the insurance system and what

has happened to so many people who were generally satisfied with their insurance until they got sick and their insurance wasn't as good as the insurance company had promised. I would like to share four letters I have received today from people in my State.

Alan from Logan County in northwest Ohio, northwest Columbus, writes:

A few years ago, my 57-year-old diabetic sister was found in a diabetic coma by co-workers. She had "good" insurance and spent two weeks in the ICU and, thereafter, spent weeks in the regular hospital unit for care and [rehabilitation]. Her doctors indicated that she needed to remain in the hospital for another month and then be transferred to a nursing home for further rehab, even while she was unable to walk. A few days after receiving her doctor's care plan, I was notified by the hospital that my sister was being released the next day because the insurance company denied further payments to the hospital. I drove to the hospital, wheeled her to my car, brought her home where she was bedridden for the next several months. She eventually recovered, but suffered nerve damage and is permanently disabled and unable to walk again.

Alan's sister is another victim of a health care system where someone thought she had good insurance and got a very expensive illness and, as a result, her insurance was taken away. What that did was cost her her health because she didn't get the rehabilitation her doctor knew she needed. That kind of tragedy should not happen in the richest country in the world. It should not happen when somebody such as Alan's sister plays by the rules, works hard, and has decent insurance but not as good insurance as she thought she had.

One of the most important things our bill will do is enact insurance reform. No more denial of care for preexisting conditions, no more denial of care because it got too expensive when someone got sick and their policy was rescinded. "Rescission" is the technical term the insurance company uses. No more will someone be discriminated against because of gender or geography or disability. At the same time, we are introducing the public option in our legislation that will keep the insurance companies more honest, that will inject competition so people can choose the public option or they can choose CIGNA or Aetna or, in Ohio, Medical Mutual, any one of these, but the public option will keep the insurance companies a bit more honest.

Becky from Cincinnati on the Ohio River writes:

As a veteran, I get great health care through the VA system. But my story is about my daughter. She works for a small company who pays for her family's insurance. But their plan doesn't cover emergency care and the yearly deductible is so high they might as well not have health insurance at all. They would like to have another child, but they don't think they can afford the cost of pregnancy alone [because of inadequate insurance]. I'm glad health care reform won't take away my benefits [with the

VA], but what about my daughter and her family?

Becky is exactly right. The VA system has the lowest rate of medical errors in the country of any major health care system. The VA buys its prescription drugs at a third or half the cost most of us have to pay because they use the size of the purchasing pool of government to get much better deals from the drug companies. We have VA clinics in Ohio—in Zanesville and Mansfield and Parma and Lima and Findlay, all over the State—community-based outreach clinics that matter for people's care. At the same time, what our legislation will do is help small business. Becky's daughter's employer probably wants to cover her and give her better coverage: emergency care, maternity care, pregnancy care. It doesn't because it is a small business and can't afford it. Our bill will give a tax credit to small businesses and will allow small businesses to pool with other employers so one particularly sick patient or sick employee doesn't shoot up prices so much that the insurance company with the small business can't afford to provide insurance for their employees. That is why this legislation makes so much sense for small business.

Kristin from Cuyahoga County writes:

My mother has stage 4 cancer and my father is a diabetic. They have a \$6,000 deductible; co-pays are \$30-\$50 a visit. Last December, my mother was pushing for more chemo before the first of the year. They met their deductible and she wanted to get any treatment she could get prior to the end of the year. Instead of her enjoying her limited time with us, she is constantly worrying about the high deductible and funeral costs. I am a nurse and [I] see the stress of the health care costs and the impact it makes in a family's financial situation is astounding. We need reform, reform, reform.

Think about that. Kristin is a nurse. Kristin knows health care from the inside out. Kristin's mother has cancer. Her father is diabetic. A \$6,000 deductible hardly counts as insurance. The mother wants to get all the expensive care in December before the end of the year because she has already paid the deductible, the \$6,000 that year, but not have to get it at the beginning of the year because she can't afford another \$6,000, not to mention the \$30 to \$50 out of pocket every visit.

My mother recently died in February. She had good health insurance. She had a family who loved her and was with her during hospice home care. I am sure Kristin's family is the same, but I also know it was traumatic enough as a family for my 88-year-old mother who was sick to not have to worry about the funeral costs and a high deductible. It is outrageous that this health care system doesn't take care of people better than that.

Denise from Ashland, a town not far from my hometown of Mansfield in north-central Ohio, writes:

This past February, my husband was laid off from his job. At the end of March our insurance through his employer was canceled. In April we were forced to go onto COBRA which cost us \$800 a month. Thankfully, President Obama's plan helped reduce that amount by nearly \$300, but that won't last much longer. It's been difficult to save money because since April, I've had two major surgeries and now face higher co-pays and medications. My husband is a diabetic and his medicines are very costly. We are fighting foreclosure, our budget is stretched, and we are considering dropping coverage in October. What happens then?

Denise is in a situation that so many are in right now. Ohio's unemployment rate is over 10 percent. Denise's situation is similar to many. Her husband lost his job and his insurance was dropped, although he was able to keep the insurance through COBRA. But when you have COBRA, it is very expensive because you are paying your own part of the insurance that you paid as an employee and you are also paying the employer's part of the insurance. It is a good program, but not many people can afford it. President Obama and all of us together in the stimulus bill passed earlier in the year provided some subsidies for people who use COBRA, but that will not last forever, as Denise pointed out. Under our legislation, people would not see their insurance run out. People, depending on their income, at a certain price will be able to buy insurance and keep that insurance regardless of whether they lose their job. Life is traumatic enough for people when the major breadwinner loses his or her job. Losing your insurance at the same time, with all the other problems that come—potential foreclosure, the stretching of the budget, generally—is so unfair for those who have worked so hard, paid taxes, been good citizens, and lived by the rules.

That is why I think our legislation is so important. I expect the bill will be voted out of the Finance Committee in the next week or so—maybe even this week. We will continue to fight for the public option, which certainly a majority of the Senate supports. A strong majority of the House of Representatives supports the public option. A survey of doctors recently showed 70 percent of them in the country support a public option. Two-thirds of the voters consistently all year have supported a public option.

A public option will make the insurance companies more honest. It will inject competition into the system so people will have more choices, not fewer choices such as the Republican opponents of the public option want. They only want the insurance companies to be players in this, not any public agency that can compete in a Medicare-like program that can compete with the private insurance companies. It will help keep costs down so the insurance companies do not continue to cause the problems they do.

In addition, you are not going to see anybody denied who has a preexisting condition in the public option anymore than you are going to see somebody denied care because of a preexisting condition in Medicare. That is why this legislation is so important. That is why the version of this bill that passed out of the Health, Education, Labor, and Pensions Committee will serve the public. It will mean that people who are happy with their insurance can keep it. It will mean if you are uninsured, you will get some assistance. It will mean consumer protections so people will not be thrown off their insurance because of an expensive illness or because of discrimination. It will mean assistance for small business so employers can insure their employees, like most employers want to do.

I thank the Presiding Officer and yield the floor.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, let me concur with the remarks of the Senator from Ohio. The letters he is receiving from Ohio are exactly the same types of letters I am receiving from Vermont. The time is long overdue for this Congress to pass real health care reform and join the rest of the industrialized world, which guarantees health care for all their people. I congratulate the Senator from Ohio for his leadership position on this issue.

Mr. BROWN. I thank the Senator.

#### AMENDMENTS NOS. 2559 AND 2601

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendments Nos. 2559 and 2601.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments will be reported by number.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes amendments numbered 2559 and 2601.

Mr. SANDERS. Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

#### AMENDMENT NO. 2559

(Purpose: To make available from Research, Development, Test, and Evaluation, Army \$12,000,000 for the peer-reviewed Gulf War Illness Research Program of the Army)

At the appropriate place, insert the following:

SEC. \_\_\_\_ Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", \$12,000,000 shall be available for the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research Programs.



## AMENDMENT NO. 2601

(Purpose: To make available from Overseas Contingency Operations \$20,000,000 for outreach and reintegration services under the Yellow Ribbon Reintegration Program)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX, \$20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to address the Senate for no more than 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMENDING THE LAKE ERIE CRUSHERS

Mr. BROWN. Madam President, I rise to honor the Lake Erie Crushers, the 2009 Frontier League Champions. While it looks like the Cleveland Indians will not be playing in October, the Lake Erie Crushers of Avon, OH, in which I live, will spend the month relishing their improbable run to the championship in just their first year in the Frontier League.

The Crushers clinched the championship with a come-from-behind, 13-to-10 victory over the home team River City Rascals of O'Fallon, MO.

Despite being down two games to none in the best-of-five series, the Crushers demonstrated their resilience and composure to win three straight games.

With clutch hitting from series MVP Andrew Davis, Arden McWilliams, Tyler Johnson, Todd Baldof, and Eddie Tisdale, the Crushers put together a seven-run fifth inning outburst to help pitchers Paul Fagan and Cardoza Tucker clinch the championship.

During the celebration after the game, manager John Massarelli said that "doing this in year one, building a championship [team] from scratch, that's what made this so special."

The Frontier League is made up of teams from across the heartland—in Kalamazoo, Waterford, and Traverse City, MI; Washington, PA; Evansville, IN; Florence, KY; and the team I mentioned in Missouri.

Players in their early to mid twenties travel from town to town, chasing the dream of one day playing in the Major Leagues.

My wife and I are season ticket holders of the Crushers, and we have enjoyed cheering on our hometown team during their inaugural season. We are

proud our community is home to the Crushers, where fans from across northeast Ohio can travel down I-90 and Route 611 to root for a championship team.

I commend the dedicated fans, the outstanding players and coaches, and owner Steve Edelson for their commitment to our city—both on and off the field.

I am pleased to honor the 2009 Frontier League Champions, the Lake Erie Crushers from Avon, OH.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

## AMENDMENT NO. 2598

Mr. BROWNBAC. Madam President, it is tough to follow that act, but I ask unanimous consent that the pending amendment be set aside and call up amendment No. 2598 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBAC] proposes an amendment numbered 2598.

Mr. BROWNBAC. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To acknowledge a long history of official depredations and all ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States)

At the appropriate place, insert the following:

## SEC. \_\_\_\_ APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES.

(a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their bound-

aries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

Mr. BROWNBAC. Madam President, this is an amendment for which the co-sponsors include the chairman of the committee and the chairman of the Indian Affairs Committee, Senator DORGAN, as well. It is an amendment that has been cleared through the authorizing committee a multiple of times and it has been cleared through this body previously and we have cleared it on both sides of the aisle.

With the passage of this amendment, we officially apologize for the past ill-conceived policies by the U.S. Government toward the Native Peoples of this land and reaffirm our commitment toward healing our Nation's wounds and working toward establishing better relationships rooted in reconciliation.

Apologies are oftentimes difficult, but like treaties, go beyond mere words and usher in a true spirit of reconciling past difficulties and help to pave the way toward a united future. Perhaps Dr. King said it best when he stated, "The end is reconciliation, the end is redemption, the end is the creation of the beloved community." This is our goal, with this resolution today.

Native Americans have a vast and proud legacy on this continent. Long before 1776 and the establishment of the United States of America, Native peoples inhabited this land and maintained a powerful physical and spiritual connection to it. In service to the Creator, Native peoples sowed the land, journeyed it, and protected it. The people from my State of Kansas have a similar strong attachment to the land.

Like many in my State, I was raised on the land. I grew up farming and caring for the land. I and many in my State established a connection to this land as well. We care for our Nation and the land of our forefathers so greatly that we too are willing to serve and protect it, as faithful stewards of the creation with which God has blessed us. I believe without a doubt citizens across this great Nation share this sentiment and know its unifying power. Americans have stood side by side for centuries to defend this land we love.

Both the Founding Fathers of the United States and the indigenous tribes that lived here were attached to this land. Both sought to steward and protect it. There were several instances of collegiality and cooperation between our forbears—for example, in Jamestown, VA, Plymouth, MA, and in aid to explorers Lewis and Clark. Yet, sadly, since the formation of the American Republic, numerous conflicts have ensued between our Government, the

Federal Government, and many of these tribes, conflicts in which warriors on all sides fought courageously and which all sides suffered. Even from the earliest days of our Republic there existed a sentiment that honorable dealings and a peaceful coexistence were clearly preferable to bloodshed. Indeed, our predecessors in Congress in 1787 stated in the Northwest Ordinance: "The utmost good faith shall always be observed toward the Indians."

Today we live up to this goal, today we right a wrong that has been committed in this nation.

Many treaties were made between the U.S. Government and Native peoples, but treaties are far more than just words on a page. Treaties represent our word, and they represent our bond. Unfortunately, again, too often the United States did not uphold its responsibilities as stated in its covenants with Native tribes.

I have read all of the treaties in my State between the tribes and the Federal Government that apply to Kansas. They generally came in tranches of three. First, there would be a big land grant to the tribe. Then there would be a much smaller one associated with some equipment and livestock, and then a much smaller one after that.

Too often, our Government broke its solemn oath to Native Americans. For too long, relations between the United States and Native people of this land have been in disrepair. For too much of our history, Federal tribal relations have been marked by broken treaties, mistreatment, and dishonorable dealings.

This amendment extends a formal apology from the United States to Tribal Governments and Native peoples nationwide—something we have never done; something we should have done years and years ago.

Further, this resolution will not resolve the many challenges still facing Native Americans, nor will it authorize, support or settle any claims against the United States. It doesn't have anything to do with any property claims against the United States. That is specifically set aside and not in this bill. What this amendment does do is recognize and honor the importance of Native Americans to this land and to the United States in the past and today and offers an official apology for the poor and painful path the U.S. Government sometimes made in relation to our Native brothers and sisters by disregarding our solemn word to Native peoples. It recognizes the negative impact of numerous destructive Federal acts and policies on Native Americans and their culture, and it begins—begins—the effort of reconciliation.

President Ronald Reagan spoke of the importance of reconciliation many times throughout his Presidency. In a 1984 speech to mark the 40th anniversary of the day when the Allied armies

joined in battle to free the European Continent from the grip of the Axis powers, Reagan implored the United States and Europe to "prepare to reach out in the spirit of reconciliation."

I do not pretend that this apology is a panacea, but perhaps it signals the beginning of the end of division and a faint first light and first fruits of reconciliation and the creation of beloved community Dr. King so eloquently described.

This is an apology and a resolution of reconciliation. It is a step toward healing the wounds that have divided our country for so long—a potential foundation for a new era of positive relations between tribal governments and the Federal Government.

It is time, as I have stated, for us to heal our land of division, all divisions, and bring us together and I am proud that today we are closer to that goal.

Madam President, I understand the amendment has been cleared, and I ask unanimous consent for its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. INOUE. We support the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2598) was agreed to.

Mr. BROWBACK. Thank you very much, Madam President.

I wish to thank my colleagues for being willing to consider this amendment in an expedited fashion, but it is actually an issue for which there have been hearings held, research done, and has been voted on by this body over 5 years. So I am delighted we could move it on through.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

#### AMENDMENT NO. 2571

Mr. INOUE. Madam President, on behalf of Senator BYRD, I call up amendment No. 2571 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. BYRD, proposes an amendment numbered 2571.

The amendment is as follows:

(Purpose: To require a report on the use by the Department of Defense of live primates in training programs relating to chemical and biological agents)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) REPORT ON USE OF LIVE PRIMATES IN TRAINING RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a detailed description of the requirements for the use by the Depart-

ment of Defense of live primates at the United States Army Medical Research Institute of Chemical Defense, and elsewhere, to demonstrate the effects of chemical or biological agents or chemical (such as physostigmine) or biological agent simulants in training programs.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The number of live primates used in the training described in subsection (a).

(2) The average lifespan of primates from the point of introduction into such training programs.

(3) An explanation why the use of primates in such training is more advantageous and realistic than the use of human simulators or other alternatives.

(4) An estimate of the cost of converting from the use of primates to human simulators in such training.

Mr. INOUE. Madam President, this amendment has been cleared by both sides, both leaders. It is a good amendment. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2571) was agreed to.

Mr. INOUE. Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2567

Mrs. FEINSTEIN. Madam President, I rise to oppose the Barrasso amendment No. 2567, which would ban funding to the CIA's new Center on Climate Change and National Security. I make these remarks as chairman of the Intelligence Committee and one who strongly supports the new Climate Change center at the CIA.

The Center on Climate Change and National Security that the CIA recently established is fully consistent with the intelligence community's mission of protecting the United States.

It is important to note what the Center will not do. It will not do the science of climate change. It will not make judgments about how or whether the climate is changing. It will not make judgments about why the climate is changing. That work will be done where it belongs, with the scientific community.

The Center will have three tasks. One, it will continue the decade-long program of declassifying imagery for passage to climate change scientists.

Let me give you an example of some of that imagery. It is here on my right, as shown in these photographs. This is Barrow, AK. This is Barrow. This is the Chukchi Sea. As shown here, this is



July of 2006. In this picture, this is that same area in July of 2007. You see the decomposition of the ice. They point out its variation by time and, therefore, you can track the impact of the change brought about by global warming from our satellites. So our satellites are used to measure and predict change.

Here is another one. This is the Beaufort Sea in August of 2001. You see the melt ponds in the center, and you see the ice. You see it here—winter in August of 2007. This is from a satellite.

The third one is much more difficult to see, but it is the Bering Glacier in Alaska. Here it is in May of 2005. Here are the big chunks that have broken off. Here they are there. As shown here, this is another satellite photo of the Bering Glacier in Alaska.

The second task of the CIA Center on Climate Change and National Security will be to assess the plans and intentions of other countries, and it will help the administration design verification regimes for any climate change treaties so policymakers can negotiate from a position of strength. This is, in fact, a traditional role for the intelligence community on a wide range of foreign policy issues.

Thirdly, the Center on Climate Change and National Security will assess the national security implications of climate change, which many experts believe will be significant. This will include assessing the national security implications of increased competition for resources, population shifts, water shortages, changes in crop yields, and the spread of climate-sensitive diseases such as malaria.

This is the work that the IC is better positioned than anyone else in the government to do and where CIA's contacts in the academic and think tank communities will pay big dividends.

On September 25, the CIA announced it was going to launch this new center and tackle the devastating long-term challenges that climate change might present to our Nation's security. In other words, this will give the intelligence community the opportunity to collect information and predict how change is going to affect certain countries—the movement of populations, the devastation of crops, the disappearance of water supplies—to be able to anticipate what impact that will have on the Nation's policy and on our national security.

I have no doubt climate changes are going to have an impact on our Nation's security. I also have no doubt our satellites can give us a very positive—meaning in the sense of crisp and delineated—view of these changes as our satellites track climate change across the years.

I believe very strongly the Center on Climate Change is warranted. I believe it will produce intelligence dividends for the Nation, and I believe it is en-

tirely appropriate. Therefore, I would oppose the Barrasso amendment, which would effectively eliminate this new center.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, I join the distinguished Senator from California in opposing the Barrasso amendment.

The Director of the Central Intelligence Agency recently created the Center for Climate Change and National Security. The mission of this center is fully consistent with the mission of the intelligence community.

The center has three main tasks. As pointed out by the Senator from California, the first is to continue the decades-long program of declassifying imagery for use by the scientific community. Second, the center will assess the plans and intentions of other countries and assist the administration to design verification regimes for any climate change treaties so that policymakers can negotiate from a position of strength. Third, as noted by the Senator from California, this center will assess the national security implications of climate change, which many believe will be very significant. This will include assessing the national security implications of increased competition for resources, population shifts, water shortages, changes in crop yields, and the spread of climate-sensitive diseases such as malaria.

This center will not work on the science of climate change. That work will be done where it belongs—with the scientific community. This center will continue in the traditional role of the intelligence community to support policymakers on a wide range of foreign policy issues.

Therefore, I join my colleague from California in urging my colleagues to oppose the Barrasso amendment.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Madam President, I would like to say a few words on a few of the contentious issues before us.

The administration requested \$7.4 billion for the Afghanistan security forces fund in fiscal year 2010. This is an increase of \$1.8 billion over fiscal year 2009 levels. This is to continue to train and equip the Afghan National Army and the Afghan National Police.

The committee was informed by officials of the Department of Defense that \$1.8 billion of this request would not be spent until fiscal year 2011. I would like

to repeat that. This amount will not be spent until 2011. And there was \$1.9 billion remaining from the fiscal year 2009 appropriations.

At the same time, the committee was also aware of a validated urgent but unfunded requirement from the Department of Defense for additional all-terrain MRAP vehicles for our troops in Afghanistan, something that the military has been asking for with great urgency.

Recognizing that these funds would not be obligated until fiscal year 2011—the funds I mentioned earlier—and were not required for long lead equipment of infrastructure projects, the committee transferred \$900 million from the Afghan security forces fund to the MRAP fund to pay for this urgent requirement.

The redirecting of funds was not an attempt to curtail our efforts to train and equip the Afghan security forces. It was solely based on the Department's ability to execute the required resources during fiscal year 2010 and the urgent unfunded and validated requirement to procure additional all-terrain MRAPs for our troops in Afghanistan.

There is a tremendous amount of debate in both the Halls of Congress and the Pentagon over the size of the Afghan security forces—how fast they can be trained, equipped, and executing missions independent of coalition forces.

While many would like to grow the Afghan security forces beyond the current plan, the Department of Defense has not been able to say that they can absorb additional resources in fiscal year 2010 or that they can source additional trainers to reach these new levels. This is a situation where, yes, we need the money, but we cannot spend it. We want you to appropriate it so we can leave it in the bank. That is a hell of a way to run the government.

Since 2005, Congress has appropriated nearly \$19 billion for the training and equipping of the Afghan security forces. These funds have greatly increased over the years, starting from \$1.3 billion in fiscal year 2005 to \$5.6 billion in fiscal year 2009 to \$7.4 billion in fiscal year 2010.

Of the \$5.6 billion appropriated in the last fiscal year, nearly \$1.9 billion remains unobligated, and the Department of Defense does not anticipate obligating these funds until July of 2010.

The \$7.4 billion fiscal year 2010 request for the Afghan security forces fund is projected to obligate \$5.6 billion in fiscal year 2010 and \$1.8 billion in the next fiscal year, 2011.

The Afghan security forces fund is a 2-year funding account to enable long lead equipment procurement and infrastructure projects that obligate over a 2-year period. The funds transferred from the Afghan security forces trust fund to meet the urgent operational requirement of additional all-terrain

MRAPs for Afghanistan were taken from sustainment requirements of the Afghan National Army and the Afghan National Police which would have been obligated in fiscal year 2011 and do not require long lead appropriations. We took money they did not need or can use.

Areas funded through the sustainment program include fuels, salary, incentive pay, clothing, individual equipment, rental equipment—all of which do not require long lead time. Therefore, the fiscal year 2010 sustainment request for the Afghan National Army is a 45-percent increase over 2009 and a 108-percent increase over fiscal year 2009 for the Afghan National Police.

Even with the decrease in this fund, there is substantial flexibility and resources in the Afghan security forces fund to meet unanticipated requirements of the security forces and to expedite the growth of the Afghan National Army and Afghan National Police.

Madam President, I decided to share these numbers with my colleagues to make certain they know the committee has acted on this very carefully. When we were convinced that the Department of Defense could not use that money, we decided to use it for some other more urgent purpose.

I should point out once again this bill was passed by the committee, made up of Democrats and Republicans, conservatives and liberals, by a vote of 30 to 0. Unanimous.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask unanimous consent that Senators McCASKILL and DEMINT be added as cosponsors to amendment No. 2560 to H.R. 3326, the 2010 Department of Defense Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. BURRIS. Madam President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### YOUTH VIOLENCE PANDEMIC

Mr. BURRIS. Madam President, last Thursday, just outside of a Chicago community center, a 16-year-old honor student was beaten to death. His name was Derrion Albert. There had been a shooting at the school earlier in the day. Afterwards, two rival groups of teens confronted each other in the street. Derrion was not a part of either group. He just happened to be passing in the area on his way home from school.

In the violent chaos of that confrontation, as other teenagers punched and kicked each other, young Derrion got caught in the middle. He was beaten to death with railroad ties.

The shocking murder was caught on video. It is extremely difficult, Madam President, if you have watched that film clip. But when you see this terrible scene unfold, you are struck by several things. No. 1, this did not happen in some distant country; it happened in our backyard, right outside of a community center on a populated street. It did not even happen at night. Derrion was murdered in broad daylight with people all around to witness the scene. And it did not happen to them. It did not happen to people unlike ourselves. It happened to us. Derrion Albert could have been anybody's son, grandson, nephew, brother, or friend.

Just the other night, in a different Chicago neighborhood, another young boy was beaten within inches of his life. This violence is not confined to a single area or group of people. The problem is pervasive and it touches all of us.

It is tearing apart families, communities, and our own sense of security. These acts are committed against our community by our community. In the last school year alone, 36 Chicago students were shot to death. This number does not include those who survived shootings in other violence. That statistic would be far higher.

In the wake of last year's murders, the local government and Chicago police tried to put a stop to the terrible cycle of violence. But now, only a few weeks into the new school year, another young boy has been taken from us.

I am thankful the suspects in Derrion's murder have already been arrested and charged with the crime. I am proud of the job our local law enforcement officers have done to make sure justice is served. But that is not enough. That is just not enough. It will never be enough.

This problem is not unique to Chicago or Illinois. A national pandemic of violence has taken hold in every major city across the country. We can no longer stand by as an entire generation of young men and women fall victim to these senseless crimes.

Government cannot do it all. Law enforcement can only do so much. That is why it is time for us to stand together as a community and as a nation to end youth violence.

The old saying, "It takes a village to raise a child," is very true. It takes a community to protect them. Our communities must take responsibility for our youngsters. We cannot tolerate violence any longer. Our parents must take ownership of their children and shoulder the responsibility of steering them away from gangs and violence. We cannot stand by and hope this problem resolves itself. We cannot expect someone else to find a solution. It is time to join with one voice and say: Enough is enough. This cannot stand. This cannot continue.

It is time to take back our streets, our schools, our community centers, and our children. It is time for parents, teachers, neighbors, and friends to join with community leaders to put an end to the violence. It means afterschool programs to keep kids involved and off the streets. It means seeking opportunities for youth who are at risk. It means being present in young peoples' lives. Ask if your son's homework is done. See which school subject your daughter enjoys the most. Encourage kids to continue their education, to play a sport, or to go out and get a part-time job if they can find it. Be a good role model for your children and your neighbor's children. Be involved, but do not settle for the status quo. Do not let the young people of America continue to cut each other down in the streets.

This will not go away on its own, and it is not someone else's problem. This youth violence that has gone on in our country is our problem, our future, and we must work together to solve it. The only way we are going to solve it is working together and recognizing that across this country there is a problem with our young people, and we can no longer tolerate that.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, at this moment—and I repeat, at this moment—there are 10 amendments ready for voting—10. I have been advised that most of them will require rollcall votes. So may I advise my colleagues to prepare themselves for a long evening.

In addition to that, there are 10 other amendments that we are in the process of discussing and negotiating which may require rollcall votes. So this may be a long night.

The leadership has advised me that voting should begin in about 15 minutes, at 5:30. Since we have some time, and in anticipation that one of the amendments would be the one from the Senator from Oklahoma, I wish to say a few words about that.

#### AMENDMENT NO. 2569

Madam President, I rise to oppose the amendment of the Senator from Oklahoma which seeks to increase the operation and maintenance funding by \$294 million in the Department of Defense bill by reducing the funds available for research and development activities by that same amount. I understand the Senator incorrectly assumes that the operation and maintenance account is underfunded due to a change in current year inflation.

Economic recovery means that projected inflation is now higher than anticipated a few months ago. My colleague is correct that inflation assumptions have changed. However, the budget adjustment the Senator finds objectionable does not only correct for the

current year inflation; in fact, the committee reviews the historical price growth embedded in the budget baseline. Due to the recession, inflation in fiscal years 2008 and 2009 was below the levels built into the budget. Therefore, the fiscal year 2010 budget base was inflated over actual experience. The bill before us adjusts for that baseline error.

The operation and maintenance title is fully funded to meet the Department's needs. There is no shortage. Let me repeat that: The O&M account—or the operation and maintenance account—is fully funded. The committee is deeply concerned that the critical operational needs of our soldiers, sailors, airmen, and marines are financed. We want to be certain that every member has the equipment, gear, training and support they need. The bill meets these needs. And we fully fund family support programs, base operations, and major equipment maintenance.

The proposed amendment would add \$294 million in unneeded funds, an action that could promote waste and expenditures on low priority programs. I note the amendment does not specify what program is underfunded or would benefit from this transfer. This amendment would move funds for unidentified purposes, which undermines the careful program-by-program review which the committee accomplished.

On the other hand, it unduly penalizes the resource and development activities of the Department. The R&D title is already below the President's requested funding level. Research and development is the seed corn for the future. It is the basis of all the technological improvements that have proved invaluable in making our fighting forces the most capable in the world. This blunt axe approach to cut funds and undermine the future is uninformed, unexplained, and untargeted. Therefore, I urge my colleagues to oppose this measure.

I yield the floor.

Madam President, I have been advised that the statement I made that we may begin voting at 5:30 has slightly changed. We will now begin voting about 6 o'clock.

So may I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, I think the leadership has been working on some amendments and agreements. I don't think any of our amendments are going to come up for votes tonight, but I did want to take a couple of moments talking about several of them.

#### AMENDMENT NO. 2560

One is a McCain amendment I am a cosponsor on, amendment No. 2560, on competitive bidding.

Every time we bring this amendment to the floor we get a side-by-side amendment so everybody on the other side who does not want us to competitively bid earmarks can have cover to say they voted for competitive bidding. The fact is, in this bill are directed earmarks that are not competitively bid to individuals and companies out there, for specialization of what one Senator may want in their home State.

There is nothing wrong with wanting to help your home State. What is wrong is to not competitively bid. If it is something we need, why shouldn't we use a competitive bidding process to get the best quality and the best value for all this money we are going to spend?

We are going to see again on the McCain amendment the competitive bidding amendment—I have offered this on many of the appropriations bills we have—a side by side. America should not be fooled. If you do not vote for the McCain amendment and you vote for the side by side, what you are saying is you still want your earmarks protected and not competitively bid. That is what it says.

I have another amendment that addresses earmarks. The problem with earmarks is it takes our eye off the ball. It is not they are not good ideas, but we vote on bills on the basis of having an earmark in the bill rather than on the total bill and what is in the best interest of the country, not our particular parochial State.

The competitive bidding amendment, when it has the side by side, what you are going to see is you are going to see the true competitive bidding amendment defeated and the false competitive bidding amendment win. That is because if you count the number of Senators who actually have earmarks that are not competitively bid, you get the majority of the Chamber. That is true on every appropriations bill. So we will not ever pass it until the Members start thinking about the long term and what is best for the country, rather than what is best for them. I thought that explanation needed to be made.

#### AMENDMENT NO. 2565

I also want to discuss for a moment an amendment, Amendment No. 2565, a very simple amendment. We know the National Guard has gotten short-changed a lot of times in terms of equipment. I don't think there is anything wrong with setting aside money for the National Guard. But the way the bill is written is the chain of command in the U.S. Government, in terms of our military, will be excluded from the decisions made on how to spend this \$1.5 billion.

The Secretary of Defense, who is ultimately responsible for the defense of

the Nation—even though we use National Guard, and part of this money is going to be used for our Army Reserve, a very small amount—is not going to be able to have any input. The only people who are going to have input is the Appropriations Committee.

What that says is the American people are not going to get to know, we are not going to have the judgment of the people with the best experience to comment on it. I am not even saying they have to veto it. What we are saying is they have to be aware of it, they have to be part of the process. Yet they are not. So the more concern I have with our amendment the more concern I have about what is happening with this \$1.5 billion. My hope is we will eventually find out. We may not find out until after the \$1.5 billion will have been spent. But the problem is will it be spent efficiently and properly for the National Guard and the Reserve? The secrecy that shrouds this process is somewhat concerning, and also the reaction that we would offer an amendment that says we want somebody in the chain of command to be involved in this, outside just the Appropriations Committee and the individual guard units.

#### AMENDMENT NO. 2562

On another amendment, amendment No. 2562, other than national security issues, why should not every report in this bill be made available to every American? It is a real straightforward amendment. If we want transparency in our Government, then the reports that do not have anything to do with anything that would be a national security risk, for example, ought to be made available to the other Senators in the Chamber and the body as well as the American people. That is a pretty hard amendment to say "No, you don't," because there is not a good defense to that if it is not related to a national security concern, and, Americans—43 cents out of every dollar we are spending we are borrowing from our grandkids. We ought to be proud to let them see what we are doing with the money.

#### AMENDMENT NO. 2569

Finally, I have an amendment that is a prohibition. We have this operation and maintenance account that has been robbed heartily for earmarks. I know I will never win the battle on earmarks. But should not we say it comes from somewhere else, other than to fund the actual day-to-day operation and maintenance of our military? We have already cut into the amount of money that is in the O&M account because we are using a false inflation number, to the tune of about \$300 some odd million—\$294 million. Shouldn't we say, if we are going to take that, let's take it from somewhere else in the military rather than operations and maintenance? What is a greater priority than making sure the troops on

the ground have what they need on a timely basis?

It was just last year that the Navy ran out of O&M money. They restricted flight training. They restricted training on the ships. We had to pass an emergency supplemental because we did not authorize them enough, we didn't appropriate them enough money to adequately operate and maintain their force structure. Yet we have all this money, including other money that is related to other amendments, that comes out of their operation and maintenance account. If we want to do something that is outside the scope and outside what the military wants to have done, let's not make two wrongs. Let's not take the money from O&M. What this amendment would do is simply prohibit any directed earmark from coming from O&M funds.

Our military needs us to be efficient. I think overall on this bill the appropriators have done a good job. I think there is tons of waste we could get out of the Defense Department. I think it is about \$50 billion a year that we could actually squeeze, which would make plenty of money for earmarks, it wouldn't hurt operation and maintenance, yet we will not have the oversight, we will not do the things that are necessary to lessen the waste that is in the military. My hope is, as we come back next week—I notice we are going to have a couple of votes here in a little while; not on these amendments. No. 1, my hope is the American people will let us know about priorities and what we ought to be doing. I think these are straightforward amendments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2621, AS MODIFIED

Mr. CHAMBLISS. Madam President, I ask the pending amendment be set aside and that my amendment No. 2621, as modified, at the desk, be called up, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2621, as modified.

The amendment is as follows:

(Purpose: To express the Sense of the Senate on Joint STARS re-engining)

At the appropriate place, insert the following:

#### SEC. (a) FINDINGS.—The Senate makes the following findings.

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our

warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is "all-in" for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force's E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included \$205,000,000 in Aircraft Procurement, Air Force, and \$16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Funds for re-engining of the E-8C Joint Surveillance Target Attack Radar System (Joint STARS) should be appropriated in the correct appropriations accounts and in the amounts required in fiscal year 2010 to execute the Joint STARS re-engining system design and development program; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that Senators BILL NELSON, INHOFE, DODD, ISAKSON, and LIEBERMAN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Madam President, this amendment is a sense-of-the-Senate amendment on a weapons system that is critical to the U.S. Air Force from an intelligence gathering standpoint. It has to do with the re-engining of the Joint STARS weapons system. Real-time intelligence is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan, just as in all other military conflicts. Secretary Gates and our military leadership have consistently highlighted to us the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground and theaters of conflict, such as Iraq and Afghanistan.

One of the most effective ISR assets operating today is the Air Force's E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS, or more succinctly, JSTARS.

I ask unanimous consent a memorandum signed yesterday from Ashton Carter, Under Secretary of Defense, addressing JSTARS be printed in the RECORD at the conclusion of my remarks.

The PRESIDING officer. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAMBLISS. JSTARS has proven itself to be a critical asset to our military since deploying to Iraq in 1991. It is one of the most highly tasked systems in our fleet today. Our commanders in the field are constantly asking for JSTARS so they can access its tremendous ISR capability to give them a long-range view of the battlefield and detect moving targets in all weather conditions. There is no other current or programmed aircraft or weapons system that can provide the detailed, broad-area ground-moving target indicator and airborne battle management support for the warfighter than JSTARS provides.

The Chief of Staff of the Air Force, GEN Norton Schwartz, has stated that the Air Force is "all-in" for the joint fight. JSTARS is truly a joint platform. Flown by a mixed active-duty Air Force/Air Guard unit, it operates with an Army and Air Force mission crew and, in Afghanistan, also with a Marine. It also supports missions of all the military services.

With over 55,000 combat hours and 900 sorties flown by only a handful of airplanes over Iraq and Afghanistan, JSTARS has directly contributed to the discovery of hundreds of IEDs.

Having flown with the 116th Air Control Wing out of Robins Air Force Base in Warner Robins, GA, I have seen firsthand the remarkable capability that JSTARS can bring to the battlefield in support of our warfighters. Although developed and built to fight the Cold War for tracking Soviet troop movements, JSTARS is an integral part of today's battlefield and will be even more relevant in the near future.

JSTARS needs to be modified with new engines to keep this critical asset available to better support our soldiers. Air Force studies show the airframe is sound and will be useful well beyond 2050. JSTARS faces limitations in operational restrictions because the engines are the original 1960s-era engines. They have never been replaced. They are old and expensive to operate and maintain. Replacing them is a safety issue as well as an operational necessity.

What this sense-of-the-Senate resolution does is to emphasize the importance of funding the re-engining of the JSTARS weapons system.

And it is my hope that in conference, the chairman and the ranking member will do what they can to make sure this funding is available. I have talked with Senator INOUE as well as Senator COCHRAN about this. They are well aware of the value of this weapons system. It has been funded in the House appropriations bill. By adopting this sense-of-the-Senate amendment, it sends a strong message for the conferees to do everything possible to make sure the appropriate funding will be available when this conference report returns to the Senate.

#### EXHIBIT 1

THE UNDER SECRETARY OF DEFENSE  
FOR ACQUISITION, TECHNOLOGY  
AND LOGISTICS,

*Washington, DC, September 30, 2009.*

MEMORANDUM FOR SECRETARY OF THE AIR  
FORCE

SUBJECT: E-8C Joint Surveillance Target  
Attack Radar System (JSTARS) Acquisition  
Decision Memorandum (ADM)

I designate JSTARS as a special interest program.

I direct the Air Force to continue the JSTARS re-engining System Design and Development phase, including the development, flight testing, and production of the initial increment of re-engine shipsets. The Air Force should immediately identify and obligate RDT&E and procurement funding necessary to execute this direction. Report back to me when this is accomplished with the amounts and timing of RDT&E and procurement funding obligations.

My point of contact for this ADM is Mr. David Ahern, Director, Portfolio Systems Acquisition (OUSD (AT&L)).

ASHTON B. CARTER.

Mr. CHAMBLISS. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Madam President, I thank the distinguished Senator from Georgia for presenting his amendment. I am pleased to advise him that Sen-

ator COCHRAN and I have discussed this matter. We would like to see this passed. We agree with the Senator.

Mr. CHAMBLISS. At the appropriate time, I will ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2621), as modified, was agreed to.

Mr. INOUE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2592, AS MODIFIED

Mr. CASEY. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Madam President, I ask unanimous consent to call up amendment No. 2592, which is at the desk and has modifications at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY], for himself and Mr. DURBIN, Mr. REID, Mr. KERRY, and Mr. NELSON of Florida, proposes an amendment numbered 2592, as modified.

Mr. CASEY. I ask unanimous consent that the reading of the amendment be dispensed with.

The amendment, as modified, is as follows:

#### AMENDMENT NO. 2592, AS MODIFIED

(Purpose: To ensure that work under contracts under the Logistics Civil Augmentation Program complies with certain standards)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—No later than 90 days after enactment of this Act none of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP) unless the Secretary of the Army determines that the contract explicitly requires the contractor—

(1) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with generally accepted electrical standards as determined by the Secretary of Defense in work under the contract;

(2) monitor and immediately correct deficiencies in the quality of any potable or non-potable water provided under the contract to ensure that safe and sanitary water is provided; and

(3) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any

instances of sexual assault in all of its operations and the operations of its subcontractors.

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the waiver is necessary for the provision of essential services or critical operating facilities for operational missions; or

(2) the work under such contract does not present an imminent threat of death or serious bodily injury.

Mr. CASEY. I rise to speak about an amendment Senator DURBIN, the assistant majority leader, and I have worked on, as well as getting support and cosponsorship by the majority leader, Senator REID, and by Senator KERRY and Senator NELSON of Florida. It has three fundamental goals. The first is to deal with the horrific situation our troops have faced where we have a number of troops who have died in Iraq, not as a result of enemy fire or in combat but in a circumstance in which they should have a reasonable expectation of safety. In the case of one of my constituents, SSG Ryan Maseth, Ryan was from the city of Shaler, PA, out in western Pennsylvania. He was taking a shower in Iraq, in his barracks, and was killed, was electrocuted because of shoddy electrical work. So the first part of this amendment speaks to that fundamental problem we still have today. The second part of the amendment ensures that our brave fighting men and women serving in war zones have clean water. Thirdly, this amendment would establish strict standards for preventing and prosecuting sexual assaults on Army bases.

These are all commonsense reforms. I will focus principally in my remarks—I know we have limited time—on the issue of electrocution.

As I mentioned, SSG Ryan Maseth died on January 2, 2008. He was electrocuted in his barracks in Iraq. Unfortunately for his family, who have been seeking answers to why he was killed in that way, the nightmare has not ended, nor for a lot of other families. Families from Georgia, Texas, California, Nevada, Oregon, Hawaii, Minnesota, and Pennsylvania, all of those States, have been affected by these deaths.

It continues into last month. On September 1 of this year, Adam Hermanson, who grew up in San Diego and Las Vegas, served three tours of duty in Iraq with the Air Force and then went back to work for a contractor. He, too, lost his life in a horrific way, by electrocution. His wife Janine is waiting for answers. I spoke to her earlier today.

Fundamentally, what this amendment does as it relates to the electrocution problem is attempt to right a wrong by ensuring that the Army reviews the language of the contract at the time of formation to ensure it includes explicit language that clearly

requires contractors to immediately correct deficiencies such as improperly grounded equipment or facilities. We are talking about basic electrical work here being done in a way that would protect anyone's safety in a way that they should have a right to expect.

So when I think of Ryan and his family and his mother Cheryl Harris and I think of Mr. Hermanson and his family, his wife Janine, we are not just thinking about some far-off concept here, we are talking about a real problem that is not yet corrected and still threatens our fighting men and women.

Let me conclude my remarks by saying, in addition to urging my colleagues to support this amendment, which I think is so fundamental it does not require a lot of explanation, our troops ought to be able to take a shower or engage in other activities of daily life in Iraq or Afghanistan or anywhere around the world with that reasonable expectation of safety. We can't guarantee that right now, unfortunately. This amendment will take a step in that direction.

Obviously, the other parts, the other two elements in the amendment are that our troops should have the ability to drink clean water and, finally, that no women serving in the military should ever fear the potential or the threat of sexual assault.

All of these parts of this amendment are vitally important. I don't understand why anyone would not support it.

I have already submitted for the RECORD earlier the Associated Press story about the death by electrocution of Adam Hermanson. I wanted to cite two statements, two reflections by Adam's wife and his mother. His wife said, when talking about their plans to move back to Pennsylvania:

He was supposed to come back and we had a lot of plans.

After three tours of duty in Iraq as a soldier and then another tour as a contractor, they were looking forward to his coming back to the United States and, in this case, coming back to Pennsylvania. They had a lot of plans. Those plans were completely destroyed. His life was ended because of a fundamental problem in our system of how we ground electrical outlets, how we install showers in Iraq and threaten troops in the process. We have to correct it for Adam in his memory and for Ryan and so many others, as well as for those they left behind; in this case, Adam's wife Janine.

I will conclude with what his mother Patricia said, as she was reflecting on what happened to Adam. She said everyone in their family was struggling to understand how he could survive four war tours—three as a soldier, one as a contractor—and then die suddenly in a seemingly safe place.

We should make sure, by way of this amendment and anything else we can do, that our troops are at least safe

when taking a shower or in a barracks or living in a situation where they are away from the battlefield, away from a fire fight, away from the threat of enemy fire. That is the least we can do as legislators. I urge my colleagues to support the amendment, hoping we can deal with this amendment in the next hour or so.

I yield the floor.

Mr. DURBIN. Madam President, it is time to address some serious problems that have plagued the LOGCAP contract that the Army uses to supply our troops in Iraq and Afghanistan.

For years, this work has been managed by the former subsidiary of Halliburton, KBR.

The controversies surrounding these two companies are many. Senator CASEY and I have offered an amendment to help deal with some of the worst failures and protect the safety of our troops and others.

The amendment would prevent the Army from spending funds on a LOGCAP contract unless the Army Secretary determines that the contract explicitly requires the contractor to ensure safe electrical work, ensure safe and sanitary water, and establish and enforce strict sexual assault prevention policies.

It also allows the Secretary an opportunity to waive the restriction, if that is necessary to the provision of essential services.

In 2001, the Army awarded a sole-source contract to Halliburton-KBR to provide housing, meals, water, trash collection, and other support services for American troops abroad.

By the start of this year, the Army had paid KBR more than \$31 billion under the contract, known as LOGCAP.

KBR has had tremendous difficulty executing government contracts properly. One of the many failures of this company has led to the death of U.S. troops.

With our constituents' taxes, our Nation has paid billions of dollars to KBR to provide support to our troops deployed in harm's way. Some of the funds were designated to provide a safe place for our troops as they go about their daily business—to provide them the safe food and shelter they need as they put their lives on the line for us.

We, and all taxpayers, have a right to expect that this company would use those hard-earned tax dollars for the safest and best support we can provide.

What we didn't expect is for KBR, through its negligence, to provide conditions that would injure or kill our troops in their showers. But that is what has happened.

Since March 2003, at least 16 service members and 3 contractors have been killed by electrocution in our own facilities in Iraq.

It wasn't a problem that was hidden for years and then suddenly emerged as a surprise. As early as 2004, Army ex-

perts warned that negligent electrical work created potentially hazardous conditions for American personnel.

While we don't whether every single one of those deaths was the fault of KBR, we do know that KBR has been given major contracts involving wiring facilities for our troops in Iraq.

We know that in 2008, 94 troops stationed in Iraq, Afghanistan or other Central Command countries sought medical treatment for electric shock, according to Defense Department health data.

And we know from military records that KBR's database lists 231 electric shock incidents in the facilities the company runs in Iraq.

So we know that our soldiers are being injured and sometimes killed as a direct result of KBR's shoddy electrical work in our facilities.

This is clearly a problem that needs some tough questions answered. How does it come to pass that we put our personnel in unnecessary harm's way so often?

The DOD inspector general sought to answer this question and looked at a particular case I would like to share with my colleagues. The case is that of SSG Ryan Maseth, and it demonstrates the level of KBR's negligence.

In January 2008, Sergeant Maseth was killed in Iraq. This decorated service member was not killed by the bullets or bombs of Iraqi insurgents. He became another victim of contractor negligence when he was electrocuted in a shower at a U.S. base in Baghdad that once was one of Saddam Hussein's palaces.

On July 24 of this year, the DOD inspector general released a scathing report describing the negligence of KBR that contributed to Sergeant Maseth's senseless death. The IG catalogued a distressing litany of KBR negligence and malfeasance. It found that "KBR did not ground equipment during installation or report improperly grounded equipment identified during routine maintenance"; "KBR did not have standard operating procedures for the technical inspection of facilities"; KBR personnel "had inadequate electrical training and expertise"; and "Operations and maintenance contractor facility maintenance records were incomplete and lacked specificity, precluding the identification and correction of systemic maintenance problems."

We have paid KBR billions and billions of dollars, and this is what they have given us in return.

It is tragic. It is wrong. And it has to stop.

In March of this year, DOD launched an emergency effort to examine every facility in Iraq to determine the scope of the problem.

The results of those inspections are disturbing. According to Task Force Safety Actions for Fire and Electricity,



SAFE, of the 20,340 facilities maintained by KBR and inspected immediately, 6,935 failed the government inspection and required major electrical repairs.

Think about that for a moment. For years, KBR has been making money hand over fist in Iraq, providing maintenance and support for what grew to a portfolio of almost 90,000 facilities. Yet nearly one-third of the facilities included in this emergency inspection failed the inspection.

So for years our brave service members have used these facilities, expecting that they were safe, expecting that the billions of dollars we were spending on war support was devoted to their safety. Little did they know that—thanks to KBR's callous carelessness—what they were really doing was playing "Russian roulette" every time they stepped into a shower.

You don't have to take my word for the level of incompetence demonstrated by KBR. Listen to the experts.

Listen to Jim Childs, a master electrician hired by the Army to review KBR's electrical work with Task Force SAFE. He called KBR's work "the most hazardous, worst quality work" he'd ever seen.

Mr. Childs found that even when KBR tried to fix problems, they couldn't—that the rewiring work done in buildings that were previously safe resulted in the electrical system becoming unsafe.

Or listen to Eric Peters, a master electrician who worked for KBR in Iraq as recently as this year. Mr. Peters testified that 50 percent of the KBR-managed buildings he saw were not properly wired. Mr. Peters estimated that at least half the electricians hired by KBR would not have been hired to work in the United States because they were not trained to meet U.S. or U.K. electrical standards.

He characterized KBR managers as "completely unqualified."

American soldiers—and their loved ones back home—placed themselves—placed their loved ones—in the hands of what was then a subsidiary of Halliburton known by the acronym KBR, and this is what they received.

Shock. Electrocution. And in some cases death.

Why? Because of a careless disregard for the safety of our troops.

We must stop the negligence and ensure that U.S. contracts keep our soldiers safe.

The story is not much better when it comes to the water KBR has provided to our troops.

Here in America, we tend to take clean water for granted. We turn on the tap and, with rare exceptions, clean water flows out.

It is not that simple in a war zone.

The Federal Government entrusted to Halliburton subsidiary KBR the job

of providing our troops with clean, safe drinking water.

What the company supplied to our troops, instead, was unsafe, unhealthy, and potentially dangerous water.

A basic necessity of life, a critical commodity in the desert heat of the Middle East, and KBR failed to get it right, even though we were paying them top dollar for the privilege of serving our troops in harm's way.

According to a Department of Defense inspector general report, dozens of soldiers fell sick between January 2004 and February 2006 due to "unmonitored and potentially unsafe" water supplied by Halliburton-KBR to fulfill its contract with the Department of Defense.

Water used for washing, bathing, shaving, and cleaning did not meet minimum safety standards set forth in military regulations.

KBR reportedly failed to perform quality control tests, resulting in the use of unsafe water by our troops.

DOD noted that KBR's failure to do its job may have resulted in soldiers suffering skin abscesses, cellulitis, skin infections, diarrhea, and other illnesses.

I do not understand how a company could demonstrate such a callous disregard for the health and welfare of our troops in Iraq. But that is what they did, time and time again.

If it weren't for a whistleblower, we might not know about Halliburton-KBR's mishandling of the water contract. But Ben Carter, a former Halliburton employee and water purification specialist, blew the whistle on KBR's malfeasance.

In January 2006, Mr. Carter testified about his experiences working at Camp Ar Ramdi, home to 5,000 to 7,000 U.S. troops.

Mr. Carter was appalled by what he found there. According to Mr. Carter's testimony:

KBR [had] exposed the entire camp to water twice as contaminated as raw water from the Euphrates River. KBR was apparently taking the waste water . . . which should have been dumped back in to the river, and using that as the non-potable water supply. Such problems had been happening for more than a year . . . No trained specialist could claim that the water was fit for human consumption.

KBR's response to Mr. Carter's discovery of this substandard, potentially life-threatening situation? Employees of KBR instructed Mr. Carter to keep it quiet. Thank goodness he didn't.

This dirty water problem was not limited to Camp Ar Ramdi. Another whistleblower, Wil Granger, KBR's overall water quality manager for Iraq, reported that there were deficiencies in providing safe water in camps across Iraq.

For example, Granger reported that water used for showering was not being disinfected. According to Mr. Granger, "This caused an unknown population

to be exposed to potentially harmful water for an undetermined amount of time."

Mr. Carter says it best:

Our men and women overseas deserve the best our taxpayer dollars can buy, and it saddens me to report that we're falling short on something as simple and essential as providing them with clean, safe water.

If only KBR had seen it that way. But our troops did not receive the clean water supplies they deserved, even though KBR made its profits.

Rape has long been outlawed as an instrument of warfare. But for Halliburton subsidiary KBR, it has become an all too common occurrence. Too often, KBR employees have been the accused perpetrators, while the victims have been pressured to keep silent.

Dawn Leamon is one of my constituents. She is a 42-year-old paramedic who hails from Lena, IL. She has two sons who have served as soldiers in war zones.

On February 3, 2008, she was working for Service Employees International, Inc., a foreign subsidiary of KBR. She was assigned to Camp Harper, a remote military base near Basra, Iraq. That night she was brutally raped and sodomized by a U.S. soldier and a KBR colleague.

After she reported the attack to KBR employees, she was discouraged from reporting it to the authorities. She was told to keep quiet.

Later, when she spoke out, KBR asked her to sign a nondisclosure agreement.

She bravely testified at a Senate hearing in April of last year, telling the story of this awful incident and the terrible treatment she suffered at the hands of KBR after the attack.

Dawn testified at the hearing:

I hope that by telling my story here today, I can keep what happened to me from happening to anyone else.

Mary Beth Keniston testified at that same hearing in April 2008. Ms. Keniston worked as a truck driver for KBR, also in Iraq. She testified about being raped in the cab of her truck by a coworker who was the driver of a vehicle that was parked behind her tanker as they waited one night to fill up with water from the Tigris River.

Ms. Keniston reported the attack immediately. But no one at KBR suggested an investigation, referred her for medical treatment, or even offered to escort her back through the dark to her quarters that night.

As Ms. Keniston testified at the hearing:

I am in a war zone—and, I have to worry about being attacked by my coworkers.

When Jamie Leigh Jones went to Iraq in 2005, she surely did not expect that the most serious threat she would face would come from Halliburton-KBR coworkers. But that is exactly the threat she faced in Iraq in July 2005.

This young woman from Texas was drugged and then brutally gang raped

by KBR employees while she was unconscious.

Rather than support her after she reported the attack, KBR put her under guard in a shipping container with a bed, and warned her that if she left Iraq for medical treatment, she would be out of a job.

Ms. Jones has formed a nonprofit organization to support the many other women with similar stories. She reports that she has spoken to more than 40 women like herself, like Mary Beth Keniston, like Dawn Leamon. She says:

Part of the reason I am going forward with this case is to change the system. Who knows how many of us rape victims are out there?

Certainly the perpetrators of these violent crimes should be held accountable for their criminal actions. These women deserve justice.

But KBR should not escape accountability for its actions. These women were brutally violated by KBR employees—by people whom KBR placed in their orbit.

Rather than taking some measure of responsibility to help prosecute the crimes and comfort the women who had been attacked, it looks like KBR attempted to hide the offenses and punish the women for wanting to report them. Instead of being a champion for its employees, KBR perpetuated the nightmare for each one of these women.

It is time to hold this contractor accountable and demand reforms to ensure employees are protected.

That is why Senator CASEY and I offered this amendment. I urge the Senate to adopt it.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Vermont.

AMENDMENT NO. 2617

Mr. SANDERS. Let me congratulate Senator CASEY for that very good amendment. I look forward to supporting it.

Mr. President, I wish to say a few words on amendment No. 2617, which is pending, and talk about why I offered it.

This is a very important amendment. Everybody in the country is concerned that we have today a \$12 trillion national debt. Everybody is concerned that this year we will run up the largest deficit in the history of the country. What that means is the taxpayers rightfully and absolutely want to know that the money we expend, whether it is for defense, which is what we are discussing this evening, whether it is for housing, education, any other purpose, they want to know that every nickel of Federal dollars spent is expended as wisely and as cost-effectively as possible. They also want to know that the corporations and the institutions and the individuals who receive that Federal funding are honest and trustworthy in terms of how they can expend those Federal dollars. That is

what the people want, and they certainly have every right to those expectations.

Several weeks ago, the Senate voted to prohibit any funding going to an organization called ACORN. That decision was largely motivated by a videotape which showed employees of ACORN involved in an outrageous and absurd discussion with actors who were posing as a prostitute and a pimp. Those employees, appropriately enough, were fired for their outrageous behavior. My understanding is that over a period of 15 years, ACORN received about \$53 million to promote affordable housing, encourage voter registration, and other things. I voted against the ACORN resolution, not because I condoned the behavior of these employees or other problems associated with the organization over the years. I don't. I opposed it because we need a process to determine what the criteria are in terms of defunding an organization engaged in improper or illegal behavior.

Frankly, I don't think a videotape on TV is good enough justification. We need a process, and that is what this amendment is about.

The sad truth is, virtually every major defense contractor has, for many years, been engaged in systemic illegal and fraudulent behavior while receiving hundreds and hundreds of billions of dollars of taxpayer money. We are not talking here about the \$53 million that ACORN received over 15 years. We are talking about defense contractors that have received many billions of dollars in defense contracts and, year after year, time after time, have violated the law, ripping off the taxpayers big time.

In some instances, these contractors have done more than steal money from taxpayers. In some instances, they have actually endangered the lives and well-being of the men and women who serve our country in the Armed Forces.

Let me cite a few examples. According to the Project on Government Oversight, a nonpartisan, widely respected organization focusing on government waste, the three largest government defense contractors, Lockheed Martin, Boeing, and Northrop Grumman, all have a history riddled with fraud and other illegal behavior. Combined, these companies have engaged in 109 instances of misconduct since 1995. This is going back to 1995, 109 instances of misconduct, and have paid fees and settlements for this misconduct totaling \$2.9 billion.

Let me repeat that. These three companies—Lockheed Martin, Boeing, and Northrop Grumman—have engaged in 109 instances of misconduct since 1995 and have paid fees and settlements for this misconduct totaling \$2.9 billion. Here is the kicker: Despite violating the law time after time after time, despite being fined time after time after time, guess what the penalty has been.

Here is what the penalty is. It is a pretty harsh penalty. In 2007, their punishment was \$77 billion in government contracts. That is a pretty steep penalty, I have to admit, \$77 billion. This is not ACORN. They were defunded immediately because of a 2-minute videotape. These are guys who time after time violated the law, ripped off the taxpayers, and their punishment was in 2007, 1 year alone, not \$53 million over 15 years but \$77 billion in 1 year.

Based on a video on TV, we took away funding for ACORN. What are we going to do with the major defense contractors who have been found guilty in courts of law, not on a videotape, time after time?

Let me give a few specifics so we know what we are talking about. Lockheed Martin, the largest defense contractor in the country, has engaged in 50 instances of misconduct since 1995, paying fines and settlements totaling \$577 million. Yet it received \$34 billion in government contracts in 2007. That is telling them who is boss. That is sticking it to them for violating the law.

Here is the type of behavior we are talking about. According to the U.S. Attorney's Office, in 2008, Lockheed Martin's Space Systems Company paid \$10.5 million to settle charges that it defrauded the government by submitting false invoices for payment on a multibillion-dollar contract connected to the Titan IV space launch vehicle program. According to the Department of Justice, in 2003, Lockheed Martin paid \$38 million to resolve allegations that it fraudulently inflated the cost of performing several Air Force contracts for the purchase of navigation and targeting pads for military jets.

In 2001, Lockheed Martin paid \$8.5 million to settle criminal charges that it lied about its costs when negotiating contracts for the repair and restoration of radar pedestals installed in U.S. warships.

But in fairness to Lockheed Martin, we should be clear that they are not the only defense contractors involved in fraud. Frankly, it is endemic in the industry. Boeing is the world's largest aerospace company and the largest manufacturer of commercial jet liners and military aircraft. Since 1995, Boeing has either been found guilty, liable, or reached settlements in 31 instances of misconduct and, as a result, paid \$1.5 billion in fines, judgments, and settlements. I am talking about real money.

In 2000, according to the Department of Justice, Boeing agreed to pay \$54 million to settle charges that it placed defective gears in more than 140 CH-47D Chinook helicopters and then sold the defective helicopters to the U.S. Army. When one of the gears failed in flight, it caused an Army Chinook helicopter to crash and burn while on a mission in Honduras, and five servicemen aboard were killed. We are not



just talking about fraud; we are talking about activities which resulted in the death of U.S. servicemen.

In a report made public this past Tuesday, the DOD inspector reported that Boeing may have recovered \$271 million in "unallowable costs" from the government. That is this last Tuesday. Still, Boeing received \$24 billion in Federal contracts in 2007.

Finally, Northrop Grumman, the third largest contractor, has a similar history, with 27 instances of misconduct totaling \$790 million over the past 15 years. It is not just the big three. On June 9, 2004, KBR overbilled for dining facilities by at least 19 percent, according to KBR's own studies, and it could be as high as 36 percent. As reported in its 2005 10-K, the government eventually agreed to withhold \$55 million from KBR.

United Technologies reached a settlement amounting to over \$50 million.

A few weeks ago the Senate voted to strip funding from an organization called ACORN which received \$53 million in Federal funds for a period of 15 years. What do we do with some of the largest defense contractors that have time after time after time been involved with fraud?

I think one has to be pretty obtuse not to perceive that this type of behavior, this recurrent behavior, is systemic in the industry and it is part of the overall business model. Let me add, what I describe now is what these companies have been caught doing. We do not know what they have done in which they have not been caught.

The time is long overdue for us to get to the bottom of this situation. We owe that not only to the taxpayers of the country but to the men and women in our Armed Forces.

For that reason, I am proposing an amendment today under which the Secretary of Defense would calculate the total amount of money that goes to companies that have engaged in fraud against the United States, and then make recommendations about how to penalize repeat offenders. In other words, they have to be held accountable. It is absurd that year after year these companies continue doing the same things—illegal behavior, fraudulent activities—and year after year they keep getting away with it, and year after year they come back and they get hundreds of billions of dollars in Federal funds.

I hope very much this study will receive strong bipartisan support and will be a first step in moving us forward to cleaning up the world of defense contracting.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONDURAS

Mr. DEMINT. Mr. President, I want to take a few moments in the middle of the debate on the Defense appropriations bill to talk about a situation in Honduras and, maybe equally important, a situation here in the Senate.

Honduras has come to the attention of many Americans because of the change in government there and the questions about whether this was done constitutionally. I had arranged a trip, along with a few House Members, to go to Honduras and meet with officials and find out more about the situation. Unfortunately, I found out this afternoon that the chairman of the Foreign Relations Committee was blocking my trip, along with the State Department.

It is very concerning since no Member of the Senate has taken the time to go to Honduras, which is a very close ally to this country, where we have a military base. And they certainly depend on our support. I have a growing concern of what appears to be intimidation and bullying from our administration, and I wanted to have a fact-finding trip. This body normally accords fellow Members the courtesy, and this was very disturbing that we would use politics to block a trip such as this.

But I wish to give a little bit of background on Honduras. Since so many other things are going on, not many people here in the Senate seem to even be aware of the situation.

On June 28, then-President Manuel Zelaya was removed from office and arrested by the Honduran military, on orders from the Honduran Supreme Court, and in accordance with the Honduran Constitution.

Charged with crimes of both public corruption and abuse of power, President Zelaya was attempting to subvert the Honduran Constitution and install himself as a dictator in the mold of his close friend Hugo Chavez.

Within hours, the Obama administration made an uninformed decision to call this constitutional process a "coup," despite no one at the State Department or the White House having made a thorough review of the facts and the law.

Instead, we simply follow the lead of the Western Hemisphere's most corrupt and anti-American tyrants: Fidel Castro of Cuba, Daniel Ortega of Nicaragua, and Hugo Chavez of Venezuela. The President sided with these thugs and against Honduras—a poor, loyal, and democratic friend of the United States.

To date, I am unaware of any provision in the Honduran Constitution that was violated in Zelaya's removal from office, except perhaps removing him from the country instead of putting him in jail.

The Congress, of Zelaya's party, the Supreme Court, the Attorney General,

the Supreme Electoral Tribunal, and the vast majority of the Honduran people support Zelaya's removal.

The Honduran military has remained at all times under civilian control. The November 29 elections remain on schedule. Interim President Roberto Micheletti is not on the ballot. The nominees for the major political parties are campaigning, and the country's citizens are preparing for a free, fair, and transparent election.

If that does not sound like a coup to you, you are not alone. Last month, a thorough report—and I have it here—by the Congressional Research Service found that the removal of Zelaya and the actions of the Congress and Supreme Court were both legal and constitutional—a very detailed evaluation which apparently the administration has not taken the time to see. There was no coup. But the Obama administration, nevertheless, has cut off Honduras from millions of dollars of badly needed United States aid.

The trip I planned—which is tomorrow—along with three Members of the House of Representatives was to get to the bottom of this so we could report back to the Senate and the House as to what was going on.

Our trip met every necessary criteria. I have scheduled meetings with President Micheletti, the Supreme Court, and the leading candidates in next month's Presidential election. I was going to meet with the business and civic leaders.

This afternoon, I was informed that the Senator from Massachusetts, Senator KERRY, chairman of the Foreign Relations Committee, was blocking the trip. No reason was given, except that there were concerns at the State Department. If I were the Obama State Department, I would have concerns too, concerns the American people might find out the truth about what we are doing to the Honduran people.

To date, not a single Member of the Senate has assessed the situation in Honduras firsthand, and the Obama administration refuses to allow Honduran leaders and even private citizens to come here to talk to us. What are they afraid of? Are they afraid of the world discovering that their policy is based on a lie concocted by Hugo Chavez and the Castro brothers? That we are backing a corrupt would-be tyrant?

This administration is only too eager—or at least seems to be too eager—to talk to any anti-American tyrant on Earth, but not even Members of Congress may visit a loyal ally 3 hours away.

I want to take this opportunity to thank the Republican leader, Senator MITCH MCCONNELL, for stepping in and authorizing the trip. He would like to get to the bottom of this as well.

The trip is back on, and I look forward to reporting back to the Senate next week after my return. But this is

an outrage, if not a surprise. For 8 months, President Obama has circled the globe, apologizing for America, appeasing our enemies, and insulting our friends. Meanwhile, the President has spent more time lobbying for the Olympics and appearing on late-night comedy shows than meeting with his advisers about the troop surge in Afghanistan.

Apparently, the administration is upset with me because I am asking for a debate and vote on two nominations they want for the State Department. Indeed, I was told today if I lifted my holds, the trip would be authorized by the Foreign Relations Committee.

The two nominees are Thomas Shannon, currently Assistant Secretary of State for Latin America, President Obama's nominee to be Ambassador to Brazil, and Arturo Valenzuela, currently an academic nominated to replace Shannon at the Latin American desk.

I am asking for debate and a vote on Mr. Shannon's nomination because he has supposedly been behind our policy in Latin America in recent years. Our mistakes in Honduras occurred on his watch, and with his advice. He was a Bush appointee, but I have a lot of questions about what is going on in Honduras. He supports the Obama aid cutoff and the "coup" classification. He hardly deserves now to represent America in the largest country in Latin America, at least without a debate and a vote.

Mr. Valenzuela shares these positions, even though he admitted at his confirmation hearing he was not up to date on the facts.

Unless and until the Obama administration reverses its ill-informed and baseless claim that Zelaya's removal was a coup and also restores American aid, I will continue to ask for a debate and vote on these nominees so we can discuss the issue openly on the floor of the Senate.

This country also needs to recognize the upcoming election, which has been going on. The campaign is open and transparent, but the Obama administration is threatening not to recognize the election, which is destabilizing the country and threatening to do more harm not only in Honduras but throughout Latin America. This policy is confirming Hugo Chavez. It certainly is not confirming a constitutional form of government.

I look forward to reporting back to my fellow Members what I find in Honduras. I again thank MITCH MCCONNELL for taking the initiative to make sure the trip is authorized.

With that, Mr. President, I yield back.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I was concerned to learn on September 17 of the President's decision to forgo the deployment of 10 long-range, ground-based interceptors in Poland and a radar site in the Czech Republic which was designed for the defense of Europe and the United States against long-range Iranian ballistic missiles.

Just a few days ago, the Iranians demonstrated their determination, even after they agreed to meet with the United States, to deploy such a system by launching their top mid-range missile. That is not long from, of course, a long-range missile.

The Senate Armed Services Committee held a full committee hearing on the subject last week, and it did little to quell my initial concerns and has, in fact, added apprehension about the lack of specifics in the plan we are hearing will now be employed. More important, the geopolitical implications of reneging on prior U.S. commitments to key allies should not be underestimated.

With respect to the so-called "Phased Adaptive" approach, President Obama would have us believe that "this new approach will provide capabilities sooner, build on proven systems, and offer greater defenses against the threat of missile attack than the 2007 European Missile Defense Program."

I will add, parenthetically that the Europeans did agree and NATO did agree to the deployment of ground-based interceptors in Poland and the radar in the Czech Republic.

The reality is more complicated than the President indicates. I have to say, frankly, first, it is not clear this new approach will provide capabilities sooner. In fact, it does not appear to.

Under the first phase of this new plan, which is essentially underway, the United States would defend our allies against short-range threats by providing "SM-3 Block 1A capable warships when necessary for the protection of parts of Southern Europe." That would mean we would deploy an Aegis cruiser armed with SM-3 missiles. But this is no different from what the previous plan called for. To suggest that is some new plan is inaccurate. To be sure, even today, we have AEGIS ships with SM-3 missiles plying the waters of the Mediterranean, and Patriot units deployed in and around Europe for our defense against short-range missiles.

In phase 2 of this new plan, which is, we are told, going to be completed by 2015, a more advanced version of the theater SM-3, the IB, would be deployed at sea and on land. Likewise, under the old plan, the IB missile would be deployed and fielded by 2015, though perhaps not on land. But it had

been discussed. In fact, the last budget prepared by the previous administration called for an increase in the inventory of THAAD and SM-3 missiles to over 440 missiles in the European area by 2015, 2016.

I have not seen any inventory projection for this new plan, but I would be surprised to learn their numbers are significantly greater than what was previously planned. In fact, the administration has not gotten off to a good start in this respect, as the fiscal year 2010 budget request includes no funding for a new SM-3 or THAAD purchases. This is the only budget year request we have been presented by the administration, and they are not requesting any new THAAD and any new SM-3 missiles.

The administration's request funds previous purchases of missiles but requests not a single new interceptor that would be deployed. By 2018, in the third phase of the new plan—2018, over 8 years from now—a newly developed SM-3 block IIA missile would be added to the inventory to protect all of Europe against intermediate-range Iranian missiles—the kind of intermediate range the Iranians just tested Monday. This is by 2018.

Under the old plan, the plan we have been working on for quite a number of years, this SM-3 IIA capability was meant to complement the deployment of 10 ground-based interceptors in Poland, which would have provided protection for most of Europe and the United States against long-range Iranian missiles in the 2015 timeframe. In other words, these 10 interceptors would have been capable of protecting all of Europe and the United States. If a missile were launched from Iran aimed at hitting the United States, it would fly basically over Poland and Central Europe. As a result, this would be a prime place to deploy a defensive missile system. The ground-based interceptor that would have been used would have essentially been the same missile we currently have deployed in Alaska. Our Presiding Officer, Senator BEGICH, has been very engaged in that, and I know we both are concerned to see the number of interceptors planned for that site being reduced. The key difference in the missiles is that our interceptors in Alaska and California are three-stage missiles, while two-stage missiles would be used to fit our needs in Europe.

Finally, the new plan would call for the development of IIB missiles by 2020, which would "further augment the defense of the U.S. homeland from potential ICBM threats." That is what they are telling us would happen. But I have been around here a while, and we don't have this SM-3 IIB missile even on the drawing board. They just conjured up this idea a few days ago—at least that is the first I have heard about it. So we have to build this new missile—not

build on the one we have already emplaced in Alaska and are building now, but build a whole new missile. That will take 10 years. And who is to say the Congress will be faithful to this 10-year plan? I will tell you one thing: President Obama will not spend a dime of his money on it. This is in the distant future. That worries me because my experience is that plans like this don't always come to fruition. When you abandon a proven technology, that we are almost ready to deploy now, after some hope in the future, this makes me nervous.

The two-stage GBI intended for Poland in the old plan would have been fielded by 2015, 5 years earlier than this vision of a IIB, if the ratification of all the agreements had occurred and we pushed for that. The 2015 date is important because Iran may have, by then, long-range missiles capable of reaching all of Europe and the United States.

In March of this year, General Craddock, then-commander of U.S. European Command, testified before Congress,

By 2015, Iran may also deploy an intercontinental ballistic missile capable of reaching all of Europe and parts of the United States.

That was his testimony, given under oath.

In May of this year, 2009, an unclassified intelligence report issued by the National Air and Space Intelligence Center stated:

With sufficient foreign assistance, Iran could develop and test an ICBM capable of reaching the United States by 2015.

In the final analysis, it is not clear that the new plan will field capabilities any sooner—and indeed it appears later than the previous plan—which may leave us with a gap in coverage in Europe for at least 5 years if we were to move forward with the plan to develop this missile. So forgive me if I am not buying into this. This plan sounds like an excuse for giving up on the European site for the GBI.

The President also claims that his approach is based on proven technology—the assumption being, perhaps, that the previous plan was fraught with technological risk. Again, that claim is not correct.

The administration argues that its approach to providing defense of Europe with SM-3 block IIA, and ultimately augmented with this IIB system in 2020, is based on proven technology of the currently deployed SM-3 IA missile. Well, that is just not accurate. The SM-3 that would be effective against an ICBM is much larger in diameter. It is an entirely new missile. Just because the SM-3 is performing very well for theater defense doesn't mean they can build an entirely new SM-3 and it is going to be as effective. I assume they could, and move forward with it, but it is not a sure thing.

While I have confidence in the ability of the SM-3 missile to eventually

evolve into an ICBM interceptor, I would note that the two-stage GBI intended for Poland is also based on proven technology of the three-stage GBI now deployed in Alaska and California, which, according to General Cartwright, has a 90-percent probability of intercepting a rogue missile—presumably coming in from North Korea.

This is a great system. We have invested decades of effort in it, over 20 years. Thirty-plus years have gone into developing an antimissile system. We have finally got it so that we have a 90-percent chance of having one of these interceptors—knockdown, hit-to-kill technology—in space over the Pacific Ocean to obliterate an incoming missile. We have the radar system designed to pick up these missiles on launch, to track them, and to guide the missile into that kill system.

It is certainly questionable to me whether the SM-3 block II variant, which requires new boosters and a new kill vehicle, is less technologically risky than a two-stage GBI, which is scheduled for flight testing in the coming years.

Finally, the President contends that his approach would offer greater defense than the previous approach. Here he assumed the old approach included only 10 ground-based interceptors in Poland and that his new approach would provide more theater defense on land and on sea.

I would just say that this bothers me because that has never been our plan. Our plan always has been to emplace ICBMs or theater missiles in Europe, as well as the 10 interceptors in Poland that would protect us from a rogue attack from a country like Iran, which seems determined to do this.

So this is where we have been. And I am pleased to see my colleague, Senator LIEBERMAN, who throughout his time in the Senate has maintained a superb understanding of national missile defense as part of his duties on the Senate Armed Services Committee. He is probably the most knowledgeable person in the Senate on that issue, and I think he shares some of my concerns.

I thank the Senator for coming, and I would be pleased to join with him in an amendment that could improve our situation today. I will be glad to yield to my colleague. The only thing I see new in this plan is the abandonment of the Polish site, the ground-based interceptor, which indeed is capable of knocking down a missile from Iran.

Mr. President, I yield the floor, and I would be pleased to hear Senator LIEBERMAN share some of his thoughts.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank Senator SESSIONS, my colleague from Alabama, for the statement he made and for his leadership on this issue. I am proud to join with him and a number of Senators—Senators

BAYH, MCCAIN, INHOFE, VITTER, KYL, and BENNETT—to introduce this amendment.

Mr. President, has the amendment actually been called up?

The PRESIDING OFFICER. It has not.

AMENDMENT NO. 2616

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2616.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, and Mr. SESSIONS, proposes an amendment numbered 2616.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Relating to the two-stage ground-based interceptor missile)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

Mr. LIEBERMAN. Mr. President, this bipartisan amendment is both a response to the administration's decision to cancel the ground-based midcourse missile defense system that was going

to be in Poland and the Czech Republic and the subsequent decision of our friends and colleagues on the Appropriations Defense Subcommittee to withdraw a significant amount of money that the administration has said it still wanted to be preserved for the ground-based interceptors; that is, the interceptors that would have been launched from Poland at a missile presumably from Iran headed toward Europe, the Middle East, or particularly toward the United States.

Let me explain some background here as quickly as I can.

I was disappointed by the administrations's decision to cancel the planned deployment of this missile defense system to Poland and the Czech Republic. This system would have provided our European allies and others with a first line of defense against short- and medium-range ballistic missiles that Iran already possesses and could fire at our allies in the region and in Europe. But the point I want to focus in on here is that the—I am going to call it the GMD—it is the ground-based midcourse missile defense system, the GMD for Poland and the Czech Republic would also have provided a layer of what the military missile experts call redundancy for the defense of the United States against an intercontinental ballistic missile fired from Iran at us. This is not just sort of pie-in-the-sky kind of hyperanxiety, imagination. We know that Iranians are developing long-range ballistic missiles and, as I will mention in a moment, experts predict they will have that capacity by the middle of the next decade, 2015.

The Polish-Czech system would have provided, in addition to a defense of Europe, a redundant defense of the United States. What does redundancy mean in this case? It means we have more than one line of defense to protect us. Those of us who are privileged to serve on the Armed Services Committee or Appropriations Committee and others know our military tries to build redundancy into equipment, for instance. I was up at the Sikorsky helicopter manufacturing facility in Stratford, CT, a little while ago. They are building a new model of helicopter. There are three or four levels of redundancy in that system, in that single helicopter. Why? So if one element breaks down, there are two or three other elements that will keep it going for the protection of our American military inside that helicopter.

In the same way, if an intercontinental ballistic missile is fired in 2015 toward the United States of America, we have one line of defense.

My friend from Mississippi, Senator COCHRAN, is here. I remember so well when he and I in the decade of the 1990s were trying to convince our colleagues to invest some money in developing a ballistic missile defense system. People

said two things: No. 1, we were getting carried away with our fears and, No. 2, even if it was something to be concerned about, it was impossible to develop a ballistic missile defense system. I remember people said we are talking about trying to hit a bullet with a bullet.

Well, by God, American military, American innovation, American enterprise, American manufacturing have done it. We now have two ground-based missile defense systems, one in Alaska, one in California, to protect the American homeland from ballistic missile attack.

But we need redundancy. Just like the pilot and the crew in that Sikorsky helicopter need redundancy in that helicopter in case one of the lead systems goes, we want to know they have backup. If a missile is headed—well, probably with a nuclear weapon on it—toward the United States of America, I think we want some redundancy. We want more than one line of defense to protect our people and our country. Right now we just have that system in California and Alaska.

The ideal here, according to the people who think about this, is to have what they call a “shoot look and shoot” defense. A missile is fired from Iran. We gauge that it is heading toward the United States. The plan for the ground-based system in Poland and Czechoslovakia is we have our first shot at that missile heading toward us from Poland. Then we look. If we missed it, we have a second opportunity to knock it down from California or Alaska.

Unfortunately, the alternative system the administration has chosen, which has many positive aspects to it for the defense of Europe and the Middle East from Iranian short- and medium-range missiles, leaves most of the United States without that second shot at that incoming missile.

I do not have pictures with me from a report that the Congressional Budget Office did, a diagram, but the eastern part of the United States would have a redundant defense but everything pretty much west of the Mississippi would not. That is serious stuff. That is why I am disappointed by the decision that was made.

I want to explain a little more about how the administration has dealt with that concern about America's homeland and what I think we can do about it. They have proposed—there is a lot of technical language here; let's see if I can do it without confusing everybody—that they would eventually develop—they have this SM-3 missile defense system that will be the basis of the alternative to the Polish-Czech defense, and that will be good for Europe and the Middle East. But the administration knows it leaves America without that second line of defense to a missile attack. So they are proposing

to build block IIA and Block IIB interceptors as part of this so-called SM-3, advanced developments of that system which, they argue, could protect the United States of America from a long-range missile fired from Iran.

The problem is the Block IIA and IIB of this SM-3 missile do not exist. They are on paper. General Cartwright acknowledged so much in testimony to us. The ground-based interceptor that was going to go into Poland exists. It has been manufactured. It was scheduled to go into testing this year. In the proposal the administration has made, they say the SM-3 Block IIA, the first one that could possibly defend the United States, will not be available until 2018, at the earliest. The Block IIB, even more sophisticated, will be available in 2020 at the earliest.

Let me try to explain through a quote what worries me about that. Earlier this year, in testimony before the Armed Services Committee, the then-commander of our European Command, the Supreme Allied Commander in Europe, Bantz Craddock, stated this:

By 2015 Iran may also deploy an intercontinental ballistic missile capable of reaching all of Europe and parts of the United States.

I know that is not a hard prediction, but that is the range that most people in the intelligence community, the military community, give, that sometime in the middle of the next decade, maybe a little later, the Iranians will have a long-range ballistic missile that can hit the United States of America.

Look, they can do better than that and may surprise us. We have been surprised before by the ballistic missile capabilities of our adversaries. The North Korean Taepodong test of 1998 comes to mind, of course, an unfortunate instance in which the North Korean Government tested a long-range missile 7 days after our intelligence community concluded that North Korea was another 3 years away from having that capability.

One of the reasons the administration has given for this change to the SM-3 defense is that it provides a quicker, better defense for Europe and the Middle East to short- and medium-range missiles, and the administration concludes the Iranians are making more progress more quickly on those two, short- and medium-range missiles, than we thought they would. If they are making progress on the short- and medium-range missiles more quickly than we thought they would, they might also make progress more quickly on the long-range missile that could hit the United States of America.

Here is what I am worried about. I understand these are not exact numbers. By 2015, according to General Craddock, Iran may have a long-range ballistic missile that could hit the United States of America. At the earliest the SM-3 Block IIA missile, to

give some protection, second line of defense to that missile, will not be available until 2018 at the earliest. Remember, this is now a paper missile. It has not been built, let alone tested. You have 3 years there, and probably more, where there will be a ballistic missile defense gap in which Iran could fire at us and only have to get by the ground-based missile defense systems in Alaska and California.

I think the administration, as testimony went on, understood our concern about that. In fact, when the Secretary of Defense Gates and General Cartwright rolled out the administration's new architecture for missile defense, canceling the Polish-Czech program and going to the new system, one of the points General Cartwright emphasized was that the administration would continue to develop the two-stage ground-based interceptor, the one that was supposed to go in Poland. He continued:

Those tests are funded, and will continue, so we will have two ways to address this threat.

The following week Under Secretary of Defense for Policy Michele Flournoy testified before the Senate Armed Services Committee and she also expressed a commitment to continue to develop this two-stage ground-based interceptor. Presumably the thought is it could be located at another site in Europe or perhaps somewhere on the east coast of the United States of America, to give that second line of defense to our entire country.

Secretary Flournoy said when they were discussing the canceling of the European missile defense program, Secretary Gates "had to be convinced of a couple of things." Those are her words, namely that "we could still"—I am quoting Secretary Flournoy—Secretary Gates wanted to know that:

we could still defend the United States homeland should an Iranian ICBM threat develop earlier than what was predicted [and] that we should have technical options should the development of later Blocks . . . of SM-3 missile, either fail or be delayed.

That is exactly what we have been talking about.

In response to these requirements, Secretary Gates told his staff—again I quote Secretary Flournoy:

we are going to continue the development of the 2-stage ground-based interceptor as a technological hedge—

against the failure to adequately develop these alternative long-range systems, the missile defense systems against an Iranian threat.

Here is the problem. Despite this administration's statements of support for continued development and testing of the two-stage ground-based interceptor, the Defense appropriations bill before us has reduced funding for that program by \$151 million.

I gather the Department of Defense has already appealed this reduction, arguing

that it would force the cancellation or postponement of a pair of two-stage GBI tests soon, and that losing this funding could render the entire ground-based mid-course defense system less effective.

Now comes the amendment Senator SESSIONS and I and our cosponsors have offered, which would restore the funding by allowing the Missile Defense Agency to access no less than \$50 million and up to the original \$151 million of funds provided in fiscal year 2009–2010 Defense Appropriations Act for a long-range missile defense system and use those funds to support the continued development and testing of the two-stage ground-based interceptor. The amendment would also fence funding for the two-stage program to protect it from being reprogrammed and require a report detailing specific options for how the two-stage GBI can be used to enhance the defense of the United States against the emerging threat of Iranian long-range missiles.

Bottom line, this acknowledges on my part the disappointment at the decision the administration has made. It doesn't try to turn it around, but says OK, under the new administration program we are going to do at least as good, maybe a little better, at protecting Europe and the Middle East, but we are going to do worse at protecting the United States of America from a long-range missile, which the Iranians particularly are working so hard to develop. So let's at least keep testing this missile we have got, the ground-based interceptor, as a hedge so we are ready in case these other alternatives don't work, to put it in the ground in Europe or perhaps in the east coast of the United States to give the American people the two lines of defense they deserve against an Iranian long-range missile, and thereby to close what will now be a ballistic missile defense gap for the United States of America that will otherwise develop in the middle of the next decade and go on, in my opinion, for at least 3 years.

Again, I thank Senator SESSIONS. It is always a pleasure to work with him. This is complicated stuff. But it is the heart of our national security in the next decade. I hope my colleagues will support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to say how much I have enjoyed the clarity and integrity with which Senator LIEBERMAN has stated the situation in which we find ourselves. It comes from great experience over a number of years, both on the technical matters of missile defense and on the geopolitical threats this Nation faces. I certainly value his opinion.

I would share one thought with my colleagues. I hope my colleagues will

understand this. What happened in this year's budget request was a major shift from a very long lead plan to develop a very robust missile defense system.

We can disagree about some of the details of this or that. But let me give some examples of what has occurred: In this year's budget request, the President canceled the Kinetic Energy Interceptor, the KEI. It was a high-speed missile that would be less expensive and have great capability, particularly in the ascent-phase of an attack against the United States. The president's budget zeroed that out. We have been working on that for quite a number of years.

They also are working toward and doing research on an MKV, a Multi Kill Vehicle, in which you can put on a single ground-based interceptor booster three or more kill vehicles, that could knock down multiple missiles or decoys. The budget zeroed that out.

We had a plan we have been developing for a number of years to develop an airborne laser, have a laser on an airplane that can fly in an area where you may expect a launch to occur. It does not have to be very close but in the region. They catch a missile in the boost phase. The laser can hit it and knock it out of the sky. It is a remarkable capability. That has been debated, I will admit, but it has been funded for a number of years. It will be tested this year.

The Defense Department expects that test to be successful. We did have enough money, or there was enough money in the bill to at least test it. But after that, zeroed out. No funding for ABL.

So what about our ground-based interceptors and GMD system that we have been working on for 30-plus years, spent over \$20 billion on, that was planned to implant 44 interceptors in Alaska—most of them in Alaska and some in California? That has been cut from 44 to 30.

What about the plan to deploy 10 in Poland and Europe to give us redundancy and protect Europe? Zeroed out.

So this is not just a little nibbling away in missile defense. This is an erroneous policy that makes me nervous. Because we have a system that is ready to go forward. We stop it. We promise we are going to have a new system out here 10 years from now. There's many a slip twixt the cup and the lip. I am not sure whether we will ever get that done waiting on some new system to come along.

As Senator LIEBERMAN noted, the administration requested \$151 million to be obligated for a long-range missile defense system in Europe. They requested that that money be used for research and development and testing of this two-stage system.

This amendment that Senator LIEBERMAN and I have proposed would prohibit the diversion of that away from

what the Obama administration initially requested and to require it to be spent on the two-stage GBI, including options for deployment in Europe and elsewhere. So why is it necessary? Well, the mark we are dealing with on the floor today cuts the \$151 billion from the BMD test and targets program element, and, though the language itself does not expressly target this cut against testing for the two-stage GBI, the Missile Defense Agency understands this is what the Senate Appropriations Committee intends. Hence, they have submitted to us an appeal letter and asked us not to do it.

MDA argues this cut will require cancellation of fiscal year 2010 testing activities related to two planned two-stage GBI flight and intercept tests. We have proven the technology of the three-stage interceptor. Therefore, it is simpler to have a two-stage one. We have to test it and develop it.

Such a cancellation, as occurs in this bill, will also impact data collection applicable to the three-stage GBI requiring further testing in the future at additional costs.

Reduced funding would increase, risk, and delay the proving out of the two-stage GBI avionics capabilities required for the European component and future three-stage avionics capabilities. Slowing the development and testing of the two-stage GBI is inconsistent with the administration's intent to continue such development as a hedge against developmental problems for the SM3 Block IIa and IIB, the ones that are intended in the distant future for Europe.

So General Cartwright, our commander in Europe, has indicated, by 2015, this would be a potential threat against the United States. That is why we have offered this language. I believe it is the right thing to do, to keep this program at least ongoing and not to waste the effort we have expended so far and complete the testing of the GBI, which can also be used in the United States as part of a layered defense against incoming missiles also.

In the appeal submitted to the committee from the Department of Defense, they note this language:

Cancelling fiscal year 2010 activities for these tests would have a major impact on the test program and on data collection applicable to two-stage and three-stage ground-based interceptors and associated M&S.

So they say it would have a major impact on the program and the administration has asked us to keep it. That is the purpose of this amendment. I was hoping we could reach some sort of accord that we could work on with the committee. I am not sure we have been able to do that at this stage. But the matter is important. I hate to have to come to the floor and offer this amendment. I like to respect our committees. It is important. However, the concerns Senator LIEBERMAN and I have ex-

plained today are why we felt it necessary to do so.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I am pleased to say to my friend from Alabama that the leadership, the manager of the bill, Senator INOUE, has agreed, if we modify the amendment as we had agreed to modify it to say: Not less than \$50 million, and up to the \$151 million could be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile, that the committee would accept our amendment by voice vote—if that is OK with my friend from Alabama.

Mr. SESSIONS. I thank Senator LIEBERMAN. I have confidence in the chairman and the ranking member on that committee. Of course, it is not much different than what the mark is today. It is below what President Obama requested. I think he has unwisely cut too much already from Defense. So I am uneasy about it.

But I am being a practical person, and knowing my colleagues would like to go home, Senator LIEBERMAN, I think that is maybe something I would agree to. Perhaps you and I could talk briefly if we have a quorum call.

Mr. LIEBERMAN. I am glad to do that. But at the moment, I ask unanimous consent that we modify our amendment with the changes that I believe are at the desk at this time.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2616), as modified, is as follows:

#### AMENDMENT NO. 2616, AS MODIFIED

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be re-programmed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based

Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

Mr. LIEBERMAN. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AFGHANISTAN AND PAKISTAN

Mr. CASEY. I rise tonight, as we continue work on this Defense appropriations bill, to talk about the challenges we face in Afghanistan and Pakistan and will be sharing some thoughts tonight which I know are consistent with a lot of the concerns that have been expressed over the last couple days and weeks and months about the policy going forward and what we confront as a country when it comes to both the strategy going forward with Afghanistan and Pakistan.

As we do in any conflict, with any threat, we face the grave question of war and what will happen to our military strategy, what we will ask of our troops, what we will ask of the American people, both in terms of our blood and treasure, as well as what is the strategy going forward.

I think when we confront the grave question of war, we have to get it right. I believe the stakes are higher with regard to Afghanistan and Pakistan than they were even in the conflict we waged in Iraq. I believe the stakes are higher for our national security. So we have no choice but to get it right. And when I say "we," I think there is a lot of discussion, debate, and focus on President Obama and his administration. That is appropriate because he is the Commander in Chief.

But there is probably not enough discussion about what the Congress is going to do, what this Congress should do or not do and, in this case, what the Senate should do or should not do. I think we would be better off spending our time focusing on a substantive and thorough debate in the Senate rather than just pointing a finger at the President, the administration, and saying: They have to do this or the President must do this.



It is important, when we talk about getting this policy right, that the Senate gets it right. If the Senate puts the time in to debate and discuss these critical issues—and there is a lot to do in a rather short amount of time. I believe the President should be given a reasonable amount of time to review this policy.

As we know, he set forward a strategy this past spring, in March, our policy with regard to both Afghanistan and Pakistan. If you remember how he articulated the mission, he talked about defeating al-Qaida, disabling and dismantling al-Qaida, and he talked a lot in his remarks about Pakistan, about what would happen with regard to our strategy in Pakistan.

But I believe there has not been today in the Senate anything approaching a full and robust and thorough and substantive debate about what we are going to do going forward in Afghanistan or Pakistan. I hope people on both sides of the aisle, when we begin this debate—we have done some of it; we need to do a lot more—that we don't just dust off talking points from the war in Iraq, that we don't just dust off or employ sound bites. There is a time and place to use sound bites and discussions and debates. But if we are going to get this policy right, it is not going to be a Democratic solution or strategy only, and it will not be a Republican solution or strategy only. We have to get it right. That means we have to do a lot better than we did when it came to the debate before and during the war in Iraq, which is still a conflict that is ongoing, even as we draw down troops. We have to have a much better debate in the Senate on Afghanistan and Pakistan than took place here with regard to Iraq. That is an understatement. Sound bites will not do it. Political rhetoric and positioning will not do it because that is not a full debate.

In short, what we have to do—the administration has to do it, but we have to do it as well—in the Senate is get the strategy right and debate the strategy before we have a long debate about resources. That is critically important. I know there are a lot of people in Washington who want to focus on one or two issues and make it simple—you are either for or against this or that. We have a long way to go. We have not had a debate about strategy. We have had a lot of discussion and coverage of resources, be they troops or other resources, military or nonmilitary. We have not had a discussion about the strategy. We have to do that first—strategy before resources.

I had the opportunity, as many of our colleagues did in the summer, in August, to go to both Afghanistan and Pakistan for a limited period. But even in a short amount of time, one can learn a lot—2 days in Afghanistan, 1 day in Pakistan. One of the highlights

of my visit to Afghanistan, after having been there in May of 2008, was the briefing from General McChrystal, a tremendous and thorough overview of what is happening on the ground, the threat to our national security as he sees it, also a review not only of the military strategy and the military challenges but the nonmilitary as well.

Sitting at the same table with General McChrystal were distinguished Americans who are serving us in non-military capacities—the Department of State, the USAID, the Department of Agriculture, all kinds of help from various Federal Government agencies that involve the other part of counterinsurgency, not only the military campaign.

Obviously, we have to do more than that. General McChrystal, like many of his predecessors, is doing everything he can to get this right.

I, like others, have reviewed his classified report. We have heard him give a summary of the strategy. It is very important that we weigh those considerations and weigh that assessment seriously going forward. General McChrystal's report is one of the things we have to weigh. We have to weigh a lot of other things as well. We have to listen to experts within our government and outside, experts within the administration, experts in the Congress. The Senate is made up of so many Senators who have long records on foreign policy as well as national security and making sure we get this right. Some are Democrats, some are Republicans, and some are Independents. I will draw upon, as we all should, that experience. I will talk more about that in a moment.

One thing stressed by General McChrystal—and it has been stressed by President Obama and the administration and should be stressed by us—is this policy, this strategy going forward in Afghanistan has to involve a couple of basic elements. It obviously has to involve and be focused on security. That is essential, obviously. But in addition to security and the military challenge, we also have to be concerned about governance. And we are concerned about the results of the election. We are concerned about whether President Karzai is doing what he needs to do to govern his country, to have a strong judiciary, to deliver services to his people, to make sure the people of Afghanistan have confidence in his leadership.

So we have to be concerned about security and governance but also, thirdly, development, what is going to happen on the ground. A lot of people working as part of provisional reconstruction terms, so-called PRTs, are doing great work on the ground. It is not in the newspaper very often. It is not heralded like a battle is or like a controversy might be, but that is part of building up communities throughout the country in Afghanistan so people

can take control of their own lives, take control of their own communities, and take control of their own security and their own future.

We also had a chance to talk at length about what is happening in Pakistan and the threats that come across the border from Pakistan into Afghanistan, threats that involve al-Qaida or other extremist or insurgent groups that have some loose confederation with or connection to al-Qaida and threaten our national security, threaten the security of the Afghan people, and even threaten the security of the Pakistani Government. These are very difficult challenges we face. They do involve our national security. We have to get it right with regard to what we do in Afghanistan as well as in Pakistan.

I mentioned before there were a number of Senators in both parties who have been trying to begin and amplify the debate. I happen to be a member of the Foreign Relations Committee. Our chairman, Senator KERRY, has had a number of hearings on various aspects of this policy, not only going back the last 2 or 3 weeks but going back months. That informs this debate. Chairman KERRY has shown great leadership on these issues as well as broader national security issues.

Chairman LEVIN gave a speech recently that laid out a thoughtful approach. He talked about building up the Afghan Army and the National Police prior to a serious consideration of additional troops. He wants to accelerate, as we all do, the building up of the Army and Police in Afghanistan and maybe in a much shorter timeframe. That is critically important. We have to spend a lot more time talking about and debating and informing ourselves about how best to accelerate the training of the Afghan Army and Police. Chairman LEVIN, as well, has shown, through his leadership of the Armed Services Committee, how important these issues are.

On the other side of the aisle, I read a Wall Street Journal piece recently by JOHN MCCAIN, ranking member of the Armed Services Committee, Senator LINDSEY GRAHAM, and Senator LIEBERMAN. We have to consider those points of view, not just in that op-ed but in other discussions and debates on the Senate floor.

As I said before, there will not be one party that is going to solve this. There is not going to be one party to implement a counterinsurgency strategy because when it comes to war and when it comes to the nonmilitary challenges we have that are connected to a war or a campaign, there is not a Democratic or Republican way to fight a war. There is only an American way. We need an American solution. We need a kind of consensus that we may not need on some other issues, but on this one, to get it right, we are going to

need both parties. And we will need the support of the American people to get it right.

Finally, let me say one more word about why we are doing this, why we should have a thorough debate going forward, why it is important we spend a lot of hours here, not just on the floor of the Senate but in hearings and discussions and briefings with various experts who come before us, and to thoroughly question and ask the tough questions of the administration.

I was glad we voted today on a list of administration officials we want to come before the Senate after the President makes fundamental determinations about this policy. Once he has made a decision, then we should have a series of hearings where we can cross-examine not only General McChrystal and the underpinnings of his policy but so many others in the administration, a very strong administration, I would argue, on foreign policy and national security. I will not go through all the names tonight that would give evidence to that.

Finally, if we are going to get this right for the fighting men and women we send out on the battlefield, if we are going to get this right for taxpayers who will be financing this effort, whether it is military or nonmilitary, we do have to get it right. One thing we have to bear in mind is, when we send troops out to fight a battle, we have to make sure the policy that undergirds their fight, that the strategy that leads to a discussion about what the resources are to give them all the resources they need to fight a battle, whether it is very wide or very narrow in focus, whatever it is, we have to make sure what we do here is worthy of their sacrifice; that what we do in the Senate on strategy or policy is worthy of what we are asking them to do on the battlefield. We haven't done that yet. We are a long way from doing it.

I hope in the next couple of weeks, even as the President is asking tough questions and making determinations about policy, that we do our job in the Senate to ask those tough questions, to have that important debate, and make sure it is substantive and not political; make sure it is about strategy and not just the politics or the sound bites of the moment. To be worthy of their valor, those fighting men and women, and to be worthy of their sacrifice, we have to do our job in the Senate. That has not happened yet. We have to make sure we do that in short order.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2563; 2585; 2617; 2559; 2562, AS MODIFIED; 2568; 2614; AND 2615

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to consider the following list of amendments that I will identify, if not pending, then once this agreement is entered, the amendment be considered called up for consideration; and that the amendments be agreed to and the motions to reconsider be considered made and laid upon the table en bloc; that no amendments be in order to the amendments included in this agreement; further, that if there are modifications to any of the listed amendments, then the amendment be modified and agreed to, as modified: Nos. 2563, 2585, 2617, 2559, 2562, 2568, 2614, and 2615; and further that amendment No. 2569 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 2563, 2585, 2617, and 2559) were agreed to.

The amendments (Nos. 2562, as modified; 2568; 2614; and 2615) were agreed to, as follows:

#### AMENDMENT NO. 2562, AS MODIFIED

(Purpose: To express the sense of Congress, and to require a report, on expanding the mission of the Nevada Test Site)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) It is the sense of Congress that—

(1) All of the National Nuclear Security Administration Sites, including the Nevada Test Site, can play an effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation's nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

(b) Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for improving the infrastructure of the Nevada Test Site of the National Nuclear Security Administration and, if the Administrator deems appropriate, all other Sites under the jurisdiction of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

#### AMENDMENT NO. 2568

(Purpose: To make available from amounts available for the Office of the Secretary of Defense \$250,000 for the declassification of the 2001 nuclear posture review)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amounts appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for the Office of the Secretary of Defense, up to \$250,000 may be available to the Under Secretary of Defense for Policy for the declassification of the nuclear posture review conducted under section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-262) upon the release of the nuclear posture review to succeed such nuclear posture review.

#### AMENDMENT NO. 2614

(Purpose: To make available from Operation and Maintenance, Defense-Wide, \$15,000,000 for implementation of the Military and Overseas Voter Empowerment Act)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$15,000,000 may be available for the implementation by the Department of Defense of the responsibilities of the Department under the Military and Overseas Voter Empowerment Act and the amendments made by that Act.

#### AMENDMENT NO. 2615

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies pending as of the date of the enactment of this Act.

Mr. INOUE. I thank you, Mr. President.

Mr. COCHRAN. Mr. President, I want to congratulate the chairman of the committee for helping work out this agreement. We appreciate the cooperation of all Senators.

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2592, AS MODIFIED

Mr. CASEY. Mr. President, Senator DURBIN and I have an amendment,



amendment No. 2592, and I ask that it be made pending.

The PRESIDING OFFICER. Without objection, the amendment is now pending.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2592) as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. CASEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### SCAR PROGRAM FUNDING

Mr. GRAHAM. Mr President, I would like to engage in a brief colloquy with the esteemed Senator from Hawaii, the chairman of the Defense Appropriations Subcommittee, Senator INOUE.

The bill before us includes a significant cut of \$9 million from U.S. SOCOM's SCAR Program—special operations combat assault rifle. The SCAR was selected in a fair and open competition and has undergone some of the most rigorous testing of any small arms program in U.S. history. It is widely regarded as one of the best and most versatile weapons in the world. While this weapon has passed all tests, the only issue now is what mix of versatility—7.62mm models or 5.56mm models—they want to have at the ODA level operational detachment alpha—that is the Special Forces A team level which is as close to the ground level fight as you can get.

I understand there are recent concerns regarding contracting delays and the ability to obligate these funds. I have been assured by SOCOM that they will be able to spend all funds requested within the appropriate timeframe. The Special Forces is intensely engaged in combat operations all over the world including Afghanistan and they need the versatility and capability offered by this unique weapon system. The President's Budget included \$9.746 million for this program. The House-passed version of this bill fully funds the President's request. I would encourage the chairman to ensure this program is fully funded in the Senate as requested in the President's budget.

Mr. INOUE. I thank the Senator from South Carolina for his comments. I assure him that the reductions to the program were taken without prejudice, and the committee supports providing this capable series of rifles to Special Operations Command. His points on the importance of this program will be fully and carefully considered when this issue is addressed in conference on this bill.

#### TACTICAL WHEELED VEHICLE FUNDING

Mrs. HUTCHISON. Mr. Chairman, I request to enter into a colloquy concerning appropriations for the Army's medium tactical vehicle fleet.

Mr. INOUE. I am pleased to engage the senior Senator from Texas in a colloquy.

Mrs. HUTCHISON. Mr. Chairman, the Army has recently announced its decision on the future contract for the family of medium tactical vehicles, a major acquisition program in the Army's tactical wheeled vehicle fleet. Several Senators—some who may join us in this colloquy—are deeply concerned about the Army's decision. However, since the Army's announcement came after the committee finished its work on this bill, Members of the committee had no opportunity to express their concern or to question the decision. Consequently, I have asked the Government Accountability Office to conduct a review of the Army's tactical wheeled vehicle strategy. I would therefore like the chairman's commitment to having the Defense Subcommittee focus on this issue at the earliest possible opportunity.

Mr. INOUE. I would say to the Senator from Texas that I know she is greatly interested in how the Army's tactical wheeled vehicle budget is spent. I hope that we will be informed by the GAO review that she has requested, and I can pledge that the subcommittee will review this issue thoroughly as we go forward.

Mrs. HUTCHISON. I thank the Chairman for his leadership on this important issue.

Mr. KOHL. I appreciate the comments of the chairman and respect the work of the Senator from Texas on this issue. The Army's decision impacts both of our States, but it is imperative that GAO is allowed to conduct its investigation free of individual prejudices. The taxpayers and men and women of the Armed Forces deserve an objective review. I look forward to working with the Chairman and all my colleagues on this issue.

#### IN SUPPORT OF THE NCADE PROGRAM

Mr. TESTER. Mr. President, I rise to engage in a colloquy with the chairman and with my colleague Senator BAUCUS about funding in this bill for missile defense. It is my understanding that in testimony before the Senate Armed Services Committee earlier this year, Lieutenant General O'Reilly told the committee that the Missile Defense Agency requested \$3.5 million in fiscal year 2010 for the missile defense program known as Net Centric Airborne Defense Element, NCADE. It is my further understanding that the committee does not, at this point, have concerns with the allocation of funds to the NCADE program. Is that correct?

Mr. INOUE. The gentleman is correct. The bill before the Senate provides \$104.8 million for research, development, testing and evaluation of ballistic missile defense technology, which is the appropriate account for NCADE funding.

Mr. BAUCUS. Mr. President, NCADE is a missile defense concept that uses a

modified AIM-9X seeker launched from an aircraft to intercept a boosting missile target. I am aware that the Missile Defense Agency has conducted several tests of this system and it continues to show progress. I believe it is important that the Missile Defense Agency continue to develop this technology. Short- and medium-range ballistic missiles pose a significant threat to the United States, our Armed Forces, and our allies around the world. Could the chairman clarify that the Missile Defense Agency could use funds provided in this bill for the continued development of NCADE, consistent with the budget request?

Mr. INOUE. Under the Senate bill, the MDA could continue to work on this interesting technology.

Mr. BAUCUS. I thank the chairman. This is very important work for our national security and we are pleased that some of it is being done in Montana.

Mr. TESTER. I want to echo the observations of my colleague. Work on the NCADE project is done in part in Montana and that work provides valuable employment opportunities in a part of the State where the unemployment rate is in double digits.

Ms. COLLINS. Mr. President, I rise today in support of the Fiscal Year 2010 National Defense Appropriations Act. Let me begin by thanking the committee's distinguished chairman, Senator INOUE, and ranking member, Senator COCHRAN, for their leadership in crafting this bill and for their strong commitment to our Nation's Armed Forces.

This legislation will provide funding for essential training, equipment, and support to our troops as they bravely and skillfully engage in national security efforts at home and abroad. This is a critical time in our Nation's history and the committee has, once again, demonstrated its strong support of our soldiers, airmen, sailors, and marines.

This legislation also will fund critical force protection and health care initiatives for our troops, while continuing development of important technologies and acquisition programs to counter existing and emerging threats.

The legislation before us includes a strong commitment to strengthening Navy shipbuilding. Our Nation needs a strong and modern naval fleet allowing us to project power globally and to respond to threats. This bill authorizes \$1 billion in funding for construction of the third DDG-1000, a priority of mine. The Pentagon's decision to have Bath Iron Works, BIW, build all three of the DDG-1000s demonstrates well-deserved confidence in BIW and will help ensure a stable work load for the shipyard and more stable production costs for the Navy.

In addition, this legislation authorizes \$2.2 billion for continued DDG-51 procurement and nearly \$150 million

for the DDG-51 modernization program. The lessons and technology developed in the design of the DDG-1000 can be incorporated into the DDG-51 program to reduce crew size and to improve capabilities.

The legislation fully funds the F-35 Joint Strike Fighter request for both the Navy and the Air Force. This aircraft, powered by the superb engines made by Pratt & Whitney, will enable our service men and women to continue to maintain our air superiority.

An additional \$1.5 billion is included for the National Guard and Reserve equipment account, which should help sustain critical equipment such as combat vehicles, aircraft, and weapons. This funding should directly benefit the Maine National Guard's readiness posture as additional units prepare to deploy to Iraq and Afghanistan in the upcoming year.

At the request of Senator SNOWE and myself, the committee provides \$20 million for humvee maintenance to be performed at Maine Military Authority's, MMA, Army National Guard Readiness Sustainment Site, RSMS, located in Limestone, ME. For nearly 13 years, the Army National Guard has relied on Maine Military Authority to provide a dependable service to our Nation's warfighters. The dedicated and talented professionals at MMA have demonstrated their value to the Army and to the Nation and consistently have performed humvee refurbishment at a lower cost than the Army's own depots. This funding would help to ensure that MMA's valued workforce and high quality product remain a national asset supporting the defense of our country.

The bill also provides \$240 million for cancer research through the Defense Health Programs with \$150 for the Breast Cancer Research Program, \$80 million for Prostate Cancer Research Program, and \$10 million for the Ovarian Cancer Research Program. I believe that there is simply no investment that promises greater returns for America than its investment in biomedical research. These research programs at the Department of Defense are important to our Nation's efforts to treat and prevent these devastating diseases that also affect our veterans and service members.

The bill provides \$307 million to address the Tricare private sector shortfall in fiscal year 2010 as identified by the Department of Defense. I know Tricare funding is vital to so many Maine veterans. We must continue to support robust funding for this important program and limit increases in Tricare premiums and copayments.

I strongly support the additional \$15.6 million to strengthen the Office of the Inspector General in order to keep pace with the growth in the size of the defense budget and the number of defense contractors. More vigorous over-

sight of defense contracts to prevent waste, fraud, and abuse of taxpayer dollars will complement the procurement reforms we approved earlier this year.

The Senate's fiscal 2010 Defense appropriations bill also includes funding for other defense-related projects that would benefit Maine and our national security. Funding is provided, for example, to Saco Defense in Saco, ME, to enable the company to continue manufacturing weapons that are vital to the Armed Forces.

In addition, at my urging, the legislation appropriates \$3.6 million for the University of Maine. This funding would support the development of LGX high temperature acoustic wave sensors and allow the University of Maine to continue to investigate fundamental sensor materials and design concepts as well as demonstrate functional prototypes of acoustic wave sensors that will be tested under extreme temperature environments. The funding for the university will also provide for woody biomass conversion to JP-8 fuel, which will provide affordable alternative sources for military aviation fuel.

The appropriations bill provides the vital resources that our troops need and recognizes the enormous contributions made by the State of Maine to our national security. From the Portsmouth Naval Shipyard in Kittery to the Pratt and Whitney engine plant in North Berwick to BIW's shipbuilders to the University of Maine's engineers to the Maine Military Authority in Aroostook, Mainers all over our State are leading the way to a stronger national defense.

Mr. REID. Mr. President, there has been a tremendous amount of work going into getting us to where we are now. It is long and tedious and one of the most complicated bills we do. It is the most complicated appropriations bill we do. So I very much appreciate the work done by Senators COCHRAN and INOUE. They are both experienced and terrific individuals and great Senators, their staffs, and all the floor staff.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of H.R. 3326 on Tuesday, October 6, the following list of first-degree amendments be the only amendments remaining in order to H.R. 3326, other than any other pending amendments, if not listed, and the committee substitute amendment; that no second-degree amendment or side-by-side amendment be in order to any of the listed amendments, except as provided below:

Franken amendment No. 2588; Barrasso amendment No. 2567; Bond amendment No. 2596; Coburn amendment No. 2565; Coburn amendment No. 2566; Kyl amendment No. 2608; that once agreement is entered into, it will be withdrawn; Sanders amendment No.

2601; Inhofe amendment No. 2618; McCain amendment No. 2580; McCain amendment No. 2584; McCain amendment 2560, with an Inouye side-by-side amendment in order and would be voted prior to the vote in relation to amendment No. 2560; McCain amendment No. 2583; Lieberman-Sessions amendment No. 2616, as modified; that it be in order for the managers to offer managers' amendments, which have been cleared by managers and leaders, and that if offered, the amendments be considered and agreed to and the motion to reconsider laid on the table; that in the case in which the managers are agreeable with a modification of a listed amendment, then the amendment be so modified with the changes agreed upon; that upon disposition of the listed amendments, the committee-reported substitute, as amended, be agreed to, and the motion to reconsider be laid on the table; that the bill, as amended, be read the third time, and the Senate then proceed to vote on passage of the bill, as amended; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees on the part of the Senate, with the subcommittee appointed as conferees; provided further that if a point of order is raised and sustained against the substitute amendment, then it be in order for a new substitute to be offered, minus the offending provision; that the new substitute be considered and agreed to, no further amendments be in order, with provisions in this agreement listed after adoption of the original substitute amendment remaining in effect; that the vote sequence with respect to the listed amendments be entered later and that the only debate time remaining be 2 minutes, equally divided in the usual form, prior to each vote; and that on any sequenced votes, the vote time be limited to 10 minutes each after the first vote; further, that the cloture motions be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### UNANIMOUS-CONSENT AGREEMENT—H.R. 2847

Mr. REID. Mr. President, I ask unanimous consent that at 4 p.m., Monday, October 5, the Senate proceed to the consideration of Calendar No. 87, H.R. 2847, the Commerce, Justice Appropriations Act; and that once the bill is reported, there be debate only, with no amendments in order except the committee-reported substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DISABILITY  
EMPLOYMENT AWARENESS MONTH

Mr. REID. Mr. President, I rise today in recognition of National Disability Employment Awareness Month. This annual observance is an opportunity for us to celebrate the achievements of people with disabilities, whose contributions to the workforce have strengthened our Nation. During the month of October, we pay tribute to these men and women while renewing our commitment to ensuring opportunity and inclusion for all Americans—regardless of their ability or disability.

National Disability Employment Awareness Month originated in 1945 when Congress designated a week in October as a time to educate the public about the employment issues facing people with disabilities. Eventually expanded to the entire month of October, the observance has become a valuable tool to enhance the American people's understanding of these issues. It is also an important opportunity to mark the progress we have made and the steps forward yet to be taken.

Today, more people with disabilities than ever are graduating from school, participating in their communities, and succeeding in the labor market. For the tens of millions living in the United States with a disability, realizing the American dream is a real possibility that often did not exist a generation ago. I am especially heartened by the growing recognition that tapping these individuals' talent, character, and hard work is as important to the Nation's future as it is to theirs.

At the same time, we must acknowledge the sobering reality that faces too many people with disabilities, including our brave servicemembers and veterans returning from war with severe injuries and conditions. While people with disabilities have long experienced far higher unemployment rates, they are also particularly hard hit by the current economic downturn. Physical, financial, and social barriers to employment remain, as well as the discrimination and prejudice that keep some from competing in the American economy on equal footing as everyone else. Moreover, many individuals with disabilities struggle to afford good, continuous health coverage, a hardship given their intensive health care needs.

Clearly, we have much work ahead of us in order to fulfill the promise of National Disability Employment Awareness Month. I am pleased that Congress

is continuing to work toward this priority, most recently with the enactment of the ADA Amendments Act and the Higher Education Opportunity Act. On behalf of all Nevadans, I look forward to building on these successes in the 111th Congress.

## TRIBUTE TO JOHN C. HOUBOLT

Mr. DURBIN. Mr. President, on July 20, 2009, we celebrated the 40th anniversary of the first time man set foot on the Moon. On that day 40 years ago, an estimated 500 million people around the world watched as the crew of Apollo 11, Neil Armstrong, Michael Collins, and Edwin "Buzz" Aldrin, made history. It was a remarkable accomplishment, the magnitude of which has not diminished over the years.

As part of the anniversary festivities, Congress awarded John Glenn, the first American to orbit the Earth, and the crew of Apollo 11 the Congressional Gold Medal. I cosponsored the legislation and am pleased that they were recognized with it.

Most recently I had the chance to meet two Illinois astronauts, Scott Altman and John Grunsfeld, whom earlier this year successfully completed the last service mission of the Hubble Telescope. We will be able to explore even deeper into the mysteries of our universe for many years to come because of their incredible work.

Today, I wish to recognize Dr. John C. Houbolt, a scientist born and raised in Joliet, IL, who has received far less acclaim, but who deserves our Nation's gratitude for making the Moon landing possible.

One of the most important and hotly debated technical decisions during the Apollo Program was how to land on the Moon and return safely to Earth. Amid many ideas and obstacles, Dr. Houbolt recognized that the most efficient way to execute the Moon landing was with a lunar-orbit rendezvous plan.

His concept involved a mother craft that would orbit the Moon while a lighter craft descended from it to the surface of the Moon carrying some of the astronauts. Eventually, the smaller aircraft would lift off and rendezvous with the mother ship.

For many years NASA's leadership favored other concepts to reach the lunar surface. But, Dr. Houbolt's determination, persistence, and perseverance moved this innovative concept forward. As former NASA Deputy Director George Low noted, without Dr. Houbolt's efforts, NASA "might not have chosen the Lunar Orbit Rendezvous Mode" and "had the Lunar Orbit Rendezvous Mode not been chosen, Apollo would not have succeeded."

On the 40th anniversary of the lunar landing, as we celebrated with the crew of Apollo 11 in Washington, DC, a new exhibit aptly named "The Soaring Achievements of John C. Houbolt"

opened at the Joliet Area Historical Museum. I encourage my fellow Illinoisans, especially students, to visit this exhibit.

Dr. Houbolt's inspiring story, like the stories of Neil Armstrong, Michael Collins, Buzz Aldrin, and John Glenn, is a testament to what we can achieve with persistence and the passion to reach for new heights.

## ADDITIONAL STATEMENTS

## REMEMBERING JAMES D. RANGE

• Mr. ALEXANDER. Mr. President, earlier this year, we lost a great Tennessean and champion of the great American outdoors. James D. Range was a lifelong outdoorsman who loved America's wild spaces. He grew up in Johnson City, TN, hunting and fishing in the backwoods of the Appalachian Mountains. It was in his those early years that Jim—who was also an Eagle Scout—became passionate about preserving our outdoors for future generations.

He became a passionate advocate for the country's fish and wildlife and their habitat and a true champion of natural resource conservation.

Jim was a trusted advisor and counsel to Senate majority leader Howard Baker and the Senate Environment and Public Works Committee, where he served with integrity and distinction. As a Senate staffer, Jim was instrumental in the crafting and passage of a string of landmark laws, including the Clean Water Act.

After Jim left the Senate, he continued to pursue his love for the outdoors by cofounding and serving as chairman of the Theodore Roosevelt Conservation Partnership, an organization that is dedicated to the stewardship of America's natural landscape, helping to expand fish and wildlife habitat and increasing public access to quality hunting and fishing.

Jim didn't stop there. He furthered his commitment to the cause of conservation through service on the boards of directors for Trout Unlimited, Ducks Unlimited, the Wetlands America Trust, the Recreational Boating and Fishing Foundation, the American Sportfishing Association, the American Bird Conservancy, the Pacific Forest Trust, the Yellowstone Park Foundation, the Bonefish and Tarpon Trust, the National Fish and Wildlife Foundation, the Interstate Commission on the Potomac River Basin, the Sportfishing and Boating Partnership Council, and the Valles Caldera Trust.

Jim was so instrumental in the conservation movement in this country that he was awarded the U.S. Department of the Interior's Great Blue Heron Award, was named Conservationist of the Year in 2003 by Outdoor

Life magazine and received the Norville Prosser Lifetime Achievement Award from the American Sportfishing Association.

Both our natural and political environments are better because of Jim Range. Tennesseans, and all Americans, owe Jim a great debt of gratitude. His leadership serves as a great example to all of us.●

#### TRIBUTE TO CECIL EYESTONE

● Mr. BROWNBACK. Mr. President, today I recognize a great Kansan for his long service to the youth of the State of Kansas.

"Teaching by example," was Cecil Eyestone's philosophy in his 31-year Kansas 4-H career. He served 12 years as a Montgomery County club agent and 19 years as a State 4-H specialist. He was a pioneer for leadership opportunities for teens. Cecil initiated the first junior leaders club for the teens in Montgomery County. His determined attitude for developing teen leaders through hands-on experiences resulted in 80 percent of Kansas counties adopting the concept. A State Junior Leadership Camp was held in 1959 at Rock Springs 4-H Center that continued for 15 years with annual participation of 200-300 youth. Cecil and his brother Merle have sponsored a 4-H leadership scholarship for 24 years.

Cecil was Collegiate 4-H Club adviser for 16 years, reaching over 4,000 students. He organized eight collegiate clubs at other Kansas universities and colleges. Cecil guided the animal science 4-H program and helped develop horse, dog and rabbit projects. He created the Horse Panorama to teach horse care and judging.

Retired in 1977, Cecil volunteers for the Governor's Mental Health Advisory, National Active and Retired Federal Employees, Sertoma, Riley County Flint Hills AMI, Methodist's Men and First United Methodist Church, Flint Hills Veterans Coalition and KSU WWII Veterans Memorial. He stays busy with his family, but finds time to judge 4 to 10 county fairs annually.

Last year, Cecil was inducted into the National 4-H Hall of Fame. This Sunday, October 4, 2009, Cecil will be honored at a special reunion of the 4-Hers he mentored during his time as the Montgomery County 4-H agent. During this reunion, the first two recipients of a scholarship named in Cecil's honor will be announced. These scholarships were made possible by donations from the 1946-1957 Montgomery County 4-H alumni.

As a former 4-H member myself during Cecil's tenure as the State 4-H specialist, it is an honor for me to speak on behalf of the thousands of Kansas 4-Hers who were touched by Cecil's commitment to the Kansas 4-H program. It is a privilege for me to honor this fine Kansan for his leadership and service

and to join in congratulating him on his induction into the National 4-H Hall of Fame.●

#### REMEMBERING HARVEY STOWER

● Mr. FEINGOLD. Mr. President, it is with great sadness that I pay tribute to a dear friend and a great Wisconsinite who passed away earlier this week. Harvey Stower was an extraordinary man; he was a deeply principled legislator, a dedicated mayor, and a beloved friend to those of us lucky enough to know him.

I was honored to serve with Harvey in the Wisconsin Legislature, where he worked tirelessly for the progressive values he held dear. His commitment to representing family farmers and protecting the environment were an inspiration to countless Wisconsinites.

He then served as the mayor of Amery, where he and his wife Marilyn, who sadly passed away in 2008, were pillars of the community. Harvey was such a wonderful mayor because he understood the strength of our small towns, and cherished the sense of community they create.

Harvey was also an ordained United Methodist minister, and an active member of his community in countless ways, both through his work as mayor and through many community organizations.

He also remained active on issues on a statewide level, through his service on the Wisconsin Land & Water Conservation Board and the boards of the Wisconsin Federation of Cooperatives, the Western Wisconsin Intergovernmental Collaborative, Wisconsin Church and Society—the United Methodist Church, and Inter-County Cooperative Publishing Association.

Harvey's passing is an immeasurable loss for his family, for the people of Amery, and for our State. He was truly one of the nicest people I have come across in many years in public life. I respected Harvey so much, and I will always think of him as someone who represented the very best of Wisconsin. I join people across our State in remembering him today and honoring the many contributions he made to his State and his community.●

#### TRIBUTE TO MARY PAPPEY

● Mr. KERRY. Mr. President, all of us in public life have been privileged to have very special people come into our public lives who dedicate their time, energy, and passion to helping us serve, but even among these special people, there are those who stand out. I am speaking today of just such a person—my friend, Mary Pappey. And I am speaking today because it is a special day for this special person—it is her 85th birthday.

Mary has served on my staff in Boston since 1988, longer than just about

anybody who has ever worked with me. It is often said that when God closes one door, He opens another. And that is how Mary came to us. She was a homemaker whose happy life was upended when her husband Nicholas passed away in 1988. To help fill the void, she asked if she could volunteer in our office a couple of days a week. And she has been there ever since.

It is hard to remember a time that Mary hasn't been there in my Boston office, whether answering phones, handling mail, or just making sure everyone is OK doing whatever had to be done. She is an incredible mother to her children; in so many ways she has also been a mother to our Boston office family. And always, she has been a calming presence in what can be a hectic environment. It helps, too, that she bakes a mean baklava that can bring some needed sweetness to the most frenetic of work days.

But that isn't all. Far from it. Mary has had a very special job in my Boston office. Since joining my staff, she has advanced all the applications we have received from students seeking appointments to the military service academies. She has made sure the applications are complete, all deadlines are met and, when necessary, held the hands of anxious applicants and even more anxious parents of applicants. For 21 years, Mary has handled this job with special skills and sensitivities. And, in fact, she has shepherded through an entire generation of service academy appointees from Massachusetts.

Mary's grandchildren, the joys of her life, call her "Yaya," which is Greek for grandmother. I think we could all call her that, because she has been a kind of grandmother to all of us—someone who offers reassurance when it is needed, someone who puts her heart and soul into everything she does, someone to watch over all of us, with kindness and affection. I can't recall a time I didn't get a huge hug from Mary whenever I came by the office.

I should also mention that Mary has a special way with words, or rather, with one word in particular the word "dear." At some point, she has referred to everyone in the office as "dear," especially when they are having a rough day. That is not surprising. But what is surprising is how, when she is helping with the phones, Mary often addresses the caller as "dear." Again, that is not surprising, except when you consider that sometimes it is an anonymous caller, someone so frustrated by what they just saw on television or by the run around they are getting from Federal bureaucracies that can at times seem unreasonably cold, that they don't want to identify themselves. But it is hard for them to stay mad with Mary calling them "dear." She brings out the very best in all of us.

So, I want to thank “dear” Mary for her devotion to the people of Massachusetts, for all her years of service on my staff and for being such a wonderful, generous friend. And I especially want to wish “dear” Mary all of my best and hope that this will be a very happy birthday.●

#### TRIBUTE TO SENATOR EDWARD M. KENNEDY

● Mr. LIEBERMAN. Mr. President, I ask to have printed in the RECORD a poem written by Mr. Albert Carey Caswell. Mr. Caswell is a valued tour guide of the U.S. Capitol whose great enthusiasm and love of our country has inspired him to compose over 500 poems. Mr. Caswell wrote this poem in tribute to the remarkable life and work of our beloved late colleague Senator Ted Kennedy.

The information follows.

##### UPON THIS FLOOR

Upon this floor . . .  
 From our forefathers so bore . . .  
 A dream, for all our futures to ensure . . .  
 Now in history, the world's greatest of all  
 democracies . . .  
 Upon this floor . . .  
 For as the years have played out . . .  
 The United States Senate, would so tout!  
 Some of the greatest, from Clay, Calhoun to  
 Webster no doubt . . .  
 Men of conscience and of faith, who would so  
 debate . . .  
 Who but in their hands, were but put our na-  
 tion's future fate.  
 Upon this floor!  
 Who all but for the greater good, did but all  
 they could . . .  
 Giants one and all, who but heard our na-  
 tion's call . . .  
 Her call to public service, upon this  
 floor . . .  
 And now as the years have gone by . . .  
 A new great, a new giant has so arrived . . .  
 A name we now so utter with tear in eye . . .  
 Edward M. Kennedy, who upon this floor  
 spoke so eloquently!  
 Whose word, was one to be cherished and re-  
 spected!  
 The most effective Senator, as John McCain  
 expressed this!  
 For legislation can be a blood sport . . .  
 For only those of great heart and courage,  
 will like lions roar!  
 And yet, in all that heat . . . it takes a lead-  
 er who can make minds meet!  
 As was this man, so charming and sweet!  
 And leave their most hallowed marks upon  
 this floor . . .  
 With Teddy's passing, I rise to state . . .  
 Without objection, we have lost one of the  
 truly greats!  
 There will be no quorum call, or voice vote  
 expected!  
 Or a bill, for The President to sign . . . stat-  
 ing of such perfection!  
 For he, was A Man For All Seasons . . .  
 Who knew how to debate, and more impor-  
 tantly how to reason!  
 A giant among mere men, who with his prin-  
 ciples would so splendidly and stead-  
 fastly defend!  
 Motivating women and men, with but his  
 heart of a champion . . .  
 Time and time again, upon this floor . . .  
 Ted, you are gone, but not forgotten . . .  
 For history and heaven so holds a place, for  
 the champions of the downtrodden!

For artists, who know how to so create . . .  
 and legislate!

Whether, with a voice of a lion making the  
 Senate quake!

Or like a fine surgeon, so delicately legisla-  
 tion you'd manipulate . . .

Yea, Teddy . . . Daniel Webster ain't got  
 nothing on you!

And in the Senate reception room . . .  
 And upon this floor my son . . . history will  
 you so view!

One of the greatest who's who!  
 Now, up in Heaven . . . it's the greatest of  
 debates between Daniel and you!

In honor of and in memory of Senator Ed-  
 ward M. Kennedy—Albert Carey Caswell.●

#### TRIBUTE TO KEVORK S. HOVNANIAN

● Mr. MENENDEZ. Mr. President, I wish to pay tribute to the memory of Kevork S. Hovnanian, a friend and New Jersey businessman and community leader. A hard working Armenian immigrant, Mr. Hovnanian embodied the American dream. Already the owner of a successful construction company in Iraq in 1959, Mr. Hovnanian was forced to flee Iraq and arrived in New Jersey to rebuild his life, and rebuild it he did.

He started another construction company and, along with his brothers, committed himself to making affordable housing available to young families and first-time home buyers—first in New Jersey, then nationwide. He built a successful business and, at the same time, gave something back to the community, to New Jersey, and to the Nation. Through his chosen profession, he shared his realization of the American dream by helping others establish themselves in their own homes and took pride in having helped. As his business grew, Mr. Hovnanian never forgot his adopted community and generously supported numerous charities and organizations. His philanthropy touched the lives of all of us in New Jersey. Every child who enters the K. Hovnanian Children's Hospital at Jersey Shore University Medical Center benefits from his generosity. Every worshiper who enters St. Stepanos Armenian Church in Elberon, New Jersey knows Kevork Hovnanian generously supported its construction in memory of his mother. He remained committed to bringing the Armenian genocide to light and supporting Armenian autonomy. He was a man who worked hard, achieved his dreams, but always believed in the concept of community, each of us working together for the betterment of all.

As we celebrate Kevork Hovnanian's life and memory, our heartfelt thoughts and prayers are with his family and friends, his beloved wife Sirwart, and his sons, daughters, and grandchildren who will miss his love and laughter. May he rest in peace.●

#### RECOGNIZING SMRT

● Ms. SNOWE. Mr. President, on Thursday, October 8, citizens of the

city of Portland will gather at the steps of City Hall to witness the proclamation of John Calvin Stevens Day on the 154th anniversary of his birth. The most renowned architect in Maine's history, Mr. Stevens' distinctive style is recognizable in numerous structures throughout the region. Today, I rise to acknowledge the company he founded, now known as SMRT, as we celebrate the 125th anniversary of its founding.

SMRT's founder, John Calvin Stevens, was born in Boston in 1855, and moved with his family to Portland 2 years later. On July 4, 1866, Mr. Stevens witnessed the devastating Great Fire of Portland, which was responsible for 1,800 buildings burning to the ground, as well as the subsequent reconstruction of the city. After completing high school, he joined Francis H. Fassett's architectural firm, which did much of the work to rebuild the city in the fire's aftermath.

Following a decade at the Fassett firm, Mr. Stevens founded his own one-man architectural firm, John Calvin Stevens Architects, in 1884 in Portland. Mr. Stevens ran this business until his death in 1940, during which time he received over 300 commissions to design or update a variety of structures on the Portland peninsula alone, from government buildings to churches to residential houses. The Stevens family remains involved in the company's day-to-day operations, as Mr. Stevens' great-grandson, Paul Stratton Stevens, is one of the company's principals.

Above all other techniques, John Calvin Stevens is known as a pioneer and promoter of the quintessentially New England “shingle” style. Most often associated with the Maine coast and the Boston area, the practice is essentially an adaptation of the Victorian-era Queen Anne architectural style with the additional of shingles. The cottage-like houses built in the style frequently feature wide porches, broad gables, graceful and distinct profiles, and, of course, wooden shingles lining the roofs and sides. Because of Mr. Stevens' diligent efforts, this style became a mainstay of seaside and residential homes across the region.

As the continuation of Mr. Stevens' multidisciplinary brainchild, SMRT—previously known as Stevens Morton Rose & Thompson to represent the last names of the company's partners—is a widely recognized expert in the areas of architecture, engineering, planning, and interior design. SMRT designs and constructs functional spaces and aesthetically pleasing edifices for its plentiful clientele. The company now has additional offices in Manchester, NH; North Andover, MA; and Albany, NY.

Throughout its lengthy history, SMRT has been responsible for designing, building, altering, or restoring countless landmark buildings across the State of Maine. SMRT lent its architectural talents to the new Dorothy

Walker Bush Pavilion at Southern Maine Medical Center in Biddeford, as well as the Eastern Maine Medical Center pediatrics wing in Bangor. The company has also had a hand in a diverse range of interior design projects at Bowdoin College in Brunswick, Fairchild Semiconductor in Portland, and the Burton M. Cross State Office Building in the State capital of Augusta. Additionally, the firm has completed projects for other companies in a variety of industries, including: bioscience and healthcare, food and beverage, as well as clean manufacturing and electronics.

One area where SMRT has distinguished itself is in green design, particularly as a member of the U.S. Green Building Council, which oversees the Leadership in Energy and Environmental Design, LEED, accreditation process. The LEED, green building certification system aims to provide energy savings through building design that reduces carbon dioxide emissions and improves overall indoor environmental quality. SMRT offers its clients the opportunity to engage in the LEED certification process, and consistently keeps energy concerns at the forefront when planning new buildings by utilizing natural daylight and employing cutting-edge technologies. In fact, the Maine General Medical Center's Harold Alfond Center for Cancer Care in Augusta, which was designed by SMRT, recently received a LEED silver certification, and is the first health care facility in Maine to achieve the status.

In short, John Calvin Stevens is responsible for much of the way Portland looks today—from the Old Port to the houses of the Western Promenade—and his legacy is carried on today in the company he founded, SMRT, and the intricate and stunning work they do. I am proud that John Calvin Stevens saw it fitting to choose Portland for his company's home 125 years ago, and I am delighted that it has remained a bedrock of our State's architectural heritage through all of these years. Congratulations to everyone at SMRT on this monumental anniversary, and best wishes for continued success. ●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 10:56 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1289. An act to improve title 18 of the United States Code.

S. 1707. An act to authorize appropriations for fiscal year 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1053. An act to require the Office of Management and Budget to prepare a cross-cut budget for restoration activities in the Chesapeake Bay Watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes.

H.R. 1333. An act to amend chapter 40 of title 18, United States Code, to exempt the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or agency of such a tribe from various Federal criminal prohibitions relating to explosives.

H.R. 1727. An act to establish a national criminal arsonist and criminal bomber registry program and establish guidelines and incentives for States, territories and tribes to participate in such program.

H.R. 1771. An act to reauthorize the Chesapeake Bay Office of National Oceanic and Atmospheric Administration, and for other purposes.

H.R. 3663. An act to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 51. Concurrent resolution recognizing the 50th anniversary of the signing of the Antarctic Treaty.

At 11:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, with amendments, in which it requests the concurrence of the Senate:

S. Con. Res. 41. Concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama.

At 1:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, and agrees to the conference asked by the Senate on disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the

conference on the part of the House: Mr. PRICE of North Carolina, Mr. SERRANO, Mr. RODRIGUEZ, Mr. RUPERSBERGER, Mr. MOLLOHAN, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. FARR, Mr. ROTHMAN, Mr. OBEY, Mr. ROGERS of Kentucky, Mr. CARTER, Mr. CULBERSON, Mr. KIRK, Mr. CALVERT, and Mr. LEWIS of California.

At 2:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 151. Concurrent resolution expressing the sense of Congress that China release democratic activist Liu Xiaobo from imprisonment.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1053. An act to require the Office of Management and Budget to prepare a cross-cut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1333. An act to amend chapter 40 of title 18, United States Code, to exempt the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or an agency of such a tribe from various Federal criminal prohibitions relating to explosives; to the Committee on the Judiciary.

H.R. 1727. An act to establish a national criminal arsonist and criminal bomber registry program and establish guidelines and incentives for States, territories and tribes to participate in such program; to the Committee on the Judiciary.

H.R. 1771. An act to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration; and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 51. Concurrent resolution recognizing the 50th anniversary of the signing of the Antarctic Treaty; to the Committee on Foreign Relations.

H. Con. Res. 151. Concurrent resolution expressing the sense of Congress that China release democratic activist Liu Xiaobo from imprisonment; to the Committee on Foreign Relations.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with



accompanying papers, reports, and documents, and were referred as indicated:

EC-3194. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed agreement for the export of defense articles or services to Saudi Arabia relative to the maintenance of the S-92A helicopter, SA-92 Ground Based Trainer, and night vision goggles in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3195. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the assembly in Canada of 25mm HEI-T and TP-T Ammunition; to the Committee on Foreign Relations.

EC-3196. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services relative to the RD-180 Liquid Propellant Rocket Engine Program to Russia in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3197. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of defense articles, including, technical data, and defense services to the Republic of Korea relative to the manufacture of AH-64D fuselages and fuselage parts in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3198. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the transfer of defense articles, including, technical data, and defense services to Australia relative to the F/A-18 Program in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3199. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of the Mini-Pointer/Tracker Assembly, for the Large Aircraft Infrared Countermeasure System for end-use by the U.S. Department of Defense in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3200. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan relative to the manufacture of the J79 engine parts in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3201. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant

to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of sixteen CH-47F Chinook Helicopters for the Italian Ministry of Defense in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3202. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of defense articles, including, technical data, and defense services relative to the Proton launch of the W7 Commercial Communications Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3203. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of the New Dawn commercial communication satellite, ground system equipment and associated software, and the Dynamic Satellite Simulator for Mauritius in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3204. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services relative to the Proton launch of the EchoStar XV Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3205. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to Japan relative to the JCSAT-13 Commercial Communications Satellite in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3206. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Saudi Arabia relative to the Saudi Arabia National Guard Tactical Communications Systems in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3207. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of a differential electronic preamplifier originally designed for use on a submarine towed array; to the Committee on Foreign Relations.

EC-3208. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant

to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of a particular valve regulated, sealed lead acid aircraft battery; to the Committee on Foreign Relations.

EC-3209. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to the transfer of certain naval vessels by grant and by sale; to the Committee on Foreign Relations.

EC-3210. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan relative to F100 Air Turbine Engines and Parts in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3211. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Commonwealth of Australia relative to MK 32 MOD 9 Surface Vessel Torpedo Tubes; to the Committee on Foreign Relations.

EC-3212. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment with an original acquisition value of more than \$14,000,000 for Chile; to the Committee on Foreign Relations.

EC-3213. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Anglo-Irish Agreement Support Act of 1986 and Executive Order 12163, certification that the Board of the International Fund for Ireland (the Fund) is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland and fiscal years 2008 and 2009 U.S. contributions to the Fund; to the Committee on Foreign Relations.

EC-3214. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances" (FRL No. 8436-5) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3215. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for Agricultural Quarantine and Inspection Services" (Docket No. APHIS-2009-0048) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3216. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commuted Traveltime" (Docket No. APHIS-2009-0055) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3217. A communication from the Commission on Wartime Contracting in Iraq and Afghanistan, transmitting, pursuant to law, a report entitled "Defense Agencies Must Improve Their Oversight of Contractor Business Systems to Reduce Waste, Fraud, and Abuse"; to the Committee on Armed Services.

EC-3218. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Inventories of Contracts for Services of (14) Department of Defense Agencies and Activities; to the Committee on Armed Services.

EC-3219. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8095)) received in the Office of the President of the Senate on October 1, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3220. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Reimbursements for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records" (Regulation S; Docket No. R-1325) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3221. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-3222. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System" (RIN1024-AD79) received in the Office of the President of the Senate on October 1, 2008; to the Committee on Energy and Natural Resources.

EC-3223. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, the Commission's Strategic Plan for fiscal years 2009-2014; to the Committee on Energy and Natural Resources.

EC-3224. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Strategic Petroleum Reserves 2008 Emergency Test Exchanges to mitigate the petroleum shortages following Hurricanes Gustav and Ike; to the Committee on Energy and Natural Resources.

EC-3225. A communication from the Regulatory Affairs Division Chief, Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Minerals Management: Adjustment of Cost Recovery Fees" (RIN1004-AE01) received in the Office of the President of the Senate on September 26, 2009; to the Committee on Environment and Public Works.

EC-3226. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting a report entitled "Interim Guidance Providing Communities with Opportunities for Independent Technical Assistance in

Superfund Settlements"; to the Committee on Environment and Public Works.

EC-3227. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting a report entitled "Lead Dust Hazard Standards and Definition of Lead-Based Paint; TSCA Section 21 Petition; Notice of Receipt and Request for Comment"; to the Committee on Environment and Public Works.

EC-3228. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Update to Materials Incorporated by Reference" (FRL No. 8952-8) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC-3229. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for New Hampshire" (FRL No. 8955-9) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC-3230. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions" (FRL No. 8937-8) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC-3231. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Green House Gases" (FRL No. 8963-5) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC-3232. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD-9465—Determination of Interest Expense Deduction of Foreign Corporations" (RIN1545-BF71) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Finance.

EC-3233. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties" (Notice 2009-81) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Finance.

EC-3234. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Package Use-Up Rule for Roll-Your-Own

Tobacco and Pipe Tobacco (2009R-368P)" (RIN1513-AB75) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Finance.

EC-3235. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the biennial report entitled "The Impact of the Caribbean Basin Economic Recovery Act"; to the Committee on Finance.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-84. A joint resolution adopted by the General Assembly of the State of Tennessee urging the Department of Veterans Affairs (VA) to accept Rhea County's proposed donation of its old hospital building, facilities, and campus to the VA and to utilize such building, facilities, and campus to locate a VA medical facility at such site; to the Committee on Veterans' Affairs.

#### HOUSE JOINT RESOLUTION NO. 546

A Resolution relative to the location of a U.S. Department of Veterans Affairs medical facility in Rhea County.

Whereas, East Tennessee is in great need of a medical facility to serve its brave veterans; and

Whereas, because of Rhea County's central location, the location of a U.S. Department of Veterans Affairs (VA) hospital there would serve approximately 30,000 veterans from East Tennessee, North Georgia, and Northern Alabama; and

Whereas, presently, veterans living in East Tennessee must travel 150 miles to the Alvin C. York VA facility in Murfreesboro for medical treatment; this extensive travel creates a hardship for most of these veterans; and

Whereas, Rhea County has recently opened a new hospital and has generously offered to donate its old hospital building, facilities, and campus to the VA for the express purpose of locating a much needed medical facility there to serve the veterans of East Tennessee; and

Whereas, the Old Rhea County Medical Center building could be easily modified to house 150 beds, and the building is still equipped with modern technology and modern operational systems; and

Whereas, easily accessible from U.S. Highway 27, the old Rhea County hospital property includes 132 vacant acres that could be utilized for expansion in the future; and

Whereas, in addition to serving the medical needs of our East Tennessee veterans, the location of a VA medical facility in Rhea County would create new jobs in the area; and

Whereas, our veterans have sacrificed a great deal in defending and protecting our Nation, and the State of Tennessee and the Federal Government should work together to adequately provide for the medical needs of these valiant citizens; Now, therefore, be it

*Resolved by the House of Representatives of the one hundred sixth General Assembly of the State of Tennessee, the Senate concurring*, That this General Assembly strongly urges and encourages the U.S. Department of Veterans Affairs to accept Rhea County's proposed donation of its old hospital building, facilities, and campus to the VA and to utilize such building, facilities, and campus to locate a VA medical facility at such site. Be it further

*Resolved*, That this General Assembly urges each member of Tennessee's Congressional



delegation to use the full measure of his or her power and influence to facilitate the location of a VA medical facility at the old Rhea County hospital campus; and be it further

*Resolved*, That an enrolled copy of this resolution be transmitted to the Honorable Barack Obama, President of the United States; the U.S. Secretary of Veterans Affairs; the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; each member of Tennessee's Congressional delegation; and the Honorable Phil Bredesen, Governor of Tennessee.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 327, a bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections (Rept. No. 111-85).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit.

Roberto A. Lange, of South Dakota, to be United States District Judge for the District of South Dakota.

Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

Charlene Edwards Honeywell, of Florida, to be United States District Judge for the Middle District of Florida.

David Lyle Cargill, Jr., of New Hampshire, to be United States Marshal for the District of New Hampshire for the term of four years.

Timothy J. Heaphy, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mrs. HAGAN):

S. 1735. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

By Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. MENENDEZ, Mr. FEINGOLD, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. REID):

S. 1736. A bill to provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity

to adjust their status to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Ms. MURKOWSKI, and Mr. BINGAMAN):

S. 1737. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. CARDIN, Mr. KAUFMAN, Mr. DURBIN, Mr. WEBB, Mr. MERKLEY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. KERRY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, Mr. DODD, Mr. BURRIS, Mr. MENENDEZ, Mr. HARKIN, Mr. WARNER, Mr. REED, Mrs. MURRAY, Mrs. HAGAN, Mr. BROWN, and Mrs. GILLIBRAND):

S. 1738. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 1739. A bill to promote freedom of the press around the world; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Mr. BROWN, and Mr. DODD):

S. 1740. A bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1741. A bill to authorize States or political subdivisions thereof to regulate fuel economy and emissions standards for taxicabs; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE (for himself, Mr. CASEY, and Mr. SPECTER):

S. 1742. A bill to amend the Public Health Service Act to provide assistance for graduate medical education funding for women's hospitals; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 1743. A bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 1744. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. McCASKILL:

S. 1745. A bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN:

S. 1746. A bill to amend title XVIII of the Social Security Act to exempt small pharmacies from certain Medicare accreditation requirements for the purpose of providing diabetic testing strips under part B; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1747. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1748. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. VITTER, and Mr. ROBERTS):

S.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WEBB:

S. Res. 297. A resolution to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Ms. CANTWELL, Mr. AKAKA, Mr. ENSIGN, Mr. INOUE, and Mr. MENENDEZ):

S. Res. 298. A resolution recognizing Filipino American History Month in October 2009; considered and agreed to.

By Mr. CARDIN (for himself and Mr. BURR):

S. Res. 299. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month 2009; considered and agreed to.

By Ms. COLLINS (for herself, Mr. CARPER, Mr. DODD, Mr. MCCAIN, and Mr. LIEBERMAN):

S. Res. 300. A resolution supporting the goals and ideals of Fire Prevention Week and the work of firefighters in educating and protecting the communities of this Nation; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Con. Res. 42. A concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Con. Res. 43. A concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 456

At the request of Mr. DODD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 456, a bill to direct the Secretary of

Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 493

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 850

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an

individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 991

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 991, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a rule of naturalization under article I, section 8, of the Constitution.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1215

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1375

At the request of Mr. ROBERTS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1375, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1379

At the request of Mr. WHITEHOUSE, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1379, a bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

S. 1532

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1532, a bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cospon-

sor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1692

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1692, a bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. RES. 263

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 263, a resolution designating October 2009 as "National Medicine Abuse Awareness Month".

S. RES. 295

At the request of Mr. BAYH, the names of the Senator from Montana (Mr. TESTER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 295, a resolution designating October 13, 2009, as "National Metastatic Breast Cancer Awareness Day".

S. RES. 296

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 296, a resolution designating October 2009 as "National Work and Family Month".

AMENDMENT NO. 2555

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 2555 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2560

At the request of Mr. COCHRAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of amendment No. 2560 intended to be proposed to H.R.

3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2561

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 2561 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2562

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 2562 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2582

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2582 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Ms. MURKOWSKI, and Mr. BINGAMAN):

S. 1737. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FRANKEN. Mr. President, in a country as wealthy as ours, it is shameful to let any child go hungry. That is why today, Senator MURKOWSKI and I are introducing the Expand School Meals Act. By eliminating the reduced price meals category and replacing it with the free meal program, this legislation will ensure that low-income children are not denied nutritious food during the school day if their family can't afford to pay for it.

It is important to remember that this will improve student readiness for school. Parents have long known, and recent studies confirm, that children cannot learn on empty stomachs. Hungry children perform worse on achievement tests, have trouble concentrating, and are more likely to act out in school. Securing access to healthy foods for low-income children is therefore not only a means of reducing child hunger, but also an important strategy for narrowing the achievement gap.

There are 3.1 million low-income children across the Nation, and 54,000

children in Minnesota are eligible for reduced-price school meals. This means that the families of these children pay for part of their children's school meals. Currently, these families must pay 40 cents for each lunch and 30 cents for each breakfast their children eat at school. While this may not sound like a lot of money to members of Congress, to a family that is barely scraping by, especially in today's economy, the cost can be prohibitive.

In this tough economy, a growing number of these families simply can no longer afford to pay. Low-income children in Minnesota and across the country are increasingly being turned away from school lunch counters because they don't have enough money in their meal accounts. In some districts, children in the reduced price meal program are humiliated when they are forced to pay small fees in front of their peers, or when they are handed cheese sandwiches instead of regular meals on the days they cannot afford to pay. It then becomes abundantly clear to all of their peers in the lunchroom that they are in the reduced price program. Teachers in Minnesota and elsewhere have reported that many children choose to avoid this stigma by just skipping meals.

The indecency of turning away children from the school lunch counter becomes all too evident when one hears the stories of the food service workers and teachers who have to confront these children directly. In the Roseville, Minnesota, school district, for example, schools recently reported that parents with health problems showed up at the district office unable to pay for reduced-price lunch. The families, however, had too much income to qualify for the free lunch program. The district policy is that children who cannot pay for school lunches can receive cheese sandwiches for three days, and then must be turned away. Roseville cashiers and food service managers have been using their own money to cover children who they know cannot pay.

This situation is entirely unacceptable. It is unacceptable not only because we are allowing children to go hungry today, but also because we know the impact of this hunger on their future. We know that insufficient access to food will negatively affect their development, as well as their educational outcomes, which together will have a lasting impact on their ability to reach their potential.

Recent studies show just how devastating the impact of food insecurity is on the academic and social outcomes of school children. For example, researchers at Cornell and the University of Michigan found that children ages 6 to 11 who lacked sufficient food had significantly lower arithmetic scores, and were more likely to have repeated a grade than their peers. Furthermore,

they found that teenagers who lacked sufficient food were almost three times as likely to have been suspended from school. Similarly, researchers at Harvard Medical School, and Massachusetts General Hospital found that children who, according to their parents, were experiencing hunger, were two to four times more likely than other children to repeat a grade, access special education services, or receive mental health counseling.

Based on this research, it is clear that child hunger must be one of the factors that we address if we are serious about closing the achievement gap and giving every child in America a genuine opportunity to succeed.

I would like to conclude by commending my colleagues on both sides of the aisle for their leadership in advocating for the extension of free school meals to children of the working poor. These efforts began with Senator Elizabeth Dole, who in 2003 introduced a bill that would have also phased out the reduced price meals category. And in 2004, Senator Dole advocated for a provision to be included in the Child Nutrition and WIC Reauthorization Act that authorized a 5 State pilot project to test the feasibility of eliminating the reduced price category. Funding for this project, unfortunately, was never appropriated.

Some States and districts therefore decided to take matters into their own hands. I am proud to represent a State that decided to eliminate the reduced price category for school breakfasts. Based on the experience of these localities, we have learned that expanding eligibility for free meals to children in the reduced price category significantly increases their participation in school breakfast and lunch programs.

In light of the experiences of these localities, and the difficult economic times, I am hopeful that this will be the year that we expand eligibility for free school meals. I urge all of my colleagues to join us in this endeavor and do right by our children.

By Mrs. FEINSTEIN:

S. 1747. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Javier Lopez-Urenda and his wife, Maria Leticia Arenas. Mr. Lopez-Urenda and his wife are Mexican nationals living in Fremont, California, and the loving parents of three U.S. citizen children, Bryan, age 16, Ashley, age 12, and Nancy, age 6.

I have decided to introduce this private bill to ensure that this family stays together because they have demonstrated an extraordinary commitment to each other and the greater community in the Bay area. I believe Mr. Lopez-Urenda and Ms. Arenas

merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Javier Lopez-Urenda was born in Michoacán, Mexico. When he was 19 years old, his father was stabbed and murdered while working as a cab driver. In 1990, at the age of 23, Mr. Lopez-Urenda came to the United States to find a higher paying job to support his extended family. Leticia Arenas came to the U.S. at the age of 17 after her mother died of cancer. Mr. Lopez-Urenda and Ms. Arenas have now been living in the U.S. for almost 20 years.

Mr. Lopez-Urenda is the sole financial provider for his wife and three U.S. citizen children and owns his own home. For over 17 years, Mr. Lopez-Urenda has worked at Full Bloom Baking Company, a commercial bakery in San Mateo, California, and was the second employee that they hired. With Mr. Lopez-Urenda's help, the company grew to one of the largest commercial bakeries in the Bay Area, which currently employs approximately 385 people in the bay area.

Full Bloom Baking Company has stated:

Javier is critical to the operation of our business. . . . He holds a tremendous amount of 'institutional knowledge' that can never be replaced. He mentors and develops Team members, conducts training classes, and has deep understanding of complex industrial baking equipment and is an expert on how to produce wonderful artisan quality products from the intricate interactions of formula, people and equipment.

Mr. Lopez-Urenda's coworkers have also written to me about his value to the company. Coleen Donnelly writes:

I am lucky enough to have worked with Javier briefly at the bakery he helped build from the ground up. I always knew he was in the room before I saw him. His presence is such a positive force. He has the natural ability to manage and lead people and make it all seem like play, not work. Without Javier at the bakery, the lives of hundreds of people will change.

With the encouragement of his employer, Mr. Lopez-Urenda sought legal advice in 1996 in an attempt to legalize his status. However, the enactment of the Illegal Immigration Reform and Immigration Responsibility Act, IIRIRA, eliminated his ability to apply for suspension of deportation.

Mr. Lopez-Urenda also attempted to legalize through his employer, but the labor certification remained unadjudicated for nearly three years. Once the Department of Labor granted his labor certification, Mr. Lopez-Urenda could have legalized his status but for the fact that his removal case had already been resolved against him due to the change in law.

When the Ninth Circuit Court denied his appeal, the Court acknowledged the compelling circumstances of Mr. Lopez-Urenda's case. The court stated:

We are not unmindful of the unique and extremely sympathetic circumstances of this

case. By all accounts, Petitioner has been an exemplary father, employee, and member of his local community. If he were to be deported, he would be separated from his wife, three U.S. citizen children, and the life he has worked so hard to build over the past seventeen years. In light of the unfortunate sequence of events leading up to this juncture and Petitioner's positive contributions to society, Petition may very well be deserving of prosecutorial grace.

Unfortunately, Mr. Lopez-Urenda faces deportation today despite his sympathetic circumstances and the significant positive contributions that he and his family have made to society.

These contributions to the San Mateo and Fremont communities have truly been exceptional. He is an active volunteer for the Women's Foundation of California, Lance Armstrong's Livestrong Foundation, the Saint Patrick Proto Cathedral Parish, the American Red Cross, and just last year he was one of the key organizers of the California AIDS Ride.

Ms. Arenas has also volunteered in the community as a religious school teacher at Our Lady of the Rosary Church, a health promoter at the Tiburcio Vasquez Health Center, and a sexual assault counselor at Bay Area Woman Against Rape.

My office has received 46 letters of support on behalf of this family staying together in the community that they have helped build. Below are a few notable excerpts from the letters I have received reflecting the impact of this family on the community:

Patricia W. Change, CEO of Feed the Hunger Foundation, former President/CEO of the Women's Foundation of California, and a prior San Francisco Commissioner and U.S. Commissioner writes:

Mr. Urenda has always operated with the highest integrity. Asking Mr. Urenda to leave the United States would deprive his children of their father, an upstanding resident of the country. It would deprive the community of an active participant, leader, and volunteer.

The Bay Area Women Against Rape indicates that Leticia has been "successful, available, [and] committed to the cause of breaking the silence of sexual abuse in our community."

Judy Patrick, President/CEO of the Women's Foundation of California, writes:

Javier Urenda is fulfilling tremendous needs within his community. He is a model participant in this society.

Christine Bozzini, a friend and former coworker of Mr. Lopez-Urenda, writes:

Javier strives to create a meaningful and rewarding life with his children, focusing on supporting them in their studies, as well as a variety of athletic pursuits and personal interests. For example, over the last few years he has taken great pride in traveling to various U.S. monuments in order to teach his children about the birth of their country.

One of the other compelling reasons for permitting these parents to remain in the United States is the impact that

deportation would have on their three U.S. citizen minor children, Bryan, Ashley, and Nancy.

All too often, U.S. citizen children face the loss of a parent through deportation. A January 2009 report by the Department of Homeland Security Office of Inspector General found that, over the last 10 years, 108,434 immigrant parents of U.S. citizen children were removed from this country.

A separate report completed this year by Dorsey & Whitney LLP for the Urban Institute affirms what many of us know—the deportation of a parent is deeply traumatic and causes long-lasting harm to U.S. citizen children.

Mr. John Arthur Balano, Head Coach and Faculty Instructor at the City College of San Francisco, has known Mr. Lopez-Urenda through his volunteer work at Washington High School in Fremont, California. He has stated that Mr. Lopez-Urenda "actively participates in the daily life of his children. Be it school, domestic, or extracurricular activities, socialization and citizenship, Javier is always furthering their growth."

In addition, Ms. Marlene Davis, the Principal of Patterson Elementary School, where two of the Lopez-Urenda children currently attend, has written me, stating that:

Mr. Lopez-Urenda and his wife are very involved in their children's lives and school work. If they were not, the children would not be doing as well as they are. I think without his presence, the children would definitely fare very poorly indeed both because of the psychological shock of having their father taken away but also academically because their mother would not be as available and one half of their scholastic support would be missing. . . . This would be a terrible strategy which could be avoided if the children are able to remain in the same stable environment with two loving and supportive parents who are committed to their children's success.

Enactment of the legislation I am introducing today on behalf of Mr. Lopez-Urenda and Maria Leticia Arenas will enable this family to continue to remain in the U.S. and make positive contributions to each other and their extensive community in Fremont, California.

Mr. President, I urge my colleagues to support this private bill.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1747

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT RESIDENT STATUS FOR JAVIER LOPEZ-URENDA AND MARIA LETICIA ARENAS.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C.

1151), Javier Lopez-Urenda and Maria Leticia Arenas shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) **ADJUSTMENT OF STATUS.**—If Javier Lopez-Urenda or Maria Leticia Arenas enter the United States before the filing deadline specified in subsection (c), that alien shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) **DEADLINE FOR APPLICATION AND PAYMENT OF FEES.**—Subsections (a) and (b) shall apply only to an application for issuance of an immigrant visa or an application for adjustment of status that is filed, with appropriate fees, within 2 years after the date of the enactment of this Act.

(d) **REDUCTION OF IMMIGRANT VISA NUMBER.**—Upon the granting of an immigrant visa or permanent residence to Javier Lopez-Urenda or Maria Leticia Arenas, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of that alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of that alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

—  
FULLBLOOM BAKING COMPANY,  
Newark, CA, July 20, 2009.

Senator DIANNE FEINSTEIN,  
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am writing you to ask for your help to support my key employee and friend, Javier Lopez-Urenda, and his family in their efforts to lawfully remain in the United States. Mr. Lopez-Urenda's case is extremely sympathetic. He had the misfortune of beginning the process of legalizing his status in the summer of 1996. It was prior to the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). As you know, IIRIRA brought a sea of change to our immigration laws, which has now left Javier, his wife and their three U.S. citizen children facing the imminent prospect of being forced to leave the U.S., essentially forever.

Mr. Lopez-Urenda challenged the retroactive application of IIRIRA to his case, but the Ninth Circuit Court has recently ruled against him. While the Ninth Circuit case was pending, based on humanitarian concerns and his extensive community involvement, he sought deferred action of his removal from the U.S. Immigration and Customs Enforcement (USICE). He requested that the agency exercise its prosecutorial discretion to grant a request for deferred action, considering Javier's immigration history, length of U.S. residence, criminal history, and cooperation with law enforcement, future admissibility, community attention and humanitarian concerns. However, the agency denied his request and has issued a surrender notice for Monday, May 24, 2004.

The Labor certification that my company, FullBloom Baking Company filed for Javier on April 26, 2001, after 3 long years, was finally granted on March 19, 2004. We immediately

filed a petition to immigrate Javier with the California Service Center. Our lawyers have also filed a motion to reopen and request for stay at the Board of Immigration Appeals (BIA) for Javier, but I am told that it is unlikely the BIA will grant such a motion if the USICE does not join or does not oppose this motion. Therefore, I am requesting that you call officials at USICE and urge them join or to not oppose Javier's motion to reopen now pending before the BIA. (Contact names and numbers attached). We acknowledge that this type of action is only taken in the most extraordinary cases, but as you will see below, Javier is an extraordinary individual and a very well-respected member of his community.

Javier, a 42-year-old native of Mexico, first came to the U.S. in March of 1990 and resides in Fremont, CA with his wife and three U.S. citizen children, Bryan who is sixteen, Ashley who is twelve, and Nancy who is six. In 1996, Javier sought the advice of an immigration attorney and started the process to legalize his status. Javier appeared at an immigration hearing on January 29, 1999, where he attempted to file for suspension of deportation but was informed that because his court proceedings did not begin until September 7, 1997; he was not eligible for that relief. However, the Immigration Judge remarked that "[t]he Court believes that . . . he would have been a good candidate for that relief and appears to be a good person who would contribute to this country in a meaningful and positive way." Javier appealed the decision to the Board of Immigration Appeals (BIA), but the BIA dismissed the case on February 14, 2002. Javier's employer, FullBloom Baking Company, filed a labor certification for Javier on April 26, 2001 which would make him eligible for permanent residence, but the application has not yet been approved. On March 15, 2002, Javier filed a Petition for Review with the Ninth Circuit, which was dismissed. He subsequently filed a petition for rehearing en banc which was dismissed on January 2, 2004.

Javier has been a resident of the U.S. for more than 19 years, and has never departed the U.S. since his first entry. He has worked at FullBloom for the past 17 years where he now is the Production Process Manager, managing the transition of recipes from the R&D bench top prototypes to fully scaled up production runs. He supervises four line supervisors and up to 210 production employees in the company's daily production of more than 346,000 pieces of artisan organic and natural pastries that are distributed to a wide range of grocery stores & cafes including FullBloom's largest client, Starbucks Coffee Company (Nationally). Javier is critical to the operation of our business which has grown from an idea in 1989 to a run rate of over \$55MM/year in gross revenue. He holds a tremendous amount of "institutional memory" that can never be replaced. He mentors and develops Team members, conducts training classes, has deep understanding of complex industrial baking equipment and is an expert on how to produce wonderful artisan quality products from the intricate interactions of formula, people and equipment.

He is an outstanding member of his community; Javier has helped to raise money for numerous local organizations and participates in the annual AIDS Ride. He volunteers regularly with his son's swim team, the local homeless shelters; Lance Armstrong's Livestrong Foundation and is an active member of his local church. He has absolutely no criminal history and has always at-

tended his court hearings and, with the help of his employer, has tried repeatedly to legalize his status, but has been the victim of changes in the law and a slow-moving labor certification system. Moreover, Javier's removal from the U.S. would render him effectively ineligible for future immigration as he has more than one year of unlawful presence and is subject to the ten-year bar to admissibility. Most importantly, Javier's removal from the U.S. would cause emotional and financial hardship to his family, especially his three U.S. Citizen children. If his family remains in the U.S. and he is removed, they would be unable to support themselves, and more importantly, his U.S. citizen children would be separated from their devoted father at a critical point in their lives. On the other hand, if his children accompany him to Mexico, they would suffer extreme hardship in adjusting to life in a completely foreign country at the ages of sixteen, twelve and six.

I thank you for your interest in and willingness to review Javier's case. I will contact you to further discuss this case once you have had a chance to review this letter. You may also feel free to contact me at any time.

Sincerely,

KAREN TRILEVSKY,  
Founder & CEO.

JULY 22, 2009.

Senator DIANNE FEINSTEIN,  
San Francisco, CA.

DEAR SENATOR FEINSTEIN: In February of this year, I stood and applauded as you accepted the Anne B. Stanton Award for Extraordinary Leadership and Dedication to Bay Area Youth given to you by Larkin Street Youth Services. It was a great moment, knowing the history of your involvement with the agency and how it has allowed Larkin Street to survive and flourish. As everyone knows, your actions were critical in securing the future of this organization and the futures of the many people it serves.

I am asking you now to consider another very important intervention. Javier Urenda is set to be deported from this country next week after 19 years of living here as a responsible citizen. This action defies reason. He has a family, a career, owns his home and gives back to the community through volunteer work. He is exactly the kind of person this country needs more of, not fewer!

I am lucky enough to have worked with Javier briefly at the bakery he helped build from the ground up. I always knew he was in the room before I saw him. His presence is such a positive force. He has the natural ability to manage and lead people and make it all seem like play, not work. Without Javier at the bakery, the lives of hundreds of people will change.

His family has relied on him to provide for them and he has never let them down. The Urendas are part of their community, part of what makes up this country as it has evolved. To send him away is moving backwards. I urge you to take action to reverse this destructive trend towards tearing apart families that have the same right to be here as you and I do.

Senator Feinstein, this is a defining moment. Javier is not the only one unfairly facing deportation. Many before have been forced to leave and if this practice is left unchecked many more will follow.

Please help. All of us who care about this issue are grateful for your consideration.

Sincerely,

COLEEN DONNELLY.

FEED THE HUNGER FOUNDATION,  
San Francisco, CA, July 22, 2009.

Senator DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINSTEIN: I am respectfully writing to you, as a citizen, a prior San Francisco Commissioner and a Commissioner of the United States, a former President & CEO of the Women's Foundation of California, and the current CEO of Feed The Hunger Foundation. I am writing in support of Javier Urenda Lopez and urging you to allow Mr. Urenda to remain in the United States as a lawful permanent resident, eligible for citizenship to the United States of America.

Mr. Urenda deserves to be in the United States on both procedural as well as personal grounds.

Mr. Urenda recently received an approved labor certification (pending for the last three years), and is finally eligible for adjustment of status. However, the recently issued "surrender notice" takes effect on July 29, 2009. Had the approved labor certification been approved in a timely manner, this current ordeal would have been unnecessary. If the Board were to reopen his case, he could adjust his status immediately and be a lawful permanent resident.

I have had the honor and pleasure of knowing Mr. Urenda over the past ten years as an employee of FullBloom Baking Co., a volunteer of the Women's Foundation of California, an active community member and a friend.

Mr. Urenda has, in the time that I have known him, been the Managing Director of FullBloom Baking Co., supervising and mentoring over 190 employees. His intellect, ability and hunger to learn, and perhaps most importantly, his motivation and spirit, has enabled FullBloom Baking Co. to become a multi-million dollar business and a major contributor to communities in California. FullBloom Baking Company is a leader in the field of small businesses both in terms of its treatment and advancement of employees, and in being a model corporate citizen. No other company of which I am aware, provides free bilingual courses in both English and Spanish, computers, dentistry, a matching pension program, and numerous gifts to all of their employees and to their respective family members as FullBloom Baking Co. In addition, this company contributes nearly \$1 million per year to the community. Mr. Urenda has made this possible.

I first met Mr. Urenda when he personally delivered baked goods to the graduation party of 50 participants of the Women's Foundation of California's welfare to work program. Mr. Urenda could have sent one of his company's drivers to deliver these donated goods. However, he wanted to support those individuals who were struggling to gain skills and become active contributors to the economy of this country—just as he has done. Mr. Urenda has, since that time, become a volunteer to the Women's Foundation of California, serving on a committee determining which non-governmental organizations would receive funding and assistance from the foundation as well as mentoring young adults. Mr. Urenda has always operated with the highest integrity. He is reliable, hard working, and creative.

Mr. Urenda is an individual who contributes all of himself to all of his endeavors. He has involved himself in the arena of sports: engaging in five day bike-a-thons to raise money for AIDS; running in races for his community and others; and coaching swim-

ming and soccer meets. He consistently takes classes at night to improve his skills and resources in management, business development, and in the arts.

On top of all that I described, Mr. Urenda is a devoted father to three children of the United States who he is teaching to be upstanding citizens of this country. Asking Mr. Urenda to leave the United States would deprive his children of his guidance, love, and mentorship. It would deprive his children of their father, an upstanding resident of this country. It would deprive the community of an active participant, leader, and volunteer. It would deprive FullBloom Baking Co. and its employees of an unparalleled decision maker, manager, and mentor. And it would deprive our country of an individual who lives up to the very values and standards that make the United States a great nation.

If Mr. Urenda's family were to leave with him, it would cause an extreme hardship to his wife and three children, aged 6, 12 and 16. His children would leave the only country they have ever known, to go to a country that they have never visited and where they do not speak the language. Bryan, his eldest son, would be unable to receive treatment for a learning disability for which he has been diagnosed.

Thank you for your kind attention and assistance to this matter. If you have any questions about Mr. Urenda, please do not hesitate to contact me.

Sincerely,

PATRICIA W. CHANG,  
President & CEO.

JULY 21, 2009.

Re request for assistance in the case of Javier Lopez-Urenda and family.

Senator DIANNE FEINSTEIN,  
San Francisco, CA.

DEAR SENATOR FEINSTEIN: It is with the utmost faith that I submit this letter to you, with the hope that you will prevent a potentially devastating tragedy with exponential ramifications from occurring by sponsoring a private bill for my former coworker and friend, Javier Lopez-Urenda. It is my understanding that at this time, the only hope for this upstanding family man, leader, and community volunteer to remain in the U.S. is through a private bill. Please sponsor this outstanding person and prevent the senseless tragedy of losing such a valuable contributor to our country.

During these past years of a complex legal battle, I have often reflected on the irony that a person who so greatly embodies the ideal citizen could be ejected from our country. Javier is more than a model citizen. He goes beyond what any average person would do to better his community, his workplace, the lives of his family members, and himself. Every year, Javier participates in charity events such as the AIDS ride and the Providian Relay supporting organ donation, as well as being an active member in his church and a frequent contributor to many local food banks. At FullBloom Baking Company, where we worked together for eight years, Javier's leadership helped to launch the company and to propel it into its newest phase of growth and success in a new cutting edge facility, where staff and production levels have recently doubled.

I've literally never known a more dedicated and loving father. Javier strives to create a meaningful and rewarding life with his children, focusing conscientiously on supporting them in their studies, as well as a variety of athletic pursuits and personal interests. For example, over the last few years

he has taken great pride in traveling to various U.S. monuments in order to teach his children about the great country of their birth. I can think of nothing more destructive and unfair to Bryan, 16; Ashley, 11; and Nancy, 5; than to either face separation from their father, or to be forced to leave their country of origin, the only country they have ever known.

During the years I've known Javier, he has been a great inspiration to me and many others, sharing his captivating warmth, his compassionate support for those who need help, and his passion for learning (English, French, neuroscience, politics—you name it!). To this day, I attribute my fluency in Spanish to him, telling people, "Everything I know, I learned from Javier". The thought that he, a person who exemplifies the spirit and the triumph of America, is threatened with deportation brings tears to my eyes and keeps me up at night. It is utterly unfathomable the extent to which our legal system has failed Javier and his family, leading to this urgent plea for your support to quite literally "save" them.

Please help to prevent this potentially disgraceful tragedy through your crucial sponsorship.

Sincerely,

CHRISTINA BOZZINI,  
Psychotherapist.

DEPARTMENT OF PHYSICAL  
EDUCATION, ATHLETICS AND DANCE,  
San Francisco, CA, July 22, 2009.

Senator DIANNE FEINSTEIN,  
San Francisco, CA.

U.S. DEPARTMENT OF JUSTICE,  
Immigration and Customs Enforcement,  
Sansome Street, San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am exceedingly humbled by opportunity to write this letter on behalf of Javier Urenda. It has been my good fortune to know Javier the past 18 years. During this time I have been continually astounded at his remarkable embrace of the very values we all share as citizens of our great land.

As a person committed to his family, their wellbeing, and Javier actively participates in the daily life of his children. Be it school, domestic, or extra-curricular activities, socialization and citizenship, Javier is always furthering their growth. His belief in family as a solid foundation, where meals and private time is shared. Javier fundamentally understands that these critical, formative years are critical to his children's future so that they may fully embrace the untold opportunities our great country affords our citizens. Javier's belief is that when children feel truly loved in the home, with a solid foundation of right and wrong therefore, creating an intrinsic obstacle to the many pestiferous temptations that the youths of today encounter.

As well, Javier is a good husband, who works hard to provide not only the material but, assuring that there is always calm, reason, and attentiveness. Javier affection can be found in simply hand picking flower rather than the ostentatious. I have witnessed thoughtful his response in uncomfortable situations rather than pugnacious. Always respecting and embracing the other point of view, nurturing too, the love of his wife. It's that constant striving for synergy that constantly amazes me.

As a member of academia, I am proud that Javier continually seeks knowledge and makes time to further his education. He fundamentally understands that knowledge is power and with that, his affect and direct

contribution to society magnified. I subscribe to the notion that each and every single citizen contributes to our society; and the more knowledgeable the individual, society's enrichment as a whole is not insignificant. In my lifetime, with extreme confidence, Javier is a shining example to that end.

The strong sense of community in Javier is expressed by his deeds. He was volunteer coach for me when I was the Head Track and Field Coach at Washington High School in Fremont, California. There, Javier assisted with the distance runners who had many levels of athleticism and talent. His grassroots approach and caring for each student/athlete as an individual and maximizing their own individual potential made that diverse group flourish. Beyond the track, they had the highest GPA on the team. To this day, I firmly believe that Javier's influence in embracing challenge and to look at it not as an obstacle but, as an opportunity, played a significant role in their academic success.

Holding dear the notion of our country's diversity, Javier has participated in several AIDS Rides, personally raising thousands of dollars to contribute to fighting that virulent disease. Annually, he volunteered for a transition station with the Providian Relay which supports organ donation. At present he continues to support a myriad of other events and community fund-raisers through his running and cycling efforts. He lends time too, to the less fortunate in feeding the homeless within the community. All the while, Javier shuns kudos for his efforts and is embarrassed by any attention as he believes that is what a neighbor typically does for his fellow human being.

Penning this letter to you gives me great pride. In our United States, during these very trying times, Javier Lopez-Urenda is a beacon for responsibility, accountability, compassion, and active citizenship.

I hope that I have conveyed to you my thoughts on Javier and why he should remain a part of our country. He has contributed to our society immensely thus far by being who he is; a person with strong family values understands the significance of education, volunteerism, and hard work in making the United States the leader of the free world it is today. It is those very tenets that many of us hold dear; yet Javier embodies them. He has been encouraging to each person he meets, be it in passing or those in need and a trusted and loyal friend.

There are citizens in our land from all walks of life, from every possible background and social status that comprise the bedrock in continuing to make our country strong. Javier is the type of person that makes us a better land and continues to remain a shining light of limitless opportunity.

I pray that the good Lord will allow for the rendering of a favorable decision to allow Javier to remain in the country that I love.

Thank you so very much in allowing me to be a voice for my dear friend.

Respectfully,

JOHN ARTHUR BALANO,  
*City College of San Francisco.*

PATTERSON SCHOOL,  
*Fremont, CA, August 25, 2009.*

Re Javier Lopez-Urenda.

Senator DIANNE FEINSTEIN,  
*San Francisco, CA.*

DEAR SENATOR FEINSTEIN, I am writing on behalf of Javier Lopez-Urenda's United States citizen children. They have all attended Patterson Elementary School. Nancy, the youngest, is currently in first grade this

year. Ashley graduated from sixth grade last year. Bryan graduated about five years ago.

The Lopez-Urenda children have sometimes struggled academically, particularly Bryan. However, as a result of keen parental involvement, they are doing well. Mr. Lopez-Urenda has volunteered his time as a coach for after-school sports that Bryan was involved in. Teachers have reported that he and his wife are actively involved in their children's school activities and meet with teachers in order to support their children's schoolwork and try to help them address areas of concern.

All the children have been a pleasure to have in school. As an educator, I can tell you that I have witnessed the spectrum of parental involvement from parents who are actively involved in their children's lives to those who are at best minimally engaged in their children's activities. Javier Lopez-Urenda and his wife are very involved in their children's lives and schoolwork. If they were not, the children would not be doing as well as they are. I think without his presence, the children would definitely fare very poorly indeed both because of the psychological shock of having their father taken away but also academically because their mother would not be as available and one half of their scholastic support would be missing. In my experience, that void is generally filled with bad behavior, bad influences, poor decisions and academic deterioration. With three children who struggle in school already, I honestly cannot foresee anything positive for the children in the future if their father is no longer living with them and supporting their academic milestones. Rather, I imagine it would be quite possible that they would drop out or flunk out. This would be a terrible tragedy which could be avoided if the children are able to remain in the same stable environment with two loving and supportive parents who are committed to their children's success.

Sincerely,

MARLENE C. DAVIS,  
*Principal.*

BAY AREA WOMEN AGAINST RAPE,  
*Oakland, CA, July 21, 2009.*  
U.S. Citizenship and Immigration Service,  
*St. Albans, VT.*

TO WHOM IT MAY CONCERN: This letter pertains to Javier L Urenda and it gives me great pleasure to furnish you with pertinent facts and information about this extraordinary supporter of the oldest rape crisis center in the nation, Bay Area Women Against Rape (BAWAR).

I have known Mr. Urenda for nearly a year. I had the privilege of meeting Mr. Urenda through his wife Leticia Arena at that time when she was taking our intensive state certified rape crisis training. One of the things that is crucial towards the successful completion of our training is the support that trainees receive from their family members. Not only are participants trained for three months, but they are also in commitment to volunteer 36 hours per month for 9 consecutive months after their certification. I believe that without the support that Mr. Urenda gave to Leticia during her training and during her volunteer activities at our agency she would not had been as successful, available or committed to the cause of breaking the silence of sexual abuse in our community.

In addition, Mr. Urenda not only gives constant support to his wife's social responsibility, but he also is an active participant in our fundraising events. Mr. Urenda has

shown to be a strong supporter for our walkathon in benefit of sexually assaulted youth. Just last month, Mr. Urenda went to his employer at Full Moon and bravely asked for an in-kind donation of 500 delicacies to be given away to walkers the day of the event. This came to BAWAR's great surprise since we did not expect this massive contribution. Mr. Urenda has far exceeded our expectations and by far surpassed the in-kind donations that other advocates have tried to acquire from local donors. It was for this reason that Mr. Urenda holds a very special place in our agency.

To this end and without reservation, I strongly believe that Mr. Urenda will be a wonderful and positive addition to our community. If you have further questions or concerns, please feel free to contact me.

Sincerely,

KRISTINA MOLINA,  
*Latina Outreach Coordinator.*

THE WOMEN'S FOUNDATION OF  
CALIFORNIA,  
*San Francisco, CA, July 22, 2009.*

Senator DIANNE FEINSTEIN,  
*San Francisco, CA.*

DEAR SENATOR FEINSTEIN: On behalf of the Women's Foundation of California, we are writing to convey our support for Javier Urenda to remain in the United States and become a lawful permanent resident.

Javier is a vital member of his community who participates at all levels: he is a hard-working and dedicated employee of FullBloom Baking Company, a Newark, California based company which did \$58 million in business last year; he is a devoted husband and father to three US citizen children; and he is an important role model to community members and co-workers. Javier was the second person hired by FullBloom and has helped grow FullBloom to a company which now has 388 employees. Javier's dedication, technical know-how and effective management abilities have been critical to FullBloom's success. The local community has been well served by FullBloom, which provides employment, health benefits and educational opportunities to its employees and their children. Javier's community would also be severely impacted if it were to lose his volunteer efforts in his children's schools and his tireless fundraising for charity.

The Women's Foundation of California has a long history of supporting immigrants and immigrant communities throughout the state. Through our research, grantmaking, and other programs, we have seen many of the benefits that new Americans give to our economy, society, and our overall infrastructure. The state's economy would suffer tremendously without the incredible achievements of immigrants.

Javier has recently received an approved labor certification (which had been pending for nearly three years) and is now eligible for adjustment of status. However, he has been issued a "surrender notice" which takes effect on July 29, 2009. If he is forced to leave the country, he would be barred from returning for 10 years causing his children and his employer enormous hardship. If Javier were granted a stay of his deportation order, he could adjust status immediately and be a lawful permanent resident.

We understand that the Immigration and Naturalization Service has established immigration policy to meet the needs of this country and others. Javier Urenda is fulfilling tremendous needs within his community. He is a model participant in this society and deserves to remain here legally.



Thank you for your consideration.  
Sincerely,

JUDY PATRICK,  
President and CEO.

By Mrs. BOXER:

S. 1748. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I rise to speak on the introduction of the Southern Sea Otter Recovery and Research Act.

The southern sea otter is a keystone species that plays a critical role in central California's kelp forest ecosystem. By maintaining a healthy and productive ecosystem capable of supporting many other marine species, they also contribute to California's \$22 billion ocean tourism, recreation, and fishing industries.

Already listed as threatened under the Endangered Species Act, southern sea otters recently experienced their largest population decline in over a decade. They face a variety of threats, including food limitation, disease, and habitat degradation—but the exact causes of their decline are unknown.

Sea otters are a sentinel species that serve as an indicator of ecosystem health, so this population decline is extremely alarming. Understanding and addressing the causes of this decline would help us protect the health of our kelp ecosystems as a whole.

Sea otters are a sentinel species that serve as an indicator of ecosystem health, so this population decline is extremely alarming. Understanding and addressing the causes of this decline would help us protect the health of our kelp ecosystems as a whole.

My legislation would require the Department of the Interior to monitor the population of southern sea otters and assess the major factors limiting their recovery. It would also establish a competitive grant program for research and recovery projects.

The language has been drafted in consultation with numerous scientists, agency officials, conservation groups, and fishermen. Companion legislation was reported by the House Natural Resources Committee by voice vote in May, and passed the full House of Representatives in July. I look forward to working with my colleagues to achieve a successful outcome in the Senate.

With this legislation, we can finally put the southern sea otter on a path to recovery—and restore central California's magnificent kelp forests to a healthy, thriving condition.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 297—TO RECOGNIZE THE DYKE MARSH WILDLIFE PRESERVE AS A UNIQUE AND PRECIOUS ECOSYSTEM

Mr. WEBB submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

#### S. RES. 297

Whereas the Dyke Marsh Wildlife Preserve on the west bank of the Potomac River just south of Alexandria in Fairfax County is one of the largest remaining freshwater tidal marshes in the Greater Washington, DC, area;

Whereas Congress expressly designated the Dyke Marsh ecosystem for protection in 1959, fifty years ago, under Public Law 86-41 “so that fish and wildlife development and their preservation as wetland wildlife habitat shall be paramount”;

Whereas the Honorable JOHN D. DINGELL of Michigan, the late Honorable John P. Saylor of Pennsylvania, and the late Honorable Henry S. Reuss of Wisconsin were instrumental in passing this legislation and in preventing proposed development along the Potomac River, thereby protecting the Dyke Marsh ecosystem from further dredging, filling, and other activities incompatible with a preserve;

Whereas Dyke Marsh is 5,000 to 7,000 years old and is a unique natural treasure in the national capital region, with more than 6,500 species of plants, insects, fish, birds, reptiles and amphibians contained within an approximately 485-acre parcel;

Whereas the Dyke Marsh Wildlife Preserve is a significant element in the historic character of the Mount Vernon Memorial Parkway;

Whereas freshwater tidal marshes are rare, and the Dyke Marsh Wildlife Preserve is one of the few climax, tidal, riverine, narrow-leaved cattail wetlands in the United States National Park Service system;

Whereas wetlands provide ecological services such as flood control, attenuation of tidal energy, water quality enhancement, wildlife habitat, nursery and spawning grounds, and recreational and aesthetic enjoyment;

Whereas the Dyke Marsh Wildlife Preserve serves as an outdoor laboratory for scientists, educators, students, naturalists, artists, photographers, and others, attracting people of all ages; and

Whereas the Friends of Dyke Marsh is a conservation advocacy group created in 1975 and dedicated to the preservation and restoration of this wetland habitat and its natural resources: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the Dyke Marsh Wildlife Preserve of Fairfax County, Virginia, as a unique and precious ecosystem that serves as an invaluable natural resource both locally and nationally;

(2) recognizes and expresses appreciation for Representative JOHN DINGELL's, Representative John Saylor's, and Representative Henry Reuss's leadership in preserving this precious natural resource;

(3) celebrates the 50th anniversary of the Federal legislation designating the Dyke Marsh Wildlife Preserve as a protected wetland habitat;

(4) expresses the need to continue to conserve, protect and restore this fragile habitat, in which a diverse array of plants, animals and other natural resources is threatened by past dredging and filling, a gradual depletion in size, urban and suburban development, river traffic, stormwater runoff, poaching, and non-native invasive species; and

(5) commends the Friends of Dyke Marsh for its longstanding commitment to promoting conservation and environmental awareness and stewardship, so that the Dyke Marsh Wildlife Preserve may be enjoyed by

generations for the next 50 years and into the future.

#### SENATE RESOLUTION 298—RECOGNIZING FILIPINO AMERICAN HISTORY MONTH IN OCTOBER 2009

Mr. REID (for himself, Ms. CANTWELL, Mr. AKAKA, Mr. ENSIGN, Mr. INOUE, and Mr. MENENDEZ), submitted the following resolution; which was considered and agreed to:

#### S. RES. 298

Whereas the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the first “Luzones Indios” set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana, which set in motion the focus on the story of our Nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas the Filipino-American community is the second largest Asian-American group in the United States, with a population of approximately 3,100,000 people;

Whereas Filipino-American servicemen and servicewomen have a longstanding history serving in the Armed Services, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Filipino Americans are an integral part of the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2009: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Filipino American History Month 2009 as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research



and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month 2009 with appropriate programs and activities.

**SENATE RESOLUTION 299—EX-  
PRESSING SUPPORT FOR THE  
GOALS AND IDEALS OF NA-  
TIONAL INFANT MORTALITY  
AWARENESS MONTH 2009**

Mr. CARDIN (for himself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

**S. RES. 299**

Whereas infant mortality refers to the death of a baby before his or her first birthday;

Whereas the United States ranks 29th among industrialized nations in the rate of infant mortality;

Whereas premature birth, low-birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine, costs the United States more than \$26,000,000,000 annually;

Whereas infant mortality rates can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low-birth weight;

Whereas the United States Department of Health and Human Services, through the Office of Minority Health, has implemented the "A Healthy Baby Begins With You" campaign;

Whereas public awareness and education campaigns on infant mortality are held during the month of September 2009; and

Whereas September 2009 has been designated as National Infant Mortality Awareness Month: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2009;

(2) supports efforts to educate Americans about infant mortality and its contributing factors;

(3) supports efforts to reduce infant deaths, low-birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and its contributing factors as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month during September 2009 with appropriate programs and activities.

**SENATE RESOLUTION 300—SUP-  
PORTING THE GOALS AND  
IDEALS OF FIRE PREVENTION  
WEEK AND THE WORK OF FIRE-  
FIGHTERS IN EDUCATING AND  
PROTECTING THE COMMUNITIES  
OF THIS NATION**

Ms. COLLINS (for herself, Mr. CARPER, Mr. DODD, Mr. MCCAIN, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

**S. RES. 300**

Whereas since the organization of the first fire departments during the colonial era of this Nation, firefighters have maintained their dedication to protecting the health and safety of the American public;

Whereas firefighters presently provide a multitude of services to our communities, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas 103 firefighters lost their lives in the line of duty in 2008;

Whereas the Nation's fire departments respond to emergency calls nearly once per second and are dispatched to fire emergencies every 22 seconds;

Whereas approximately 1,145,000 fires were reported in 2008;

Whereas firefighters always respond with courage, whether they are confronted with acts of terrorism, natural disasters, or other emergencies;

Whereas Fire Prevention Week is the longest running public health and safety observance on record, as firefighters have been honored for their role in educating the American public since the first Fire Prevention Week was declared by President Warren G. Harding in 1922;

Whereas the National Fire Protection Association has designated the week of October 4 through October 10, 2009, as Fire Prevention Week; and

Whereas educating all Americans to "Stay Fire Smart" continues to be a priority for all firefighters: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the work of firefighters in educating and protecting the communities of this Nation; and

(2) supports the goals and ideals of Fire Prevention Week.

**SENATE CONCURRENT RESOLU-  
TION 42—PROVIDING FOR THE  
ACCEPTANCE OF A STATUE OF  
HELEN KELLER, PRESENTED BY  
THE PEOPLE OF ALABAMA**

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following concurrent resolution; which was considered and agreed to:

**S. CON. RES. 42**

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the "double dungeon of darkness and silence" by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became "America's Goodwill Ambassador to the World";

Whereas Helen pioneered the concept of "talking books" for the blind;

Whereas LIFE Magazine hailed Helen as "one of the 100 most important Americans of the 20th Century—a national treasure"; and

Whereas Helen's presence in the Capitol will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That—

**SECTION 1. ACCEPTANCE OF HELEN KELLER,  
FROM THE PEOPLE OF ALABAMA,  
FOR PLACEMENT IN THE CAPITOL.**

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

**SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.**

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

**SENATE CONCURRENT RESOLU-  
TION 43—AUTHORIZING THE USE  
OF THE ROTUNDA OF THE CAP-  
ITOL FOR THE PRESENTATION  
OF THE CONGRESSIONAL GOLD  
MEDAL TO FORMER SENATOR  
EDWARD BROOKE**

Mr. MCCONNELL (for himself and Mr. REID) submitted the following concurrent resolution; which was considered and agreed to:

**S. CON. RES. 43**

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 co-sponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice vote and a similar measure, H.R. 1000 was introduced in the House by Representative ELKANOR HOLMES NORTON with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110-260: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.**

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2588. Mr. FRANKEN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

SA 2589. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2590. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2591. Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2592. Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON, of Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2593. Mr. LEVIN (for himself, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2594. Mr. SHELBY (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2595. Mr. LIEBERMAN (for himself, Mr. SESSIONS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2596. Mr. BOND (for himself, Mr. NELSON, of Florida and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2597. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2598. Mr. BROWNBACK (for himself, Mr. DORGAN, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2599. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2600. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2601. Mr. SANDERS (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2602. Mr. GRAHAM submitted an amendment intended to be proposed by him

to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2603. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2604. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2605. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2606. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2607. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2608. Mr. KYL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2609. Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2610. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2611. Mr. WYDEN (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. HARKIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2612. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2613. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2614. Mr. NELSON of Nebraska (for himself, Mr. CORNYN, Mr. SCHUMER, Mr. CHAMBLISS, Mr. BENNETT, Mr. JOHANNES, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2615. Mrs. HAGAN (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3326, supra.

SA 2616. Mr. LIEBERMAN (for himself, Mr. BAYH, Mr. MCCAIN, Mr. INHOFE, Mr. VITTER, Mr. KYL, Mr. SESSIONS, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2617. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2618. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2619. Mr. INHOFE (for himself, Mr. WARNER, Mr. WEBB, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2620. Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2621. Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Flor-

ida, Mr. INHOFE, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2622. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2610 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2623. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 2588.** Mr. FRANKEN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

**SA 2589.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act or any other Act may be used for the program described on page two of Annex II to the Classified Annex to S. 1494 (111th Congress, agreed to in the Senate on September 16, 2009) prior to the date that the staff of the Select Committee on Intelligence of the Senate is provided access to such program, as described in such Classified Annex.

**SA 2590.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) FINDINGS.—The Senate makes the following findings:

(1) The President has emphasized the need for a comprehensive, regional, inter-agency strategy for Afghanistan and Pakistan.

(2) The President has rightly focused on the need to address the threat emanating from the Afghanistan-Pakistan border region.

(3) On September 20, 2009, the President stated that he will ask how any proposed strategy ensures that “. . . al Qaeda and its extremist allies cannot attack the United States homeland, our allies, [and] our troops who are based in Europe”.

(4) United States troop levels in Afghanistan have doubled over the last year.

(5) On September 20, 2009, the President cautioned against the idea that “by sending more troops [to Afghanistan] we’re automatically going to make Americans safe”.

(6) 2009 has already become the deadliest year for United States troops in Afghanistan.

(7) General McChrystal has stated that it “is realistic to expect that Afghan and coalition casualties will increase”.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President has brought needed leadership and focus to one of the key national security challenges facing the United States; and

(2) if the President decides to increase United States troop levels in Afghanistan, before doing so he should provide Congress and the American people with information on the following:

(A) The expected costs of the increased troop levels.

(B) The expected length of time for which troop levels will be increased.

(C) The likelihood that the increase in troop levels will advance United States efforts to eliminate al Qaeda’s safe haven in Pakistan.

(D) The likelihood that the ongoing United States military presence in Afghanistan will increase militancy and instability in Afghanistan and Pakistan.

**SA 2591.** Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of Florida and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense, for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP).

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the contract explicitly requires the contractor—

(A) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with the United States National Electric Code in work under such contract;

(B) monitor and immediately correct deficiencies in the quality of any potable or non-potable water provided under such contract

to ensure that safe and sanitary water is provided; and

(C) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors;

(2) the waiver is necessary for the provision of essential services to troops in the field; or

(3) the work under such contract does not present an imminent threat of death or serious bodily injury.

**SA 2592.** Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP) unless the Secretary of the Army determines that the contract explicitly requires the contractor—

(1) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with the United States National Electric Code in work under the contract;

(2) monitor and immediately correct deficiencies in the quality of any potable or non-potable water provided under the contract to ensure that safe and sanitary water is provided; and

(3) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors.

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the waiver is necessary for the provision of essential services to troops in the field; or

(2) the work under such contract does not present an imminent threat of death or serious bodily injury.

**SA 2593.** Mr. LEVIN (for himself, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) HEARINGS ON STRATEGY AND RESOURCES WITH RESPECT TO AFGHANISTAN AND PAKISTAN.—Appropriate committees of Congress shall hold hearings, in open and closed session, relating to the strategy and resources of the United States with respect to Afghanistan and Pakistan promptly after the decision by the President on those matters is announced.

(b) TESTIMONY.—The hearings described in subsection (a) should include testimony from senior civilian and military officials of the United States, including, but not limited to, the following:

(1) The Secretary of Defense.

(2) The Secretary of State

(3) The Chairman of the Joint Chiefs of Staff.

(4) The Commander of the United States Central Command.

(5) The Commander of the United States European Command and Supreme Allied Commander, Europe.

(6) The Commander of United States Forces-Afghanistan.

(7) The United States Ambassador to Afghanistan.

(8) The United States Ambassador to Pakistan.

**SA 2594.** Mr. SHELBY (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) REPORT ON GROUND-BASED INTERCEPTOR MISSILES.—Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the utilization of funds to maintain the production line of Ground-Based Interceptor (GBI) missiles. The report shall include a plan for the utilization of funds for Ground-Based Interceptor missiles made available by this Act for the Midcourse Defense Segment, including—

(1) the number of Ground-based Interceptor missiles proposed to be produced during fiscal year 2010; and

(2) any plans for maintaining production of such missiles and the subsystems and components of such missiles.

(b) REPORT ON GROUND-BASED MIDCOURSE DEFENSE SYSTEM.—Not later than 120 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the acquisition strategy for the Ground-Based Midcourse Defense (GMD) system during fiscal years 2011 through 2016. The report shall include a description of the plans of the Missile Defense Agency for each of the following:

(1) To maintain the capability for production of Ground-Based Interceptor missiles.

(2) To address modernization and obsolescence of the Ground-Based Midcourse Defense system.

(3) To conduct a robust test program for the Ground-Based Midcourse Defense system.

**SA 2595.** Mr. LIEBERMAN (for himself, Mr. SESSIONS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile

defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

**SA 2596.** Mr. BOND (for himself, Mr. NELSON of Florida, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) LIMITATION ON EARLY RETIREMENT OF TACTICAL AIRCRAFT.—The Secretary of the Air Force may not retire any tactical aircraft as announced in the Combat Air Forces structuring plan announced on May 18, 2009, until the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report described in this subsection is a report that sets forth the following:

(1) A detailed plan for how the Secretary of the Air Force will fill the force structure and capability gaps resulting from the retirement of tactical aircraft under the structuring plan described in subsection (a).

(2) A description of the follow-on missions for each base affected by the structuring plan.

(3) An explanation of the criteria used for selecting the bases referred to in paragraph (2) and for the selection of tactical aircraft for retirement under the structuring plan.

(4) A plan for the reassignment of the regular and reserve Air Force personnel affected by the retirement of tactical aircraft under the structuring plan.

(5) An estimate of the cost avoidance to be achieved by the retirement of such tactical aircraft, and a description how such funds would be invested under the period covered

by the most current future-years defense program.

**SA 2597.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. It is the sense of the Senate to urge the Secretary of Defense to establish in the Department of Defense a single training center for the civilian law enforcement force of the Department of Defense in order to—

(1) promote the standardization of civilian law enforcement training throughout the Department; and

(2) ensure that post, camps, and stations of the Department have a civilian law enforcement force adequate to ensure that mission commanders in the Armed Forces have access to adequate numbers of active duty military law enforcement personnel to deploy and support ongoing contingency operations.

**SA 2598.** Mr. BROWNBACK (for himself, Mr. DORGAN, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES.

(a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

**SA 2599.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) It is the sense of Congress that the Haiti Stabilization Initiative (HSI) has proven successful in combining defense, diplomatic, and development assets in a focused mission addressing the root causes of instability in Haiti.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an unclassified report on the Haiti Stabilization Initiative.

(2) The report required under this subsection shall address—

(A) the role of the Haiti Stabilization Initiative in contributing to security, stability, and development in Cité Soleil and Martissant, Haiti, and recommendations for the possible expansion of the program in other parts of Haiti; and

(B) challenges and lessons learned from HSI as a model for interagency cooperation on security and stability programs.

**SA 2600.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, \$20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

**SA 2601.** Mr. SANDERS (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the

amounts appropriated or otherwise made available by title IX. \$20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

**SA 2602.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title III under the heading "PROCUREMENT, DEFENSE-WIDE" is hereby increased by \$9,740,000, with the amount of the increase to be available for the Special Operations Forces Combat Assault Rifle (SCAR) in accordance with amounts requested for that rifle in the budget of the President for fiscal year 2010.

**SA 2603.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

**SA 2604.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) In collaboration with the Secretary of Defense, the Secretary of State shall develop a plan for replacing private security contractors with United States Gov-

ernment personnel within one year after the date of the enactment of this Act at United States missions in war zones where the United States Armed Forces are engaged in combat operations.

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit the plan developed under subsection (a) to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 2605.** Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) AMOUNT FOR EVALUATIONS OF CERTAIN LASER SYSTEMS.—Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE" and available for Advanced Weapons Technology (PE# 0603605F), up to \$5,000,000 may be available to carry out the evaluations and analyses required by subsection (b).

(b) EVALUATIONS AND ANALYSES OF CERTAIN LASER SYSTEMS.—The Secretary of Defense shall, in a manner consistent with the October 8, 2008, report of the Air Force Scientific Advisory Board entitled "Airborne Tactical Laser (ATL) Feasibility for Gunship Operations"—

(1) carry out additional enhanced user evaluations of the Advanced Tactical Laser system on a variety of instrumented targets; and

(2) enter into an agreement with a federally funded research and development center under which the center shall—

(A) conduct an analysis of the feasibility of integrating solid state laser systems onto C-130, B-1, and F-35 aircraft platforms to provide close air support; and

(B) estimate the cost per unit of such laser systems and the cost of operating and maintaining each such platform with such laser systems.

**SA 2606.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE" is hereby reduced by \$10,000,000, with the amount of the reduction to be allocated to amounts available for the Maui Space Surveillance System (MSSS) for PanSTARRS.

**SA 2607.** Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending Sep-

tember 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title IX under the heading "AFGHANISTAN SECURITY FORCES FUND" is hereby increased by \$900,000,000, with the amount designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 2608.** Mr. KYL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title IX under the heading "AFGHANISTAN SECURITY FORCES FUND" is hereby increased by \$900,000,000.

**SA 2609.** Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) COMPTROLLER GENERAL ASSESSMENT OF PHASED ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.—The Comptroller General of the United States shall submit to Congress a report setting forth the assessment of the Comptroller General of the so-called "Phased Adaptive" approach to missile defense in Europe.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) A comparison of the capabilities, schedule, cost, technology risk, requirements for basing agreements, and geopolitical implications of the "Phased Adaptive" approach to missile defense in Europe, as proposed by the Department of Defense on September 17, 2009, with the approach to missile defense in Europe, as outlined in the budget for fiscal year 2009 for the Department of Defense and the future-years defense program, to provide short, medium, intermediate and long-range missile defense capabilities for the protection of the United States its deployed forces, and allies against the threat of Iranian ballistic missiles

(2) A review of the intelligence data used to inform each of the approaches.

(c) DEADLINE AND FORM OF SUBMITTAL.—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2011 (as submitted pursuant to section 1105 of title 31, United States Code). The report may be submitted in the form of an initial briefing provided not later than such submittal date, with a written report submitted not later than 30 days after such initial briefing.

**SA 2610.** Mr. SESSIONS submitted an amendment intended to be proposed by

him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act for the KC-X tanker aircraft replacement program may be obligated or expended until the Secretary of the Air Force releases comparable pricing data to both offerors under the previous competition for that program.

**SA 2611.** Mr. WYDEN (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. HARKIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) **BENEFITS UNDER PDMRA PROGRAM.**—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) **BENEFITS.**—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) **EXCLUSION OF CERTAIN FORMER MEMBERS.**—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) **FORM OF PAYMENT.**—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(e) **CONSTRUCTION WITH OTHER PAY AND LEAVE.**—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(f) **DEFINITIONS.**—In this section:

(1) The term “Post-Deployment/Mobilization Respite Absence program” means the

program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(g) **TERMINATION.**—(1) The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

**SA 2612.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. During the one-year period beginning on the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be obligated or expended to carry out section 7306a or 7306b of title 10, United States Code, with respect to any naval vessel stricken from the Naval Vessel Register.

**SA 2613.** Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) Beginning 90 days after the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

**SA 2614.** Mr. NELSON of Nebraska (for himself, Mr. CORNYN, Mr. SCHUMER, Mr. CHAMBLISS, Mr. BENNETT, Mr. JOHANNES, and Mr. WEBB) submitted an amendment intended to be proposed by

him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to \$15,000,000 may be available for the implementation by the Department of Defense of the responsibilities of the Department under the Military and Overseas Voter Empowerment Act and the amendments made by that Act.

**SA 2615.** Mrs. HAGAN (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies pending as of the date of the enactment of this Act.

**SA 2616.** Mr. LIEBERMAN (for himself, Mr. BAYH, Mr. MCCAIN, Mr. INHOFE, Mr. VITTER, Mr. KYL, Mr. SESSIONS, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) **FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.**—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) **PROHIBITION ON DIVERSION OF FUNDS.**—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) **REPORT.**—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency



will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

**SA 2617.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

**SA 2618.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of the Army to transition government-owned ammunition production assets to the private sector until 60 days after the Secretary submits a report to the congressional defense committees on the effects of privatizing conventional ammunition production, military readiness, and the United States industrial base. The report shall include, at a minimum, the following:

(1) A cost-benefit analysis for converting additional government-owned ammunition production assets to the private sector, including cost-savings comparisons.

(2) A projection of the impact on the ammunition production industrial base in the United States of converting such assets to the private sector.

(3) A projection of the capability to meet current and future ammunition production and national security requirements by both government-owned and private sector ammunition production assets, as well as a combination of the two production assets.

(4) A projection of potential impact on military readiness as a result of imple-

menting Department of Defense Directive 5160.65.

(5) An implementation plan for the Department of the Army to transition such assets to the private sector, pursuant to Department of Defense Directive 5160.65.

**SA 2619.** Mr. INHOFE (for himself, Mr. WARNER, Mr. WEBB, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE” and available for Program Element #060300, up to \$4,000,000 may be available for the Rehabilitation Technology Transition Center.

**SA 2620.** Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) FINDINGS.—The Senate makes the following findings:

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is “all-in” for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force’s E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included \$205,000,000 in Aircraft Procurement, Air Force, and \$16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President’s Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Funds for re-engining of the E-8C Joint Surveillance Target Attack Radar System (Joint STARS) aircraft should be appropriated in accordance with the budget request of the President for fiscal year 2010; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

**SA 2621.** Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. INHOFE, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the first word, and insert the following:

(a) FINDINGS.—The Senate makes the following findings:

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is “all-in” for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force’s E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the

battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included \$205,000,000 in Aircraft Procurement, Air Force, and \$16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Funds for re-engining of the E-8C Joint Surveillance Target Attack Radar System (Joint STARS) should be appropriated in the correct appropriations accounts and in the amounts required in fiscal year 2010 to execute the Joint STARS re-engining system design and development program; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

**SA 2622.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2610 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act for

the KC-X tanker aircraft replacement program may be obligated or expended unless the Secretary of the Air Force includes in the request for proposals for such program penalties for any proposal based on an aircraft that benefitted from development subsidies identified by the United States Trade Representative as illegal. Any penalties so imposed on a proposal shall be proportional (as determined by the Secretary in consultation with the United States Trade Representative) to the competitive advantage the proposal receives due to such illegal development subsidies.

**SA 2623.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) NATURE OF FULL AND OPEN COMPETITION FOR CONGRESSIONALLY DIRECTED SPENDING ITEMS.—Each congressionally directed spending item specified in this Act or the report accompanying this Act that is intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) CONGRESSIONALLY DIRECTED SPENDING ITEM DEFINED.—In this section, the term “congressionally directed spending item” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark for purposes of rule XXI of the House of Representatives.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, October 8, 2009, at 10 a.m., in room SE-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Marcia K. McNutt, to be Director of the United States Geological Survey, and Arun Majumdar, to be Director of the Advanced Research Projects Agency-Energy, Department of Energy.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda\_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FINANCE

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 1, 2009, at 10:30 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 1, 2009, at 10 a.m., to hold a hearing entitled “Afghanistan's Impact on Pakistan.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 1, 2009, at 2:30 p.m., to hold a hearing entitled “Violence against Women: Global Costs and Consequences.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 1, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 1, 2009, at 9:30 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 1, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.



## PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Madam President, I ask unanimous consent that a military fellow in my office, MAJ John Vargas, be granted the privilege of the floor for the duration of the debate on the fiscal year 2010 Defense appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent that Andrew Julson, of Senator DEMINT's staff, be granted the privilege of the floor during the duration of the debate on H.R. 3326.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that LCDR Steven McDowell, a Navy fellow in Senator COLLINS' office, be provided full floor privileges for the duration of the consideration of H.R. 3326.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROVIDING FOR THE ACCEPTANCE OF A STATUE OF HELEN KELLER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 42.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 42) providing for the acceptance of a statue of Hellen Keller, presented by the people of Alabama.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 42) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

## S. CON. RES. 42

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the "double dungeon of darkness and silence" by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became "America's Goodwill Ambassador to the World";

Whereas Helen pioneered the concept of "talking books" for the blind;

Whereas LIFE Magazine hailed Helen as "one of the 100 most important Americans of the 20th Century—a national treasure"; and

Whereas Helen's presence in the Capitol will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

## SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

## SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

## AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 43.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 43) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 43) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

## S. CON. RES. 43

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 co-sponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice vote and a similar measure, H.R. 1000 was introduced in the House by Representative Eleanor Holmes Norton with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110-260: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

## SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

## FILIPINO AMERICAN HISTORY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 298.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 298) recognizing Filipino American History Month in October 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 298) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 298

Whereas the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the first "Luzones Indios" set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Señora de Esperanza;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo,

Louisiana, which set in motion the focus on the story of our Nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas the Filipino-American community is the second largest Asian-American group in the United States, with a population of approximately 3,100,000 people;

Whereas Filipino-American servicemen and servicewomen have a longstanding history serving in the Armed Services, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Filipino Americans are an integral part of the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2009; Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Filipino American History Month 2009 as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month 2009 with appropriate programs and activities.

#### NATIONAL INFANT MORTALITY AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 299.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 299) expressing support for the goals and ideals of National Infant Mortality Awareness Month 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 299) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 299

Whereas infant mortality refers to the death of a baby before his or her first birthday;

Whereas the United States ranks 29<sup>th</sup> among industrialized nations in the rate of infant mortality;

Whereas premature birth, low-birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine, costs the United States more than \$26,000,000,000 annually;

Whereas infant mortality rates can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low-birth weight;

Whereas the United States Department of Health and Human Services, through the Office of Minority Health, has implemented the "A Healthy Baby Begins With You" campaign;

Whereas public awareness and education campaigns on infant mortality are held during the month of September 2009; and

Whereas September 2009 has been designated as National Infant Mortality Awareness Month; Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2009;

(2) supports efforts to educate Americans about infant mortality and its contributing factors;

(3) supports efforts to reduce infant deaths, low-birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and its contributing factors as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month during September 2009 with appropriate programs and activities.

#### FIRE PREVENTION WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate now

proceed to the consideration of S. Res. 300, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 300) supporting the goals and ideals of Fire Prevention Week and the work of firefighters in educating and protecting the communities of this Nation.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I rise in support of S. Res. 300, supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week. Senators CARPER, DODD, and MCCAIN join me in sponsoring this resolution to honor and promote the life-saving work of the National Fire Protection Association.

Fire prevention is an ancient concern. Two thousand years ago, the city of Rome not only had had thousands of paid firefighters, but also wardens who would patrol the streets and enforce fire-prevention laws.

Thousands of American cities and towns such as San Francisco, Chicago, and Portland, ME, have suffered disastrous fires in the past. Even in our agrarian, Colonial era, cities such as Boston and Philadelphia were organizing paid and volunteer fire companies to fight the hazards of fire.

Today, flames continue to exact a deadly toll on citizens and firefighters every year. The National Fire Protection Association reports that in 2008, an estimated 1.45 million fires in this country killed nearly 3,320 civilians and injured another 16,705, while also killing 103 firefighters.

When President Harding designated the first Fire Prevention Week in 1922, fires were killing about 15,000 Americans every year. Advances in safety technology, education, fire prevention, and firefighting have brought great progress in reducing the number of fatalities, especially considering the great increase in population. But fire still poses an enormous threat to life, health, and property of all Americans.

As a cochair of the Congressional Fire Services Caucus, I have proudly joined in bipartisan efforts to honor the heroic service of our firefighters and to support legislation to assist them in securing the personnel, equipment, training, and benefits they need. Today, I am proud to submit this resolution to support their work in educating the public on the vital concern of fire prevention.

The more people understand the importance of avoiding fire hazards and dangerous practices, of installing and maintaining smoke alarms, and of planning escape routes, the fewer lives will be lost among our citizens and our firefighters.

I thank my colleagues for joining me in support of this resolution in support

of our firefighters' work and of the Fire Prevention Week of October 4 through 10, 2009.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 300

Whereas since the organization of the first fire departments during the colonial era of this Nation, firefighters have maintained their dedication to protecting the health and safety of the American public;

Whereas firefighters presently provide a multitude of services to our communities, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas 103 firefighters lost their lives in the line of duty in 2008;

Whereas the Nation's fire departments respond to emergency calls nearly once per second and are dispatched to fire emergencies every 22 seconds;

Whereas approximately 1,145,000 fires were reported in 2008;

Whereas firefighters always respond with courage, whether they are confronted with acts of terrorism, natural disasters, or other emergencies;

Whereas Fire Prevention Week is the longest running public health and safety observance on record, as firefighters have been honored for their role in educating the American public since the first Fire Prevention Week was declared by President Warren G. Harding in 1922;

Whereas the National Fire Protection Association has designated the week of October 4 through October 10, 2009, as Fire Prevention Week; and

Whereas educating all Americans to "Stay Fire Smart" continues to be a priority for all firefighters: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the work of firefighters in educating and protecting the communities of this Nation; and

(2) supports the goals and ideals of Fire Prevention Week.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, you will note my closing script is here. I will end after 9 o'clock tonight. I think that is fairly clear.

#### ORDERS FOR MONDAY, OCTOBER 5, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, October 5; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to the consideration of H.R. 2847, the Commerce-Justice-Science appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, does the Chair agree with me, it is after 9 o'clock?

The PRESIDING OFFICER. The Chair agrees with the majority leader.

#### PROGRAM

Mr. REID. Mr. President, as previously announced, there will be no rollcall votes on Monday.

#### ADJOURNMENT UNTIL MONDAY, OCTOBER 5, 2009, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9 p.m., adjourned until Monday, October 5, 2009, at 2 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

CHRISTINE H. FOX, OF VIRGINIA, TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION, DEPARTMENT OF DEFENSE. (NEW POSITION)

##### EXPORT-IMPORT BANK OF THE UNITED STATES

ROSZELL HUNTER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE J. JOSEPH GRANDMAISON, TERM EXPIRED.

##### NATIONAL TRANSPORTATION SAFETY BOARD

MARK R. ROSEKIND, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2009, VICE KATHRYN HIGGINS, RESIGNED.

MARK R. ROSEKIND, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2014. (REAPPOINTMENT)

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PAUL K. MARTIN, OF MARYLAND, TO BE INSPECTOR GENERAL, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE ROBERT WATSON COBB.

##### SOCIAL SECURITY ADMINISTRATION

CAROLYN W. COLVIN, OF MARYLAND, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2013, VICE ANDREW G. BIGGS, RESIGNED.

##### DEPARTMENT OF LABOR

SARA MANZANO-DIAZ, OF PENNSYLVANIA, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE SHINAE CHUN, RESIGNED.

## EXTENSIONS OF REMARKS

### A PROCLAMATION HONORING MATT WHEELER FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

#### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Matt Wheeler showed hard work and dedication to the sport of baseball; and

Whereas, Matt Wheeler was a supportive team player; and

Whereas, Matt Wheeler always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Matt Wheeler on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

#### HONORING MARSHALL AND MARJORIE BARLOW

#### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to congratulate Marshall and Marjorie Barlow for being selected for the 2009 Angels in Adoption Award. This award is to honor the tremendous and selfless work of two of my constituents that has enriched the lives of foster children and orphans. I believe the Barlow family is truly deserving of this high honor and I want to commend them for their service to our community.

According to most recent data from the Department of Health and Human Services, in 2006, 79,000 children were taken away from their parents in the court systems but only 51,000 were adopted. According to the same data, in 2006, there were a total of 510,000 children in the U.S. foster care system that needed a safe environment to live. These startling facts demonstrate that foster care families, like the Barlows, are so tremendously important for helping and preserving our nation's most valuable investment for the future, our children.

Marshall and Marjorie have gone consistently above and beyond the call of duty by taking on a rather specialized role in the foster care system. In addition to over 400 children who have entered their doors, the Barlow family serves as an assessment family. Assessment families are on call 24 hours a day, 7 days a week in order to ensure that a potential

adopting family meets the requirements for providing a safe and caring environment for the children.

The Barlow family also shows their deep and personal dedication to the foster care system through many different aspects of their own lives. For example, their household contains what they call a "virtual store," a collection of clothes, toys, and care items for children of all ages. Another example of their generosity is when Marjorie and Marshall, already parents of three, opened their family to one of their foster children. The first young woman that they took in was pregnant and they helped her give birth to the first child that they adopted into their own family, Taliyah.

Marshall and Marjorie Barlow are truly deserving of this honor and recognition for their dedication to such a noble cause. The Barlow family is a true inspiration to us for touching the lives of so many children that desperately need our help.

#### IN HONOR OF DR. BENJAMIN F. PAYTON

#### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. BISHOP of Georgia. Madam Speaker, I rise today to pay tribute to Dr. Benjamin F. Payton of Tuskegee, AL. Dr. Payton will retire next year after 28 years as the president of Tuskegee University. During his tenure, he guided the university through unprecedented growth and development.

A native of Orangeburg, SC, Dr. Payton graduated Phi Beta Kappa from South Carolina State University in 1955 with a B.A. in social studies. He went on to receive a B.D. from Harvard in political theology, an M.A. from Columbia in the philosophy of religion, and a Ph.D. in social ethics from Yale.

Prior to joining Tuskegee, Dr. Payton was program officer of Higher Education and Research at the Ford Foundation in New York City (1972–81); president of Benedict College in Columbia, SC (1967–72); executive director of the Commission on Religion and Race at the Department of Social Justice at the National Council of Churches in the U.S.A. (1966–67); director of the Office of Church and Race at the Protestant Council of the City of New York (1965–66); and an assistant professor at Howard University in Washington, DC (1963–65).

Dr. Payton has served Tuskegee since 1981. Among his many accomplishments at the university, he established and developed a number of programs for students in the fields of engineering, health care, bioethics, and business.

Additionally, he has been instrumental in raising funds for various renovation and im-

provement projects on campus, has helped to increase the endowment almost sevenfold, and has served as a shining example of leadership and moral courage for every student who steps on the Tuskegee University campus.

He has received three Presidential appointments, first by President Ronald Reagan to the Board for International Food and Agricultural Development, by President George H. Bush to lead the Task Force on Agricultural and Economic Development to Zaire, and most recently by President George W. Bush to chair the Advisory Board on Historically Black Colleges and Universities.

Madam Speaker, it is my distinct honor to recognize Dr. Benjamin F. Payton on the occasion of his retirement and I commend him for his dedication, outstanding leadership and, above all, thank him for his years of sacrifice, hard work, and service to his community and to the United States.

#### RECOGNIZING INDIANA UNIVERSITY OF PENNSYLVANIA'S COMMITMENT TO OUR STUDENTS AND COMMUNITY

#### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. MURTHA. Madam Speaker, Indiana University of Pennsylvania (IUP) has been providing quality, affordable higher educational opportunities to students since 1875.

With over 14,000 students, 1,600 employees, and an annual operating budget of nearly \$250 million, IUP is one of the top economic drivers in Indiana County, and the reason why unemployment rates there fall well below the national and state averages.

In this tough economy, IUP has the largest student enrollment in University history, and has been frequently ranked as a "best value for public colleges and universities."

Madam Speaker, when my grandfather, Charles Ray, graduated from IUP in 1902, there were only twenty-five students in his class. Twenty-five years later, my mother graduated from IUP, and by the time my daughter graduated from IUP the University had over 10,000 students.

Having worked with IUP over the last few decades, I have witnessed both their academic achievements and their strong leadership within our community. University officials work hand-in-hand with our local and state representatives to identify projects that have the greatest academic impact on our students and the greatest economic impact on our community.

The Foundation for IUP is currently working with city and county officials to make a series of main street improvements to downtown Indiana. The Foundation's \$500,000 investment

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

is transforming the city's main thoroughfare and improving the livability of our community.

IUP is near the completion of a multi-phase residential revival program, a \$270 million public-private collaboration that is the largest of its kind in the nation. These new student housing facilities integrate "living-learning" space and are beautifying both the campus and community.

Most recently, IUP began construction of a 150,000 square-foot convention and athletic complex. The complex, built on the site of a former salvage company, will provide IUP and the community with space to accommodate large events that will bring in both patrons and revenue.

Madam Speaker, I rise to commend the achievements of Indiana University of Pennsylvania, and to thank them for their exceptional commitment to our students and to our community.

**A PROCLAMATION HONORING  
JOHNNY IACOBUCCI FOR WIN-  
NING THE BOYS' DIVISION III  
STATE BASEBALL CHAMPION-  
SHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Johnny Iacobucci showed hard work and dedication to the sport of baseball; and

Whereas, Johnny Iacobucci was a supportive team player; and

Whereas, Johnny Iacobucci always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Johnny Iacobucci on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

**COPPER QUEEN COMMUNITY  
HOSPITAL 125TH ANNIVERSARY**

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the Copper Queen Community Hospital, which has been providing exceptional healthcare in Bisbee and Southeastern Arizona for 125 years.

Copper Queen Community Hospital began serving residents in this historic mining community of Bisbee in the 1880s. Like the community it serves, the hospital has come a long way since those rough and tumble days, when its medical care was offered in a mining cave.

The first hospital building was built by the mining companies in 1900—a dozen years before Arizona even became a state. Twenty-six

years later, a new hospital was constructed to provide services to the miners and other patients. At that time, Bisbee was a thriving and bustling community, a town that grew prosperous because of copper, gold, silver and other minerals.

Today's current hospital building opened in 1961, thanks to the Phelps Dodge Corporation. It was operated by the mining company until 1976, when the hospital and all equipment were donated to the Cochise County Hospital Association. At that time, the Bisbee Hospital Association was established to oversee hospitals operations and to ensure that Southeastern Arizona had access to necessary medical services and high-quality patient care. This new association was open to community members and leaders, beginning a tradition of community involvement that continues to this day.

The Copper Queen Community Hospital of 2009 is a 14-bed critical-access, non-profit facility that provides a full range of medical services to residents of Bisbee and Cochise County. In recent years, clinics in outlying areas have extended healthcare to rural communities.

The hospital's strong commitment to rural healthcare makes it a worthy recipient of federal assistance. Needed funding allows for the ever expansion of the emergency room, improvement in patient services and help for those in need in Cochise County.

For more than a century, Copper Queen Community Hospital has held true to its mission of providing access to primary healthcare in southeastern Cochise. The hospital is one of only four in Arizona to be on the list of the 100 Top Regional Hospitals in the United States. It plays a critical role in the delivery of medical services to the people of Congressional District 8.

I am proud to join with a grateful community to commend Copper Queen Community Hospital for its long tradition of quality healthcare and I wish it continued success.

**CONGRATULATIONS CHANCELLOR  
ANGELA MERKEL**

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. WILSON of South Carolina. Madam Speaker, on September 29, 2009, The New York Times reported that "Europe's Socialists Suffering Even in Downturn." This comes on the heels of the September 27th elections in Germany where the socialist parties fared poorly receiving only 23 percent of the vote—their worst result since World War II.

I want to congratulate Chancellor Angela Merkel on her re-election to the position of chancellor and commend her on her capable and strong leadership for the German people and in the world community. She now leads a coalition made up of the Christian Democrats and Free Democrats who received 33.8 percent and 15 percent of the vote respectively.

Following her original election, Merkel was the first person from the former East Germany to assume the post of chancellor of the unified

Germany. This is a tremendous achievement since she grew up under the communism of East Germany.

With a center-right majority, Chancellor Merkel will continue to lead with conservative principles towards greater prosperity. Germany will continue to be a vital member of NATO promoting peace through strength.

I am grateful for my German heritage which German Ambassador Klaus Scharioth substantiated for me this year. My ancestor Daniel Weisiger was born in Frankfurt in 1709 and immigrated in 1731, from Rotterdam, the Netherlands, to Philadelphia, Pennsylvania. He settled in Chesterfield County, Virginia. I am proud to continue my German heritage with my first name being Addison, even though my nickname is Joe. My second son and first grandson now continue the name Addison.

**A PROCLAMATION HONORING JIM  
MONIGOLD FOR WINNING THE  
BOYS' DIVISION III STATE BASE-  
BALL CHAMPIONSHIP**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Jim Monigold showed hard work and dedication to the sport of baseball; and

Whereas, Jim Monigold was a supportive coach; and

Whereas, Jim Monigold always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Jim Monigold on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

**AIDING AMERICAN SAMOA IN  
QUAKE AND TSUNAMI RECOVERY  
EFFORTS**

**HON. DONNA M. CHRISTENSEN**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mrs. CHRISTENSEN. Madam Speaker, I once again today rise to extend my thought and prayers to the victims of the 8.0 magnitude earthquake and the subsequent tsunami that devastated our brothers and sisters in the U.S. territory in the South Pacific, American Samoa and Western Samoa.

And my heart and that of all Virgin Islanders go out with sympathy to those that have lost loved ones as a result of yesterday's tragedy.

As the Congresswoman from the U.S. Virgin Islands, a community of islands that are also vulnerable to tropical disasters, and former chair of the Subcommittee on Insular Affairs, I am well aware of the toll that it can take on people, on infrastructure, on our time and resources but most especially—individuals and

families. And the emotional repercussions go on long after the physical recovery is done.

Having visited American Samoa on several occasions and Western Samoa once, I know of the many struggles especially faced by the people of American Samoa, but I also know of their close family and community ties, their strength of spirit and most importantly, their faith.

The people of my district, the U.S. Virgin Islands and I stand in solidarity with the people of American Samoa at this time of their great distress.

I extend my support of our colleagues and friend—the Dean of the territorial delegation—Congressman ENI FALEOMAVAEGA as we make the necessary arrangements to mobilize and deploy the urgently needed emergency assistance that our President has directed, and assure them that the American people and the people of the other offshore territories stand ready to assist them in their time of need.

As I said earlier, the people of American Samoa and Western Samoa are a strong and resilient people. I know that their faith and their strong cultural bonds and traditions will help; they meet this present challenge, as they have ones that have come before.

On behalf of myself, my staff and the people of the Virgin Islands, please know that you can count on us in your hour of need, but also as you move forward in recovery and then to address the other longstanding challenges that your leaders so clearly and passionately outlined for us when we were there last month.

#### EXPRESSING SUPPORT FOR THE PEOPLE OF AMERICAN SAMOA

##### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. RAHALL. Madam Speaker, I rise to express my heartfelt condolences and deepest sympathies to the people of American Samoa as they cope with the effects of the powerful earthquake and tsunami that struck American Samoa, Independent Samoa and Tonga yesterday, September 29, 2009.

Our fellow Americans in American Samoa are presently facing tragic losses of life and property as a result of the most devastating of circumstances. It has been reported that survivors of the deadly earthquake-triggered tsunami described how they watched the in-rushing sea swallow up coastal towns and villages leaving devastation in its wake.

At least 111 people are confirmed killed in Independent Samoa, American Samoa's neighbor to the north and on Tonga and officials in the Polynesia region have expressed fears the toll will rise as rescue workers struggle to reach outlying villages submerged and flattened by the wave.

Additionally the island is without telephone service; homes and government buildings have been destroyed and the airport runway has been severely damaged. I applaud President Obama for his prompt response in declaring this a major disaster. I also want to commend our colleague, Congressman ENI FALEOMAVAEGA for his efforts facilitating the relief efforts that are currently underway.

Last month, I had the distinct pleasure of visiting American Samoa where we were graciously hosted by my good friend Congressman ENI FALEOMAVAEGA and the American Samoa Fono. In Pago Pago and the village of Leone, two areas severely hit, we were showered with beautiful and ornate traditional gifts and received with the warmest of welcomes and hospitality.

American Samoans in the Pacific and in the mainland United States are an integral part of our country's history and of our American social fabric. They are our brothers who fight valiantly in our wars and contribute immensely to the prosperity of our country. Today, I send my thoughts and prayers to the victims and their family members in this moment of grief and tragic loss. We stand in solidarity with our brothers and pray for their speedy recovery.

#### A PROCLAMATION HONORING JEREMY BOLON FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

##### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Jeremy Bolon showed hard work and dedication to the sport of baseball; and

Whereas, Jeremy Bolon was a supportive coach; and

Whereas, Jeremy Bolon always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Jeremy Bolon on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

#### INTRODUCTION OF A HOUSE RESOLUTION COMMEMORATING THE CANONIZATION OF FATHER DAMIEN DE VEUSTER, SS.CC. TO SAINTHOOD

##### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. HIRONO. Madam Speaker, I rise today to introduce a resolution commemorating the canonization of Father Damien de Veuster, a member of the Congregation of the Sacred Hearts of Jesus and Mary, to sainthood on October 11, 2009. Some 600 people from Hawaii are traveling to the Vatican to witness his elevation.

As many of you know, Father Damien is recognized for his 16 years of selfless service to the people who were forcibly isolated on the peninsula of Kalaupapa on the island of Molokai, Hawaii, because they were diagnosed with leprosy, also known as Hansen's disease. Living among the people of

Kalaupapa from 1873 to 1889, he eventually contracted Hansen's disease and ultimately died and was buried on Molokai.

The policy of exiling persons with the disease that was then known as leprosy began under the Kingdom of Hawaii and continued under the governments of the Republic of Hawaii, the Territory of Hawaii, and the State of Hawaii. Children, mothers, and fathers were forcibly separated and sent to the isolated peninsula of Kalaupapa, which for most of its history could only be accessed by water or via a steep mule trail. Children born to parents at Kalaupapa were taken away from their mothers and sent to orphanages or to other family members outside of Kalaupapa. Hawaii's isolation laws for people with Hansen's disease were not repealed until 1969, even though medications to control the disease had been available since the late 1940s.

I believe that all people, regardless of their religious beliefs, can recognize truly extraordinary persons who give of themselves without reserve for the betterment of their fellow human beings. Father Damien was surely such a person. No disease was as feared as leprosy in the late 1800s, but he volunteered to serve at Kalaupapa and requested to stay there in order to serve those who most shunned. He recognized the human rights and inherent dignity of all people, especially those he lived alongside at Kalaupapa.

Father Damien worked with those who were isolated at Kalaupapa to improve living conditions. A skilled carpenter, he led in the building of houses and hospitals, six chapels, a home for boys, and a home for girls. At the same time, he ministered to the spiritual and physical needs of his parishioners and helped to bury the hundreds who died during his years there.

It is noteworthy that, shortly after Hawaii became a State, Father Damien was the first selection of the State legislature to be memorialized in a statue as part of the National Statuary Hall Collection. Despite the fact that he was not born in Hawaii and lived so long ago, Hawaii's people recognized that his life embodied the true spirit of aloha (love, compassion, mercy, grace) and malama (to care for).

I have visited Father Damien's church and grave at Kalawao on the Kalaupapa peninsula. I hope that some of you will have the opportunity to visit Kalaupapa at some point in your lives. I know that you will be deeply moved, as I was, by the example of this man, soon to be recognized as a saint, as well as by the courage and perseverance of the people he dedicated his life to serving.

#### TRIBUTE TO MR. ROBERT TILLSLEY

##### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to Mr. Robert Tillsley of Franklin Lakes, New Jersey for his dedicated support to the Boy Scouts of Northern New Jersey as well as Ramapo College and the members of the community of

Bergen County. Tonight, Mr. Tillsley is being honored by the Iaoapogh Mountains District of the Northern New Jersey Council of the Boy Scouts for his commitment to improving the local community. This district serves more than 3,000 youth, guided by 1,000 adult volunteers through 32 Cub Packs, 26 Boy Scout Troops and 6 Venture Crews.

Robert T. Tillsley has been a member and friend of scouting for his entire life. He started as a member of Troop 55 in Paterson, New Jersey, and worked his way up from Patrol Leader to become Junior Assistant Scoutmaster. In November of 1960, he achieved the honor of Eagle Scout and has consistently held true to its creeds—"once an Eagle Scout, always an Eagle Scout."

Mr. Tillsley also supports a variety of commendable organizations outside of the Boy Scouts. He serves as the chairman of the Foundation Board of Governors at Ramapo College and has chaired several board committees over the years. He has worked with McBride Corporate Real Estate since 1988 where he started as a Senior Vice President responsible for the marketing of multi-tenant office buildings and then moved on to McBride's National Services division to serve as President in 1994. His responsibilities include the oversight of national services, customer service, database implementation, maintaining relationships, and implementation of marketing services for the division. He is an active member of the Society of Industrial & Office Realtors, the Industrial & Office Real Estate Brokers Association of Metropolitan New York, and CORFAC International—a worldwide commercial real estate network through which he has spoken at numerous global conferences and serves as an Executive Committee member.

As Boy Scouting founder Lord Baden Powell once said, "It is the spirit within, not the veneer without, which makes a man." Robert Tillsley's spirit can be seen in his laudable educational and business pursuits on behalf of the Boy Scouts of America throughout the 5th district of New Jersey; I join with his family, friends, and community in celebrating this momentous occasion.

#### TRIBUTE TO MR. STUART FROHM

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. CAMP. Madam Speaker, I rise today to honor and commend Mr. Stuart Frohm, a prolific political journalist, columnist, and editor.

Stu will retire today, September 30, 2009, after 30 years with the Midland Daily News, my hometown newspaper. He was the political writer and wire editor for state, national, and world stories and photos.

Stu was a true newspaper man, a balanced mix of watchdog and champion for the Midland area community. He was a tireless and dedicated reporter and editor who fully understood politics. He was thorough and he was fair, even when critical. Most importantly, he informed readers and helped bring us together, even through the toughest decisions, the way only a professional journalist can.

I have shared many experiences with Stu. After each election, Stu and I talked. After State of the Unions, major votes, and important moments in our political history, Stu and I would talk on the phone. In fact, I vividly remember that it was Stu on the phone with me as the events of 9/11/2001 unfolded in Washington, D.C., and we were still talking as the Capitol Police told us to run out of the Cannon House Office Building.

Stu is much more than a reporter, much more than a columnist, and much more than an editor. He is a dedicated husband, beloved father and cherished community leader. It is an honor to consider him a friend, and I say that "on the record."

I ask my colleagues to join me in congratulating Mr. Stuart Frohm, a journalist, editor, and friend, and wishing him the best of luck in his retirement.

#### A PROCLAMATION HONORING ZANE SHUSS FOR WINNING THE BOYS' DIVISION III STATE BASE- BALL CHAMPIONSHIP

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. SPACE. Madam Speaker:

Whereas, Zane Shuss showed hard work and dedication to the sport of baseball; and

Whereas, Zane Shuss was a supportive team player; and

Whereas, Zane Shuss always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Zane Shuss on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

#### HONORING MARILYN M. MATHIS FOR HER SERVICE TO MURFREESBORO CITY SCHOOLS

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Marilyn M. Mathis who is leaving Murfreesboro City Schools after 26 years of service to pursue a new phase in her distinguished career.

Marilyn joined City Schools in 1983 as the Assistant Superintendent for Administration under the leadership of School Director Dr. John Hodge Jones. After Dr. Jones' retirement in 1997, Marilyn was appointed Director of Schools.

During her 26 year tenure, Marilyn has seen the City School's student population nearly doubled. As Director, she has been influential in improving City Schools over the last 12 years.

Marilyn was determined to live up to the standards set by the No Child Left Behind Act

and strived to make City Schools one of the top school districts in the state of Tennessee. She led the system by its mission statement: "to assure academic and personal success for each child."

Under Marilyn's leadership, City Schools added three new schools including the Bellwood-Bowdoin Preschool for more than 400 at-risk preschool students, and the opening of Scales and John Pittard Elementary Schools. She also established Bradley Academy as "An Arts Integrated School," the Discovery School for high achieving students at Reeves-Roger, and named Hobgood Elementary as a NASA Explorer School.

Marilyn also supported and participated in a public education foundation for Murfreesboro City Schools and created a partnership agreement with Middle Tennessee State University located in Murfreesboro.

Her legacy to City Schools will live on for years to come, and the students of Murfreesboro are better prepared for the future because of her hard work and dedication.

Thank you Marilyn. I wish you the best of luck in your new position as Executive Director of the Association for Independent and Municipal Schools.

#### IN HONOR OF MORT WEISBERG

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mort Weisberg, recipient of the Jewish National Fund's Tree of Life Award.

The Tree of Life Award is one of the Jewish National Fund's highest honors; a humanitarian award given in recognition of outstanding community involvement, leadership and service. Furthermore, the award is a symbol of a strong and improved Israel and allegiance to American-Israeli friendship.

Mr. Weisberg is the president and chief executive of Multi-Care Management, a nursing home operator, in the Greater Cleveland area. In addition to running a successful care-taking facility, Mort is the chairman of the Ohio Board of Examiners of Nursing Home Administrators. His active and generous participation in numerous Cleveland area charities further exhibits his commitment to the community.

Madam Speaker and colleagues, please join me in honor of Mort Weisberg for being presented the Tree of Life Award by the Jewish National Fund. I offer my congratulations to Mort as he is recognized for his service to the communities of Cleveland and dedication to a strong American-Israeli relationship.



STATEMENT COMMEMORATING  
THE INCEPTION OF REPRESENTATIONAL GOVERNMENT IN  
LYCIA

**HON. MICHAEL E. McMAHON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. McMAHON. Madam Speaker, many of us in this Chamber are familiar with the Roman and Greek fundamentals of our nation and our democracy. In addition to these two great nations and traditions a third cornerstone of democracy also existed in the Mediterranean of which our Founding Fathers also drew inspiration from.

There is a renewed effort by scholars to emphasize the link between our democracy and that of Patara, which was the capital of Lycia, an ancient civilization of democratic principles. The Lycian government, known as the Lycian League existed along Turkey's Mediterranean coast from roughly 167 BC until 400 AD, and served as an inspiration to the framers of the U.S. Constitution.

The Lycian League was the first democratic union in history to utilize proportional representation as a model for political organization.

At least twenty-three city-states were united under the League that presided over federal institutions. Depending on its size, each of the League's 23 city-states was eligible to send up to three representatives to the parliament (Bouleuterion) located in Patara. Medium-sized towns sent two, whereas smaller towns could unite together to send one representative to the capital on their behalf. The number of representatives from each city-state determined taxes and other financial obligations. The general assembly was responsible for electing federal officers controlling communal land and determining trade and civil rights, as well.

The "Lyciarch," was the Parliament's president, which at various times served as the League's religious, military, and political leader. Many historians believe that women have served in Patara as the Lyciarch.

One of the thinkers who impacted the debate over our own constitution was Montesquieu. In Book IX of his Spirit of the Laws, he argues the utility of confederacy, stating: "It is unlikely that states that associate will be of the same size and have equal power. . . . If one had to propose a model of a fine federal republic, I would choose the republic of Lycia."

Alexander Hamilton and James Madison picked up on this concept, and cited the Lycian League as a model for our own system of government.

Both Alexander Hamilton and James Madison used the Lycian form of government in the Federalist Papers. The semicircular rows of the Lycian parliament building was a model to the seating arrangements in the U.S. Congress today.

In the Federalist Papers No. 16, Alexander Hamilton wrote, "I shall content myself with barely observing here, that of all the confederacies of antiquity, which history has handed down to us, the Lycian and Achaean

leagues, as far as there remain vestiges of them, appear to have been most free from the fetters of that mistaken principle, and were accordingly those which have best deserved, and have most liberally received, the applauding suffrages of political writers."

This is how an ancient civilization thousands of miles away and over two thousand years ago made a major impact on our system as a representative democracy, preventing the possibility of tyranny, as feared by Alexander Hamilton and James Madison.

IN HONOR AND REMEMBRANCE OF  
GUNNERY SERGEANT ADAM F.  
BENJAMIN

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of United States Marine Gunnery Sergeant Adam F. Benjamin, who courageously and selflessly rose to the call of duty, and made the ultimate sacrifice on behalf of our country.

Gunnery Sergeant Benjamin grew up in Garfield Heights and graduated from Garfield Heights High School in 1993. Shortly after graduating, he followed his dream to serve our country and enlisted in the United States Marine Corps. He quickly rose up the ranks and by 2006, at the age of 31, was promoted to the position of Gunnery Sergeant. He was a loyal, courageous and dedicated Marine, who loved every aspect of serving our nation in the military. Throughout his youth and career in the military, Gunnery Sergeant Benjamin was known for his positive outlook on life, caring nature and great sense of humor. He touched countless lives with his kind heart, generosity and sense of concern for others.

Gunnery Sergeant Benjamin was a brave and honorable United States Marine and an exceptional human being. The sacrifice, service and courage he has displayed will be forever honored and remembered by the entire Cleveland community, and by the nation. Gunnery Sergeant Benjamin's warm smile, generous heart, easy laugh, and joy for life will live on within the hearts and memories of those who loved and knew him best—his family, friends and fellow Marines. He will never be forgotten.

Madam Speaker, and colleagues, please join me in honor and remembrance of United States Marine Gunnery Sergeant Adam F. Benjamin. His life, gone far too soon, was framed by his great love of family, friends and country. I extend my deepest condolences to his mother and father, Judy Watters and Frank Benjamin; to his step-father, Robert Watters; to his brothers and sisters: Aaron, Amanda, Asa, Abram, Abigail, Amos, Amaryah, Aric, Anyah, Alexis and Allen; to his grandmothers, Yolanda and Mary; and to his extended family and many close friends.

CONGRATULATING THE SMOKY  
MOUNTAIN CHILDREN'S HOME  
FOR 2009 ANGELS IN ADOPTION  
PROGRAM

**HON. DAVID P. ROE**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. ROE of Tennessee. Madam Speaker, I want to congratulate the Smoky Mountain Children's Home for their long heritage as residential care center and an adoption placement agency.

I was honored to nominate the Smoky Mountain Children's Home for the 2009 Angels in Adoption™ program. The Congressional Coalition on Adoption Institute, which orchestrates the Angels in Adoption™ program, presented an award to The Smoky Mountain Children's Home along with more than 190 Angels from across the Nation.

Madam Speaker, the Smoky Mountain Children's Home's philosophy comes from a basic faith based belief that every child deserves a family.

I am thankful for the important work that is being done at the Smoky Mountain Children's Home. They are working each day toward one of the most noble causes imaginable—to improve the life of a child by bringing him or her together with a loving family.

I am grateful for programs such as Angels in Adoption™ who recognize the good work done by great organizations like the Smoky Mountain Children's Home.

COMMEMORATING SEA OTTER  
AWARENESS WEEK

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. FARR. Madam Speaker, I rise today to call attention to the 7th Annual Sea Otter Awareness Week, September 28–October 3, 2009, sponsored by Defenders of Wildlife. This week-long event provides the opportunity to educate the broader public about sea otters, their natural history, the integral role that sea otters play in the near-shore marine ecosystem, and the conservation issues they are facing.

In the early 1700's, before wide-scale hunting began, sea otters ranged across the North Pacific rim from Japan to Baja California. The worldwide population estimates for that time range from the hundreds of thousands to possibly a million or more. Before the hunting began, there were approximately 16,000–20,000 along California's coast. Killing these animals for their fur brought down their numbers until they were thought to be extinct off California by the early 1900s.

But they were not driven completely to extinction. In the 1930's a small population, of less than 100 animals that had escaped the hunt, was discovered in a remote cove on a coastal ranch in Big Sur, on the Central Coast of California. Since that time, groups such as Defenders of Wildlife, Friends of the Sea



Otter, and Ocean Conservancy have raised public awareness and helped protect this important species under the Marine Mammal Protection Act and the Endangered Species Act. The presence of the California sea otter has become an icon of the state's coastal environment and culture, and these charismatic animals bring significant tourism revenue to Californian coastal communities.

The three year population average, counted by the U.S. Geological Survey this year, totals only 2,813 animals, a decrease of half a percent and the first such decline in over a decade. These numbers are significantly less than what is necessary to consider the population decline in recent years is highly concerning. Researchers are beginning to identify indirect hazards for sea otters such as non-point source pollution, pathogens, and entrapment in fisheries gear that are causing their population growth to reverse. Such realizations support the need for continued research and preventive measures to respond to these issues, while continuing to ward against the direct killings/takings that still occur.

The decline of Southern Sea Otters off of the California Coast not only impacts the species itself, but it affects other marine populations and the surrounding ecosystem because Sea Otters are what scientists refer to as a keystone species. This means that they are integrally important to the ecosystem in which they live. The demise of sea otters allows their prey, sea urchins, to proliferate unchecked leading to the alarming overgrazing of kelp beds—one of the oceans nursery grounds for many marine animals. Research shows that the absence of sea otters has a direct link to the sharp decline of kelp along portions of California's coast. Further, the Sea Otter is also what scientists refer to as a sentinel or an indicator species. In this way, the Sea Otters are the canaries in the coal mine for our coastal health. The Sea Otters are all too effective at monitoring toxins and diseases in the marine environment, which can affect the health of humans and other wildlife.

California took the first step toward addressing these emerging concerns by signing into law California Assembly Bill 2485, establishing a state fund for sea otter conservation: again this year Californians had the option of donating a portion of their tax returns to sea otter conservation. I want to emphasize that this means that Californians voluntarily pay a little more on their tax return to help protect these animals. Even during these trouble economic times, more than \$220,000 has already been raised this year.

However, this is a federally protected species and California cannot go it alone. In addition to continuing to work with my colleagues to secure Federal funds to support a continued and complete recovery of the population, I am proud that H.R. 556, The Southern Sea Otter Recovery and Research Act was passed by the House of Representatives this past July. This tremendous success was buoyed by the support and devotion of many people. We are one step closer to making the act into law and bringing needed resources to this threatened species.

Madam Speaker, I applaud the many accomplishments of Defenders of Wildlife, who carry out the important mission to preserve

our nation's wildlife and habitat. I also applaud the other nonprofit environmental organizations, working with the Monterey Bay Aquarium, researchers, fishermen, state and federal agencies, schools, and many other institutions and individuals, who devote tremendous effort to protect and recover the southern/California sea otter. Sea Otter Awareness Week is just one of their many activities geared towards honoring and saving this species, and I am proud to be associated with this vital work.

#### IN HONOR AND RECOGNITION OF THE CSARDAS DANCE COMPANY

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the founders, members and performers of the Csardas Dance Company of Cleveland, Ohio, as they celebrate fifteen years of promoting the history and heritage of Hungary, through the ageless and colorful expressions of the songs and dances of Hungary.

Richard Graber, who grew up in Cleveland as the son of Hungarian immigrants, founded Csardas Dance Company in 1994. He is now the Director of Programs and Services with the Houston, Texas Arts Alliance, and serves on the Board of the Hungarian American Cultural Association of Houston. Christopher L. Smith, former Artistic Director, set a precedent of historical authenticity and keen attention to detail, which still reflect in the brilliant colors and fabrics of the dancers' wardrobes, and also, in the artistic direction of Csardas. Stuart Meyer and Judith Horvath have both served as Csardas Youth Ensemble Rehearsal Instructors, drawing on their backgrounds as professional dancers and instructors. Toni Gras, Managing Director, has been with the Company for the past ten years. As a child, she performed with Hungarian dance troupes, and her daughter danced for nine years in the Csardas Youth Ensemble.

Over the years, hundreds of young dancers have had the enriching opportunity to be part of the Csardas Dance Company, which continues to inspire and delight audiences throughout Ohio. Since its creation in 1994, the mission of the Csardas Dance Company has not wavered: To preserve and promote the dance, music and song of the people of Hungary. The Company also strives to bolster the public's support of, and appreciation for, the performing ethnic arts.

Madam Speaker and colleagues, please join me in honoring the Csardas Dance Company, for enlightening, entertaining and engaging audiences with song and dance that reflect a certain vibrancy in movement and music—bringing to life the age-old stories of village life in Hungary. The Csardas Dance Company is an arts treasure in Cleveland, and its continued existence is vital to the performing ethnic arts foundation of our entire community—serving as an audiovisual record of our heritage and our history and connecting us all through the universal language of dance and song.

#### REMARKS OF THE ISRAELI PRIME MINISTER AT THE UNITED NA- TIONS

#### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. BERKLEY. Madam Speaker, I seek to call my colleagues' attention to the powerful and important speech that Israeli Prime Minister Benjamin Netanyahu delivered to the United Nations General Assembly on September 24, 2009. In it, he calls on all nations to stand with Israel in confronting the threats posed by Iran and by terrorists around the world. This is a conflict between civilization and barbarity, he says, and the record of the United Nations hangs in the balance.

PRIME MINISTER BENJAMIN NETANYAHU'S  
SPEECH TO THE GENERAL ASSEMBLY

Mr. President, ladies and gentlemen, nearly 62 years ago, the United Nations recognized the rights of the Jews, an ancient people 3,500 years old, to a state of their own in their ancestral homeland.

I stand here today as the Prime Minister of Israel, the Jewish state, and I speak to you on behalf of my country and my people.

The United Nations was founded after the carnage of World War II after the horrors of the Holocaust. It was charged with preventing the reoccurrence of such horrendous events.

Nothing has undermined that mission, nothing has impeded it more, than the systematic assault on the truth. Yesterday the President of Iran stood at this very podium, spewing his latest anti-Semitic rants. Just a few days earlier, he again claimed that the Holocaust is a lie.

Last month, I went to a villa in a suburb of Berlin called Wannsee. There, on January 20, 1942, after a hearty meal, senior Nazi officials met and decided to exterminate my People. They left detailed minutes of that meeting and these minutes have been preserved for posterity by successive German governments. Here is a copy of the minutes of the meeting of senior Nazi officials instructing the Nazi government exactly how to carry out the extermination of the Jewish people. Is this protocol a lie? Is the German government, are all German governments lying?

A day before I was in Wannsee, I was given in Berlin the original construction plans for the Auschwitz-Birkenau concentration camp. These plans of the Auschwitz-Birkenau concentration camps I now hold in my hand. They contain a signature by Heinrich Himmler—Hitler's deputy himself. Are these plans of the Auschwitz-Birkenau concentration camp where one million Jews were murdered, are they a lie too?

This June, President Obama visited another concentration camp—one of many—the Buchenwald concentration camp. Did President Obama pay tribute to a lie?

And what of the Auschwitz survivors whose arms still bear the tattooed numbers branded on them by the Nazis? Are those tattoos a lie too?

One-third of all Jews perished in the great conflagration of the Holocaust. Nearly every Jewish family was affected, including my own. My wife's grandparents, her father's two sisters and his three brothers, and the aunts, and uncles and cousins—all murdered by the Nazis. Is this a lie?

Yesterday, the man who calls the Holocaust a lie spoke from this podium. To those who refused to come and to those who left in protest, I commend you. You stood up for moral clarity and you brought honor to your countries.

But to those who gave this Holocaust-denier a hearing, I say on behalf of my people, the Jewish people, and decent people everywhere: Have you no shame? Have you no decency?

A mere six decades after the Holocaust, you give legitimacy to a man who denies the murder of six million Jews while promising to wipe out the State of Israel, the State of the Jews. What a disgrace! What a mockery of the charter of the United Nations!

Now, perhaps some of you think that this man and his odious regime, perhaps they threaten only the Jews. Well, if you think that, you're wrong—dead wrong. History has shown us time and time again that what starts with attacks on the Jews eventually ends up engulfing many, many others.

For this Iranian regime is fueled by an extreme fundamentalism that burst onto the world scene three decades ago after lying dormant for centuries. In the past thirty years, this fanaticism has swept across the globe with a murderous violence that knows no bounds and with a cold-blooded impartiality in the choice of its victims. It has callously slaughtered Moslems and Christians, Jews and Hindus, and many others.

Though it is comprised of different offshoots, the adherents of this unforgiving creed seek to return humanity to medieval times. Wherever they can, they impose a backward regimented society where women, minorities, gays or anyone else deemed not to be a true believer is brutally subjugated.

The struggle against this fanaticism does not pit faith against faith nor civilization against civilization. It pits civilization against barbarism, the 21st century against the 9th century, those who sanctify life against those who glorify death.

Now the primitivism of the 9th century ought to be no match for the progress of the 21st century. The allure of freedom, the power of technology, the reach of communications should surely win the day. Ultimately, the past cannot triumph over the future.

And our future offers all nations magnificent bounties of hope because the pace of progress is growing, and it is growing exponentially. It took us centuries to get from the printing press to the telephone, decades to get from the telephone to the personal computer, and only a few years to get from the personal computer to the Internet.

What seemed impossible a few years ago is already outdated, and we can scarcely fathom the changes that are yet to come. We will crack the genetic code. We will cure the incurable. We will lengthen our lives. We will find a cheap alternative to fossil fuel and yes, we will clean up the planet.

I am proud that my country Israel is at the forefront of many of these advances—in science and technology, in medicine and biology, in agriculture and water, in energy and the environment. These innovations in my country and many of your countries offer humanity a sunlit future of unimagined promise.

But if the most primitive fanaticism can acquire the most deadly weapons, the march of history could be reversed for a time. And like the belated victory over the Nazis, the forces of progress and freedom will prevail only after a horrific toll of blood and fortune has been exacted from mankind.

This is why the greatest threat facing the world today is the marriage between religious fundamentalism and the weapons of mass destruction. The most urgent challenge facing this body today is to prevent the tyrants of Tehran from acquiring nuclear weapons.

Are the members of the United Nations up to that challenge? Will the international community confront a despotism that terrorizes its own people as they bravely stand up for freedom?

Will it take action against the dictators who stole an election in broad daylight and then gunned down Iranian protesters who died on the sidewalks and on the streets choking in their own blood? Will the international community thwart the world's most pernicious sponsor and practitioner of terrorism?

Above all, will the international community stop the terrorist regime of Iran from developing atomic weapons, thereby endangering the peace of the entire world?

The people of Iran are courageously standing up to this regime. People of goodwill around the world stand with them, as do thousands of people who have been protesting and demonstrating outside this hall all this week. Will the United Nations stand by their side?

Well, ladies and gentlemen, the jury is still out on the United Nations, and recent signs are not encouraging.

Rather than condemning the terrorists and their Iranian patrons, some here in the United Nations have condemned their victims. This is exactly what a recent UN report on Gaza did, falsely equating terrorists with those they targeted.

For eight long years, Hamas fired rockets, from Gaza on nearby Israeli cities and citizens—thousands of missiles, mortars—hurtling down from the sky on schools, homes, shopping centers, bus stops. Year after year, as these missiles were deliberately fired on our civilians, not a single UN resolution—not one!—was passed condemning those criminal attacks. We heard nothing—absolutely nothing—from the UN Human Rights Council, a misnamed institution if there ever was one.

In 2005, hoping to advance peace, Israel unilaterally withdrew from every inch of Gaza. It was very painful. We dismantled 21 settlements—really bedroom communities and farms. We uprooted over 8,000 Israelis. We just yanked them out from their homes. We did this because many in Israel believed that this would get peace.

Well, we didn't get peace. Instead we got an Iranian backed terror base fifty miles from Tel Aviv. Life in the Israeli towns and cities immediately next to Gaza became nothing less than a nightmare. You see the Hamas rocket launchers and the rocket attacks not only continued after we left, they actually increased dramatically. They increased tenfold. And again, the UN was silent—absolutely silent.

Finally, after eight years of this unrelenting assault, Israel was forced to respond. But how should we have responded? Well, there is only one example in history of thousands of rockets being fired on a country's civilian population. This happened when the Nazis rocketed British cities during World War II. During that war, the allies leveled German cities, causing hundreds of thousands of casualties.

I'm not passing judgment. I'm stating a fact—a fact that is the product of the decision of great and honorable men—the leaders of Britain and the United States fighting an evil force in World War II.

It is also a fact that Israel chose to respond differently. Faced with an enemy committing a double war crime of firing on civilians while hiding behind civilians—Israel sought to conduct surgical strikes directed against the rocket launchers themselves. Now mind you that was no easy task because the terrorists were firing their missiles from homes and from schools. They were using mosques as weapons depots, as missile caches, and they were ferreting explosives in ambulances.

Israel, by contrast, tried to minimize casualties by urging Palestinian civilians to vacate the targeted areas. We dropped countless flyers over their homes. We sent thousands and thousands of text messages to the Palestinian residents. We made thousands and thousands of cellular phone calls urging them to vacate, to leave. Never has a country gone to such extraordinary lengths to remove the enemy's civilian population from harm's way.

Yet faced with a clear-cut case of aggressor and victim, whom do you think the United Nations Human Rights Council decided to condemn? Israel. A democracy legitimately defending itself against terror is morally hanged, drawn and quartered, and given an unfair trial to boot.

By these twisted standards, the UN Human Rights Council would have dragged Roosevelt and Churchill to the dock as war criminals. What a perversion of truth! What a perversion of justice!

Now, Delegates of the United Nations, and the Governments whom you represent, you have a decision to make. Will you accept this farce? Because if you do, the United Nations would revert to its darkest days, when the worst violators of human rights sat in judgment against the law-abiding democracies, when Zionism was equated with racism and when an automatic majority could be mustered to declare that the earth is flat.

If you had to choose a date when the United Nations began its descent, almost a free fall, and lost the respect of many thoughtful people in the international community, it was that decision in 1975 to equate Zionism with racism. Now this body has a choice to make. If it does not reject this biased report, it would vitiate itself: It would begin or re-begin the process of vitiating itself from its own relevance and importance.

But it would do something else; it would send a message to terrorists everywhere, saying: Terrorism pays; all you have to do is launch your attacks from densely populated areas, and you will win immunity.

And then a third thing: in condemning Israel, this body would also deal a mortal blow to peace. Let me explain why. When Israel left Gaza, many hoped that the missile attacks would stop. Others believed that even if they didn't stop, at the very least Israel would have made this gesture, an extraordinary gesture for peace, but it would have international legitimacy to exercise its right of self-defense if peace failed. What legitimacy? What self-defense?

The same UN that cheered Israel as we left Gaza, the same UN that promised to back our right of self-defense, now accuses us—my people, my country—of being war criminals? And for what? For acting responsibly in self-defense, for acting in a way that any country would act with a restraint unmatched by many. What a travesty!

Ladies and gentlemen, Israel justly defended itself against terror. This biased and unjust report provides a clear-cut test for all governments. Will you stand with Israel or will you stand with the terrorists?

We must know the answer to that question now. Now—not later. Because if Israel is again asked to take more risks for peace, we must know today that you will stand with us tomorrow. Only if we have the confidence that we can defend ourselves can we take further risks for peace.

And make no mistake about it. All of Israel wants peace. Any time an Arab leader genuinely wanted peace with us, we made peace. We made peace with Egypt led by Anwar Sadat. We made peace with Jordan led by King Hussein. And if the Palestinians truly want peace, I and my government, and my people, will make peace. But we want a genuine peace, a defensible peace, a permanent peace.

In 1947, this body voted to establish two states for two peoples—a Jewish state and an Arab state. The Jews accepted this resolution. The Arabs rejected it and invaded the embryonic Jewish state with hopes to annihilate it. We ask the Palestinians to finally do what they refused to do for 62 years: Say yes to a Jewish state! As simple, as clear, as elementary as that. Just as we are asked to recognize a nation-state for the Palestinian people, the Palestinians must be asked to recognize the nation-state of the Jewish people.

The Jewish people are not foreign conquerors in the Land of Israel. It is the land of our forefathers. Inscribed on the walls outside this building is the great Biblical vision of peace: "Nation shall not lift up sword against nation. They shall learn war no more." These words were spoken by the great Jewish prophet Isaiah 2,800 years ago as he walked in my country, in my city—in the hills of Judea and in the streets of Jerusalem. We are not strangers to this land. This is our homeland.

But as deeply connected as we are to our homeland, we also recognize that the Palestinians also live there and they want a home of their own. We want to live side by side with them, two free peoples living in peace, living in prosperity, living in dignity.

Peace, prosperity and dignity require one other element. We must have security. The Palestinians should have all the powers to govern themselves except a handful of powers that could endanger Israel.

This is why the Palestinian state must be effectively demilitarized. I say effectively, because we don't want another Gaza, or another South Lebanon, another Iranian backed terror base abutting Jerusalem and perched on the hills a few kilometers from Tel Aviv. We want peace.

I believe that with good will and with hard work, such a peace can be achieved. But it requires from all of us to roll back the forces of terror, led by Iran, that seek to destroy peace, that seek to eliminate Israel and to overthrow the world order. The question facing the international community is whether it is prepared to confront those forces or to accommodate them.

Over 70 years ago, Winston Churchill lamented what he called the "confirmed unteachability of mankind." By that he meant the unfortunate habit of civilized societies to sleep and to slumber until danger nearly overtakes them.

Churchill bemoaned what he called the "want of foresight, the unwillingness to act when action will be simple and effective, the lack of clear thinking, the confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong."

Ladies and gentlemen, I speak here today in the hope that Churchill's assessment of the "unteachability of mankind" is for once

proven wrong. I speak here today in the hope that we can learn from history—that we can prevent danger in time.

In the spirit of the timeless words spoken to Joshua over 3,000 years ago, let us be strong and of good courage. Let us confront this peril, secure our future and, God willing, forge an enduring peace for generations to come.

[Translation from the Hebrew] "The Lord will give strength to His people, the Lord will bless His people with peace."

#### IN HONOR AND REMEMBRANCE OF FRANCES WOLPAW

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Frances Wolpaw, devoted wife, mother and accomplished professor, whose passion, integrity and wisdom served to inspire, guide and motivate countless young lives, including my own.

Professor Wolpaw was a former assistant dean and communications professor at Case Western Reserve University in Cleveland, Ohio. Her scholarly research in speech and rhetoric led her to become a renown expert on the life and words of Abba Hillel Silver, a rabbi from northeast Ohio and advocate for issues affecting Israel on the national and international political stage.

She began her career in education in 1961 as a lecturer at Case Western Reserve University. In 1969, Professor Wolpaw was named assistant dean of Case Western's former women's college—the Flora Stone Mather College. Undaunted by the lack of opportunity for women in academia, Professor Wolpaw forged ahead, and her work earned her a high level of respect and admiration from students and faculty. Throughout her career, she had the loving support and encouragement from her husband, the late Ralph Wolpaw, who was a physician at Mt. Sinai Hospital of Cleveland.

Her accomplishments as professor and leader at Case Western Reserve University opened doors for countless women who would follow in her path. As a professor, Frances Wolpaw's reputation reflected toughness, yet her high expectations for her students was also accented by kindness, fairness and her genuine concern for the welfare of her students. She taught by example, living each day with a sense of wonder, joy and integrity.

Madam Speaker and colleagues, please join me in honor and remembrance of Frances Wolpaw, whose joy for life, kind heart and scholarly work and guidance will forever reflect within the hearts and memories of those who loved and knew her best—especially her family, friends, and former students. I extend my heartfelt condolences to Professor Wolpaw's sons—Jonathan, James and Daniel; her grandchildren and great-grandchildren; her sisters, and her extended family members and many friends. Frances Wolpaw's loving devotion to her family and to her community—especially in the way of inspiring and guiding students of all ages—has made our commu-

nity a better place, and she will be remembered always.

#### HONORING THE LIFE AND SERVICE OF JESSE DONALD PHELPS

#### HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. MINNICK. Madam Speaker, I would like to recognize and honor the legacy of Jesse Donald Phelps, Chief Warrant Officer 2nd Class, U.S. Army, an Idaho native who gave his life during the war in Vietnam. Nearly forty-four years after his helicopter crashed in the jungle near An Khe, his remains have been returned to his family.

Officer Phelps was born in Boise on October 1, 1937 and spent his childhood in Nampa. He stayed in Idaho as an adult and married Dee Phelps in 1955, the year that he graduated from high school. In time, he and Dee had four children, and he enlisted in the National Guard before becoming an army pilot.

On December 28, 1965, Officer Phelps was part of a four-person U.S. Army Huey helicopter crew charged with delivering munitions and supplies to a group of soldiers through the An Khe Pass, in Binh Dinh Province, South Vietnam. The routine mission was only meant to take 30 minutes, and 8–10 minutes after takeoff, the crew radioed their target company to say that the weather "doesn't look bad." It was the last communication from the plane, which disappeared into the trees shortly thereafter. Search efforts were fruitless, and Officer Phelps and his crew were later pronounced "Died While Missing/Body Not Recovered." Ten years after her wedding, Dee Phelps received a telegram informing her that her husband was gone.

Thanks to more recent search efforts and DNA testing, Officer Phelps's wife, children, and grandchildren can be certain that the head of his family has returned home once more. I and the people of Idaho value his sacrifice and honor Officer Phelps's commitment to serving his country. We owe the strength of our nation to the steady courage of veterans like Officer Phelps.

#### IN RECOGNITION OF THE JOHN ADAMS HIGH SCHOOL CLASS OF 1969

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the John Adams High School Class of 1969 as they commemorate their 40 Year Reunion Celebration. The 1969 alumni of the John Adams Rebels will observe this momentous occasion on Saturday, August 8th, 2009.

John Adams High School opened in 1923 at East 116th Street and Corlett Avenue. The school was home to generations of Cleveland

teenagers for decades, until it was closed in 1995, along with West Technical, and Aviation High Schools, to help cut the cities budget. John Adams High School was representative of the strong public education system, working class family environment and racial and cultural diversity that characterizes the city of Cleveland. After eleven years, John Adams High School was rebuilt and reopened in 2006.

The class of 1969 was a cohesive and talented group who has since moved throughout the country, spanning from California to New York. But they maintained a strong base in the Cleveland area. This group of alumni is clearly dedicated to each other, and they have gathered for several reunions throughout the decades since their graduation. This reunion will surely be another success as they come together again to celebrate each other and the significant and momentous occasions that have taken place throughout their lives.

Madam Speaker and colleagues, please join me in recognition of the John Adams High School Class of 1969 as they gather for their 40 Year Reunion Celebration. Their dedication to their past educational achievements and city of Cleveland is sure to provide for a joyous and memorable occasion.

#### BASIS CHARTER SCHOOL

#### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the nationally acclaimed BASIS Charter Schools, which provide outstanding educational services in Tucson, Arizona.

American students often lag behind their counterparts in other countries and we know that action must be taken to reverse this trend. BASIS Charter Schools give us a national model that demonstrates how we can effectively address this serious decline in educational performance.

Ten years ago, Michael and Olga Block embarked on their mission to create a "New American" school. They established the BASIS Charter Schools. The BASIS philosophy understands that math and science are essentially the languages of the 21st century.

These forward-thinking founders say that great teachers are responsible for the schools' successes. At BASIS, the teachers hold themselves and their students to high standards and levels of accountability. Students engage in a demanding course of study that gives them the skills needed to compete in the new global economy.

BASIS has received many well deserved awards. The high school has been selected in each of the last four years by Newsweek magazine as one of the top 10 high schools in the United States. During the 2008-2009 academic year, BASIS students received perfect marks on the Arizona Instrument to Measure Standards (AIMS) exam. In 2009, BASIS was the only high school in Arizona with 100 percent of its students passing the AIMS exam in every subject tested.

Documentary filmmaker Robert A. Compton has produced a film about BASIS Schools entitled 2 Million Minutes: The 21st Century Solution. The title chronicles a student's journey in school from eighth grade until high school graduation. The filmmaker lauds BASIS schools saying that they "demonstrate that American students are capable of competing academically with the best in the world." The film will premiere in Tucson on October 1, 2009.

I am proud to acknowledge the great achievements of BASIS Charter Schools. The founders, the teachers, the students and their parents are leading the way for the critical improvements we must bring about in our public education system.

#### PERSONAL EXPLANATION

#### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Thursday, September 24, 2009.

Had I been present, I would have voted "no" on rollcall vote No. 735 (on agreeing to H. Res. 766, which provides for consideration of motions to suspend the rules), "aye" on rollcall vote No. 736 (on motion to suspend the rules and agree to H. Con. Res. 163), "aye" on rollcall vote No. 737 (on motion to suspend the rules and agree to H.R. 3631).

#### IN HONOR AND REMEMBRANCE OF SERGEANT RICHARD ALLYN WALTERS, JR.

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. KUCINICH. Madam Speaker, I rise today to honor and in remembrance of United States Army Sergeant Richard Allyn Walters, Jr. of Cleveland, Ohio. Sergeant Walters was a devoted husband, father, son, brother, uncle, cousin and friend who made the ultimate sacrifice on behalf of the country.

A graduate of Columbian High School in Tiffin, Ohio, Sergeant Walters followed in his father's footsteps and enlisted in the U.S. Navy. He was a ten-year Navy veteran and served in Operation Desert Storm. In 2006 Walters re-enlisted in the Army and became a licensed practical nurse (LPN) in March of 2009. He worked at Walter Reed Army Medical Center in Washington, DC before being assigned to the 14th Combat Support Hospital in Fort Benning, Georgia.

Sergeant Walters' military service is a reflection of excellence, loyalty and achievement. He was awarded the Navy Fleet Marine Force Ribbon, Armed Forces Expeditionary Medal, Navy Good Conduct Medal, Combat Action Ribbon, National Defense Service Medal with Bronze Service Star, Southwest Asia Service Medal with Bronze Service Star,

Global War on Terrorism Service Medal, Army Service Ribbon, Sea Service Deployment Ribbon, Overseas Service Ribbon and the Kuwait Liberation Medal. Sergeant Walters' pending posthumous awards and decorations include the Army Good Conduct Medal and Army Commendation Medal.

Madam Speaker, and colleagues, please join me in honoring and remembrance of Sergeant Richard Allyn Walters Jr., whose heroic actions, kindness and love for those closest to him will always be remembered. Sergeant Walters was a courageous United States soldier, and a devoted husband, father, son, brother, uncle, cousin and friend. I extend my deepest condolences to his wife, Stephanie; to his daughters, Rachel and Piper; to his mother, Margaret; to his brother Greg; to his sister-in-law Stacy and nephew Benjamin; and to his extended family and many friends. Sergeant Walters will live on within their hearts and memories for all time.

#### IN HONOR OF MR. BEN MOORE'S LIFETIME OF SERVICE

#### HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. PRICE of Georgia. Madam Speaker, I rise today in recognition of Mr. Ben Moore, who this weekend will receive a Lifetime Service and Achievement Award from the Johnson Ferry Baptist Church in my district.

Mr. Moore was born in Texarkana, Arkansas on October 24, 1913. In 1920, his family fled the Dust Bowl and made their way to Atlanta, Georgia. At the age of 14, a young Ben Moore took a job as an office boy at the First National Bank of Atlanta, beginning what would become a long and distinguished career at First National.

Mr. Moore served his country with valor during World War II, joining the Army Air Corps on Oct. 1, 1942 and seeing service in Italy. He returned to Atlanta after the war and was admitted to the State Bar of Georgia in 1949. He has been a member of the bar for 60 years and continues to practice law to this very day.

In 1953 Mr. Moore was named as one of "Atlanta's 100 Leaders of Tomorrow" by Time Magazine. He served on the Atlanta Board of Aldermen, the precursor to today's City Council, during Mayor Ivan Allen's first term. During this period, the City of Atlanta saw numerous changes including the arrival of the Atlanta Braves, the opening of construction on Interstate 285, and the beginning of the transformation of Zoo Atlanta and Hartsfield-Jackson International Airport into the institutions we recognize today.

Mr. Moore became a Baptist in 1957 when he and his two daughters were Baptized by Dr. Monroe Swiley, then pastor of Second Ponce de Leon Baptist Church. He is a graduate of Tech High, the Woodrow Wilson College of Law, and the American Institute of Banking.

Mr. Moore will celebrate his 96th birthday next month. When he isn't practicing law, he enjoys the company of his two daughters, three grandsons, and one great grandson in the Atlanta area.

Throughout his life, Ben Moore has answered the call to serve his family, his community, and his country. I'm proud to honor him today in the United States House of Representatives.

RECOGNIZING THE DESIGNATION  
OF SEPTEMBER AS  
CRANIOFACIAL ACCEPTANCE  
MONTH—

**HON. ERIC CANTOR**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. CANTOR. Madam Speaker, I rise today to recognize the designation of the month of September as Craniofacial Acceptance Month.

September has been designated as Craniofacial Acceptance Month to raise awareness and acceptance of the courageous children and adults who live daily with craniofacial deformities. These brave patients and their families often face significant medical challenges over the course of their lives. While the commonly known cleft palate or cleft lip condition may call for a simple surgical fix, there are many other unique and complex anomalies which can require extensive surgeries throughout a child's developmental years.

In the 7th District of Virginia, a young constituent of mine named Chase has a moderately severe craniofacial deformity. At the age of 9, he has already had 28 surgeries and hospitalizations to improve his ability to breathe, walk, see, hear, and talk. He will need more surgeries as he grows. Despite his many challenges, Chase and his family celebrate his growth and milestones with joy. His unique medical needs do not stop him from riding the bus to school and making friends. His big smile and enthusiasm for life have enabled Chase and his family to approach each day with a positive outlook.

This month also marks the 20th anniversary of the Children's Craniofacial Association, an incredible charitable organization that offers a network of resources and assistance to families with children who have deformities. The association's mission is to "widen the circle of acceptance," through promoting the message that "beyond the face, there is a heart." I would like to commend the CCA for connecting Chase, his family and other families across America with resources to improve the lives of these patients. I encourage all of my colleagues to join me in raising awareness of the needs of these extraordinary individuals.

**EARL DANIELS**

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to honor World War II veteran Earl Daniels of Strasburg, Illinois, as Strasburg American Legion Post #289 holds a dinner in his honor this Saturday, October 3, 2009.

Mr. Daniels was drafted into the United States Army at the age of 18. After he had

completed training he joined the 28th Infantry Division. His unit served admirably in France, Belgium, Czechoslovakia and Germany.

In November 1944 he was taken prisoner and held in Cologne, Germany. He was later sent to Stallag 3G, near Berlin. After his release he returned home to the United States and was eventually discharged.

I am pleased to honor Mr. Daniels and all of our brave veterans for their service to our great nation. May God continue to bless him and may God bless America.

STUDENT AID AND FISCAL  
RESPONSIBILITY ACT

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. McCOLLUM. Madam Speaker, I rise in strong support of the Student Aid and Fiscal Responsibility Act (H.R. 3221), which will end the giveaway of \$87 billion in corporate welfare to financial institutions for processing paperwork. Those funds instead will be reinvested to expand the Pell Grant program, increase assistance to community colleges, and support early learning to ensure more low-income children are prepared to start kindergarten. A savings of \$10 billion will also be used for deficit reduction.

H.R. 3221 terminates the Family Federal Education Loan (FFEL) program. Instead, all new federal student lending will originate through the existing Federal Direct Loan Program. This change will result in a more reliable system for students and their families by avoiding risks in the private lending market, which were exposed in the recent financial crisis. Taxpayers will benefit from a more efficient student loan system because eliminating the unnecessary middleman will produce \$87 billion in savings for taxpayers over the next 10 years.

The Student Aid and Fiscal Responsibility Act also makes strategic investments to allow more students to attend college and graduate with less debt. The Pell Grant Scholarship program is increased by \$40 billion. As a result, more than \$75.5 million in additional funding will be provided to students in Minnesota's Fourth Congressional District over the next decade. Additionally, this legislation strengthens and expands the Perkins Loan Program, and it helps families by simplifying the complicated and time-consuming Free Application for Federal Student Aid (FAFSA)—the bill enables families to apply for federal student aid using their tax form.

America's community colleges are another priority investment in H.R. 3221. At a time when millions of Americans are seeking new employment opportunities, this bill makes significant new funding available to retrain workers, prepare students for 21st century jobs and introduce students to post-secondary education. These investments will improve the quality of education for over 100,000 students that are enrolled in Minnesota community colleges.

This legislation is a historic opportunity to invest in education while, at the same time, re-

ducing the federal deficit. Unfortunately, the Republican minority is trying to distract attention from the bill by offering a motion to recommit that prohibits Federal funding to the Association of Community Organizations for Reform Now (ACORN). ACORN, a nonprofit organization that works to empower low-income Americans, does not receive \$1 of Federal funding in H.R. 3221. ACORN is currently under investigation for possible wrong-doing—these inquiries should proceed and final judgments should be made. No organization found guilty of criminal conduct should continue to receive taxpayer support. However, it is inappropriate and likely unconstitutional for the House of Representatives to pre-judge the outcome of a formal investigation by prohibiting Federal funding. I strongly urge my colleagues to join me in opposing this political ploy and in supporting passage of H.R. 3221.

CELEBRATING THE 25TH ANNIVERSARY OF DALLAS' POLITICAL CONGRESS OF AFRICAN-AMERICAN WOMEN

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great pleasure that I rise today to recognize the achievements and celebrate the anniversary of Dallas' Political Congress of African-American Women. This organization has been an integral part of the Dallas community for 25 years, and I am proud of the work its members have done in the group's quarter-century of existence. In addition to keeping the community informed about candidates running for elected office, the Congress registers voters and hosts forums for candidates so that they are accessible to citizens.

The Political Congress of African-American Women and organizations like it are incredibly important for the well-being of our communities. These groups offer opportunities for civic and political leadership to people who traditionally would not have been able to serve in such capacities. By engaging their communities, these organizations reflect our democratic values and encourage everyone to be engaged in the political process.

I commend Dallas' Political Congress of African-American Women for their civic leadership and encourage my colleagues to join me in recognizing this organization's 25th anniversary. Truly, the Dallas community has benefited greatly from the Congress' efforts, and I commend all of its members on their hard work.

BETHEL BAPTIST CHURCH 200TH ANNIVERSARY

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to commemorate the 200th anniversary of the Bethel Baptist Church in Caseyville, Illinois.

Bethel Baptist Church was founded in 1809 and immediately became a leading institution on the Illinois frontier. Bethel has been an active force for positive change since its inception, advocating abolition nearly 60 years before the ratification of the 13th Amendment. The first pastor at Bethel, James Lemen, Sr., was such a strong abolitionist that the church's original constitution prohibited any member from owning slaves or promoting slavery. As the abolition movement grew, the church became an important part of the Underground Railroad.

As Bethel Baptist Church celebrates its proud history, it can look to a bright future. While the congregation has grown and changed over the past two centuries, it has never forgotten its mission in the community and continues to work for a better tomorrow.

I would like to congratulate Reverend Michael D. Evans and the entire Bethel Baptist Church family on their 200th anniversary. I wish them the best as they continue to build on their rich history.

A TRIBUTE TO THE HONORABLE  
ROSEMARY STASEK

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. ESHOO. Madam Speaker, I rise today to honor the extraordinary life and work of my friend and fellow public servant Rosemary Stasek who passed away at the age of 46 on September 24, 2009, in Afghanistan. Rosemary is survived by her beloved husband, Morné Du Preez of South Africa, her parents Patricia and Andrew Stasek of McAdoo, Pennsylvania and many other loved ones.

Rosemary was born in 1963 and raised in northeast Pennsylvania. She graduated from Cornell University with a Bachelor's Degree in Economics, the first person in her family to graduate from college. She was a Dean's List student and manager of the football and wrestling teams.

Rosemary served two terms on the City Council in Mountain View, California, located in the 14th Congressional District. She was elected to her first term in 1996, re-elected in 2000, served as Vice Mayor in 1999 and as Mayor for the year 2000. She represented the City in many regional, statewide and national forums, specializing in issues pertaining to housing and homeland security. She was committed to many City initiatives and fought to protect the environment, youth programs and services, diversity, parks and trails and the public open space. She served on the City Council at a time when they took critical steps to meet the need for affordable housing in the community, downtown revitalization, increased transportation options, and new business developments. Current Mayor Margaret Abekoga notes, "Our City was blessed to have known such a dedicated and talented person. Our community has benefitted from her tireless efforts and leadership on behalf of everyone, but especially those who are most in need. This is a loss that is felt throughout Mountain View and countless parts of the world she has touched . . ."

In addition to serving on the Mountain View City Council, Rosemary had a broad history of political involvement, especially women's issues. She served on the Board of Planned Parenthood Advocates Mar Monte and the Santa Clara County Commission on the Status of Women. Her honors included being named a Distinguished Woman of the 14th Congressional District, the Religious Coalition for Reproductive Rights Freedom of Religion Award, and the Alameda National Women's Political Caucus Pro-Choice Champion Award. She was also a nominee for the Silicon Valley Women of Achievement Award and was a candidate for the California State Assembly in March 2002.

In 1999 she was selected by the Secretary of Defense to participate in the Joint Civilian Orientation Conference, which took her to military installations across the country and aboard an aircraft carrier in the Pacific Ocean. She broadened her knowledge of military affairs, especially issues involving women serving in the Armed Forces. She served as a member of the U.S. Air Force Space Commanders Group.

Rosemary also worked for over a decade in the computer industry as a web developer and system administrator for prominent high tech firms in Silicon Valley. As always, she was dedicated to making a difference for the next generation and spent six years as an instructor at De Anza Community College teaching Introduction to Microcomputer Networks. She was also a certified substitute high school teacher for social sciences, English and special education classes, and taught in the Palo Alto Unified School District.

Rosemary's interest in international issues took her to Nepal, Ecuador, France, Britain, Holland, Germany, Italy, The United Arab Emirates, The Czech and Slovak Republics, Canada, Mexico, Thailand, Azerbaijan, South Africa, Venezuela, Tanzania and Vietnam. In 1998 she traveled to Cuba as a member of a special women's delegation.

Rosemary lived in Kabul, Afghanistan working on reconstruction and development projects. She first traveled to Afghanistan in May of 2002 as a member of a delegation of young Afghan-Americans working on reconstruction. She returned home after 2 weeks, but decided to return in June 2003 to work on a project to improve conditions for women in the Kabul prison, and in March 2004 she worked in maternity hospitals. In June 2004 she taught preservation, and in 2005 she spent most of the year living and working there as the logistics manager for the Kabul Beauty School. She returned again in February 2006 and had since resided in Kabul full time working on women's projects. Rosemary was also the Founder and Executive Director of A Little Help, a nonprofit that she began in 2002 which provides humanitarian aid in Afghanistan with a focus on women.

Ever the fighter, she remained in Kabul to continue her work even after she was diagnosed with Multiple Sclerosis. It was there that she met Morné du Preez, a South African who works as a private contractor protecting diplomats. They fell in love and were married two years ago. She was an extraordinary leader, teacher, advocate and mentor with a heart of gold who inspired passion in those around her

to think and see beyond themselves and make a difference in the world.

Madam Speaker, I ask the entire House of Representatives to join me in honoring Rosemary Stasek. Through her countless contributions to her family, friends, colleagues, local community and the international community, she has left a lasting legacy of compassion, empowerment and excellence. She represented the best of America, strengthened our country and made the world a better place.

HONORING RONALD BOEHM ON HIS  
INSTALLATION AS COMMANDER  
OF THE FOURTH DISTRICT OF  
ILLINOIS AMERICAN LEGION

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. LIPINSKI. Madam Speaker, I rise today to honor Commander Ronald Boehm on the occasion of his installation as Commander of the Fourth District of Illinois American Legion.

Ronald Boehm served as Commander of American Legion McKinley Post 231 eight times and his exemplary service is a model of leadership and devotion. In the summer of 2007, Commander Boehm conceptualized and aided in the construction of a beautiful and moving monument to all war veterans, especially those from Post 231 who gave the ultimate sacrifice for our nation. This monument sits outside the McKinley Post and is visible to all who pass by on 35th Street.

In 2001, as Commander, Ronald Boehm led a fundraising effort for the widows and orphans of policemen and firefighters. The fundraiser was a great success and amassed over \$10,000 for the cause.

Even outside of his work with the American Legion, Ronald Boehm has dedicated his life to the service of others, and recently retired after 40 years as a Chicago firefighter. His outstanding civic service was recognized this year by the McKinley Park Civic Association, which named Ronald Boehm "Man of the Year."

Today, I ask my colleagues to join me in recognizing the years of exceptional service and dedication of Commander Ronald Boehm. We acknowledge his service to our nation and to his community, and we congratulate his well-deserved installation as Fourth District Commander.

RIPPLE EFFECT MAKES FUND FOR  
NASA A WISE DECISION

**HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. OLSON. Madam Speaker, I would like to submit the following column which appeared in the Houston Chronicle on September 17, 2009 from the Bay Area Houston Partnership.



[From the Houston Chronicle, Sept. 17, 2009]  
 RIPPLE EFFECT MAKES FUND FOR NASA A  
 WISE DECISION

(By Bob Mitchell)

The highly anticipated report from the Augustine Committee has been released. The panel is to be commended on writing such a thorough review of U.S. human space flight options in a short period of time. The report identified various alternatives for NASA's human space flight program. While each offers a varying degree of human space flight options, they all rely on humans as an integral part of space exploration. Why is this significant for the Johnson Space Center and its many contractors? We are home to human space flight.

Within the next few months, decisions will be made by the White House and Congress on which alternative is best for the future of NASA. Regardless of the decisions made, if adequate funding is not provided, we will continue to see erosion in the U.S. space program, and it won't be long before we relinquish our position as the world's number one space-faring country to a more ambitious and forward-looking nation.

The alternatives present unparalleled opportunities for the United States to continue to expand its leadership role in the international space community. The International Space Station is an excellent example of how much can be accomplished when multinational resources are engaged toward a common goal. We, as a nation, can choose to continue our investment in scientific discovery and international relations or we can choose to lose our leadership position to Russia, China, India or Japan. Insufficient funding for the world's premier space program will undoubtedly erode our leadership role with significant consequences for our security and our competitive position in the world. With our loss of leadership in other high-tech industries, do we want to give up this one as well? Do we want to have to buy our rides to space from a foreign government? This should be unacceptable to us as a nation.

What will it take to keep America first in flight? The Augustine report states, "Meaningful human exploration is possible under a less constrained budget, ramping to approximately \$3 billion per year above the FY 2010 guidance in total resources." Compared to recent government expenditures, this is not that much to invest, especially considering the return to the American taxpayers on this investment. According to a recent congressional oversight report, we have spent \$74 billion to help the nation's auto industry, an industry that has relied on the technology developed in space to enhance its product. Investing the same amount in NASA would ensure America's pre-eminent position in human space flight for the next 25 years.

Why do this? Why fund NASA to the tune of an additional \$3 billion or more per year? Go beyond the obvious and consider the ripple effect. Arguably, perhaps, the space industry is the only industry in the world that consistently creates new technology. Our cars and trucks are lighter, stronger and safer due to NASA technology. Computers, cell phones, GPS and many life-saving medical advancements all have roots in the space industry.

The human factor is equally important. Generations of our young people have been inspired by NASA. The promise of working in America's space program has, for the past 50 years, influenced students to go into science, technology, engineering and math careers. For example, 35 percent of the Orion

Crew Exploration Vehicle program is composed of young professionals.

Consider this. We will have a seven-year gap where no Americans are launched into space on American rockets. At no time in our history of space flight have we experienced a gap of this magnitude. Think for a moment of the loss of inspiration to millions of our young people that can never be recovered. Think of the lost opportunities to the U.S. in terms of high-technology innovations and breakthroughs that will not occur when students choose non-technical careers. Do we break our promises to our nation's children and young professionals by opting to take the easy route and not provide much-needed funding to NASA's human space flight program? This, too, should be unacceptable to us as a nation.

The U.S. is unquestionably the world's leader in space exploration, something that can no longer be said about many industries we led at one time. The question remains, are we willing to give this up for the lack of a very reasonable investment?

Congress and the president are faced with tough choices. Fully supporting human space flight, on the other hand, should be an easy choice. By making the choice to provide the additional funding necessary for a robust U.S. space exploration program, government and private industry jobs will be retained and created, international relationships will be secured and strengthened with America leading the way, and our youth will continue to dream of exploring the universe, taking those steps necessary to do so. Not only is this the most reasonable course of action, it's the right thing to do—for America and for the world.

#### HONORING THE 100TH ANNIVERSARY OF THE WEST END SILVER POINT CHURCH

##### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the 100th anniversary of the founding of the West End Church of Christ congregation in Silver Point, Tennessee.

In 1909, Pastor George Phillip "G.P." Bowser relocated the Laurel Hill congregation to Silver Point and established the Putnam County Normal and Industrial Orphanage to provide housing, education, vocation, and religious instruction to the African American children of the region. In 1913, the school became the Silver Point Christian Institute, educating grades one through eight. A small printing press was operated by the school, which led to the development of the *Christian Echo*—a publication that is still printed today.

By 1915, the church and school combined into the West End Church of Christ Silver Point. A new building was constructed, which still stands to this day. In December 2007, the building was included in the National Register of Historic Places by the U.S. National Park Service.

The geographically isolated Highland Rim area of Middle Tennessee has always focused on small-scale agriculture and timber resources grouped into small towns. Farms were tended by individual families with little outside

help. Until the early 20th century, these small communities in Silver Point had few religious organizations and even fewer schools. Classes were often taught in buildings that could not afford proper maintenance or enough supplies for students.

The school that Pastor Bowser established in 1915 provided the young children of the community with educational opportunities never before seen in the area. Though the school closed in 1959, the church remains active.

Many prominent and nationally-acclaimed leaders have been personally involved with the church, including Sam Womack, Alexander Campbell, Marshall Keeble, Henry Clay, J.S. Winston, R.N. Hogan, G.E. Stewart, and Levi Kennedy.

Through its 100-year history, the West End Church of Christ in Silver Point has provided a place of identity and congregation for the African American community of western Putnam County. I congratulate the congregation on its centennial anniversary.

#### PERSONAL EXPLANATION

##### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Mr. CONYERS. Madam Speaker, on September 29, due to personal reasons, I was unable to cast the three votes that were called on that day. Had I been present I would have voted "yes" on rollcall votes 740 (H.R. 905); 741 (H. Res. 16) and 742 (H.R. 2997).

#### 102ND ANNIVERSARY OF THE CROATIAN SONS LODGE 170

##### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 102nd anniversary and Golden Member banquet on Sunday, October 11, 2009.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees, who have attained fifty years of membership, include: John B. Belork, Richard J. Bundeck, Victoria Ann Burson, Robert J. Erdelac, Michael Grasa, Richard F. Grcevic, Joanne James, Peter P. Jay, Mary Ellen Kaegebein, Mirjana M. Kirincic, Della Klobuchar, Lawrence Labash, Slavko Ladic, Miyo George Mrkonich, Joan Marie Pope, Frances Razumich, Rudolph J. Rubesha, Jr., Peter George Tarpo, and Valerie Trtan.

These loyal and dedicated individuals share this prestigious honor with approximately 489 additional Lodge members who have previously attained this important designation.

This memorable day will begin with a mass at Saint Joseph the Worker Croatian Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating. The banquet will begin at 1:00 p.m.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President John Miksich, and all members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families.

#### EARMARK DECLARATION

#### HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding a project that is listed in the Conference Report of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010:

Bill Number: Conference Report—H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010, Account: Department of Energy, EERE, Title: Advance Power Cube for Wind Power and Grid Regulation Services, Legal Name of Requesting Entity: East Penn Manufacturing, Address of Requesting Entity: Deka Road, Lyon Station, PA 19536, Description of Request: This funding will support design, testing, fabrication and implementation of new advanced battery energy storage technology that will be used to balance the fluctuating generation of electricity in wind systems and improve the efficiency of the current electricity grid. This technology will produce a more affordable, cleaner, recyclable and more efficient energy storage option than what is currently available for wind power farms and grid regulation services.

H.R. 3548, UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

#### HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. WITTMAN. Madam Speaker, on September 22, 2009 the House of Representatives passed H.R. 3548, the Unemployment Compensation Extension Act of 2009 with my support. I voted for H.R. 3548, legislation that would extend unemployment benefits by 13 weeks for states with unemployment rates in excess of 8.5%. Our nation is currently facing significant economic challenges, including the highest unemployment rates in over twenty years. With nearly five million Americans and

290,000 Virginians out of work, I believe extending unemployment benefits was the right thing to do.

Several localities in Virginia's First Congressional District experienced unemployment above 8% this summer. However, I am disappointed that H.R. 3548 would not extend benefits in Virginia because the states unemployment rate is currently below 7%. This bill's 8% threshold needlessly overlooks struggling families in Virginia. I would like to see this measure amended to extend the same unemployment benefits to all Americans regardless of where they live.

I understand that unemployment is putting significant strains on local families. That's why I recently hosted a First District Job Fair featuring state, federal, and private employers. Hundreds of First District residents attended the successful job fair and are now on their way into the workforce.

IN RECOGNITION OF JULIE CAIN BURKHARD, CHAIRMAN OF THE NATIONAL PANHELLENIC CONFERENCE

#### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize the work of an outstanding individual, Julie Cain Burkhard, as she concludes her distinguished work as Chairman of the National Panhellenic Conference (NPC). This conference represents 26 sororities with a member base of more than four million women at 655 campuses and 4,500 alumnae chapters in the United States and Canada. Sororities and fraternities are the largest values-based organizations on college campuses and among the most successful leadership development programs for college students. As Chairman, Julie has led NPC's effort to provide support and guidance for its members, and acted as one of NPC's leading voices on contemporary issues of sorority life.

As a proud University of Georgia alumna and past national president of her sorority Alpha Chi Omega, Julie's unyielding passion for Greek life is reflected in her lifetime commitment to collegiate leadership. Under her leadership, NPC has increased their membership, created web-based advocacy tools, and furthered the organizational effectiveness of the conference.

Julie has been a great resource and advocate for women worldwide. Her long-term commitment to her Alpha Chi Omega chapter, its international organization, and the entire Greek community are tokens of the leadership, dedication, and loyalty that make her a role model for women leaders and incredibly deserving of this honor.

I have personally had the opportunity to work with Julie over the years as she has come to Washington to tirelessly advocate for students across the country. We have worked together on the passage of the Collegiate Housing and Infrastructure Act, a bill that would help improve not-for-profit housing for college students, as well as legislation dedi-

cated to advancing college fire safety standards and student financial aid.

The National Panhellenic Conference is a stronger organization as a result of her unwavering leadership and steadfast commitment to the lives of Greek women. I am pleased to honor Julie Cain Burkhard's exemplary service and wish her all the best in her future endeavors.

TRIBUTE TO MR. JIMMY "PO WOODS" LEATHERWOOD, ENTREPRENEUR AND OWNER, WOODS, INC. OF CHICAGO, ILLINOIS

#### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. RUSH. Madam Speaker, I rise today to pay tribute to a great entrepreneur, community leader, humanitarian and family man, the late Jimmy Leatherwood who made his heavenly transition on Sunday, September 27, 2009. It is often difficult to find words to express the depth of one's feelings with the passing of a good friend and constituent.

Mr. Leatherwood served with distinction for nearly 30 years as a member of the Cook County, Illinois Sheriff's Department. He was a Board Member of the Westside Association for Community Action of Chicago, a member of the famed Rat Pack-Chicago Chapter and served on the School Council of a local Chicago Public School. He worked tirelessly with various organizations to provide scholarship opportunities to young people and annually donated food to those in need in his home town of Leland, Mississippi.

Jimmy dedicated his life toward making a difference in the lives of other people. He was a shining example of how God can use a life to help make this world a better place. Indeed, many who have had the privilege of knowing him have come to recognize that they are a much better person as a result of his life.

Madam Speaker, I want to encourage his devoted wife Joann, their daughter Nazaree, the entire family and the many friends of Mr. Jimmy Leatherwood to always remember to look to the hills from which comes all of their help, trusting that their help will surely come from the Lord. I am truly blessed to have known and worked with him. I am honored to pay tribute to this outstanding gentleman.

COMMEMORATING NATIONAL JOB CORPS DAY

#### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. MITCHELL. Madam Speaker, I rise today to commemorate National Job Corps Day on Capitol Hill, which takes place September 23, 2009. This day-long event will recognize the 45-year anniversary of Job Corps, which has been dedicated to helping young people launch stable careers.

Since its start, Job Corps has been committed to helping young people, ages 16-24,



get connected with the resources to be successful in the workforce. With 123 campuses, Job Corps is a nationwide tool for many young Americans to gain the essential education and work skills. I am pleased to have such a strong and active branch of the organization right here in Maricopa County, serving young people across the valley.

At its core, Job Corps exemplifies the importance and true value of education. As a former teacher, I believe education is the foundation for preparing our youth to thrive in the future. Through efforts like Job Corps, we can work together to make higher education and careers attainable for all youth.

Madam Speaker, please join me in celebrating the 45th Anniversary of Phoenix Job Corps.

#### ABILITY ONE

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. YOUNG of Alaska. Madam Speaker, today I rise to recognize a program, which in the last year, has helped more than 40,000 Americans who are blind or who have severe disabilities gain skills and training that has ultimately led to gainful employment; The AbilityOne Program.

The AbilityOne Program harnesses the purchasing power of the Federal Government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life.

This comes in a segment of the population that has suffered from significant unemployment. But programs such as AbilityOne have come a long way in helping to bring people with disabilities into a working society. I am proud to acknowledge that REACH Inc. has played an active role since 1977 in helping employ people with severe disabilities and is one of the community partners to the AbilityOne Program within my state.

The history and mission of REACH Inc. stands as a true example of why this program is a winning proposition for all parties involved. REACH Inc. grew out of the dream of a group of local families who wanted to organize activities for their children with disabilities. Over 32 years ago, REACH Inc. opened its doors in the basement of the Resurrection Lutheran Church in Juneau. What started out as a small, family-run group meeting in a church basement has developed into an agency employing 200 people and serving over 400 individuals.

The direct impact of these organizations on the lives of Americans with disabilities cannot be overstated. For an individual with a severe disability who has never had the opportunity to hold a job, be independent, participate in the community, or play an important role in society; the AbilityOne Program and organizations like REACH Inc. are invaluable.

Madam Speaker, it is with great pleasure that I extend my support to the AbilityOne Program. I also want to commend the dedication and commitment to the REACH Inc. Executive Director, Mr. Richard Fagundes, and his staff for helping individuals who are blind or have a severe disability find employment. Their work helps people live fuller lives and become more active members of society. I also commend each AbilityOne employee who works every day to improve their lives, support our Government, and make our country a better place to live.

#### HONORING THE THOMAS JEFFERSON NATIONAL ACCELERATION FACILITY ON ITS 25TH ANNIVERSARY

### HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. WITTMAN. Madam Speaker, I rise today to recognize the Thomas Jefferson National Acceleration Facility in Newport News, VA, on the occasion of its 25th anniversary. Since its creation, the Jefferson Lab has welcomed scientists and researchers from across the globe to study the matter and forces which build and drive our universe.

The Jefferson Lab is committed to educating the next generation of scientists by increasing the number of teachers who have strong backgrounds in math and science, and in doing so increase student motivation in the subjects of engineering and technology.

Current Secretary of Energy and Nobel Prize winning physicist Dr. Steven Chu joined the lab in celebrating this momentous occasion. On Tuesday, September 29, Secretary Chu visited with the lab's scientists, and discussed the future of atomic research.

Recently, the Jefferson Lab began an expansion of its accelerated electron beam, and I was glad to attend the groundbreaking of this project in April 2009. This project creates a collision of atoms so that scientists may study protons and neutrons at the smallest level. The work done at the Lab is known around the world as second-to-none, and this initiative, also known as the 12GeV Upgrade, will ensure the Lab's worldwide leadership position for the next twenty years.

I continue to be impressed by the efforts of the men and women from the Jefferson Lab and their desire to lead the Nation and the world in research and innovation. I urge my colleagues to join me in congratulating the Thomas Jefferson National Acceleration Facility on its 25th anniversary.

#### IN RECOGNITION OF THE CITY OF RICHARDSON'S 2009 NATIONAL NIGHT OUT

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. SESSIONS. Madam Speaker, I rise to day to recognize the City of Richardson and

the Richardson Police Department for its efforts to combat crime and its 2009 National Night Out on October 13, 2009.

Since its inception twenty-six years ago, the National Night Out program has successfully reached out to numerous communities nationwide in its mission to raise crime and drug prevention awareness. The City of Richardson has utilized innovative methods to encourage citywide participation such as organizing neighborhood block parties, programs for the Hispanic and Asian communities, and activities at various senior centers. These gatherings unite citizens, law enforcement agencies, businesses, civic organizations, and local officials. It shows their resolve to fight back against criminals and their commitment to keeping our neighborhoods safe. The City of Richardson's high participation has resulted in their being the award winner for Category #3 in the Nation. National Night Out has helped the Police strengthen neighborhood spirit and build partnerships within the local community.

Madam Speaker, I ask my colleagues to join me in commending the City of Richardson and the Richardson Police Department for their hard work and dedication. Their efforts have made our community a safer and better place.

#### IN RECOGNITION OF THE PASSING OF DON PRIEST

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to join in the celebration of the life of Don Priest, a local legend in my district in Northwest Florida. For over four decades, Don delivered broadcast news and his daily editorials to people in the Florida Panhandle and Alabama Gulf Coast.

Don's years of broadcasting made him one of the most recognized voices in the area. As news director of the radio station WCOA for 41 years, he knew the importance of keeping people in the area informed. He also recognized that the news is not one-sided, and as the first host of Pensacola Speaks, a local radio call-in show, he was instrumental to letting countless people over the years discuss what was on their minds, be it a national, local, or a personal issue. Don opened his radio show to anything people wanted to discuss, and people daily instantly recognized his voice as he took to the airwaves.

Don's radio broadcasting covered more than just the news. On Friday nights, his distinctive voice came on the air to cover local high school football games. He was a news director who was involved with all aspects of the news, and he worked hard to include people of all ages and walks of life in the community. Don's tireless work made sure that events in the area received the notice they deserved.

Madam Speaker, Northwest Florida will long remember the legacy of Don Priest. My thoughts and prayers are with him, and many will be forever grateful for Don having touched their lives. Northwest Florida has suffered a great loss, but we will fondly recall his voice on the airwaves for a long time to come.

# IN RECOGNITION OF THE CITY OF DALLAS AND 2009 NATIONAL NIGHT OUT

## HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize the City of Dallas and the Dallas Police Department for its efforts to combat crime and its 2009 National Night Out on October 6, 2009.

Since its inception twenty-six years ago, the National Night Out program has successfully reached out to numerous communities nationwide in its mission to raise crime and drug prevention awareness. The City of Dallas has utilized innovative methods to encourage city-wide participation such as organizing neighborhood block parties, safety fairs, visits from police, contests, and rallies. These gatherings unite citizens, law enforcement agencies, businesses, civic organizations, and local officials. It shows their resolve to fight back against criminals and their commitment to keeping our neighborhoods safe. National Night Out has helped the Dallas Police strengthen neighborhood spirit and build partnerships within the local community.

Madam Speaker, I ask my colleagues to join me in commending the City of Dallas and the Dallas Police Department for their hard work and dedication. Their efforts have made our community a safer and better place.

# RECOGNIZING THE TOWN OF ORANGE AS IT CELEBRATES ITS 275TH ANNIVERSARY

## HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. CANTOR. Madam Speaker, I am proud to recognize the Town of Orange as it celebrates its 275th anniversary.

The Town of Orange is located northeast of Charlottesville, near James Madison's estate at Montpelier, viewing the Blue Ridge Mountains.

The Town of Orange was a strategically important location during the American Civil War. Just north of town, the Rapidan River was effectively the northern border of the Confederacy for several years. Consequently, the area witnessed countless troop movements, patrols, skirmishes, and encampments. In addition, the Town of Orange served as General Robert E. Lee's headquarters during that time. In fact, General Lee worshipped at the St. Thomas Episcopal Church on Caroline Street, which still stands today.

The town continued to thrive into the twentieth century. Fire destroyed much of the eastern part of town in 1908, but many of the buildings constructed shortly after the fire still remain. In fact, Orange was well-known for its silk mill, which produced many of the parachutes used by U.S. troops during World War II. The silk mill finally closed in the 1970s, but the building still remains and is used by local businesses.

Orange residents will celebrate and honor the town's heritage and 275 years of history with events and activities throughout the year. In conjunction with the Fall Fiber Festival at Montpelier, the Gordonsville Street Festival, and other county-wide events, the Town of Orange will have a Blues Festival on Main Street on October 3rd to mark the anniversary.

Madam Speaker, please join me in congratulating the fine citizens of Orange as they celebrate their town's anniversary and wishing them the best for their continued growth and success.

# IN HONOR OF MR. BEN MOORE'S LIFETIME OF SERVICE

## HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. PRICE of Georgia. Madam Speaker, I rise today in recognition of Mr. Ben Moore, who this weekend will receive a Lifetime Service and Achievement Award from the Johnson Ferry Baptist Church in my district.

Mr. Moore was born in Texarkana, Arkansas on October 24, 1913. In 1920, his family fled the Dust Bowl and made their way to Atlanta, Georgia. At the age of 14, a young Ben Moore took a job as an office boy at the First National Bank of Atlanta, beginning what would become a long and distinguished career at First National.

Mr. Moore served his country with valor during World War II, joining the Army Air Corps on Oct. 1, 1942 and seeing service in Italy. He returned to Atlanta after the war and was admitted to the State Bar of Georgia in 1949. He has been a member of the bar for 60 years and continues to practice law to this very day.

In 1953 Mr. Moore was named as one of "Atlanta's 100 Leaders of Tomorrow" by Time Magazine. He served on the Atlanta Board of Aldermen, the precursor to today's City Council, during Mayor Ivan Allen's first term. During this period, the City of Atlanta saw numerous changes including the arrival of the Atlanta Braves, the opening of construction on Interstate 285, and the beginning of the transformation of Zoo Atlanta and Hartsfield-Jackson International Airport into the institutions we recognize today.

Mr. Moore became a Baptist in 1957 when he and his two daughters were Baptized by Dr. Monroe Swilley, then pastor of Second Ponce de Leon Baptist Church. He is a graduate of Tech High, the Woodrow Wilson College of Law, and the American Institute of Banking.

Mr. Moore will celebrate his 96th birthday next month. When he isn't practicing law, he enjoys the company of his two daughters, three grandsons, and one great grandson in the Atlanta area.

Throughout his life, Ben Moore has answered the call to serve his family, his community, and his country. I'm proud to honor him today in the United States House of Representatives.

# DON'T HIDE HEALTH CARE DECISIONS FROM JUDICIAL REVIEW

## HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. SMITH of Texas. Madam Speaker, when Democrats introduced health care legislation, the Administration wanted to rush it through Congress before its cost could be calculated.

When Republicans wanted to review health care legislation before they were made to vote on it, Democrats refused to let them see the language.

Look for more of the same. For instance, the House Democrats' health care legislation prevents federal health care decisions from getting judicial review.

Stealth provisions of the House bill take away Americans' rights to challenge government decisions that will profoundly affect their lives. The courts are not allowed to review challenges to decisions to impose payment rates for doctors, hospitals and prescription drugs.

The courts can't review decisions to rest health care reimbursement on racial and ethnic criteria. And the courts can't review decisions intended to control other features of our health care system.

When Democrats hide what they are doing and limit Americans' rights, we know that the game is not about improving Americans' health care. It is about increasing government power at the people's expense.

And it's time to blow the whistle on that rigged game.

# SALUTING THE ONE HUNDREDTH ANNIVERSARY OF FOREST HILLS GARDENS IN QUEENS, NY AND THE REDEDICATION OF THE COMMUNITY'S FLAGPOLE

## HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. WEINER. Madam Speaker, I rise to recognize the one-hundredth anniversary of the beautiful Forest Hills Gardens, the first planned garden community in the United States—one of which of which I am a proud resident.

A bucolic extension of the Olmsteads' New York legacy, our neighborhood was designed by none other than Frederick Law Olmstead Jr., the son of the visionary who gave New York Central and Prospect Parks, two of our most cherished gifts. Much like those glorious testaments to Mother Nature, Forest Hills Gardens brings the natural world to the very heart of a New York City borough while being seamlessly integrated with its decidedly urban surroundings.

While set apart from the thronging streets of Queens, Forest Hills Gardens has evolved to truly embody the diversity of the borough in which it lies, with Christians and Jews living alongside Hindus and Muslims—all of whom are proud New Yorkers and proud Americans.

In tribute to the nation this community represents, Forest Hills Gardens recently rededicated their flagpole following a three-year, painstaking restoration. Madam Speaker, I rise also to recognize this historic occasion. The ninety-eight foot pole is the refurbished mast of the ship *Columbia*, the swift sloop that was the first to win the America's Cup consecutively, in 1899 and in 1901.

A ship whose history is inextricably tied with New York's, the *Columbia* was designed by Nathanael Herreshoff and launched in 1899 by J.P. Morgan for the New York Yacht Club. It was sailed in the cold and choppy waters of New York Harbor by Captain Charlie Barr to two glorious victories against Great Britain and retired to New York's own little port at City Island in 1913.

Towering high above the borough of Queens, the *Columbia's* restored mast tells us of past glory and of future promise. It symbolizes the resilience and ambition that has always and will continue to define New York and its people.

I take this opportunity to present to the community of Forest Hills Gardens a new flag worthy of the *Columbia's* mast and salute the Forest Hills Gardens Corporation for ensuring that our flag continues to wave high over the greatest city in the world.

#### RECOGNIZING THE CONTRIBUTIONS OF MICHELLE DALLAFIOR TO THE HOUSE COMMITTEE ON SCIENCE AND TECHNOLOGY

##### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the service of a valued staff member of the Committee on Science and Technology, Michelle Dallafior, on her last day with the Committee.

Michelle serves on the Energy and Environment Subcommittee, where she manages a broad portfolio of energy issues, including nuclear energy, carbon capture and sequestration, and the transition to a smarter electrical grid. She's worked on key pieces of legislation including the Energy Independence and Security Act of 2007, the American Recovery Act of 2009, and the American Clean Energy and Security Act of 2009, as well as the Energy and Water Research Integration Act, which was passed out of Subcommittee yesterday.

Before she joined the Science and Technology Committee, Michelle was Chief of Staff to Rep. CHARLES WILSON (D-OH). Michelle worked for Rep. Ted Strickland (D-OH) for almost a decade, serving as his Legislative Director and, later, his Chief of Staff. Michelle first came to the Hill to work for Sen. John Glenn (D-OH) on Great Lakes legislative issues. Michelle holds an M.A. in Public Policy from Georgetown University and a B.A. in Political Science from the University of Michigan. She is a proud Yooper, and her Wolverine pride is especially apparent during football and basketball season.

Madam Speaker, Michelle's expertise and ability to reach consensus have made her a

valued member of the Committee staff. Despite balancing a heavy work load with her avid pursuit of bocce and cycling, she always finds time to invest in other staffers. She's shown a special talent for mentoring junior staffers and helping them get substantive experience and exposure.

I know that all of the Science and Technology Committee's Members and staff wish her well as she transitions to the Administration. Michelle will be joining the Office of Fossil Energy at the Department of Energy, continuing her work on carbon capture and sequestration and the creation of a smarter electric grid.

Michelle, thank you for all your hard work and counsel. We will certainly miss seeing you day-to-day, but we hope that we will get the opportunity to work with you in your new role.

#### CELEBRATING RACHEL KNAUB'S 100TH BIRTHDAY

##### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the constituents of Ohio's 7th Congressional District to congratulate and recognize Rachel Knaub on the extraordinary event of her 100th Birthday on October 4, 2009.

Born in Greene County, Rachel has lived in Ohio her entire life. She has resided in many different communities in the state including, Pitchen, Clifton, Springfield, and Cedarville.

Throughout her life, Rachel Knaub has been a proud farmer's wife. She spent 52 years happily married to her husband, Ralph, who passed away in 1992. Rachel is also a proud and active member in the 5th Lutheran Church.

Reaching 100 years of age is truly a great and significant milestone and for that reason, Rachel deserves our congratulations.

#### WELCOMING REV. MARTHA TAYLOR

##### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Ms. LEE of California. Madam Speaker, it is with great pleasure that I rise to welcome the guest chaplain of September 23, the Reverend Dr. Martha Taylor. Dr. Taylor has dedicated nearly 4 decades of her life to public service, and it is my distinct honor to welcome her here today.

Dr. Taylor serves as the Pastor of Elmhurst Presbyterian Church in Oakland, California, and as an adjunct professor at the San Francisco Theological Seminary.

She is also the principal owner of Ministry Christian Training—an education ministry that focuses on church leadership, biblical studies, and inspirational workshops. In this role, she has facilitated leadership trainings for numerous churches across the Bay Area and the country.

Throughout her long and varied years of service, Dr. Taylor has focused much of her attention on issues of social justice. She has become a staple in our home community, and remains active in numerous community organizations. For her work, she was named Christian Woman of the Year in 2006 by then-Sacramento Mayor, Heather Fargo, and the Sacramento County Board of Supervisors.

Dr. Taylor's commitment to service stems from her deep reservoir of faith, and from her dedication to use her faith as an active vehicle for social change.

It is again my great pleasure and honor to welcome my friend, the Reverend Dr. Martha Taylor.

#### RECOGNIZING THE COURAGEOUS SERVICE OF MR. JACK TOLBERT

##### HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. HERGER. Madam Speaker, it is my honor today to commend the self-sacrificing act of a true American hero, Jack Tolbert, who was awarded the Distinguished Service Cross on Armed Forces Day in 1954. The extraordinary heroism of Mr. Tolbert was summarized thus when the medal was awarded:

The President of the United States of America, authorized by act of Congress July 9, 1918, has awarded the Distinguished Service Cross to Sergeant First Class Jack P. Tolbert for extraordinary heroism in military operations against an armed enemy:

Sergeant First Class Tolbert, Infantry, United States Army, a Member of Company B, 65th Infantry Regiment, 3rd Infantry Division, distinguished himself by extraordinary heroism in action against an armed enemy of the United States near Kumhwa, Korea, on 11 June 1953. He was one of two outpost guards on the main line of resistance when the area came under a heavy artillery and mortar bombardment. Observing a hostile infantryman approaching the position, he shouted a warning to the other Sentinel and to the guard at the Command Post, enabling them to alert other elements of the imminent attack. Seconds later the enemy soldier hurled a fragmentation grenade into the bunker. Fully aware of the danger involved, he stepped on the missile in an attempt to dispose of it or lessen its explosive effect and received the full impact of the explosion. Although critically wounded in this display of valor, his prompt and unhesitating action prevented serious injury to his comrade. Inspired by his unflinching courage, the troops fought with great tenacity and skill, inflicting numerous casualties and containing the assault. Sergeant Tolbert's inspirational conduct and consummate devotion to duty reflect the highest credit upon himself and uphold the esteemed traditions of the military service.

By order of Lt. General W. G. Wyman, Commanding General of the Sixth Army. Armed Forces Day, 1954.

Although the Redding chapter of the Military Order of the Purple Heart is named in his honor, Mr. Tolbert insists "I'm not the hero type." In a 2009 interview with his hometown newspaper, Jack said, "I was just a regular GI who spent a little time in the front line. I did

my job and came home." With all due respect to Mr. Tolbert, no one shares his view. He may not have intended to be a hero, but a hero he is. And in recognition of his service, Shasta County has designated October 3 as "Jack Tolbert Day."

It is my honor to recognize Jack Tolbert's heroic service to our Nation.

WASHINGTON STATE TROOPER  
JOHN GARDEN

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. REICHERT. Madam Speaker, today I'd like to recognize Washington State Trooper John Garden for being named the 2008 District One Trooper of the Year in the State of Washington.

As a former law enforcement officer in Washington State, I know the hard work and dedication it takes to earn such an honor, and I thank Trooper Garden for his tireless service and sacrifice for the communities he serves in Pierce and Thurston Counties.

I am confident that Trooper Garden will continue to serve the people of Washington State with great respect and continue his record of strong leadership within the law enforcement community. On behalf of the House of Representatives, I extend my deepest gratitude for his service and sacrifice.

THE INDIAN TRIBAL FEDERAL  
RECOGNITION ADMINISTRATIVE  
ACT

**HON. ENI F.H. FALCOMAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. FALCOMAEGA. Madam Speaker, I rise today to introduce the Indian Tribal Federal Recognition Administrative Procedures Act, a bill to provide for an improved administrative process for federal recognition of certain Indian groups.

The fact of the matter is the process by which the Department of the Interior to recognize Indian tribes is riddled with problems. And these problems exist in large part because the Congress itself has never by law established a process or criteria for the recognition of Indian tribes.

First, the Bureau of Indian Affairs' budget limitations over the years have, in fact, created a certain bias against recognizing new Indian tribes.

Second, the process has always been too expensive, costing some tribes well over \$500,000 when most of these tribes lack the resources and necessary finances. I need not remind my colleagues that Native American Indians are still facing severe challenges to education, economic activity and social development, and this administrative process perpetuates an already embarrassing situation for this country.

Madam Speaker, the courts have already acknowledged the unfair treatment of Indian

groups because of the current federal recognition process. In 1996, in the case of *Greene v. Babbitt*, 943 F. Supp. 1278 (W.Dist. Wash.), the federal court found that the existing process is "marred by both lengthy delays and a pattern of serious procedural due process violations." Deciding on the recognition process for the Samish Tribe in the State of Washington, the court recognized that it took over 25 years for the Department to make a decision. Writing for the court, Judge Thomas Zilly opined that "the Samish people's quest for federal recognition as an Indian tribe has a protracted and tortuous history . . . made more difficult by excessive delays and governmental misconduct" (p. 1281). Moreover, certain procedures mandated in the Administrative Process Act (APA) and by the U.S. Constitution were glossed over during the acknowledgement process.

Sadly though, the Samish's administrative and legal conflict—much of which was at public expense—could have been avoided were it not for a 30-year-old clerical error of the Bureau of Indian Affairs which inadvertently left the Samish Tribe's name off the list of recognized tribes in Washington. With a record like this, it is little wonder that many tribes have lost faith in the Government's recognition procedures.

Fixing the recognition process was also noted by former President Clinton. In a 1996 letter to the Chinook Tribe of Washington, the President wrote, "I agree that the current federal acknowledgment process must be improved." Despite some progress being made, President Clinton further added that "much more must be done."

And the most recent action of this administrative acknowledgment process gives no hope to non-recognized tribes of a reasonable and timely process. The Bureau of Indian Affairs recently issued what it calls a proposed finding on the Brothertown of Wisconsin petition for federal acknowledgment. This tribe's petition was considered ready for consideration by the BIA in 1996—even so, the BIA did not take up the petition until 2008, 12 years later. In the proposed finding issued this August, the BIA proposed to turn down recognition of the tribe for several reasons. One of those reasons was a finding by the BIA that the tribe had been terminated by Congress in 1839. Now, a tribe that has been terminated by Congress cannot be recognized by the BIA. And yet, the BIA insists that this tribe complete this administrative process—at the cost of thousands of dollars to the government and the tribe—even though the BIA could not recognize the tribe even if it finds that the tribe meets the criteria for recognition. A process that requires such a thing makes no sense for the Federal Government or for tribes.

Madam Speaker, the legislation I introduce today provides the vehicle to fix the recognition process for Indian groups. It embodies a framework to lessen the adverse impact and the unfortunate burden on Indian groups seeking federal recognition.

Under this proposal, the administrative burden and responsibility for the federal recognition process is transferred from the Bureau of Indian Affairs, BIA, to an independent Commission on Recognition of Indian Tribes. The Commission shall consist of seven members

appointed by the President with the consent of the Senate. This commission is tasked with reviewing and acting upon documented petitions submitted by Indian groups that apply for federal recognition.

Under this legislation, clear and consistent standards of administrative review of documented petitions for federal recognition are provided for. Moreover, this bill clarifies and identifies clear evidentiary standards for administrative review and also helps expedite the process by providing adequate resources to process documented petition.

Some have expressed concern that prior bills would open the door for more tribes to conduct gambling operations on new reservations. While I cannot say that no new gambling operations will result from this bill, I do believe that this bill will have only a minimal impact in the area.

I would like to remind my colleagues that:

(1) unlike State-sponsored gaming operations, Indian gaming is highly regulated by the Indian Gaming Regulatory Act (IGRA); (2) before gaming can be conducted, the tribes must reach an agreement with the state in which the gaming would be conducted; (3) under IGRA, gaming can only be conducted on land held in trust by the federal government; (4) gaming can only be conducted at a level the state permits on non-Indian land; and (4) any gaming profits can only be used for tribal development, such as water and sewer systems, schools, and housing.

I want to emphasize this point—this is not a gambling bill, this is a bill to create a fair, objective process by which Indian groups can be evaluated for possible federal recognition.

Madam Speaker, this bill is not perfect in every form, but it is the result of many hours of consultation and years of work. I want to thank Chairman RAHALL and everyone involved in this endeavor. Many parties and stakeholders have come together for the purpose of making sound, careful changes which recognize the historical struggles the unrecognized tribes have gone through, yet retaining some of the framework the Bureau of Indian Affairs has developed diligently over the years.

In conclusion Madam Speaker, I hope we can take final action and make much needed improvements to the Federal Indian Recognition process.

IN RECOGNITION OF BASS PRO  
SHOPS FOUNDER JOHNNY L.  
MORRIS, FOR HIS LIFETIME CON-  
SERVATION ACHIEVEMENT  
AWARD FROM THE TEDDY ROO-  
SEVELT CONSERVATION PART-  
NERSHIP

**HON. ROY BLUNT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. BLUNT. Madam Speaker, I rise today to honor a man who has become an icon to fishermen, an innovative retailer and perhaps the humblest guy you might ever meet. You may not immediately recognize the name Johnny Morris, but you probably know the company he started in 1972—Bass Pro Shops. Johnny

is also a dedicated conservationist who supports a host of national wildlife and habitat conservation efforts.

National Fish and Wildlife Foundation, National Wild Turkey Federation, the Nature Conservancy, International Game Fish Association, Ducks Unlimited, Rocky Mountain Elk Foundation, Quality Deer Management Association, Trout Unlimited, International Bowhunting Organization, The Congressional Sportsmen's Foundation, U.S. Fish & Wildlife Service, USDA Forest Service, Quail Unlimited, Federation of Fly Fisherman, and Safari Club International are among the organizations that Bass Pro Shops publicly supports.

Johnny's ideal work is fishing. While fishing the Bassmaster professional circuit, he was always taking notes of what lures were catching fish, who made them and how to find them. Starting with hand-tied lures and bait made from sowbellies and sold in jars, Johnny started his business in his father's store. Within two years he needed more room for his growing enterprise.

In 1972 Bass Pro Shops—or Pro Bass as many of his regulars still call it—began issuing catalogs. Today those books are 700 pages of full color pictures of lures, worms, hooks, sinkers, reels, rods and everything an angler would ever need. There is a line of hunting equipment and clothing too.

Among Johnny's successful ideas was selling fishing boats in packages—boat, motor, trailer and trolling motor. It had never been tried before, but it's an industry standard now. That is just one of several reasons why he was named the National Retail Federation's Retail Innovator of the Year in 2008.

Johnny Morris' vision has expanded from that small space in his dad's store to 56 megastores in the United States and Canada, a 1.7-million-square-foot warehouse and headquarters in Springfield, Missouri, and jobs for 16,000 employees.

If you want to know the real success of Morris' Bass Pro Shops, visit one of their stores. Complete with aquariums full of game fish or rare turtles, a Bass Pro Shops store is a visit that will satisfy your interest in everything outdoors. Equipment for most any sportsman's experience is available along with advice from people who have used it. Bass Pro Shops receives nearly 100 million customers, sightseers and visitors a year. The Springfield store is Missouri's number one visitor attraction, welcoming more than 4 million people through its doors last year.

Johnny is a conservationist who enjoys the outdoors and preservation of America's scenic beauty found in its open spaces, wildlife and waters. Earlier this week, the Teddy Roosevelt Conservation Partnership honored Johnny Morris with its Lifetime Conservation Achievement Award for his dedication to conserving our national resources and ensuring the future of America's sporting traditions.

This is an honor Johnny Morris has earned through a lifetime of work as a retailer and sportsman. Foremost, I think Johnny would like to be thought of simply as a pretty good fisherman.

RECOGNIZING TIBOTEC THERAPEUTICS FOR CONDUCTING THE GRACE STUDY, A GROUND BREAKING HIV CLINICAL TRIAL FOCUSED ON WOMEN AND PEOPLE OF COLOR IN THE UNITED STATES

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. CLAY. Madam Speaker, I rise today to commend and congratulate Tibotec Therapeutics, part of the Johnson & Johnson family of companies, for demonstrating continued innovation and corporate responsibility in the fight against HIV/AIDS by conducting the groundbreaking GRACE study. GRACE, which stands for Gender Race And Clinical Experience, is the largest study to date in treatment-experienced women with HIV to examine gender and race differences in response to an HIV therapy. In recent HIV studies of treatment-experienced patients, women accounted for less than 11 percent of the patients being studied, on average. GRACE was able to enroll nearly 70 percent women and 84 percent people of color.

In my home State of Missouri, there are almost 12,000 people living with AIDS, and African Americans represent over a third of these cases. Women account for more than one quarter of all new HIV/AIDS diagnoses in the United States, with African American and Latina women representing 79 percent of women living with the disease. People of color have been historically underrepresented in clinical trials in the United States, and HIV/AIDS disproportionately impacts African Americans. In terms of new HIV infections, African American women are infected at a rate 15 times higher than white women.

The trial was designed to help overcome some of the barriers, identified by the advisors, which have historically deterred women and people of color from participating in clinical studies, including stigma, lack of child care, transportation and personal support systems. Based upon advisor and community input, study participants could obtain assistance to cover costs associated with their participation in the study, including funds for travel and childcare, as well as food vouchers. I am proud to say that one of the study sites in this historic clinical trial is located in my congressional district.

Results of the GRACE study showed that there were no statistical differences in the safety, tolerability or effectiveness of the HIV regimens used in the study between male and female participants, or for people of different ethnicities. Additionally, the GRACE study showed that with the appropriate commitment from the trial sponsor and input from affected communities and providers, clinical trials can enroll meaningful numbers of women and racial and ethnic minorities.

Madam Speaker, I commend Tibotec Therapeutics and Johnson & Johnson for their commitment to addressing the disproportionate impact of this epidemic on women and people of color.

U.S. POLICY TOWARDS BURMA

### HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. SOUDER. Madam Speaker, today the Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs held a hearing on U.S. policy towards Burma. I would like to contribute some remarks on this important topic. I represent the Third District of Indiana, which is home to the largest concentration of people from Burma in the U.S. In recent years, resettlement agencies have placed well over 2,000 refugees in Fort Wayne, Indiana. Fort Wayne has also become a "community of choice" amongst the refugee community, and secondary migrants have increased Fort Wayne's population of people from Burma to over 6,000. As a result, the Third District is acutely aware of the atrocities and suffering that the people from Burma have faced at the hands of the State Peace and Development Council (SPDC).

I am disappointed that this hearing, which is intended to evaluate the role the U.S. can play in facilitating democratic reform, did not invite testimony from a single representative of Burma's democracy movement or one individual who has endured the violence of the Tatmadaw. A thorough evaluation is impossible without their perspective.

Over the years, U.N. reports have documented some of the military regime's harrowing crimes, including widespread rape, conscription of child soldiers, torture, and the destruction of thousands of villages. It is clear that the SPDC has in part been conducting a war against its own citizens.

In spite of these realities, the Administration has recently engaged in direct dialogues with the Burmese regime and the Senate Committee's hearings today are in part seeking to re-evaluate the role of sanctions in U.S. policy. I support the establishment of a peaceful and democratic Burma. However, it is improbable that this can be achieved through negotiations with the junta—a dictatorship will not act in good faith and broker a deal that will lead to its own demise.

Before such dramatic changes in policy can be made, it is necessary for the military dictatorship to demonstrate a clear movement towards democracy. This must include ending the current violence against its citizens, installing Daw Aung San Suu Kyi to her rightful place as Burma's democratically elected Prime Minister, and drafting a constitution that creates the possibility for true civilian leadership. Until we see this kind of progress, the U.S. cannot give validity to this illegitimate government.

HONORING BEN G. PORTER

### HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. MARSHALL. Madam Speaker, it is my pleasure to rise today to honor one of Macon,

Georgia's great citizens, Ben G. Porter, someone who has worked tirelessly to improve the quality of life in Middle Georgia and throughout the State of Georgia.

Ben and his wife Hazel have lived in Macon for over 50 years. He is an avid outdoorsman and his passion for the natural beauty of our land punctuates his business and charitable endeavors. As a former Chairman of the Board of Georgia's Department of Natural Resources, Ben advocated for the conservation and preservation of our natural and cultural resources so that current and future generations can take pleasure in the unique history, diversity and great beauty found in every region of our state. As a founder and member of the Ocmulgee Land Trust, as Chairman of the Jekyll Island Authority as well as in his service on the Advisory Council of the Trust for Public Land, Ben actively encourages property owners across our nation to conserve and protect land that has natural, recreational, scenic, historic, or productive value.

In his hometown of Macon, Ben Porter's vision and leadership has anchored a number of organizations including the Chamber of Commerce, where he served a term as President, the Macon Heritage Foundation and Mercer University's School of Medicine, where he currently serves on the Board of Governors. But, his most lasting and—I believe he would say—his proudest accomplishment in Macon is the leadership he provided along with a handful of others in the creation of the Ocmulgee Heritage Trail. More than 15 years ago, Ben and a small group of civic and public leaders in Macon began to envision a walking trail that would connect some of Macon's historical and cultural gems—the Ocmulgee National Monument, Rose Hill Cemetery and the historic water treatment facility—to its great natural asset and the lifeblood of our community, the Ocmulgee River. What made this idea special was the reason behind it: most of the land abutting the Ocmulgee River in Macon was owned by private citizens and therefore not accessible to the public. There were few places where the everyday person in Macon could touch the river, could sit beside it in quiet contemplation or enjoy the beauty of its banks. The gift of river access to the Ocmulgee River is the enduring legacy that Ben has helped to give to the citizens of Macon. Today, the Ocmulgee Heritage Trail extends 10 miles, but Ben Porter and the other leaders of the Ocmulgee Heritage Trail executive board dream big, and eventually the Trail will connect landmarks and towns throughout Middle Georgia.

I'd like to close my comments today on a personal note. I have known Ben for many years in both a professional and personal capacity. Ben is a man of faith, a generous giver, a caring mentor and an exceptional visionary whose perseverance and quiet yet influential leadership style has been an example to us all. He is savvy, strong and involved. And he is someone I am proud to call a friend.

Please join me in celebrating the life and legacy of Ben G. Porter, a great and influential citizen of Macon, Georgia.

## INTRODUCTION OF H.R. 3692, THE NATIONAL FOREST ROADLESS AREA CONSERVATION ACT

**HON. JAY INSLEE**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. INSLEE. Madam Speaker, today, with bipartisan support from 151 of my colleagues, I introduced the National Forest Roadless Area Conservation Act of 2009, which will protect 58.5 million acres of pristine wild forests by prohibiting new road construction and reconstruction and providing critical ecological protections. Roadless areas provide clean drinking water to over 60 million Americans, recreational opportunities, and undeveloped habitat for more than 600 threatened, endangered or sensitive plant and animal species. In Washington, 2,015,000 acres of roadless areas, almost 22 percent of our wildlands, are at stake. Washington State crown jewels, like Eagle Rock and Dark Divide, should be preserved for future generations. This legislation will codify the Clinton Administration's Roadless Area Conservation rule to protect these lands and move us closer to permanently protecting our nation's unique and invaluable wildlands.

In 2001, President Clinton issued the Roadless Area Conservation Rule, protecting 58.5 million acres of National Forest land (30 percent of all National Forest land) from new road construction. The Clinton Roadless Rule was the result of a two-year rulemaking process that included the most extensive public involvement process in federal rulemaking history. The U.S. Forest Service held more than 600 meetings, with more than 1.6 million Americans submitting comments to the plan, where my constituents and many other Americans voiced their overwhelming support for the rule.

While the Clinton Roadless Rule enjoyed enormous public support, the Bush Administration fought a multi-year battle to overturn it. In 2005, the Bush Administration issued a new roadless rule that removed protections and opened roadless areas up for further development. In addition, numerous lawsuits have tracked the roadless rule's course, both in favor and opposed. Recently, the 9th District court has decided in favor of the 2001 Roadless Rule. This legislation will permanently protect our nation's roadless areas and remove all ambiguity concerning their conservation and protection.

As a native Washingtonian and a lifelong outdoorsman, I grew up exploring and enjoying our National Forests. It is my hope that my grandchildren will be able to explore and enjoy the same untouched and protected forests that I have grown to love. By carefully and thoughtfully conserving our National Forest lands, they will be here for future generations to come.

I have led the fight for our roadless areas in Congress since 2002 and will continue to seek ways to protect our National Forests.

IN HONOR OF THOMAS J. MANNING

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. PALLONE. Madam Speaker, I rise today to honor Thomas J. Manning and his dedicated years of service to the State of New Jersey and its workers. Mr. Manning recently retired after a long career as an advocate for New Jersey's workers. Through his tenacity and hard work he became a positive force in the lives of so many.

In 1969, Mr. Manning graduated from Mater Dei High School, located in New Monmouth, New Jersey. He soon became involved in the steamfitting trade, serving a five year apprenticeship before achieving the position of Mechanical Superintendent. Mr. Manning is a member of Local Union No. 475 and has served his union in a number of distinguished capacities. In 1994, he was elected to the position of Business Agent and in 2000 he was selected to serve as the union's Business Manager. He was also a trustee and Co-Chairman of the Steamfitters Local 475 Employee Benefit Trust Fund.

Mr. Manning has also served in several state-wide union positions, during which time he represented and fought for thousands of his fellow workers. He served as President of the New Jersey State Association of Pipe Trades. In this capacity, he worked to represent 11,000 plumbers, pipefitters, sprinklerfitters, and HVAC service providers. Mr. Manning has also served as Vice President of the New Jersey State Building and Construction Trades, President of the Mechanical Allied Crafts, and as an Executive Board Member of the New Jersey AFL-CIO.

Mr. Manning is a founding member of my labor advisory committee and has become a trusted advisor to me on not only labor issues but on the environment, the economy and workers' health care.

Importantly, Mr. Manning sought to continue his education in the fields of labor and political studies. He completed courses in both Labor Law and Labor History at Cornell University's School of Industrial and Labor Relations. He also attended Rutgers University's Labor Education Center where he studied political science.

Mr. Manning has been a member of numerous government and local advisory groups. In 2005, he was appointed by Governor Dick Codey to serve as a member of the School Construction Corporation Board of Directors. He also served as a member of New Jersey Governor Jon Corzine's Economic Development Transition Team and was later appointed to a position with the New Jersey Economic Development Authority.

Madam Speaker, Local 475, the labor movement and the people of New Jersey are losing a true champion with the retirement of Tom Manning. I sincerely hope that my colleagues will join me in celebrating his impressive career. His long record of advocacy on behalf of New Jersey's workers is truly remarkable.

## PERSONAL EXPLANATION

**HON. NEIL ABERCROMBIE**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote Nos. 740–745. Had I been present, I would have voted “aye” on rollcall votes 740–741 and 743–745. I would have voted “nay” on rollcall vote 742.

## CARLSBAD MENTAL HEALTH CLINIC

**HON. HARRY TEAGUE**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. TEAGUE. Madam Speaker, I rise today to honor the Carlsbad Mental Health Center for their innovative use of health information technology, which was recognized in two nationally syndicated publications highlighting the findings of a report prepared by Dr. Edward Kako for the federal Centers of Medicare and Medicaid Services (CMS).

As recently as 2007, the Carlsbad Mental Health Center was witnessing rising costs, budgetary shortages and high wait times for patient appointments and intakes. The facility responded to these challenges by adopting an innovative new program to harness health information technology to improve efficiency and cut costs. Within a year the facility's new practices brought a number of successful developments.

First, the new practices improved the quality of care for patients, while cutting wait times for patient appointments. The new system provided the staff access to more detailed information, allowing them to better diagnose and treat patients. In addition, further research into the facility's high no-show and cancellation rates produced new policy changes, which reduced the wait time for an appointment from up to 6 weeks to an average of 11 days.

Second, these new practices resulted in dramatic cost reductions. The innovative use of health information technology by the Carlsbad Mental Health Center illustrates how adopting cutting edge technologies and practices can cut health care costs and provide better service to patients. Adopting the best practices for mental health care will not only help the general public, but will also help our veterans who are experiencing high rates of mental health disorders and substance addictions. This is of particular importance to me as I believe providing veterans with the best possible care available is among our highest obligations.

Madam Speaker and colleagues, please join me in recognizing and in honoring the Carlsbad Mental Health Center's impressive accomplishments and innovations in the field of mental health treatment.

## SIXTH ANNUAL NATIONAL CYBER SECURITY AWARENESS MONTH

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Ms. CLARKE. Madam Speaker, I rise in support of the sixth annual National Cybersecurity Awareness Month, which kicks off today.

The goal of National Cyber Security Awareness Month is to show everyday Internet users that by taking simple steps, they can safeguard themselves from the latest online threats and respond to potential cyber crime incidents.

I commend the National Cyber Security Division (NCSD) of the Department of Homeland Security (DHS), the National Cyber Security Alliance (NCSA), the Multi-State Information Sharing and Analysis Center (MS-ISAC) and their partners for sponsoring National Cyber Security Awareness Month again this year.

This year, the theme of National Cyber Security Awareness Month is “Our Shared Responsibility.” Ultimately, our cyber infrastructure is only as strong as the weakest link. In this digital age, we are all connected. No individual, business, or government entity is solely responsible for cyber security. Everyone must make sure to employ safe and secure computing practices. We all need to understand how our individual online computing practices have a collective impact on our nation's cyber security.

Cyber security vulnerabilities can significantly impact our national and economic security. Cyber warfare and cyber crime are increasing in sophistication and frequency every day. The Department of Homeland Security logged 5,499 such cyber attack incidents in 2008—a 40 percent increase over the previous year. A 2007 Government Accountability Office report estimates the total U.S. business losses due to cyberattacks exceed \$117.5 billion per year. A 2009 Consumer Reports study found that over the past 2 years, one in five online consumers has been a victim of cyber crime. Attacks on our Federal Government networks this summer served as a recent reminder that we must remain vigilant in combating cyber incidents.

Through the help of the Obama administration, cyber security is finally gaining the much needed attention it deserves both in the Federal Government and the private sector. The White House's Cyberspace Policy Review, published this May, recommends that the government initiate a national public awareness and education campaign to promote cyber security. The President will soon name a National Cyber Security Coordinator, the first such White House post.

As chairwoman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I am doing my part to oversee government's role in securing cyberspace. Earlier this year I held a series of hearings on our Nation's cyber security posture and the various vulnerabilities in our critical information infrastructure. This month I will host a series of events geared to educate Hill staff on this important national and economic security issue.

## NATIONAL HISPANIC HERITAGE MONTH

**HON. PHIL HARE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. HARE. Madam Speaker, I proudly rise today in observance of Hispanic Heritage Month to honor the culture, traditions and contributions of the Hispanic community both in my home state of Illinois and in the country as a whole.

What began as Hispanic Heritage Week in 1968 under President Johnson was expanded in 1988 when Illinois Senator Paul Simon introduced legislation to lengthen the celebration to National Hispanic Heritage Month. Beginning each year on September 15, Hispanic Heritage Month falls during the independence anniversaries of several Latin American countries, and celebrates those Americans whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America.

Today, Hispanic Americans are the largest minority group within the United States. And throughout our history, the Hispanic community has made invaluable contributions to our history and national character in the areas of government and politics, science, business, and the arts.

Of the 500 largest Hispanic-owned businesses, twenty are located in Illinois, including Group O, Inc. located in my district in the Village of Milan. I would also like to commend the President for appointing and the Senate for confirming the newest addition to the U.S. Supreme Court, Associate Justice Sonia Sotomayor, whose life story exemplifies the American Dream: that with courage, determination and hard work, anyone can prosper and achieve success.

Furthermore, Hispanic Americans have made significant contributions to the defense of this nation through service in all branches of the Armed Forces. Hispanics have courageously defended the United States in wars from the American Revolution through the current conflicts in Iraq and Afghanistan. To date, forty-three Hispanic Americans have received the Congressional Medal of Honor, the nation's highest award for valor in action against an enemy force.

In Silvis, Illinois there is a block-and-a-half-long street with twenty-five homes that was originally settled by Mexican immigrants in the earlier part of the twentieth century. This street, appropriately renamed Hero Street USA, has, sent more than 110 men and women to serve in the U.S. armed forces, more than any other American street of comparable size anywhere in our country. Their unselfish defense of this nation and its values is representative of the strength, hard work and love of family and country demonstrated by the Hispanic community in the United States.

Additionally, I am proud to have Joe Terronez among my constituency, who in 1967 was elected to the city council in Silvis and later became Illinois's first Hispanic mayor.

Madam Speaker, I ask my colleagues to continue this national celebration which was



first started by the 100th Congress and join me in honoring the histories, cultures and contributions of Hispanic Americans during Hispanic Heritage Month.

EXPRESSING CONDOLENCES TO  
THE PEOPLE OF AMERICAN  
SAMOA, SAMOA AND INDONESIA  
IN THE AFTERMATH OF THE  
EARTHQUAKES AND TSUNAMI  
DEVASTATION

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to express my deep condolences to the people of American Samoa and Samoa on Tuesday suffered a devastating tsunami triggered by a powerful earthquake of 8.0 on the Richter scale. The destructive path of the tsunami has flattened villages and caused the deaths of over a hundred people. I am truly saddened by this devastating turn of events. My thoughts and prayers are with the victims' families during this most difficult time.

While hundreds of people are being treated for injuries and as rescue efforts continue, I am glad to see that relief supplies are getting to the Pacific islands right away.

Madam Speaker, I also would like to extend my condolences to the people of western Indonesia who regrettably suffered a powerful earthquake on Wednesday, where at least 1,100 people have been killed. The aftermath of this earthquake has caused landslides and trapped thousands under buildings, including two hospitals. I send my deepest sympathies to the families who have lost loved ones from this devastating earthquake.

The valiant efforts of local authorities and the Red Cross to rescue victims must not go unnoticed. These brave individuals are on the frontline and face many grave dangers to help those in need. I would also like to commend my colleague and friend, Congressman ENI FALEOMAVAEGA for his quick response to this terrible tragedy. His leadership during this difficult time will undoubtedly help the people of American Samoa and Samoa rebuild the Pacific islands and restore it back to its beautiful heritage.

Madam Speaker, the coming weeks and months will be a very trying time for all those affected by these natural disasters. I wish the people of American Samoa and Samoa as well as Indonesia a safe recovery.

RECOGNITION OF CITY YEAR NEW  
YORK ON OPENING DAY

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. RANGEL. Madam Speaker, I rise in honor of City Year and especially City Year New York to celebrate the Opening Day of the '09-'10 City Year class. Tomorrow is Opening Day for all 19 City Year sites, deploying 1,500

corps members in service to our country's high-need schools, including those in my district.

The '09-'10 City Year New York class has more than 230 young leaders representing 38 out of the 50 states, bringing a diverse group of service-oriented individuals to help New York's children succeed. Being from the great state of New York, I am proud that City Year New York runs the largest City Year program in the country.

I admire City Year for its continued service and dedication to our New York communities. Its goals to help students and schools succeed, build stronger communities, break down social barriers, develop young leaders, and foster active citizenship are what lead to make our nation's youth better equipped for tomorrow's challenges. City Year New York does these things and more at several schools in my community of Harlem, including Vito Marcantonio, James Weldon Johnson, Luis Munoz Rivera, and Jose Celso Barbosa elementary schools, and Jackie Robinson and John S. Roberts middle schools.

Education is the most critical factor for determining the future well-being of our children. President Obama, City Year, and our partners recognize that we cannot afford to fail in this area because our economy and, more importantly, a united democracy depend on it. City Year recognizes this success requires a whole community effort and serves our students with a team comprised of government officials, school staffs, corporate partners, and youth leaders.

Harlem was able to provide space for corps training at The Minisink Town House of the New York Mission Society. I am pleased that community partnerships like these, and the support of corporate partnerships, will ensure that City Year New York is able to continue its efforts and succeed in Harlem.

Let's continue to applaud and support City Year, especially City Year New York, and all service organizations as they continue building better communities. I call upon my fellow Members of Congress to join me in celebrating the Opening Day for these 1,500 corps members as they embark on their missions of service.

NON-COMMISSIONED OFFICERS  
WHO SERVE OUR NATION IN THE  
U.S. ARMY

**HON. SPENCER BACHUS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. BACHUS. Madam Speaker, it is with great pride and admiration that I rise today to honor the Non-Commissioned Officers from the great state of Alabama who serve our Nation in the United States Army.

NCOs from the my state have served in defense of our freedoms, in support of our democracy, and in service to the citizens of the state of Alabama during times of natural disasters and to our Nation in times of national emergencies at home and abroad.

Since 9/11, Army Reservists from Alabama have deployed over 6,000 times and members

of the Alabama Army National Guard have made over 15,000 deployments to the Global War on Terror, many for the second, third, and fourth time.

The U.S. Army has designated 2009 as the "Year of the NCO" to pay tribute to the leadership qualities and contributions of the Non-Commissioned Officers charged with executing the military organization's mission and training for personnel and equipment maintenance that make their units function. Those values are embodied in the NCO Creed, which reads:

No one is more professional than I. I am a Non-Commissioned Officer, a leader of soldiers. As a Non-Commissioned Officer, I realize that I am a member of a time honored corps, which is known as 'The Backbone of the Army'. I am proud of the Corps of Non-Commissioned Officers and will at all times conduct myself so as to bring credit upon the Corps, the Military Service and my country regardless of the situation in which I find myself. I will not use my grade or position to attain pleasure, profit, or personal safety;

Competence is my watchword. My two basic responsibilities will always be uppermost in my mind—accomplishment of my mission and the welfare of my soldiers. I will strive to remain technically and tactically proficient. I am aware of my role as a Non-Commissioned Officer. I will fulfill my responsibilities inherent in that role. All soldiers are entitled to outstanding leadership; I will provide that leadership. I know my soldiers and I will always place their needs above my own. I will communicate consistently with my soldiers and never leave them uninformed. I will be fair and impartial when recommending both rewards and punishment;

Officers of my unit will have maximum time to accomplish their duties; they will not have to accomplish mine. I will earn their respect and confidence as well as that of my soldiers. I will be loyal to those with whom I serve; seniors, peers, and subordinates alike. I will exercise initiative by taking appropriate action in the absence of orders. I will not compromise my integrity, nor my moral courage. I will not forget, nor will I allow my comrades to forget that we are professionals, Non-Commissioned Officers, leaders!

It is an honor to draw attention to these brave soldiers, and I commend Alabama's Army Non-Commissioned Officers for their service to our State and the Nation.

RESOLUTION HONORING THE LIFE  
OF MICHAEL SHIMANSKY

**HON. JERRY MCNERNEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. MCNERNEY. Madam Speaker, today I ask my colleagues to join me in honoring the life of Michael Shimansky, who passed away peacefully at age 65 on September 15, 2009.

Mike Shimansky was the longest serving member of the Danville Town Council since the town's incorporation in 1982. He was elected in 1989 and served for 20 years with a deep rooted sense of public service and strong belief in giving back to the community in which he lived. I knew Mike on a personal



basis, and he was a warm and genuine man. His passion for public service extended beyond his role as a Danville Town Council member. He was well known for officiating local soccer games, lacrosse games and track meets. I remember Mike as a fixture at events to raise money for positive causes, such as presiding over Primo's Run for Education, and the Hats Off America Run, which raises money for the benefit of surviving families of our fallen soldiers.

Mr. Shimansky also represented the town of Danville through appointments to numerous other boards, committees and commissions. He was currently serving on the Central Contra Costa Solid Waste Authority, Contra Costa Transit Authority, and San Ramon Valley Disaster Council; and as the Contra Costa Mayors' Conference appointee on the S.F. Bay Area Air Quality Management District Board and the East Bay Regional Park District Advisory Committee and the Elections Citizen Advisory Committee. Prior to his election to the town council, Mr. Shimansky served as a member of the town's inaugural Parks and Leisure Services Commission.

Mike was also a friend to our veterans in the San Ramon Valley. As a member of the Danville Park and Leisure Services Commission, he was instrumental in the establishment of the All Wars Memorial at Oak Hill Park. A local veterans organization, the Vietnam Veterans of Diablo Valley described him as, "a truly outstanding and dedicated—beloved man of the community—in which he served and lived."

Michael Shimansky's passion for public service did not stop at home. In addition to being deeply involved in the local community, he volunteered to help his fellow citizens during times of national crisis, by going to New Orleans to join the American Red Cross' efforts in both the aftermath of Hurricane Katrina in 2005, and during the wildfires that devastated many homes and communities in San Diego County in 2007.

Mike was a valued and respected leader who touched the lives of many and improved the quality of life in Danville for decades to come. He always worked for the common good and led by example. In the words of one of his fellow council members, "People loved him for his work ethic. Every decision he made, he had the people of Danville in mind."

Michael Shimansky's efforts as a volunteer and unwavering dedication to public service leave a legacy that will continue to benefit the people of Danville, the State of California and our great Nation for generations to come. It is for these reasons that I ask my colleagues to join me in honoring the memory of Michael Shimansky in sending our thoughts and prayers to his beloved family and friends.

#### HONORING THE LONG VALLEY WOMAN'S CLUB

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Long Valley Woman's

Club in Morris County, New Jersey, which is celebrating its 95th Anniversary this year.

Originally named the "Home Bureau," The Long Valley Woman's Club was founded in 1914 by a group of twelve dedicated community leaders at the home of Mrs. Frank Castle, who served as their first president. The women met regularly for monthly "Meet and Eat" sessions, at which they would dine, while sharing recipes with each other.

The Long Valley Woman's Club eventually transformed into a service-based organization, providing valuable support for the community. Most notably, the Long Valley Woman's Club was responsible for providing the Washington Township Fire Company with its first alarm system, donating essential life-saving equipment to the local first aid squad, and contributing funds for the building of a hospital. The club also led the charge for establishing Washington Township's first free public library. The Long Valley Woman's Club has a long-standing tradition of providing clothing, food, and monetary donations to those in need, as well as scholarships and awards to hard-working young people in the community.

In 1930, the Long Valley Woman's Club was recognized for its outstanding volunteer services when it became a member of the New Jersey State Federation of Women's Clubs and the General Federation of Women's Clubs.

Madam Speaker, I ask you and my colleagues to join me in congratulating the members of the Long Valley Woman's Club as they celebrate 95 decorated years of serving our community.

#### EARMARK DECLARATION

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 3183, the Fiscal Year 2010 Energy and Water Appropriations Bill.

Project Name: Wappapello Lake, MO

Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: City of Poplar Bluff, Missouri

Address of Requesting Entity: 101 Oak St. Poplar Bluff, Missouri 63901

Description of Request: Provide an earmark of \$5,232,000 for Wappapello Lake, MO MR&T Operations and Maintenance. This funding is for routine operation and maintenance, as well as work on U.S. Highway 67. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Operations and Maintenance Account.

Project Name: Bois Brule Drainage and Levee District, MO

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Bois Brule Levee and Drainage District of Perry County, MO

Address of Requesting Entity: P.O. Box 347, Perryville, MO 63775

Description of Request: Provide an earmark of \$1,938,000 to continue work on a flood damage reduction and deficiency correction project conducted by the U.S. Army Corps of Engineers. Approximately, \$400,000 to award a contract for the Missouri Chute pump station; \$420,000 to complete exploration and design of relief wells; and \$1,118,000 to construct additional relief wells. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Cape Girardeau (Floodwall), MO

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: City of Cape Girardeau

Address of Requesting Entity: 401 Independence Street, Cape Girardeau, MO 63703

Description of Request: Provide an earmark of \$183,000 to continue work on a flood damage reduction project conducted by the U.S. Army Corps of Engineers. The \$183,000 will be used to complete the rehabilitation of the floodwall. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Clearwater Lake, MO (Seepage Control)

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: City of Piedmont

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of \$37,791,000 for Clearwater Major Rehabilitation Project to continue work on a flood control project conducted by the U.S. Army Corps of Engineers. The \$37,791,000 will be used to complete Phase I(b) construction and continue Phase II to construct a cutoff wall. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN

Bill Number: H.R. 3183

Account: MRT—Construction

Legal Name of Requesting Entity: Bootheel Regional Planning and Economic Development Commission

Address of Requesting Entity: 105 E. North Main Street, Dexter, MO 63841

Description of Request: Provide an earmark of \$44,702,000 for Mississippi River Levees (MR&T) to continue work on flood protection projects conducted by the U.S. Army Corps of Engineers. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Mississippi River and Tributaries, Construction Account.

Project Name: St. John's Bayou and New Madrid Floodway, Missouri

Bill Number: H.R. 3183

Account: MRT—Construction

Legal Name of Requesting Entity: St. John's Levee and Drainage District of Missouri Address of Requesting Entity: P.O. Box 40, New Madrid, MO 63869

Description of Request: Provide an earmark of \$200,000 for the St. John's Bayou and New

Madrid Floodway. This funding will be used to conduct NEPA activities. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Construction Account.

Project Name: Clearwater Lake, Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of Piedmont, Missouri

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of \$2,827,000 for Operation and Maintenance of Clearwater Lake. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: St. Francis Basin, AR & MO

Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: The Little River Drainage District

Address of Requesting Entity: 1440 Kurre Lane, Cape Girardeau, MO 63701

Description of Request: Provide an earmark of \$9,509,000 for St. Francis River and Tributaries, AR & MO Maintenance. This funding will be used for land and damages, cultural resources, engineering, design, construction management and operate and maintain two pumping stations. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Maintenance Account.

Project Name: Caruthersville Harbor, Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: Pemiscot County Port Authority

Address of Requesting Entity: 619 Ward Avenue, Caruthersville, MO 63830

Description of Request: Provide an earmark of \$482,000 for Caruthersville Harbor for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately \$482,000 is for dredging the harbor to authorized levels. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: New Madrid Harbor, Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: New Madrid County Port Authority Address of Requesting Entity: 435 Main Street, New Madrid, MO 63869

Description of Request: Provide an earmark of \$400,000 for the New Madrid County Harbor for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately \$400,000 is for dredging the harbor. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: New Madrid Harbor (Mile 889), Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of New Madrid, Missouri

Address of Requesting Entity: P.O. Box 96, New Madrid, MO 63869

Description of Request: Provide an earmark of \$240,000 for the New Madrid Harbor Mile 889 for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately \$240,000 will be used to dredge the harbor. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: Little River Diversion, Dutchtown, Missouri

Bill Number: H.R. 3183

Account: Section 205

Legal Name of Requesting Entity: Little River Drainage District

Address of Requesting Entity: P.O. Box 159 Cape Girardeau, MO 63702

Description of Request: The Little River Diversion project will be funded at the discretion of the U.S. Army Corps of Engineers, through Section 205 funds. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Section 205 account.

Project Name: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN

Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: Bootheel Regional Planning and Economic Development Commission

Address of Requesting Entity: 105 E. North Main Street, Dexter, MO 63841

Description of Request: Provide an earmark of \$11,311,000 for Mississippi River Levees (MR&T) to continue work on flood protection projects conducted by the U.S. Army Corps of Engineers. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Mississippi River and Tributaries, Operations and Maintenance Account.

#### PERSONAL EXPLANATION

#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Ms. RICHARDSON. Madam Speaker, on Tuesday, September 29, 2009, I was unavoidably detained and thus missed rollcall vote No. 740.

Had I been present I would have voted as follows: On rollcall No. 740, Motion to Suspend the Rules and Pass H.R. 905, as amended, "Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act of 2009," I would have voted "aye."

BOY SCOUTS OF AMERICA MENTORS AND VOLUNTEERS HONORED WITH STATUE IN RIVERFRONT PARK; SPOKANE, WA

#### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize the dedication and commitment to service exemplified by the mentors and volunteers of the Boy Scouts of America and to commemorate the installation of a statue, dedicated in honor of these mentors and volunteers, in Riverfront Park in Spokane, Washington.

The support and assistance of the community and those directly associated with the Boy Scouts has made this project a reality. Over the course of three years, funds were raised and a location secured for the installation of the "Footsteps of the Future" statue honoring the volunteers and mentors involved with the Boy Scouts of America. A gift from Troop 325 and the Inland Northwest Council of the Boy Scouts to the City of Spokane, this bronze statue, over seven feet in height, is inspired by the National Boy Scouts of America statuette that is oftentimes given to those attaining Eagle Scout rank. The models for the statue are two Boy Scouts from Troop 325; the older Scout is depicted pointing the way for the younger Scout.

However, perhaps the greatest impetus behind this project was the inspired service of a Spokane-area man who devoted nearly 40 years of his life mentoring the youth in our community as a Boy Scout leader. Dean Dinnison, former Scoutmaster of Troop 325, served honorably with the United States Marine Corps for four years during World War II. It is fitting, then, that the statue honoring his commitment to service and that of countless other mentors and volunteers should be placed at the western-most edge of Riverfront Park, in the Veterans Park.

Madam Speaker, as we recognize 100 years of Scouting in America this year, I believe the ongoing service of our Nation's Boy Scouts and the mentors and volunteers who help shape them as leaders in our communities deserves recognition. It is my hope that this statue, like the two boys it is modeled after and the man who inspired its creation, will serve to inspire future generations of our Nation's youth to a vibrant life of civic involvement. I invite my colleagues to join me in honoring the volunteers, mentors, and Scouts of the Boy Scouts of America and in commemorating the dedication of the "Footsteps to the Future" statue.

#### PERSONAL EXPLANATION

#### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on September 29, 2009. If I

were present for rollcall votes, I would have voted Yea on each of the following:

Roll 740, September 29, 2009: On Motion to Suspend the Rules and Pass, as Amended: H.R. 905, Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act.

Roll 741, September 29, 2009: On Motion to Suspend the Rules and Agree: H. Res. 16, Supporting the goals and ideals of National Life Insurance Awareness Month.

Roll 742, September 29, 2009: On Motion to Instruct Conferees: H.R. 2997, Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

#### FISCAL NEW YEAR

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. COFFMAN of Colorado. Madam Speaker, Happy New Year.

Today is October first, the start of the 2010 Fiscal Year. That means it is also Fiscal New Year.

My short time here in Washington has convinced me that many inside the Beltway are out of touch with the real day-to-day lives of those in the rest of the country.

So we should do what many Americans do, and use the New Year as an opportunity to reassess how we are doing, and to make resolutions to improve our behavior.

Today, I offer some Fiscal New Year Resolutions for Congress:

Number One: Balance the budget.

CBO estimates that the 2009 deficit will be 1.6 trillion dollars, and the cumulative deficit over the next ten years will equal 9.1 trillion dollars.

Number Two: Lower our debt.

Even if we stop deficit spending, we already carry 11 trillion in debt. We should be addressing this burden, not increasing it.

Number Three: Act responsibly.

We need to make sure Congress can and does read the bills they pass. We need time to study and evaluate them before a vote.

Number Four: Study economics.

Congress obviously needs some lessons in how markets work. We need to recognize that Government control in what should be the private sector destroys efficiencies. We need to reward success, not bail-out failure. And we need to understand that government competition destroys markets.

Madam Speaker, I hope Congress can so resolve.

HONORING COMMANDER SETH FOSTER HUDGINS III, UNITED STATES NAVY, FOR 22 YEARS OF HONORABLE SERVICE

#### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to recognize CDR Seth Foster

Hudgins III, United States Navy. Commander Hudgins is retiring from the Navy after 22 years of honorable service as a commissioned officer. Commander Hudgins is the eldest son of Seth and Joy Hudgins of Cornwall, NY and is a 1987 graduate of the United States Naval Academy. Shortly after graduation, Commander Hudgins entered U.S. Navy undergraduate flight training, and in 1989, he earned Naval Aviator wings as a jet pilot.

Since that time, Commander Hudgins has served his country in many different capacities, most notably serving as his squadron's Operations Officer and Acting Executive Officer in Operation Enduring Freedom. Throughout his sterling service to our Nation, Commander Hudgins has been awarded the Defense Meritorious Service Medal, the Meritorious Service Medal, two Air Medals, and the Armed Forces Expeditionary Medal, among others. He has accumulated over 3000 flight hours and more than 500 carrier landings. Commander Hudgins has served our great country with honor and distinction. I wish him and his wife Jennifer all the best as he retires from the Navy and continues to serve our nation at the Joint Interagency Task Force South in Key West.

#### GEOTHERMAL PRODUCTION EXPANSION ACT

#### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. INSLEE. Madam Speaker, today, I introduced the bipartisan Geothermal Production Expansion Act with Representative MIKE SIMPSON, and I thank him for his leadership on this issue. Our bill will ensure that we tap into clean geothermal energy using on-the-shelf technologies.

Geothermal energy has great potential to add clean energy to American electricity supplies. It is especially promising as a renewable resource because it is a base load power which doesn't require any fossil fuel backup.

However, at this point in time, proven geothermal resources have at times gone undeveloped in instances involving adjoining federal lands because speculators increasingly drive up the cost of federal lands adjacent to a geothermal development site. This hurts developers who take on the upfront cost of exploration and developing a site because when an exploration proves fruitful, the developer is bid out of the market due to extremely high leasing costs for adjacent lands. In many cases, the end result is that the development is halted and no clean energy comes online.

Already under EPACT 2005 amendments, BLM is allowed to issue three different non-competitive leases for geothermal resources, which include: non-competitive geothermal leases to mining claim holders that have a valid operating plan (having invested capital), direct use leases and leases on parcels that do not sell at a competitive auction.

The Geothermal Production Expansion Act is a targeted approach to the aforementioned speculation problem, simply creating a fourth category whereby the Bureau of Land Man-

agement (BLM) may issue a non-competitive geothermal lease, allowing qualified companies who hold legal rights to develop geothermal leases on certain adjoining lands.

An added benefit, the bill will significantly accelerate the development of geothermal projects by reducing the time spent on nominating and waiting for an auction, which can add a minimum of one-to-two years to the development phase of a geothermal resource.

This bill is a reasonable policy to ensure that developers who have invested substantial capital and made high risk investments can secure and develop geothermal discoveries. Additionally, it will help add renewable, domestically produced energy resources to the American consumers' electricity supply. I believe that this is an important issue and I hope that the House will soon consider this legislation.

#### HONORING OUR NATION'S ICBM FORCE ON ITS 50TH ANNIVERSARY

#### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. POMEROY. Madam Speaker, I would like to recognize the 20th Air Force as we prepare to celebrate the 50th anniversary of the nation's nuclear Intercontinental Ballistic Missile (ICBM) force. I have had the privilege of working with the Airmen who maintain this critical piece of our nuclear triad throughout my career in Congress and have seen first hand the commitment and dedication of all of those involved in ensuring that this crucial capability remains ready to respond on a moments notice.

The history of our ICBM force began in 1954 with the establishment of the Western Development Division. The Western Development Division was responsible for the development of the first generation of underground ICBM's, the Titans, and the above-ground Atlas.

This development lead to the initial alert of a nuclear warhead equipped ICBM, an Atlas D, at Vandenberg Air Force Base, California, in October of 1959. Soon after, work began on the Minuteman I missile, a second generation ICBM that would be on alert by the time of the Cuban Missile Crisis in 1962. Within three years the Air Force had replaced all of its first generation ICBM's with Minuteman I and a newer more advanced version, the Minuteman II. The Minuteman II would remain in service for the next 30 years.

By the 1970's the Air Force had developed the Minuteman III with the first squadron of Minuteman III missiles at Minot Air Force Base, North Dakota reaching operational status by the end of December 1970. With the threat of the Soviet Union developing and deploying an increasing number of multi-warhead ICBM's the Air Force began to develop a third generation ICBM that would become the Peacekeeper. The Peacekeeper would ultimately be deployed in 1987 at F.E. Warren Air Force Base in Wyoming.

For the past 50 years, the ICBM fleet has provided an important nuclear deterrent, which

at its peak included more than 1,200 missiles. Today the Air Force has 450 Minuteman III ICBM's on alert in North Dakota, Montana, Wyoming, Colorado and Nebraska. As the Air Force activates Air Force Global Strike Command, a brand-new command committed solely to the nuclear deterrence mission, the 20th Air Force and the ICBM mission will transfer from Air Force Space Command to Air Force Global Strike Command.

Madam Speaker, the citizens of the United States have been lucky to have the Airmen of the 20th Air Force diligently working to operate and secure this vital component of our nation's security for the past 50 years. These Airmen have maintained a constant state of vigilance 24 hours a day, seven days a week, performing vital operations, maintenance and security missions across the missile fields in areas that to the untrained eye look just like any other place in America. This is a mission that demands a constant level of alert to respond in an instant should it ever become necessary to employ our arsenal. This constant vigilance has served America so well in the past is poised to continue well into the future. I know my fellow Members of the House of Representatives will join me in congratulating the Air Force's 50 years of commitment to the ICBM mission with the highest standards of performance.

ANTHONY P. DEANGELO

### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. QUIGLEY. Madam Speaker, today I rise in recognition of Anthony P. DeAngelo, a valued member of my staff. Tomorrow, October 2, is Anthony's last day as the Staff Assistant/Press Assistant in my Washington, D.C. office. His dedication to serving the people of the Illinois Fifth District is very much appreciated, and he will be greatly missed.

Anthony joined my staff prior to my election to Congress in April of this year. He then made the trip to our nation's capital and was instrumental in establishing my Washington, DC office. He helped establish our new media programs, press operations and intern program. He always took the time to make constituents feel at home in our office and ensured that their trips to Washington were memorable and worthwhile.

Tomorrow he leaves to take a position as Deputy Communications Director in the Office of Congresswoman DEBBIE HALVORSON. I am pleased he will continue to serve the people of Illinois, and I wish him the best of luck in his future endeavors.

HONORING THE LIFE AND LEGACY  
OF DR. VASCO SMITH

### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. COHEN. Madam Speaker, I rise today to honor the life and legacy of a great Mem-

phian and a great American, Dr. Vasco Smith. Dr. Smith was one of the true stalwarts of civil rights in the city of Memphis and in the nation. Dr. Smith lived a life of service and sacrifice.

Vasco Smith served our nation in the Air Force in the Korean War. A graduate of LeMoyne College in Memphis and Meharry Medical College in Nashville, Dr. Smith was a dentist by profession. In 1955, he and his wife, Maxine, returned to their beloved Memphis, completely segregated at the time, and used their passion and commitment to become leaders in the Civil Rights movement.

In 1962, Dr. Smith convinced the owner of the segregated Malco Theatre in downtown Memphis to gradually integrate by selling tickets to African-Americans in the "whites only" orchestra level of the theatre. In their pursuit to end racial discrimination, the Smiths endured numerous death threats, many arrests by the police, and the tragic murders of their friends Dr. Martin Luther King and Medgar Evers.

In 1973, Dr. Smith became the first African-American elected to an at-large position on the Shelby County Commission where he served until 1994. Dr. Smith was a compassionate and effective County Commissioner. He and I served together as Commissioners from 1978 to 1980. During this time on the Commission, we worked together to build the Regional Medical Center, our charity hospital and trauma center in Shelby County that serves people who would otherwise have no access to health care. He and fellow County Commissioner Jesse Turner, Sr., who also served as National Treasurer for the NAACP, were known as "the freedom fighters." They fought for civil rights in Memphis and stood up when others did not. They were always the voices of conscience, reasonableness, and morality in our community.

Vasco Smith was a loving husband to Maxine Smith. As Wendi Thomas of the Commercial Appeal noted, it is difficult to think of either Smith without the other because they were a team; indeed, together they were a force for change and progress. Maxine Smith served as the Executive Secretary of the Memphis branch of the NAACP for more than forty years and continues to serve on the NAACP National Board of Directors. For two decades, Maxine Smith served on the Memphis City School Board. She served on the Tennessee Board of Regents for over a decade. Married 56 years, Maxine and Vasco Smith were true soulmates. Together, they had one son, Dr. Vasco "Smitty" Smith, III, a dentist like his father, who made his parents very proud.

Dr. Vasco Smith was a special man to me because he showed moral rectitude of a type that's rarely seen. He knew justice beyond color and will be remembered in Memphis as a great civil rights leader, a husband, a father, a professional, and a great Memphian.

He will be buried Friday. I will be there with him. His was a life well lived.

HONORING THE SECOND HONOR  
FLIGHT OF SOUTHERN NEW  
MEXICO

### HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. TEAGUE. Madam Speaker, I rise today to speak in honor of the World War II veterans from my district who are traveling to Washington, D.C. today on the Second Honor Flight of Southern New Mexico.

The Honor Flight of Southern New Mexico was established by business and community leaders in my district who are devoted to honoring our veterans. The aim of the program is to provide as many World War II veterans as possible with the opportunity to see the World War II Memorial here in Washington, D.C. at no cost to them. Last October, Southern New Mexico had its First Honor Flight, which was a great success. Southern New Mexico's Second Honor Flight departed from El Paso International Airport this morning carrying World War II veterans from my district who have never had an opportunity to see the World War II Memorial that was built in their honor. These veterans, who risked their lives to defend the freedoms we enjoy today, will land at Reagan National Airport where they will be greeted with a grand salute. From there, they will have an opportunity to visit the World War II Memorial for the very first time. At the memorial, there will be a wreath laying ceremony in honor of veterans who have passed away, a memory session for the veterans to share their World War II stories, and a group photo so that they can remember this day for the rest of their lives. They will return home this evening.

These veterans fought nobly for our freedoms and we cannot even begin to repay them for their sacrifices. The least we can do is try to show them the depth of our gratitude by providing them with this once in a lifetime opportunity to visit their memorial. I am proud that every dollar that is paying for this honor flight came from private citizens who recognize the immense sacrifice these veterans made to ensure their liberty. This flight would not be possible without the dedication of Judge Robert Brack and Judge Leslie Smith of Las Cruces, who initially spearheaded the idea of bringing the Honor Flight program to Southern New Mexico. In addition, the Honor Flight Board of Directors comprised of Chairman Bill Mattiace, Vice-Chairman Darrell Wall, Treasurer Gary Lenzo, and Secretary Patsy A. Duran contributed much time and energy to advocating for this cause, and to recruiting board members. Board Members Steven Alexander, Walt Baker, Pat Carr, Jag Cheema, Denton Holmes, Dolores Connor, J.R. Turner, Susie Cordero, Carrie Contreras, Debbie Hanssen, and Dolores Archuleta have also made invaluable contributions through their tireless efforts to expand the Honor Flight program and seek out donors. The generosity these private citizens have shown is an example of the bigheartedness that is a true part of the American spirit, and I am touched by their willingness to provide such a rare and meaningful opportunity to their friends, neighbors, and even perfect strangers.

From the Western Front to the Eastern Front, from the Pacific and Asian Theatre to the African Theatre, Americans from our "greatest generation" risked life and limb to halt the rise of fascism. We owe them more thanks than we can ever express. I welcome these brave veterans to Washington and to their memorial.

#### PERSONAL EXPLANATION

### HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. ADLER of New Jersey. Madam Speaker, today, I was not present in Washington, DC to cast the following votes, because I was attending a ceremony to commemorate the first operating day of Joint Base McGuire/Dix/Lakehurst in New Jersey's 3rd Congressional District. Joint Base McGuire/Dix/Lakehurst is the first tri-service base in the country, and today was significant for my district and the United States military. If I were present, I would have voted the following way.

1) Republican Motion to Instruct Conferees on H.R. 2892—Department of Homeland Security Appropriations Act, 2010—I would have voted yes.

2) H. Res. 517—Congratulating the University of Washington women's softball team for winning the 2009 Women's College World Series—I would have voted yes.

3) H. Res. 487—Recognizing the 100th anniversary of the State News at Michigan State University—I would have voted yes.

4) H. Res. 788—Rule providing for consideration of the Conference Report on H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010—I would have voted yes.

5) H. Res. 692—Supporting the goals and ideals of Tay-Sachs Awareness Month—I would have voted yes.

6) H. Con. Res. 151—Expressing the sense of Congress that China release democratic activist Liu Xiaobo from imprisonment—I would have voted yes.

7) Final Passage of the Conference Report on H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010—I would have voted yes.

#### EARMARK DECLARATION

### HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. JONES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding project funding I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010:

Rep. WALTER B. JONES  
Project: Metabolic Institute  
Recipient: East Carolina University

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Amount: \$222,000

Explanation: The funding will allow the Metabolic Institute at East Carolina University to develop a clinical research center and laboratory to advance the Metabolic Institute's study of new technology and medical treatments for obesity and diabetes. Diabetes is an epidemic: diabetes is the sixth leading cause of death in the U.S., afflicts more than 7 percent of the population, and cost our economy about \$174 billion in 2007 alone, according to the American Diabetes Association. The Metabolic Institute will continue to build on East Carolina University's pioneer metabolic advancements, including the Greenville Gastric Bypass, to explore the question of why diabetes disappears in four out of five patients with the disease after they undergo gastric bypass surgery.

#### HONORING WOODY WATSON

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. DUNCAN. Madam Speaker, my grandmother taught for 40 years and my sister Beverly, taught for over 30 years in the public schools of Tennessee. I am proud of both of them.

In Tuesday's Knoxville News Sentinel, there was an interview with Woody Watson, whom I have known since high school.

Mr. Watson has now taught in Knox County Tennessee where I also am from, for 41 years. Very few people teach for that long, and those who do should be highly praised.

I admire and respect Woody Watson for his many years of dedication to the young people of east Tennessee.

I would like to call to the attention of my colleagues and other readers of the RECORD, the News Sentinel interview with Mr. Watson.

[From knoxnews.com, Sept. 29, 2009]

40 YEARS OF EDUCATING: WATSON AND ANDERSON

(By Jessica Boyd)

EDITOR'S NOTE: The News Sentinel will profile two local teachers who each have about 40 years of education experience within the community in this twice monthly series.

WOODY WATSON, 41 YEARS

Woody Watson, 62, says a smile and a kind word goes a long way when dealing with students. He should know since he's been smiling and speaking kindly to them for 41 years. The Knoxville native taught eighth-grade science at Karns Middle School for 23 years before he spent nine years at Northwest Middle School teaching the same thing. He's been back in action as a seventh-grade teacher at Karns Middle since 2001. "I always tell people, I taught eighth grade for 32 years," the University of Tennessee graduate in natural science said before he laughed. "And then I got demoted."

Why teaching? "I liked the subject matter, and I like being around young people, they keep me young at heart. I just couldn't go sit at a cubicle and do the same thing every day."

What techniques do you use to teach? "I like to have students get involved and be hands on in the science lab to help them understand the world they live in."

Do you have a favorite year? "I think that would probably be 1986. The highlight of that year is we took a trip to New Orleans for a long weekend, and (the students) learned about the history of the area."

What has changed for better since you've been teaching? "Our class averages were lowered. State law has limited that to 30 in seventh and eighth grade . . . It really makes a difference to have five or six fewer kids in a class."

What has changed for worse since you've been teaching? "When I came to Karns, it was a small farming community. Of course now the farms have been sold off, and it's wall-to-wall subdivisions, so just the lack of the community closeness and the breakdown of the family."

What's been the best advancement in education? "Probably all the information available online . . . I think Karns Middle was one of the first schools to have a computer lab when the first Apple computers came out back in the 80s. That area of technology has made a lot of opportunities for our students. It also presents some problems if the parents don't monitor what the kids are doing."

Do you have any words of wisdom for teachers just starting out? "Be patient, keep up with your paperwork, and try not to be overwhelmed with all the things you have to do that's not related to the teaching of students."

ARCHIE ANDERSON, 42 YEARS

Archie Anderson, 65, taught for 26 years at Maryville Middle School before he made the big switch to administration. For 12 years, he was the assistant principal of the middle school before he made an even bigger switch. Now he's in charge of transportation and attendance for Maryville City Schools. Archie graduated from Maryville College and received his master's degree at Tennessee Tech.

What do you do now?

"I come up with bus routes, and I work with the bus owner. I'm kind of a trouble shooter. I handle all parent and or school complaints and try to resolve all those."

What did you teach before you moved into administration?

"I taught P.E. I coached football, basketball and track for about 26 years."

Did you have a favorite year when you were teaching?

"I enjoyed the early years because being a younger guy, it seemed like I had better relationships with kids. As you get older and your hair's grey and you have more wrinkles, kids are more standoffish."

What's the coolest technological advancement you've seen?

"Computers in the classroom and access to the internet. Everything you want is there. The negative part is we've got text messaging and cell phones in the classroom. So (technology) is not all good. That's a daily struggle."

Do you miss teaching? "I miss the relationship with the students. I don't get to know the students as well as I used to. I have gotten to know the staff better . . . I've really gotten to know the administrators of the schools."

## EARMARK DECLARATION

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. BRADY of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Project: Sam Rayburn Reservoir Operations & Maintenance

Account: Operations and Maintenance, U.S. Army Corps of Engineers

Requesting Entity: U.S. Army Corps of Engineers, Fort Worth District

Address of Requesting Entity: 819 Taylor Street, Fort Worth, TX 76102

This is the third year I've requested funding to repair the Twin Dikes Park marine launching complex since its collapse due to Hurricane Rita, erosion, and excessive wave action. Unfortunately, the Corps has a backlog of maintenance on some of the most widely used recreational facilities at Lake Sam Rayburn. In addition to Twin Dikes Park launching complex, I continue to support the U.S. Corps of Engineers annual request for funding to operate and maintain the lakes, and other water resources of East and Southeast Texas.

The \$5,937,000 included in this conference report will be allocated to perform annual operations and maintenance of the Sam Rayburn Dam and Reservoir.

CELEBRATING THE FIRST YEAR ANNIVERSARY OF REVEREND PATRICIA A. REEBERG AS PASTOR OF THE REJOICE MINISTRIES—CHURCH OF THE HEALING EPHEBUS SEVENTH-DAY ADVENTISTS CHURCH IN HARLEM

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. RANGEL. Madam Speaker, I rise today to celebrate my dear friend Reverend Patricia

A. Reeberg as the Rejoice Ministry of the Church of the Healing Ephesus Seventh-Day Adventists Church celebrates her First Year Anniversary, which took place on Sunday, September 20, 2009.

The Reverend Patricia A. Reeberg, an Ambassador for Christ, is a woman of faith, character and action. Her life's call is to "equip the saints." The vocation God has assigned to her to fulfill this call is to preach the Gospel. Rev. Reeberg is the Pastor of Rejoice Ministries—The Church of Healing, which was formed under the direction of the Holy Spirit on December 31, 2008.

She has served on the ministerial staff at St. Paul Baptist Church, Memorial Baptist Church, Crawford Memorial United Methodist Church, Believers Christian Fellowship, Beck Presbyterian Church, and Bethesda Baptist Church. Patricia A. Reeberg earned her Masters of Divinity at Union Theological Seminary in New York City. She also augmented her training at Harvard Divinity School Summer Leadership Institute, Interdenominational School of Theology Church Administration and Management, and Columbia University Graduate School of Business for Not-for-Profit Management.

Pastor Reeberg is the recipient of numerous awards and appointments, including, Commissioner on the Civilian Complaint Review Board; the Charles E. Merrill Fellowship from Harvard Divinity School; and was also a founding board member of Harlem Congregations for Community Improvement. Pastor Reeberg is also registered in the National Register's Who's Who in Executives and Professionals, 2004–2010; and Who's Who of American Women 2006–2009.

Her many accomplishments also include first woman and the first Baptist minister to serve as Executive Director and Chief Executive Officer of the Council of the Churches of the City of New York. As an entrepreneur, Rev. Reeberg is the owner of Cruise Planners and SM&G Consultation. She has published numerous articles and is working on her first book entitled, "And The Lord Shall Gather Me Up," to be published in 2009.

Please join me in celebrating Reverend Patricia A. Reeberg on her First Year Anniversary as Pastor of the Rejoice Ministries of the Church of the Healing Ephesus Seventh-Day Adventists Church, located in my Congressional District in Harlem.

HONORING THE LIFE AND ACHIEVEMENTS OF CHARLES "TIF" BINGHAM

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 1, 2009*

Mr. COHEN. Madam Speaker, I rise today to honor the life of Mr. Charles "Tif" Bingham, one of the kindest and most personable individuals I have ever known. He was always thinking of people and was truly concerned about others. His smile and demeanor attracted friends and warmed their spirits.

Tif Bingham graduated from Yale University and then served our country as a captain and fighter pilot in the Marine Corps. In 1960, he moved to Memphis as a Vice-President for Conwood Corporation.

He was a civic leader, serving as the Executive Director of the Memphis Chamber of Commerce and founder of the Mid-South Parkinson's Disease Foundation.

Tif was one of the founders and Second President of the Memphis In May International Festival, which highlights the best of Memphis culture: music, barbecue, and arts. Each year the festival showcases the best of Memphis and, simultaneously, brings the world to our city, exposing our citizens to people from around the globe, enriching our lives and expanding our horizons.

I have had the pleasure of representing Tif and wife Sandy as constituents of the Ninth District. They were frequent visitors on Capitol Hill and were much loved by those in which they came in contact with. Several members of Congress as well as Jimmy Miller, Director of Committee Facilities and Travel for the Transportation and Infrastructure Committee, wish to express their deepest regrets to the Bingham family.

Tif Bingham was an avid sailor and world traveler. As grandson of U.S. Senator Hiram Bingham, who discovered Machu Picchu, he inherited a curiosity and urge to explore the world, all to be knowledgeable about public affairs. He leaves his wife Sandy Dickey, to whom he was married for 27 years. Sandy loved Tif and was the epitome of "for better or worse". He is also survived by three children, Eleanor Bingham Mallory, Grace Bingham and Charles Bingham and six grandchildren.

Tif Bingham loved life and lived it to the fullest. He enriched the lives of his family, friends and the city of Memphis. He will be sorely missed and always remembered.

## HOUSE OF REPRESENTATIVES—Friday, October 2, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 2, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, through the Holy Scriptures You speak to Your people. These pages are not just to be pursued for personal delight but tell the story of Your interaction with Your people throughout the ages.

As people of the Book, we will see Your prophetic and apocalyptic proclamations fulfilled in our time. Either Your words of promise or condemnation will ring true to our hearing or the consequences of our own actions will be revealed as reading in a mirror.

Keep us ever attuned to Your ancient wisdom. May Your Holy Word teach us how to bring ideals to flesh-and-blood reality and how to forgive one another with compassionate understanding.

Guide this government and the people of this Nation by Your spirit, to hear You, respond and face judgment, now and forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 6, 2009, at 12:30 p.m., for morning-hour debate.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3940. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Tilefish; Amendment 1 [Docket No.: 071220873-91153-02] (RIN: 0648-SD25) received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3941. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Experimental Permitting Process, Exempted Fishing Permits, and Scientific Research Activity [Docket No.: 071121736-91118-03] (RIN: 0648-AR78) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3942. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #1, #2, and #3 [Docket No.: 090324366-9371-01] (RIN: 0648-XQ50) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3943. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XR04) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3944. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-400 Se-

ries Airplanes [Docket No.: FAA-2009-0526; Directorate Identifier 2009-NM-029-AD; Amendment 39-16008; AD 2009-18-12] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3945. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2009-0563; Directorate Identifier 2008-NM-180-AD; Amendment 39-16005; AD 2009-18-09] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3946. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No.: FAA-2009-0515; Directorate Identifier 2008-NM-071-AD; Amendment 39-16007; AD 2009-18-11] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3947. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc. (RR) RB211 Trent 900 Series Turbofan Engines [Docket No.: FAA-2009-0771; Directorate Identifier 2009-NE-14-AD; Amendment 39-16009; AD 2009-18-13] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3948. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, -900 and -900ER Series Airplanes [Docket No.: FAA-2009-0212; Directorate Identifier 2008-NM-122-AD; Amendment 39-16019; AD 2009-19-02] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3949. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 Airplanes, and Model 720 and 720B Series Airplanes [Docket No.: FAA-2009-0476; Directorate Identifier 2008-NM-188-AD; Amendment 39-16006; AD 2009-18-10] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3950. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes [Docket No.: FAA-2009-0786; Directorate Identifier 2009-NM-145-AD; Amendment 39-16014; AD 2009-18-18] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3951. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Directives; Airbus Model A330-300, A340-200, and A340-300 Series Airplanes [Docket No.: FAA-2009-0264; Directorate Identifier 2008-NM-174-AD; Amendment 39-16017; AD 2009-18-20] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3952. A letter from the Program Manager, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310-203, -204, -221, -222, -304, -322, -324, and -325 Airplanes [Docket No.: FAA-2009-0465; Directorate Identifier 2007-NM-244-AD; Amendment 39-16012; AD 2009-18-16] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3953. A letter from the Program Manager, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 and -300 Airplanes [Docket No.: FAA-2009-0522; Directorate Identifier 2008-NM-127-AD; Amendment 39-16010; AD 2009-18-14] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and 146-200A Series Airplanes [Docket No.: FAA-2009-0432; Directorate Identifier 2008-NM-168-AD; Amendment 39-15982; AD 2009-15-19] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-103, B4-203, and B4-2C Airplanes

[Docket No.: FAA-2009-0397; Directorate Identifier 2008-NM-023-AD; Amendment 39-16018; AD 2009-19-01] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes and Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2009-0381; Directorate Identifier 2009-NM-008-AD; Amendment 39-16016; AD 2009-18-19] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, 400, and -500 Series Airplanes [Docket No.: FAA-2009-0787; Directorate Identifier 2009-NM-090-AD; Amendment 39-16015; AD 2009-02-06 R1] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model AB412 and AB412 EP Helicopters [Docket No.: FAA-2009-0804; Directorate Identifier 2008-SW-56-AD; Amendment 39-16013; AD 2009-18-17] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3959. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, Model A340-200 and -300 Series Airplanes, and Model A340-541 and -642

Airplanes [Docket No.: FAA-2009-0781; Directorate Identifier 2009-NM-111-AD; Amendment 39-16004; AD 2009-18-08] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2296: Ms. GRANGER, Mrs. CAPITO, Mrs. McMORRIS RODGERS, and Mr. McKEON.

H.R. 2672: Mr. MICHAUD.

H. Res. 711: Mr. LINCOLN DIAZ-BALART of Florida and Mr. INGLIS.

#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mrs. BLACKBURN on H.R. 391: Sam Johnson, Dave Camp, Zach Wamp, John R. Carter, Thomas J. Rooney, Mac Thornberry, Joe Barton, Todd Tiahrt, Jerry Moran, Dan Burton, Tom Price, Steve Austria, W. Tood Akin, Mary Fallin, Blaine Luetkemeyer, Bill Shuster, Thaddeus G. McCotter, Cliff Stearns, John Abney Culbertson, Robert E. Latta, Mike Coffman, Peter Hoekstra, Pete Sessions, Ted Poe, Connie Mack, Darrell E. Issa, Denny Rehberg, Steve King, Rodney Alexander, Paul Ryan, Jo Bonner, Christopher John Lee, Duncan Hunter, Michele Bachmann, Jeb Hensarling, Glenn Thompson, Louie Gohmert, and Bill Posey.

Petition 6 by Mr. WALDEN on House Resolution 554: Doc Hastings, David Dreier, Sam Graves and John Barrow.



## EXTENSIONS OF REMARKS

## PERSONAL EXPLANATION

## HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 2, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol for two votes on Wednesday, September 16, 2009. However, had I been present I would have voted "yea" on H. Res. 746, a rule providing for consideration of H.R. 3221—the Student Aid and Fiscal Responsibility Act of 2009, and "yea" on H. Res. 260, supporting efforts to reduce infant mortality in the United States.

TRIBUTE TO DR. EZELL PITTMAN  
AND THE RIDGEWOOD FOUNDATION

## HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 2, 2009

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to the Ridgewood Foundation and its longtime tour coordinator Dr. Ezell Pittman. This Foundation was established to enhance the lives of residents in the Ridgewood community—physically, educationally and economically. Over the years, however, it has earned a reputation as being much more.

In 1990, the late Reverend Levi Chavous who was a good friend of mine and pastor of Ridgewood Missionary Baptist Church for forty years founded the Ridgewood Foundation in consultation with Ms. Glenice Pearson. Their mission was to help better the communities that surrounded their church.

The first challenge was to raise money for the Ridgewood Foundation. In 1993 Mrs. Deborah Breedlove, who served as the financial advisor, and the late Mrs. Mamie Floyd, a retired school teacher and community activist, organized a three-day trip to Potomac Mills in Virginia, the National Mall and the Frederick Douglas Museum in our Nation's Capital. The trip was such a resounding fundraising success that Dr. Ezell Pittman, a retired public servant, was enlisted to serve as the tour coordinator for the Foundation.

Funds raised by the organization were used to provide introductory computer classes for seniors, a hypertension and diabetes program in the Ridgewood community, and scholarships for students graduating from Eau Claire High School. In the early years, the trips were promoted by asking the executive directors of the Aiken, Columbia and Florence Housing Authorities and the Columbia Urban League to sponsor youth to travel with the Foundation.

Dr. Pittman took on his task of tour coordination with great zeal, and after the first

Washington, DC area trip, subsequent four and seven-day trips were planned. Since 2001 four fundraising trips lasting fourteen days or longer benefitting the Ridgewood Foundation have been undertaken from coast to coast. Under Dr. Pittman's leadership, the Foundation has taken travelers to the 48 continental states, Eastern Canada and Mexico. The trips have included travelers from South Carolina, Georgia, Florida, Virginia, Maryland, Delaware, and New York.

After fifteen years and numerous trips, Dr. Pittman is relinquishing his position as tour coordinator for the Ridgewood Foundation. His service to the Foundation has been invaluable and his commitment over the last 15 years has been greatly appreciated.

Madam Speaker, I ask that you and our fellow colleagues join me in commending Dr. Ezell Pittman for his service to the community of Ridgewood and to the Foundation that helps support its quality of life. The Ridgewood Foundation will continue its good works, and its members will continue to follow the wonderful example set by Dr. Pittman.

## EARMARK DECLARATION

## HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 2, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. The Conference Report on H.R. 3183, The Fiscal Year 2010 Energy and Water Appropriations Act contains the following funding:

Requesting Member: Rep. ZACH WAMP

Account: U.S. Corp of Engineers—Construction

Legal Name Requesting Entity: U.S. Corp of Engineers—Nashville District

Address: U.S. Army Corps of Engineers, Nashville District at 110 9th Avenue South, Nashville, Tennessee

Description of Request: The Chickamauga Lock is a major economic engine in the Tennessee Valley region. Commodities passing through the lock have origins and destinations in 17 states in the South, Midwest and Mid-Atlantic regions, traveling an average 1,400 miles. Over the last several years, 2.5 million tons passed through the lock annually, and the forecasted traffic demand is expected to grow considerably. The U.S. Army Corps of Engineers indicates that replacement of the existing lock is far more economical than continuing costly maintenance and repair. Funding in the amount of \$1 million is included for the U.S. Army Corps of Engineers, to replace the Chickamauga Lock.

Distribution of funding: Construction 100%

Requesting Member: Rep. ZACH WAMP

Account: U.S. Corp of Engineers—Operations and Maintenance

Legal Name Requesting Entity: U.S. Corp of Engineers—Nashville District

Address: U.S. Army Corps of Engineers, Nashville District at 110 9th Avenue South, Nashville, Tennessee

Description of Request: The current Chickamauga Lock has been in operation on the Tennessee River since 1940 and is a major economic engine in the Tennessee Valley region. As use of the lock is increasing, the infrastructure is severely aging, jeopardizing its ability to support additional traffic loads. An extensive maintenance program, well beyond what is normally conducted, is underway to extend the life of the current lock until the replacement lock can be built. Funding in the amount of \$3.775 million is required for the U.S. Army Corps of Engineers to fix and replace gates, pumps, piping and tension connections to the guide wall.

Distribution of funding: Maintenance 100%

KAZAKHSTAN'S MESSAGES OF  
SUPPORT TO THE PEOPLE OF  
AMERICAN SAMOA IN AFTER-  
MATH OF DEVASTATING TSU-  
NAMI

## HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 2, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following messages of support from Secretary of State and Minister of Foreign Affairs Kanat Saudabayev and Ambassador Erlan Idrissov of the Republic of Kazakhstan in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

SECRETARY OF STATE—MINISTER OF  
FOREIGN AFFAIRS OF THE REPUB-  
LIC OF KAZAKHSTAN,

Astana, Sept. 30, 2009.

Hon. ENI F.H. FALEOMAVAEGA,  
*Chairman, Subcommittee on Asia, the Pacific,  
and the Global Environment, Committee on  
Foreign Affairs, House of Representatives,  
Washington, DC.*

DEAR ENI: Please accept my sincere condolences on the death of so many people in the American Samoa after a powerful tsunami.

Victims of this calamity will be forever in our hearts. We feel the deepest sympathy for those who lost their loved ones and saw their communities shattered.

At this moment of great suffering for the proud people of American Samoa, Kazakhstan, the friend and partner of the United States, shares your loss. We hope the warmth of our feelings will help you as you work to rebuild their lives.

Yours sincerely,

KANAT SAUDABAYEV.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AMBASSADOR OF THE  
REPUBLIC OF KAZAKHSTAN,  
*Washington, DC, September 30, 2009.*  
Hon. ENI F.H. FALEOMAVAEGA,  
*Chairman, Subcommittee on Asia, the Pacific,  
and the Global Environment, Committee on  
Foreign Affairs, House of Representatives,  
Washington, DC.*

DEAR ENI: It is with great shock and deep sorrow that I learnt about the horrible disaster that claimed so many lives of your brothers and sisters in American Samoa.

We mourn together with families of the victims of the dreadful tragedy. Please convey to them our sincere and heartfelt condolences.

I am confident that in the face of lingering danger and deadly challenge the American spirit, as always, will prevail and Samoans will overcome this tragic catastrophe. Our thoughts and prayers are with you.

Yours sincerely,

ERLAN IDRISOV.

# CHINA'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEV- ASTATING TSUNAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 2, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Zhou Wenzhong of the People's Republic of China in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF THE  
PEOPLE'S REPUBLIC OF CHINA,  
*Washington, DC, September 30, 2009.*

Hon. ENI F.H. FALEOMAVAEGA,  
*House of Representatives,  
Washington, DC.*

DEAR ENI: I am shocked to learn that American Samoa was hit by a devastating earthquake that triggered a powerful tsunami. I wish to extend my sympathy to you and the people of American Samoa for the severe casualties and all the damages it has caused. We are deeply grieved by the loss of so many lives and would like to extend our deepest condolences to the families of the victims. Our thoughts are with them at this moment.

I hope and believe that the people of American Samoa will rebuild their home and return to their normal life soon. We stand ready to provide any help you may need in this regard.

Sincerely,

ZHOU WENZHONG,  
*Ambassador.*

# SAMOA'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEV- ASTATING TSUNAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 2, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support sub-

mitted by Chargé d'Affaires Rona Meleisea on behalf of Ambassador Ali'ioaiga Feturi Elisaia of Samoa in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

PERMANENT MISSION OF  
SAMOA TO THE UNITED STATES,  
*New York, NY, October 1, 2009.*  
Hon. ENI HUNKIN FALEOMAVAEGA,  
*Representative for American Samoa, Rayburn  
House Office Building, Washington, DC.*

DEAR CONGRESSMAN FALEOMAVAEGA: On behalf of Ambassador Elisaia and family, our officers and staff of the Mission, we wish to express to you, your staff and your respective families our sincere condolences on this grave tragedy. These natural disasters have affected our islands and its peoples, saddens those of us serving our Governments away from our homeland. Sorrow is felt and we are most saddened by the loss of lives and the destruction caused by these recent events.

We stand in unity and solidarity with the people of our islands. Our thoughts and prayers remain with all of our people, in particular, the families of the victims of the tsunami.

Respectfully,

RONA MELEISEA,  
*Chargé d'Affaires a.i.*

# KOREA'S MESSAGES OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEV- ASTATING TSUNAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 2, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following messages of support from Ambassador Han, Duk-soo of the Republic of Korea and President of the Democratic Party Chung Sye Kyun in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF THE  
REPUBLIC OF KOREA,  
*Washington, DC, September 30, 2009.*

Hon. ENI F.H. FALEOMAVAEGA,  
*Chairman, Subcommittee on Asia, the Pacific  
and the Global Environment, House of Rep-  
resentatives, Rayburn House Office Build-  
ing, Washington, DC.*

DEAR CHAIRMAN FALEOMAVAEGA: After seeing you under such pleasant and enjoyable circumstances last Saturday, I hardly expected to be writing to you today to offer my deep condolences.

When I heard of the tragic events in American Samoa and the devastation wrought by the tsunami, I was deeply saddened and my thoughts immediately turned to you and the safety of your friends and family.

In times such as these, it is important for friends to stand together, and I want to let you know that the Korean people stand with you in bereavement as we mourn together the losses of the loved ones. We support you as you bring comfort to the communities and families affected by this tragedy. Though this is indeed a terrible tragedy, I am confident that the people of American Samoa will always honor and cherish the memories of those who passed away, keeping their presence in their hearts.

My dear friend, if there is anything I can do for you, please let me know.

Sincerely,

HAN, DUK-SOO,  
*Ambassador.*

SEPTEMBER 30, 2009.  
Hon. ENI F.H. FALEOMAVAEGA,  
*Chairman of Asia and Pacific Subcommittee,  
House of Representatives.*

DEAR REPRESENTATIVE FALEOMAVAEGA: I am very shocked by the recent news about the tsunami that hit the territory of American Samoa.

I would like to express my deepest concern for the situation there and my most profound condolence to the people who experienced tragedies. There were also Korean casualties, Koreans that lived in the island.

Your friendship to our late President Kim Dae-jung is our friendship and our hearts are with you and your people in this time of trouble.

Please do not hesitate to contact me, if there is anything we can do.

Once again, my deepest regret and condolence to the bereaved family.

Sincerely yours,

CHUNG SYE KYUN,  
*President of the Democratic Party  
of the Republic of Korea.*

# FIJI'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEV- ASTATING TSUNAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 2, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Winston Thompson of the Republic of the Fiji Islands in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF THE  
REPUBLIC OF THE FIJI ISLANDS,  
*Washington, DC, September 30, 2009.*

Hon. ENI F.H. FALEOMAVAEGA,  
*Member of Congress, Rayburn Office Building,  
House of Representatives, Washington, DC.*

DEAR CONGRESSMAN ENI: No words can adequately express the sense of loss and anguish we feel at the devastation caused in American Samoa and Samoa by the recent tsunami. It is a terrible tragedy inflicted on innocent people.

On behalf of the Government and people of Fiji, I offer our deep condolence on the tragic loss of life. We hope and pray that the suffering will not be prolonged and that the people will be assisted to rebuild their lives in the shortest possible time.

Our thoughts and prayers are with you and the people of American Samoa and Samoa at this time.

Very Sincerely,

WINSTON THOMPSON,  
*Ambassador.*

RECOGNIZING THE COUNTY OF ORANGE AS IT CELEBRATES ITS 275TH ANNIVERSARY

**HON. ERIC CANTOR**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 2, 2009*

Mr. CANTOR. Madam Speaker, I am proud to recognize Orange County, Virginia as it celebrates its 275th anniversary.

Orange County is located northeast of Charlottesville, and is the birthplace of President Zachary Taylor and the home of President James Madison's estate at Montpelier. Award winning wineries and breathtaking views of the Blue Ridge Mountains can also be found here.

Orange County was a strategically important location during the American Civil War. Just north of the town of Orange, the Rapidan River was effectively the northern border of the Confederacy for several years. Consequently, the area witnessed countless troop movements, patrols, skirmishes, and encampments. In addition, the town of Orange served as General Robert E. Lee's headquarters during that time. In fact, General Lee worshipped at the St. Thomas Episcopal Church on Caroline Street, which still stands today.

The county continued to thrive into the twentieth century, although fire destroyed much of the eastern part of the town of Orange in 1908. However, many of the buildings constructed shortly after the fire still remain. In fact, Orange was well-known for its silk mill,

which produced many of the parachutes used by U.S. troops during World War II. The silk mill finally closed in the 1970s, but the building still remains and is used by local businesses.

Orange County residents will celebrate and honor their heritage and 275 years of history with events and activities throughout the year. In conjunction with the Fall Fiber Festival at Montpelier, the Gordonsville Street Festival, and other county-wide events, the town of Orange will have a Blues Festival on Main Street on October 3rd to mark the anniversary.

Madam Speaker, please join me in congratulating the fine citizens of Orange County as they celebrate this anniversary and wishing them the best for their continued growth and success.

## SENATE—Monday, October 5, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, help us to look in the right place for wisdom and guidance. Remind our lawmakers that You have promised in James 1:5 to liberally give wisdom to all who request it.

May our Senators begin the quest of speaking Your wisdom so that when the days of opportunity are past, they will go out with joy and be filled with peace. May your wisdom lift them above all bitterness and infuse them with an unshakeable faith in Your providence. Lord, give them a sense of Your purposes and a deep dependence on Your guidance and grace. Help them to attempt something they could not do without Your power.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 5, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,

*President pro tempore.*

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 4 o'clock today, with Senators during that time able to speak for up to 10 minutes each. Following morning business, the Senate will proceed to the consideration of H.R. 2847, the Commerce-Justice-Science appropriations bill. Today will be for debate only. There will be no amendments today or rollcall votes today.

We have two of our experienced managers, Senator MIKULSKI and Senator SHELBY from Alabama, my dear friend. He and I came to the Senate together. We had our offices next door to one another in the Longworth House Office Building. So we have two extremely fine managers. We hope to move through this bill as quickly as possible. It is a very important piece of legislation. We would have moved more quickly, but Senator MIKULSKI had an accident and was in the hospital and had surgery. But she is up strong and ready to take this on and get on it as quickly as possible.

### HEALTH CARE REFORM

Mr. REID. Mr. President, President Reagan once said that the status quo is Latin for "the mess we're in." "A mess" is unquestionably an accurate way to describe America's unhealthy health care system. The cost of staying healthy is rising too fast, much faster than families' incomes. Insurance companies are not cutting costs; instead, they are cutting benefits, often at the very time people need them the most. When costs go up as wages go down, when the sick are singled out and robbed of their health care, something has to give. Unfortunately, the "give" in this case is hardworking families, more and more of whom file for bankruptcy and foreclosure every day because they cannot pay their medical bills. The casualties are the patients who put off a needed doctor's visit or do not get a medical procedure they need because it costs too much. The casualties are the people who cannot

afford an important prescription, who use an expired prescription, who skip a dose of medicine or even take some pills and split them. You can even buy now, in a drugstore, a little plastic device that has a little blade in it that can cut your pills in half. Especially seniors are buying this now. They do this because they can't afford to stay healthy in the richest country in the world.

Every day, more and more families know what I am talking about. It is not just happening to a handful or a hundred, it is not just threatening thousands. The fact is, one in five Nevadans can't afford health insurance and those who do have it are at great risk of losing it. If we do not act today, 10 years from now health care costs will more than double and the number of Nevadans who can't afford health insurance will nearly double as well. It is the same in the States of Virginia, Massachusetts, Rhode Island, Utah, California, and New Mexico. It does not matter where you are. That is a mess. It is not right. And it is what Democrats have been working so hard to turn around.

You have all heard a lot about our plan over the past months. I hope you know we are fighting to protect what works about the system, fix what does not, and help the middle class get ahead. You know we are fighting to stabilize health insurance for those who have it and help secure it for those who do not. We are fighting to keep the insurance industry honest and protect Medicare. We are fighting to lower costs for every family so every American can afford good, quality care that can never be taken away. And we are doing it all without adding a dime to the deficit.

That plan sounds pretty good to me, but some Republicans do not seem too fond of that plan. We have heard much about what their opposition has been in recent weeks and months. But what you have not heard a lot about is what the Republicans do think is the best way to fix our broken health care system.

Well, here are the basics. Under the Republican plan, insurance companies can deny you coverage when you need it the most, because they want the status quo. That is the status quo. Under the Republican plan, that is the status quo. Insurance companies can deny you coverage because you have high cholesterol, hay fever, or heart disease. They can raise your rates because you are getting older, because your dad had prostate cancer, or simply because you are a woman. That is the status quo.

That is what they want. Under the Republican plan, if you do have health insurance, your family has to pay more than \$1,000 a year extra to cover all of those who have no health insurance. If that plan sounds familiar, if it sounds like a mess, that is because it is exactly the same mess we are already in. As Ronald Reagan would say, that plan already goes by another name—I repeat—the status quo, the “mess” described by President Reagan.

Some might ask: Why would they be supporting the status quo? Why would they refuse to fix such a central part of our economy when it is so clearly and so badly broken?

Paul Krugman has a theory. Krugman, of course, won the Nobel Prize for economics last year. He teaches at Princeton, one of our finest universities, and writes a widely respected column in the *New York Times*. In his column today, he blames what he called “the politics of spite.” He noticed that most Republicans who resist health insurance are fighting it for the sake of fighting it. He observed that while we are fighting for hard-working families, Republicans are busy fighting us. He pointed out that there is no Republican plan to help people, only a plan to hurt the President. These politics are simply out of touch. The majority of Americans know our recovering economy needs health insurance reform now more than ever. The majority of Americans support the idea that health insurance companies should be required to cover every family. And the majority of Americans support creating more competition in the marketplace to drive down the cost of health insurance.

There are those who reflexively and recklessly stand in the way of what we all know needs to be done. Although their megaphone is very loud, they constitute a small minority. This is the minority—this is very hard to comprehend—the same minority who happily pumped one fist when America lost its bid to host the Olympics. They were cheering—we saw it on television—because we lost the Olympics. But they shake the other fist at those who slander us as unpatriotic. This is the same minority who disputes indisputable evidence about how our health care plan will help seniors or disputes undisputable evidence about our President's birth records. This is the same minority who relies on distortions, distractions, and deception to change the subject away from health care rather than debate the facts in good faith. Paul Krugman was right to call it the “politics of spite,” and he was right to conclude that such blind malice has no role in the legislative process.

Just as the majority of Americans yearn for the day when they can afford to live a healthy life without fear of living just one accident, one illness, or one pink slip away from losing every-

thing, a majority of Americans also are hopeful about reform. They are optimistic. All of the polls indicate there should be reform.

I had the good fortune of serving in the Senate with Bill Frist. Bill Frist, when he came to the Senate, was a famous transplant surgeon. I can remember him telling me about, as a young surgeon, traveling to places in a small airplane to pick up a heart so he could take it and give it to someone else to give them life. He did that himself, he carried it himself, a very famous surgeon.

In the book I wrote, an autobiography, I talk about Bill Frist. Here on the Senate floor, whenever in a private conversation the subject of health care came up, his eyes lit. He was so into medicine. That was who he was. He was Dr. Bill Frist. He was a Republican. As I have indicated, he was a physician, and a good one. But here is what he said last Friday, a couple of days ago: If he still served in this body, he would vote for health insurance that will soon come to the floor. That is Bill Frist.

Former Senate Republican Leaders Bob Dole and Howard Baker, both famous men, have similarly supported reform—not specific reform, but they say reform should come to be. They didn't have the benefit of seeing this legislation as did Bill Frist.

All three—Frist, Dole, and Baker—have come out because they know it is necessary, it is overdue, and it is right. This is not a partisan issue. All three have recognized that the status quo is not an option. All three have done so in the spirit of service, not a sense of spite. How did they reach this conclusion when so many of the Republican colleagues in this body and elsewhere have not?

I will quote Bill Frist directly, Dr. Frist. He said:

I would take heat for it. . . . That's what leadership is all about.

I encourage all my Republican colleagues to consider the words of two men on opposite sides of the political spectrum—Krugman, a real progressive, and Frist, a real conservative—who disagree on much about a lot of things. But both know that leadership, courage, and honesty will improve the lives of the people we represent. I encourage them to heed the words of a hero of the Republican Party, Ronald Reagan, who knew that anytime one defends a broken status quo, it only makes a bad situation worse and, in Reagan's words, “a mess.”

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. KYL. Mr. President, all eyes are on the Senate now with respect to the health care debate, because the Finance Committee has essentially completed work on the legislation and sometime this week is expected to vote on it, thus making it possible for that bill to come to the Senate floor. The question is, what do people think about the bill we debated and amended in the committee over a period of 2 weeks? Going back over my notes about all of the amendments we proposed and the discussion we had, a couple of things stuck out. First, Republicans have always said we believed it was important to address some of the problems that exist in our current system, problems with insurance and also health care delivery, primarily to bring costs down for all Americans and, in particular, for small businesses that provide insurance to employees, that there were some people who simply couldn't afford to buy insurance and we needed to find a way to help them as well.

Republicans offered scores of amendments. Virtually all of them were rejected. One or two were accepted. We had a lot of good ideas. I am sorry the Democratic majority turned down our ideas. We will offer some of those alternatives when the bill comes to the floor and perhaps hope for a better reception. It isn't as if Republicans didn't have good ideas on how to address the problems. Our ideas were rejected. Instead, we end up with a bill, and I thought: What is the best way to describe the bill? I decided maybe I could identify 10 problems with it as a way of illustrating what is of concern. These may not be the most important 10 problems. There are certainly a lot of other issues, but here are 10 reasons I came up with this morning for the American people to think about and for Senators to think about that would be problems and reasons for us to oppose the bill.

The first has to do with senior citizens who are on Medicare, because the bill cuts \$500 billion from Medicare. In

July, President Obama spoke at the AARP tele-townhall event and said:

I think there is a misperception that's been out there that somehow there is any discussion on Capitol Hill about reducing Medicare benefits. Nobody is talking about reducing Medicare benefits.

The problem is, this is not a misconception. We are not only talking about reducing Medicare benefits. That is exactly what the Finance Committee bill does. The Baucus bill will reduce Medicare benefits for millions of seniors to pay for a new health care bureaucracy.

This isn't just my word. Here is the nonpartisan Congressional Budget Office estimating that the Baucus bill would cut Medicare by nearly \$500 billion in the following ways: \$210.9 billion in cuts to hospitals, nursing homes, home health care, and hospice; \$123.5 billion in cuts to private Medicare plans known as Medicare Advantage. Here is what the CBO says about that. They estimate that the extra benefits offered by Medicare Advantage plans, such as preventative screenings, vision and dental care, will drop from \$125 per month to only \$42 per month under the Baucus bill, a direct reduction in benefits for seniors.

Misconception about reducing benefits? No. Real dollars, \$123.5 billion in cuts to Medicare Advantage plans which will, according to CBO, cut benefits for seniors.

There is \$22.6 billion in savings supposedly from a Medicare commission which Chairman BAUCUS has noted are executive branch cuts. These will be direct cuts to Medicare. And there is \$4.6 billion in cuts to imaging services, wheelchairs, and physician-owned hospitals. Some of these cuts will directly reduce benefits such as those benefits offered by Medicare Advantage plans I mentioned. Others will do so indirectly as, for example, when doctors are paid less or home health care is cut. The bottom line is, it is disingenuous to say that Congress can cut this much spending, \$500 billion from Medicare, and not have any detrimental effect on seniors' care. Medicare savings should be used to preserve and strengthen Medicare, not shifted to pay for new entitlement programs.

Reason No. 2, rationing of care. I think at the end of the day, this is probably the most worrisome thing to me. And it is worrisome to a lot of senior and non-senior citizens who can see their care being rationed under this legislation. The Baucus bill would create a new nonprofit corporation known as the Patient Centered Outcomes Research Institute to conduct what is known as comparative effectiveness research. Billions have been spent in the private sector to identify the best kind of treatment and care available, especially for cutting-edge technologies and treatments for patients' care. For the first time, this bill takes govern-

ment money to conduct the research, and the net result of it will be to ration care.

The bill, for example, asserts that the Secretary of HHS can use this comparative effectiveness research when making coverage determinations. Coverage determinations are what Medicare is going to cover, what they will pay for; in other words, what kind of treatment one gets to have.

I am quoting now from the bill:

The secretary would be required to use an iterative and transparent process when using research from the institute in making coverage determinations.

That is what they intend to do.

You will hear people say: Oh, no, that is not our intention. Well, these are the words of the bill. As a matter of fact, there is over \$1 billion that was passed in the stimulus bill that is going to be used by a new Federal agency called the Federal Coordinating Council, to use comparative effectiveness research as the basis for rationed care. So you have this nonprofit entity as well as a Federal entity, both of which will use this research for coverage determinations.

As I said, a lot of folks, particularly on the other side, say: Well, we don't support the rationing of care. We are against it too. Yet every single Republican amendment that was offered to make sure this research could not be used to ration care was defeated on party-line votes in the Finance Committee. The Republicans supported the amendments to ensure no rationing. The Democrats opposed all these amendments.

There is another way the bill is very arbitrary and will result in the rationing of care. It arbitrarily singles out 10 percent of the Nation's physicians every single year and cuts their reimbursements under Medicare by 5 percent. What they are doing is saying those doctors who spend more than other doctors—the doctors in the top 10 percent of spending—are going to have their reimbursements cut at the end of the year because, presumably, that spending was unnecessary. Well, how do we know that? Why isn't it the top 5 percent? Why isn't it the top 20 percent? It is a purely arbitrary number.

As I was discussing this on Saturday morning with a prominent physician, he said: The problem is the physicians who will get their reimbursements cut are the real experts to whom all the other physicians refer their toughest patients. I have seen that happen. I go to the doctor, and my physician says: I am not sure about this. I want you to go see a specialist in this area, and he sends me to somebody else. That doctor may prescribe something that costs a little more money, but he knows that is what I need. Well, he is going to get whacked by 5 percent. Obviously, this will result in a race to the bottom, where doctors will be encouraged to

underspend one another rather than ensure the appropriate care is delivered to their patients.

Even the Budget Committee chairman, who sits on the Finance Committee, Senator CONRAD, said the provision "leaves me cold." Well, it leaves me cold too. But every Democrat on the Finance Committee voted against my amendment to eliminate this provision.

There was a recent editorial in the Washington Times that illustrates the problem with this. I quote now:

... if a doctor authorizes expensive care, no matter how successfully, the government will punish him by scrimping on what already is a low reimbursement rate for treating Medicare patients. The incentive, therefore, is for the doctor always to provide less care for his patients for fear of having his payments docked.

That is wrong. The editorial concludes this way:

And because no doctor will know who falls in the top 10 percent until year's end, or what total average costs will break the 10 percent threshold, the pressure will be intense to withhold care, and withhold care again, and then withhold it some more. Or at least to prescribe cheaper care, no matter how much less effective, in order to avoid the penalties.

Withholding care, denial of care, delay of care—it is rationing. So the rationing of care is both direct through the use of the comparative effectiveness research or, in this case, indirect, forcing the doctors, in effect, to do the dirty work for Washington by withholding care.

Here is a third reason: waste, fraud, and abuse. The bill purports to attack waste, fraud, and abuse. But let me tell you about a little provision in the bill, and you tell me whether you think this is subject to abuse. Early Friday morning; that is to say, after midnight Thursday night, the chairman rolled into the bill an amendment that would "streamline" enrollment in Medicaid, the Children's Health Insurance Program, and the new premium tax credits program under the bill.

Specifically, this amendment would provide a single application form for all three subsidy programs. The form can be filed online, in person, by mail or telephone. You heard me right: by telephone. How will a State Medicaid agency know if the person is truly eligible for the program, if the person is a U.S. citizen or is even the person he or she purports to be? Poll after poll shows the American people believe fraud, waste, and abuse should be addressed prior to creating new government programs. The Baucus bill exacerbates the fraud, waste, and abuse inherent in Federal public health programs.

A fourth reason: rising health insurance premiums. You all heard that under this legislation, health care is going to cost less. Wrong. Health care is going to cost more. Rather than reducing the cost of premiums, they are

going to go up under the bill. Do not take my word for it. Here is the Congressional Budget Office, again, non-partisan:

Premiums in the new insurance exchanges would tend to be higher than the average premiums in the current-law individual market.

That is according to the Congressional Budget Office. Premiums will be higher than the average of premiums under current law.

The bill provides that every insurance company has to offer at least two particular kinds of insurance and they cannot offer any more than four. The lowest actuarial value they can offer is 65 percent. What does that mean? Individuals will have to buy richer health insurance plans with higher premiums than they would under the current market regardless of their financial or medical circumstances.

The average actuarial value of an individual insurance plan today, according to the Congressional Budget Office, ranges "from 40 percent to 80 percent, with an average value that is between 55 and 60 percent." The bill, remember, mandates that the very lowest is 65 percent, which means it is going to be more than, higher than the value that currently exists for most and for the average. In my State, the average actuarial value for an individual plan is 61 percent. The average value for a high-deductible health plan is 48 percent.

The bottom line is, the Baucus bill not only mandates that you buy insurance, but you have to buy insurance that is going to have a higher premium than the insurance you pay for today. Part of the reason insurance will cost more is because the Baucus bill would require all insurers to cover a minimum set of standardized benefits in addition to the current State-mandated benefits.

The Council for Affordable Health Insurance estimates that current mandated benefits increase the cost of basic health coverage from a little less than 20 percent to perhaps 50 percent. So get ready America, you are going to see your premiums go up under this legislation, not down.

Here is a fifth reason to oppose the bill. Under this legislation, there are penalties on your employer, which will be passed on to you in the form of lower wages. Under the Baucus bill, employers with over 50 employees, that do not offer health insurance to their workers would be required to pay a penalty for each employee who receives a tax credit to purchase coverage through the insurance exchange.

Where does the money come from to pay the penalty? Well, the CBO has warned Congress about so-called free rider proposals. Here is what they say:

Supporters of such surcharges often refer to them as "free rider" penalties.

That is what is in the bill.

Although the surcharges would be imposed on the firms, workers in those firms would

ultimately bear the burden of those fees, just as they would with pay-or-play requirements.

Continuing to quote:

Employer surcharges tend to be more targeted. . . . Many of those workers are more likely to have earnings at or near the minimum wage, and the size of such surcharges—if based on actual costs imposed on government programs—could be larger per affected worker than the assessments being considered in many play-or-pay requirements.

What that is saying is, when you put a fee on the employer, that fee is passed on to the employees in the form of lower wages or, in some cases, even fewer workers and that it is most likely to more dramatically affect those who have earnings at or near the minimum wage than those at higher wage scales. So you are hurting the very lowest paid workers.

Senator ENZI offered an amendment in the committee that would have required the Secretary of Labor to certify that the bill would not result in lower wages or in an increase in the unemployment rate before the bill could go into effect. You would think that would be a good guarantee that the bill would not have the adverse consequences I indicated.

Well, an interesting thing happened in the committee. The amendment first passed 21 to 0. Everyone thought it was a good idea to guarantee that the bill would not reduce people's wages or result in laid-off workers. Yet early in the hours on Friday—in other words, after midnight Thursday night—the Democrats in the committee changed Senator ENZI's amendment into a mere report to Congress. So after first voting in favor of the amendment to ensure that workers' wages would not be reduced, they then came back late and undid what they had passed earlier. Why would they do that, when the first amendment passed 21 to 0? Because, of course, it is an impossible certification under the bill. The bill will reduce wages—CBO said so—and the Democrats in the committee realized, therefore, they could not stick with that certification and have the bill be effective. So wages will be lost and some jobs will be lost.

Well, here is a sixth reason to oppose the bill: If you like your current insurance, you will not be able to keep it. You have heard the President promise this over and over: If you like your current coverage, you will be able to keep it. No, you will not—not under this bill. This has been proven now time and time again. I think it is one of the reasons the President is so sensitive about this. In fact, in his speech to the Congress, he changed his terminology a little bit. He said: If you like your insurance, we will not do anything to require you to change it. He had to change his terminology because, of course, what he was saying before is absolutely false.

By saying the government will not require you to change your plan, that is technically true. But it is lawyers' words. The problem is, the insurance you have now you will not have anymore because it will not exist anymore. No one will require you to change it. It simply will not be available to you. Why not? Well, there are several different reasons.

For seniors, the Baucus bill cuts billions of dollars from the Medicare Advantage Program. That will force those plans to cut benefits under their plans or to drop coverage altogether.

For those who are privately insured, Senator HATCH offered an amendment that would have required the Secretary of HHS to certify the bill would not cause more than 1 million Americans to lose their current coverage. The amendment failed on a party-line vote. Let me repeat that. The Hatch amendment said: Well, we have to at least certify that no more than 1 million people will lose their coverage under this bill. That cannot be certified because that is not what is going to happen. A lot more than 1 million people are going to lose their coverage. So his amendment lost on a party-line vote.

It is true the Baucus bill does not require insurers to drop coverage for people who like their current health insurance plans, but the practical effect of the bill will be to cause Americans to lose the coverage they currently enjoy.

For the seniors, by the way, under the Medicare Advantage plan, I quoted the numbers earlier. Let me quote them again. CBO estimates the extra benefits offered by the Medicare Advantage plan—such as preventive screenings, vision, and dental care—will drop from \$135 per month to only \$42 per month under the Baucus bill. So you are going to lose over \$90 worth of care, benefits, that you currently have. No, you are not going to be able to keep the insurance you have today, even if you like it.

Here is a seventh reason: This may seem like a small thing to most people, but the precedent is enormously dangerous in our country. We have all seen what happens when the government takes over part of the economy: insurance companies or the bank bailouts or the automobile companies. When the government takes these things over, they begin to make the decisions; for example, setting the pay of the people who work in those companies. It started out just capping the high executives' pay.

Under this bill, however, insurance companies' pay for all employees would be subject to the Federal regulation. If you pay somebody a certain amount of money, you will not be able to deduct it as a part of the ordinary and business expense that you do today. So it is a way of indirectly capping pay. It would limit the tax deduction for health insurance executives and other

highly paid workers at \$500,000. By the way, it would not limit the deduction of pharmaceutical companies or hospital industry executives and so on. But it is another example of what happens when Washington takes over another segment of the economy.

Robert Reich, by the way, who is the former Secretary of Labor under the Clinton administration, wrote an op-ed in the Wall Street Journal in which he pointed out that sometimes these relatively high—and \$500,000 is, to me, a lot of money—but there are people who are paid a lot more than that in these high-paid industries because of what they are able to do for their particular company, and he warns about the effect of legislation such as this that would effectively cap pay of employees.

Here is another thing—the eighth reason—taxing you through your health insurance plan. This is another one of the sneaky ways in which the bill actually gets at you, but they put the tax first on the insurance company. I told you the Congressional Budget Office said the wage earners would actually pay the penalty imposed on businesses. Well, here is an example of where the Baucus bill imposes a 40-percent excise tax on any health insurance plan that is above \$8,000 for a single person and \$21,000 for family plans. Who ends up paying the increased tax on the insurance company? Of course, you do. They pass it on to you through higher premiums.

According to the nonpartisan Joint Tax Committee, which provided the Finance Committee with a distributional analysis of this provision, the bulk of this \$200 billion tax increase falls on those President Obama promised to protect. Do you remember: “Nobody under \$200,000 is going to pay any new taxes under my bill”? Well, here is what happens in the first year this tax is in place. It raises taxes on 13.8 million tax units; that is, either an individual or a family who files an income tax return; that is, it raises taxes by \$13 billion on 13.8 million tax units. Of those 13.8 million tax units—individual filers or families—only 1.2 million will have incomes above \$200,000. So about 12.6 million of these tax filers who are under \$200,000 in income will pay this tax. Not going to tax anybody under \$200,000? Wrong. This means 91 percent of the affected taxpayers will be hit by the premium increase as a result of this tax.

By the way, the average tax increase for those earning under \$200,000 is \$900. This is every year, by the way. Within 6 years, the number of tax units hit by this tax would nearly triple to almost 40 million individual or family filers, and the tax would collect over \$52 billion in that year.

Here is a ninth reason for opposing the bill: taxing the chronically ill. This is an amendment I offered because this is just wrong. As my colleagues know,

under the tax law today, if you are so unfortunate as to be hit by a huge medical bill in any given year, and it exceeds 7.5 percent of your gross adjusted income on your income tax form, then you get to take a deduction for any amount above 7.5 percent of your income. The reason for that is because we don't want anyone in this country to have to suffer unnecessarily or out of proportion simply because of an accident, in effect. This is literally the lightning strikes situation. Most people would not have medical bills exceeding 7.5 percent of their adjusted gross income, but the few who do have been stricken enormously hard. They don't deserve it. In fact, the Internal Revenue Service actually treats this as an involuntary expense.

Under the IRS Code, there are few things that happen to you by pure luck of the draw, as it were. Most of the IRS Code applies to you based on decisions you made: You invested and lost money or you invested and made money and you get taxed on it as a result of the decision you made. You bought a house and you have a mortgage deduction, you know how much that is, you are taxed on a decision you made.

This, you had nothing to do with it; you just got sick. So your expenses are enormous compared to your income. We have always said in that case: We don't want that to hurt you; we are going to make sure you don't pay more than a certain amount in your taxes. Anything above 7.5 percent you get to deduct.

Under the Baucus bill, that 7.5 percent goes up to 10 percent, so now you are going to have to eat 10 percent of this catastrophic cost before you can even get to the point where you can have a tax deduction. Yet, as I quote the Congressional Research Service, “the deduction can ease the financial burden imposed by costly medical expenses.” For the most part, the Federal Tax Code regards these expenses as involuntary expenses that reduce a Federal taxpayer's ability to pay taxes by absorbing a substantial part of income.

The Joint Tax Committee has estimated that increasing the threshold to 10 percent would increase taxes by \$15 billion over 10 years. Who are these unfortunate taxpayers? Are they rich people? No. Twenty-one percent of them who claim this deduction earn under \$40,000, or less than 200 percent of poverty. So almost one-fourth of the people who take advantage of this are literally—they are at 200 percent of poverty. They are making \$40,000 a year. Those are exactly the kinds of people you want to be able to take advantage of a tax provision like this. They get killed when they have an expense that big, and 5.8 million taxpayers or 87 percent who claim this deduction earn under \$100,000, and that is not wealthy by any means. Mom and dad are work-

ing. Together they earn, let's say, \$90,000. Well, 87 percent of the people who claim this deduction are in that category. Those are people we should be helping by not having them pay quite as much in taxes, but under the bill we make it harder for them. We raise the threshold from 7.5 to 10 percent.

I wanted to actually reduce it to 5 percent to help people with their health care costs. Isn't the whole point of this bill to reduce people's health care expenditures? Isn't that the whole idea? No. We are not going to reduce them; we are not even going to leave them the same. We are going to raise them.

That brings up the tenth and final reason: taxing middle-class families. Under current law, employees can make tax-free contributions for medically necessary goods and services to pay out-of-pocket expenses. We would assume that to be the case. Although there is no legal limitation, employers generally establish a \$5,000 limit that they provide to their workers.

Senator BAUCUS is proposing to limit the contributions to \$2,500 a year, and the Joint Tax Committee estimates that this limit would raise \$15 billion over 10 years.

Now, why are we doing this? Is it good tax policy? No. We are doing it because we have to raise revenue. You see, the Democrats, who proposed this amendment, said at the very outset: We are going to make sure it is “revenue neutral.” What does revenue neutral mean? When you are proposing to spend \$800 billion, \$900 billion, \$1 trillion in order to make it revenue neutral, you have to come up with \$800 billion, \$900 billion, or \$1 trillion in new taxes or revenue or savings in order to offset the cost of that. So they have to raise money by a variety of taxes—I have mentioned a couple of them—or by penalties in ways that help them to get to this \$800 million, \$900 million, or \$1 trillion.

Well, here is another one of the taxes. We limit the contribution limit to \$2,500 a year. That way the Federal Government will bring in \$15 billion more in revenue.

Who takes advantage of this? Well, the 35 million people who use these flexible spending accounts spend 43 percent on hospital admissions and physician visits, 26 percent to purchase prescription and over-the-counter drugs to manage chronic diseases, 21 percent for dental, and 10 percent for vision. These are medical expenses that help make people healthier or prevent them from getting sicker. Isn't that what we want to be promoting, rather than hurting?

Americans with chronic conditions spend nearly \$4,400 a year in out-of-pocket medical expenses for ailments such as diabetes and autism. Why shouldn't we be helping them by allowing their employers to put money into



these flexible spending accounts for them to offset against their medical expenses?

Well, maybe this is just for the rich. No. There again, wrong. The median income for a policyholder utilizing a flexible spending account is \$55,000—hardly the rich. So, once again, we tax middle-class families in order to raise money to pay for the expense of this legislation.

These are just 10 reasons. I could keep going. There are dozens and dozens of reasons to oppose this legislation, but just start with these 10:

No. 1, \$500 billion in Medicare cuts that is going to result in less care for America's seniors—benefit cuts.

No. 2, rationing of care, both directly and indirectly, through this comparative effectiveness research and through other means that force the physicians, in effect, to provide less care if they want to be paid. More fraud, waste, and abuse. We thought we were going to actually save money from waste, fraud, and abuse. No. We are going to do things such as let people register by telephone when we are not going to be able to verify their eligibility for subsidies under this program.

Rising health insurance premiums: The Congressional Budget Office says the increase in the insurance costs will be passed on to the premium holders, so our insurance premiums go up, not down.

Taxes on employers which, again, according to the people who know best—nonpartisan—reduce employees' wages.

If you like your current coverage, you would not be able to keep it. That is a reason to oppose this legislation. If you like your current coverage, you ought to be able to get to keep it.

No. 7, unwarranted government intrusion. I just cited the example of the capping of pay, but there are so many other situations in which this tangled web of government regulations will virtually create government-run health care in this country, with or without a government-run insurance plan or the so-called public option.

No. 8, taxing you through your health insurance program. Here, again, they impose a tax on the insurance company because insurance companies are bad. Well, insurance companies are bad until you want them to pay for your health care. Then they are OK, I guess. In any event, the insurance company has to pass it on to you, so your premiums go up. That is what the experts say will happen.

Taxing the chronically ill: Why should we not allow people to deduct from their income taxes the expenses of these catastrophic events in their life that all of us—none of us want these things to happen to us, and we should at least be able to deduct part of these expenses in our income taxes.

Finally, taxing middle-class families through the inability to take advan-

tage of what their employers would otherwise provide by way of flexible spending accounts so they could actually have money to spend on chronic diseases such as diabetes—just one that I mentioned.

The whole exercise is we are going to make health care costs go down, we are going to reduce premiums, and we are going to recognize that people have too hard a time coping with these issues in today's society. We only make it worse if we adopt the Baucus bill because it will raise insurance premiums, it will lower wages, it will increase taxes, and it will reduce the care people get. How is that for a deal? Only something offered in Washington, DC, could be that bad a deal.

That is what is coming down the pike. In a couple of weeks, that bill is going to be—actually, it would not even be that bill; it will be a worse bill. I have described what many say is the best it is going to get, the bill that came out of the Finance Committee. It is only going to get worse from here because this bill is going to be combined—not by Republicans but by Democrats—behind closed doors with the bill that came out of the HELP Committee which, if anything could be worse, is. So somewhere in between this bill and that bill, that is what we are going to have on the Senate floor. It is a bad deal for the American people.

One final point. I see my friend, the Senator from Tennessee, Mr. ALEXANDER, coming to the floor. He has been saying something over and over and over again that bears repeating. I will tell Senator ALEXANDER, I was in church yesterday, and I don't know how many people told me exactly this: Read the bill and find out how much it costs. If we do that, and if we tell our constituents how much it costs and what is in the bill, I predict a lot of my colleagues are going to say: Thanks but no thanks; my constituents really don't want this bill.

So in addition to all of the other things I have said, maybe I should have started with the proposition: Read the bill and find out how much it costs. I suspect my friend from Tennessee might just mention that.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I wish to thank the Senator from Arizona for his thoughtful comments and for his late nights on the Finance Committee on the health care bill. He is exactly correct. I don't know where in the United States you could go and somebody wouldn't say: You should read the bill, No. 1; and you should know what it costs, No. 2, before you start voting on it. That is one of the handful of things in American life I don't think requires any explanation.

But if it requires any, the people in Arizona are going to be asking Senator KYL, just as they do me in Tennessee: What is this shifting of Medicaid costs to the States, and how much is it going to cost us? Our Governor in Tennessee says it will put the State budget in the tank and damage our colleges and universities. We ought to read the bill and know what it costs.

What about these Medicare cuts? We will wait to read the bill and see how much they are, but what we hear is they are a half trillion dollars, and not just in cuts on Medicare, but it is cutting Medicare for seniors and spending it on a new program. As the Senator from Kansas said the other day, it is like writing a check on an overdrawn bank account and buying a big new car with it, and then new taxes.

So I remember when in the HELP Committee we all were working on a bill, and it went right through with the Democratic majority, but when the American people began to read it, there began to be some problems. So I am very hopeful that we will do in the Senate as 99.8 percent of the American people expect us to do: Read the bill; know what it costs. When we see the Medicaid mandates that require new State taxes and the Medicare cuts for seniors that will be spent on other programs and new taxes, then that might change the picture.

Mr. President how much time do we have left on our side?

The ACTING PRESIDENT pro tempore. The time is not equally divided. Senators are permitted to speak for up to 10 minutes. The time is not equally divided, so we are just in a period of morning business until 4 o'clock.

Mr. ALEXANDER. Thank you very much.

#### ENERGY REFORM

Mr. ALEXANDER. Mr. President, I would like to change the subject. I wish to talk a little bit on the perils of energy sprawl. Right behind the health bill may come an energy or climate change bill. There has been a lot of discussion about that. I would like to talk about it in a new and different way.

I just went over to an organization called Resources for the Future that is run by former Congressman Phil Sharp, a group that has done a lot of good work in the conservation area, most recently in coordinating the Outdoors Resource Review Group's recommendations that included permanent funding for the Land and Water Conservation Fund.

There were about 200 conservationists there. I wish to talk to my colleagues a little bit about the message I shared with them. I began with them in this way: As many Americans did last week, I spent a number of hours watching Ken Burns' film on our national parks. I am also reading Douglas

Brinkley's book about Theodore Roosevelt, called "The Wilderness Warrior: Theodore Roosevelt and the Crusade for America." I had a few minutes to visit Douglas Brinkley, who was in Washington, DC. Doing this reminded me that the men and women we honor most in the conservation movement, and who founded many of our most important organizations, were not always so honored when they spoke up. Many who spent the last century protecting our landscapes, our air and our water and our habitats were regarded as trivial, eccentric or even went unnoticed.

John Muir, founder of the Sierra Club, was an obscure hermit when he began to preach nature like an apostle. To some, President Teddy Roosevelt must have seemed a little daffy when he declared he would protect pelicans and warned a country, enamored with Manifest Destiny, that we should keep nature unmarred. President Lyndon Johnson used to make jokes about Lady Bird Johnson running around the White House with Laurance Rockefeller protecting flowers, as he would say. Today, we honor those men and women for having had the wisdom and courage to recognize that preserving our natural heritage is essential to the American character. Italy may have its art, India may have its Taj Mahal, but we have the Great American Outdoors.

That is why a recent paper by the Nature Conservancy, a scientific paper, titled "Energy Sprawl or Energy Efficiency: Climate Policy Impacts on Natural Habitat for the United States of America," will one day, I believe, occupy a place among the pioneering actions we honor in the conservation movement. The paper warns, in the next 20 years, new energy production, especially biofuels and wind power, will consume a landmass larger than the State of Nebraska. This so-called "energy sprawl," as the authors termed it, will be the result of government cap and trade and renewable mandate proposals designed to deal with climate change. The paper should serve as a "Paul Revere ride" for the coming renewable energy sprawl. There are negative consequences from producing energy from the Sun, the wind, and the Earth, just as there are positive effects. Unless we are as wise in our response to this as the authors were in their analysis, our Nation runs the risk of damaging the environment in the name of saving the environment.

The first insight of the Nature Conservancy paper is in describing the sheer size of the sprawl. The second insight is in carefully estimating the widely varying amounts of land consumed by different kinds of energy production. Finally, the paper suggests four ways to reduce carbon emissions, while minimizing the side effects of energy sprawl on the landscape and wildlife habitat. The first recommendation is energy conservation. Second is gen-

erating electricity on already-developed sites, such as when solar panels are put on rooftops or when a chemical company uses byproducts from its production processes to make heat and power. The third recommendation is to make carbon regulation flexible enough to allow for coal plants that recapture carbon or nuclear power plants that produce no carbon or for international offsets. Fourth, the paper suggests careful site selection.

This makes me think of my own experience as Governor of Tennessee 25 years ago. The Presiding Officer was a very successful Governor of our neighboring Commonwealth of Virginia. Twenty-five years ago, our State banned new billboards and junkyards on a highway over which 2 million visitors travel each year to the Great Smoky Mountain National Park. Then, that decision attracted very little attention. Today, that decision helps to preserve one of the most attractive gateways to any national park. It is hard to imagine what that road would be like today if we hadn't made that decision 25 years ago. We know that if the billboards had gone up then, they would be impossible to take down today. It would be the same with wind turbines in the foothills of the Smokies or along the Blue Ridge Parkway, with wind turbines, solar thermal plants, and other new forms of energy production—once they go up, it would be hard to take them down.

My purpose today, with Resources for the Future and with the conservation groups, was to challenge those organizations who have traditionally protected our landscapes, air and water and wildlife habitat to do the same for the threat of energy sprawl. I asked for them to suggest to us in the Senate, Members of the House, and others in government what are the most appropriate sites for low-carbon or carbon-free energy production. Second, I asked the conservationists to do something that gives many of them a stomachache whenever it is mentioned—to rethink nuclear power. Because, as the Nature Conservancy's paper details—while not endorsing nuclear—in several ways nuclear power produces the largest amounts of carbon-free electricity with the least impact.

I learned a long time ago it helps an audience to know where its speaker is coming from so I reminded them that I grew up hiking and camping in the great Smoky Mountains National Park, and I still live 2 miles from the park boundary today. I reminded them that, as a Senator, I have fought and still fight for strict emission standards for sulfur, nitrogen, and mercury, because too many of us still breathe polluted air. I have introduced legislation to cap carbon from coal plants because I believe human production of carbon contributes to global warming. I have helped to create 10,000 acres of con-

servation easements adjacent to the Smokies because it preserves the views and the wildlife needs the space. I drive one of the first hybrid plug-in electric cars because I believe electrifying our cars and trucks is the quickest way to clean the air, keep fuel prices down, reduce foreign oil use, and help deal with climate change. I object to 50-story wind turbines along the Appalachian Trail for the same reason I am the cosponsor of legislation to end the coal mining practice called mountaintop removal, not because I am opposed to coal plants or wind power in appropriate places but because I want to save our mountaintops.

Let me offer a few examples to give a clearer picture of what this coming energy sprawl may look like. As the Nature Conservancy paper notes, most new renewable electricity production will come from wind power, which provides about 1.5 percent of our country's electricity today. Hydroelectric dams produce about 7 percent, and some of them are being dismantled. Solar and all other forms of renewable electricity produce about another 1 percent. President Bush first suggested that wind power could grow from 1.5 percent today to 20 percent by 2030, and President Obama has set out enthusiastically to get this done. In fact, the combination of Presidential rhetoric, taxpayer subsidies and mandates have very nearly turned our national electricity policy into a national windmill policy.

To produce 20 percent of America's electricity from wind turbines would require erecting 186,000 1.5 megawatt wind turbines, covering an area the size of West Virginia. According to the American Wind Energy Association, 1 megawatt of wind requires 60 acres of land; in other words, that is a 1.5-megawatt wind turbine every 90 acres. These are not your grandmother's windmills. They are 50 stories high. If you are a sports fan, they are three times as tall as the skyboxes at the University of Tennessee football stadium. The turbines themselves are the length of a football field. They are noisy, and you can see their flashing lights for up to 20 miles. In the Eastern United States, such as in Tennessee and Virginia, where the wind blows less, turbines work best along scenic ridge tops and coastlines.

The National Academy of Sciences says that up to 19,000 miles of new high-voltage transmission lines would be needed to carry electricity from 186,000 wind turbines in remote areas to and through population centers.

So many wind turbines can create real threats to wildlife. The Governor of Wyoming has expressed concern about protecting the sage grouse's diminishing population in his State as a result of possible habitat destruction from wind farms. The American Bird Conservancy estimates that each wind

turbine in this country may kill as many as seven or eight birds each year. Multiply that by 186,000, and you can predict the annual death of close to 1.4 million birds each year. Then there are the solar thermal plants, which use big mirrors to heat a fluid and which could spread over many square miles. Secretary of the Interior Ken Salazar recently announced plans to cover 1,000 square miles of federally owned land in Nevada, Arizona, California, Colorado, New Mexico, and Utah with such solar collectors to generate electricity. DIANNE FEINSTEIN, the senior Senator from California, who has spent most of her career trying to make the Mojave Desert a national monument, strongly objected to a solar thermal plant in the desert on Federal land just outside the Mojave National Preserve that would have covered an area 3 miles by 3 miles. Plans for the plant were recently canceled.

The only wind farm in the Southeastern United States is on the 3,300-foot-tall Buffalo Mountain in eastern Tennessee, not far from my hometown. The wind there blows less than 20 percent of the time, making the project a commercial failure. Because of the unavailability of wind power, renewable energy advocates suggest that we southeasterners use biomass, a sort of controlled bonfire that burns wood products to make electricity. Biomass has promise, to a point. Paper mills can burn wood byproducts to make energy. Clearing forests of dead wood and then burning it not only produces energy but can help to avoid forest fires. According to the Conservancy's paper, biofuels and biomass burning of energy crops for electricity take the most space per unit of energy produced. For example, the Southern Company is building a new 100-megawatt biomass plant in Georgia. Southern estimates it will keep 180 trucks a day busy hauling about 1 million tons of wood a year to the plants. One hundred megawatts, the size of that plant, is less than one-tenth the production of a nuclear plant, which will fit on 1 square mile. To produce the same amount of energy as one nuclear plant would require continuously foresting an area one-third larger than the 550,000-acre great Smoky Mountain National Park. You can make your own estimate of the number of trucks it would take to haul that much wood.

That is the second important insight of the Nature Conservancy report: a careful estimate of the widely different amounts of land each energy-producing technique requires. The gold standard for land usage is nuclear power. You can get a million megawatt hours of electricity a year—that is the standard unit the authors chose—per square mile, using nuclear power. The second most compact form of energy is geothermal energy. To generate the same amount of power, coal requires 4 square

miles, taking into account all the land required for mining, extraction, and waste disposal. Solar thermal takes 6. Natural gas takes 7. Petroleum takes 17. Photovoltaic cells that turn sunlight into electricity requires 14 square miles for the same unit of power. Wind is even more, taking 28 square miles to produce the same unit of electricity. That doesn't include lands consumed by the up to 19,000 miles of new transmission lines.

These differences in land use are pronounced, even though the Nature Conservancy paper's analysis is conservative. The authors include upstream inputs and waste disposal as part of their estimate of an energy producer's footprint. They add uranium mining and Yucca Mountain's 220 square miles to the area our 104 nuclear reactors actually occupy. If one were to consider only each energy plant's footprint, to produce 20 percent of U.S. electricity would take 100 nuclear reactors on 100 square miles; or, to visualize it a different way, 186,000 wind turbines on 25,000 square miles.

Visualize the difference this way. Thru hikers regularly travel the 2,178 miles from Springer Mountain, GA, up through Tennessee and Virginia to Mount Katahdin, ME. A row of 50-story wind turbines along the 2,178-mile Appalachian Trail would produce the same amount of electricity produced by four nuclear reactors on 4 square miles.

Because of all these wide differences, policymakers have the opportunity to choose carefully among the various forms of producing carbon-free electricity, as well as to think about where such energy production should go and should not go.

There are four ways that The Nature Conservancy suggests we approach these decisions:

First, focus on energy conservation. That is hard to argue with, and that is their preferred alternative to energy sprawl. It is hard to see how anyone could disagree. To cite one example, my home State of Tennessee leads the Nation in residential per-person electricity use. If Tennesseans simply used electricity at the national average, the amount of electricity we would save each year would equal two nuclear plants. Oak Ridge National Laboratory scientists have said that fuel efficiency standards have been the single most important step our country has taken to reduce carbon emissions.

The second recommendation for energy sprawl is, in scientific terms, end-use generation of electricity which already occurs on already-developed sites. The example is cogeneration that occurs at a paper factory, for example, that uses waste product to produce electricity and heat to run its facility. A more familiar and promising example is solar power on rooftops. In other words, since rooftops already exist,

covering them with hundreds of square miles of solar panels would create no additional sprawl. There are still obstacles to the widespread use of solar panels. In the Southeast, solar still costs four to five times what the Tennessee Valley Authority pays on average for other electricity. There is the obstacle of aesthetics. But companies are now producing solar film embedded with attractive roofing materials, although that costs more. And there is still the problem that solar power is only available when the Sun shines. Like wind, it cannot be stored in large quantities. But unlike wind, which often blows at night when we have plenty of spare electricity, the Sun shines when most people are at their peak power use. As former Energy Secretary James Schlesinger wrote recently in the Washington Post, because of their intermittence, wind and solar systems have to be backed up by other forms of electricity generation, which adds to their cost and land usage.

The third recommendation is to make carbon regulation flexible, allowing for carbon recapture at coal plants, for nuclear power, and for international offsets. So far, the sponsors of climate and energy bills in the Congress have not heeded this advice, I am sorry to say. In fact, both the Waxman-Markey bill in the House and the Bingaman Energy bill in the Senate contain very narrowly defined renewable electricity mandates. Instead of allowing States to choose their methods of producing the required amount of carbon-free electricity, the legislation tilts heavily toward requiring wind power. For example, the legislation allows existing and new wind turbines within the renewable mandate, but only new hydroelectric power. It does not count nuclear power, which is carbon free, or municipal solid waste or landfill gas as renewable.

In the same way, 75 percent of the so-called renewable electricity subsidies enacted since 1978 have gone to wind developers. A study by the Energy Information Administration shows that wind gets a subsidy of 31 times that of all other renewables combined. These policies have created a heavy bias toward the form of renewable electricity—wind power—that could consume our treasured mountaintops and be very destructive to wildlife. A national policy that encourages wind power in the Southeast, such as Tennessee or Virginia, where the wind barely blows, makes about as much sense as mandating new hydroelectric dams in the Western desert where there is no water.

It is my opinion that if we are truly seeking to reduce our carbon output, the policy that would create the least energy sprawl would be a carbon-free electricity standard allowing for the

maximum flexibility for those renewable electricity techniques that consume less land and require fewer transmission lines.

Finally, to deal with energy sprawl, The Nature Conservancy suggests paying attention to site selection. This is where the conservationists can be a big help to the Senators. Those who have spent their time protecting treasured landscapes and protecting wildlife could help us ask the right questions and know the right answers. For example, should energy projects be placed in national parks or national forests? If so, which forests and which energy projects? Should there be generous taxpayer subsidies for renewable electricity projects within 20 miles of the Grand Tetons or along the Appalachian Trail? What about the large amounts of water needed for solar thermal plants or for nuclear plants? Should turbines be concentrated in shallow waters 20 miles or more offshore where they cannot be seen from the coast? And should transmission lines run under water? Couldn't wind turbines be located in the center of Lake Michigan where the wind blows more strongly instead of along its shoreline where people can see them? Should there be renewable energy zones, such as the solar zones Secretary Salazar is planning where most new projects could be placed and where the most appropriate locations for those zones and those transmission lines could be picked?

In a recent op-ed in the New York Times, the Massachusetts secretary of energy and environmental affairs asked this question: Wouldn't it make a lot more sense to place wind turbines offshore in the Atlantic and run transmission lines underwater than to build new transmissions lines to carry wind power from the Great Plains to Boston? Should the subsidies for cellulosic ethanol be larger than those for corn ethanol? Or should there be no subsidies at all? And should there be a special effort to encourage conservation easements on private lands that protect treasured views and habitats?

These are the questions that the American people and the conservation groups that have traditionally protected our landscapes and our habitats could help us answer properly.

According to the Wall Street Journal, on August 13, ExxonMobil pleaded guilty in Federal court to killing 85 birds that had come into contact with crude oil or other pollutants in uncovered tanks of wastewater facilities on its properties. The birds were protected by the Migratory Bird Treaty Act which dates back to 1918. The company paid \$600,000 in fines and fees for killing those 85 birds.

Should the migratory bird law be enforced against developers of other energy projects—for example, renewable electricity and transmission lines? One

wind farm near Oakland, CA, estimates that its turbines kill 80 golden eagles a year. The American Bird Conservancy estimates the 25,000 wind turbines in the United States kill somewhere between 75,000 and 275,000 birds a year. "Somebody is getting a get-out-of-jail card free," Michael Fry of the Bird Conservancy told the Journal. And what would be the fine for the almost 1.4 million birds that 186,000 turbines might kill? For those who think birds may not be as important as some other subjects, read Douglas Brinkley's book about Teddy Roosevelt. Almost all of his wilderness activities started with his interest in birds. According to Mr. Brinkley, the largest spectator sport in America, even ahead of NASCAR, is bird watching.

These statistics raise the question of whether there ought to be some kind of parity among all energy companies in the application of laws and policies. For example, oil and gas companies receive taxpayer subsidies, but they bid to lease and drill on Federal land and waters and then they pay a royalty for the privilege. Should taxpayer-subsidized developers of renewable electricity projects also be required to pay a royalty for the privilege of producing electricity on Federal lands and waters? And if so, could this be a source of permanent funding for the Land and Water Conservation Fund or other conservation projects on the theory that if the law allows an environmental burden, it ought to require an environmental benefit?

Based on estimates from the Joint Committee on Taxation and the Congressional Budget Office, taxpayers will pay wind developers a total of \$29 billion in Federal subsidies over the next 10 years to increase wind power production from 1.5 to 4 percent of our total electricity.

There are an estimated 500,000 abandoned mines in our Nation—47,000 in California alone. To date, Congress has allocated a total of about \$4 billion for their cleanup, and the end of the cleanup is nowhere in sight. Would it not be wise before the energy sprawl occurs to require bonds on Federal lands for the removal of energy equipment that is abandoned or not used anymore? Wind turbines wear out in 20 or 25 years. Solar thermal farms can cover hundreds of acres. Policy subsidies and prices can change.

In Germany, for example, a prominent maker of solar equipment suggested cutting the government subsidy for solar equipment because it is permanently raising the prices of German-made products, and Germans are buying cheaper panels made in China. In other words, the Germans are subsidizing Chinese manufacturing.

So if the large U.S. subsidies for wind power were to disappear, as was promised when they were created, and this led to the abandoning of some renew-

able projects, it might be a good idea if someone were required to take away any abandoned equipment.

Which brought me to my last point: asking conservationists, especially in this country, to rethink nuclear power.

In our country, fears about proliferation and waste and disposal have stymied the "atoms for peace" dream for large amounts of low-cost, clean, reliable energy from nuclear power. Twelve States even have moratoria against building new nuclear plants. Still, the 104 U.S. reactors built between 1970 and 1990 produce 19 percent of America's electricity and, as I have said, 70 percent of our carbon-free electricity.

I believe that what Americans should fear most about nuclear power is this: The rest of the world will use it to create low-cost, carbon-free electricity while we who invented it will not. That would send our jobs overseas looking for cheap energy, and it would deprive us of the technology most likely to produce large amounts of carbon-free electricity to deal with climate change and to do it in a way least likely to harm the landscape and wildlife habitat.

Look at what the rest of the world is doing. Of the top five greenhouse gas emitters, who together produce 55 percent of all the carbon in the world, only the United States has no new nuclear plants under construction. China, the world's largest carbon emitter, recently upped its goal for new nuclear reactors to 132. Russia, the No. 3 emitter, plans two new reactors every year until 2030. Of the next two emitters, India has six reactors under construction and 10 more planned. Japan already has 55 reactors and gets 35 percent of its electricity from nuclear. It has two under construction and plans for 10 more by 2018.

According to the International Atomic Energy Agency, there are 53 reactors worldwide under construction in 11 countries, mostly in Asia and not one in the United States. South Korea gets nearly 40 percent of its electricity from nuclear and plans another eight reactors by 2015. Taiwan gets 18 percent of its power from nuclear and is building two new reactors.

In the West, France—we never like to give France credit for outdoing us in anything—but France gets 80 percent of its electricity from nuclear and, as a result, has among the lowest electricity rates and carbon emissions in Western Europe, behind Sweden and Switzerland, both of which are half nuclear. Great Britain has hired the French electric company EDF to help build reactors. Italy has announced it will go back to nuclear.

Where does that leave the United States? We still know how to run reactors better than anyone else, we just don't build them anymore. Our fleet of plants is up and running 90 percent of

the time. No one does that well except us. We have 17 applications for new reactors pending before the Nuclear Regulatory Commission, but we have not started construction on any new nuclear plant in 30 years in the United States.

The 104 we currently have in operation will begin to grow too old to operate in 20 years. That is why I believe the United States should build 100 new nuclear plants in 20 years. All 40 Republican Senators support that goal, and a number of Democratic Senators also are strong supporters of nuclear power.

Building 100 plants in 20 years would bring our nuclear-produced electricity to more than 40 percent of our total generation and it would all be carbon free. Add another 10 percent for hydroelectric dams—that is carbon free; 7 or 8 percent for wind and solar, now about 2.5 percent—that is carbon free; 25 percent for natural gas—that is low carbon; and you begin to get a very clean and low-cost electricity policy.

According to the National Academy of Sciences, construction costs for 100 nuclear plants are about the same as they would be for 186,000 wind turbines. New reactors could be located mostly on sites with existing reactors. There would be little need for new transmission lines. Taxpayer subsidies for nuclear would be one-tenth what taxpayers would pay wind developers over 10 years. And for so-called green jobs, building 100 nuclear plants would provide 4 times as many construction jobs as building 186,000 wind turbines. And, of course, nuclear is a base load source of power operating 90 percent of the time—the kind of reliable power a country like the United States, which uses 25 percent of the energy in the world, must have. Wind and solar are useful supplements, but they are only available, on average, about one-third of the time, and they can't be stored in large amounts.

What about the lingering fears of nuclear? Well, the Obama administration Energy Secretary, Dr. Steven Chu, the Nobel Prize-winning physicist, says nuclear plants are safe and he wouldn't mind living near one. That view is echoed by thousands of U.S. Navy personnel who have lived literally on top of nuclear reactors in submarines and Navy ships for more than 50 years without incident. The Nuclear Regulatory Commission agrees, and its painstaking supervision and application process is intended to do everything humanly possible to keep our commercial fleet of reactors safe.

On the issue of waste, Dr. CHU says there is a two-step solution. Step 1 is, store the spent nuclear fuel on site for 40 to 60 years. The Nuclear Regulatory Commission agrees this can be done safely, maybe for 100 years. Step 2 is research and development, to find the best way to recycle fuel so that its

mass is reduced by 97 percent, pure plutonium is never created, and the waste is only radioactive for 300 years instead of 1 million years. That kind of recycling would take care of both the waste and the third fear of nuclear power—the threat that other countries might somehow use plutonium to build a bomb.

One could argue that because the United States failed to lead in developing the safe use of nuclear technology for the last 30 years, we may have made it easier for North Korea and Pakistan to steal or buy nuclear secrets from rogue countries.

I concluded with this prediction: Taking into account these energy sprawl concerns, I believe the best way to reach the necessary carbon reduction goals for climate change, with the least damage to our environment and to our economy, will prove to be, No. 1, building 100 new nuclear plants in 20 years; No. 2, electrifying half the cars and trucks in 20 years—we probably have enough unused electricity to plug these vehicles in at night without building one new power plant—and No. 3, putting solar panels on rooftops. To make this happen, the government should launch mini-Manhattan Projects, like the one we had in World War II, for recycling used nuclear fuel, for better batteries, for electric vehicles, to make solar panels cost competitive, and, in addition, to recapture carbon from coal plants. This plan I have just described should produce the largest amount of electricity with the smallest amount of carbon at the lowest possible cost, thereby avoiding the pain and suffering that comes when high-cost energy pushes jobs overseas and makes it hard for low-income Americans to afford their heating and cooling bills.

My fellow Tennessean Al Gore won a Nobel Prize for arguing that global warming is the inconvenient problem. For those who believe he is right—and if you are also concerned about energy sprawl—then I would suggest nuclear power is the inconvenient solution.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AUTHORITY TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions during today's session, Monday, October 5.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FREEDOM TO TRAVEL

Mr. DORGAN. Mr. President, last Friday the New York Times had an article which caught my eye, and the headline was the following: "October New York Philharmonic Trip to Cuba is Off." I want to talk for a moment about this. I was extraordinarily disappointed to read this because this is an issue of the freedom to travel by the American people, specifically, the freedom to travel to Cuba.

This country has had an embargo against the country of Cuba for a long while. Cuba is a Communist country. Fidel Castro has poked his finger in the eye of America for a long time, so we have had an embargo for a long time. Part of the way to injure the Castro regime, presumably, as a part of this embargo is to prevent the American people from traveling to Cuba. The American people can travel to Communist China, to Communist Vietnam, to North Korea, but the American people are considered taking a criminal act if they travel to Cuba. There are some exceptions; the U.S. Treasury Department gives licenses to travel for certain kinds of educational and cultural things, and for trade.

So the New York Philharmonic orchestra was going to Cuba, but had to cancel the trip. Daniel Wakin wrote about it in the New York Times last Friday October 1, 2009. The reason I wanted to mention this is because it is almost unbelievable what we are still doing with respect to our travel policy with Cuba.

Senator ENZI and I have a piece of legislation that removes all travel restrictions with respect to travel to Cuba. We have over 30 Senators who are cosponsors of that legislation, but while we are waiting to pass our legislation, we are going through this nonsense of having the Federal Government and the Treasury Department tell us who can and who cannot travel, restricting the liberty and the freedom of the American people. It is outrageous, in my judgment.

Trips like the one the New York Philharmonic planned to Havana are not unusual. These kinds of trips happen all of the time. In 1959, at the height of the Cold War with the Soviet Union, the New York Philharmonic played in Moscow. It is a reasonably good thing, in my judgment, to be able to extend our culture and the hand of friendship through music.

One of the reasons I was especially interested in this is that the New York Philharmonic visited North Korea last year, and I asked conductor Loren Maazel and Zarin Mehta, President of the Philharmonic's board, to come and speak to our caucus. They described to

us their performances in North Korea. They said the applause went on and on, even after they left the stage. What a great way to exchange with another country, to extend cultural enlightenment and to share with other countries. Again, the New York Philharmonic orchestra played in North Korea last year, but cannot play in Cuba without a special license.

The New York Philharmonic is going to Communist Vietnam this month. Yes, it is a Communist country. So, too, is North Korea, as is China, as is Russia. But the New York Philharmonic orchestra has no difficulty being able to play music in those countries because there are no travel restrictions with respect to those countries.

Let me describe, if I might, the absurdity of all of this. The Office of Foreign Assets Control is a little agency in the Treasury Department that is in charge of granting licenses that, under certain conditions, will allow you to travel to Cuba. The license they decided to allow the New York Philharmonic to go to Cuba and play their music did not include allowing the benefactors of the Philharmonic to travel with them and the Philharmonic decided that was unacceptable. Frankly, I understand why it is unacceptable for them. That doesn't make any sense to me.

The OFAC regulations says

Unless otherwise authorized, any person subject to U.S. jurisdiction who engages in any travel-related transaction in Cuba violates the regulations.

That is unbelievable to me. That has been around, I think, for 40 years, 50 years.

Let me give examples of some people who have traveled to Cuba who our Federal Government has chased and harassed. By the way, this little agency called OFAC, somewhere in the bowels of the U.S. Treasury Department, the Office of Foreign Assets Control, is supposed to be tracking terrorist money, protecting us from terrorists. Instead they have been busy chasing people who go to Cuba. In the previous administration, up to a quarter of their time was spent trying to track Americans who were under suspicion of taking a vacation in Cuba. It is pretty absurd, it seems to me.

This is Joan Slotte. She was a senior citizen and bicyclist who was fined \$7,630. Do you know why? Because she joined a Canadian bicycling group that took a bicycle tour of Cuba and, as a result of that, her government—under the previous administration—tracked her down, threatened to attach her Social Security checks, and fined her \$7,630 for riding a bicycle in Cuba.

Here is a picture of a woman I have met named Joni Scott. Joni Scott's transgression? She is a very religious woman, a devout Christian. She went to Cuba to hand out free Bibles on the

streets of Cuba and her government tried to track her down and fine her \$10,000 for handing out free Bibles on the streets of Cuba because she violated the travel ban. The travel ban, that means restricting the liberty of the American people. We do not ban travel to other countries. We do not do it for communist China, for communist Russia, communist Vietnam—just for Cuba.

This is SGT Carlos Lazo. A number of years ago, Carlos Lazo went and fought in the country of Iraq, wearing America's uniform. He is a Cuban-American. He was in Iraq as a fighting soldier for this country. He won the Bronze Star for gallantry. He had two children in Cuba, one of whom was sick, and his government that he fought for and won the Bronze Star for, told him he was not able to travel to Cuba to see his own sick child. Hat shows how unbelievably wrong this policy is.

Let me describe what the policy is about traveling to other countries. The rules say:

All transactions ordinarily incident to travel to or from Iran . . . are permitted.

If you want to go to Iran, no problem; that is not an issue. You are welcome to go to Iran.

If you want to see Kim Jong-il in North Korea, it is not a problem. The rules say:

U.S. passports are valid for travel in North Korea and individuals do not need U.S. Government permission to travel there.

Here are the 10 Presidents we have had since we decided to punish the American people with a travel ban to Cuba—10 Presidents. You talk about failure—it is one thing just to fail; it is another thing to insist that failure is a good thing for 50 years. This Government of Cuba has lasted through 10 Presidents. What we have decided to do is, over all these years, to ban travel to Cuba by the American people.

You can go to Cuba in certain capacities. You can go in certain educational capacities, or cultural capacities, provided you get a license. I have been to Cuba. I have been to Havana. I have visited with government officials, I visited with all the dissidents in Cuba. Many of my colleagues here in Congress have undoubtedly traveled to Cuba. But we have a licensing requirement with respect to travel to Cuba.

We also had this trade embargo for all of these years. I was one who, some years ago, lifted that embargo slightly to be able to sell food and medicine into Cuba. I think it is fundamentally immoral to use food as a weapon. We had an embargo against selling food to Cuba. The Europeans were selling into Cuba, the Canadians were selling into Cuba; the American farmers were told you can't sell food into Cuba. As a result of my amendment, the amendment I offered with then Senator Ashcroft, that amendment opened just a bit the sale of food into Cuba and allowed med-

icine to go into Cuba as well, but that is the only thing that has happened in all of these years.

Senator ENZI and I have offered a bipartisan piece of legislation that would allow travel, allow the American people the freedom to travel in Cuba.

My colleagues in this Chamber talk a lot about freedom. What about the freedom of the American people to travel? Why is it we have decided to punish the Cuban regime by restricting Americans' freedoms?

I come back to the basic proposition. That is, one of the great music groups in the world, the New York Philharmonic, which has played in North Korea, in Russia, and is about to play in Vietnam, is told: Here are the circumstances and conditions in which you can play in Cuba. By the way, they are onerous. The New York Philharmonic found those circumstances and conditions unacceptable and I understand why.

I am writing to the Office of Assets Control to see if we could not get them to think straight a bit. It makes no sense at all to decide that this kind of exchange is unworthy. Does anybody really think that having the New York Philharmonic play beautiful music in the city of Havana, in the country of Cuba, is in any way going to threaten anybody? Wouldn't it perhaps do at least what it did for those who were able to experience that wonderful music in North Korea? I saw the photographs, I saw the video. I believe "60 Minutes" did a piece on it, that showed how unbelievably they were responded to by the North Korean people who heard them, who listened to the New York Philharmonic. Wouldn't that be the same with respect to Cuba?

Why on Earth should our government be interpreting this travel restriction in the way that is designed to try to restrict rather than expand these opportunities? I have seen how OFAC, over these years, tries to find ways to tighten, find ways to create opportunity to restrict travel. That makes no sense to me at all.

When I read this, this weekend, I thought what on Earth could they be thinking of? Where is the deep reservoir of common sense that you should expect from people who are confronted with this issue? When confronted with the issue of granting a license to the New York Philharmonic Orchestra to represent our country in doing concerts in Havana, why should OFAC be trying to find ways to make that too restrictive for the Philharmonic and its benefactors to travel to Cuba and do what they had intended to do?

This kind of opportunity to connect with other countries has a long history. I showed a picture of the New York Philharmonic, conducted by Leonard Bernstein, performing in the Great Hall in the Moscow Conservatory. Let me show that again. It



raises the question about common sense. If we are able, in 1959, with all of the tensions with Moscow and the Soviet Union at that point, and we sent our New York Philharmonic Orchestra in an exchange and Leonard Bernstein conducted, and they, too, were greeted with long, sustained applause because people were so appreciative of them being in Moscow; if that has been the case—and it has been in every circumstance and last year especially it was with respect to the appearance in North Korea—if that is the case, why on Earth would our Government do anything other than encourage the New York Philharmonic to do the concert in Havana, instead of discourage it, instead of finding ways to tighten this down so the New York Philharmonic and their benefactors had decided they simply couldn't go under those conditions?

Common sense ought to apply on this issue of the liberty and the freedom of the American people to travel. There ought not be travel restrictions to Cuba at all. They ought to be gone and we ought to pass the Dorgan-Enzi bill that strikes the travel restrictions with respect to Cuba. We have not yet found a way to get it to the floor. When we do, I guarantee we will have sufficient votes on the floor of the Senate to offer the American people the freedom they should have had in the last 50 or 60 years, and that is freedom to travel. In this case that freedom has been taken from them and it is outrageous.

I mentioned Joan Slote. When I became involved in this issue of what this embargo costs our country, I was furious to find an elderly woman riding a bicycle in Cuba and then fined \$7,300 by her government.

By the way, when she came back, her son had brain cancer so she wasn't home, she was attending to her son who had brain cancer down in California, and she didn't get the mailing to her house and then they threatened to take her Social Security away. Why? Because she was suspected of vacationing in Cuba, riding a bicycle with a Canadian bicycle group.

All of this I think is nuts and I hope at some point the New York Philharmonic will be given the license, with their benefactors, to go down and do the concert in Havana, Cuba; do the concert there. In the meantime, I hope the Office of Foreign Asset Control will take a look at this and make a new decision. They have the right to make a better decision. In my judgment they didn't make the right decision here. I hope they overturn that decision. I have written them a letter today asking them to do that. Let's use a little common sense here.

Following that, I hope Senator ENZI and I will get our legislation on the floor of the Senate and remove the travel restrictions that now impede the freedom of the American people to travel to Cuba.

The country of Cuba has been a thorn in our side for a long time; I understand that. But attempting to punish the leaders of Cuba by punishing the American people makes no sense at all. That is exactly what has happened since the early 1960s. My hope is that some day, despite the news last Friday that the New York Philharmonic has canceled this trip—my hope is some day very soon we will have a policy that doesn't have anybody canceling trips because they didn't get their license to travel. My hope is anybody can travel anywhere, representing the best of this country.

The New York Philharmonic is a wonderful cultural ambassador—to the Soviet Union, and North Korea, and Vietnam, all communist countries—and it can also be with Cuba. I hope that will happen soon.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEFENSE APPROPRIATIONS

Mr. MCCAIN. Mr. President, I rise today to discuss the 2010 Defense appropriations bill and the three amendments that will be called up tomorrow on C-17s, for-profit earmark competition, and a particularly egregious earmark on hypersonic wind tunnel development.

Tomorrow the Senate will resume consideration of the 2010 Department of Defense Appropriations Act. This must-pass bill provides \$626 billion for the day-to-day operations of our military, including the critical resources that support our commanders as they lead operations in Afghanistan and Iraq.

The bill also contains billions of dollars in wasteful spending, including \$2.7 billion in Member-requested earmarks and billions of dollars in unrequested weapons systems, which is where you will find \$2.5 billion for the C-17 cargo aircraft. In order to stuff these programs into the bill that the Pentagon did not request and does not want, and to enable Members to continue in their porkbarreling ways, the appropriators cut over \$3 billion in the military service operation and maintenance account.

This account is the lifeblood of our military forces. The account provides the military with funds to carry out

day-to-day activities, such as the recruitment and fielding of a trained and ready force, all military training, exercises, food, weapons, spare parts, equipment repair, ship overhauls, transportation services, civilian personnel management and pay, and childcare and family centers.

At a time when stress on our force and their families is significant, we are cutting funds from this account to put into this bill unwanted C-17s and Members' pork projects. There were plenty of lobbyists around for the C-17s last week. They were here in abundance. There are others who are seeking these porkbarrel projects.

Unfortunately, there are no lobbyists for the men and women serving in the military. There are no lobbyists to provide them with the much-needed funds in order to conduct the training and the operation and the maintenance and the repair of the equipment and their pay and all of the things that are so vital to maintaining our great military of today.

There are no lobbyists for them. So let's cut \$3 billion out of their training, out of their exercises, out of their weapons and spare parts and equipment repairs, ship overhauls, civilian personnel management and pay, childcare and family centers. Cut all of that out and put in \$2.5 billion for a C-17 that the military neither needs nor wants.

Just last month, the President spoke in Phoenix, AZ, to the Veterans of Foreign Wars. In that speech, the President's words were quite compelling about waste and porkbarrel spending in Defense bills. In that speech the President promised an end "to special interests and their exotic projects" and reaffirmed that he was leading the charge to kill off programs such as the F-22, the second engine for the Joint Strike Fighter, and the outrageously expensive Presidential helicopter.

The President went on to say:

If a project does not support our troops, we will not fund it. If a system does not perform well, we will terminate it. And if Congress sends me a bill loaded with that kind of waste, I will veto it.

Well, we will now see if the President is willing to follow through on that bold declaration. On April 6, 2009, Secretary Gates personally issued his highly touted statement on the 2010 defense budget. In that statement, he recommended, among other things, ending production of the F-22, terminating the Presidential helicopter, and completing production of the C-17 cargo aircraft. Secretary Gates said with the 205 C-17s already in the force and currently on order, the Department's analysis was that the military had enough C-17s.

While we may have won a small victory against the defense industrial complex in July, when the Senate voted 58 to 40 to kill the F-22, it appears the administration has thrown in

the towel on reining in spending on the C-17. In May, the House appropriators added eight C-17s into the 2009 supplemental appropriations bill at a cost of \$2.2 billion. The Pentagon did not even blink. In July, the House appropriators again added three more C-17s to the 2010 Defense appropriations bill, and with the White House apparently having given up on any kind of fight with Congress on the C-17, and believing they had a green light, the Senate appropriators upped the number of C-17s to 10 aircraft, \$2.5 billion.

Beneath the President's Phoenix rhetoric and with \$2.5 billion in unrequested C-17s, \$2.7 billion in member earmarks and a significant cut in operation and maintenance funding, one would have expected the President and Secretary Gates to be outraged. However, we have heard barely a word of opposition from them. Although the Statement of Administration Policy raised opposition to the additional C-17s and the cuts to operation and maintenance funding, it appears the President is not getting out his veto pen to take a stand behind his own strong rhetoric on earmarks and government waste.

I know these words will fall on deaf ears, but it is certainly not responsible for Congress to continue to load up appropriations bills—and, yes, authorization bills—with wasteful and unnecessary spending. Americans all over the country are hurting. People are losing jobs, their savings and their homes. Yet we continue the disgraceful earmarking process, elevating parochialism and patronage politics over the true needs and welfare of our men and women in uniform and the taxpayers.

If Senators think that all sounds too familiar, they are right; it is business as usual. When push comes to shove, nobody seems to really mind. The appropriators know what they need to do to keep the President from threatening to veto a defense spending bill. They know that \$2.5 billion in unrequested C-17s, \$2.7 billion in Member-requested earmarks, and cuts of over \$3 billion to the lifeblood account of our military services won't cause the President to pause a moment before signing such a bill into law. The idea of vetoing a defense appropriations bill that funds the wars in Iraq and Afghanistan is unimaginable, and that is exactly the protection sought by Members when they subscribe to unrequested, costly weapons systems and earmarks.

Servicemembers who defend our Nation around the globe are making great sacrifices. Their families back home are making sacrifices. Because we ask these heroes to forfeit so much, we in Congress should also be ready to make sacrifices. Sometimes that means doing what is best for the Nation instead of doing what is best for one's campaign. Our Nation's security and

the welfare of our servicemembers are higher priorities than the favor of special interests or the opportunity to tout the bacon we are bringing home.

Despite what I think is going to happen, I believe that if the President wants to send a message that we are serious about cutting out wasteful and unnecessary and corrupting spending in Congress, he should veto this bill, and we could send it back to him in a New York minute without the pork it is so full of.

I wish to discuss the three amendments.

Tomorrow, the Senate will vote on my amendment to strike the addition of 10 unrequested C-17 aircraft. As I discussed before, the administration strongly objects to the addition of the \$2.5 billion in funding for those 10 unrequested C-17s. That brings up a very interesting question: Why would the administration threaten to veto the bill if it included the F-22s, yet strongly object to the \$2.5 billion for the 10 unrequested C-17s? It is very interesting. Given how much our airlift capacity currently exceeds operational requirements, I see no reason we should buy more aircraft. It is not just an additional \$2.5 billion for these 10 C-17s, it is an additional \$100 million a year to maintain and operate them.

One of the great, untold stories of earmarking is that money that is used to fund special interests' projects would otherwise have been used to address the stated needs of our military services. The service chiefs who are in the best position to advise Congress of their priorities are routinely short-changed so that Senators can fund their pet projects. Each earmark requires departmental administration, and each draws manpower and resources away from critical issues facing a nation at war. I have heard that the impact of these many small earmarks is akin to death by 1,000 cuts. By my preliminary count, there are almost 700 unrequested earmarks in this bill, over 400 of which are not authorized in the National Defense Authorization Act. This represents more than \$1.3 billion in funding for unrequested, unauthorized Member interest items, \$1.3 billion that would have gone to service priorities. Some have merit. None are military priorities. A few are actually detrimental to the Defense Department. I am referring to earmarks that endure year after year, siphon funding from legitimate programs, and provide no discernable benefit to servicemembers.

Tomorrow, the Senate will cast scrutiny on one such project when we vote on my amendment to strike \$9.5 million for the MARIAH hypersonic wind tunnel research program in Montana. It has never been requested in the President's budget. It has never been authorized. Yet it has been appropriated every year since 1998. To date,

total Defense appropriations for MARIAH account for \$68.5 million. The total would be \$74 million if we include unrequested earmarks through NASA; \$83.5 million if this year's earmark for MARIAH remains in the bill.

Here we are, Congress has appropriated millions for an unrequested, unauthorized program that is objectionable enough, but the MARIAH program and the contractor that supports it are case studies in the fundamental problems with the congressional appropriations process.

Let me shed a little light on that. MARIAH is a research program intended to develop technologies that would be required to build a national high-speed wind tunnel. Congress originally funded the project through NASA earmarks during the 1990s. NASA responded that they had no interest in the program. From 1998 to 2003, MARIAH was an Air Force program. The Air Force, the leader in hypersonic testing and technology, begged off the program in 2004. So the appropriators moved it to the Army. The Army has no official requirement for this capability and published a report to Congress in 2005 stating their disinterest in the program. Here is an excerpt:

The U.S. Army believes it is premature to include the MARIAH wind tunnel concept within their budget as a program of record due to the lack of information and technical data to show that the concept is feasible. Further, the U.S. Army has yet to establish an operational requirement to justify the need for such expenditures in the Future Years Defense Program. Therefore, the U.S. Army does not plan to fund the MARIAH wind tunnel effort . . .

Priorities change over time. I asked the Army to detail their current investment in MARIAH and explain how the Army might use this research to develop new capabilities. I received a response yesterday. Here is what the Army said:

There are no current operational requirements for a hypersonic missile program within the Army. No Army missions currently require hypersonic flight technologies. The Army does not plan to budget for hypersonic wind tunnel development in the [current or future years] since the Army does not have an operational requirement for a hypersonic missile.

Finally, when asked whether the MARIAH program provides value-added capabilities, the Army's answer was "no."

So the Army's official response and explanation sounds like their 2005 response. Unfortunately, Congress hasn't been listening. We have poured more than \$70 million into it with no sign of stopping and with no discernable return on investment. Let me repeat that: no end date, no return on investment.

One group has made out well in the endeavor. Of course, I am referring to lobbyists, including Gage LLC, whose CEO, coincidentally, had been a senior



staffer to an appropriator from Montana.

The other big winner is the contractor, a company called MSE Technology Applications located, astonishingly, in Butte, MT. MSE is part of a former Department of Energy facility created in the 1970s to conduct energy research. In 1996, MSE had an agreement with DOD to privatize over the course of 5 years, and DOD provided funding to assist the privatization effort. Simultaneously, MSE executives began a pattern of hiring lobbyists, participating in fundraisers for elected Members of Congress, and taking millions of dollars in earmarks. So much for privatization. In fact, MSE itself has claimed it was entirely dependent on Federal earmarks following the so-called privatization effort.

More than a decade later, not much has changed. The Montana Standard, the local newspaper, reports that 75 percent of MSE's current business comes from Federal earmarks. According to their CEO:

Earmarks can have a negative connotation, but what they mean is we have contracts.

So this is a company that would not exist without government earmarks. What did MSE pay for these earmarks? Over \$2 million in fees to Washington lobbyists and tens of thousands of dollars in campaign contributions. We have the filings. MSE has perfected the process of using lobbyists to secure Federal funding.

Here is the most outrageous part. In 2000, MSE executives pled guilty to making illegal campaign contributions to Federal candidates. Let me explain. According to a report provided to Congress by the Department of Justice:

MSE, Inc., an engineering corporation headquartered in Butte, Montana, pled guilty on April 27, 2000, to making contributions to federal candidates through conduits and making corporate contributions to federal candidates in violation of the Federal Election Campaign Act. The corporation agreed to pay a criminal fine of \$97,500 and a civil penalty to the Federal Election Commission of an additional \$19,500. In addition, the corporation's two principal officers agreed, as part of the corporation's probation, to perform community service by lecturing business groups throughout Montana on the prohibitions of the [Federal Election Campaign Act], and to implement a corporate compliance agreement aimed at ensuring that the company did not violate the [Federal Election Campaign Act] in the future. The corporation was sentenced on April 27, 2000, in accordance with the plea agreement.

This company has a criminal record. Yet it still receives congressionally approved earmarks, apparently on the basis of connections between it, its lobbyists, and the offices of Members for whom those lobbyists used to work.

MSE and its MARIAH project are a black hole for Federal funding. MSE executives have benefited financially on the backs of the taxpayers for many

years, and the Department of Defense has needlessly wasted over \$70 million on MARIAH research that no one wants. Taxpayers' dollars put toward MARIAH were met with resistance from each Federal agency compelled to fund it by previous earmarks. These earmarks have produced no discernible return.

In light of this sordid story—\$70 million wasted over 11 years and the prospect of continuing funding for a program no one wants—I ask my colleagues to support my amendment to strike the \$9.5 million MARIAH earmark from the fiscal year 2010 Defense appropriations bill.

Finally, I have spoken for many years about the earmarking process and the corruption it breeds. I am deeply concerned over the damage it has done to our country and this institution by its continued abuse. We have made some progress in the past couple years but not nearly enough. Legislation we passed in 2007 provided for greater disclosure. While that was a good step forward, the bottom line is that we simply need more disclosure of earmarks. We need to reduce them, with the final goal of eliminating them entirely. The corruption which stems from the practice of earmarking has resulted in former Members of both the House and Senate either under investigation, under indictment, or in prison. Let's be clear. It wasn't inadequate disclosure requirements which led Duke Cunningham to violate his oath of office and take \$2.5 million in bribes in exchange for doling out \$70 to \$80 million of the taxpayers funds to a defense contractor. It was his ability to freely earmark taxpayer funds without question.

Tomorrow, Senators will have an opportunity to vote on an amendment I have offered that requires earmarks intended for for-profit entities included in the Defense appropriations bill be competitively bid. I repeat: requires earmarks intended for for-profit entities included in the Defense appropriations bill be competitively bid. That does not seem like it should be too tough. Just competitively bid these earmarks.

By requiring full and open competition, Congress can make the process of public funding more transparent and bring to bear the benefits of competition. The results will be lower costs to the government, innovation among contractors and suppliers, and better outcomes for the American taxpayer.

I am not the first person to think this is a good idea. The President and the Appropriations Committee in the House of Representatives are both on record endorsing it. Unfortunately, to date, and despite our good intentions, Congress has not been able to make it happen.

President Obama has promised to fight "the special interests, contrac-

tors and entrenched lobbyists" that have bloated past appropriations and distorted military priorities. In March of this year, he called the awarding of earmarks for private companies "the single most corrupting element of this practice" and said funding for such projects should be evaluated with a higher level of scrutiny and subject to the same competitive bidding process as Federal contracts. I agree, but I would have gone further by calling for the elimination of earmarks altogether.

I was pleased to see our House counterparts expressed interest in competing earmarks intended for private industry. But the Senate Appropriations Committee balked at the suggestion that funding for special interest programs be subject to competition, and the result of recent Senate-House negotiations is that earmarks in the fiscal year 2010 appropriations bills will not have to be competitively bid.

I urge my colleagues to support my amendment. We must not allow this body to go back to the old ways of doing business.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENDING UNEMPLOYMENT BENEFITS

Mr. REED. Mr. President, I rise in support of a swift extension of the unemployment insurance benefits to help jobless people throughout this country.

Last week, we learned that the economy had shed 263,000 jobs in September and the unemployment rate increased to 9.8 percent. I grant this is a remarkable change since the first of the year when 700,000 jobs or more were being lost. Still, that is very small comfort to those people who are losing their jobs and others who are losing their benefits if we fail to act swiftly and extend unemployment benefits for additional weeks.

This is the particular case in my State of Rhode Island. We are looking at a 12.8 percent unemployment rate. There are thousands who have already exhausted their unemployment benefits, and there are another 4,500 who are estimated will lose their benefits before the end of the year. This is an extraordinary number of people who

are out of work, and they are finding incredible difficulty in securing jobs.

I ask that my colleagues come together in support of an extension of the unemployment insurance benefits. The House overwhelmingly passed this legislation on a bipartisan basis. I have introduced legislation here, along with Senator LINDSEY GRAHAM of South Carolina.

This is not a partisan issue. The job losses in this country are across the Nation. They are affecting working families and people who have spent their whole lives working hard, and now they face a huge crisis—without a job—and they are facing uncertainty in the future, health care issues, tuition for college, and those things families struggle with every day.

In addition, unemployment insurance is one of those features of support that actually increases demand, accelerates the economy. The effect of unemployment insurance for each dollar is more than a dollar of economic activity generated. At this time, we are trying to jump-start the economy and move it forward and give it momentum so it doesn't falter and fall back. Unemployment insurance provides not only individual assistance, but it also assists the economy.

We are in the most severe economic downswing since the Great Depression. We have to go ahead and help people who need it and based on their work. That is one of the other values of unemployment insurance. These people are our colleagues and friends and neighbors who have worked and now they are without work. They desperately want to work. In the interim, before they are able to find a job, they need us to provide some minimal support and also to ensure that our economy continues to move forward.

I urge all my colleagues to follow the lead of the House so that, on a bipartisan basis, we can extend unemployment insurance for millions of Americans.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I thank the Chair.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2847.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2847) making appropriations for the Departments of Commerce, and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill (H.R. 2847) which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:*

##### TITLE I

##### DEPARTMENT OF COMMERCE

##### INTERNATIONAL TRADE ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

*For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$455,704,000, to remain available until September 30, 2011, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That not less than \$49,530,000 shall be for Manufacturing and Services; not less than \$43,212,000 shall be for Market Access and Compliance; not less than \$68,290,000 shall be for the Import Administration; not less than \$257,938,000 shall be for the Trade Promotion and United States and Foreign Commercial Service; and not less than \$27,295,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That negotiations shall be conducted within the World Trade Or-*

*ganization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210, to maintain strong U.S. remedies laws, correct the problem of overreaching by World Trade Organization Panels and Appellate Body, and prevent the creation of obligation never negotiated or expressly agreed to by the United States: Provided further, That within the amounts appropriated, \$1,500,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act.*

##### BUREAU OF INDUSTRY AND SECURITY

##### OPERATIONS AND ADMINISTRATION

*For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$100,342,000, to remain available until expended, of which \$14,767,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.*

##### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

*For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, \$200,000,000, to remain available until expended: Provided, That of the amounts provided, no more than \$4,000,000 may be transferred to "Economic Development Administration, Salaries and Expenses" to conduct management oversight and administration of public works grants.*

##### SALARIES AND EXPENSES

*For necessary expenses of administering the economic development assistance programs as provided for by law, \$38,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.*

MINORITY BUSINESS DEVELOPMENT AGENCY  
MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$31,200,000: Provided, That within the amounts appropriated, \$200,000 shall be used for the projects, and in the amounts, specified in the table entitled, "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act.

ECONOMIC AND STATISTICAL ANALYSIS  
SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$100,600,000, to remain available until September 30, 2011.

BUREAU OF THE CENSUS  
SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$259,024,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$7,065,707,000, to remain available until September 30, 2011: Provided, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include "some other race" as a category: Provided further, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities.

NATIONAL TELECOMMUNICATIONS AND  
INFORMATION ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$19,999,000, to remain available until September 30, 2011: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES,  
PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, \$20,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed \$2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE  
SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided

for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$1,930,361,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2010, should the total amount of offsetting fee collections be less than \$1,930,361,000, this amount shall be reduced accordingly: Provided further, That of the amount received in excess of \$1,930,361,000 in fiscal year 2010, in an amount up to \$100,000,000 shall remain until expended: Provided further, That from amounts provided herein, not to exceed \$1,000 shall be made available in fiscal year 2010 for official reception and representation expenses: Provided further, That of the amounts provided to the USPTO within this account, \$25,000,000 shall not become available for obligation until the Director of the USPTO has completed a comprehensive review of the assumptions behind the patent examiner expectancy goals and adopted a revised set of expectancy goals for patent examination: Provided further, That in fiscal year 2010 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That sections 801, 802, and 803 of division B, Public Law 108-447 shall remain in effect during fiscal year 2010: Provided further, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: Provided further, That \$2,000,000 shall be transferred to "Office of Inspector General" for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND  
TECHNOLOGY  
SCIENTIFIC AND TECHNICAL RESEARCH AND  
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$520,300,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital Fund": Provided, That not to exceed \$5,000 shall be for official reception and representation expenses: Provided further, That within the amounts appropriated, \$10,500,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$124,700,000, to remain available until expended.

In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, \$69,900,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$163,900,000, to remain available until expended: Provided, That within the amounts appropriated, \$47,000,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act: Provided further, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,301,131,000, to remain available until September 30, 2011, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2012: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition \$104,600,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the \$3,304,131,000 provided for in direct obligations under this heading \$3,301,131,000 is appropriated from the general fund, \$3,000,000 is provided by transfer: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$226,809,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$36,583,000: Provided further, That within the amounts appropriated, \$57,725,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading

in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

#### PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,397,685,000, to remain available until September 30, 2012, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce is authorized to enter into a lease, at no cost to the United States Government, with the Regents of the University of Alabama for a term of not less than 55 years, with two successive options each of 5 years, for land situated on the campus of University of Alabama in Tuscaloosa to house the Cooperative Institute and Research Center for Southeast Weather and Hydrology: Provided further, That within the amounts appropriated, \$19,000,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act.

#### PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, \$80,000,000, to remain available until September 30, 2011: Provided, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and federally recognized tribes of the Columbia River and Pacific Coast for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

#### COASTAL ZONE MANAGEMENT FUND (INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

#### FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, obligations of direct loans may not exceed \$16,000,000 for Individual Fishing Quota loans and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: Provided, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

#### DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official reception and representation, \$61,000,000: Provided, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committee on Appropriations of the Senate that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: Provided further, That of the amounts provided to the Secretary within this account, \$5,000,000 shall not become available for obligation until the Secretary certifies to the Committee on Appropriations of the Senate that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

#### HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, \$22,500,000, to remain available until expended.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$27,000,000.

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE (INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such

transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110-161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 108. Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking "2009" and inserting "2011".

SEC. 109. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 110. The National Marine Fisheries Service is authorized to accept land, buildings,

equipment, and other contributions including funding, from public and private sources, which shall be available until expended without further appropriation to conduct work associated with existing authorities.

This title may be cited as the "Department of Commerce Appropriations Act, 2010".

#### TITLE II

#### DEPARTMENT OF JUSTICE

##### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$118,488,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That \$18,693,000 is for Department Leadership; \$8,101,000 is for Intergovernmental Relations/External Affairs; \$12,715,000 is for Executive Support/Professional Responsibility; and \$78,979,000 is for the Justice Management Division: Provided further, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

##### JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$95,000,000, to remain available until expended, of which \$21,132,000 is for the unified financial management system.

##### TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$206,143,000, to remain available until expended: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

##### ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$300,685,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

##### DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,438,663,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That not to exceed \$5,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$84,368,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, of which \$2,000,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### UNITED STATES PAROLE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$12,859,000.

##### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

##### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$875,097,000, of which \$2,500,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed \$10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program \$3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

##### SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$163,170,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$102,000,000 in fiscal year 2010), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at \$61,170,000.

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements,

\$1,926,003,000: Provided, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$25,000,000 shall remain available until expended: Provided further, That of the amount provided under this heading, not less than \$36,980,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) concerning the prosecution of offenses relating to the sexual exploitation of children.

##### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$224,488,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$210,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the Fund estimated at \$9,488,000.

##### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,117,000.

##### FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$168,300,000, to remain available until expended: Provided, That not to exceed \$10,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed \$3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: Provided further, That not to exceed \$11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

##### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$11,479,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

## ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

## UNITED STATES MARSHALS SERVICE

## SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,125,763,000; of which not to exceed \$30,000 shall be available for official reception and representation expenses; of which not to exceed \$4,000,000 shall remain available until expended for information technology systems.

## CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$26,625,000, to remain available until expended; and of which not less than \$12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

## NATIONAL SECURITY DIVISION

## SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, \$87,938,000; of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

## INTERAGENCY LAW ENFORCEMENT

## INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$515,000,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

## FEDERAL BUREAU OF INVESTIGATION

## SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; \$7,668,622,000, of which \$101,066,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed \$150,000,000 shall remain available until expended: Provided, That not to exceed \$205,000 shall be available for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, the Director of the Federal Bureau of Investigation, upon a determination that additional funding is necessary to carry out construction of the Bio-

metrics Technology Center, may transfer from amounts available for "Salaries and Expenses" to amounts available for "Construction" up to \$30,000,000 in fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs: Provided further, That any transfer made pursuant to the previous proviso shall be subject to section 505 of this Act.

## CONSTRUCTION

For all necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; and preliminary planning and design of projects; \$244,915,000, to remain available until expended.

## DRUG ENFORCEMENT ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,014,682,000; of which \$10,000,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed \$75,000,000 shall remain available until expended; and of which not to exceed \$100,000 shall be available for official reception and representation expenses.

## BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

## SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,114,772,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which \$10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further,

That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2010: Provided further, That, beginning in fiscal year 2010 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or solely in connection with and for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly or publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.



## CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites to purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally owned buildings; and preliminary planning and design of projects; \$6,000,000, to remain until expended.

## FEDERAL PRISON SYSTEM

## SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$31, of which 743 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$5,979,831,000, of which \$10,500,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed \$6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2011: Provided further, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

## BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$99,155,000, to remain available until expended, of which not less than \$73,769,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

## FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures,

within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES,  
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT  
ACTIVITIES

## OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND  
PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and for related victims services, \$435,000,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) \$15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) \$2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) \$200,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) \$18,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) \$2,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) \$60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(5) \$15,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(6) \$41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) \$3,000,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) \$3,000,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) \$9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) \$45,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(11) \$4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(12) \$14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(13) \$6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(14) \$3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(15) \$1,000,000 for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act;

(16) \$1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act;

(17) \$3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(18) \$3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(19) \$3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(20) \$500,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act; and

(21) \$1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act.

## OFFICE OF JUSTICE PROGRAMS

## JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296), which may include research and development; and other programs (including the Statewide Automated Victim Notification Program); \$215,000,000, to remain available until expended, of which:

(1) \$40,000,000 is for criminal justice statistics programs, pursuant to part C of the 1968 Act, of which \$35,000,000 is for the National Crime Victimization Survey;

(2) \$48,000,000 is for research, development, and evaluation programs;

(3) \$12,000,000 is for the Statewide Victim Notification System of the Bureau of Justice Assistance;

(4) \$45,000,000 is for the Regional Information System Sharing System, as authorized by part M of title I of the 1968 Act; and

(5) \$70,000,000 is for the Missing Children's Program.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the Second Chance Act of 2007 (Public Law 110-199); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); and other programs; \$1,159,000,000, to remain available until expended as follows:

(1) \$510,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), of which \$5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, \$2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including anti-terrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, \$10,000,000 is to support the Nationwide Pegasus Program in coordination with the National Sheriff's Association, for rural and non-urban law enforcement databases and connectivity to enhance information sharing technology capacity, and \$10,000,000 is for implementation of a student loan repayment assistance program pursuant to section 952 of Public Law 110-315;

(2) \$178,500,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation): Provided, That within the amounts appropriated, \$178,500,000 shall be used for the projects, and in the amounts specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act;

(3) \$40,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation) of which \$8,000,000 shall be available for the SMART Office activities and \$2,000,000 shall be available for grants to States and local law enforcement agencies as authorized by section 5 of Public Law 110-344;

(4) \$2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(5) \$15,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164;

(6) \$40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(7) \$5,000,000 for prison rape prevention and prosecution and other programs, as authorized

by the Prison Rape Elimination Act of 2003 (Public Law 108-79);

(8) \$20,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) \$50,000,000 for offender re-entry programs, as authorized by the Second Chance Act of 2007 (Public Law 110-199), of which \$25,000,000 is for grants for adult and juvenile offender State, tribal and local reentry demonstration projects, \$15,000,000 is for grants for mentoring and transitional services and \$5,000,000 is for family-based substance abuse treatment;

(10) \$5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405;

(11) \$10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(12) \$30,000,000 for assistance to Indian tribes, of which—

(A) \$10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) \$10,000,000 shall be available for the Tribal Courts Initiative;

(C) \$7,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants; and

(D) \$3,000,000 shall be available for training and technical assistance and civil and criminal legal assistance as authorized by title I of Public Law 106-559;

(13) \$228,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)); and

(14) \$25,000,000 for the Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys: Provided, That no less than \$20,000,000 shall be for prosecution efforts on the Southern border: Provided further, That no less than \$5,000,000 shall be for prosecution efforts on the Northern border:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

#### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, \$20,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401), and other juvenile justice programs, \$407,000,000, to remain available until expended as follows:

(1) \$75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process: Provided, That no less than \$5,000,000 shall be for the Safe Start Program, as authorized by the 1974 Act;

(2) \$82,000,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act: Provided, That within the amounts appropriated, \$82,000,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act;

(3) \$100,000,000 for youth mentoring grants;

(4) \$65,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$25,000,000 shall be for the Tribal Youth Program;

(B) \$10,000,000 shall be for a gang education initiative; and

(C) \$25,000,000 shall be for grants of \$360,000 to each State and \$4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) \$25,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(6) \$60,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

#### PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account); and \$5,000,000 for payments authorized by section 1201(b) of such Act; and \$4,100,000 for educational assistance, as authorized by section 1218 of such Act, to remain available until expended.

#### COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (the "Adam Walsh Act"); and the Justice for All Act of 2004 (Public Law 108-405), \$658,500,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount



provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) \$30,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs;

(2) \$39,500,000 for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109-177, and for other anti-methamphetamine-related activities: Provided, That within the amounts appropriated, \$34,500,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act;

(3) \$187,000,000 for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment: Provided, That within the amounts appropriated, \$187,000,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act;

(4) \$10,000,000 for grants to assist States and tribal governments as authorized by the NICS Improvements Amendments Act of 2007 (Public Law 110-180);

(5) \$10,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(6) \$166,000,000 for DNA related and forensic programs and activities as follows:

(A) \$151,000,000 for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

(B) \$5,000,000 for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412);

(C) \$5,000,000 for Sexual Assault Forensic Exam Program Grants as authorized by Public Law 108-405, section 304; and

(D) \$5,000,000 for DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by Public Law 108-405, section 303;

(7) \$20,000,000 for improving tribal law enforcement, including equipment and training;

(8) \$15,000,000 for programs to reduce gun crime and gang violence;

(9) \$10,000,000 for training and technical assistance;

(10) \$20,000,000 for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which:

(A) \$5,000,000 for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322); and

(B) \$1,000,000 for the National Sex Offender Public Registry;

(11) \$16,000,000 for expenses authorized by part AA of the 1968 Act (Secure our Schools);

(12) \$35,000,000 for Paul Coverdell Forensic Science Improvement Grants under part BB of title I of the 1968 Act; and

(13) \$100,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsections (g) and (i) of such section and notwithstanding 42 U.S.C. 3796dd-3(c).

#### SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing Services Office, \$179,000,000, of which not to exceed \$15,708,000 shall be available for the Office on Violence Against Women; not to exceed \$125,830,000 shall be available for the Office of Justice Programs; not to exceed \$37,462,000 shall be available for the Community Oriented Policing Services Office: Provided, That, notwithstanding section 109 of title I of Public Law 90-351, an additional amount, not to exceed \$21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: Provided further, That the total amount available for management and administration of such programs shall not exceed \$200,000,000.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$75,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2011, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to

any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review conducted in 2008: Provided, That this restriction does not apply to planning and design activities for future phases: Provided further, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

SEC. 215. In addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings "Justice Assistance", "State and Local Law Enforcement Assistance", "Weed and Seed", "Juvenile Justice Programs", and "Community Oriented Policing Services"—

(1) Up to 3 percent of funds made available to the Office of Justice Programs for grants or reimbursement may be used to provide training and technical assistance; and

(2) Up to 1 percent of funds made available to such Office for formula grants under such headings may be used for research or statistical purposes by the National Institute of Justice or the Bureau of Justice Statistics, pursuant to, respectively, sections 201 and 202, and sections 301 and 302 of title 1 of Public Law 90–351.

SEC. 216. Section 5759(e) of title 5, United States Code, is amended by striking subsection (e).

SEC. 217. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2010 for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

SEC. 218. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end of the following:

**“§5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation**

“The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties.”.

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

“5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation.”

SEC. 219. The Attorney General is authorized to waive the application of 42 U.S.C. 3755(d)(2)(A) with respect to grants made to units of local government pursuant to 42 U.S.C. 3755(d)(1), if such units of local government were eligible to receive such grants under the transitional rule in 42 U.S.C. 3755(d)(2)(B).

This title may be cited as the “Department of Justice Appropriations Act, 2010”.

### TITLE III

#### SCIENCE

##### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental

of conference rooms in the District of Columbia, \$6,154,000.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$4,517,000,000, to remain available until September 30, 2011.

#### AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$507,000,000, to remain available until September 30, 2011.

#### EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,940,400,000, to remain available until September 30, 2011.

#### SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility plan-

ning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$6,161,600,000, to remain available until September 30, 2011.

#### EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$140,100,000, to remain available until September 30, 2011.

#### CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,383,500,000, to remain available until September 30, 2011: Provided, That within the amounts appropriated \$47,000,000 shall be used for the projects, and in the amounts, specified in the table entitled “Congressionally designated projects” in the report of the Committee on Appropriations of the Senate to accompany this Act.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$36,400,000, to remain available until September 30, 2011.

#### ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the duration of availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for “Office of Inspector General”, when any activity has been initiated by the incurrence of obligations for environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended.

Notwithstanding the limitation on the availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for “Office of Inspector General”, the amounts appropriated for construction of facilities shall remain available until September 30, 2014.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2010.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

Funding designations and minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title for the National Aeronautics and Space Administration.

#### NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,618,000,000, to remain available until September 30, 2011, of which not to exceed \$570,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That from funds specified in the fiscal year 2010 budget request for icebreaking services, \$54,000,000 shall be transferred to the U.S. Coast Guard “Operating Expenses”: Provided further, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That not less than \$147,800,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69.

#### MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, \$122,290,000, to remain available until expended.

#### EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$857,760,000, to remain

available until September 30, 2011: Provided, That not less than \$55,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

#### AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$300,370,000: Provided, That contracts may be entered into under this heading in fiscal year 2010 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

#### OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,340,000: Provided, That not to exceed \$2,500 shall be available for official reception and representation expenses.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$14,000,000.

This title may be cited as the “Science Appropriations Act, 2010”.

#### TITLE IV

#### RELATED AGENCIES

#### COMMISSION ON CIVIL RIGHTS

#### SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,400,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–23); the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed \$30,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$367,303,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or

reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

#### INTERNATIONAL TRADE COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$82,700,000, to remain available until expended.

#### LEGAL SERVICES CORPORATION

#### PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$400,000,000, of which \$374,600,000 is for basic field programs and required independent audits; \$4,000,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).

#### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively.

#### MARINE MAMMAL COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, \$3,250,000.

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

#### SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$48,326,000, of which \$1,000,000 shall remain available until expended: Provided, That not to exceed \$124,000 shall be available for official reception and representation expenses: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210 to maintain strong U.S. remedies laws, correct the problem of overreaching by World Trade Organization Panels and Appellate Body, and prevent the creation of obligation never negotiated or expressly agreed to by the United States.

STATE JUSTICE INSTITUTE  
SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et. seq.) \$5,000,000, of which \$500,000 shall remain available until September 30, 2011: Provided, That not to exceed \$3,000 shall be available for official reception and representation expenses.

TITLE V  
GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that:

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Sen-

ate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than \$705,000,000 during fiscal year 2010 from the fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601): Provided, That hereafter the availability of funds under section 1402(d)(3) to improve services shall be understood to mean availability for pay or salary, including benefits for the same.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end

use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement

costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SEC. 529. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 530. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

#### (RESCISSIONS)

SEC. 531. (a) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30,

2010, from the following accounts in the specified amounts:

(1) "Legal Activities, Assets Forfeiture Fund", \$379,000,000, of which \$136,000,000 shall be permanently rescinded and returned to the general fund;

(2) "Office of Justice Programs", \$42,000,000; and

(3) "Community Oriented Policing Services", \$40,000,000.

(b) The Department of Justice shall, within 30 days of enactment of this Act, submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(c) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 532. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended:

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after "(1)" the following: "that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15)) in a manner";

(2) by striking subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

This Act may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010".

Mr. SHELBY. Mr. President, I am pleased to present, with Chairwoman MIKULSKI, the Commerce, Justice, Science, and Related Agencies Appropriation bill for fiscal year 2010.

First, I thank Senator MIKULSKI and her staff for their continued friendship and the hard work they have put into this bill.

This is truly the most diverse appropriations bill we have, literally affecting all the expanses of our planet and into the outer recesses of the universe.

It covers State and local law enforcement and counterterrorism efforts, oceanic and weather research, trade, standards research, and it keeps our Nation competitive through investment in science and space exploration.

This bill funds the Department of Justice and Commerce, as well as the National Aeronautics and Space Administration or NASA, the National Science Foundation or NSF; and a number of independent agencies, including the U.S. Trade Representative, the Legal Services Corporation, and International Trade Commission, to name a few.

Nothing is more important than the safety of the American people. The committee's recommendation this evening for the Department of Justice is \$27.4 billion, which is \$311 million over the request.

Senator MIKULSKI and I have worked to ensure that Federal, State, and local law enforcement agencies receive the funding needed to protect our citizens and our communities.

The Department of Commerce is funded in this bill at \$14 billion, \$254 million over the requested level. This department contains some of our Nation's most important business devel-

opment, economic, science and research agencies, including the Economic Development Administration, which we know as the EDA, the National Institutes of Science and Technology or NIST, and the National Oceanic and Atmospheric Administration, which we call NOAA.

Senator MIKULSKI and I have attempted to expand the foundation for our Nation's economic future, as well as providing researchers with the tools to assess our weather, oceans, and environment.

Of the amount provided to the Department of Commerce in the bill before us, \$7.3 billion is for the 2010 census and \$4.8 billion for NOAA, an increase of \$299 million over the request. These additional funds are directed toward research, observation, education, and conservation programs.

For NASA, this bill provides \$18.7 billion to move forward with the Agency's current exploration vision, while fully funding the ongoing activities of the space shuttle and the International Space Station.

We are at a challenging point in time for the funding of NASA, particularly human spaceflight. As you well know, Mr. President, the space shuttle is successfully finishing the required deliveries to the space station in its few remaining flights. The International Space Station has a permanent crew of six, which will allow our astronauts to conduct science instead of just station upkeep.

We are also on the verge of having a test flight of the rockets being developed by NASA to once again take humans beyond low Earth orbit. As NASA moves toward retiring the shuttle and leaving the Nation without our own human launch vehicle, I believe we must continue to develop our own capabilities, not only for missions to the space station but for future expeditions as well.

While I commend the Augustine Commission for their hard work, I find many of the aspects proposed in their summary report to be unsatisfactory and perhaps disappointing.

I am baffled by NASA's path forward on the Constellation Program. This program is built on a foundation of proven technologies using existing capabilities and infrastructure. The Ares I team will soon launch the first test flight, and the groundwork for the Ares V heavy lift vehicle is well underway. And yet, instead of simply providing Constellation with funds to move forward, it is delaying the current mission while seeking to have a do-over on plans that have been authorized by both a Republican and Democratic Congress.

NASA and this administration should never forget that the support of Congress will still be necessary to authorize and provide funds as we move forward.

Given the challenges and high cost of access to space, I agree that it is beneficial for NASA to look at all viable options that could be provided by U.S. industries to support operations on the International Space Station and future exploration. However, we must do so, I believe, in a realistic way. NASA must support the program that has the greatest likelihood of success.

The benefits that our society has gained from the human spaceflight program are immeasurable. Almost every facet of our lives that we know today has been touched by discoveries with human spaceflight.

Beyond the direct tangible benefits, there is also the intangible benefit that comes with knowing that America is leading the world in discovering and exploring new frontiers.

I will not support any future NASA budget request that does not have a robust human exploration program. It must be a program that inspires, yet is also a program grounded in what is possible and not wishful thinking.

If we no longer prioritize space exploration, we can be certain that others on this planet will. A number of the findings by the Augustine Commission would guarantee that other nations, such as Russia, China, and India, will be waving to us as they fly by the space station on their way to the Moon and other planets if we are not careful. We cannot cede our leadership in space, and we must have a viable human space exploration program.

As we are losing global market shares in most industries, we are still the world leader in human spaceflight. I will not support a NASA that squanders that lead, and I hope the Senate will not. Simply put, if that were to happen, I would not support a visionless NASA, and I do not believe the Congress would.

In conclusion, I thank again Senator MIKULSKI, the chairwoman of this committee, for her leadership on this bill. We have worked together on many issues throughout our years, both serving together in the House and the Senate, and this bill reflects our strong relationship. I ask my colleagues—as she will—to support this bill and to urge its swift passage this week.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of H.R. 2847, the Departments of Commerce and Justice, and Science, and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported with an amendment by the Senate Committee on Appropriations, provides \$64.9 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$44.2 billion. When outlays from prior-year budget authority are taken into account, nonemergency discretionary outlays for the bill will total \$71.2 billion.

The bill includes \$126 million in budget authority designated as being for



overseas deployments and other activities for national security programs at the Department of Justice. Pursuant to section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, an adjustment to the 2010 discretionary spending limits and the Appropriations Committee's 302(a) allocation has been made for this amount in budget authority and for the outlays flowing therefrom.

The Senate-reported bill matches its Section 302(b) allocation for budget authority and for outlays.

The bill is not subject to any budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2847, DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

(Spending comparisons—Senate-reported bill (in millions of dollars))

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority .....	4,589	60,337	64,926
Outlays .....	4,690	66,515	71,205
Senate 302(b) Allocation:			
Budget Authority .....			64,926
Outlays .....			71,205
House-Passed Bill:			
Budget Authority .....	4,603	59,810	64,413
Outlays .....	4,701	65,960	70,661
President's Request:			
Budget Authority .....	4,608	60,004	64,612
Outlays .....	4,705	66,477	71,182
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
House-Passed Bill:			
Budget Authority .....	-14	527	513
Outlays .....	-11	555	544
President's Request:			
Budget Authority .....	-19	333	314
Outlays .....	-15	38	23

Note: Table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111-32).

The Senate bill includes \$126 M in budget authority designated as being for overseas deployments and other activities at the Department of Justice.

### HONORING NEAL BOORTZ

Mr. CHAMBLISS. Mr. President, I rise today to congratulate a constituent from my home State of Georgia who is familiar to many of my colleagues, and that is radio talk show host Neal Boortz.

Next month, in November, after 40 years of airing his unique and often colorful opinions, skewering lawmakers and pending best-selling books, Neal Boortz will be inducted into the National Radio Hall of Fame.

Neal has been an Atlanta institution since his first foray into talk radio in 1969 on WRNG Radio. Since 1993, he has been holding forth on the airways of WSB-AM 750, a member of the Cox Broadcasting Group. His ratings show that he strikes a chord with listeners. For 47 straight ratings periods, his show has finished in first place.

He has also struck a chord with Americans across the country, count-

ing among the audience for his nationally syndicated show listeners from Maine to California.

Neal is a confirmed libertarian, dish-ing out his brand of, as he calls it, "the painful truth" to Republicans and Democrats alike. And I should know; he frequently dishes it out to me, too.

But Neal is more than a radio talker. In his life, he has been a military brat, whose dad was a marine pilot, an attorney, a department store clerk, an insurance salesman, a carpet buyer, a postal worker, a gubernatorial speech-writer, as well as a motel bookkeeper.

These experiences form more than an eclectic background. It is the foundation that gives Neal the ability to connect with a wide variety of listeners from all walks of life, and to voice what is on their minds. As Neal puts it: "Somebody's got to say it."

His Hall of Fame honor is the latest in a string of national successes, including writing the best-selling books, "The Fair Tax—The Truth" and "Somebody's Gotta Say It," both of which are New York Times bestsellers.

I am pleased to have joined Neal over the years in his fair-tax efforts.

When he is not holding forth on the issues of the day or speaking to groups, Neal can be found in the skies or on a golf course. He is an avid pilot and, I might add, a very safe pilot, having had some experiences with Neal. Neal has been a very good friend of mine for many years.

Like most of us, he married way over his head. His lovely wife Donna is his rock.

Neal's selection to the National Radio Hall of Fame is overdue, and I am very happy that this honor has now come to him. With his induction into the National Radio Hall of Fame, Neal joins luminaries such as Bob Hope, Paul Harvey, and Dick Clark. This honor is well deserved.

Congratulations, Neal.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY.) Without objection, it is so ordered.

### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### BATTEN DISEASE

Mr. DURBIN. Mr. President, I recently heard from the friends and fam-

ily of a young boy in Illinois named Jasper Duinstra who was diagnosed earlier this year with late infantile neuronal ceroid lipofuscinosis, often referred to as Batten disease.

Batten disease is a rare and devastating childhood disease, affecting between 2 and 4 of every 100,000 live births in the United States. Due to an enzyme deficiency, waste accumulates in the child's brain, causing cells to become dysfunctional and eventually die. This results in seizures, mental impairment and progressive loss of sight and motor skills. Sadly, there are no known treatments to halt or reverse the symptoms of Batten disease and the disease is fatal.

The physical, emotional, and financial toll of this disease is devastating. But Jaspers family and friends have rallied around him to create a sense of hope and have motivated many people in their community to team together in pursuit of a cure for this disease. There is a sense of urgency behind the need to increase funding for Batten and other rare childhood disorders. The urgency grows everyday when mothers and fathers watch their childrens health rapidly deteriorate.

Jasper Duinstra's friends and family have formed a nonprofit organization called Jasper Against Batten, and children from 20 elementary schools have mobilized one of the largest kids helping kids initiatives on behalf of this group. The money these students are raising will go toward research for a treatment and maybe one day, a cure.

Jasper Duinstra is just one of the thousands of children who need our support in the fight against Batten disease and other fatal orphan diseases. In addition to private efforts to raise money through groups like Jasper Against Batten, the National Institutes of Health is funding research in Batten disease and other rare diseases.

While the number of Americans affected by any particular rare disease may be very small, over 6,000 rare diseases have been identified. Taken together, these diseases affect about 25 million Americans. The burden of these diseases is great, not only because of the number of people affected but because too often there are few or no treatments available for people suffering from them.

The Orphan Drug Act provides some incentives for drug companies to develop drugs for rare diseases. This has been a successful effort, and more than 200 drugs and biological products for rare diseases have been brought to the U.S. market. However, despite the success in finding treatments for some rare diseases, others such as Batten disease have seen relatively little progress over the last several decades. Today, there are promising experimental treatments, but they need to find their way more quickly to these children who are rapidly deteriorating.

In addition to searching for new and more readily available treatments, some scientists are also searching for ways to use existing drugs to treat rare diseases that have few options for treatment. A Chicago-based research foundation called Partnership for Cures has teamed with Jasper Against Batten and is now doing just that. In partnership with the National Institutes of Health, they are currently screening thousands of drugs that have already been approved by the Food and Drug Administration to see whether there are beneficial side effects that could slow down the progression of rare orphan diseases, starting with Batten.

I know Jasper's family is heartbroken, and I commend his family, friends, and the Chicago community for responding to tragedy with action. With biomedical researchers, clinicians, and community partners, Jasper's family is leading the fight to find a cure for Batten disease and for quicker access to treatments for children with many fatal orphan diseases.

#### INSIDE THE GUN SHOW

Mr. LEVIN. Mr. President, the Violence Prevention Research Program at the University of California, Davis, released an important report earlier this month detailing many of the potential dangers at gun shows. The report, "Inside Gun Shows: What Goes on When Everybody Thinks Nobody's Watching," was composed from an analysis of existing research as well as direct observation and photographic evidence. During a 3-year period, data was collected from 78 gun shows in 19 States. The report provides a clear illustration of a largely unregulated gun market that is "an important source of guns used in criminal violence."

Under the Federal Brady Act, before an individual can purchase a handgun from a licensed dealer, they must pass a background check to insure they are not legally prohibited from purchasing or possessing a firearm. In 2008, 9.9 million background checks were conducted for firearm purchases, 147,000 of which were rejected. The majority of these denials were the consequence of a prior conviction or indictment. However, when an individual purchases a handgun from a private citizen, who is not a licensed gun dealer, there are no requirements to ensure that the purchaser is not in a prohibited category. Because private party transactions account for approximately 40 percent of all gun sales, current Federal background check requirements have limited affect over the overall rates of gun-related violent crime.

Based on promoter listing, the report estimates that there were nearly 2,800 gun shows in the United States during 2007. Generally open to the public, they can vary in size from fewer than 100 display tables to a few thousand. Ac-

counting for approximately one-third of sales at these shows, unlicensed vendors often seek to exploit their unregulated status. At one show, a vendor advertised with a sign that read "No background checks required; we only need to know where you live and how old you are."

The report details that while a wide range of guns can be found at most gun shows, assault weapons, particularly civilian versions AR and AK rifles, are much more prominent than one might generally see at a licensed gun store. Semiautomatic pistols that accept the same high-capacity magazines and fire the same ammunition as AR and AK rifles are also heavily present. Even .50 caliber rifles, notorious for their extraordinary destructive capabilities, are available from some private parties.

According to the report, there were more than 360,000 violent crimes involving guns, including an estimated 11,512 homicides, committed in the United States in 2007 alone. While America accounts for less than 5 percent of the world's population, we account for somewhere between 35 to 50 percent of all firearms in civilian hands. Gun shows present an ideal opportunity for gun traffickers to make unregulated purchases. I urge my colleagues to take up and pass sensible gun legislation that will help prevent such acts and help protect the safety of our communities.

#### ZIMBABWE

Mr. FEINGOLD. Mr. President, I held a hearing last week of the Subcommittee on African Affairs to explore U.S. policy options toward Zimbabwe's transition. The hearing confirmed that far too little progress has been made in implementing the Global Political Agreement signed last year and that abuses continue at an alarming rate. The transition remains incomplete and far from irreversible. Yet at the same time, the hearing made clear to me the great potential that this transition holds and the great opportunity for the United States and those who care about Zimbabwe to help advance real reform and recovery. We need to seize this opportunity and look for ways that we can proactively engage and help strengthen the hands of reformers in Zimbabwe's transitional government.

Just over a year ago, Zimbabwe was in the throes of intense violence carried out by Robert Mugabe and his allies against the opposition MDC's members, supporters, and families. This was a deliberate campaign to hold on to power and subvert the will of the people expressed in the March 29 elections. Once considered a liberator of his people, Mugabe had become one of the most despotic and brutal leaders of the day. And under his watch, the

Zimbabwean economy had gone from one of Africa's most prosperous to one of Africa's most desperate. By the end of last year, millions of Zimbabweans were at risk of starvation and official estimates put inflation at 231 million percent.

The situation today in Zimbabwe looks quite different, at least on the surface. Last September, with South Africa's mediation, the parties signed the Global Political Agreement and committed to form a transitional government. Then, after 5 months of delays, MDC leader Morgan Tsvangirai was sworn in as Prime Minister and the MDC assumed control of several key ministries. A year before, this would have been inconceivable for most Zimbabweans. Yet, it happened and has brought forth a sense of possibility that has not been there in years. That optimism has been furthered by the success of the new Minister of Finance from MDC, Tendai Biti, in stopping the economic decline and taking initial steps to promote economic growth.

These changes are quite significant, though there is still a long way to go toward restoring the rule of law. Mugabe continues to refuse to implement important aspects of the Global Political Agreement, for example the appointment of new provincial governors and the replacement of the Reserve Bank Governor and Attorney General. He and his allies are doing everything they can to maintain their historic patronage system and power structures. Moreover, security forces are largely still operating as instruments of Mugabe's ZANU-PF party, condoning land takeovers and harassing MDC and civil society activists. According to Human Rights Watch, the police and army continue to use brutal force to control access to the diamond fields of Marange district in eastern Zimbabwe.

Until we see an end to these abuses and real, irreversible progress on implementation of the Global Political Agreement, I see no reason for the United States to repeal sanctions. All of us at the hearing I chaired seemed to be in agreement on that. The European Union has taken the same position after a high-level delegation visited Harare last month. Together, we need to keep the spotlight and the pressure on those who are obstructing implementation of the Global Political Agreement and continuing to perpetrate abuses. And if nothing changes, we should look for ways to ramp up that pressure.

However, keeping the pressure on Mugabe and hardliners is not a sufficient strategy in and of itself to move Zimbabwe's transition forward. We also need to take steps—both symbolic and substantive—to engage with and empower reformers within the transitional government. I am glad that the



United States is already providing support to the Office of the Prime Minister, and we should look at ways we can provide technical assistance to other ministries that demonstrate a commitment to reform, especially the Ministry of Finance. In addition, shifting our humanitarian assistance in Zimbabwe to lay the groundwork for social and economic recovery can help advance the political transition. We should also consider working with like-minded donors to develop a plan and dedicated resources for Zimbabwe's economic recovery that could be leveraged for genuine democratic reform.

Mr. President, the reality is that the United States is already doing and spending a lot in Zimbabwe, but we need to better target our diplomacy and our resources toward advancing this transition. Over the last few years, our diplomats have been on the frontlines of speaking out against repression and pushing for democratic change in Zimbabwe. With the formation of the transitional government, the playing field has changed. But that does not mean we should retreat to the sidelines and stop trying to proactively advance our goals. We need to keep working with all Zimbabweans who are committed to a peaceful, democratic future to push this transition forward. In the coming months, I look forward to working with the administration to do just that.

#### 50TH ANNIVERSARY OF ICBM FORCE

Mr. ENZI. Mr. President, I rise to recognize the 20th Air Force as the U.S. Air Force celebrates the 50th anniversary of the first nuclear-tipped inter-continental ballistic missile on alert. I join my colleague Senator KENT CONRAD from North Dakota as co-chair of the Senate ICBM Coalition to pay special tribute to a force that succeeds daily in its mission of providing safety and security for our great Nation.

My first contact with F.E. Warren Air Force Base in Wyoming as an ICBM base was when I was in Boy Scouts. Our rocket troop visited an Atlas missile site near Cheyenne and we learned about the deterrent effect of this high technology. Even then, we knew this force was magnificent.

From the first ICBM placed on alert in 1959 at Vandenberg Air Force Base in California, our Nation's force has grown and adapted the delivery systems leading to today's force with three Missile Wings. Today's ICBM force has missile fields in Wyoming, North Dakota, Montana, Colorado, and Nebraska. The force partners with Hill Air Force Base in Utah and its command structure will soon transfer to Air Force Global Strike Command in Louisiana. We have a force whose direct domestic impact spans across seven States.

America's dispersed and alert Minuteman III ICBM force is a critical element of the nuclear triad and represents our country's most responsive, stabilizing, and cost-effective strategic force. The strategic nuclear forces that deterred Soviet aggression and kept the limited conflicts of the Cold War era from escalating continue to play a critical role in deterring aggression and dissuading new near-peer competitors.

The element that has unchanged in the last 50 years is the dedication of the men and women of the Air Force to safeguard and carry out this mission. This force of weapons and personnel has been deployed every hour of every day for the last 50 years. The hours on alert, being on patrol and maintaining and upgrading the missile systems are abundant.

The 20th Air Force is home to the most powerful force in our entire military. The mission of safeguarding the Nation's ICBM force has been entrusted to the best military in existence. The mission has been successful and will continue to be.

I know all Members of the Senate will join me in thanking the current and former members of the Air Force who have served in the missile fields over the last 50 years. I also thank my colleague, Senator CONRAD, for his work on behalf of on the coalition and recognizing this historic anniversary.

#### TRIBUTE TO DIANE WOLK

Mr. LEAHY. Mr. President, many of us have been touched by a family member or friend who has been diagnosed with Alzheimer's. In fact, more than 5.3 million people in the United States are living with Alzheimer's, which translates into a new case every 70 seconds. As our Nation ages, more and more cases will develop each year and an estimated million new cases will be diagnosed annually by 2050. I am proud to be a cosponsor of S. 1492, the Alzheimer's Breakthrough Act of 2009 which helps fund Alzheimer's disease research, gives assistance to caregivers, and increases public education about prevention of Alzheimer's.

It is not just the elderly who are diagnosed with Alzheimer's. My good friend Diane Wolk of Castleton, VT, in her early fifties was diagnosed about a year and a half ago with early onset Alzheimer's. Instead of hiding her diagnosis or giving up hope, Diane now travels the State and the country sharing her experience with others. Through promoting education and early intervention, Diane helps patients and their family members recognize their symptoms and seek diagnosis and treatment. I ask unanimous consent to have printed in the RECORD a story from the Burlington Free Press about Diane's courage and perseverance in the face of an overwhelming diagnosis.

Marcelle and I are so proud of her, and of the inspiration she gives to Alzheimer's patients in Vermont and nationwide. She is a true hero.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington FreePress.com]

#### LESSONS FROM ALZHEIMER'S

(By Sally Pollak)

Diane Wolk spent her adult life as an educator, a teacher or principal in Vermont public schools. One day this summer, Wolk said she had another lesson she'd like to share with people—perhaps her most important.

Wolk's teaching moment came in a lounge at Fletcher Allen Health Care. She was in Burlington with her husband, Dave Wolk, to undergo an experimental treatment for Alzheimer's disease, a degenerative brain disorder Wolk was diagnosed with two years ago.

Diane Wolk wanted to tell people that in the face of confusing symptoms and diagnosis with a "scary" illness, it is both possible and important to approach the situation in an honest, upbeat and life-affirming way.

"You have to take the fear out of the diagnosis," Wolk, 58, said. "It's not a death sentence. You can curl up and die or you can do something. I'm always the teacher, and if I can help someone else, I will."

Wolk is hopeful that talking about her experience with Alzheimer's, which she developed at an unusually early age, might help others recognize symptoms, seek medical care, find courage and summon an upbeat attitude.

"I have a very easy life," she said in the hospital. "I have a wonderful husband. This is a little setback, but things are good. Very few people get out of this life unscathed. I try to stay active and upbeat. People deal with all kinds of difficult situations, and this one—it's really just bad luck."

Wolk is married to Dave Wolk, 56, the president of Castleton State College and former Vermont Commissioner of Education. They've been married 18 years, a second marriage for both. They have four children in their 20s, two sons and two daughters.

Diane Wolk, has a Ph.D. in educational leadership from the University of Vermont, and a long and varied career in Vermont education. She's taught students from elementary school to graduate school, directed the student-teacher program at Castleton State, and served as chairwoman of the state Board of Education.

Wolk retired in 2006 from her job as principal of Northeast Elementary School in Rutland City, bringing to a finish a Vermont career that started in 1972. That year, she was hired to teach first grade at Barstow Memorial School in Chittenden, where she taught for 18 years.

Her last two years as principal in Rutland, Wolk found it increasingly difficult to run the school, she said.

"I was off my game," Wolk said. "I was getting confused, and I thought it was the stress of being principal. I was forgetting things and repeating myself. I wasn't myself."

Leaving her profession meant saying goodbye to a vital part of her life, but it was an important step in her care, her husband said.

"She loved the kids and the teachers and the families. She missed that part," Dave Wolk said. "In terms of her well-being, it was helpful to her. She recognized that intuitively."

“TOUGH THING TO LEARN”

The problems Diane Wolk perceived at work—memory loss, confusion, repeating herself, frustration—had been noticeable to her family and close friends since early 2004, her husband said. The family was concerned enough about the symptoms that Diane Wolk went to her doctor to check it out.

She was ultimately diagnosed with Alzheimer's disease in 2007 at the University of Vermont's Memory Center, where she saw its founder, neurologist William Pendlebury.

“It was a tough thing to learn,” Wolk said. “I think I'm still absorbing it.”

She has come to understand that the best approach for her is: “OK, it's a new day. Let's see what we can do.”

This means Wolk—who considers herself a high-energy person—is adjusting to a slower pace. She's learned to take naps when she's tired. She tries not to “bug” her husband too much. She says she sometimes feels like she's in a haze.

“You get angry at yourself because there are these moment where you know what you want to do and you can't,” Wolk said. “And it just gets very frustrating and scary.”

“I've always felt that I've been in tune with my body,” Wolk said. “If I need to sleep, I sleep. If I need to be in sunshine, I'll be in sunshine.”

David Wolk keeps track of her medicine, her meals, her schedule and other aspects of family life. Their children are a great support and visit home often, the Wolsks said.

“We've downsized our lives,” Diane Wolk said. “We pick and choose when we want to stay in or go out. I have a great group of friends, and socializing when you have Alzheimer's is very, very important.”

Dave Wolk says he tries to minimize the stress in Diane's life, not an easy endeavor for a college president and primary caregiver of an Alzheimer's patient.

“She's my No. 1 priority, and president of the college is my No. 2 priority,” he said.

His responsibilities include bringing Diane from their home on the Castleton campus to Fletcher Allen Health Care every six weeks for medical treatment.

She is enrolled in a clinical drug trial at UVM with intravenous infusions every 13 weeks, brain scans and memory tests.

The care provided by Pendlebury extends beyond his leading the clinical study, the Wolsks said. He is “wise and gentle,” Dave Wolk said.

“He's very calm, very wise and very uplifting,” Diane Wolk said. “He doesn't let you get down. He gives you the information you need and says here is what you can do with it. He's salt of the earth.”

One conversation with Pendlebury was particularly important and especially hard to confront, they said. Pendlebury advised the Wolsks to complete advance directive documents, to put in writing their wishes about medical care and treatment options while they are capable of making such decisions.

“Nobody wants to realize their own death. Everybody thinks you've got plenty of time,” Diane Wolk said. “But we had those choices to make. Now everybody knows exactly what our wishes are, and it ended up being very comforting.”

“CHERISH THE MOMENT”

The Wolsks make an effort to find comfort where they can. This means hanging out with family and friends, taking a July trip to Citi Field to see Paul McCartney, Diane Wolk's other big crush, and practicing a certain acceptance of each day, each moment.

“I've been trying to embrace something akin to a Buddhist philosophy,” Dave Wolk

said. “I try not to lament the past and I try not to worry about the future. I'm trying to embrace the moment, cherish the moment.”

Yet he is fully aware that Alzheimer's is, in his words, a “nasty, progressive disease that's full of doom and gloom.”

As he cares for his wife, and makes arrangements and schedules to help ease her way through the day, Dave Wolk remains in awe of her sunny nature.

“If you approach Alzheimer's the way Diane Wolk approaches it—in a very upbeat, positive manner—I believe it can extend life. And extend the quality of life,” he said.

Diane Wolk has suffered a decline in her short-term memory over the past couple of months. She is confused about the day and date, and sometimes can't remember what happened yesterday or what's planned for tomorrow.

For Diane Wolk, the “mystery of the brain” makes Alzheimer's a particularly frightening disease, she said. When people are scared of something, they shy away from it. They don't want to talk about it, she said.

“If somebody is struggling with this disease and not knowing where to go or what to do, there's a lot of help out there,” Wolk said in July at the hospital.

Dave Wolk remembers the first time he and Diane went to Fletcher Allen for her IV treatment. She receives the intravenous in the oncology unit, where patients go for chemotherapy.

The Wolsks were there for seven hours, and they watched cancer patients come and go.

“Diane kept saying how fortunate we are,” Dave Wolk said. “She is such an amazing, inspirational person. I know of no greater profile in courage.”

## ADDITIONAL STATEMENTS

### EAST BAY REGIONAL PARK DISTRICT

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 75th anniversary of the East Bay Regional Park District, EBRPD.

On November 4, 1934, during the height of the Great Depression, the residents of Alameda and Contra Costa Counties voted to form the EBRPD by a stunning 71 percent. Voters approved this park project in order to provide recreational opportunities and employment during the Great Depression. This year, we celebrate its 75th anniversary and marvel at the visionary efforts that have made EBRPD the largest regional park district in the Nation.

On June 4, 1936, EBRPD acquired its first parcel of land—2,162 acres sold to the district by the East Bay Municipal Utility District. This acreage came to host EBRPD's first three parks—Upper Wildcat Canyon, now known as Tilden, Temescal, and Roundtop, now known as Sibley. Today, EBRPD manages 65 parks on over 98,000 acres, with 1,100 miles of trails throughout Alameda and Contra Costa Counties.

The individual parks that comprise EBRPD vary greatly in size, feature, and character. There are parks on the hillsides above the cities of Berkeley

and Oakland, waterfront parks along the San Francisco Bay, and a park that includes a turn-of-the-century farm in Fremont. While all parks in the district allow visitors the opportunity to enjoy open spaces, some parks also have visitor attractions including access to swimming, boating, and camping. Located within the urban metropolises of Alameda and Contra Costa Counties, EBRPD remains a cherished source of wilderness and recreation for local residents. Through wars and unrest, unprecedented population growth, and both challenging and positive economic times, EBRPD's mission of preserving land for wildlife habitat, outdoor recreation, and nature education has stood the test of time.

For 75 years, the East Bay Regional Park District has offered a recreational escape for hikers and outdoor enthusiasts and a glimpse of the region's rich history. Its parks also offer a powerful reminder of the beauty of nature and the importance of conservation efforts. I commend the EBRPD staff and volunteers for maintaining the natural beauty and historical significance of this impressive park district. With their continued stewardship, future generations will have the opportunity to enjoy our State's unique history and natural environment for many years to come.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

### ENROLLED BILL SIGNED

At 3:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1707. An act to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

The enrolled bill was subsequently signed by the Majority Leader (Mr. REID).

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1751. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now or any other entity which has been indicted for or convicted of violations of laws governing election administration or campaign financing.

### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 5, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1707. An act to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3236. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Boston, Massachusetts" (MB Docket No. 09-142) received in the Office of the President of the Senate on September 30, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3237. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Flagstaff, Arizona" (MB Docket No. 08-110) received in the Office of the President of the Senate on September 30, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3238. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Special Transfers for Unemployment Compensation Modernization and Administration and Relief From Interest on Advances" (UIPL No. 14-01) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3239. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Application of State-Wide Personnel Actions to Unemployment Insurance Program" (UIPL No. 18-09) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3240. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Federal-State Extended Unemployment Compensation Act of 1970 — Temporary Changes in Extended Benefits" (UIPL No. 7-09 and 12-09, Change 1) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3241. A communication from the Assistant Secretary of the Employment and Train-

ing Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Treatment of Pension Roll-over Distributions" (UIPL No. 10-09) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3242. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022 and 4044) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3243. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Flood Mitigation Grants and Hazard Mitigation Planning" (RIN1660-AA36) received on September 28, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3244. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office Annual Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-3245. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 8E for Fiscal Years 2006 through 2009, as of March 31, 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3246. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 2A for Fiscal Years 2007 through 2009, as of March 31, 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3247. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 3F for Fiscal Years 2007 through 2009, as of March 31, 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3248. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 7E for Fiscal Years 2007 through 2009, as of March 31, 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3249. A communication from the Acting Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report entitled "U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties Second Quarter Fiscal Year 2009 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-3250. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "NARA Facility Locations and Hours" (RIN3095-AB61) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3251. A communication from the Director of Communications and Legislative Af-

fairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, an annual report relative to the federal work force for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-3252. A communication from the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2007 Report to Congress on the Impact and Effectiveness of Administration for Native Americans Projects"; to the Committee on Indian Affairs.

EC-3253. A communication from the Director, National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the final allocation plan for the fiscal year 2009 HIDTA discretionary funding; to the Committee on the Judiciary.

EC-3254. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "Report of the Proceedings of the Judicial Conference of the United States" for the March 2009 session; to the Committee on the Judiciary.

EC-3255. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a report relative to a policy to ensure that individuals who provide mentoring services to inmates are permitted to continue such services after the offender is released from prison; to the Committee on the Judiciary.

EC-3256. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Hawaii State Advisory Committee; to the Committee on the Judiciary.

EC-3257. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Arizona State Advisory Committee; to the Committee on the Judiciary.

EC-3258. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Indiana State Advisory Committee; to the Committee on the Judiciary.

EC-3259. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Michigan State Advisory Committee; to the Committee on the Judiciary.

EC-3260. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the South Dakota State Advisory Committee; to the Committee on the Judiciary.

EC-3261. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Nebraska State Advisory Committee; to the Committee on the Judiciary.

EC-3262. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Utah State Advisory Committee; to the Committee on the Judiciary.

EC-3263. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled

“Loan Guaranty: Assistance to Eligible Individuals in Acquiring Specially Adapted Housing; Cost-of-Construction Index” (RIN2900-AN26) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Veterans’ Affairs.

EC-3264. A communication from the Senior Advisor for Regulations, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Payments to Beneficiaries Residing in Vietnam and Cambodia and Other Conforming Changes” (RIN0960-AG62) received in the Office of the President of the Senate on September 24, 2009; to the Committee on Veterans’ Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1510. A bill to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code (Rept. No. 111—86).

S. 692. A bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances (Rept. No. 111—87).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1749. A bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners; to the Committee on the Judiciary.

By Mr. WEBB:

S. 1750. A bill to authorize the Secretary of the Interior to conduct a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska):

S. 1751. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now or any other entity which has been indicted for or convicted of violations of laws governing election administration or campaign financing; read the first time.

By Mr. SANDERS:

S. 1752. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide wartime disability compensation for certain veterans with Parkinson’s disease; to the Committee on Veterans’ Affairs.

By Mr. SANDERS:

S. 1753. A bill to amend title 38, United States Code, to increase assistance for disabled veterans who are temporarily residing

in housing owned by a family member, and for other purposes; to the Committee on Veterans’ Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURRIS (for himself and Mr. DURBIN):

S. Res. 301. A resolution designating October 2, 2009, as “World MRSA Day”; considered and agreed to.

By Mr. SPECTER (for himself, Mr. GRAHAM, and Ms. KLOBUCHAR):

S. Res. 302. A resolution raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of October 1, 2009 through October 7, 2009 as “Celebrate Safe Communities Week” and October as “Crime Prevention Month”; considered and agreed to.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. BROWN, Ms. LANDRIEU, Mr. KAUFMAN, Ms. STABENOW, Ms. SNOWE, and Mr. LEAHY):

S. Con. Res. 44. A concurrent resolution expressing the sense of Congress that a postage stamp should be issued to commemorate the War of 1812 and that the Citizens’ Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Homeland Security and Governmental Affairs.

## ADDITIONAL COSPONSORS

S. 213

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 254

At the request of Mr. ISAKSON, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 380

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 380, a bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

S. 553

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 553, a bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior’s north shore and in Superior National Forest and Chippewa National Forest, and for other purposes.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 624

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 850

At the request of Mr. KERRY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson—Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 931

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 931, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1030

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1030, a bill to amend the Internal Revenue Code of 1986 to eliminate the reduction in the credit rate for certain facilities producing electricity from renewable resources.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern

Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1197

At the request of Mr. VOINOVICH, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1197, a bill to establish a grant program for automated external defibrillators in elementary and secondary schools.

S. 1408

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1547

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1595

At the request of Mr. MERKLEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1595, a bill to amend the Truth in Lending Act to prohibit the distribution of any check or other negotiable instrument as part of a solicitation by a creditor for an extension of credit, to limit the liability of consumers in conjunction with such solicitations, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor

of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1668

At the request of Mr. BENNETT, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1685

At the request of Mr. SANDERS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1685, a bill to provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes.

S. 1688

At the request of Mr. BENNETT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1688, a bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States.

S. 1698

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1698, a bill to provide grants to the States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. 1733

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 1733, a bill to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Wyoming

(Mr. BARRASSO) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 297

At the request of Mr. WEBB, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 297, a resolution to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem.

AMENDMENT NO. 2559

At the request of Mr. SANDERS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2559 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1749. A bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Cell Phone Contraband Act of 2009. This bill would close a loophole that currently exists in Federal law by prohibiting the possession of cell phones and other wireless devices by prisoners in Federal facilities.

Currently, cell phones found in prisons are not specifically defined as contraband material. As a result, guards and inmates found smuggling or in possession of a cell phone in a Federal prison are rarely punished.

This bill would close this loophole by defining cell phones as contraband material under Federal law. As a result, any person smuggling or in possession of a cell phone could potentially serve up to a year in prison.

A cell phone should never be in the hands of a prisoner. The presence of these cell phones poses a grave safety concern for staff, inmates, and the public. We know that inmates use these phones to conduct criminal business outside of prison walls, including directing gang hits, controlling drug trafficking operations and even conducting credit card fraud. Corrections departments across the country are reporting a sharp increase in the number of cell phones being smuggled into prison facilities.

In May, California Inspector General David Shaw released a report on inmate cell phone use in California state prisons. The report found that cell

phone seizures have increased tenfold in two years—from 261 in 2006 to 2,811 in 2008. According to the California Department of Corrections and Rehabilitation, cell phone and electronic communication device possession, “is one of the most significant problems facing the Department today.”

So far this year, authorities have discovered over 4,000 cell phones among inmates in California prisons. There are presumably thousands more that were not discovered. Smugglers receive hundreds of dollars for each cell phone and more money if the cell phone contains a camera.

Staff members who smuggle cell phones for inmates often receive more in compensation for the contraband phones than they do from their paychecks. The California Inspector General’s report on inmate cell phone use found that inmates pay \$500 to \$1,000 per cell phone and noted that one corrupt correctional officer received approximately \$150,000 in 1 year to smuggle cell phones to inmates.

The cell phone problem is not limited to California. Maryland, Kansas, Massachusetts, Oklahoma, South Carolina, Tennessee, and Texas are just some of the states that have reported serious incidents coordinated by an inmate with a cell phone.

In Maryland, an inmate used a cell phone from jail to order the assassination of a witness testifying against him.

In Tennessee, a corrections officer was killed as a result of an inmate using a cell phone to plan an escape.

Department of Homeland Security Assistant Secretary Dora Schriro told my office, and I agree that cell phones in prison are “a more serious threat than drugs or other contraband.”

The problem in our Nation’s Federal prisons is no better. In 2008, the Federal Bureau of Prisons confiscated 1,519 phones from Federal prison camps and 255 cell phones from secure Federal institutions. I expect that these numbers will continue to increase unless we take proactive steps to stop the problem.

In July, I became a cosponsor of the Safe Prisons Communications Act of 2009, authored by Senator KAY BAILEY HUTCHISON. This bill would enable state and Federal prisons to petition the Federal Communications Commission and request to operate a wireless jamming device to block inmates from using cell phones to conduct criminal business from inside prison walls. Before granting permission, the FCC would have to first determine whether the jammer would interfere with emergency or public safety communications outside of the prison walls.

If enacted, the bill will provide another necessary tool in the effort to ensure that the growing problem of cell phones in prison does not turn into an epidemic. It is my hope that this will

serve as a strong deterrent to those who would profit from smuggling cell phones and other wireless devices into our Federal prisons.

Our Federal prisons house some of the most dangerous criminals in our Nation. Cell phones allow prisoners to traffic drugs and carry out murders from within our prisons and that is unacceptable.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1749

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Cell Phone Contraband Act of 2009”.

#### SEC. 2. WIRELESS DEVICES IN PRISON.

Section 1971 of title 18, United States Code, is amended—

(1) in subsection (b)—  
(A) in paragraph (4), by striking “or (d)(1)(E)” and inserting “, (d)(1)(E), or (d)(1)(F)”; and

(B) in paragraph (5), by striking “(d)(1)(F)” and inserting “(d)(1)(G)”; and

(2) in subsection (d)(1)—  
(A) in subparagraph (E), by striking “and” at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

“(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and”.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 301—DESIGNATING OCTOBER 2, 2009, AS “WORLD MRSA DAY”

Mr. BURRIS (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 301

Whereas methicillin-resistant *Staphylococcus aureus* (MRSA) causes deadly infections in patients that are receiving treatment in health care facilities and affects numerous individuals within our Nation’s communities;

Whereas the Centers for Disease Control and Prevention has estimated that hospital-acquired MRSA infections killed more than 19,000 individuals in the United States in 2006;

Whereas patient and consumer advocacy organizations around the world are lending their voices to a call for leadership and an international commitment to preventing and eradicating MRSA, a disease that has reached pandemic levels and is spreading at an alarming rate;

Whereas patient and consumer advocacy organizations are calling upon health care



officials and government leaders to step up and take a more comprehensive approach to stopping MRSA through implementation of a broad and proactive prevention program;

Whereas the MRSA Survivors Network, the first consumer organization in the United States to raise awareness concerning the MRSA epidemic and other such multi-drug resistant health care-acquired infections, has announced that October 2, 2009, has been designated as "World MRSA Day", which shall be commemorated annually on such date; and

Whereas the MRSA Survivors Network has also designated the month of October as "World MRSA Awareness Month" in order to call attention to this worldwide epidemic: Now, therefore, be it

*Resolved*, That the Senate designates October 2, 2009, as "World MRSA Day".

**SENATE RESOLUTION 302—RAISING THE AWARENESS OF THE NEED FOR CRIME PREVENTION IN COMMUNITIES ACROSS THE COUNTRY AND EXPRESSING SUPPORT FOR DESIGNATION OF OCTOBER 1, 2009 THROUGH OCTOBER 7, 2009 AS "CELEBRATE SAFE COMMUNITIES WEEK" AND OCTOBER AS "CRIME PREVENTION MONTH"**

Mr. SPECTER (for himself, Mr. GRAHAM, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 302

Whereas communities across the country face localized increases in violence and other crime;

Whereas local law enforcement-community partnerships are an effective tool for prevention crime and addressing the fear of crime;

Whereas the National Sheriffs' Association (NSA) and the National Crime Prevention Council (NCPC) are leading national resources providing community safety and crime prevention tools tested and valued by local law enforcement agencies and communities nationwide;

Whereas the NSA and the NCPC have joined together to create the "Celebrate Safe Communities" (CSC) initiative in partnership with the Bureau of Justice Assistance, Office of Justice Programs, Department of Justice;

Whereas in its premiere year, 153 communities in over 32 States and the District of Columbia participated in "Celebrate Safe Communities";

Whereas "Celebrate Safe Communities" will take place the first week of October 2009 to help kickoff recognition of October as "Crime Prevention Month";

Whereas "Crime Prevention Month" was established 25 years ago to encourage public education on being alert to criminal activity within their communities;

Whereas "Celebrate Safe Communities" is designated to help local communities highlight the importance of law enforcement-community partnerships to keep communities safe places to live, learn, work, and play;

Whereas "Celebrate Safe Communities" will enhance the public awareness of vital crime prevention and safety messages and motivate Americans of all ages to learn what they can do to stay safe from crime;

Whereas "Celebrate Safe Communities" will help promote year-round support for lo-

cally based and law enforcement-led community safety initiatives that help keep families, neighborhoods, schools, and businesses from crime;

Whereas the week of October 1, 2009, through October 7, 2009, would be an appropriate week to designate as "Celebrate Safe Communities" Week; and

Whereas the month of October is designated "Crime Prevention Month": Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 1 through October 7, 2009 as "Celebrate Safe Communities Week";

(2) supports the designation of October 2009 as "Crime Prevention Month";

(3) commends the efforts of the thousands of local law enforcement agencies and their countless community partners educating and engaging residents of all ages in the fight against crime;

(4) asks communities across the country to consider how "Celebrate Safe Communities" can help them highlight local successes in the fight against crime;

(5) encourages the National Sheriffs' Association and the National Crime Prevention Council to continue to promote through "Celebrate Safe Communities" and year-round, individual and collective action, in collaboration with law enforcement and other supporting local agencies, to reduce crime and build safer communities throughout the United States; and

(6) encourages government agencies, civic groups, schools, businesses, and youth organizations to educate the public, showcase their accomplishments, and explore new partnerships during "Crime Prevention Month".

**SENATE CONCURRENT RESOLUTION 44—EXPRESSING THE SENSE OF CONGRESS THAT A POSTAGE STAMP SHOULD BE ISSUED TO COMMEMORATE THE WAR OF 1812 AND THAT THE CITIZENS' STAMP ADVISORY COMMITTEE SHOULD RECOMMEND TO THE POSTMASTER GENERAL THAT SUCH A STAMP BE ISSUED**

Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. BROWN, Ms. LANDRIEU, Mr. KAUFMAN, Ms. STABENOW, Ms. SNOWE, and Mr. LEAHY) submitted the following concurrent resolution, which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 44

Whereas the War of 1812, often referred to as "America's Second War of Independence", was a significant effort for the United States in securing territorial boundaries and limiting violence on the frontier, clarifying the border between the United States and Canada, ensuring safety for American mariners from attack in passage to Europe and other shores around the world, and securing a lasting and definitive independence from Great Britain;

Whereas the continental United States was invaded and partly occupied, and public buildings in the Nation's capital were burned, by a foreign power;

Whereas the major areas of military operations took place along the Canadian-American border in the North, the Atlantic Sea-

board in the East, and the Gulf Coast in the South;

Whereas the infant United States Navy won small but important victories with ships like the USS Constitution, or "Old Ironsides", against the dominant world naval power of the time, and American squadrons on Lake Erie and Lake Champlain defeated British squadrons;

Whereas the War of 1812 was a proving ground for future leaders of the United States, including Andrew Jackson, William Henry Harrison, James Monroe, Winfield Scott, Zachary Taylor, John Quincy Adams, Jacob Brown, and others;

Whereas the War of 1812 produced heroes and heroines that entered into American legend, such as Dolley Madison, Jean Lafitte, Davy Crockett, and others, including many whose names have been lost to history or are buried in War Department records;

Whereas Native American resistance to encroachment on their lands was ennobled and personified by The Great Shawnee Chief Tecumseh and others;

Whereas desperate battles and circumstances produced a number of inspirational and patriotic sayings, including "Don't give up the ship", "Remember the Raisin", and "We have met the enemy and they are ours";

Whereas the bombardment of Fort McHenry inspired Francis Scott Key to pen the words of what was to become the National Anthem;

Whereas the War of 1812 left the people of the United States with a new respect and reverence for their national flag;

Whereas the iconic figure Uncle Sam made his first appearance in the War of 1812;

Whereas on December 24, 1814, the peace treaty to end the War of 1812 was officially signed in Ghent, Belgium;

Whereas the Treaty of Ghent declared the release of all prisoners of war and returned land seized by both sides;

Whereas the Treaty of Ghent also formally restored diplomatic relations between the United States and Great Britain, resulting in a lasting peace that has endured to this day;

Whereas the War of 1812 was significant in the formation of Canada and the Canadian identity;

Whereas 2012 marks the bicentennial of the War of 1812; and

Whereas the War of 1812 was an important benchmark, not only in forging the identity of this Nation, but also in the emergence of the United States as a great power: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) the United States Postal Service should issue a postage stamp commemorating the War of 1812; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

Mr. LEVIN. Mr. President, I am pleased to be joined by our colleagues Senators VOINOVICH, LANDRIEU, KAUFMAN, BROWN, STABENOW, SNOWE, and LEAHY to introduce this concurrent resolution urging the United States Postal Service to issue a stamp commemorating the War of 1812. The War of 1812 was a pivotal war in our Nation's history. Often referred to as "America's Second War of Independence," it secured our lasting independence from Great Britain, set our border with Canada, limited violence on the

frontier and ensured the safety of American mariners around the world.

My home State of Michigan witnessed many battles during the War, including one fought near current day Monroe, Michigan, at the River Raisin. The Battle of the River Raisin, also known as the River Raisin Massacre, proved to be one of the bloodiest battles of the war. "Remember the Raisin" became a rallying cry for American soldiers.

Many such battles were fought throughout our young Nation; future leaders and presidents proved their mettle on the battlefield or at sea including Andrew Jackson, William Henry Harrison, James Monroe, Winfield Scott, Zachary Taylor, John Quincy Adams, and others. Legendary heroes whose names are still remembered today emerged from this tumultuous time in our history such as Dolly Madison, Jean Lafitte, and Davey Crockett.

It was during the bombardment of Fort McHenry in 1814 that Francis Scott Key was inspired to pen the words to what became our national anthem, "The Star Spangled Banner." It was also during the war that patriotic figure "Uncle Sam" made his first appearance. The inspiration for this figure was New York State businessman Samuel Wilson. Mr. Wilson provided beef in barrels to the army which were labeled U.S. for the U.S. These barrels were commonly said to come from Uncle Sam, a reference which still today refers to the Federal Government.

Considering the significance that the War of 1812 had on our young Nation, it is fitting that the U.S. Postal Service issue a stamp commemorating the bicentennial of this pivotal time in our history.

Mr. KAUFMAN. Mr. President, I would like to thank Senator LEVIN for submitting this important resolution to commemorate the significance of the War of 1812. "America's Second War of Independence"—as it is sometimes called—was a critical turning point in forming the Nation we know today. Battles took place throughout the country to define our borders and secure our independence. One of those engagements took place in Lewes, DE.

Lewes sits at the mouth of the Delaware River—a critical gateway to Philadelphia, Wilmington, and Trenton. In March of 1813, under the command of Commodore John Beresford, the British Royal Navy established a blockade of the Delaware Bay and River. Beresford demanded that Lewes provide his squadron with meat, vegetables, and other supplies. He warned that, "If you refuse to comply with this request, I shall be under the necessity of destroying your town."

The residents of Lewes stood their ground. America was at war, and Lewes officials refused to help the British—

even though the blockade was significantly impairing trade in the region and driving up the cost of goods.

Lewes prepared for attack. The Delawareans knew they did not have the ammunition to match the British ships, but they readied for battle as best as they could. Led by the intrepid Colonel Samuel Davis, local militias were called in to build a basic fort and small watchtower to protect the town. They blew out the lamps in the Cape Henlopen lighthouse and moved the buoys that marked the shoals in the bay, hoping to disorient enemy vessels during an assault.

On April 6, the British launched their attack. They fired hundreds of cannon balls at Lewes, yet they were unable to do heavy damage to the town. This was partially because the creative tactics of the Delawarean militia disoriented the British, and none of their larger ships were able to get close to shore. The people of Lewes also retrieved many of the cannons that landed in soft soil and fired them back at the British.

The engagement at Lewes also holds historical significance for the first-ever use of the Congreve rocket. The red glare of these rockets, when used during a similar attack on Fort McHenry in Baltimore, would inspire Francis Scott Key to write the "Star Spangled Banner."

After 22 hours of bombarding Lewes, Beresford's ships retreated on April 7. Although short of supplies and trained soldiers, the people of Lewes were able to repel and cause damage to the British vessels. There was no loss of life in Lewes and a local poet summarized the attack with the simple phrase: "The commodore and his men, wounded a pig and killed a hen."

The defenders of Lewes were brave and resourceful, and while this small battle in Lewes may not have changed the course of the war, it demonstrated to the British—and to the world—that Americans were united and strong in defense of their country.

The War of 1812 was a significant turning point in our natural development. It solidified our independence and marked the emergence of our Nation as a great power. I am pleased to cosponsor Senator LEVIN's resolution to issue a stamp commemorating the War of 1812.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2624. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2625. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2624. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

SEC. 220. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" under the heading "OFFICE OF JUSTICE PROGRAMS" under the heading "STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES" under title II of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 579), the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act shall be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

SA 2625. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170 at the end of line 19 insert the following:

SEC. XXX. Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246, as amended by section 11005 of Public Law 107-273; 5 U.S.C. 5928 note) is amended:

(a) by striking "or" after "Drug Enforcement Administration" and inserting ", the"; and

(b) inserting after "Federal Bureau of Investigation": the Bureau of Alcohol, Tobacco, Firearms and Explosives or the United States Marshals Service".

#### NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Thursday, October 8, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building, immediately preceding the full committee hearing.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.



UNANIMOUS-CONSENT  
AGREEMENT—H.R. 3326

Mr. DURBIN. I ask unanimous consent that at 2:15 p.m. Tuesday, October 26, the Senate proceed to a period of morning business until 3:15 p.m., with the time equally divided and controlled between the leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; that at 3:15 p.m., the Senate then resume consideration of H.R. 3326, for debate only until 3:45 p.m., with the time equally divided and controlled between Senators INOUE and COCHRAN or their designees; that at 3:45 p.m., the Senate then proceed to vote in relation to the pending amendments in the following order, with the other provisions of the order of October 1, 2009, remaining in effect: Barrasso No. 2567; Franken No. 2588; Bond No. 2596; Coburn No. 2565; Coburn No. 2566; Sanders No. 2601; Inhofe No. 2618; McCain No. 2580; McCain No. 2584; Inouye No. 2623, with a side-by-side from Senator McCain No. 2560; McCain No. 2583; Lieberman-Sessions No. 2616, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I would like to amend my earlier unanimous consent request: that the Inouye amendment No. 2623, which I read seriatim in the list, have a side-by-side of Senator McCain No. 2560; and then Senator McCain amendment No. 2560; McCain No. 2583; Lieberman-Sessions No. 2616, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREE-  
MENT—EXECUTIVE CALENDAR

Mr. DURBIN. As in executive session, I ask unanimous consent that on Tuesday, October 6, immediately following any leader remarks, the Senate proceed to executive session to consider Calendar No. 186, the nomination of Thomas Perez to be Assistant Attorney General, and that once the nomination is reported, the cloture motion which will be at the desk be stated; further, that the reading of the names then be waived and the mandatory quorum be waived; that immediately thereafter, the Senate debate the nomination until 12:15 p.m., with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 12:15 p.m., the Senate proceed to vote on the motion to invoke cloture on the nomination; that if cloture is invoked on the nomination, then all postcloture time be yielded back and the Senate then vote immediately on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; that no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative ses-

sion; provided further that if cloture is not invoked on the nomination, then a motion to reconsider the vote by which cloture was not invoked on the nomination be considered entered and the Senate then resume legislative session and recess until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 463, 465, 466, and 467; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; and that any statements related to the nominations be printed in the RECORD; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOMELAND SECURITY

Richard Serino, of Massachusetts, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

FEDERAL MEDIATION AND CONCILIATION  
SERVICE

George H. Cohen, of Virginia, to be Federal Mediation and Conciliation Director.

DEPARTMENT OF EDUCATION

Alexa E. Posny, of Kansas, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

Brenda Dann-Messier, of Rhode Island, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

SAFE PRISONS COMMUNICATIONS  
ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 166, S. 251.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 251) to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within facilities.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Prisons Communications Act of 2009".

SEC. 2. INTERFERENCE PERMITTED WITHIN CORRECTIONAL FACILITIES.

Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 333 the following:

"SEC. 333A. JAMMING UNAUTHORIZED WIRELESS DEVICES IN CORRECTIONAL FACILITIES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, after the Commission has promulgated final regulations under sections 3 and 4 of the Safe Prisons Communications Act of 2009, the Commission may authorize the supervisory authority of a correctional facility to operate a jamming system within the correctional facility to prevent, jam, or otherwise interfere with unauthorized wireless communications within the facility by individuals held in the facility. In order to obtain such authority, a supervisory authority shall file a notice of intent under subsection (b), file a petition for such authority under subsection (c), and comply with the requirements of this section and the regulations under this section.

"(b) NOTICE OF INTENT PROCEDURE.—

"(1) FILING WITH THE COMMISSION.—Not less than 30 days before filing a petition for authority to operate a jamming system under subsection (c), a correctional facility supervisory authority shall file with the Commission a notice of intent to seek such authority. The notice shall identify the correctional facility to which the authority will relate and be in such form, and contain such information, as the Commission may require.

"(2) NOTIFICATION OF PUBLIC SAFETY AGENCIES AND COMMERCIAL MOBILE SERVICE PROVIDERS.—Within 10 days after receiving a notice under paragraph (1), the Commission shall—

"(A) notify in writing each public safety agency and each commercial mobile service provider serving the area in which the correctional facility to which the notice of intent relates is located; and

"(B) provide the name and address of each such agency and provider so notified by the Commission to the supervisory authority that filed the notice of intent.

"(3) CONSULTATION AND ACCESS.—Before filing a petition for jamming authority under this section, a supervisory authority—

"(A) shall consult with the public safety agencies and commercial mobile service providers identified by the Commission under paragraph (2)(B), if such consultation is requested, to determine—

"(i) the types of equipment used by those agencies and providers in the area in which the correctional facility is located;

"(ii) the locations of towers and facilities containing wireless transmission equipment belonging to those agencies and providers in that area, to the extent those agencies and providers voluntarily provide such information; and

"(iii) the frequencies used by those agencies and providers in that area;

"(B) shall provide access, upon request and in the discretion of the supervisory authority, by those agencies and providers to the outer perimeter of the correctional facility for the purpose of taking measurements and conducting testing to determine signal strength and the potential for interference with their transmissions or service; and

"(C) may solicit recommendations from those agencies and providers on the selection, installation, and configuration of a jamming system and jamming devices.

"(4) EXTENSION OF CONSULTATION PERIOD.—Upon good cause shown, the Commission may require a supervisory authority that has filed a

notice of intent under this subsection to provide an additional period of up to 15 days for the activities described in paragraph (3) before submitting a petition for jamming authority to the Commission.

**“(c) PETITION PROCEDURE.—**

**“(1) IN GENERAL.—**After completing the consultation process provided under subsection (b)(3) (if such consultation was requested), a supervisory authority may file a petition with the Commission requesting authority to install and operate a jamming system within a correctional facility under the supervisory authority’s jurisdiction.

**“(2) FEE.—**The Commission may not charge a filing fee for a petition under this section.

**“(3) NOTIFICATION OF PUBLIC SAFETY AGENCIES AND COMMERCIAL MOBILE SERVICE PROVIDERS.—**

**“(A) PUBLIC SAFETY AGENCIES.—**Upon receipt of a petition under paragraph (1), the Commission shall provide a copy of the petition to each public safety agency serving the area that includes the correctional facility to which the petition applies.

**“(B) CMS PROVIDERS.—**Upon receipt of a petition under paragraph (1), the Commission shall provide a copy of the petition to each commercial mobile service provider serving the area that includes the correctional facility to which the petition applies.

**“(C) CONTENT OF NOTICE.—**The notice shall include a detailed description of the jamming system and a list of all jamming devices, including make and model, that the supervisory authority proposes to use at the correctional facility.

**“(4) DISPOSITION OF PETITION.—**

**“(A) In general.—**After the Commission has promulgated final regulations under sections 3 and 4 of the Safe Prisons Communications Act of 2009, the Commission shall act on a petition under this subsection within 60 days after the date on which the Commission receives a complete petition.

**“(B) DETERMINATION CONSIDERATIONS.—**In determining whether to grant requested jamming authority, the Commission—

**“(i) shall consider, among other factors it deems appropriate, whether the proposed jamming system would interfere with emergency or public safety agency communications and the extent to which the proposed jamming system may cause harmful interference to commercial mobile service communications outside the boundaries of the correctional facility;**

**“(ii) shall consider whether the facility in question is located in an urban area (as defined by the Commission for purposes of this subsection); and**

**“(iii) shall address the potential interference with public safety agency communications and commercial mobile service (as defined in section 332(d)(1)) in such area.**

**“(C) PUBLIC COMMENT.—**Before making a determination under this paragraph, the Commission shall allow interested parties to submit evidence for the record regarding the interference potential of the jamming system a supervisory authority proposes to use at the correctional facility.

**“(5) POST-PETITION COORDINATION.—**

**“(A) FCC NOTIFICATION.—**When the Commission approves a petition under this section, the Commission shall notify each public safety agency or commercial mobile service provider serving the area in which the correctional facility to which the petition relates is located.

**“(B) COORDINATION REQUEST.—**When any such agency or provider is notified by the Commission under subparagraph (A), it shall immediately notify the supervisory authority of the correctional facility if it intends to participate in the coordination under subparagraph (C) or the examination under subparagraph (D).

**“(C) INSTALLATION AND CONFIGURATION.—**During the 30-day period beginning on the date on which the Commission approves a petition, the correctional facility supervising authority that filed the petition shall, upon request, coordinate the installation and configuration of the jamming system authorized by the Commission with any public safety agency or commercial mobile service provider serving the area in which the correctional facility is located.

**“(D) INSPECTION.—**Except as provided in subparagraph (E), before commencing the operation of a jamming system authorized by the Commission, the correctional facility supervisory authority that filed the petition shall, upon request, provide access to the correctional facility to any such public safety agency or commercial mobile service provider for the purpose of examining the installation or configuration of the jamming system and jamming devices.

**“(E) COMMENCEMENT OF OPERATIONS.—**Unless otherwise directed by the Commission, a correctional facility supervisory authority authorized by the Commission to operate a jamming system may commence operation of the system 30 days after the date on which the Commission approves the petition filed by that authority.

**“(d) TERMS OF AUTHORIZATION.—**

**“(1) TERM.—**If the Commission grants a petition under this section, the authority granted pursuant to that petition shall be in effect for a term specified by the Commission of not more than 5 years, but shall be renewable by petition.

**“(2) TERMINATION OR SUSPENSION OF AUTHORITY.—**

**“(A) NOTICE FROM PROVIDER.—**The Commission shall immediately suspend authorization granted under this section with respect to a correctional facility upon receiving written notice from a commercial mobile service provider, supported by affidavit and such documentation as the Commission may require, stating that use of a jamming device by or at such correctional facility is interfering with commercial mobile service, or is otherwise preventing or jamming such communications (other than within the correctional facility).

**“(B) BASIS FOR NOTICE.—**In establishing the requirements for the affidavit in subparagraph (A) and the necessary supporting documentation, the Commission shall require, at a minimum, that the commercial mobile service provider perform actual testing and measurements in the area near the correctional facility and submit the results to the Commission. Notice pursuant to subparagraph (A) may not be predicated exclusively on customer complaints or trouble reports unsupported by relevant technical analysis suggesting interference.

**“(C) NOTICE FROM PUBLIC SAFETY LICENSEE.—**The Commission shall immediately suspend an authorization granted under this section with respect to a correctional facility upon receiving written notice from a public safety agency, supported by affidavit and such documentation as the Commission may require, stating that use of a device by or at such correctional facility is interfering with public safety agency communications systems or otherwise preventing or jamming communications on that system, and describing the nature of the interference.

**“(D) DEADLINE FOR ACTION ON NOTICE.—**Within 90 days after receiving notice under subparagraph (A) or subparagraph (C), the Commission shall conclude an investigation to determine whether the jamming device authorized for use at the correctional facility is causing such interference and, based on its findings and conclusions, may issue an order reinstating, modifying, or terminating the authorization.

**“(E) NONCOMPLIANT USAGE.—**If the Commission has reason to believe that a correctional facility for which an authorization has been granted under this section is not in compliance

with the regulations under this section, the Commission shall immediately suspend the authorization until it can make a determination with respect to such compliance after notice and an opportunity for a hearing.

**“(3) REVOCATION.—**The Commission may revoke an authorization under this section for willful or repeated violations, or failure to observe the requirements, of the terms of the authorization or the regulations promulgated by the Commission under this section.

**“(4) INTERIM USAGE.—**If the Commission initiates a suspension or a revocation proceeding under this subsection, it shall prohibit use of an authorized jamming system or device at the correctional facility during the pendency of any such proceeding.

**“(e) LIMITATIONS ON AUTHORIZATION.—**

**“(1) TRANSFER PROHIBITED.—**A correctional facility supervisory authority authorized by the Commission to operate a jamming system may not transfer the ownership or right to use the jamming system or associated jamming devices to any third party for use inside or outside the area of the correctional facility for which the authorization was granted.

**“(2) LOCATION; USE BY OTHER PARTIES.—**The Commission shall require any correctional facility supervisory authority to prevent the use of an authorized jamming system (including any jamming device used by the system)—

**“(A) in any location other than the correctional facility where use of the system is authorized; or**

**“(B) by any entity other than the correctional facility where use of the jamming system is authorized.**

**“(3) LIMITATIONS ON USE.—**The Commission shall require that any correctional facility supervisory authority granted authority under this section to operate a jamming system—

**“(A) utilize only a jamming device—**

**“(i) authorized by the Commission; and**

**“(ii) specifically approved by the Commission for the purposes of this section;**

**“(B) operate the jamming device at the lowest possible transmission power necessary to prevent, jam, or interfere with wireless communications by within the facility by individuals held in the facility;**

**“(C) operate the device on a directionalized basis, and utilizing all other reasonable interference-limiting capabilities, in a manner that does not interfere with public safety agency communications or lawful commercial wireless communications that originate and terminate inside or outside the area of the correctional facility;**

**“(D) operate the jamming device only in the frequencies necessary to prevent, jam, or interfere with wireless communications within the correctional facility;**

**“(E) have a documented method of controlling custody of such devices and ensure that any jamming device operated pursuant to the authority is destroyed upon expiration of the authority, or at such time as a jamming device is removed from service for any other reason, including replacement by another device;**

**“(F) have a documented method of inspecting the jamming system on a quarterly basis to ensure proper functioning, and a documented method to limit access to the system to personnel specifically designated by the correctional facility;**

**“(G) install the jamming system in a secure area that is inaccessible to individuals held in the facility and connect the system to a permanent power supply with back-up power sources; and**

**“(H) have a documented method of sealing or locking the jamming system so as to prevent tampering.**

**“(4) DESTRUCTION OF UNUSED OR EXPIRED JAMMING DEVICES; NOTIFICATION OF ADDITIONAL**

**JAMMING DEVICE ACQUISITIONS.**—Any correctional facility supervisory authority authorized to operate a jamming system shall—

“(A) destroy a jamming device within 60 days after the date on which such authorization expires unless a petition is pending for renewal of the authorization;

“(B) destroy any such jamming device that is permanently removed from service;

“(C) certify such destruction to the Commission; and

“(D) notify the Commission upon the acquisition of any jamming device that replaces a destroyed device.

“(f) **DATABASE.**—The Commission shall maintain an electronic database containing a copy of each notice of intent and each petition received by it under this section and the disposition thereof. The Commission shall update the database at least monthly and, to the extent consistent with public safety and welfare, shall make the contents of the database available upon request to a commercial mobile service provider or public safety agency.

“(g) **DEFINITIONS.**—In this section:

“(1) **COMMERCIAL MOBILE SERVICE PROVIDER.**—The term ‘commercial mobile service provider’ means a person providing commercial mobile service (as defined in section 332(d)(1)).

“(2) **CORRECTIONAL FACILITY.**—In this subsection, the term ‘correctional facility’ means a jail, prison, penitentiary, or other correctional facility.

“(3) **JAMMING DEVICE.**—The term ‘jamming device’ means a radio signal generating device used as part of a jamming system designed to disrupt, prevent, interfere with, or jam wireless communications.

“(4) **JAMMING SYSTEM.**—The term ‘jamming system’ means a system of radio signal generating and processing equipment and antennas designed to disrupt, prevent, interfere with, or jam wireless communications within a correctional facility and includes the components and functionality of the system, such as antennas, cabling, and cable elements, the installation, interconnection, and operation of system elements, power levels, and radio frequencies carried on the cables or fed into antennas, the radiation pattern of such antennas, and the location and orientation of the antennas.

“(5) **PUBLIC SAFETY AGENCY.**—The term ‘public safety agency’ has the meaning given that term in section 3006(j)(1) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

“(6) **SUPERVISORY AUTHORITY.**—The term ‘supervisory authority’ means the Director of the Federal Bureau of Prisons, the chief executive officer of a State (or his or her designee), or the person in charge of a county or local correctional facility not under the authority of the chief executive officer of a State.”

#### **SEC. 3. FCC RULEMAKING REQUIRED.**

Within 180 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding and shall promulgate final regulations governing the use of jamming systems in correctional facilities under section 333A of the Communications Act of 1934 (47 U.S.C. 333A). In the proceeding, the Commission shall—

(1) solicit and consider the recommendations of the National Telecommunications and Information Administration, as well as 1 or more entities with relevant technical expertise in order to develop standards and processes for such jamming systems and jamming devices (as such terms are defined in that section); and

(2) consider all available technologies capable of preventing the operation of unauthorized wireless communications devices in correctional facilities, including those devices that may evade detection by the supervisory authority of such a facility.

#### **SEC. 4. DEVICE CERTIFICATION CRITERIA RULEMAKING.**

(a) **IN GENERAL.**—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall adopt a final rule establishing criteria for certification for the manufacture, sale, importation, and interstate shipment of devices that may be used pursuant to authorization under section 333A of the Communications Act of 1934 (47 U.S.C. 333A), notwithstanding section 302 of such Act (47 U.S.C. 302). In carrying out the requirements of this subsection, the Commission shall consider whether such devices can effectively prevent, jam, or interfere with wireless communications within a correctional facility (as defined in section 333A(g)(2) of that Act (47 U.S.C. 333A(g)(2))) without causing harmful interference with commercial mobile services between points outside facility boundaries, or public safety agency wireless communications services between points inside, pursuant to a public safety agency responding to an incident in a correctional facility, and outside facility boundaries. The regulations shall require, at a minimum, that any such device—

(1) operate at the lowest technically feasible transmission power that will permit correctional facility staff to prevent, jam, or interfere with wireless communications within the geographic boundaries of a correctional facility by individuals held in the facility;

(2) be capable of directionalized operation and limited to approved frequencies;

(3) comply with any other technical standards deemed necessary or appropriate by the Commission to ensure that the device does not create interference to other than the targeted wireless communications;

(4) be marketed and sold only to correctional facility supervisory authority (as defined in section 333A(g) of the Communications Act of 1934 (47 U.S.C. 333A(g)) authorized by the Commission under section 333A of that Act (47 U.S.C. 333A) to possess and operate such a device; and

(5) is capable of being shut off from jamming public safety agency communications within and around a correctional facility when a public safety agency is responding to an incident at the facility, such as a fire, explosion, medical emergency, or otherwise.

(b) **TECHNICIAN CREDENTIALING.**—As part of the rulemaking proceeding required by subsection (a), the Commission shall seek public comment on whether to establish minimum training, certification, and eligibility requirements for technicians qualified to work on jamming systems installed and operated by a supervisory authority. The Commission may establish such training, certification, and eligibility criteria as part of the final rule adopted under subsection (a).

(c) **CERTIFICATION PROCESS.**—The Commission shall conduct field testing of proposed devices to determine whether they can operate without causing harmful interference with commercial mobile service communications outside the boundaries of such a correctional facility or public safety agency wireless communications inside, pursuant to a public safety entity responding to an incident in a correctional facility, and outside the boundaries of such a correctional facility. The Commission shall conduct such testing through a public testing process and program. After the date on which the final rule promulgated under subsection (a) is published in the Federal Register, the Commission shall grant or deny an application for certification of a device described in subsection (a) within 120 calendar days of receiving an application therefor.

(d) **LIST OF DEVICES.**—The Commission shall maintain a list of all approved devices on its web site including the make and model of each

approved device and its technical specifications and operating parameters.

Mr. DURBIN. I ask unanimous consent that the committee-reported substitute be agreed to; the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 251), as amended, was ordered to be engrossed for a third reading, was read the third time and passed.

#### **PHARMACY DME ACCREDITATION DELAY**

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3663, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 3663) to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3663) was ordered to a third reading, was read the third time, and passed.

#### **REAFFIRMING HISTORIC TIES BETWEEN THE UNITED STATES AND THE NETHERLANDS**

Mr. DURBIN. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H. Con. Res. 178 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 178) expressing the sense of Congress that we reaffirm the historic ties between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 178) was agreed to.

The preamble was agreed to.

#### WORLD MRSA DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 301, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A bill (S. Res. 301) designating October 2, 2009, as "World MRSA Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 301) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 301

Whereas methicillin-resistant *Staphylococcus aureus* (MRSA) causes deadly infections in patients that are receiving treatment in health care facilities and affects numerous individuals within our Nation's communities;

Whereas the Centers for Disease Control and Prevention has estimated that hospital-acquired MRSA infections killed more than 19,000 individuals in the United States in 2006;

Whereas patient and consumer advocacy organizations around the world are lending their voices to a call for leadership and an international commitment to preventing and eradicating MRSA, a disease that has reached pandemic levels and is spreading at an alarming rate;

Whereas patient and consumer advocacy organizations are calling upon health care officials and government leaders to step up and take a more comprehensive approach to stopping MRSA through implementation of a broad and proactive prevention program;

Whereas the MRSA Survivors Network, the first consumer organization in the United States to raise awareness concerning the MRSA epidemic and other such multi-drug resistant health care-acquired infections, has announced that October 2, 2009, has been designated as "World MRSA Day", which shall be commemorated annually on such date; and

Whereas the MRSA Survivors Network has also designated the month of October as "World MRSA Awareness Month" in order to call attention to this worldwide epidemic: Now, therefore, be it

*Resolved*, That the Senate designate October 2, 2009, as "World MRSA Day".

#### CELEBRATE SAFE COMMUNITIES WEEK AND CRIME PREVENTION MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 302, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 302) raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of October 1, 2009 through October 7, 2009 as "Celebrate Safe Communities Week" and October as "Crime Prevention Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 302) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 302

Whereas communities across the country face localized increases in violence and other crime;

Whereas local law enforcement-community partnerships are an effective tool for prevention crime and addressing the fear of crime;

Whereas the National Sheriffs' Association (NSA) and the National Crime Prevention Council (NCPC) are leading national resources providing community safety and crime prevention tools tested and valued by local law enforcement agencies and communities nationwide;

Whereas the NSA and the NCPC have joined together to create the "Celebrate Safe Communities" (CSC) initiative in partnership with the Bureau of Justice Assistance, Office of Justice Programs, Department of Justice;

Whereas in its premiere year, 153 communities in over 32 States and the District of Columbia participated in "Celebrate Safe Communities";

Whereas "Celebrate Safe Communities" will take place the first week of October 2009 to help kickoff recognition of October as "Crime Prevention Month";

Whereas "Crime Prevention Month" was established 25 years ago to encourage public education on being alert to criminal activity within their communities;

Whereas "Celebrate Safe Communities" is designated to help local communities highlight the importance of law enforcement-

community partnerships to keep communities safe places to live, learn, work, and play;

Whereas "Celebrate Safe Communities" will enhance the public awareness of vital crime prevention and safety messages and motivate Americans of all ages to learn what they can do to stay safe from crime;

Whereas "Celebrate Safe Communities" will help promote year-round support for locally based and law enforcement-led community safety initiatives that help keep families, neighborhoods, schools, and businesses from crime;

Whereas the week of October 1, 2009, through October 7, 2009, would be an appropriate week to designate as "Celebrate Safe Communities" Week; and

Whereas the month of October is designated "Crime Prevention Month": Now, therefore, be it

*Resolved*, That the Senate

(1) supports the designation of October 1 through October 7, 2009 as "Celebrate Safe Communities Week";

(2) supports the designation of October 2009 as "Crime Prevention Month";

(3) commends the efforts of the thousands of local law enforcement agencies and their countless community partners educating and engaging residents of all ages in the fight against crime;

(4) asks communities across the country to consider how "Celebrate Safe Communities" can help them highlight local successes in the fight against crime;

(5) encourages the National Sheriffs' Association and the National Crime Prevention Council to continue to promote through "Celebrate Safe Communities" and year-round, individual and collective action, in collaboration with law enforcement and other supporting local agencies, to reduce crime and build safer communities throughout the United States; and

(6) encourages government agencies, civic groups, schools, businesses, and youth organizations to educate the public, showcase their accomplishments, and explore new partnerships during "Crime Prevention Month".

#### MEASURE READ THE FIRST TIME—S. 1751

Mr. DURBIN. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The bill clerk read as follows:

A bill (S. 1751) to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now or any other entity which has been indicted for or convicted of violations of laws governing election administration or campaign financing.

Mr. DURBIN. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, it is my understanding the bill will be read for the second time on the next legislative day.

The PRESIDING OFFICER. The Senator is correct.

#### ORDERS FOR TUESDAY, OCTOBER 6, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Tuesday, October 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to consider the nomination of Thomas Perez, to be Assistant Attorney General, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. Mr. President, Senators should expect the first vote of the day to begin at approximately 12:15 p.m. tomorrow. That vote will be on the motion to invoke cloture on the Perez nomination.

Following the cloture vote, the Senate will recess until 2:15 p.m. to allow for the weekly caucus luncheons. Then, after the recess, there will be a period of morning business until 3:15 p.m. Following morning business, the Senate will resume consideration of the De-

fense appropriations bill. Under a previous order, Senators should expect up to 14 rollcall votes in relation to the Defense appropriations bill to begin at approximately 3:45 p.m.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:21 p.m., adjourned until Tuesday, October 6, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF THE TREASURY

CHARLES COLLYNS, OF MARYLAND, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE CLAY LOWERY RESIGNED.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD SORIAN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE CHRISTINA H. PEARSON, RESIGNED.

##### DEPARTMENT OF STATE

JAMES B. WARLICK, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

PATRICK ALFRED CORVINGTON, OF MARYLAND, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR

NATIONAL AND COMMUNITY SERVICE, VICE DAVID EISNER.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

PAMELA S. HYDE, OF NEW MEXICO, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE TERRY L. CLINE.

##### EXECUTIVE OFFICE OF THE PRESIDENT

DANIEL I. GORDON, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, VICE PAUL A. DENETT.

##### DEPARTMENT OF JUSTICE

SUSAN B. CARBON, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE, VICE CYNTHIA DYER, RESIGNED. JOHN H. LAUB, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE, VICE DAVID W. HAGY, RESIGNED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, October 5, 2009:

##### DEPARTMENT OF HOMELAND SECURITY

RICHARD SERINO, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

##### FEDERAL MEDIATION AND CONCILIATION SERVICE

GEORGE H. COHEN, OF VIRGINIA, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR.

##### DEPARTMENT OF EDUCATION

ALEXA E. POSNY, OF KANSAS, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION.

BRENDA DANN-MESSIER, OF RHODE ISLAND, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## EXTENSIONS OF REMARKS

### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 6, 2009 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED OCTOBER 7

10 a.m.

Commerce, Science, and Transportation Communications and Technology Subcommittee  
To hold hearings to examine reauthorization of the Satellite Home Viewer Extension and Reauthorization Act of 2004.

SR-253

Health, Education, Labor, and Pensions  
Business meeting to consider the nominations of M. Patricia Smith, of New York, to be Solicitor, Lorelei Boylan, of New York, to be Administrator of the Wage and Hour Division, Joseph A. Main, of Virginia, to be Assistant Secretary for Mine Safety and Health, and William E. Spriggs, of Virginia, to be Assistant Secretary for Policy, all of the Department of Labor, and Regina M. Benjamin, of Alabama, to be Surgeon General of the Public Health Service, Department of Health and Human Services, and any pending nominations.

SD-430

Judiciary

To hold hearings to examine workplace fairness.

SD-226

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

To hold hearings to examine the proposed agreement between the United States and the United Arab Emirates on civilian nuclear cooperation.

SD-419

2:30 p.m.

Foreign Relations

To hold hearings to examine Al-Qaeda, focusing on Afghanistan.

SD-419

Banking, Housing, and Urban Affairs Securities, Insurance and Investment Subcommittee

To hold hearings to examine securitization of assets, focusing on problems and solutions.

SD-538

3 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the 2010 census, focusing on a status update of key decennial operations.

SD-342

4 p.m.

Judiciary

To hold hearings to examine the nominations of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit, Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General, Department of Justice, and Ketanji Brown Jackson, of Maryland, to be a Member of the United States Sentencing Commission.

SD-226

### OCTOBER 8

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the future of the mortgage market and the housing enterprises.

SD-538

Judiciary

Business meeting to consider S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 1692, to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 379, to provide fair compensation to artists for use of their sound recordings, and the nominations of Jacqueline H. Nguyen and Dolly M. Gee, both to be a United States District Judge for the Central District of California, and Edward Milton Chen and Richard Seeborg, both to be a United States District Judge for the Northern District of California, and Brendan V. Johnson, to be United States Attorney for the District of South Dakota, Karen Louise Loeffler, to be United States Attorney for the District of Alaska, and Steven Gerard O'Donnell, to be United States Marshal

for the District of Rhode Island, all of the Department of Justice.

SD-226

Veterans' Affairs

To hold hearings to examine the Department of Defense and Veterans' Affairs response to certain military exposures.

SD-562

10 a.m.

Energy and Natural Resources

Business meeting to consider any pending nominations; to be immediately followed by a hearing to examine the nominations of Marcia K. McNutt, of California, to be Director of the United States Geological Survey, Department of the Interior, and Arun Majumdar, of California, to be Director of the Advanced Research Projects Agency-Energy, Department of Energy.

SD-366

Finance

To hold hearings to examine the nominations of Jim R. Esquea, of New York, to be Assistant Secretary, and Bryan Hayes Samuels, of Illinois, to be Commissioner on Children, Youth, and Families, both of the Department of Health and Human Services.

SD-215

Small Business and Entrepreneurship

To hold hearings to examine health care solutions for America's small businesses.

Room to be announced

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of William E. Kennard, of the District of Columbia, to be Representative to the European Union, with the rank and status of Ambassador, and Cynthia Stroum, of Washington, to be Ambassador to Luxembourg, both of the Department of State, and James Legarde Hudson, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development.

SD-419

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 522, to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act, S. 865 and H.R. 1442, bills to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909, S. 881, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, S. 940, to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

located in Clark and Nye counties, Nevada, S. 1272, to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and S. 1689, to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico.

SD-366

Intelligence

To hold closed hearings to consider certain intelligence matters.

S-407, Capitol

3 p.m.

Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine comprehensive immigration reform, focusing on faith-based perspectives.

SD-226

OCTOBER 9

9:30 a.m.

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings to examine restoring credit to manufacturers.

SD-538

OCTOBER 14

10 a.m.

Judiciary

To hold hearings to examine prohibiting price fixing and other anticompetitive conduct in the health insurance industry.

SD-226

OCTOBER 21

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending legislation.

SR-418

## SENATE—Tuesday, October 6, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God of the nations, our country was conceived in the minds and hearts of appointed leaders who acknowledged their need of You. May the Members of this body follow that example and humble themselves before You. Help our lawmakers to admit their need for Your guidance and submit to the leading of Your spirit. Lord, remind them that You have promised to be with them always, even until the end of the age. Encourage our Senators in the knowledge that each Member is important to the effective operation of the legislative process. Keep them working together as a family of loyal Americans privileged to serve our Nation.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to executive session to consider the nomination of Thomas Perez to be an assistant attorney general, with the time until 12:15 equally divided and controlled between Senators LEAHY and SESSIONS, the chairman and ranking member of the Judiciary Committee.

At 12:15 the Senate will proceed to a cloture vote on the nomination. Under a previous order entered, if cloture is invoked, all postcloture debate time will be yielded back and the Senate will proceed to vote on confirmation of the nomination.

We are working out now whether we will need a rollcall vote on confirmation of the nomination if cloture is invoked. Upon disposition of the nomination, the Senate will proceed to the weekly caucus luncheons which will last until 2:15 p.m. today.

After the recess, there will be a period of morning business until 3:15 p.m., with the time equally divided and controlled between the two leaders or their designees. At 3:15 the Senate will resume consideration of the Department of Defense Appropriations bill and begin a series of up to 14 rollcall votes in relation to the remaining amendments and passage of the bill.

### MEASURE PLACED ON THE CALENDAR—S. 1751

Mr. REID. Mr. President, S. 1751 is at the desk. It is my understanding it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1751) to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now or any other entity which has been indicted for or convicted of violations of laws governing election administration or campaign financing.

Mr. REID. I object to any further proceedings with respect to the bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### HEALTH CARE WEEK XII, DAY 1

Mr. McCONNELL. Mr. President, the American people have made their voices heard in the health care debate. Their message is clear. They want reforms that bring down the staggering cost of health care and increase access, and they do not want insurers turning people away.

In short, Americans are not happy with the status quo. But they are just as concerned, if not more so, with the alternatives that the White House and a handful of Democrats on Capitol Hill are pushing through Congress.

Soon, the last of the five committees involved in this debate will finish its work. After that, a handful of Democratic Senators will get together in a closed conference room somewhere in the Capitol to hash out a final product. Their proceedings may be private, but based on their stated preferences we have got a good sense of the basics.

We know that the bill they send to the Senate floor will cut seniors' Medicare by half a trillion dollars; we know that it will raise taxes on virtually everyone; we know it will limit the health care choices Americans now enjoy. And we know it will be a big government bonanza: a \$1 trillion pricetag and 1,000 pages of indecipherable text.

For the past 2 weeks, Americans have been focused on the Senate Finance Committee. The real focus should be on the conference room where the final bill will be decided. That is because it is in that room that the Democratic leadership from the White House and Congress will attempt to decide the fate of health care for everyone. Their deliberations will be secret. And there is only one direction these Senators plan to take this legislation, and that is to the left.

We have seen what happens in these kinds of closed deliberations before. Over the summer, members of the HELP Committee discovered after a month-long markup that a wellness measure they had agreed to unanimously in front of the cameras in July was mysteriously taken out away from the cameras sometime after a final vote was taken on the bill.



And we all remember how executives at AIG ended up with multimillion dollar bonuses after nearly driving the company off a cliff. Those bonuses were blessed in a closed-door meeting somewhere in the Capitol after a final vote on the stimulus bill had already taken place.

This bill already starts out with a flawed foundation of Medicare cuts, more taxes, more debt, and fewer health care choices. That is reason enough for Americans to oppose it. Now the finishing touches will be added on in secret before a rush to the finish.

Proponents of the administration's health care plan have been working hard over the past 2 weeks to convince the American people their concerns are being heard. We will see if that has just been window dressing. The fact is, the final bill will be worked out, out of sight, by a mere few whose decisions will affect everyone in America. Away from the cameras, they will make decisions that affect every single American and one-sixth of our entire economy.

Americans want commonsense reform. Reshaping the entire economy, limiting their choices, expanding government control over health care, cutting Medicare, and raising taxes in the middle of the worst economy in memory, and then pushing it through with as little public scrutiny as possible is not what they would call reform.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### NOMINATION OF THOMAS E. PEREZ TO BE AN ASSISTANT ATTORNEY GENERAL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Thomas E. Perez, of Maryland, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:15 p.m. will be equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS, or their designees.

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first let me say how pleased I am that we are now considering Tom Perez to head the Civil Rights Division. We in Maryland are particularly proud because Tom Perez hails from our State. He has had a distinguished record in the State of

Maryland in service to the people of our State and also to the people of our Nation.

I am very pleased that we finally have gotten to this moment. The Civil Rights Division is the Nation's moral conscience. It has been important to protect the rights of all Americans against all forms of discrimination whether it is in employment, whether it is in education, whether it is in housing, whether it is in voting, whether it is in personal liberties or hate crimes. It is what Americans turn to to protect their rights. It has had a very proud history, the Civil Rights Division, since its inception, both under Democratic and Republican administrations. It has had a steady course.

There has been one notable exception. I think we all understand that during the previous administration there was an effort made to diminish the importance of the Civil Rights Division. It triggered joint reports by the Office of Personal Responsibility and the Office of the Inspector General. They issued a joint report on January 13, 2009. It found there was consideration of political and ideological affiliations in hiring career attorneys at the Department of Justice, Civil Rights Division, which was a violation of Federal law. We also know that during the previous administration, the number of cases brought to protect the civil liberties of Americans was greatly diminished, and the Department took a different view, one that compromised the integrity and independence of the Civil Rights Division.

So it is important we get back on track, and that is why I am so pleased today that we are considering the confirmation of Tom Perez to be the head of the Civil Rights Division. Tom brings a great background to this important assignment. He was educated at Brown University where he received his undergraduate degree, the John F. Kennedy School of Government, and Harvard Law School. He had experience right out of law school as a prosecutor in the Civil Rights Division of the Department of Justice. So from day one Tom Perez knew he had a calling to help improve the civil rights of Americans. Maybe it was because of his family background, the son of an immigrant, maybe it was because of his commitment to the American dream, but he had that passion to help other people, to protect the civil liberties and civil rights of Americans. He rose to become the Deputy Chief in the Division's criminal section. He was a trial attorney for the Department of Justice. He then later took a very important assignment in the Senate. He became special counsel to Senator Ted Kennedy. What a mentor for him. He has commented frequently about his year in the Senate and what a great learning experience it was to understand the importance of the Civil

Rights Division from the champion of civil rights in the Senate, Senator Kennedy.

He then became a professor in civil rights law and later returned with an appointment to head the Civil Rights Division of the Department of Health and Human Services, continuously working to promote civil rights. He decided to take on a unique challenge and ran for county council in Montgomery County, MD. I am familiar with all the jurisdictions of Maryland. Perhaps the most challenging is to be a county councilman in Montgomery County, one of our most diverse counties and the largest. He was the first Latino to become president of the county council and took on the great challenges in that county in a professional way and was well respected.

Governor O'Malley appointed him as secretary of Labor, Licensing and Regulation, a critically important part of the O'Malley cabinet. Then, President Obama tapped him to be the head of the Civil Rights Division of the Department of Justice. On June 4, the Judiciary Committee recommended, by a 17-to-2 vote, strongly bipartisan, to recommend his confirmation to the entire Senate. As to reservations raised in the committee, after the confirmation vote, we had meetings with Mr. Perez and Members of the Senate to get a further understanding of their concerns and to understand where Tom Perez would lead the Civil Rights Division. I don't want to comment for my colleagues, but I thought those meetings went extremely well. That is the type of person Tom Perez is. He tries to work things out without compromising the responsibilities of promoting civil rights of all Americans.

With this vote today, we can take a major step forward to restore the integrity, confidence, historical role, and the reputation of the Nation's most important agency to protect the civil rights of all Americans.

I ask unanimous consent to have printed in the RECORD letters of support we have received from the following individuals: Martin O'Malley, Governor of the State of Maryland; Thomas Mike Miller, president of the Maryland Senate; Mike Busch, speaker of the house of the Maryland General Assembly; John McCarthy, States attorney for Montgomery County; along with Anthony O'Donnell, the Republican leader of the Maryland house of delegates; and our colleagues in the Congress, CHRIS VAN HOLLEN, who represents the eighth district; ELIJAH CUMMINGS, who represents the seventh congressional district; DUTCH RUPPERSBERGER, who represents the second congressional district; STENY HOYER, majority leader of the house from the fifth congressional district; and ERIK PAULSEN, who represents the third congressional district of Minnesota.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MARYLAND,  
Annapolis, MD, April 21, 2009.

Hon. PATRICK LEAHY,  
Chairman, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. ARLEN SPECTER,  
Ranking Member, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I am writing to express my strong support for the nomination of Thomas Perez to be Assistant Attorney General for Civil Rights at the Department of Justice. Tom is a committed public servant who has devoted his entire career to the people of Maryland and this nation, and he is highly qualified to lead the revitalization of the Civil Rights Division.

The Department of Labor, Licensing and Regulation (DLLR) has 1600 employees and wide ranging jurisdiction. Its responsibilities range from enforcement of labor laws to the oversight of our state banking system and regulation of certain mortgage originators, to the administration of Unemployment Insurance and workforce development programs. The Department has additional consumer protection responsibilities, and the job requires a person with a wide breadth and depth of knowledge and experience.

When I asked Tom to serve as Secretary of DLLR in 2007, I frankly had no idea that the issues within his agency's jurisdiction would occupy such a prominent role in my administration so soon. Shortly after I assumed office, we were immediately confronted by the foreclosure crisis and the national recession.

Tom immediately rose to the occasion, and has been especially instrumental in leading the charge to combat the foreclosure crisis, and in helping me craft an economic security package to assist straggling Marylanders. In 2007 he co-chaired the Homeownership Preservation Task Force, and by working with all stakeholders, including both consumer groups and banking representatives, he was able to craft consensus reforms that gained broad bipartisan support in the General Assembly. Those reforms, which lengthened the foreclosure process, strengthened lending and licensing standards and created new tools to combat fraud, have been recognized as some of the most sweeping in the nation. One of the nation's largest mortgage fraud prosecutions originated in Tom's office, and has been a model of collaboration between the state and federal prosecuting authorities.

I have been particularly impressed with Tom's leadership and management skills, as well as his ability to work across party lines with the Maryland General Assembly. Tom inherited an agency with great potential that was not firing on all cylinders. He tackled critical management and leadership challenges head on, and transformed DLLR from a second tier to a top tier agency. He has brought the Department recognition it never before received from lawmakers and other officials in the State. Republicans and Democrats alike in the Maryland General Assembly have praised his policy and legal acumen, and his inclusive, engaging style.

While Tom's nomination by President Obama leaves us with the difficult task of finding someone as able and well-respected to fill his shoes, I know he is the right person to lead the Civil Rights Division back to

prominence. I strongly support his confirmation, and I urge you to do the same.

Sincerely,

MARTIN O'MALLEY,  
Governor.

MARYLAND GENERAL ASSEMBLY,  
Annapolis, MD, April 22, 2009.

Senator PATRICK LEAHY,  
Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to offer an unqualified and unhesitating endorsement of Thomas Perez's nomination to serve as Director of the United States Department of Justice's Office for Civil Rights. We know Mr. Perez to be a passionate and tireless advocate, a dedicated and responsible civil servant, and a thoughtful and respected leader. He will be a tremendous asset to the Department of Justice.

Mr. Perez was appointed to serve as Maryland's Secretary of Labor, Licensing and Regulation in January, 2007. He inherited a historically underfunded agency beset by political challenges and morale problems—a weaker leader could easily have been overwhelmed by the agency's inertia. Where others might have seen problems, Mr. Perez saw opportunity. From his first day as Secretary, Mr. Perez breathed new life into the department with a goal-oriented agenda and a commitment to pro-active, results-driven management.

The Department of Labor, Licensing and Regulation supervises job training and match services, unemployment insurance, and many of the State's licensing and regulatory boards. As Secretary, Mr. Perez had to balance the interests of the business community against our State's commitment to consumer protection. That can be a precarious tightrope, but he won praise from business leaders and consumer advocates for his willingness to listen and his ability to forge consensus.

In addition to his responsibility for the day-to-day operations of the agency, Mr. Perez helped shepherd the Governor's agenda through the General Assembly. He conducted himself with grace and aplomb, confronting skeptics and cynics with his earnest desire to improve the lives of ordinary Marylanders. His work ethic and meticulous attention to the details of policy-making earned him the trust of lawmakers across the political spectrum, and he parlayed that trust into extraordinary legislative success for working families in our state.

Mr. Perez championed Maryland's efforts to combat the foreclosure crisis. He brought the banking industry together with consumer advocates to craft meaningful reform that put Maryland at the forefront of this critical issue. During this year's legislative session, he brought labor organizations together with industry groups to fight fraudulent misclassification of employees as independent contractors. In both instances, he won praise for bringing everyone to the table and crafting compromises which might otherwise have proved elusive.

We would be remiss if we did not raise the time honored cliché: the nation's gain will be the State of Maryland's loss. Mr. Perez's unwavering obligation to the highest ideal of public service will be an asset to the Department of Justice. His untiring commitment to his work will earn him respect and admiration from his colleagues. His innate intelligence and problem-solving abilities will help him move the Office of Civil Rights forward to the benefit of all Americans.

In the plainest and strongest terms possible, we urge you to confirm Mr. Perez as

Director of the Office of Civil Rights. He is a remarkable public servant, and he will be an exceptional asset to our nation during this tumultuous period in our history.

Respectfully,

THOMAS V. MIKE MILLER,  
Jr.,  
President of the Senate.  
MICHAEL E. BUSCH,  
Speaker of the House.

STATE'S ATTORNEY FOR  
MONTGOMERY COUNTY,  
Rockville, MD, April 20, 2009.

Chairman PATRICK LEAHY,  
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: I am writing to urge the confirmation of Tom Perez as Assistant Attorney General for the Civil Rights Division at the Department of Justice.

Mr. Perez currently holds the position of Secretary of Maryland's Department of Labor Licensing and Regulation. In that capacity, Tom took on the challenge of revamping a state agency that had been long neglected and widely seen as ineffective. Under Tom's leadership, this agency has gained stature and become well respected by lawmakers and other government officials.

Tom has also served as Maryland's leader to combat the mortgage foreclosure crisis. Tom played a key role in helping to craft a legislative package that has been called among the most sweeping in the nation. Tom was the first public official, that I am aware of, that several years before the current mortgage crises became apparent, publicly talked about the danger that lurked ahead in America's housing market due to a crisis in sub-prime mortgages.

Tom is a committed career public servant. Tom spent 12 years in federal public service, the majority as a federal prosecutor for the Civil Rights Division. Tom served as special counsel to Senator Edward Kennedy and was his principal advisor on civil rights and criminal justice. Tom was a law professor at the University of Maryland School of Law from 2001-2007 where he taught a civil rights clinic focusing on employment issues, health law and criminal justice.

Tom is married to Ann Marie Staudenmaier (a public interest lawyer) and father of three. Educated at our nation's finest universities including Brown and Harvard, Tom is a brilliant and articulate man of tremendous depth.

I urge you to act favorably on Tom's nomination and confirm him as Assistant Attorney General for the Civil Rights Division at the Department of Justice.

Very truly yours,

JOHN J. MCCARTHY,  
State's Attorney.

THE MARYLAND  
HOUSE OF DELEGATES,  
Annapolis, MD, April 23, 2009.

Hon. PATRICK LEAHY,  
U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: As Minority Leader of the Maryland House of Delegates, I am pleased to support the nomination of Thomas Perez for the position of Assistant Attorney General for Civil Rights.

In my dealings with Secretary Perez, I have always found him to be fair-minded and willing to listen to a variety of views on an issue. While we have not always agreed ultimately, I have been impressed by his willingness to reach across the aisle. That is one

reason I believe Tom Perez is an excellent choice to lead the Division of Civil Rights at the Department of Justice.

During Secretary Perez's tenure at the Department of Labor, Licensing, and Regulation, he has convened diverse groups of stakeholders on the foreclosure crisis, adult education and workforce training, and the misclassification of Maryland workers to forge consensus and find common ground. During the legislative session, he regularly seeks input from both Democratic and Republican members of the Maryland General Assembly. He also has been very responsive to my office regarding constituent issues and helping to resolve the same without regard to party.

It is my belief that the reason Tom works so hard to find comprehensive solutions to the everyday problems Americans face because he truly has their best interests at heart. He is a committed public servant. I am confident that Tom will lead the Division with commitment and integrity.

For those reasons, I support his nomination and strongly urge his confirmation.

Sincerely,

ANTHONY J. O'DONNELL,  
Minority Leader.

HOUSE OF REPRESENTATIVES,  
Washington, DC, April 22, 2009.

Hon. PATRICK LEAHY,  
Chairman, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. ARLEN SPECTER,  
Ranking Member, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I am writing to offer my wholehearted support for the confirmation of Thomas E. Perez as Assistant Attorney General for Civil Rights. I've known Tom since 2002, and have had both the honor of serving as his representative to Congress and the privilege of having him serve as my representative to the Montgomery County Council.

I have seen firsthand Tom's ability to bridge divides and build coalitions in the interest of advancing the common good. Throughout his service to the people of Montgomery County and Maryland, this ability has gained him strong support from the business community as well as the non-profit and faith communities. It has also allowed him to successfully spearhead the State's nation-leading efforts to combat the foreclosure crisis. He has a proven track record for making decisions based on input from all stakeholders, and for being open to all opinions even when they differ from his own.

Prior to his service to his community and his state, Tom served this country ably as a career attorney in the Civil Rights Division. His knowledge of the law and his respect for the Department of Justice as an institution guarantee that he will lead the Division with integrity and with respect for the career staff and their tireless work. His talent for building coalitions makes him a natural to reinvigorate the Division.

Tom is an outstanding citizen and a devoted public official who has served his country, his state and his country with distinction. I am honored to ask you to support his nomination.

Sincerely,

CHRIS VAN HOLLEN.

HOUSE OF REPRESENTATIVES,  
Washington, DC, April 20, 2009.

Hon. PATRICK LEAHY,  
Chairman, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: I write to express my strong, unqualified support for the confirmation of Thomas Perez as Assistant Attorney General for the Rights Division of the United States Department of Justice.

The urgent need for strong, experienced and motivated leadership of the Civil Rights Division cannot be overstated.

The historic ascension of our first African American President and Attorney General reflect progress that is both substantive and lasting. As far too many Americans are painfully aware, however, this progress does not mean that our nation's long journey toward becoming a truly just and inclusive society is at an end.

President Obama and Attorney General Holder need the most qualified and determined leadership in the Civil Rights Division that America's legal community can provide. I am firmly convinced that Thomas Perez exemplifies the character, experience and dedication that will be required.

Tom Perez is gifted with a penetrating intellect honed at Brown, The Harvard Law School and The John F. Kennedy School of Government. His professional work has coupled that intellectual acumen with an exemplary record of public service and dedication to civil rights.

He has consistently advanced and defended civil rights as a federal prosecutor for the Civil Rights Division, Special Counsel for Senator Edward Kennedy, Deputy Assistant Attorney General for Civil Rights under former Attorney General Janet Reno, Director of the Office of Civil Rights at the Department of Health and Human Services and, currently, as Maryland Secretary of Labor, Licensing and Regulation.

In addition, Tom Perez taught at the University of Maryland School of Law from 2001 until 2007, where he advanced the school's nationally recognized clinical law and health program—and he currently serves on the faculty of the George Washington School of Public Health.

On a personal note, I have been privileged to work with Thomas Perez in his current role as Secretary of Maryland's Department of Labor, Licensing and Regulation. He has been a vocal leader in our shared efforts to combat foreclosures and improve workplace protections.

He has shown a great ability to bring parties together and build consensus in important policy areas without compromising his commitment to helping people. In these times of great economic distress, Tom has been a true voice for all Marylanders.

Chairman Leahy, it is hard to imagine how President Obama and Attorney General Holder could have made a better choice to help them restore the Civil Rights Division as this nation's leading defender of our fundamental freedoms. While I acknowledge proper deference to the Senate's constitutional power and responsibility in this matter, I also believe that it is essential—and appropriate—to add my personal voice in support of this nomination.

Tom Perez has committed his entire career to advancing civil rights and serving the public good. He is uniquely qualified to repair what has been broken at the Civil Rights Division—and I urge his speedy confirmation.

Sincerely,

ELIJAH CUMMINGS,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, April 27, 2009.

Hon. PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

Hon. ARLEN SPECTER,  
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I am writing to express my strong support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice and urge his confirmation.

Secretary Perez's qualifications and credentials are exceptional. He is a nationally recognized civil rights lawyer whose breadth and depth of experience makes him an ideal choice to lead the Civil Rights Division. He knows the Division inside and out, because he worked there for almost a decade in a variety of critical positions. As a prosecutor in the Division, he was lead attorney in some of the Department's most high profile and complex civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas. As a member of the nonpartisan Kaiser Commission on Medicaid and the Uninsured and the former Director of the Office for Civil Rights at the U.S. Department of Health and Human Services, he has a keen understanding of health care issues that are front and center in our national dialogue.

In Maryland, Secretary Perez, in his current capacity as Secretary of Maryland's Department of Labor, Licensing and Regulation, has been a principal architect of Governor Martin O'Malley's wide ranging, successful foreclosure prevention initiative. Secretary Perez led the legislative effort that resulted in the passage of a package of reforms that were comprehensive and consensus. He negotiated written agreements with six major mortgage servicing companies to provide meaningful relief to Maryland homeowners in danger of foreclosure. One of the largest ongoing mortgage fraud prosecutions in the nation originated in Secretary Perez's office.

He has held leadership positions in federal, state and local government, and has worked in all three branches of the federal government. As such, he has an acute understanding of the need for the federal government to work in partnership with state and local governments to safeguard the civil rights of all Americans.

Leading the Civil Rights Division, like running an Attorney General's office, requires extensive legal, management and leadership skills, as well as extensive experience in building coalitions. Secretary Perez has led important agencies. He currently heads a Department of roughly 1600 employees, and has held other leadership positions in the federal government. He has a well earned reputation as a consensus builder.

Mr. Perez's distinguished career demonstrates his vast leadership ability, integrity and commitment to public service. I am confident that Mr. Perez would make an exceptional Assistant Attorney General for the Civil Rights Division and urge you to confirm his nomination.

Sincerely,

ERIK PAULSEN,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, April 27, 2009.

Hon. PATRICK LEAHY,  
Chairman, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. ARLEN SPECTER,  
Ranking Member, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: I wish to add my strong support for the nomination of Thomas Perez to be Assistant Attorney General for Civil Rights at the U.S. Department of Justice.

Tom has dedicated his life to public service, to the citizens of Maryland and to the nation. He has a breadth of experience in the law, public policy and management, and, he is known as a fair minded, knowledgeable and agreeable advocate for his clients, his law students and the public at large.

I was impressed that after Tom's service in very important posts in the Administration of President Bill Clinton, he worked to put into practice the policies he advocated. He chose to work in local government, winning election to the Montgomery County Council in Maryland and earning the support of his constituents and confidence of his colleagues on the Council when they elected Tom their President. At the same time, Tom commuted to Baltimore and taught public service advocacy to law students at the University of Maryland, Baltimore Law School.

Most recently, Tom demonstrated his management skills as the Secretary of Maryland's Department of Labor, Licensing and Regulation. He energized the agency and put it at the forefront of the effort to help Maryland homeowners facing foreclosure, along with many other reforms to help protect consumers. He was well respected by legislators in Annapolis from both sides of the aisle serving in the Maryland General Assembly.

I believe Tom possesses the talents and skills to make the Civil Rights Division an outstanding performer in the Justice Department. I hope your Committee will act favorably and expeditiously on the President's nomination for Tom to serve our Country again.

Respectfully,

C.A. DUTCH RUPPERSBERGER.

HOUSE OF REPRESENTATIVES,  
Washington, DC, April 21, 2009.

Hon. PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

Hon. ARLEN SPECTER,  
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I strongly support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the Department of Justice, and, I urge his speedy confirmation. Currently leading Maryland's Department of Labor, Licensing and Regulation, Secretary Perez has shown outstanding leadership throughout his career at all levels of government.

I have worked with Secretary Perez on many critical issues, and I consider him an excellent choice for the Civil Rights Division. He has already served there in a variety of key positions. As a prosecutor in the Division, he was the lead attorney in many high-profile civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas. As a member of

the Kaiser Commission on Medicaid and the Uninsured, as well as the former Director of the Office for Civil Rights at the Department of Health and Human Services, Secretary Perez would also bring to his new role a deep understanding of health care disparities. In my state of Maryland, Secretary Perez led a 1,600-employee department and was the principal architect of Governor O'Malley's wide-ranging foreclosure prevention initiative. Secretary Perez also negotiated written agreements with major mortgage servicing companies to provide relief to homeowners facing foreclosure.

Leading the Civil Rights Division requires high-level management and consensus-building skills. I am confident that Secretary Perez possesses those skills, and I urge you to confirm his nomination.

With warmest personal regards, I am

Sincerely yours,

STENY H. HOYER.

Mr. CARDIN. I ask unanimous consent that time during quorum calls be equally charged to both Democrats and Republicans.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. I suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, this morning I rise to make a few remarks in support of the nomination of Tom Perez as Assistant Attorney General for the Civil Rights Division. Mr. Perez is an exceptionally qualified nominee. His nomination was reported out of the Judiciary Committee on a strong bipartisan vote of 17 to 2. He has the backing of a bipartisan group of former heads of the Department of Justice Civil Rights Division, the backing of State attorneys general, and the backing of other elected officials. His varied experience will serve him well in many aspects of this position.

He was a career employee with the Civil Rights Division for 10 years and understands the importance of enforcing the law without regard to politics. He has taken on racially motivated crime through the prosecution of White supremacists who went on a fatal crime spree in Lubbock, TX, and the perpetrators of cross burning designed to intimidate an interracial family.

Mr. Perez served as Director of the Office for Civil Rights at the U.S. Department of Health and Human Services, where he worked to expand opportunities for individuals with disabilities to receive care and treatment in community-based settings rather than institutions and helped develop landmark medical records privacy regulation. He was a special counselor to Sen-

ator Ted Kennedy. Currently, Mr. Perez serves as Maryland's Secretary of Labor, Licensing, and Regulation. In this position, he enforces workplace safety laws, protects consumers through the enforcement of a wide range of consumer rights laws, and collaborates with businesses and workers to address critical workforce development needs. It is hard to imagine anyone better prepared to serve as the Assistant Attorney General for the Civil Rights Division.

Mr. Perez has firsthand experience fighting racially motivated crimes. Mr. Perez has firsthand experience standing up for the disabled and patient privacy. He has firsthand experience protecting the rights of workers and consumers.

I urge my colleagues to move expeditiously to confirm this nomination and put a man of rare and extensive experience in charge of the Civil Rights Division for the benefit of all of our citizens.

Thank you, Mr. President.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEFENSE APPROPRIATIONS

Mr. BURRIS. Madam President, as we debate this Defense appropriations bill, many of my colleagues have discussed the commitment we make to those who serve this country in uniform. It is a commitment that begins on the day they volunteer for military service, and it extends through their retirement and beyond.

Just as we have an obligation to servicemembers who work in harm's way, we need to offer strong support for those who are left here at home.

Military families bear a burden that must not be forgotten. They deserve our utmost gratitude. And their stability and well-being affect the readiness of our Armed Forces. Our soldiers, sailors, airmen and marines cannot afford to be distracted by worries about those they leave at home. We need to address the needs of these families, not only to honor the sacrifices they make, but also to provide stability. Quality education is at the very center of these needs.

That is why we must increase funding for Impact Aid, a program which provides assistance to school districts that serve military families.

Throughout my career in public service, I have been a strong believer in education as a powerful force to shape lives—to give people the tools they need and the inspiration that will help them succeed. It is the foundation upon which we build our Nation's future.

But even when we see an improvement in scholastic performance at the national level, some groups of students fall further and further behind. Many children of Federal workers, including military personnel, fall into one of these groups.

Military bases—and other Federal facilities—occupy land that might otherwise be zoned for commercial use. Because of this, local school districts suffer from a reduced tax base to fund their expenses. This limits the amount that can be spent in the classroom and leaves students at a serious disadvantage compared with kids in neighboring towns.

We need to correct this inequity.

In North Chicago, IL—the home of the Great Lakes Naval Training Center—only half of the 4,000 students meet or exceed State standards. Even with some Federal assistance, North Chicago's School District 187 is able to spend just under \$7,000 per student, per year.

But in nearby District 125, they have the resources to spend nearly twice as much per pupil, and the school performs among the best in the State. An increase in Impact Aid funding would help to level this playing field, ensuring that the children of our soldiers, sailors, airmen and marines are not at a disadvantage because of their parents' service.

Impact Aid funds are delivered directly to the school district in need, so they do not incur administrative costs at the State level. This makes Impact Aid one of the most efficient—and effective—Federal education programs.

Scott Air Force Base is located in Mascoutah, IL—a community that receives Impact Aid funding. The local school district is able to spend only \$6,000 a year on each child, but 90 percent of the students meet or exceed State standards. If these are the results that some students can achieve with only \$6,000 per year, imagine how well Mascoutah might perform with even a small increase in available funds.

It is vital that we target Federal assistance to the people who need it most—like the students in North Chicago and Mascoutah. That is why I am proud to be a member of the Senate Impact Aid Coalition, a group of 35 Senators devoted to protecting this important program. And that is why I believe that the \$30 million we have set aside for Impact Aid is simply not enough.

It is time to step up our commitment to military families. It is time to make sure all children have access to a qual-

ity education, regardless of who they are or where they are from.

So I ask my colleagues to join me in supporting the House version of this appropriations bill, which commits \$44 million to the Impact Aid Program. And when the legislation reaches conference committee, I urge Chairman LEVIN to defer to the House mark.

The \$14 million difference between the House and Senate versions may not seem significant compared to the size of the Federal budget. It may not seem significant next to the amount we spend to equip and deploy our men and women in uniform. But it will be significant to the students.

Students in North Chicago, and Mascoutah—O'Fallon, and Rockford—and hundreds of communities in Illinois and over 260,000 students in 103 school districts across the United States.

We owe them the same support we continue to show to their parents in uniform. And it is time to step up our efforts to meet that commitment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold that request?

Mr. BURRIS. Yes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I rise today to express my serious concerns about the nomination of Mr. Tom Perez to head the Civil Rights Division of the Department of Justice. First, given his affiliation with CASA de Maryland, an extreme immigrant advocacy organization for which he served as president of the board, I am concerned that he will utilize the Civil Rights Division to undermine immigration enforcement.

Second, Mr. Perez has made statements indicating that he believes health care is a civil right and he has a disturbing view of the responsibilities of health care providers. Third, his views on a Clinton-era executive order requiring health care providers to provide services and documents in languages other than English infringes on the right of States to declare English as the official State language. Finally, though not directly related to Mr. Perez's qualifications, I am deeply troubled by the Department of Justice's failure to respond to legitimate requests for information by the Senate, the House of Representatives, and the U.S. Commission on Civil Rights regarding the Department's decision earlier this year to dismiss the New Black Panthers voter intimidation case.

I know some of my colleagues have more thoroughly discussed Mr. Perez's positions on immigration issues, but I want to briefly mention some of my concerns. Mr. Perez served on the board of CASA Maryland from 1995–2002 and as president of the board from 2001–2002. CASA provides assistance to

Latinos and immigrants in Maryland; it also promotes day labor sites, opposes restrictions on immigrants receiving driver's licenses, and supports in-State tuition for immigrants. More concerning, CASA has been criticized for issuing a pamphlet that instructed immigrants targeted by Federal authorities on what to do if they are arrested or detained. The Washington Times ran an article on the brochure, noting that it "features cartoonlike drawings of armed black and white police officers escorting Hispanic men in handcuffs and shows babies crying because their fathers are behind bars." I have concerns about Mr. Perez's lengthy association with an organization that advocates these extreme positions.

I also believe Mr. Perez has a disturbing view of the health care system and particularly of the responsibilities of health care providers. Mr. Perez has made statements indicating that he believes health care is a civil right. He also has said that health care providers receiving Federal funds must provide services in languages other than English or risk forfeiture of those funds due to title VI of the Civil Rights Act and a Clinton-era executive order directing Federal departments and agencies to ensure that those with limited English proficiency, LEP, are given meaningful access to programs and activities conducted by the Federal Government or by recipients of Federal funds. I would note that this executive order was not enforced by the Bush administration. I disagree with Mr. Perez's interpretation of the Civil Rights Act, and in 2006, I offered an amendment to immigration legislation to repeal the executive order. After I offered that amendment, Mr. Perez wrote an article in which he stated that I had a "distressing disregard for the doctor-patient relationship," and that I would "undermine meaningful communication between doctors and patients—thus relegating those who do not speak English to a lower rung of our health care system."

After all my years of practicing medicine, I take offense at someone stating that I have a "distressing disregard" for the doctor-patient relationship. I have treated numerous patients who do not speak English and found ways to communicate with them. Often these patients have family members who speak some English or they find other ways to communicate. There is no reason to burden health care providers with the expense of having to provide services in languages other than English.

Following the Judiciary Committee vote on his nomination, Senators SESSIONS, CARDIN, and I met privately with Mr. Perez to discuss my concerns about his positions on health care issues, and not only did he not alleviate my concerns, but he also made no effort to

apologize for his incendiary comments. I believe Mr. Perez fails to understand how the executive order undermines patient care, and I fear this lack of understanding will affect similar policies he will implement if he is confirmed to head the Civil Rights Division.

Although Mr. Perez clearly has a passion for limited English—proficiency individuals, I am afraid this passion clouds his judgment as it pertains to health care treatment and costs and will affect his judgment as the head of the Civil Rights Division. As proof, I offer the following example. In 2002, the Office of Management and Budget, OMB, issued a study which stated, “we anticipate that the cost of LEP assistance, both to government and to the United States economy, could be substantial, particularly if the Executive Order is implemented in a way that does not provide uniform, consistent guidance to the entities it covers . . . provision of language services could be most costly for the healthcare sector.” In contrast, Mr. Perez has stated that he does “not believe that Executive Order 13166 has a fiscal impact on State or Federal Governments because it imposes no new requirements on them.” This lack of judgment is concerning to me.

In addition to my disagreement with Mr. Perez on the treatment of health care as a civil right, his views on the Clinton-era executive order requiring health care providers to provide services and documents in languages other than English infringes on the right of States to declare English as the official State language. Specifically, the current acting assistant attorney general for the Office of Civil Rights sent a preemptive letter to Oklahoma’s attorney general, threatening prosecution and retraction of Federal funds if Oklahoma enacted a constitutional amendment pending before the State legislature at that time, which would declare English as the official State language. It is unprecedented for DOJ to send such a preemptive letter. Approximately 30 other States have English-only policies, and, to my knowledge, none of these States has received such a letter. Three of those States have laws similar to the Oklahoma proposal. Thus, this letter to Oklahoma was not directed against its current law, but aimed at preventing such a law from being enacted because DOJ views it as possibly violating civil rights laws. Subsequently, the Oklahoma Legislature passed the amendment, and it will be presented to the people for approval in 2010.

I am disturbed that in written questions for the record, Mr. Perez affirmed the Department’s position. I asked Mr. Perez if it would be appropriate for the Office of Civil Rights to send such a preemptive letter, and he stated “if the Civil Rights Division believes that a state’s ‘English Only’ provisions do not

comply with Title VI of the Civil Rights Act of 1964, it would be appropriate for it to issue that sort of letter.” He also stated that the Clinton-era executive order does not undermine “the rights of states to declare English as their official language.” Furthermore, Mr. Perez believes that the executive order “does not create new obligations for states.” As a result of the Office of Civil Rights’ letter to Oklahoma, all members of the Oklahoma delegation have sent a response letter to Attorney General Holder. The letter asks him to explain why the Office of Civil Rights sent the letter to Oklahoma, whether similar letters have been sent to other States or cities with English-only policies, outline what type of funding would be denied to Oklahoma if the law was enacted, and whether this preemptive letter-writing process is DOJ’s policy. To date, the State of Oklahoma has not received a response. Without such explanation, it appears that Oklahoma was specifically targeted in a political maneuver by DOJ since there was no Oklahoma law enacted that violated civil rights laws at the time it sent the letter.

In his writings, Mr. Perez also has advocated for affirmative action in admissions to health care schools because he believes minority applicants are more likely to work in underserved populations. On March 30, 2009, Linda Chavez—former Staff Director of the U.S. Commission on Civil Rights, 1983–1985, and Secretary of Labor nominee—wrote an article critical of Mr. Perez’s arguments for race-conscious admissions policies for health professions schools. She notes that in one article, Mr. Perez “cited a handful of studies that purport to show that minority doctors are more likely to provide medical care to underserved poor minority populations than white physicians are. He then leapt to the conclusion that the best way to improve access to medical care for underserved populations was to insist that medical schools use race or ethnicity in choosing which students to admit.” She claims that this appears to be an argument in support of “a form of medical apartheid in which minority patients should be served by minority doctors under the presumption that both groups benefit from this practice.” She calls this argument “insulting and dangerous” and notes that “doctors who primarily treat patients enrolled in government programs are less likely than those with private insurance to have passed demanding board certification in their specialties and to have access to high-quality specialists in other fields. Under Perez’s rationale, it shouldn’t matter whether the doctors who serve poor people are less likely to be board-certified so long as they are black or brown.” She further notes, “Perez’s solution to the problem is to lower standards even further so that

more under-qualified minority physicians are admitted to practice medicine. Medical schools already admit black and, to a lesser degree, Hispanic students with lower qualifications than whites or Asians.”

Finally, I am deeply troubled by the Justice Department’s failure to respond to legitimate requests for information regarding its decision not to pursue the prosecution of the New Black Panther Party voter case. Earlier this year, House Judiciary Committee Members exchanged a series of letters with the Justice Department requesting an explanation for why the Department decided not to pursue the case against the New Black Panther Party for alleged voter intimidation that occurred in the November 2008 elections in Philadelphia. These Members sought an explanation for the dismissal of the case, which the Bush Justice Department had filed in early January 2009. The Justice Department did not respond to these inquiries until mid-July, and even then they were vague and indicated possible political interference with this case. Following the denial of this request for information, the House Members asked members of the Senate Judiciary Committee to hold Mr. Perez’s nomination until the Department provided a more thorough response. Senator SESSIONS also sent a letter to the Justice Department and did not receive an acceptable response. The independent U.S. Commission on Civil Rights also has demanded that the Justice Department explain its dismissal of the lawsuit against members of the Black Panther Party and have not received a satisfactory response from DOJ.

Voter intimidation is unacceptable, and Congress deserves an explanation of the Justice Department’s actions. Oversight of the Department is a legitimate function of Congress, and Members deserve an explanation rather than stonewalling. For this reason, I will vote against cloture on Mr. Perez’s nomination—as a protest to this lack of cooperation. I will vote against Mr. Perez’s nomination based on the aforementioned concerns about his policy positions.

Madam President, I thank Senator CARDIN because he graciously arranged a meeting between myself and Senator SESSIONS and, I believe, Senator KYL several months ago. There is no question that Mr. Perez is a very bright, engaging, and competent individual.

Regretfully, my concerns with his nomination were not allayed by that meeting. I think Senator CARDIN has done a great job shepherding this, and I know the outcome. I still think the American people ought to hear about the concerns I have.

We are in the midst of a lot of difficulty in our country. We are struggling somewhat with our mojo, our confidence, with where we are going



and how we are going to get there. A lot of it comes back to how did we ever get to the depth of problems we are having today? I think about this a lot, because I think the answer to it is the solution for how we get out of the problems we are in. Where do we go? How is it that we have an almost \$12 trillion debt right now, \$100 trillion in unfunded liabilities, and a budget deficit this year that, by the time you count what we stole from Social Security and all the other trust funds, is about \$1.8 trillion, and debt that will double in 5 years and triple in 10—how did we get there?

I think this nomination is a key answer for us. How we got there was building a Federal Government that has forgotten several things, but, most importantly, what the Constitution said about its real role. No. 2, it has allayed the concerns and the benefits of personal responsibility in this country.

I think Mr. Perez is a fine man, but I think his viewpoint is a disaster for the future of this country in terms of what is a civil right and what isn't. It is a civil right, according to Mr. Perez, that I have to, as a physician or a hospital or a grocery store, interpret language for anybody who would come to this country and cannot speak the language.

Our history is that people who have come to our country learned the language so they can succeed. One of the things that has made us great has been the commonality of English. The very statements Mr. Perez would make—that doctors who don't agree and health care providers who don't agree with his perception of a civil right of having somebody speak your language, no matter what it is, that they don't care about their patients and don't care about healing—is a step too far. But those are his statements.

If we are to get out of the problems we are in as a nation, it is going to take us time to relook at what made us successful. I mentioned all these other problems before, because in the Constitution—I read a letter from a constituent this morning about how my obligation for Oklahoma is to represent only Oklahoma's interests. I said, you know, that isn't the oath I took. The oath I took was to uphold the Constitution. So now we have this expansive Federal Government we are choking on, not just in terms of its costs but also in terms of how its tentacles reach into people's lives. We are getting ready to have a health care debate to enhance that by another 25 percent in terms of the reach of the Federal Government into your individual lives, and we have a nominee for the Justice Department who believes that individual responsibility and personal accountability don't fall equally across this country, it falls only on those providing services.

The other issue is the fact that 30 States have English-only language.

The Justice Department this past spring and summer sent notification to the State of Oklahoma on a bill that was in the legislature, threatening the State of Oklahoma if they passed that bill. Well, 13 other States have identical bills, or laws, on what was being passed in the legislature in Oklahoma, and it will come to a vote of the people. So the legislature passed it, and it will come to the vote of the people this November. But they sent a threatening letter. They won't answer our letter asking how many other States have you sent that letter to. They didn't. It was about discussing whether an individual has any personal responsibility to be able to communicate.

Finally, we have the Justice Department refusing to answer questions about true voter intimidation and the dropping of a case where that occurred. You cannot be on both sides of the civil rights issue. You can't say it is good over here but not over there. Denying people or manipulating voters has as great an impact on individual civil rights as any other thing.

I come to the floor not to say Mr. Perez is not a fine man. But it is his kind of thinking that expands well beyond what our Founders ever thought was a guaranteed civil right. I readily admit that our Founders were wrong on several of those issues. But when we expand it beyond the case, that goes away from personal responsibility and accountability. There is a balance, and we need to protect everybody's civil rights in this country. We are having a human rights hearing in the Judiciary Committee right now on some of these very issues.

Mr. Perez's extreme views, in fact, are that if States have English-only laws, he will go after that, and if we don't have the same viewpoint he has, rather than what the Constitution says and what the precedent from court hearings says, I think that will not lead to an outcome that will be favorable for our country.

I will finish up by saying our problems are gigantic. They are not simple. There are not simple answers.

The condition in which we find ourselves is from excess—whether it is excess earmarking, excess program, lack of oversight, or the excess of one hardened position over a balanced system that protects human rights but also does not destroy our system. I believe although Mr. Perez is qualified, his foundational biases should eliminate him from this position.

I again thank my colleague from Maryland. He has been very accommodating during this course. I had lifted previously my hold on Mr. Perez, and I think he knows that. But I am concerned with the direction of his leadership and what it will mean in terms of where we go as a country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I thank my friend from Oklahoma for his cooperation as we have moved this nomination to the Senate floor and will have a vote today. I thank him for the manner in which he handled his concerns, his willingness to meet with Mr. Perez, and to talk openly about these issues.

He and I may disagree on one fundamental principle; that is, I think civil rights is a basic responsibility of the Federal Government to enforce. I think every person in this country should have the opportunities that are granted in America. I want to make sure our government actively pursues a civil rights agenda because I think that is important to protect everyone's rights.

Mr. COBURN. Will the Senator yield for a question?

Mr. CARDIN. I am glad to yield.

Mr. COBURN. Through the Chair, I ask the Senator, my problem is not with that; I agree with the Senator on that. My question is as we carry out expansion beyond that in terms of Executive orders that are not in the law but are Executive orders that we have never ruled on, and then we are going to consider that.

Specifically I ask him, does he recognize the estimated \$6 billion cost in the health care system if, in fact, Mr. Perez's interpretation of that Executive order was carried to its fullest extent by making translation services available to anybody of any language at any time throughout the whole country? That would be my question. I appreciate his thought.

Mr. CARDIN. Madam President, I thank my colleague for the question. Tom Perez, in our discussions, said he would clearly use a reasonable standard. I might point out that the Executive order to which the Senator is referring was strengthened both under the Clinton administration and Bush administration. President Bush's administration also believed this was an important provision. The Senator is correct.

I also point out in regard to the understanding of English, Tom Perez comes from an immigrant family and believes very strongly that everyone should learn English; that it is an important part of our country. He has expressed that openly. He also has indicated that we should be doing more to help immigrant families be competent in English.

The issue here deals with the receipt of health care. One has to be able to communicate. One has to be able to communicate with the people with whom one comes in contact. We know that is one of the key issues on quality care. It was for that reason that both the Clinton administration and the Bush administration adopted regulations to deal with the ability to communicate when people enter our health care system.

Mr. Perez has indicated in interpreting that regulation that a reasonable test must be complied with, but it is certainly an important issue in dealing with quality care.

Let me, if I may, quote one of the individuals who has recommended to us that we confirm Mr. Perez as the head of the Civil Rights Division and compliments President Obama on his choice; that is, the former Secretary of the Department of Health and Human Services under George Bush. I am referring to Dr. Sullivan. Dr. Sullivan states:

Tom Perez is a nationally recognized civil rights lawyer who enjoys an impeccable reputation as someone who is knowledgeable, inclusive, effective, and even-handed. He is an ideal nominee for Assistant Attorney General for Civil Rights.

I point out it is unfair to judge Mr. Perez on an Executive order, and I think that Executive order is an important part of our health care in this country. He, as the enforcer of our civil rights, will enforce that Executive order because he knows it is important in protecting the civil rights of the people who are in America. But he also has a reputation for doing that in a fair manner, an effective manner, and an evenhanded manner. That should be the judgment that we use in this body as to whether to support his confirmation.

I think third party validators have made it clear that Tom Perez is a person who will exercise that judgment correctly. I hope my colleagues will support his confirmation on the floor of the Senate.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I wish to address the nomination of Thomas Perez to be Assistant Attorney General for the Civil Rights Division at the Department of Justice.

That is an important position. It requires ability and experience and fairness. I think President Obama, as all Presidents, is entitled to some deference in selecting executive branch nominees such as this one. I have come to the conclusion after some contemplation that I am not able to support this nominee. I do not desire that his nomination be delayed unless there will be some additional matters that need to be looked at of which I am not now aware. So I am prepared to vote up or down. I know we have only one vote, and that is a question of cloture, whether to bring this nomination up for an up-or-down vote.

I guess I am at a point where I don't feel comfortable voting either way on that if we don't have any other votes. I will wrestle with that decision.

The Civil Rights Division of the Department of Justice is charged with protecting the civil rights of all Americans. It is an important division. As such, it is critical that the division be free from partisanship and not be used as a tool to further an agenda of one group or another, one ideology or another.

The President has chosen this nominee, someone who has a record of and a reputation for very strong political activity. That is not disqualifying, but it is a matter I am concerned about because I am concerned about this division.

In reviewing Mr. Perez's past statements and his record, I am concerned whether he is capable of putting aside partisan beliefs and whether he is, therefore, suited to head the Civil Rights Division of the U.S. Department of Justice.

Over the past several months, news reports have raised concerns that decisionmaking at the Department and the Civil Rights Division in particular have been based on politics and not on protecting civil rights. I hate to say that, but real objections have been raised.

In May, the Justice Department voluntarily dismissed a lawsuit that it had won against the New Black Panther Party. During the last election, two of that group's members had dressed in military-style uniforms and intimidated voters outside a Philadelphia voting place.

A long-time civil rights activist who was there and who saw it, Bartle Bull, called it "an outrageous affront to American democracy and the rights of voters to participate in an election without fear."

On July 30, the Washington Times reported that a political appointee, Thomas Perrelli, the Associate Attorney General of the Department of Justice, and third in charge of that great Department, approved the decision to suddenly reverse course and drop the complaint. Many people have seen the video of that utterly unacceptable activity by the New Black Panther Party. Mr. Perrelli's decision to allow this voter intimidation to go unprosecuted stands in stark contrast to his statements made during the nomination process when he stated:

I agree that both civil and criminal laws for governing the conduct of elections should be enforced.

Of course, that is fundamental.

In May, the Members of the House Judiciary Committee sought an explanation from the Department. They had taken a judgment in the case, senior career prosecutors had, against this group. The question was, apparently they began a discussion of giving it away, setting it aside—a judgment

they had already taken. Eventually that is what the Department did, through some maneuvers that I do not think are consistent with the normal processes of the Department of Justice. They found one group within the Department whose responsibility did not include making these kinds of decisions, they made a decision that it was okay to set aside the judgment against them, a civil judgment, I think, that they had taken. It was not good.

The House Judiciary Committee, our colleagues, demanded an explanation. The responses of the administration were vague and incomplete. In addition, the independent U.S. Commission on Civil Rights has demanded that the Justice Department explain the dismissal of that lawsuit, but the administration rebuffed the request, claiming that the Department decided to investigate the case internally through its Office of Professional Responsibility. The Department of Justice claims it cannot provide information to anyone on the outside until that internal investigation is complete.

Based on the lack of document production and lack of answers from the Department of Justice, on September 30, the Civil Rights Commission Chairman, Gerald Reynolds, wrote to Attorney General Holder, repeating his request for information on previous voter intimidation investigations so the Commission could determine whether the Department's reversal of course in this case constituted a change in policy and what the implications of this would be.

Chairman Reynolds also pointed out that:

[M]any aspects of the Commission's inquiry have no connection with the matter, subject to the OPR jurisdiction . . .

And that if the Department were nonresponsive, the Commission would be forced to propound interrogatories and interview requests directly on affected Justice Department personnel.

So even the independent Commission on Civil Rights is concerned about this. If you care about voting rights, how did this happen that we dismiss a case when there is a video of one of the most blatant intimidations you can imagine at a polling place? Serious questions have arisen. Was the dismissal of the case a blatant partisan political move by the Department of Justice? Was this Black Panther group protected because they were on the right side of the election? If so, it implicates serious dangers for voter intimidation prosecutions in the future, I suggest. Before we vote to approve Mr. Perez as head of the Division of Civil Rights, the Senate needs to know how he will conduct the office.

Unfortunately, this kind of issue is only one of the important issues he will be facing. In June, it became apparent that the Justice Department would work against commonsense



measures by States to ensure that only citizens would be allowed to vote in elections. The Supreme Court has held that States can pass and enforce voter identification laws to protect the integrity of elections. Yet according to the Associated Press, the Civil Rights Division under Attorney General Holder has:

... rejected Georgia's system of using Social Security numbers and driver's license data to check when prospective voters are citizens.

Rather than working alongside the State of Georgia to ensure that only citizens are allowed to vote, which would be a good goal and role for the Department of Justice, the Department has worked to ensure that the system remains broken. As the Georgia Secretary of State has observed:

The Department of Justice has thrown open the door for activist organizations such as ACORN to register noncitizens to vote in Georgia elections, and the State has no ability to verify an applicant's citizenship status or whether the individual even exists. The Department of Justice completely disregarded Georgia's obvious and direct interest in preventing noncitizens from voting. Clearly, politics took priority over common sense and good public policy.

The Georgia Secretary of State said that. That is a serious charge. This is very troubling.

There seems to be a view by some that the more people who vote, the better elections are; that voting in itself is a good thing and we should want more and more people to vote. Of course, we want all eligible people to vote. It seems to be implicit in this argument that it matters little if the people who vote are illegal or the votes cast are fraudulent votes. But I contend, I think without much dispute, it is as damaging to a fair election to allow someone to vote who is not eligible or someone to vote twice, fraudulently, or someone to vote for someone who did not show up on election day and slip into the ballot box and say: I am John Jones and vote for that person—that does as much damage to the integrity of elections as if an individual somehow were wrongfully denied the right to vote in the outcome of an election.

I would be the first to acknowledge that in our past we have, and particularly in the South, had blatant examples, before the Voting Rights Act predominantly, when people were blatantly denied the right to vote. It was a stain on our election process and a stain on the integrity of that process. But this is a time we need to be working together to make sure every vote is honest and fair and not fraudulent.

Another example of apparent politics at play in the Civil Rights Division occurred in Missouri, where the Department has quietly refused to continue an existing ongoing lawsuit that was brought under the National Voter Registration Act. That lawsuit was

brought 4 years ago to enforce a provision that required States to clean up their registration lists to prevent voter fraud. According to commentator Hans von Spakovsky:

When the suit was filed in 2005, one-third of the counties had more registered voters than voting-age residents. One county's list was 153 percent of the Census count. And the State had done virtually nothing to clean up its rolls.

Fast forward to March. There remains no evidence that the voter registration rolls in most Missouri counties have been purged of their thousands of nonresidents and decedents. Registration numbers from the November elections show that there are still more than a dozen Missouri counties with more registered voters than voting-age residents.

Yet rather than continuing the case to ensure that Missouri cleans up its voter registration rolls, the Department of Justice refused to pursue the case and dropped it, a distressing sign to me that it does not take the integrity of the voting process seriously—certainly not seriously enough. Is the Department of Justice committed to integrity in the process? Or just allowing anybody who wants to walk in and vote to vote? Of course, these decisions have been made by the Civil Rights Division before Mr. Perez has been confirmed, that is certainly true. He does not have any culpability in these actions. But it just raises concerns of mine about: Is he committed to fixing it? Will he correct these kinds of decisions? Is he committed to fairness, regardless of political impact in an election? There are important rules in voting. Those rules must be followed.

Will he reinstate the case in Philadelphia where there was a clear indication of threats and intimidation against voters? Will he correct the course that the Civil Rights Division has taken in undermining common-sense voter identification laws? Will he reinstitute National Voter Registration Act lawsuits to ensure that States clean up their voter rolls to prevent voter fraud?

The way this happens is you have a large number of names on a voter roll and a voting precinct and that creates a real danger, if you don't have identification, if you don't require the voter to produce any identification, the person walks in there and says: John Jones?

I am John Jones.

OK, you get to vote, and he votes.

He goes to the next voting place, he knows somebody's name is on the list who is not allowed or not in the district or not going to vote that day, and he says: I am Ralph Smith and he signs and votes and goes in again and again and again and people have been known to travel all over multiple precincts casting votes in the names of persons not their own name. It is fraudulent. It demeans the integrity of the entire election process as much as if the per-

son had wrongly been denied the right to vote.

I am concerned where Mr. Perez will be in this. He has been pretty active politically. When he ran for the Montgomery, MD, county council he responded to a question asking "What would you like the voters to know about you?" Mr. Perez said: "I am a progressive Democrat and always was and always will be."

This is a free country and that is all right. I am just saying, in all fairness, that statement makes me a little nervous.

As a councilman, Mr. Perez expressed disdain for Republicans, at one point, according to the report, giving "a 5-minute speech about how some conservative Republicans do not care about the poor."

In an April 3, 2005, Washington Post article, Mr. Perez was described as "about as liberal as Democrats get."

I am also concerned Mr. Perez will not be committed to fully enforcing our Nation's immigration laws, some I have worked hard on. We need to create a lawful system of immigration. We cannot continue in this lawless method as we are, and one of the first things you do to reduce illegal immigration is you stop rewarding people who violate our laws to come here. He previously served as the President of the Board of CASA de Maryland, an immigrant advocacy organization that has taken some extreme views and been criticized by a number of people in the media. CASA de Maryland issued a pamphlet instructing immigrants confronted by the police to remain silent. CASA also promotes day labor sites. This is where people, often without lawful status, come and seek work and opposes restrictions on illegal immigrants receiving drivers licenses. He was President of the Board.

Mr. Perez, himself, has spoken in favor of measures that would assist illegal aliens in skirting U.S. immigration laws. For example, as a councilman in 2003, Mr. Perez supported matricula consular ID cards issued by Mexico and Guatemala as a valid form of identification for local residents who worked and used services, without having any U.S.-issued documents to prove their identity.

Of course, after a good bit of examination and public discussion, those matricula cards were shown to be unreliable, and that is an unworkable way to determine the legal status of someone. But he was a defender of the matricula cards, which I think is troubling given the position he will be seeking to assume.

He also supported a bill granting instate tuition rates to illegal immigrants in Maryland and stated:

We have a legal obligation to make the same commitment to hundreds of immigrant high school students who have made Maryland their home.

We don't have a legal obligation to give people who are illegally in the country tuition and certainly not cheaper instate tuition than our out-of-state tuition.

Although Mr. Perez has taken many of these positions while acting in a political capacity—and there is a distinction between that political advocacy and being the head of the Department of Justice's Civil Rights Division—I do think it is reasonable for us to be concerned about whether he will use the Department of Justice's resources to advance his ideas and an agenda that is not consistent with the highest ideals of civil rights.

I don't believe establishing lawful rules of immigration or lawful rules for voting is unfair and contrary to civil rights. Indeed, they are a cornerstone. The law is civil rights in a true sense.

So I am concerned, and we are going to be watching to ensure that the Civil Rights Division not be politicized. It must be above politics. It must work to protect the rights of all Americans regardless of their political party, their race, or background.

Given the very political decisions apparently being made now in the Department of Justice, I think it takes someone committed to rising above this kind of activity and to right the ship.

I have talked with him. I enjoyed that conversation. I certainly have no ill will toward Mr. Perez personally. But I have to say, I think it is important that we have honesty in voting, I think it is important that we have a legal system that works with regard to immigration, and at this point I am not convinced Mr. Perez has demonstrated he has the will to do those things, and that is what troubles me about the nomination.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. How much time is available on our side?

The PRESIDING OFFICER. Nineteen minutes.

Mr. LEAHY. I was going to speak, but I see the distinguished Senator from Maryland, who has done a superb job in this matter, and I would yield him 5 minutes. If he needs more time, I will yield more time.

Mr. CARDIN. Let me thank the distinguished chairman of the Judiciary Committee for the way he handles the matters that are brought to the floor, the way he handled the nomination of Tom Perez, allowed all sides an opportunity to get all the information they wanted. It was done in a very fair manner, and I compliment him on his leadership on this appointment.

I wish to comment briefly on Senator SESSIONS' points relating to several issues.

First, in regard to voting rights, I am in complete agreement with Senator

SESSIONS that I want the Civil Rights Division and its leadership to deal with the concerns we have of voting in this Nation.

I am very disappointed that the previous administration basically didn't bring any cases to allow people who were intimidated to be able to cast their votes. We have had serious problems of groups sending out notices on the wrong date of when the elections take place, targeted to minority communities. We have had episodes where letters were sent to minority communities threatening that if they tried to vote and had outstanding parking tickets, they could be arrested. We have seen intimidation. I have been a victim myself of that type of activity in my campaign for the U.S. Senate where on the day before the election fraudulent literature was handed out trying to mislead minority voters.

So I want the next head of the Civil Rights Division to be actively involved in protecting our right to vote. I would hope my colleague from Alabama would join me in trying to strengthen the laws. We had a bill that then-Senator Obama presented that I joined with Senator SCHUMER and others to give the Department of Justice more power to make sure those types of fraudulent activities can't take place.

I would welcome the support of my friends on the other side of the aisle for this important legislation. Let's work together to make sure every eligible voter has the opportunity to cast their vote and have it counted without intimidation. I know that is certainly going to be a major goal of the Civil Rights Division under the leadership of Tom Perez.

My friend from Alabama mentioned the Black Panther case. Well, let me point this out: The decision in that case was made by a career attorney, not by a political appointee. And that is what I would hope all of us would want from the Civil Rights Division, that we take partisan politics out of that division, as it was so apparent under the previous administration. Tom Perez is committed to allowing career attorneys to make those types of decisions. And quite frankly, there was an injunction to prevent one of the defendants from that activity. So I think we should look at the record and look at what we are trying to achieve. Let's not use labels. Let's look at the issues and not labels. Look at his record.

On the immigrant issue, let me point out that Tom Perez is firmly committed to enforcing the laws in a fair, evenhanded manner. His 10-year record at the Justice Department is the best evidence of that commitment.

Quite frankly, I am going read into the RECORD endorsements because I think third-party validators are a good way for us to know what type of person we have in Tom Perez. The Judiciary

Committee received letters of support from a number of former assistant attorneys general to the Civil Rights Division at the Department of Justice, including Bill Lann Lee, John Dunne, Deval Patrick, Stanley Pottinger, Stephan Pollak, James Turner, Ralph Boyd, and Wan Kim. Several were appointed under Republican administrations. This is a quality person who has the confidence of those who know of his professionalism in moving forward the Civil Rights Division under its traditional leadership in this country.

Lastly, I ask unanimous consent to have printed in the RECORD letters we have received from law enforcement officials and organizations, including Colonel Terrance Sheridan, the superintendent of the Maryland State Police; Tom Manger, chief of police from Montgomery County, MD; Raymond Knight, sheriff for Montgomery County, MD; and the State Law Enforcement Officers Labor Alliance of Maryland, and others.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOROUGH OF HALEDON COUNCIL,  
Haledon, NJ, April 3, 2009.

Hon. PATRICK LEAHY,  
Chairman, Senate Judiciary Committee, Dirksen  
Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: I congratulate President Barack Obama and Attorney General Eric Holder for nominating Thomas Perez for Assistant Attorney General of the Civil Rights Division. There is no doubt that Mr. Perez's qualifications and record are outstanding. Mr. Perez will lead gracefully the division of the Department of Justice responsible for enforcing federal statutes prohibiting discrimination particularly those statutes that protect the voting rights of our diverse populations. As you know, prior to his election to the Montgomery County Council in 2002, Perez served as deputy assistant attorney general for civil rights, and director of the Office for Civil Rights for the Department of Health and Human Services in the Clinton administration.

I am aware that one of Perez's most important tasks will be enforcing the Voting Rights Act, one of the most successful enactments of the U.S. Congress in the previous century. It provided millions of African-Americans with the right to register and vote. It also gave African Americans the power to elect candidates of their choice, in turn providing African Americans with a voice in government and the decision making process. The Voting Rights Act has had a positive, albeit less dramatic effect on the election of Latino public officials. According to the US Census Bureau the estimated Hispanic population of the United States as of July 1, 2003, is 39.9 million, making people of Hispanic origin the nation's largest race or ethnic minority. This number is expected to rise significantly in the near future, and does not include the 3.9 million residents of Puerto Rico. It is imperative that the Latino population be better represented in government, and in the electoral process.

I strongly support Mr. Perez for Assistant Attorney General, and I am confident that he will work with Congress and administration officials to fortify the federal voter registration and election reform laws. With his experience, commitment, and knowledge,

Thomas Perez will help to eliminate inequitable barriers in the electoral process; and make certain the Civil Rights Division carefully scrutinizes state redistricting efforts following the 2010 Census.

Sincerely,

REYNALDO R. MARTINEZ,  
Councilman.

—  
MARYLAND STATE POLICE,  
Pikesville, Maryland, April 23, 2009.

Hon. PATRICK J. LEAHY,  
U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I am writing to provide you with a favorable recommendation for Mr. Tom Perez for the position of Assistant Attorney General, Civil Rights Division, Department of Justice. I have had the privilege and pleasure of working with Tom Perez for the past two years in his capacity as the Secretary of the Maryland Department of Labor, Licensing and Regulation (D.L.L.R.). During this time, Tom was instrumental in assisting the Maryland law enforcement community in its seven year endeavor to enactment regulatory legislation which requires secondhand precious metal dealers and pawn brokers to report transactions electronically. Tom's stewardship of this legislation through the General Assembly was key to its passage during the 2009 Legislative Session.

Under Tom's leadership, his D.L.L.R. staff has collaborated with various Maryland law enforcement entities to provide training on the regulatory laws controlling scrap metal, pawn, secondhand precious metal, jewelry and traveling gold shows. Additional educational initiatives directed by Tom toward the industries regulated by his agency have resulted in the affected businesses to become more compliant with the state's regulations and to work more closely with law enforcement. As such, D.L.L.R. and law enforcement have become good partners in enforcing the regulations and laws controlling these industries.

Tom Perez has also been most helpful to the Maryland Department of State Police and the citizens of this state by working closely with businesses who were facing layoffs and downsizing by providing information on recruiting by Maryland Department of the State Police. During these economic times, Tom has shown care and compassion toward those in need of his assistance.

Tom truly is an honorable man. I would add that Tom has always been fair and honest in our conversations. If he disagreed with a position, he would foster open discussion and listen to opposing viewpoints. In the end, Tom would never allow policy differences interfere or influence a relationship. I believe Tom Perez is an excellent choice for the position of Assistant Attorney General, Civil Rights Division, Department of Justice. He is a proven leader who can make a difference and has a long history of ensuring the rights of Americans are protected. Thank you again for allowing me the opportunity to provide you with my recommendation of Tom Perez for this most important position.

Sincerely,

TERRENCE B. SHERIDAN,  
Superintendent.

DEPARTMENT OF POLICE,  
MONTGOMERY COUNTY, MD,  
Rockville, MD, April 23, 2009.

Hon. ARLEN SPECTER,  
U.S. Senate,  
Washington, DC.

Hon. PATRICK LEAHY,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS SPECTER AND LEAHY: I am writing to wholeheartedly support the nomination of Thomas Perez for the position of Assistant Attorney General for Civil Rights. During Mr. Perez's tenure as a Montgomery County (Maryland) Councilman, I was impressed by his integrity, intellect and work ethic. He was a public servant in the truest sense of the word. Mr. Perez brings an ability to tackle complex problems and issues with consensus and common sense.

Mr. Perez is a public-safety advocate and brought his experience as a civil-rights attorney to benefit the Montgomery County Police Department. His assistance in training our senior police officials was very well received.

The Civil Rights Division of the Department of Justice requires someone with high ethical standards and a strong legal mind. Mr. Perez superbly fits the bill. I urge you to support his appointment.

Sincerely,

J. THOMAS MANGER,  
Chief of Police.

—  
OFFICE OF THE SHERIFF,  
MONTGOMERY COUNTY, MD,  
Rockville, MD, April 21, 2009.

Re recommendation for Thomas E. Perez.

Hon. PATRICK J. LEAHY,  
U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I first met Tom Perez following his election to the Montgomery County (Md.) Council in 2002. At that time I was not familiar with his distinguished career as a federal prosecutor, Deputy Assistant Attorney General for Civil Rights, and law school professor. But between 2002 and 2006, as Montgomery County Sheriff, I was fortunate to be able to work with Tom on numerous public safety and fiscal matters affecting the operation of the Sheriff's Office.

I became impressed with Tom's ability to quickly assess the nuances of complex law enforcement, budgetary and employment law issues. He addressed public policy issues with fairness, and in a manner that recognized and balanced the diverse positions involved in governmental decision making.

Tom's appointment as Secretary of the Maryland Department of Labor, Licensing and Regulation gave him an opportunity to use his expertise to confront problems generated by the current housing foreclosure crisis. Again he was able to craft legislative solutions that recognized and successfully addressed the respective concerns of consumers and commercial interests.

Speaking as a lifelong law enforcement officer and official, I would be delighted to witness Tom's confirmation and swearing in as the Assistant Attorney General, Civil Rights Division, Department of Justice.

Please accept my appreciation for your consideration of my views on this matter.

Sincerely,

RAYMOND M. NIGHT,  
Montgomery County Sheriff.

STATE LAW ENFORCEMENT  
OFFICERS LABOR ALLIANCE,  
Annapolis, MD.

On behalf of State Law Enforcement Officers Labor Alliance (SLEOLA), I am writing to express support for Tom Perez to become the next Assistant Attorney General for Civil Rights in the Department of Justice. Having seen his work ethic and fair mindedness at work at Maryland's Department of Labor, Licensing and Regulation (DLLR), we would like to see him bring that same approach to this vitally important Justice Department position.

The SLEOLA's primary purpose is to unite into one labor organization all eligible organizations whose members are employed with the Maryland State Police, the Natural Resources Police, the State Forest and Park Service, the Maryland Department of General Services and the Maryland State Fire Marshal. One of our constituent groups is the Department of Labor, Licensing and Regulation Police Force. This is a small contingent of sworn officers responsible for security at DLLR in Baltimore.

Our officers who work with Secretary Perez see firsthand the dedication he has to the mission of DLLR and the people of Maryland. DLLR is experiencing a renaissance, and it is easily attributed to Secretary Perez's tenure. He displays the character and integrity that make us confident he will bring the kind of rejuvenation we saw at DLLR to the Department of Justice.

We believe Tom Perez will make an excellent Assistant Attorney General for Civil Rights, and urge you to confirm his nomination.

Sincerely,

JIMMY DULAY,  
President.

Mr. CARDIN. We have a quality person who will return the Department of Justice Civil Rights Division to its historic role, increasing the morale and professionalism in that Department. I am proud to support him and urge my colleagues to do the same.

I thank the chairman of the committee for yielding me time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I applaud the distinguished Senator from Maryland. He has been a star in the Senate Judiciary Committee, and his support of Tom Perez is one of the reasons Mr. Perez went through our committee with an overwhelming vote.

Incidentally, we do have letters of support. One I have which is very meaningful—and I think the Senator from Maryland would agree—is the letter we received from Senator Kennedy, the late Senator Kennedy. While this matter is pending, I ask unanimous consent to have the letter from the late Senator Kennedy printed in the RECORD, as well as letters of support from numerous attorneys general, including the attorney general of Vermont.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, April 16, 2009.

Hon. PATRICK LEAHY,  
Chairman, Senate Committee on the Judiciary,  
Washington, DC.

Hon. ARLEN SPECTER,  
Ranking Member, Senate Committee on the Ju-  
diciary, Washington, DC.

DEAR PAT, ARLEN AND MEMBERS OF THE COMMITTEE: I write to enthusiastically endorse Tom Perez's nomination to be Assistant Attorney General for Civil Rights in the Department of Justice. As you know, Tom did an excellent job for me from 1995 to 1998, on my Judiciary Committee staff when I was a member of the Committee. I believe he's an exceptional choice for Assistant Attorney General, and I urge his prompt confirmation.

During Tom's impressive service on my staff, he worked hard and well on civil rights, hate crimes, and a variety of immigration, criminal and constitutional issues. Work on civil rights has been at the core of Tom's career, which began as a prosecutor in the Criminal Section of the Civil Rights Division, where he helped bring to justice the perpetrators of hate crimes, including racially-motivated shootings. He also prosecuted law enforcement officials involved in violent and corrupt practices, and his work as a career prosecutor earned him promotion to deputy chief of the Criminal Section.

After serving on my staff, Tom returned to the Civil Rights Division as a Deputy Assistant Attorney General, supervising the Division's criminal prosecutions, and its litigation in the areas of education and employment discrimination. He had a key role in establishing the interagency Worker Exploitation Task Force, which coordinated enforcement of laws against involuntary servitude and trafficking in persons.

In 1999, Tom became Director of the Office for Civil Rights at the Department of Health and Human Services, where he led a staff of 230 people in ensuring that health and human services providers complied with civil rights laws.

Upon leaving the federal government in 2001, Tom became a professor of law at the University of Maryland School of Law. Motivated by his strong desire to make a difference in peoples' lives, Tom also was elected to the Montgomery County Council in Maryland, and became a leader in promoting affordable housing and affordable health care, as well as improvements in education. Finally, for the past two years, Tom has served as Secretary of Maryland's Department of Labor, Licensing and Regulation.

A main unifying theme of Tom's career is his desire to help people, by ensuring that their rights are protected and that they receive the services they need. His commitment to public service and his ability to be effective in both executive and legislative positions is impressive. He has been energetic in seeking change, and working cooperatively with others to achieve it.

A second main theme of Tom's career has been his exceptional performance as a lawyer. He's been highly successful as a prosecutor, as a lawyer serving this Committee, as a Deputy Assistant Attorney General and as a law professor. Importantly, Tom understands the role of a government lawyer. Having been a career attorney in the Department of Justice, he knows the importance of developing effective working relationships with career employees and making sure that law enforcement decisions are made on the basis of the facts and the law, without favoritism based on partisanship or ideology. In light of the challenges that the Department

of Justice, and especially the Civil Rights Division, have faced in recent years, these are indispensable qualities in an Assistant Attorney General for Civil Rights.

Tom's outstanding legal skills, his years of impressive experience as a prosecutor, his career-long commitment to enforcing civil rights, and his thorough familiarity with the legal and policy issues in the Civil Rights Division make him uniquely well qualified to lead the Division now. I strongly urge the Committee to report his nomination favorably.

Sincerely,

EDWARD M. KENNEDY.

STATE OF NEW JERSEY, OFFICE OF  
THE ATTORNEY GENERAL, DEPART-  
MENT OF LAW AND PUBLIC SAFETY,  
Trenton, NJ, April 23, 2009.

Hon. PATRICK J. LEAHY,  
Chair, U.S. Senate Committee on the Judiciary,  
Dirksen Senate Office Building, Wash-  
ington, DC.

Hon. ARLEN SPECTER,  
Ranking Member, U.S. Senate Committee on the  
Judiciary, Dirksen Senate Office Building,  
Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I am writing to express my support for the nomination of Thomas E. Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. Mr. Perez is exceptionally qualified to lead the Division, possessing demonstrated and impeccable legal, management, and leadership skills.

I served in the Department of Justice's Civil Rights Division, Criminal Section, from 2001 to 2005, and I remain engaged with the Department through participation in the Executive Working Group. Currently, as Attorney General for the State of New Jersey, I am the chief law enforcement officer in the State, with a mandate to enforce the State's civil rights and criminal laws. I know Mr. Perez to be a committed, dedicated, and highly effective advocate and prosecutor. I look forward to working with Mr. Perez in addressing shared federal and state civil rights priorities.

Mr. Perez will bring a breadth of advocacy, policy, and leadership experience to the Division. He has had a distinguished career in the Department of Justice, serving in several roles in the Division. He has prosecuted civil rights cases in the Criminal Section and, as the Deputy Assistant Attorney General for Civil Rights, oversaw the Division's complex criminal, education, and employment litigation. Since leaving the Department, Mr. Perez has continued his commitment to public service as a faculty member at the University of Maryland School of Law and a member of the Montgomery County Council. In his current capacity as Secretary of the Department of Labor, Licensing and Regulation in Maryland, Mr. Perez has gained valuable experience and insights into the priorities and workings of state government, which complements his considerable federal and local leadership experience.

For these reasons, I am pleased to recommend Mr. Perez to the Committee. Please feel free to contact me if you have any questions.

Sincerely yours,

ANNE MILGRAM,  
Attorney General.

Hon. PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, U.S.  
Senate, Dirksen Building, Washington, DC.

Hon. ARLEN SPECTER,  
Ranking Member, Committee on the Judiciary,  
U.S. Senate, Dirksen Building, Washington,  
DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: As the chief law enforcement officers of our respective states, we write to express our strong support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. We urge his confirmation.

Secretary Perez's qualifications and credentials are exceptional. He is a nationally recognized civil rights lawyer whose breadth and depth of experience make him an ideal choice to lead the Civil Rights Division. He knows the Division well, having worked there for almost a decade in a variety of critical positions. As a prosecutor in the Division, he was lead attorney in some of the Department's most high profile and complex civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas.

In Maryland, Secretary Perez, in his current capacity as Secretary of Maryland's Department of Labor, Licensing and Regulation, has played a key role in the state's response to the ongoing mortgage crisis. He negotiated agreements with six major mortgage servicing companies to provide relief to Maryland homeowners in danger of foreclosure. One of the largest ongoing mortgage fraud prosecutions in the nation originated in Secretary Perez's office. With housing at the top of the Department of Justice's agenda, Secretary Perez will be well-situated to play a major role.

He has held leadership positions in federal, state and local government, and has worked in all three branches of the federal government. As such, he has an acute understanding of the need for the federal government to work in partnership with state and local governments to safeguard the civil rights of all Americans.

Heading the Civil Rights Division, like running an Attorney General's office, requires extensive legal, management and leadership skills, as well as extensive experience in building coalitions. Secretary Perez has led important agencies. He currently heads a Department of about 1600 employees, and has held other senior positions in the federal government. He has a well-earned reputation as someone who listens, learns quickly, builds consensus, and leads effectively.

Mr. Perez's distinguished career demonstrates his leadership abilities, integrity and commitment to public service. We are confident that Mr. Perez would be an exceptional Assistant Attorney General for the Civil Rights Division and urge you to confirm his nomination.

Sincerely,

TERRY GODDARD,  
Attorney General of  
Arizona.

TOM MILLER,  
Attorney General of  
Iowa.

MARTHA COAKLEY,  
Attorney General of  
Massachusetts.

JON BRUNING,  
Attorney General of  
Nebraska.

MARK SHURTLEFF,

*Attorney General of Utah.*  
**ROB MCKENNA,**  
*Attorney General of Washington.*  
**WILLIAM H. SORRELL,**  
*Attorney General of Vermont.*

—  
 APRIL 29, 2009.

Hon. PATRICK LEAHY,  
*Chairman,*  
*Committee on the Judiciary.*  
 Hon. ARLEN SPECTER,  
*Ranking Member,*  
*Committee on the Judiciary.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: As the chief law enforcement officers of our respective states, we write to express our support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. We believe that Mr. Perez has the experience, knowledge, and abilities to lead this important Division.

Secretary Perez would bring exemplary advocacy, leadership, and prosecutorial experience and qualifications to the Civil Rights Division. He is an experienced and nationally recognized civil rights lawyer who knows the Division well, having worked in it for almost a decade in a variety of critical positions. As a prosecutor in the Division, he was lead attorney in some of the Department's most high profile and complex civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas.

In Maryland, Secretary Perez has demonstrated a keen understanding of State government in his current position as Secretary of the Department of Labor, Licensing and Regulation. In this capacity, he has played a key role in the state's response to the ongoing mortgage crisis. He negotiated agreements with six major mortgage servicing companies to provide relief to Maryland homeowners in danger of foreclosure. One of the largest ongoing mortgage fraud prosecutions in the nation originated in Secretary Perez's office. With housing at the top of the Department of Justice's agenda, Secretary Perez will be well-situated to play a major role and to foster partnership with state and local governments to safeguard the civil rights of all Americans.

Heading the Civil Rights Division, like running an Attorney General's office, requires extensive legal, management, and leadership skills, as well as extensive experience in building coalitions. Secretary Perez has led important agencies. He currently heads a Department of about 1600 employees, and has held other senior positions in the federal government. He has a well-earned reputation as someone who listens, learns quickly, builds consensus, and leads effectively.

Mr. Perez's distinguished career demonstrates his leadership abilities, integrity and commitment to public service. We are confident that Mr. Perez would be an exceptional Assistant Attorney General for the Civil Rights Division and urge you to confirm his nomination.

Sincerely,

Patrick Lynch, Rhode Island Attorney General; Richard Blumenthal, Connecticut Attorney General; Alicia G. Limtiaco, Guam Attorney General; Mark J. Bennett, Hawaii Attorney General; Tom Miller, Iowa Attorney General; James D. "Buddy" Caldwell,

Louisiana Attorney General; Jim Hood, Mississippi Attorney General; Gary King, New Mexico Attorney General; Richard Cordray, Ohio Attorney General.

Mr. LEAHY. It is interesting that finally we are getting to this nomination. What is troubling to me, as someone who has been here for 35 years, is to see what is happening this year that is really unprecedented: having to overcome a Republican filibuster of a nomination that was voted out of committee 17 to 2. All but two Republicans voted for it. That was 4 months ago.

There are no questions about the qualifications of Tom Perez. He is a former special counsel to Senator Kennedy. He has been nominated to run the division where he previously served with distinction, spending 10 years as a trial attorney in the Criminal Section of the Civil Rights Division, rising to Deputy Chief of the section.

There is no question about the critical need for leadership in the Civil Rights Division, the division charged with enforcing our landmark civil rights laws and protecting all Americans from discrimination. Our delays in considering this nomination have hindered the work of restoring the division's independence and the tradition of vigorous civil rights enforcement, especially after the Bush administration compiled one of the worst civil rights records in modern American history and injected partisan politics into the division's hiring and law enforcement decisions.

We need real leadership to restore the traditional sense of purpose that has guided the Civil Rights Division, a division that has acted in a totally nonpartisan way to uphold the civil rights of all Americans no matter what their political background, as is the priority of Attorney General Holder.

It is a shame this filibuster has held up Mr. Perez for 4 months. The President designated Mr. Perez on March 13 and formally nominated him 2 weeks later. We held his confirmation hearing April 29, over 5 months ago. I thank Senator CARDIN, who chaired that hearing and did a very able job of it. And then after accommodating the request of the senior Republican and other Republicans of the Judiciary Committee, we did not move immediately to it; we held it over until after the Memorial Day recess so they could ask other questions. Mr. Perez's nomination was reported by the Judiciary Committee on June 4. Senator HATCH voted for him; Senator GRASSLEY voted for him; Senator KYL, the deputy Republican leader, voted for him; Senator GRAHAM and Senator CORNYN voted for him.

The ranking member, Senator SESSIONS, and Senator COBURN asked to meet the nominee before consideration by the Senate. That meeting took place almost immediately after the request. It reportedly went well. Unfortu-

nately, despite these efforts, it has taken 4 months to schedule Senate consideration of this well-qualified nominee. That makes a mockery of the kind of way we should treat the Department of Justice, which is the Department of Justice of America for all Americans. It is not a partisan place, it is there for all of us.

In fact, if the Senate Republican minority applied the same standard to the consideration of President Obama's nomination of Tom Perez as Democrats and Republicans used in considering President Bush's first nomination to serve the Civil Rights Division, Ralph Boyd, Mr. Perez would have been confirmed many months ago.

I remember the Boyd nomination well. I chaired the Judiciary Committee at the time he was confirmed. We held Mr. Boyd's hearing just a little over 3 weeks after his nomination. Compare that with the delays here. He was reported by the Judiciary Committee with every single Democrat voting for him. Did he have to wait 4 months after that? No. He was confirmed 1 day later by a voice vote in the Senate. No shenanigans. No partisanship. No posturing for narrow special interests. I want to be sure that was heard: no posturing for narrow special interests.

By comparison, it has now been 188 days since Mr. Perez was nominated to the same post, even longer since he was designated. It should not have taken more than twice as long to consider President Obama's first nomination to this post as it took for President Bush's.

Then President Bush had a second nomination to head the Civil Rights Division, Alex Acosta. We moved even more quickly. At that point, the Democrats were in the minority. We did not filibuster. We did not obstruct. We did not delay. We knew how important it was. We cooperated. We agreed to a hearing less than 4 weeks after he was nominated. He was reported from the Judiciary Committee by a unanimous vote. He was confirmed by a Senate voice vote. It took just 36 days. Republicans have dragged the process out on the Perez nomination to extend more than five times that long. Democrats didn't do that to President Bush. No shenanigans, no partisanship, no posturing for narrow special interests.

President Bush's third nomination to the civil rights division, Wan Kim, was also considered and confirmed much more quickly than Mr. Perez. He was confirmed in the Senate by a voice vote. There was no filibuster. There were no shenanigans. There was no partisanship. There was no posturing for special interests. Then Mr. Kim had to resign along with Attorney General Gonzales and the entire senior leadership of the Bush-Cheney Justice Department in the wake of the U.S. Attorney firing scandal and revelations of

political hiring and decisionmaking that threatened the morale and independence of the Civil Rights Division and the Department.

Indeed, it was that scandal that prevented us from considering President Bush's fourth nomination to head the Civil Rights Division. Grace Chung Becker refused to answer many questions at her confirmation hearing about whether she was involved in politicized hiring and decision-making, repeatedly citing the then-ongoing internal investigation by the Department as a reason not to answer. In light of Ms. Becker's repeated invocation of the investigation in response to questions, we had to await its conclusion before moving forward on her nomination. Unfortunately, the report from the Department's Inspector General and Office of Professional Responsibility was not completed until it was too late to consider Ms. Becker's nomination. There is no similar cause to delay the consideration of Mr. Perez's nomination. We should instead have treated his nomination as we did that of Mr. Boyd, Mr. Acosta, and Mr. Kim.

I say this because the filibuster of Mr. Perez's nomination is indicative of the double standard that Republican Senators seem intent to apply with a Democratic President. It is wrong. I am not saying that Republican Senators don't have the power under Senate rules to do it or that it is even unconstitutional. What I am saying is, it is not in the interest of the American people. It is bad judgment. It is misspent time. It is something we can ill afford. The Civil Rights Division, following the scandals of the last administration, needs to be restored to the level of prestige it held under both Republican and Democratic presidents in the past.

Ten months into President's Obama's first term, President Obama having won overwhelmingly, we find that 16 nominations reported by the Judiciary Committee, many of them unanimously, remain pending on the Senate's executive calendar. Seven of them were before the last recess, including the nomination of Mr. Perez. Five of these nominations are for appointments to be assistant attorneys general at the Department of Justice. The Department of Justice, which during the Gonzales days reached probably its low point, certainly since I have been old enough to practice law, we saw was demoralized. We saw the scandals. Now we are trying to build it back up.

So what has happened? Because of Republican foot dragging and shenanigans and appealing to special interests, we find five out of a total of 11 divisions at the Department do not have a confirmed and appointed head. The Office of Legal Counsel, as well as the Civil Rights Division, the Tax Division, the Office of Legal Policy, and the Environment and Natural Resources Divi-

sion remain without Senate-confirmed Presidential appointees to guide them.

President Obama won the election. President Obama inherited a Justice Department that had been wracked by scandal. He ought to be commended for trying to put it back. But look what has happened with some of these delays. Even his attorney general was delayed for weeks and weeks. And when they finally allowed him to have a vote, he got a greater vote than any of the last four attorneys general. Is this delay for the sake of delay? Is there such resentment that President Obama won the election? Then talk to those who voted, but don't hold up the Department of Justice. The Department is there for Republicans and Democrats and Independents, for all of us. We have to do a better job of confirming the leadership team of the Justice Department to ensure that the Nation's top law enforcement agency is fully equipped to do its job. I hope that all Senators who delayed law enforcement in this country will be reminded of that when they go home and speak about being in favor of law enforcement.

I was privileged to spend 8 years of my public life in law enforcement. I still breathe deeply the sense of being in law enforcement. Every one of us favors good law enforcement. But you are damaging law enforcement by holding up these people. I hope now, despite this unnecessary filibuster, Republicans and Democrats who joined together in the past to help law enforcement will join together to confirm this well-qualified nominee.

Mr. Perez has been nominated to lead the Civil Rights Division, which for 50 years has stood at the forefront of America's march toward equality. It has a long tradition of independent law enforcement that has helped transform the legal landscape of our country and brought us closer to the ideal of a "more perfect union." A strong and independent Civil Rights Division is crucial to the enforcement of our precious civil rights laws.

During his confirmation hearing, Mr. Perez made clear his commitment that the Justice Department would enforce the law. In the arena of civil rights, living up to those assurances is particularly important, because the nation's civil rights laws ensure that the system works for all Americans—no matter the color of their skin, their gender, their religious affiliation or their sexual orientation. The civil rights laws are the foundation of our Nation's aspiration toward a just and fair society.

That is why so many people were concerned during the last administration when we witnessed an abandonment of the Division's finest traditions of independence and a rollback of the priorities upon which it was founded. The report released nine months ago by

the Justice Department's Inspector General and Office of Professional Responsibility confirmed some of our worst fears about the last administration's political corruption of the Civil Rights Division.

The report confirmed our oversight findings that political appointees in the Division marginalized and forced out career lawyers because of ideology, and injected a political litmus test into the Division's hiring process for career positions. It should come as no surprise that the result and the intent of this political makeover of the Civil Rights Division led to a dismal civil rights enforcement record. This report was just one of the final chapters in the regrettable legacy of damage that the Bush administration inflicted on the Justice Department, our civil rights, and our fundamental values. It also reinforced the need for new leadership.

Given that Tom Perez has a distinguished record of public service and a long career advancing civil rights, I have full confidence that he is the right person to restore the Civil Rights Division to its finest traditions of independent law enforcement. He is the first person nominated to head the Civil Rights Division in over 35 years who has experience as a career attorney in the Division.

In addition, he has worked on civil rights at various levels of Federal, state and local government, serving as Special Counsel to Senator Kennedy, Deputy Assistant Attorney General for Civil Rights, Director of the Office of Civil Rights at the Department of Health and Human Services, and currently as Maryland's Secretary of Labor, Licensing, and Regulations. His impressive credentials also include graduating from Brown University, Harvard Law School, and the Kennedy School of Government. By confirming this highly qualified nominee today, we will take a significant step forward.

Numerous major civil rights and law enforcement organizations have written to endorse Mr. Perez's nomination, including the Leadership Conference for Civil Rights, the National Women's Law Center, and the chief law enforcement officers of the States of Arizona, Iowa, Massachusetts, Nebraska, Utah, Washington, and Vermont. Those chief law enforcement officers wrote: "Secretary Perez's qualifications and credentials are exceptional" and "[h]e is a nationally recognized civil rights lawyer whose breadth and depth of experience make him an ideal choice to lead the Civil Rights Division." The Leadership Conference of Civil Rights wrote: "It will take strong and reliable leadership combined with extensive experience at the Division to restore the Division to its previous prominence in the enforcement of civil rights laws. Tom Perez is the right person to take on that challenge."

Mr. Perez's nomination has also earned support from both sides of the



aisle. Former Republican staff members of the Senate Judiciary Committee have described him as "a public official of the highest integrity . . . whom the Committee and the nation can be proud." These Republican staffers who worked with Mr. Perez describe him as a person "more interested in 'moving the ball forward' for the common good than in scoring political points at the expense of his adversaries." Congressman ELIJAH CUMMINGS of Maryland, who worked with the nominee when he served as Maryland's Secretary of Labor, Licensing, and Regulation, wrote that Tom Perez is committed to "serving the public good." He also wrote "it is hard to imagine how President Obama and Attorney General Holder could have made a better choice." Senator MIKULSKI of Maryland said, "I am confident Tom Perez will get the Civil Rights Division back on track" and he "will restore our reputation . . . of tolerance and equal rights and protection for all."

Mr. Perez intends to make restoration of the Civil Rights Division and its mission a priority. He has pledged to follow in the footsteps of his mentor, his former boss, Senator Kennedy, and rekindle the bipartisanship that has characterized the fight for civil rights throughout our Nation's history by returning the division to its law enforcement roots. Let us not go back to an era in the Senate when we were opposed to civil rights enforcement. Let's support this well-qualified nominee. Let's go back to enforcing the civil rights laws.

Does the Senator from Vermont have any time remaining?

The PRESIDING OFFICER. Less than 1 minute.

Mr. LEAHY. I yield the floor.

Ms. MIKULSKI. Madam President, I am so proud the Senate will confirm Maryland's own Thomas Perez to be Assistant Attorney General for the Civil Rights Division at the Department of Justice. I commend the Senate for its action. The Civil Rights Division has gone far too long without leadership that achieves its goals.

Secretary Perez is well suited for this crucial position. As Maryland's secretary of labor, Mr. Perez inherited a department that had been neglected and minimized. He quickly took control by reenergizing and reinvigorating the Department and I have no doubt that he will do the same for the Civil Rights Division.

The Civil Rights Division was created in 1957 and was a key force in desegregation. The division was charged with protecting minority rights including the right to vote. However, a division that was once a source of pride at the Department of Justice was decimated and caught up in political hiring under the previous administration. Civil rights enforcement was put on the back bench and productivity plum-

meted. Now more than ever the Department of Justice needs someone to restore morale to hardworking career employees and public confidence in the Department. Thomas Perez is the right man for the job.

Thomas Perez meets my criteria for nominees: Competence, commitment to the mission of the agency, and integrity. His competence to serve in this position is unquestionable. Mr. Perez graduated cum laude from Harvard Law School, and has amassed extensive experience in civil rights law as a chief of the Civil Rights Division and Director of Civil Rights Office for Health and Human Services. His commitment to the agency was demonstrated by his work as a civil rights attorney at the Department, where he secured convictions in a high profile race-motivated hate crime in Lubbock, TX, involving defendants who went on a killing spree directed at African Americans. Lastly, his integrity stems from his upbringing in a hard-working immigrant family. It was demonstrated as he prosecuted public officials for corruption and violators of our Nation's laws.

I am confident that Mr. Perez will get the Civil Rights Division back on track with enforcing this country's civil rights laws. I have no doubt that he will combat discrimination, protect minorities, and hold violators accountable. Today we restored our reputation of embodying this country's values of tolerance and equal rights and protection for all. I thank my colleagues for their strong support of his confirmation.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. LEAHY. If I have any remaining time, I yield it back.

The PRESIDING OFFICER. The time of the Senator from Vermont is yielded back.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TANKER PRICING

Mr. SESSIONS. Madam President, I would like to discuss a matter that is unrelated to the pending nomination. I have been concerned about the competition for the Air Force's No. 1 acquisition priority, the KC-X replacement aerial refueling tanker. This competition was opened for a second time on September 25 with the release of the RFP to the two bidders. We know this has been a troubled acquisition program. People actually went to jail early on in the process for attempting

to create a sole source lease agreement. That breach of the public trust caused the Senate and Congress to mandate that a full and open competition be held to replace the Air Force's aging tankers. Full and open competition language was included in the 2005 Defense Authorization Act explicitly to prevent one competitor from having an unfair advantage over the other.

A troubling fact has come to my attention regarding the second round of tanker competition. The Air Force released Northrop Grumman's proposed pricing for the KC-X tanker to Boeing, the other competitor, at the end of the first competition, a competition that resulted in Northrop Grumman being declared the winner. I am told that such a release of pricing data was within acquisition regulations and that it is customary that the pricing data for the winning proposal, in this instance the Northrop Grumman proposal, be shared with the other competitors. The Department of Defense has stated that the Air Force did disclose the winner's pricing information to the losing competitor after last year's source selection. The Department of Defense further stated:

. . . this disclosure was in accordance with regulation and more importantly that it created no competitive disadvantage because the data in question are inaccurate, outdated, and not germane to this source selection.

That statement might sound reasonable if it were not your pricing data that had been given to your competitor, but it certainly flies in the face of even the simplest definition of fairness. Let's be clear. This round of the KC-X competition is based on the same capabilities development document, the CDD, as the last, and the winner of the last competition is going to be bidding using the same aircraft they won with last time. How is their pricing data not germane to this round of competition? If it is not relevant, why won't the Department give both competitors the same insight to each team's pricing from the last competition?

Earlier this year we passed the Weapons System Acquisition Reform Act of 2009 and dedicated an entire section of that act to the need for fair competition. A basic tenet of effective competition is transparency to all bidders. In both versions of the 2010 authorization bills currently pending in this session, there is language that directs a fair and open competition, as has been true in previous years as we considered this acquisition project. It is a big one. It is important. It is the Air Force's No. 1 acquisition priority.

I stand behind the Air Force in their recognition of the need to reestablish their credibility. It had been lost somewhat in the improprieties that turned up several years ago. But I am disheartened by the fact that they don't seem to understand this issue of not

sharing the same pricing data between the two bidders undermines their credibility and fairness. The Air Force certainly can't take the Northrop team's pricing data back. It has already been given to Boeing. It is too late for that. There is a simple fix to this problem. Both competitors should have the pricing data from the last competition. That is the only practical way to level the playing field. It is the right way to go forward with replacing an aging tanker fleet, some of which are over 50 years old. By the time the new tankers are in place, some existing tankers will be 80 years old. Releasing this data is what a fair competition requires and what the Air Force should do.

I understand that the bill managers have selected a certain number of amendments to consider and this amendment will not be selected for a vote. I have some amendments that have been selected. I understand the managers' constraints, but I believe the Air Force should consider this simple step toward fairness and should be committed to making sure one side does not have an unfair advantage over the other.

I have talked with Senators COBURN and VITTER who have an interest in this nomination. They have agreed to vitiate the cloture vote and proceed to an up-or-down vote on the nominee.

Mr. LEAHY. Madam President, I ask unanimous consent that the cloture vote on this matter be vitiated and that it be in order to request the yeas and nays for a vote up or down at 12:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas E. Perez, of Maryland, to be an Assistant Attorney General?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. SANDERS), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from North Carolina (Mr. BURR).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 306 Ex.]

#### YEAS—72

Akaka	Franken	Lugar
Alexander	Gillibrand	McCaskill
Baucus	Graham	Menendez
Bayh	Grassley	Merkley
Begich	Gregg	Mikulski
Bennet	Hagan	Murkowski
Bingaman	Harkin	Murray
Bond	Hatch	Nelson (NE)
Boxer	Hutchison	Nelson (FL)
Brown	Inouye	Pryor
Burr	Johanns	Reed
Cantwell	Johnson	Reid
Cardin	Kaufman	Rockefeller
Carper	Kerry	Schumer
Casey	Kirk	Shaheen
Collins	Klobuchar	Snowe
Conrad	Kohl	Stabenow
Corker	Kyl	Tester
Cornyn	Landrieu	Udall (NM)
Dodd	Lautenberg	Voinovich
Dorgan	LeMieux	Warner
Durbin	Leahy	Webb
Feingold	Levin	Whitehouse
Feinstein	Lincoln	Wyden

#### NAYS—22

Barrasso	DeMint	Roberts
Bennett	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Inhofe	Thune
Chambliss	Isakson	Vitter
Coburn	McCain	Wicker
Cochran	McConnell	
Crapo	Risch	

#### NOT VOTING—6

Burr	Lieberman	Specter
Byrd	Sanders	Udall (CO)

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

Under the previous order, the President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business until 3:15 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, would the Chair let me know when 9 minutes has expired?

The PRESIDING OFFICER. The Chair is happy to do that.

#### HEALTH CARE

Mr. ALEXANDER. Mr. President, a lot of what we say in Washington, DC, doesn't make its way through to the people out across the country who hire us. It is called, in different words, Washington-speak or gobbledygook by some people. Sometimes we have a hard time understanding ourselves. But one thing has gotten through to the American people: the idea that we should, No. 1, read the bills that come before us and, No. 2, we should know what they cost before we vote on them.

I think the reason for that is because, over the last several months, we have suddenly seen a whole series of Washington takeovers and 1,000-page bills and the people in this country are getting worried about a runaway Federal Government, thinking we may be overreaching here. We had a 1,200-page bill in the House of Representatives on energy and global warming. It was available for 15 hours before the vote. We had a stimulus bill—that was \$800 billion, not counting interest—that was 1,100 pages and was available online for 13 hours. We had a \$700 billion bailout, called the financial sector rescue package, which was available for 29 hours. The other day in the Finance Committee, Republicans said let's put the bill online for 72 hours. That was voted down by the Democratic members of the committee.

What we Republicans would like to say is this: We want health care reform. We have our ideas and suggestions that we have made. We think we should focus on reducing costs, that we should go step by step in that direction, starting, for example, with allowing all small businesses to pool together so they can offer health insurance to their employees at a reasonable cost. The estimates are that millions more Americans would be able to get health insurance from small businesses.

We have other suggestions for reducing costs. But the first thing we would say is, as this bill comes to the Finance Committee—and I see the Senator from Delaware and the Senator from Texas, who are both members of that Finance Committee—we want to be able to read the bill and know what it costs. Over the next 3 weeks, we hope, on the Republican side, to help the American people understand what this health care bill means for them. You hear lots of competing claims about it—it does this or that, and we are scaring you or they are scaring you. Let's take it one by one.

If we have time to read the bill, and we know what it costs—the President said this bill cannot have a deficit. If we don't know what it costs, how can we do what the President wants us to do? I hope we take a sufficient amount of time. The bill is in concept form now, and then the majority leader will take it into his office and merge the



Finance Committee bill with the bill that we on the HELP Committee worked on in July, and out of that will come another bill. We will need the CBO to look that bill over, which I am sure will be well over 1,000 pages. It will take a couple weeks to see what it costs. Then we can work on it.

Why is it so important that we actually have the text of the bill and know what it costs? Because the bill has \$½ trillion in Medicare cuts in it. On the other side, they say: Don't say that; you are scaring people. Well, it either has it or not. We say it has it. The President said there will be Medicare savings. The truth is, it is worse than that. What it appears to be is we are going to cut Grandma's Medicare and spend it on somebody else. There may be savings in Grandma's Medicare, but, if anything, we ought to spend any savings on making Medicare solvent because the trustees of Medicare have told us it will go broke in 2015 to 2017. So the people have a right to know will there be cuts to hospitals, hospices, home health, to Medicare Advantage. One-fourth of seniors on Medicare have Medicare Advantage, and it is going to be cut.

We need ample time to say: What do those cuts in Medicare mean to you? Will the bill raise your taxes? We say it will; some say it will not. But from our reading of the bill, it looks like there will be at least a \$1,500 tax per family, if you don't buy certain government-approved insurance. There is the employer mandate requiring you to provide insurance. That is a tax. There are \$838 billion of new taxes on insurance companies, medical device companies, which will be passed on to consumers. That is a tax.

The Presiding Officer was a Governor, as I was. He was chairman of the National Governors, and many Governors are very upset because we are expanding Medicaid in their States and sending a large part of the bill to them. So that could be more State taxes.

Now we hear from the Governors. There was an article in the Washington Post yesterday, and I ask unanimous consent that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. ALEXANDER. The article says: "States Resist Medicaid Growth. Governors Fear For Their Budgets."

The Tennessee Governor—a Democrat—said:

I can't think of a worse time for this bill to be coming. I'd love to see it happen. But nobody's going to put their state into bankruptcy or their education system in the tank for it.

The Governor of South Dakota said: That's a heck of an increase, and I don't know how I'm going to pay for it.

The Governor from Ohio said:

I have indicated that I think the States, with our financial challenges right now, are

not in a position to accept additional Medicaid responsibilities. Governor Schwarzenegger of California said it will add up to \$8 billion to California, and California is nearly going broke anyway. Senator FEINSTEIN said she cannot support a bill that puts that kind of additional tax on States.

Basically, it is the old trick of we in Washington saying here is a great idea, we will pass it, and send part of the bill to the States. What will the States have to do? They will have to cut the money that goes to the University of Texas or Delaware or Tennessee. They have to raise taxes, or they cannot cut benefits because cutting benefits is against the law.

So how much will these Medicaid mandates cause taxes to be raised in your State?

There are other questions we would like to ask. Will this bill raise your insurance premiums? The whole point of this exercise, we think—and a lot of the American people think—is we want to reduce costs—costs to you when you buy your health insurance and costs to your government. Your Federal Government is going broke if we don't do something about rising health care costs, just as you might.

You would think this bill would reduce your costs—to you for premiums and to you for your government. But that is not what the CBO says. It says that, in some cases, premiums for exchanged plans would include the effect of these new taxes and the premiums would increase. Then there will be more government-approved insurance plans, which may turn out to be more expensive for you to buy. In other words, you would not be able to buy the plan you now have. You will have to buy a new government-approved plan that will cost more.

There will be higher premiums for young Americans under this bill. Almost everybody thinks that. So we need to have a full discussion over the next 2, 3 or 4 weeks. Is this going to raise your health care premiums? If so, why are we doing that? Then, is it going to raise the Federal debt? Well, everybody is saying no, no, no, this will be deficit neutral. The President says: Don't send me a bill without it. Except this bill, as we understand it, doesn't include what we elegantly call the doc fix. Every year, we have to approve, or overturn, provisions in the law for that.

The PRESIDING OFFICER. The Senator has used 9 minutes.

Mr. ALEXANDER. I thank the Chair. Those are provisions that set the payment rates for physicians. We always do that. We know we are going to do it. We do it every year. Yet this bill assumes we are not going to do that. If we do include the doc fix, that adds \$285 billion to the debt.

We are going to be asking these questions. Please give us the text so we can read the bill. We are going to ask the CBO: Exactly what does it cost? Then

we will be coming to the floor and going to town meetings at home and we are talking to the American people about how this affects them. Does it cut your Medicare? If so, how? Does it raise your taxes? If so, how? Will it bankrupt your State or hurt education in your State? If so, how? Does it increase or reduce your health care premiums or add to the Federal debt of your government?

These are the questions we need answers to, and we are looking forward to the debate; and then we are looking forward to passing health care reform that, step by step, begins to reduce the cost of health care to you and your government.

I yield the floor.

#### EXHIBIT 1

[From the Washington Post, Oct. 5, 2009]

#### STATES RESIST MEDICAID GROWTH

(By Shailagh Murray)

The nation's governors are emerging as a formidable lobbying force as health-care reform moves through Congress and states overburdened by the recession brace for the daunting prospect of providing coverage to millions of low-income residents.

The legislation the Senate Finance Committee is expected to approve this week calls for the biggest expansion of Medicaid since its creation in 1965. Under the Senate bill and a similar House proposal, a patchwork state-federal insurance program targeted mainly at children, pregnant women and disabled people would effectively become a Medicare for the poor, a health-care safety net for all people with an annual income below \$14,404.

Whether Medicaid can absorb a huge influx of beneficiaries is a matter of grave concern to many governors, who have cut low-income health benefits—along with school funding, prison construction, state jobs and just about everything else—to cope with the most severe economic downturn in decades.

"I can't think of a worse time for this bill to be coming," said Tennessee Gov. Phil Bredesen (D), a member of the National Governors Association's health-care task force. "I'd love to see it happen. But nobody's going to put their state into bankruptcy or their education system in the tank for it."

These fears are resonating with members of Congress and have already yielded some important legislative changes, including alterations to the Senate Finance bill, which includes billions of dollars in additional funding, added after governors raised a fury about the original, lower sum. But House and Senate negotiators are reluctant to make further concessions, and in recent days, House Democrats have debated whether to trim Medicaid funding in their bill to make room for other priorities.

Yet lawmakers are wary about imposing a huge new burden on an imperfect program that serves one of the most challenging segments of the population, through a fragmented network of state-run systems.

Among the 11 million people the non-partisan Congressional Budget Office estimates will sign up for Medicaid under the new rules, many are single adults and parents who have gone for years without health coverage. Many of these individuals also live in communities that lack the services to treat them.

"States are already at a breaking point, and so they should be thankful that this bill

is only going to cost them an additional \$30 billion," Sen. Charles E. Grassley (Iowa), the ranking Republican on the Finance Committee, told colleagues during the panel's two-week-long debate on reform. But Grassley added: "We are deluding ourselves, though, if we think that we are going to do anything in this bill to make Medicaid a better program for the people it serves."

The response from Democratic governors to the new burdens that may be imposed on them has ranged from enthusiastic to restrained. On Thursday, the Democratic Governors Association delivered a letter to House and Senate leaders signed by 22 of its members. It was silent on Medicaid but lauded the broader reform effort as essential. "We recognize that health reform is a shared responsibility and everyone, including state governments, needs to partner to reform our broken health care system," the letter noted.

Yet congressional Democrats are sufficiently alarmed about the potential impact that they already are seeking special protections for their states. Even Senate Majority Leader Harry M. Reid cut a deal with Senate Finance Committee Chairman Max Baucus (Mont.) to ensure that the federal government would pay the full cost of expanding Medicaid in Reid's state, Nevada.

Reid, who faces a potentially difficult 2010 reelection bid, responded to a Republican outcry over his stealth move by pointing to Nevada's crippling foreclosure crisis. "I make no apologies, none, for helping people in my state and our nation who are hurting the most," Reid said on the Senate floor.

Among the most vocal opponents of Medicaid expansion are Republican governors from Southern and rural Western states that offer minimal coverage under current law and are less equipped to handle an influx of new beneficiaries, compared with more urban states with better-established social-services infrastructures. The list includes Mississippi, governed by Haley Barbour, chairman of the Republican Governors Association. Barbour denounced the proposed Medicaid expansion at a news conference last month as a "huge unfunded mandate" likely to result in state tax increases.

The wake-up call for the nonpartisan National Governors Association came early in the summer, when Baucus and Grassley announced that they were considering only a temporary increase in federal funding to pay for new Medicaid enrollees. NGA leaders mobilized through their health-care task force, and after a round of conference calls with committee negotiators and bilateral talks between individual governors and senators, the temporary increase was made permanent.

Governors still worry that the boost is not enough to fully close the funding gap. Recession victims already are flocking to Medicaid, and enrollment is expected to rise through fiscal 2010, according to the Kaiser Family Foundation's Commission on Medicaid and the Uninsured. The pace of increase is expected to ease after fiscal 2010, leaving states with a short window before an anticipated onslaught in 2014, when the proposed Medicaid expansion would take effect.

South Dakota Gov. Mike Rounds (R) saw Medicaid enrollment in his state climb to 104,000 residents this year, costing the state \$265 million out of a budget of \$1.2 billion. But he expects a \$50 million increase next year, and, even taking into account federal aid from the economic stimulus bill, South Dakota faces a \$100 million shortfall. "That's a heck of an increase, and I don't know how I'm going to pay for it," Rounds said.

Bredesen said Tennessee could face \$1 billion in extra Medicaid costs for the first five years of the expansion. "I have no idea how we're going to afford it," he said.

Nor can governors say for certain how many people will show up to claim the new benefits. Because low-income people are harder to track—they tend to move more frequently, and they often don't file tax returns—state officials don't know precisely how many will be eligible. Rounds estimates an enrollment increase of about 75,000 people but concedes that the number could be much higher.

Another mystery is how many people who qualify for Medicaid under current rules—a sizable portion of the uninsured population—will decide to finally sign up. This is the "woodwork effect" that unnerves state officials around the country because it could lead to much higher costs.

"That's part of the problem we're having, is getting hard numbers," Rounds said. "We just don't know."

In South Dakota and many other states, communities lack doctors and other healthcare providers who are willing to treat Medicaid patients, either because the providers aren't available or because Medicaid payment rates are so low. The House reform bill would increase Medicaid payment rates to the same level as Medicare rates, at a 10-year cost of \$80 billion. In some states, Medicaid rates are as low as 40 percent of Medicare rates. But the finance panel rejected a Grassley amendment that would have increased provider rates in the Senate bill.

Despite Medicaid's drawbacks, including rigid rules and a complex bureaucracy, many health-care experts still view it as the most practical way to insure the poorest Americans. Low-income adults account for about half of the uninsured population, and in states that provide minimum Medicaid coverage, few parents and no childless adults are covered unless they meet other eligibility criteria.

"If you're trying to expand coverage, at least Medicaid is already up and operational in every state," said Diane Rowland, executive director of the Kaiser Commission on Medicaid and the Uninsured. "You're not creating something new with start-up glitches. For any of its flaws, it has been operating, it is paying bills, it is contracting with managed care, it has an eligibility system already in place."

As the reform debate unfolds on the House and Senate floors, health-care negotiators are prepared for a flood of pleadings like the one Reid made that could add up to many billions, forcing reductions to other portions of the bill. California Gov. Arnold Schwarzenegger (R), for one, estimated that the Medicaid expansion could cost his state \$8 billion a year. Sen. Dianne Feinstein (D-Calif.) underscored those concerns with her own pledge: "I could not support a bill that pushes additional costs on California state government or its counties."

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I join my colleague from Tennessee in discussing health care, which, as the Presiding Officer knows, has been the subject for several weeks now in the Finance Committee and across the entire country for the last few months.

Currently, we are waiting for the CBO to come back to the Finance Committee and tell us what the preliminary cost estimate is of the Finance

Committee bill, as voted with amendments that were passed in the Finance Committee. Soon, if we can believe the reports, the majority leader will bring to the floor a so-called merged bill from the two Senate committees—the HELP Committee and the Finance Committee—and then we will be asked to offer amendments and vote on that bill.

While we are waiting for the process to unfold, I think it is very important to carefully ask the questions that the American people—including my constituents in Texas—are asking me, questions I believe Senators should ask themselves as we debate health care reform on the Senate floor.

The first question I would like to propose is: Will we have a transparent debate? The American people want transparency. I cannot tell you how many of them have contacted me from my State and elsewhere and have said: We want to read the bill language. Amazingly enough, many have cited back to me pages—references either from the House bills or the HELP Committee bill or otherwise—and said: What does this mean? I have concerns about that.

The second question is: Will Congress actually listen to the concerns of our constituents once they learn more about what is in these bills? In other words, ultimately, the question is: Will we know what is in the bill before we are required to vote on it? Will we know how much it is going to cost before we vote on it, both in committee and on the floor of the Senate?

If you will remember, way back in August of 2008—that seems like a long time ago, but it is almost yesterday—President Obama pledged that our debates on health care reform would be transparent. I applauded him for that at that time. He said negotiations should take place on C-SPAN, so anybody and everybody who cared about it could see it. I remember, on January 20 of this year, sitting up there near the dais when our President spoke, and he said things I agreed with, such as: "We need greater transparency in government." He said: "Transparency promotes accountability and it promotes public confidence in what we do here."

Well, the converse is also true; secrecy breeds suspicion and ultimately promotes cynicism about what we do here. That is why this is such an important issue. Unfortunately, those Americans who have been counting on a transparent process in Washington have been disappointed so far. We have seen special deals negotiated by the White House with lobbyists which have not been disclosed to the American people, some which we have learned about and some which we may not yet know about. One is the deal with the pharmaceutical industry—holding their exposure to \$80 billion under this legislation. That deal was reinforced

last week by a vote in the Finance Committee.

I wasn't a party to that deal. I am sure the Presiding Officer was not. I wonder how many other deals have been cut between the White House and various interest groups that we don't know about. We also learned about a deal cut with some hospitals—some but not all. A CBO score on an amendment last week had to be redone because it was \$11 billion off because the CBO, the nonpartisan office charged with telling us how much this bill will cost, didn't know about this hold harmless agreement with the hospital association.

We need to know of these deals because they will not necessarily be reflected in the bill language, and only the White House, presumably, and the special interest groups that cut these deals know about them. But I think it is important the American people know about them so they can evaluate whether we are appropriately doing our job.

I have heard it time and time again, particularly since the passage of the stimulus bill that we got roughly at 11 o'clock on a Thursday night and were required to vote on in less than 24 hours—my constituents are saying: Is it asking too much to have you read the bill before you vote on it? I voted no on that bill for a lot of reasons, but I didn't have the time, nor I suspect did many Members of Congress have the time, to read it before we were required to vote on it.

We don't set the voting schedule; the majority leader does. I think that is another reason they want us to slow down. Let's find out what is in the bill. Let's let the American people read what is in the bill. Tell us what it is going to cost, and let's have a good, old-fashioned debate about what is in the best interests of the American people.

The third special deal that was disclosed had to do with Medicaid. You remember the majority leader from Nevada said: The unfunded mandate for Medicaid expansion is too much for my State to absorb. Lo and behold, a new deal was cut with new language that would give four States a better deal than they would have had in the original proposal by the chairman of the Finance Committee, Senator BAUCUS. One of those four States, lo and behold, happens to be the State represented by our distinguished majority leader. I think these examples reveal why transparency is so important.

As the distinguished Senator from Tennessee pointed out, we are going to have this mysterious merger of the Finance Committee proposals with the Health, Education, Labor, and Pensions Committee bill behind closed doors, presumably—I heard reports it is occurring now, maybe even as we speak, in the conference room of the majority leader without any of us

being present. I think it is a perilous, indeed, a dangerous way for us to do business.

As the distinguished Presiding Officer knows, the first amendment offered by our side of the aisle last week in the Finance Committee was offered by the Senator from Kentucky, Mr. BUNNING. His amendment would have required a 72-hour waiting period before we would vote on the Finance Committee bill. During those 72 hours, we would, hopefully, have had actual legislative text not just conceptual language available to us and available to the American people so they could read it. We would also insist, under his amendment, on a score; that is, a cost of the Congressional Budget Office telling us how much Medicare was going to be cut, how much taxes would be raised, and how the bill would be paid for. That seemed like an eminently reasonable amendment to me. But, unfortunately, a majority did not carry the day in the committee, and it failed.

I hope we have another chance to come back to that issue, perhaps even as one of the first amendments as we take up this bill on the floor because I think it is incredibly important to public confidence, to accountability, to try to do something about the cynicism that has crept into the public's perception of what we are doing. That is reflected in 16 percent of respondents in a recent Rasmussen poll saying they rate Congress as either good or excellent—16 percent. We need to do better than that. We need to restore confidence in what we are doing, and I think transparency will help; otherwise, what are we left with? We are left with people wondering whether there is some reason we don't want the public to read the bill. Maybe there is a reason that they don't think the public should read the language because maybe they don't intend to read the language before they vote on it.

Some have said the language is just simply too complicated; that an average person cannot understand it if they read it, and that even some Senators would not be able to understand it if they read it before they voted on it.

I ask us all to take a deep breath and one step back and think about the consequences. If some staffer is the one writing the language, and Members of Congress, members of committees, Members of the Senate do not read it and it perhaps is not written in understandable language so we know what the impact will be, how does that promote public confidence? It is something that ought to give us pause, and we ought to reconsider as we reflect on what the message sends.

Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask, in conclusion, for my colleagues to think

about what we are doing. One-sixth of the economy is going to be affected by our decision on these health care proposals. What we do in these bills will literally affect the life of every man, woman, and child in the United States of America—all 300 million of us. I don't think it is too much to ask that we slow this down, that we get the text, the actual bill language, that we know how much it is going to cost, and we post it online so the American people can read it and give us their reaction.

We are called representatives for a reason. We represent constituents. I am proud to represent 24 million Texans. I guarantee, they want to know what is in this bill and how it is going to impact them and their families. It is very important that we answer this question in the affirmative.

That question again is: Will this be a transparent debate? That is the first question I have but not the last that I will be appearing back on the Senate floor in the coming days to ask. These are the kinds of questions that deserve a candid answer. I hope, in the interest of bipartisan good faith, we will somehow find a way to come together and help make this a more transparent process.

Mr. President, I ask unanimous consent that the quorum call be reflected equally, taken from both times on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota is recognized.

Mr. THUNE. Mr. President, a number of my colleagues have been down on the Senate floor today talking about probably the biggest issue the Congress will deal with this year, and arguably for many years, either in the past or in the future, and that is the issue of health care reform. We know that issue is now staring us squarely in the face. The various committees that have jurisdiction over that issue in the Congress have acted: three in the House, now two in the Senate. It is expected the Senate Finance Committee will produce a bill sometime later this week.

It is a critical debate for the Senate, for the American people, because it does represent literally one-sixth of the American economy. One-sixth of our entire GDP today consists of spending on health care—government health care, privately delivered health care, but health care nonetheless.

The question before the Senate in the next week or two when this eventually reaches the floor is, what are we going to do to try to address the fundamental problem I think most people perceive with our health care system today, which is it costs too much? Arguably there are lots of Americans who do not have access to health insurance. All of us want to see that issue addressed and that those Americans who currently do not have health insurance have a way of being able to access that health care coverage.

Many today use emergency services. It is not that people are going without health care, but they do not have coverage. We need the people in this country to have the assurance and the confidence they are going to have some sort of insurance that will protect them against those types of life-threatening illnesses, just the day-to-day illnesses that afflict people across this country. Yet I think the big issue for most Americans is the issue of cost.

As I said before, when you look at double-digit increases for small businesses, for families, that really does affect all Americans in one form or another. It is a very personal issue. Health care is personal to people for obvious reasons, but it is an issue that affects their pocketbooks in a real, tangible way, and that is why I think there is so much attention and concern focused on the direction in which Congress intends to proceed.

One of the issues that bears heavily upon that debate is the whole fiscal situation in which we find ourselves. If we were having this debate at another time, perhaps the circumstances being somewhat different, you might come to different conclusions. But one thing we all have to keep in mind as we look at how do we address this issue of health care in this country is doing it in a way that is fiscally responsible. The reason for that is we see deficits, huge deficits as far as the eye can see. For the fiscal year we just concluded on September 30, \$1.6 trillion annual deficit; next year it is expected to be \$1.5 trillion—trillions and trillions of new spending each and every year.

This last fiscal year I mentioned, the deficit being \$1.6 trillion, that literally represents 43 cents out of every dollar the Federal Government spent. Forty-three cents out of every single dollar the Federal Government spent this last year was borrowed. It is all debt.

The PRESIDING OFFICER. The time on the Republican side has expired.

Mr. THUNE. I ask unanimous consent to proceed until such time as the other side comes and claims their time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. THUNE. The point I want to make simply is this: To put that into perspective for an average American family, if you are an average American

family and your annual income is \$62,000—from all your hard work and labor over the course of the year you generate \$62,000 for your household—that would be the equivalent of spending \$108,000. What the Federal Government is doing by borrowing 43 cents out of every dollar it spends is the equivalent to a family, a household in this country making \$62,000, of spending \$108,000. What family in America can do that? What small business in America can do that, can continue to borrow like that? They cannot. It is fundamental; you cannot do that.

The Federal Government does it. We continue to borrow from the Chinese, and we say we will pay the bills at a later date. But one thing most Americans understand is, No. 1, you can't spend money you don't have; and, No. 2, when you borrow money, it does have to be paid back. What we are looking at right now is deficits and debt mounting to the point that 10 years from today the amount that every household will owe in this country is \$188,000.

How would you like to be a young couple just getting married, you just exchanged your marriage vows, and knowing when you start out your life as a family you are going to get a wedding gift from the Federal Government to the tune of a \$188,000 IOU? That is in effect what we are doing to the next generation of Americans.

That is the backdrop against which this whole health care debate gets underway. We have deficits and debt that is piling up to the tune of \$188,000 per household at the end of the year 2019. So we ought to be looking at how we, No. 1, solve the health care crisis in a fiscally responsible way that does not spend trillions of more dollars and raise taxes and borrow more and more money.

Those are all issues I think need to be very carefully considered by all Members of the Senate as we make these important votes.

The other point I will make is this: There are, in the proposals that have been put forward—in all of them—tax increases to pay for this. The most recent version, the Finance Committee bill, is a \$1.7 trillion cost over a 10-year period. That is the least expensive, I might add, of all the bills that have been produced so far. There are five bills that have been produced by the Congress. The Finance Committee bill, to their credit, is at least the least costly of those, \$1.7 trillion over 10 years. That is still \$1.7 trillion in new spending.

Bear in mind that we already have a Medicare system which is destined for bankruptcy in the year 2017. We have all kinds of other long-term liabilities and Social Security and Medicaid and entitlement programs that pile up. We are going to have to do something about those at some point. Yet here we

are talking about adding an almost \$2 trillion new entitlement on top of that crumbling foundation. I think most Americans would take issue with elected leaders who would do that, would take a program that literally is on the verge of bankruptcy and try to add another \$2 trillion program on top of it.

There is the overall cost of it to the taxpayers, but it is also how it is paid for. Obviously, it has to be paid for somehow or we deal with this issue of borrowing, which I mentioned earlier, so what is being proposed is a series of tax increases and a series of reductions—cuts in Medicare programs.

The Medicare cuts are going to be bad enough. Medicare Advantage takes a big whack, which is going to affect a lot of seniors around the country. The providers take a whack; hospitals, home health agencies, hospices, all those things will take a big whack. But you also have about \$400 billion of tax increases embedded into the latest version of the proposal—much higher than that in some of the other bills moving through the House—but nevertheless the American public is going to be handed the bill for this which will inevitably lead to higher taxes. So much so that the Joint Committee on Taxation, the Congressional Budget Office have estimated that 71 percent of the penalty will hit people earning less than \$250,000 a year. That conflicts and contradicts directly the commitment the President made of not raising taxes on people making less than \$250,000 a year.

They have also gone so far as to say the taxes that would be imposed, and there are a series of taxes as I said—insurance companies will be hit with taxes—the Congressional Budget Office said those taxes will be passed on, dollar for dollar, to people across this country. So the insurance companies, yes, they may remit the taxes, but they are going to pass on the cost. So you are going to see not only higher taxes on the insurance companies that get passed on in the form of higher premiums to individuals in this country—in other words, you are going to have higher insurance costs—but you also have taxes put in here that hit people who do not have health insurance. Those taxes get up to be about \$1,500 per year for people who do not have insurance. So people would be penalized, and that would apply, again, across all spectrums of earners, wage earners in this country.

But the CBO, as I said earlier, estimated 71 percent of that penalty is going to fall on people who earn less than \$250,000 a year. If you project on further—this, again, is the Congressional Budget Office and the Joint Committee on Taxation—they have said by the year 2019 89 percent of the taxes will be paid by taxpayers earning less than \$200,000 a year. So that huge tax burden, that \$400 billion initially

that will grow when the bill is fully implemented, will fall disproportionately on people making less than \$250,000 a year; 89 percent of those taxes paid by taxpayers earning less than \$250,000 a year.

So the enormous amounts of taxation that are contemplated in this bill—in addition to the Medicare cuts that are proposed to pay for and finance these changes in health care—are being passed off as health care reform.

My view on this is, No. 1, we, the American people, need to know these facts. I think what that would suggest is there ought to be an ample amount of time when we finally do have a bill. I know the Finance Committee is marking up their version of it. They expect to report it out later this week. But what we are going to see reported out is concepts, generalities. We do not have a bill with legislative language to react to yet. That is going to be put together with the bill produced by the Health, Education, Labor and Pensions Committee earlier. Those will be merged. At some point, that will be reduced to legislative language. When it is, we expect it will be in excess of 1,000 pages.

We now are talking conservatively about having a bill on the Senate floor, not next week but the week after, which will be fully longer than 1,000 pages, none of which any Member of the Senate has yet seen. The American people, the people who are going to be most impacted, will not have had an opportunity to be engaged in this debate or have their voices heard. So we need to make sure, at a minimum, we slow this process down so we take it step by step so we are not rushing to do something very quickly and hurriedly that would be a big mistake for the American people.

I suggest at a minimum we ought to have a very transparent, open process. When we have a bill, if it is in excess of 1,000 pages, that we have plenty of time not only for Members of the Senate to review it and read it and understand it but also for the American people to have that same opportunity.

There were amendments offered in the Senate Finance Committee that would allow a 72-hour period. That seems to be reasonable. That is 3 days, 3 days to look at something in excess of 1,000 pages. Yet that was voted down. My Republican colleagues on the committee offered that amendment, and it was voted down by the Democratic majority on the committee. But 72 hours at a minimum—I can't imagine that you could contemplate and fully grasp and understand that amount, that volume of information, and that kind of a bill in 72 hours, to start with. But at a minimum that should have been passed. That amendment was defeated at the Senate Finance Committee as were a number of other amendments that were offered by my colleagues on the Republican side.

Having said that, first off I think we ought to have an ample amount of time to review this bill. Second, I argue in terms of the process itself that rather than throwing overboard, throwing away what is a very—it is flawed. We have a flawed health care system in this country. It is not perfect. OK? It has its problems. We all acknowledge that. We can fix those problems. But we should not throw everything good about it overboard. This will create all kinds of new government involvement and intervention in the decisions pertaining to health care. Now government is going to dictate what kinds of insurance plans or what should be in an insurance plan that, in order to be in compliance with this bill, you would have to be able to put forward. So people are going to have less and less choice, less and less freedom. Government is going to have more and more say, more control, more decision-making.

I think most people across this country find that to be very threatening. I think they are genuinely, honestly concerned about having the government have more and more influence on one-sixth of the economy on an issue that is as personal to them as their health care.

At a minimum, they ought to have an opportunity to review the bill. Second, we ought to take this thing and do it step by step and not throw it all overboard, not take what is good about the American health care system and throw it in the ditch simply because it has some flaws that need to be fixed. Those issues can be addressed.

We need to cover those who don't have coverage. We need to try to address the issue of cost. But these bills do not do that. We have not seen a bill yet, of the five that are being worked on in Congress, that, No. 1, reduces health care costs.

They all bend the cost curve up. You ask the Congressional Budget Office, and in every circumstance they will tell you: This does not reduce or drive down health care costs; it actually increases health care costs for most Americans.

Secondly, we have not had a bill yet that is actually what I would not characterize as a budget buster. All of these bills are several trillion dollars, as I said earlier, on top of programs that are destined for bankruptcy in the very near future.

Let's start slow. Let's take this step by step. Let's do this in a way that allows the American people to be engaged in this debate. It does affect them and their livelihoods in a very personal way. It does affect their pocketbooks. It will raise their taxes. And it will also—again, not my words; the Congressional Budget Office's—"lead to higher health care costs, not lower health care costs," which, at the end of day, was that not the whole purpose of this exercise in the first place?

So we are going to do everything we can on our side to open this and allow the American people to see it, to give ample time for them to be engaged and, secondly, to make sure that when health care reform is done by Congress, it is done in a way that is consistent with what I think most Americans believe should be done; that is, reducing and driving down health care costs, not increasing premiums as these bills do, not spending trillions of dollars of their tax dollars in piling on additional entitlement programs on programs that are already going out of business here in the next few years. But we should do it in a way that is fiscally responsible. I think that is the least the American people expect of us. I think we ought to deliver on that. We ought to deliver on health care reform but reform that truly accomplishes those important goals.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. It is my understanding that we have someone coming down wanting to speak, but there are a couple of things I wanted to mention.

First of all, when the Senator from South Dakota talks about health care reform, there are some things we can do for health care reform that we have promoted for quite some time. Certainly, medical malpractice is very significant. It is a huge cost. Defensive costs are a very large part of our health care costs. HSAs came into being a few years ago, and we have pilot programs where they—let's keep in mind, health care is the only product or service in America that I know of where there is no encouragement to shop around. Well, if you have HSAs, this is encouragement because if you spend less, you can enjoy the benefits of that; that is, put that into other programs. So I think there are some things we can do.

The second thing I would say about the subject that was covered very well by the Senator from South Dakota is that we don't know for sure what is going to be in the bill that comes out, but we do know this: Speaker PELOSI, over on the House side, has said that any bill that comes out of conference is going to have a government option. So they can masquerade it, they can talk about co-ops, they can talk about all of these things; we are going to eventually get something that comes out of conference and it is going to have a government option. That is, some people would say, socialized medicine. You can't compete with the government and have a system that has delivered the benefits our system has.

## CAP AND TRADE

Secondly, the Senator from South Dakota could just as well be talking about another piece of legislation that is up right now; that is, the cap-and-trade bill. It is another one that has the same thing where you do not know the blanks.

Last Wednesday, there was a news conference by the Senator from Massachusetts, Mr. KERRY, and the Senator from California, Mrs. BOXER, and they gave this program—they talked about this new kind of cap and trade, but they did not give any specifics. Nothing that was in there was specific in terms of where is the cap, how does the trading take place, how does the rationing take place.

The bottom line is this, though: Anything that has to do with any kind of cap and trade is going to be at least—at least—a \$300 billion annual tax increase. That was true back as long ago as the late 1990s when the Kyoto bill was up. We had the Kyoto bill; they did a study on this thing; it was done by the Wharton School of Economics. They said that the cost of this, if we were to comply with the restrictions of that treaty, would be somewhere between \$300 and \$330 billion a year. To put that into perspective, because sometimes it is confusing when you are talking about billion dollars and trillions of dollars, I remember the largest tax increase that was a general tax increase was back in 1993 in the Clinton-Gore White House, and it was \$32 billion. So this would be 10 times that amount.

So we have had several bills in the Senate since that time, and I would only say this: This is a different debate. It is going to come up and we are going to have a chance to talk about it. But the bottom line is that the Administrator of the EPA, Lisa Jackson, a very fine person, a person who was appointed by President Obama, made the statement that if we were to pass the Waxman-Markey bill, something like that, sign it into law, it wouldn't have the effect of reducing CO<sub>2</sub> at all. The reason is very obvious: We would only be doing that here in the United States.

AMENDMENT NO. 2566 TO H.R. 3326

Lastly, I did want to make one comment about a couple of votes that are going to come up, or at least one vote that is coming up at 3:45 today. My junior Senator from Oklahoma, Mr. COBURN, has an amendment. It is an excellent amendment. It is one I will support, although I have to say that I was tempted not to because I would only like to start the ball rolling, that if this body is willing to redefine what an earmark is, we could be unanimous on this side. An earmark should be an appropriation without authorization. This has been a 200-year fight between authorizers and appropriators, and if we will get to the point where we will

accept the fact that if something has gone through the scrutiny of an authorization—the highway bill is a good example of this. We have 30 criteria in that authorization bill. We come up with criteria to determine how much should be spent in different categories. And on the floor, there are always things coming up that did not go through the authorization process, and therefore I would call those earmarks.

So I would only say this: In the amendment Senator COBURN has, it is going to address some 55 that are called earmarks, of which 6 were authorized. I would like to be able to take those six out. I don't know whether we can do that. It would be very difficult to do prior to the vote.

But nonetheless, for future reference, if we are going to talk about earmarks, I think we need to define what an earmark is. It is an appropriation that has not been authorized. That is the thing we need to get after, and that will be one of my new wars I am starting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 2601 TO H.R. 3326

Mr. SANDERS. Mr. President, I want to use this opportunity to say a few words about an amendment that will be voted on later this afternoon, and it is the Sanders-Dorgan Yellow Ribbon outreach amendment, No. 2601.

Every Member of the Senate knows that we have seen many thousands of soldiers coming home from Iraq and Afghanistan and they have come home with post-traumatic stress disorder in very large numbers. They have come home with traumatic brain injury, TBI, also at frightening numbers. The government, in a number of ways, has developed many programs to try to provide help and medical care for these brave soldiers and for their families.

In Vermont, a couple of years ago, we helped establish what I think is an excellent program that many other States around the country are beginning to look at, and the basic premise of the program we have established in Vermont is that while it is enormously important to make sure those who come home from Iraq and Afghanistan get the best services possible, we establish those health care services, those services don't mean anything unless the soldiers are able to take advantage of the services.

Given the nature of PTSD and TBI, that is sometimes, especially for the members of the Reserve and National Guard, very difficult. So you will have instances, especially in rural America, where people will come home from Iraq, they are going to be in emotional trouble, and there are going to be strains and stresses on their families, with their kids. They may be suffering from PTSD, but one of the symptoms of PTSD is you do not stand up and say: You know what, I have troubles

and I need help. That is not what you do.

What we established in Vermont was an outreach program which was largely filled with the veterans from Iraq who would go out to the communities and drop in and sit down with soldiers and their wives face to face and just get a sense of how they are doing and through that personal visitation suggest to them that if there is a problem, they might want to take advantage of the services the VA is providing, which in my State are quite good, and to make them aware that it is not unusual, that they are not the only people who are dealing with PTSD or TBI. In truth, this outreach program has been quite successful.

Some years ago, the Congress established a Yellow Ribbon Program which is doing a good job, and the goal of that program is to educate people who come home from Iraq and Afghanistan about the services available to them. But we have not yet funded the kind of strong outreach effort that I believe we need where we are literally sending people out to National Guard families, especially maybe in rural areas, and making them understand that their problems are not unique, that there are services available to help them.

So outreach is the word here. We do it in Vermont in a very informal way, just person to person.

This amendment is \$20 million, and the offset comes from the \$126 billion in funds in title IX of the bill. It does not cut any one particular account. This \$20 million represents a fraction of 1 percent of the entire title.

So the issue here is that we have a serious problem with PTSD and TBI. I think it is terribly important that we do everything we can on a personal level to reach out to the families to get them the services they need. But, once again, you can have the greatest service in the world—I know we are trying. The Department of Defense is trying its best—but those services don't mean anything if veterans don't access them. So the goal is to get people into the services.

I would very much appreciate support for the Sanders-Dorgan amendment which will be coming up in a while.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2583 TO H.R. 3326

Mr. TESTER. Mr. President, later today the Senate will vote on the McCain amendment No. 2583. This amendment would terminate funding for research and development of the Army's full-scale hypersonic test facility known as the MARIAH hypersonic wind tunnel.

The MARIAH Hypersonic Wind Tunnel Program is under development in Butte, MT. It is the Nation's only program to develop the wind tunnel technology required to test and evaluate



new hypersonic missiles, space access vehicles, and other advanced propulsion technology, technology the Air Force says we will need.

MARIAH will be the first true air hypersonic wind tunnel program. The program has met its technical milestones and has not encountered significant setbacks. In fact, the Army Aviation Missile Command has given this project high marks. Here is what the Army has said:

This research has shown great potential to be used in a missile test facility and is the only technology shown to have any possibility of meeting the requirement for a Missile Scale Hypersonic Wind Tunnel.

The Army has asked the MARIAH Program to provide testing capabilities at speeds of up to Mach 12. This is the next generation of hypersonic flight, something that has never been done before. To get to that capability, cutting-edge research and technologies are required.

The program already has provided very real and discernible benefits to both the scientific community as well as our armed services. There is no other facility in the world capable of meeting the performance requirements at Mach 8 and above.

According to a 2000 Air Force Science Advisory Board report, this type of testing will be needed for space access vehicles, global reach aircraft, and missiles that require air-breathing propulsion to reach speeds above Mach 8.

The MARIAH project has worked with Princeton University and Lawrence Livermore and Sandia National Laboratories to develop technologies and computer modeling that exists nowhere else in the world.

The team has achieved world records by reaching test pressures of over 200,000 psi.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TESTER. I ask unanimous consent for additional time.

The PRESIDING OFFICER. Without objection, it is so ordered.

It also has developed one of the most powerful electron beams in the world.

Working with Sandia National Labs, MARIAH has developed a 1-megawatt electron beam to boost the energy supply needed to generate the enormous pressures required in a wind tunnel of this caliber.

It is the most powerful electron beam in the world, and its benefits can be applied well beyond this project to include shipboard missile defense, large-scale sterilization of food, mail and other items that could have a biohazard or bioweapon contaminant.

In conjunction with Princeton University, MARIAH has successfully developed three-dimensional computational fluid dynamic computer models capable of simulating the previously unexplored physics necessary for the Mach 8 and above conditions.

This is groundbreaking research that must be done before any missile, rocket or aircraft can be tested at hypersonic speeds.

Why does this matter? Why do we care about hypersonic capabilities?

The answer is foreign competition and foreign capabilities.

We know that Russia, China, and others are aggressively developing a new type of missile that is believed to be too fast for U.S. missile defense systems that are either planned or in use.

In particular, the India-Russia joint venture BrahMos is now engaged in laboratory testing of supersonic cruise and antiship missiles capable of speeds in excess of Mach 5.

According to the Air Force Research Labs' report of April 2009 entitled "Ballistic and Cruise Missile Threats":

Russian officials claim a new class of hypersonic vehicle is being developed to allow Russian strategic missiles to penetrate missile defense systems.

That report is referring to comments made by the commander of the Russian rocket forces who said last December that "By 2015 to 2020 the Russian strategic rocket forces will have new complete missile systems . . . capable of carrying out any tasks, including in conditions where an enemy uses anti-missile defense measures." This is a direct reference to hypersonic capabilities.

And yet some have said our military does not need this technology.

But when it comes to figuring out how to defeat this potential threat, I believe we should look into the future, not look back at reports that are 5 or 10 years old.

This project is about seeing a potential threat to our national defense looming on the horizon and finding a way to defeat it. It is vital to our national security.

I urge my colleagues to reject the McCain amendment.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Coburn amendment No. 2565, to ensure transparency and accountability by providing that each Member of Congress and the

Secretary of Defense has the ability to review \$1,500,000,000 in taxpayer funds allocated to the National Guard and Reserve components of the Armed Forces.

Barrasso amendment No. 2567, to prohibit the use of funds for the Center on Climate Change and National Security of the Central Intelligence Agency.

Franken amendment No. 2588, to prohibit the use of funds for any Federal contract with Halliburton Company, KBR, Inc., any of their subsidiaries or affiliates, or any other contracting party if such contractor or a subcontractor at any tier under such contract requires that employees or independent contractors sign mandatory arbitration clauses regarding certain claims.

Franken (for Bond/Leahy) amendment No. 2596, to limit the early retirement of tactical aircraft.

Franken (for Coburn) amendment No. 2566, to restore \$166,000,000 for the Armed Forces to prepare for and conduct combat operations, by eliminating low-priority congressionally directed spending items for all operations and maintenance accounts.

Sanders/Dorgan amendment No. 2601, to make available from Overseas Contingency Operations \$20,000,000 for outreach and reintegration services under the Yellow Ribbon Reintegration Program.

Lieberman modified amendment No. 2616, relating to the two-stage ground-based interceptor missile.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Am I correct to assume that the first 30 minutes has been equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. INOUE. I yield myself 10 minutes.

At the beginning of the year, the chairman of the House Appropriations Committee and I announced earmark reforms that go far beyond the transparency requirements enacted in 2007.

These reforms include a requirement for Members to post their earmark requests on their Web sites, make substantial reductions in the number and amount of earmarks compared to prior years' appropriations bills, and early and prompt committee announcements on which projects are funded in each of the annual appropriations bills.

There has never been as much transparency in the earmark process as there is today. In most cases, the public has had several months to review their elected Representatives' requests for funding. The bill on the floor today has 200 fewer projects and \$300 million less in funding for Member projects than last year's bill.

I believe this is a considerable improvement to how Congress does its business.

As chairman of the Appropriations Committee, I welcome any constructive suggestions on how to improve the operations and efficiency of the ways in which the committee accomplishes its vital work.

However, those suggestions should not compromise the constitutional principle that the power of the purse is invested in the Congress, and not the executive.

We must retain the checks and balances and keep the Congress and the executive as separate and co-equal branches of government.

That is why I must oppose the amendment offered by the Senator from Arizona. It purports to increase transparency of congressional earmarks by subjecting all of them to full and open competition.

In reality, it exempts congressional priorities from the normal, lawful process of how the Department of Defense purchases equipment, engages services, and develops new technologies.

For example, we have included a number of earmarks for which the Department has negotiated contracts already in place. These contracts were negotiated in full compliance with the law.

Simply because Congress added funds to accelerate important programs, such as the TB-33 towed sonar array, handheld radios for Special Operations Command, advanced radars for the F-15 fighter, and virtual interactive training equipment for National Guard units around the country, the McCain amendment would require a new competition to take place.

This would disrupt important programs, delay procurement of valuable equipment, and cost the taxpayer more money.

The McCain amendment also disregards the fact that sometimes the Pentagon gets it wrong. There are many programs which are now in use on the battlefield that would not be there if the Defense Department's views had prevailed years ago.

Congress directed funds to the Predator unmanned aerial vehicle, life-saving Chitosan bandages, and the V-22—programs that would not exist if Congress had not directed funds to those specific purposes.

I ask my colleagues, What do they suppose would have happened to those programs if the Pentagon's bureaucracy had put these programs through the redtape required by the McCain amendment? Would the Predator be attacking our enemies in Afghanistan and Iraq? Or might it still be an exquisite, complex system that remains on the drawing board year after year?

Ultimately the McCain amendment establishes two sets of acquisition laws: one for items requested by the President, which may be subject to full and open, limited or no competition at all; and another set of rules for items added by the Congress.

The amendment rests on the faulty assumption that the Defense Department is unable to conduct oversight on congressionally directed spending, and that earmarks do not serve valid military purposes.

In 2008, the Inspector General of the Department of Defense reviewed 219 earmarks from the fiscal year 2007 Defense Appropriations Act.

The Inspector General determined:

The DOD personnel we interviewed and the respondents to our data call said that DOD performs oversight of earmarks identical to the oversight of other expenditures.

Furthermore, of the 219 earmarks that were reviewed by the Inspector General, all but 4 were found to "advance the primary mission and goals of the Department of Defense."

None of these four earmarks is contained in this year's bill. Even if they were, none of them would be competed under the McCain amendment because each of those earmarks was awarded to a nonprofit institution.

Due to these shortcomings in the amendment which has been offered, I have proposed an alternative amendment.

My amendment insures that each earmark added by Congress to benefit a for-profit entity shall be subject to the very same acquisition regulations that apply to items requested by the President in his annual budget request. This proposal applies the rules of the road equally to Congress and the President.

The amendment I propose also contains the standard exceptions to competition, including small business set-asides. The McCain amendment, on the other hand, would eliminate these standard exemptions to competition for earmarks that support small businesses, minority-owned businesses, women-owned businesses, and service-connected disabled veteran-owned businesses.

My amendment is a reasonable and fair approach to balancing the acquisition rules as they apply to congressional spending items and items requested by the President. It insures that all spending items that are funded in this bill, regardless of who proposed them, are subject to the same rules for competition. I urge my colleagues to support my amendment and oppose the McCain amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished chairman of our committee, Senator INOUE, for his leadership and the bipartisan way he has gone about managing his responsibilities as chairman of the Defense Appropriations Subcommittee. The committee has carefully reviewed the President's budget request in public hearings, calling before the committee representatives of the various service departments and also opening the opportunity for any outside interest to come to talk about what our needs are. In my judgment it has been a very careful, prudent, and workmanlike way to approach this very solemn and important responsibility. So he has brought us to where we are today, scheduled a vote, finally, on final passage later today, providing funding for our national security agencies, the De-

partment of Defense, the men and women who have volunteered to put themselves in harm's way, to wear the uniform of our country and to defend our country against aggression here and abroad.

The Department is currently being funded by a continuing resolution. Although forcing the Department to operate under a temporary resolution is not a very good way to provide funding for a department charged with protecting our national security interests, it is the best we could do. I applaud the leadership of Senator INOUE for bringing a bill before us that will cover the entire Department of Defense for the remainder of the fiscal year, and for working with our counterparts in the House to begin resolving differences between the two bodies so that a bill can soon be presented to the President for signature.

There has been much discussion about earmarks. The chairman raised the issue. Later this afternoon we will vote on an earmark-related amendment or two. There are those who have been striving to inject additional earmark reforms and other ways of doing business. We think we have carefully reviewed all the requests for spending, all of the provisions that permit spending in this bill, to be sure they are warranted, justified, in the national interest, and is not there only to serve some special interest or private interest of a Member of Congress.

Congress has worked, the House and Senate together, to improve and make significant changes in the process, adding procedures to facilitate the closest possible scrutiny of congressionally directed spending. In addition, the Appropriations Committee has gone beyond those requirements and imposed additional disclosure requirements and limitations on earmarking. But I am not going to support any suggested changes that will take away from the Congress or diminish the power of the Congress specifically to carry out its responsibilities under the Constitution to direct spending.

The committee has recommended, and the Senate has acted in its wisdom to approve or reject certain provisions of the bill. We have entertained all amendments. There is no closed rule. There is no specified number of amendments. There is no prohibition against any amendment of any Senator. So anyone who has a problem with this bill or any provision has had a right to say what it is, offer a change in the way of an amendment, and to have the Senate vote on it. That is the way we conduct business in the Senate on earmarks. It is an open process.

There is nothing in the procurement history of the Department of Defense to support the notion that the Department has been infallible in cost effectively procuring solutions for our Defense Department needs, and doing so



in a fair, open, and evenhanded manner. The inspector general and GAO reports are replete with examples of poor judgment in Defense Department activities having nothing to do with congressionally directed spending. The GAO has upheld protests in recent years in which the Department did not perform its acquisition responsibilities in a lawful and appropriate manner.

So there are a lot of checks and balances that are at work in the process, and I think we have to remind ourselves how thorough and diligent many people are in assuring that the things that are approved in this bill serve the public interest, not just the private interests or whims of Members of Congress.

We have increased funding for the requirement that the Department of Defense identified over the summer for Mine Resistant Ambush Protected vehicles for our men and women serving in Afghanistan. We have imposed new requirements to help protect our soldiers in uniform and on the battlefield. We have included an additional \$1.2 billion for the MRAP program, and it is above what the administration has requested. I think we have acted responsibly, and I strongly defend the decision the committee has made on this subject. I have no doubt including funding for the procurement of these additional vehicles will save American lives.

Congressionally directed defense initiatives should be subject to the closest scrutiny of the Appropriations Committee, and of the legislative process as a whole including the authorizing procedure which precedes the appropriations process. The activities of the Department of Defense were carefully scrutinized by the Armed Services Committee, which shares responsibilities for making these decisions, as well as the Appropriations Committee. But I do not think Members of this body should feel ashamed or embarrassed to promote the passage of this bill. It is a good bill. It enhances our national security, and it supports the efforts we are making to protect the security interests of this great country.

I thank the Senate for allowing me to make these comments and the distinguished Senator from Hawaii for being an active, responsible partner in the development of this legislation.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I thank my distinguished colleague from Mississippi, the vice chairman of this committee, for his generous remarks.

I would like to point out to the Senate, this bill represents thousands of manhours of study, of research, of discussion, of debate. It contains spending of \$636.6 billion. It is a huge amount. We take our vows and responsibilities very seriously. It might be interesting

to note that this measure—this huge measure—was passed by the Appropriations Committee by a vote of 30 to 0. It is a bipartisan bill. It was passed unanimously. These things do not happen every day, Mr. President. It demonstrates and I think it illustrates what bipartisanship can do, what work can do, and what investigation can do.

Senator COCHRAN and I are proud to present this measure to the Senate, to our colleagues, and we hope it will be passed accordingly.

Mr. President, I would like to take this opportunity to discuss the Defense Subcommittee's recommendations regarding the fiscal year 2010 missile defense programs. This bill supports the administration's request, stays at the authorized funding levels, and, most importantly, recommends changes that augment programs that this Congress has been championing year after year.

The committee strongly supports the near-term missile defense programs, including ground-based missile defense, Aegis sea-based missile defense, and theater high altitude area defense. The committee added funding to the budget request in order to enhance each of these initiatives and ensure that the administration remains focused on these programs that are supporting the warfighter today.

The committee provides an additional \$50 million above the budget request for the ground-based missile defense, GMD, program. After the administration submitted its budget for GMD, the Department of Defense approved a new integrated master test plan for the Missile Defense Agency, MDA. This plan requires seven additional ground-based interceptors that were not part of the budget request.

The Department informed the committee that additional funding was needed to sustain the production line in fiscal year 2010 in order to avoid costs associated with reconstituting the line in future years. The committee agreed with the Department and increased the funding.

This bill also provides funds above the budget request that will support the administration's new missile defense architecture in Europe. I strongly endorse the new plan. This new approach will enhance the protection of our allies in Europe, U.S. forces and their families deployed abroad, and the U.S. homeland from ballistic missile attack sooner than the previous program.

Some of my colleagues have stated that we are cancelling missile defense in Europe. Those indictments are simply inaccurate. Earlier this month, Secretary Gates responded to those types of criticisms as "either misinformed or misrepresenting the reality of what we are doing." I would have to agree with him.

Under the prior administration's approach, the missile defense system

would not be capable of protecting against Iranian missiles until at least 2017. Under the new plan, the more threatened areas of Europe and the U.S. forces stationed there will have protection by the end of 2011. Given Iran's brazen missile tests late last month and its recent disclosure of a new, secret uranium enrichment facility, we need to get the right capability fielded sooner.

The 10 interceptors that would have been emplaced in Poland under the previous plan were only capable of engaging five ballistic missiles from Iran. Any number greater than five overwhelmed the proposed system, thereby rendering the U.S. homeland, U.S. allies and partners, as well as our deployed troops and their families, vulnerable. Furthermore, these interceptors are not effective against short- and medium-range missiles that are proliferating around the world.

The system proposed under the new plan is more robust. It will provide the U.S. and its allies with the protection necessary to counter today's real ballistic missile threats. The new plan is more responsive to the increasingly pervasive short- and medium-range missile threat and is adaptable to respond to longer range threats in the future.

The new architecture focuses on using the proven standard Missile-3 on Aegis ships and on the land together with additional sensor capability to provide more effective protection for ourselves and our allies.

I am pleased to say that the Defense appropriations bill provides over \$130 million in additional funding to support this new initiative.

The current inventory of SM-3 missiles is woefully inadequate to outfit the fleet of Aegis ballistic missile defense ships. The committee adds nearly \$60 million to procure an additional 6 SM-3 interceptors to ensure that more missiles are available. This funding will bring production capacity up to the current level.

The bill adds over \$40 million to begin procurement of an additional TPY-2 radar that could be deployed to Southern Europe. This is precisely what the new plan calls for. The additional sensor coverage will support protection of our European allies and deployed forces. It will also enhance the defense of the United States since it can provide early and precise tracking data for the U.S. ground-based interceptors emplaced in Alaska and California.

Finally, the committee provides an additional \$35 million to continue development of SM-3 interceptors. This increased funding will accelerate the future upgrades of SM-3. These advancements are intended to increase the range and lethality of the SM-3 missiles on Aegis ships and the land-based component of the new European

architecture. This is a critical component to counter the threat of Iranian longer range missiles in the future.

In order to stay at the authorized level for missile defense, while at the same time adding funds to robustly support the near-term missile defense programs and the new European missile defense plan, the committee had to make difficult trade-offs.

The committee reduced programs that are technically challenging and uncertain to show promise for years to come.

The committee also reduced funds that were not needed in fiscal year 2010. For instance, several of my colleagues have expressed concern that this bill reduces funding for tests and targets by \$150 million. Our committee strongly supports a robust test program for missile defense, but we do not support funding that cannot be executed next year. The committee reduced funds that are premature for fiscal year 2010 and will not be required until later years. Let me explain.

In fiscal year 2009, the Congress appropriated nearly \$920 million for test and targets. According to data provided by the Missile Defense Agency, as of August 31, they have only spent \$360 million of those funds. This means that the Agency will carry forward into fiscal year 2010 about \$560 million.

The fiscal year 2010 request for test and targets is nearly \$970 million, a \$50 million increase over last year's funding.

The committee believes that a \$150 million reduction will not impact the testing program in fiscal year 2010. With the unexpended funds from fiscal year 2009 and this committee's recommendation for fiscal year 2010, MDA will have over \$1.3 billion for testing purposes.

Furthermore, some of my colleagues will say that the reduction in the test and target budget line will stop testing of the two-stage ground-based interceptor that was intended for Poland under the prior administration's plan. That is simply not the case. Nowhere in this bill does the committee deny funding for the two-stage interceptor tests.

Indeed, the bulk of funding for these two tests is not in the test and target line of the budget request. Most of the funds for these tests are being carried forward from fiscal year 2009 for the European third site and are included in the \$50.5 million request in fiscal year 2010 for the European capability.

Let me close by saying that this bill responsibly and robustly funds the missile defense programs that Congress has supported for years. It provides additional funding for GMD, Aegis and TYP-2 radars. It provides funding that is strongly aligned with the administration's new plan for missile defense in Europe. I strongly urge my colleagues to support the committee's recommendation.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2588

Mr. SESSIONS. Mr. President, I would like to speak about the Franken amendment if it is OK with the bill managers.

The amendment would impose the will of Congress on private individuals and companies in a retroactive fashion, in validating employment contracts without due process of law. It is a political amendment, really at bottom, representing sort of a political attack directed at Halliburton, which is politically a matter of sensitivity.

Notwithstanding, the Congress should not be involved in writing or re-writing private contracts. That is just not how we should handle matters in the Senate, certainly without a lot of thought and care, and without the support or at least the opinion of the Department of Defense.

Senator FRANKEN offered this amendment because he apparently does not like the fact there are arbitration agreements in employment contracts. I would suggest that is common all over America today.

The Supreme Court of the United States has already resolved that arbitration agreements contained in employment contracts are not only valid but in most instances beneficial. In most instances, arbitration is considered to be beneficial. In fact, employees tend to win more arbitration disputes than they do lawsuits in court. So I think that is a matter we should consider.

This is what Justice Kennedy on the Supreme Court wrote in *Adams v. Circuit City*:

Arbitration agreements allow parties to avoid the cost of litigation, a benefit that may be of particular importance in employment litigation, which often involves smaller sums of money than disputes concerning commercial contracts.

So I believe that instead of eliminating arbitration, we should probably be looking for ways to utilize mediation and arbitration more in these kinds of disputes.

Indeed, in a recent JAMS article published in June of 2009, entitled "Arbitrators Less Prone to Grant Dispositive Motions Than Courts," the author made the following points:

[A]rbitrators are generally much more reluctant than courts to grant dispositive motions—

That is, to wipe out a lawsuit altogether—

whether they are motions to dismiss a complaint or arbitration demand, or motions for summary judgment. Indeed, the rules of most major arbitration providers are silent about whether an arbitrator may entertain dispositive motions.

It goes on to say:

While courts have held that arbitrators have the inherent power to grant dispositive motions, the lack of explicit rules on the issue reflects the hesitance that most arbitrators feel in granting dispositive motions without a fact hearing.

It goes on to say:

There are at least three institutional reasons, which also highlight some of the advantages of arbitration:

The article says:

First, while every litigant is entitled to appeal the grant of a dispositive motion in federal or state court, a final decision in arbitration is subject to far less review. Moreover, appellate court review of such a grant is *de novo*, with the allegations or evidence, as the case may be, read in the light most favorable to the plaintiff. In addition, to the extent that the trial court has interpreted the law, the reviewing court is free to interpret and apply the law differently.

Basically, they are saying a person who has filed a complaint about their employment termination or agreement has a better shake of getting to court and having their matter heard than if they had filed a lawsuit because the strict rules of summary judgment often toss a lot of these lawsuits at an early stage.

It goes on to say:

The second difference between courts and arbitrators that explains why courts are more likely to grant motions to dismiss [an employee's lawsuit] is a differing level of concern about discovery. In the U.S. Supreme Court's recent decision in *Twombly*, for instance, "the Court placed heavy emphasis on the 'sprawling, costly, and hugely time-consuming' discovery that would ensue in permitting a bare allegation of an anti-trust conspiracy to survive a motion to dismiss, and expressed concern that such discovery" will push cost-conscious defendants to settle even anemic cases. Discovery is much more limited in arbitrations and, thus, a denial of a motion to dismiss is less likely to result in such extensive discovery.

Finally, some commentators and judges have noted that the pressure of the increasing caseload that federal and state courts have seen over the last two decades makes the courts more tempted to dispose of cases on a motion, instead of after a trial on the merits. . . . [arbitrators have] reacted in precisely the opposite way—by constricting, not expanding, the use of dispositive motions.

In effect, allowing more cases to be fully heard.

There is no doubt that contracts are a property right. We do not have any allegations that the contracts Senator FRANKEN is trying to invalidate were imposed on employees or that fraud or coercion was involved in creating them.

To invalidate these contracts would violate not only the due process rights of employers but the employees as

well. Employees could, indeed, benefit from arbitration rather than having to go to Federal court. The Congress is in no position to determine whether an employee negotiated for additional compensation in exchange for signing an arbitration agreement—

The PRESIDING OFFICER. The minority time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have one additional moment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would conclude by saying that I do believe this is an important issue; that the Department of Defense is not asking for this. It is a reaction to some specific event, I assume, that has not justified changing Federal law. Arbitration in itself can be better for employees than filing an expensive lawsuit in Federal court. I believe we ought to at least dig into the issue far more in depth than we have before we up and pass such legislation as this.

I thank the Chair and yield the floor.

Mr. FRANKEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii controls the time.

Mr. INOUE. I yield.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, article I, section 8 of our Constitution gives Congress the power to spend money for the welfare of our citizens. Because of this, Chief Justice Rehnquist wrote:

Congress may attach conditions on the receipt of Federal funds, and has repeatedly employed that power to further broad policy objectives.

That is why Congress could pass laws cutting off highway funds to States which didn't raise their drinking age to 21. That is why this whole bill is full of limitations on contractors—what bonuses they can give and what kinds of health care they can offer. The spending power is a broad power, and my amendment is well within it.

But don't take my word for it. I asked three of our Nation's top constitutional scholars—Akhil Amar, Laurence Tribe, and Erwin Chemerinsky, authorities regularly cited by everyone from Justice Scalia to Justice Stevens—what they thought about this amendment. Let me read their joint conclusion from this letter, which I ask unanimous consent to have printed in the RECORD:

Congress' power of the purse is expansive. S.A. 2588 falls squarely within its purview, and clearly does not infringe any constitutional prohibition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR MEMBERS OF THE UNITED STATES SENATE: Pursuant to a request from Senator Franken, we have reviewed his pending

amendment (S.A. 2588) to the Department of Defense Appropriations Act of 2010 (H.R. 3326). Senator Franken invited us to consider whether any aspect of this amendment could arguably be found unconstitutional. We are confident that S.A. 2588 is well within the bounds of Congress' power under the Spending Clause. We are also confident that it raises no separate constitutional concerns.

The Constitution empowers Congress to "pay the Debts and provide for the common Defence and general Welfare of the United States." Art. I, §8, cl. 1. As Chief Justice Rehnquist wrote in *South Carolina v. Dole*, 483 U.S. 203, 206 (1987), "[i]ncident to this power, Congress may attach conditions on the receipt of federal funds, and has repeatedly employed the power 'to further broad policy objectives[.]'" In *South Carolina v. Dole*, for example, the Supreme Court upheld the National Minimum Drinking Age Act, a law that limited federal highway funds to states that did not adopt a minimum drinking age of twenty-one. This amendment is precisely the kind of "general welfare" legislation that the Spending Clause, as interpreted by *South Carolina v. Dole*, would permit.

Of course, the Spending Clause does not permit actions that are barred by other provisions of the Constitution. See, e.g., *Buckley v. Valeo*, 424 U.S. 1, 91 (1976) (per curiam). A review of the proposed measure reveals no such barriers.

This measure could conceivably impair government performance on certain federal contracts. The Contracts Clause of the Constitution, however, which prohibits passage of any "Law impairing the Obligation of Contracts," explicitly and exclusively applies to the states, not the federal government. See Art. I, 10, cl. 1 ("No State shall . . ."). Hence, the Contracts Clause could not provide the basis for a constitutional challenge to this amendment.

Similarly, S.A. 2588 is not remotely a Bill of Attainder. Instead of naming or describing a specific group of entities to be covered, the amendment erects a "generically applicable rule" for de-funding: the practice of requiring mandatory arbitration of certain claims. See *United States v. Brown*, 381 U.S. 437, 450 (1965). Moreover, denial of federal funding to an entity that declines to bring itself into compliance with purely prospective funding guidelines is a far cry from the punitive conduct that the Bill of Attainder clause was written to prohibit. If anything, while the "distinguishing feature of a Bill of Attainder is the substitution of a legislative for a judicial determination of guilt," this amendment empowers the courts as the only fora for the resolution of certain claims. *De Veau v. Braisted*, 363 U.S. 144, 160 (1960).

The Ex Post Facto Clause is also unavailing. Independent of the fact that the restriction of funding in S.A. 2588 is conditioned on present or future conduct, it is long-settled that the Ex Post Facto Clause applies exclusively to criminal penalties. See *Calder v. Bull*, 3 U.S. 386 (1798).

Nor could it be plausibly argued that S.A. 2588 effects an unconstitutional "regulatory taking" without just compensation under the Fifth Amendment Takings Clause. The Takings Clause addresses only the physical seizure of private property and the regulatory destruction of particularly identifiable property rights or interests—air rights, mining rights, intellectual property, and the like. While a plurality of the Supreme Court has once voted to strike down federal legislation under the Takings Clause even where the statute did not seize any identifiable piece of private property or render worthless

any particular property interest, it has done so only where the law in question imposed a "substantial and particularly far reaching" retroactive monetary liability that unforeseeably brought about a "considerable financial burden." *Eastern Enterprises v. Apfel*, 524 U.S. 498, 529–537 (1998). S.A. 2588, in contrast, is entirely unrelated to property, imposes no financial liability, and is in any event of purely prospective effect. Moreover, this measure cannot be said to impose on a narrowly targeted group burdens that in "justice and fairness," *Andrus v. Allard*, 444 U.S. 51, 65 (1979), ought to be borne by the public as a whole—the singular vice of takings of private property without "just compensation."

Someone unfamiliar with the jurisprudence of the past six decades might also allege that S.A. 2588 would violate substantive due process. However, the post-*Lochner* Supreme Court has consistently and wisely expressed an unwillingness to invalidate economic legislation on any such basis so long as it is at least arguably rational. See, e.g., *Ferguson v. Skrupa*, 372 U.S. 726, 731 (1963). In fact, the Supreme Court in the post-1937 era has invalidated economic legislation on the basis of substantive due process only where the legislature has acted in an indisputably "arbitrary and irrational" manner. *Usery v. Turner Elkhorn Mining Co.*, 428 U.S. 1, 15 (1976). This amendment does not even remotely fall within that narrow prohibition.

Congress' power of the purse is expansive. S.A. 2588 falls squarely within its purview, and clearly does not infringe any constitutional prohibition.

Respectfully submitted,

AKHIL REED AMAR,  
Sterling Professor of  
Law, Yale Law  
School.

ERWIN CHERMERINSKY,  
Founding Dean, Uni-  
versity of California  
at Irvine School of  
Law.

LAURENCE H. TRIBE,  
Carl M. Loeb Uni-  
versity Professor, Har-  
vard Law School.

Mr. FRANKEN. Mr. President, I also asked the Congressional Research Service, Congress's nonpartisan research arm, to take a look. They also did not find any cause for constitutional concern.

Senator SESSIONS says my amendment violates the due process clause. But as Professors Amar, Chemerinsky, and Tribe explain in their letter, the Supreme Court hasn't struck down economic laws on these grounds since 1937—unless the legislation is "arbitrary and irrational." Their conclusion: "This amendment does not even remotely fall within that narrow prohibition."

Let me be clear. This amendment does not single out any contractor. The text of the amendment does not list a single contractor by name, and if you read the amendment, you would know it. This amendment would defund any contractor who refused to give the victims of rape and discrimination their day in court.

Let me tell my colleagues how I think this amendment does speak to the Constitution. The Constitution

gives everybody the right to due process of law. Today, defense contractors are using fine print in their contracts to deny women such as Jamie Leigh Jones their day in court. But it is not just Jamie Leigh Jones. This isn't about one instance, as Senator SESSIONS said. This is about many women across this country who have been victims of sexual assault and rape in Iraq and who have been hired by contractors and who have been forced to arbitrate by contractors. So women are not given their day in court. Instead, they are forcing them behind the closed doors of arbitration where the Federal Rules of Evidence don't apply, where decisions are binding and secret, and where decisions are issued by a private arbitrator often paid by the company itself.

This amendment does not seek to eliminate arbitration. It seeks to eliminate arbitration in cases of rape and sexual assault. The victim's—

The PRESIDING OFFICER. The majority time has expired.

Mr. FRANKEN. I ask unanimous consent for another 20 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, the victims of rape and discrimination deserve their day in court. Congress plainly has the constitutional power to make that happen. I ask my colleagues to vote in support of my amendment.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2567 offered by the Senator from Wyoming, Mr. BARRASSO.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2566

Mr. COBURN. Mr. President, later we are going to vote on an amendment I have that is a prohibition on taking earmarked money from the operation and maintenance account of our armed services. Operation and maintenance—not procurement, not research, but operation and maintenance. The very key thing that funds the ability of our warfighters and our Defense Department to do what they do is being used to pay for some very good projects, some not very good projects, most of which all are parochial; in other words, directed toward State benefit, through the operation and maintenance account.

Last year, I would remind my colleagues, the Navy ran out of operation

and maintenance money. We had to supplement it. Why did we supplement it? Because we took their money last year and put it into earmarks instead of giving the Navy what it needed. I would remind the people listening to these words that when we do a supplemental, we charge the money to our kids and our grandkids. We don't have to live within the budget parameters.

So as we vote for this, earmark is another question. The question is: Where do you take the money when you go to earmark? When we take it from the very things that support, equip, and protect the people who are defending this country, and we put them at risk by not having the amount of dollars that are necessary for that, I think we are sending a terrible signal not just to the American people but to our troops that our parochial desires are more important than their well-being.

When the amendment comes up, I will defer saying anything else so we can move on. But the American people need to know. This is a couple hundred million bucks that is going to be taken away from the very necessary things they need. There are a couple of other gimmicks in here that actually lessen that account that allow for other things to be done in terms of not looking into inflation correctly, but we will pass on those amendments. But the fact is we ought not be playing games with the money that goes to protect our troops.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

AMENDMENT NO. 2567

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, on the Barrasso amendment No. 2567.

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, my amendment is simple. It prevents the Central Intelligence Agency from using any funds from the fiscal year 2010 Defense Appropriations bill to create or operate a center on climate change and national security.

To me, this center is redundant to activity already conducted by the CIA and other Federal agencies. There is no reason to create an additional center to do work already being done.

We don't need to duplicate the work of others. Leave the task of gathering and analyzing climate change information to the agencies that do that work. Let them pass that information on to the analysts at the CIA to incorporate it into their assessments.

The experts at the CIA should focus work on foreign intelligence gathering to prevent the next terrorist attack. That is what they are trained and equipped to do.

I urge adoption of the amendment.

Mr. BOND. Mr. President, I rise today to express my support for the amendment, introduced by Senator BARRASSO, to strike the funding for the Central Intelligence Agency's Center on Climate Change and National Security. Climate change and the role of the intelligence community has been the subject of many lively discussions before the Select Committee on Intelligence.

As the vice chairman of this committee, I have worked with the chairman, Senator DIANNE FEINSTEIN, to resolve many issues of importance to the intelligence community. Unfortunately, on this issue of climate change, I have and will continue to disagree respectfully with the chairman.

I recognize that many Members on both sides of the aisle have strong beliefs about global climate change, its causes, and its possible consequences. Regardless of how you come down on this issue, however, our intelligence agencies are not the appropriate venue for dealing with it.

Members who support the creation of this center at CIA have cited the national security implications of global climate change. I agree that global climate change could have national and global security implications and that elements of the U.S. Government and private sector should be studying it, but the intelligence community is not one of those elements. Other government entities, such as the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, are far better suited to study this issue.

The intelligence community is not a think tank. Its job, put simply, is to steal secrets and provide analysis of those secrets. There are no secrets to steal or to analyze when studying current weather patterns and estimating the geopolitical effects of an event 20 or more years in the future as this new CIA center would be asked to do.

The Senate Intelligence Committee is constantly reminded by various commissions, and the intelligence community itself, that our Nation's intelligence analysts are overtasked, overworked, and do not have adequate time to devote to long-term assessments, even on the important countries and issues they currently cover on a daily basis, such as terrorism, proliferation, Iran, Iraq, and China.

To those who support this center, I would ask a simple question: As we face continued threats in Afghanistan, Iraq, and Iran, which analysts are going to be pulled from their current responsibilities to analyze the implications of climate change? Adequately

covering all of the geopolitical implications of global climate change would require analysis on dozens of countries by analysts who are familiar with some or all of those countries. In short, it would require drawing on a substantial part of our analytic corp.

Can we really afford to have these analysts redirected from their current responsibilities to work on global climate change, especially when our nation is at war? I strongly doubt that terrorist leaders or rogue nations will stop plotting against us while our analysts take time off to ponder the potential implications of global climate change.

Through my many discussions with Senator FEINSTEIN, I am familiar with the motivation for this center. While I will vote in favor of Senator BARRASSO's amendment, I would be willing to work with Senator FEINSTEIN and others to find alternative avenues to obtain the information being sought through this center.

The bottom line is this—at a time when our Nation is fighting wars on two fronts, terrorists continue to plot attacks on our homeland, and the threat of proliferation grows, we cannot afford for our overtaxed intelligence agencies to take time off to ponder climate change.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I rise in opposition to the Barrasso amendment.

The mission of the CIA's Center for Climate Change and National Security is fully consistent with that of the intelligence community.

Creating this center does not require any additional CIA resources. It rearranges ongoing programs within the CIA so that existing funding can be more prudently spent.

The work of this center will not divert resources from other missions. It will not divert case officers or the tasking of satellites.

This center will continue in the traditional role of the intelligence community to support policymakers on national security issues related to climate change.

Therefore, I urge my colleagues to oppose this amendment.

I yield the floor.

Mr. BARRASSO. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—38

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker
Crapo	LeMieux	

NAYS—60

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burr	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Snowe
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—2

Byrd Specter

The amendment (No. 2567) was rejected.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I move to table the motion to reconsider.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 2618, AS MODIFIED

Mr. INHOFE. I ask unanimous consent to call up amendment No. 2618. I send a modification to the desk for its consideration. It would not require a rollcall vote.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2618, as modified.

The amendment is as follows:

(Purpose: To ensure sustainment, readiness, and acquisition of ammunition for all United States military services in order to meet long term peacetime and wartime requirements)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of the Army to transfer by sale, lease, loan, or donation government-owned ammunition production equipment or facilities to a private ammunition manufacturer until 60 days after the Secretary submits a certification to the congressional defense committees that the transfer will not increase the cost of ammunition procurement or negatively impact national security, military readiness, govern-

ment ammunition production or the United States ammunition production industrial base. The certification shall include, the Secretary of the Army's assessment of the following:

(1) A cost-benefit risk analysis for converting government-owned ammunition production equipment or facilities to private ammunition manufacturers, including cost-savings comparisons.

(2) A projection of the impact on the ammunition production industrial base in the United States of converting such equipment or facilities to private ammunition manufacturers.

(3) A projection of the capability to meet current and future ammunition production requirements by both government-owned and private ammunition manufacturers, as well as a combination of the two sources of production assets.

(4) Potential impact on national security and military readiness.

Mr. INHOFE. Mr. President, back in August of 2008 there was a directive that we should try to privatize as many of the Army Corps as possible. All this does is say, before any more are privatized, the Army should have to certify that—two things—it would not increase the cost or negatively impact national security. It has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2618), as modified, was agreed to.

Mr. COCHRAN. I move to table the motion to reconsider.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair.

AMENDMENT NO. 2588

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2588, offered by the Senator from Minnesota, Mr. FRANKEN.

The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, when she was 19, Jamie Leigh Jones was drugged, gang-raped, and locked in a shipping container while working for KBR in Iraq. She tried to sue, but KBR pointed to the fine print in her contract and forced her into arbitration. Jamie Leigh, who came to Washington for this vote, has spent 3 years fighting just to get her day in court.

This is not just Jamie Leigh's story. It is the story of Mary Kineston of Ohio, Pamela Jones of Texas, and women around this country.

Fifty-eight groups across this country have taken a stand by supporting my amendment. As the National Alliance to End Sexual Violence said:

Asking a victim to enter arbitration with someone who raped her, or with a company that wouldn't protect her, is outrageous.

I agree. Victims of sexual assault and discrimination at least deserve their day in court. My amendment would make sure all military contractors, not just KBR, give victims that basic right.

I urge you to support this amendment.

Mr. NELSON of Florida. Mr. President, in December 2007, I became involved in an issue that I continue to work on today. The issue is our government's failure to prosecute multiple incidents of sexual assault against American civilians working alongside our military in Iraq and Afghanistan.

After surviving sometimes brutal attacks, these civilians too often found themselves in a legal blackhole. No one could tell them how to report the crime. No one knew who should investigate, putting precious time and evidence at risk. And perhaps worst of all, no one could guarantee their personal safety. Their attackers, meanwhile, usually fell outside the Uniform Code of Military Justice, UCMJ, the legal code that our men and women in uniform must obey, and beyond the effective reach of our criminal laws.

Over the last 2 years, I have been in frequent contact with the Departments of Defense, State, and Justice to ascertain the scope of this problem. Although these agencies have, on the whole, cooperated with my requests, I am not satisfied that we have a full picture of the number of sexual assaults perpetrated against Americans—contractors and military—in Iraq and Afghanistan. Nor do I believe that the respective departments have clear policies in place to address crimes committed by and against U.S. contractors serving in the war zones.

In April 2008, I chaired a hearing in the Foreign Relations Committee that included harrowing testimony from Mary Beth Kinston and Dawn Leamon, who were former civilian contractors for Kellogg Brown & Root, better known as KBR, which is a former subsidiary of Halliburton. These patriots testified that they were sexually assaulted while working for KBR in Iraq. In written testimony submitted to the committee, another woman, Jamie Leigh Jones, wrote of being drugged and gang-raped by her coworkers, also while working for KBR in Iraq. When she reported the crime to her superiors, Ms. Jones was locked in a shipping container. Not until her father was able to contact Congressman TED POE was Ms. Jones rescued from captivity.

When similar crimes are committed within the United States, on a permanent military base, or at one of our embassies overseas, the authority and responsibility to prosecute these crimes is clear. Yet because these crimes were committed abroad and the victims were civilians, their stories never see the light of day. There is no jury, no public record and no transcript.

Additionally, in many cases the victims' employer has moved for such cases to be heard in private arbitration. At the hearing, Dawn Leamon stated that there was an arbitration

clause in the employment agreement she signed, and that KBR used that clause to prevent her from seeking justice in a court of law. These arbitration clauses, which have become all too common, protect the companies from accountability when a crime occurs.

In response to the hearing and testimony of these courageous women, I offered an amendment in mark-up of the 2009 National Defense Authorization Act that later became law, Public Law 110-417. That amendment required government contractors to report crimes committed by or against employees in Iraq or Afghanistan to the appropriate U.S. government authorities. The law now requires contractors to have in place resources to assist victims and witnesses of crimes, so that there is a place to go for help. I also attempted to include a provision that would prevent contractors from requiring employees to enter into mandatory arbitration contracts.

I am pleased that Senator FRANKEN has taken an interest in this important issue, and I am cosponsoring the Franken amendment, Senate amendment No. 2588, which denies funding to Department of Defense contractors who continue to use mandatory arbitration clauses to force sexual assault victims into arbitration. If adopted, this important amendment would close the legal loophole that prevents the victims of sexual assault from getting the justice they deserve. It is my hope that justice for these women will encourage reform to the entire system.

I encourage my colleagues to join us in unanimously adopting this amendment. It is my hope that such a showing of support will urge its adoption in the final conference bill. It is imperative that this provision become law.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, first of all, with regard to this lawsuit, although it took some time, the court, the Fifth Circuit, has ruled that this matter is not arbitrable and this lady is entitled to a court trial because it goes outside normal employment matters.

The Department of Defense let me know to oppose this amendment. There are a number of reasons: because it goes far beyond the issue raised by my colleague from Minnesota. It eliminates arbitration for any claim under title VII of the Civil Rights Act, any claim resulting from negligent hiring, negligent supervision or retention of an employee—virtually any employment dispute that is now resolvable under arbitration, which the U.S. Supreme Court has said is good. Statistics show that employees get final judgment and actually win more cases under arbitration than they do going to the expense of a Federal court trial.

I think we should listen to the Department of Defense and vote no on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. FRANKEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 308 Leg.]

#### YEAS—68

Akaka	Grassley	Mikulski
Baucus	Hagan	Murkowski
Bayh	Harkin	Murray
Begich	Hatch	Nelson (NE)
Bennet	Hutchison	Nelson (FL)
Bennett	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Snowe
Casey	Lautenberg	Stabenow
Collins	LeMieux	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Voinovich
Durbin	Lincoln	Warner
Feingold	Lugar	Webb
Feinstein	McCaskill	Whitehouse
Franken	Menendez	Wyden
Gillibrand	Merkeley	

#### NAYS—30

Alexander	Cornyn	Kyl
Barrasso	Crapo	McCain
Bond	DeMint	McConnell
Brownback	Ensign	Risch
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Gregg	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker

#### NOT VOTING—2

Byrd	Specter
------	---------

The amendment (No. 2588) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

#### AMENDMENT NO. 2596

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 2596 offered by the Senator from Missouri, Mr. BOND.

Mr. BOND. Mr. President, the January report of the Governmental Accountability Office said the Air Force had a couple of major challenges in sustaining the air sovereignty alert capabilities; that is, the air structure that keeps our homeland safe.

They say the Air Force has not developed plans because it is focused on



other priorities. Retiring these planes would result in a lack of aircraft to meet the vital ASA mission. And 16 of the 18 sites across the Nation are manned by Air National Guard.

Senator LEAHY and I, as cochairs, have introduced this amendment, which is supported by the Guard, which says that we do not retire any more fourth-generation aircraft until the Secretary tells the Congress how it is going to ensure the capability of the ASA mission.

Mr. LEAHY. Mr. President, I rise in support of the amendment offered by Senator BOND to temporarily suspend the retirement of tactical aircraft by the U.S. Air Force.

For months, Senator BOND and I as co-chairs of the Senate National Guard Caucus have repeatedly questioned Air Force and Department of Defense leadership about what it was doing to address a looming shortfall in available aircraft for Air National Guard Units. The Air Force acknowledges this issue and I know has spent a great deal of time studying options on how to address the shortfall.

But, after numerous requests at hearings and briefings for a concrete plan, at the start of the fiscal year 2010 fiscal year today, we still do not have a plan.

That is why Senator BOND and I have proposed an amendment that temporarily suspends the retirement of tactical aircraft until the Secretary of the Air Force provides Congress with a roadmap that resolves the looming tactical aircraft shortfall.

I hope this amendment prompts the Air Force to conclude its deliberations so that our National Guard and Reserves never get to point where there are units that have the best trained pilots and technicians in the world but there are no aircraft on the tarmac.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. I have no opposition to this amendment, nor am I aware of anyone on our side who opposes this. I am prepared for a voice vote.

Mr. BOND. Mr. President, there may be a request for a vote on this side.

There is objection on this side to having a voice vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER (Mr. KAUFMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—91

Akaka	Ensign	Merkley
Alexander	Enzi	Mikulski
Barrasso	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Franken	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bennet	Grassley	Pryor
Bennett	Hagan	Reed
Bingaman	Harkin	Reid
Bond	Hatch	Risch
Boxer	Hutchison	Roberts
Brown	Inhofe	Rockefeller
Brownback	Inouye	Sanders
Bunning	Isakson	Schumer
Burr	Johnson	Shaheen
Burr	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Kirk	Stabenow
Carper	Klobuchar	Tester
Casey	Kohl	Thune
Chambliss	Landrieu	Udall (CO)
Cochran	Lautenberg	Udall (NM)
Collins	LeMieux	Vitter
Conrad	Leahy	Voinovich
Corker	Levin	Warner
Cornyn	Lieberman	Webb
Crapo	Lincoln	Whitehouse
DeMint	Lugar	Wicker
Dodd	McCaskill	Wyden
Dorgan	McConnell	
Durbin	Menendez	

NAYS—7

Coburn	Johanns	Sessions
Graham	Kyl	
Gregg	McCain	

NOT VOTING—2

Byrd	Specter
------	---------

The amendment (No. 2596) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2565

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2565 offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. This is a simple amendment. I am appreciative of the fact that the National Guard and Army Reserve will get additional funds. All the amendment says is, run that by the Defense Department. They don't get to approve it or disapprove it, but they ought to get to see it. And so should we. Every one of us has National Guard units. Many of us have Army Reserve units. Why should we not have access to information as to how they will spend the money? It is about transparency. The American people ought to see how they will spend the money. I want to see how it will be spent in Oklahoma. All Senators should be able to see how it is spent. The Secretary of Defense will not be able to stop it. It only says he is knowledgeable and responsible, when utilizing those forces overseas, for their deployment and equipment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Coburn amendment, which would im-

pose an additional layer of bureaucracy to the National Guard and Reserve's spending decisions, is unnecessary and burdensome. This proposal mandates a new component of review and assessment in a process where a high level of accountability already exists.

As is already required by law, the Assistant Secretary of Defense for Reserve Affairs sends reports to Congress, including the four committees which oversee defense spending.

These reports explain, in detail, how the various Reserve component chiefs have determined to spend the funds provided.

The Guard plays a unique role in our country; they defend us here at home and, as has been the case all too often in recent years, they fight for us abroad. This special status directly affects the Guard's spending priorities, and in recent years they have focused on buying "dual use" equipment that is good for both foreign war and for domestic missions.

Based on this reality, it is important that Congress maintain the Reserve component chief's level of influence so they can spend funds based on their most urgent requirements and unique needs.

Finally, creating statutory requirement for an additional "thorough review," involving the Secretary of Defense and other officials, will likely delay access to these funds. At a time when our Guard is called upon more frequently at home and is being relied upon so heavily in Iraq and Afghanistan, to risk underresourcing them and not providing the full support of Congress is irresponsible and negligent.

I call upon my colleagues to support the Guard and Reserves and reject this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2565.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—28

Barrasso	Enzi	McCaskill
Bunning	Graham	McConnell
Burr	Gregg	Murkowski
Carper	Hatch	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Wicker
DeMint	LeMieux	
Ensign	McCain	

## NAYS—70

Akaka	Feinstein	Murray
Alexander	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Grassley	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Hutchison	Risch
Bingaman	Inouye	Roberts
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Brownback	Kirk	Shaheen
Burris	Klobuchar	Snowe
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Conrad	Levin	Voinovich
Cornyn	Lieberman	Warner
Crapo	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Merkley	
Feingold	Mikulski	

## NOT VOTING—2

Byrd	Specter
------	---------

The amendment (No. 2565) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table. The motion to lay on the table was agreed to.

## AMENDMENT NO. 2566

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 2566, offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I spoke earlier on this amendment and will yield my time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this is a pretty simple amendment. It prohibits the spending of \$165 million on earmarks. We would free up \$165 million and return it to the general pool of operation and maintenance funding. So it is very clear the administration, on the operation and maintenance account, says the bill cuts the O&M account, and this restores some of it.

I again would like to point out that operation and maintenance is one of the most critical aspects of our defense of this Nation. This amendment simply prohibits expenditures on any earmarks in the operation and maintenance account.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the Senator from Oklahoma has proposed an amendment to strip the Defense bill of the earmarks in the O&M appropriations. As I have said previously, the Defense Subcommittee reviews the entire budget and adjusts funds based on that review. Funds in the O&M budget are not reduced with the intent to fund earmarks.

Earmarks in O&M provide additional funds to repair facilities and enhance

security on our military bases, augment maintenance efforts, and equip our military members with personal protection devices.

During this debate, the Senator from Oklahoma has spoken about his concerns to provide adequate funding for the National Guard. I share that concern. I would point out that if this amendment is adopted, it would decrease funding in excess of \$75 million provided by this subcommittee to National Guard units in nearly 20 States.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INOUE. I hope my colleagues will vote against it.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The result was announced—yeas 25, nays 73, as follows:

[Rollcall Vote No. 311 Leg.]

## YEAS—25

Barrasso	Ensign	Lugar
Bayh	Enzi	McCain
Bunning	Feingold	McCaskill
Burr	Grassley	Risch
Chambliss	Inhofe	Sessions
Coburn	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	
DeMint	LeMieux	

## NAYS—73

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Baucus	Gregg	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Hatch	Reid
Bingaman	Hutchison	Roberts
Bond	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Brownback	Kerry	Shaheen
Burris	Kirk	Shelby
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Warner
Corker	Lincoln	Webb
Dodd	McConnell	Whitehouse
Dorgan	Menendez	Wicker
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

## NOT VOTING—2

Byrd	Specter
------	---------

The amendment (No. 2566) was rejected.

Mr. INOUE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

## AMENDMENT NO. 2601

Mr. SANDERS. Mr. President, my amendment is supported by Senators DORGAN and LEAHY, the National Guard Association, the U.S. Air Force Association, and the U.S. Army and Reserve Officers Association.

This is a simple amendment. Many of the men and women are coming home from Iraq and Afghanistan with PTSD and TBI. While the DOD and the Veterans' Administration have done a good job in providing services to the men and women, not everybody is accessing the services.

This amendment provides \$20 million for outreach efforts so that State by State we can send people out to talk to them and make sure they understand the facilities that are there and available to them to help them with PTSD and TBI.

My understanding is that this amendment has been accepted. I thank the chairman and the ranking member.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, there is no opposition to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2601) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## SENATOR BAUCUS'S 11,000TH VOTE

Mr. REID. Mr. President, if I can have the attention of the Senate, I had a chance to go to Montana with Senator BAUCUS. I had never been there. Nevada is a huge State area-wise, but Montana is twice as big as Nevada. We are the seventh largest State and Montana is the fourth largest. I can remember flying in that airplane and thinking it is unbelievable how big that State is. Well, that is kind of like MAX BAUCUS. He always does things in the form of a marathon. As I have indicated, Montana is the fourth largest State in the Union. It is called Big Sky Country, and it is. It is such a beautiful State.

The first time MAX ran statewide, he walked the State of Montana—820 miles he walked. I was always very satisfied that I was a marathoner, but I talked to BAUCUS, and, of course, he has run more of them than I have and faster than I have. I dropped the subject quickly when I learned he isn't satisfied with a marathon that is 26¼ miles. He runs 50 miles. That shows the grit this man has. During one of his 50-milers, at 8 miles he fell very hard. He hit his head. There was blood all over. But he got up and ran another 42 miles in that race. He had hurt himself. A



few weeks later, he had to be hospitalized as a result of that injury he suffered falling down. So it is pretty easy to understand why this marathon he has been involved in with health care has been fairly simple compared to some in which he has been involved.

I am here to congratulate MAX BAUCUS on the next vote, which will be his 11,000th vote in the Senate. He has had a distinguished career in the House and in the Senate. He has been chairman of the Environment and Public Works Committee and is now chairman of the Finance Committee.

I have such great respect for Senator BAUCUS. There are a lot of career highlights, and I could list a lot of them. But for me, the most significant thing he did is not a bill you will see in the archives; it is his having stepped forward at a time when nobody thought it could be done, and in the face such opposition, he helped stop the privatization of Social Security. That was done by a lot of people, but it could never have been done without MAX BAUCUS.

The people of Montana love MAX BAUCUS because they know he is a marathoner, he is a man of strength and courage, and he understands the State of Montana.

It is hard for me to articulate the relationship I have with Senator BAUCUS. It is a relationship I prize. He is my friend and my confidant. He has a very tough job running the Finance Committee. Every big issue that comes before the Senate winds up in the Finance Committee because we have to figure out a way to pay for it. He runs that committee with an iron hand. We all know how tough he can be on that committee, but we also know how fair he can be. I learned that working on the Children's Health Insurance Program. That was a bipartisan piece of legislation. As a result of the work he did on that committee, we have more than 14 million children now who are able to participate in that program who would not have been able to do so otherwise. It was done on a bipartisan basis.

I join with everybody here in congratulating MAX BAUCUS, who is, to me, what a Senator should be. He understands the significance of being a Senator, the significance of representing his State, and in the process he has become a great U.S. Senator.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I say congratulations from this side of the aisle to the distinguished Senator from Montana on his 11,000th vote, which he is about to cast. The majority leader pointed out his great physical prowess in running these marathons. As he also indicated, presiding over the Finance Committee in the last few weeks has certainly qualified him for another long run.

For over 30 years, Senator BAUCUS has represented Montana in the State

legislature, in the U.S. House of Representatives, and in the U.S. Senate. He grew up on his great-grandfather's ranch, and he has always fought hard for the people of the Big Sky State. He has had a simple message: Montana comes first. He has fought to strengthen our Nation's transportation infrastructure. As we have seen over the past couple of weeks, he has a pretty strong work ethic, which should not surprise any of us for a guy who, as the majority leader pointed out, walked across the entire length of Montana.

Senator BAUCUS has given three decades of dedicated service and has kept his pledge to put Montana first. I join the majority leader in congratulating him on his 11,000th vote.

(Applause.)

The PRESIDING OFFICER. The junior Senator from Montana is recognized.

Mr. TESTER. Mr. President, I wish to add a few comments to those of the majority leader and the Republican leader.

I say to MAX BAUCUS, congratulations on your 11,000th vote. You have done such a great job over the many years you have served the people of the great State of Montana—me being one of those.

I give MAX a bad time, saying when he came to the Senate, I was just a child. Well, when he came to the Senate, he was just a child too. I have a lot of respect for this man.

Folks say MAX is a lucky guy, and he is. But he creates that luck with hard work. He works very hard not only for the people of Montana but for this Nation.

I thank you, MAX. Congratulations, and all the best.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, as the Member of the Senate who has worked closely with Senator BAUCUS over the last 10 years—either he has been chairman of the committee or I have been—I congratulate him on this 11,000th vote. But more important, I thank him for the close working relationship we have had, which I think people back home in our respective States probably don't observe, which is that there is a great deal of bipartisanship that goes on in Congress. I think Senator BAUCUS and I have established a close working relationship that refutes that everything in Washington is political. I thank him for that close working relationship and, more importantly, I thank him for putting up with a lot of problems I have created for him.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am very honored by all the comments of the majority leader, who is a good friend; Senator MCCONNELL; my good friend JON TESTER; and the Senator

from Iowa, Mr. GRASSLEY. I am also honored to have served in this body.

Everyone here cares a lot about public service and about people. We are all here because we care. I very much appreciate working with all of you. There are a lot of characters here, different personalities. The bottom line is that everybody is here for their State and the Nation.

I feel as if I am the luckiest guy in the world. I think this is the best job one could have. I have 900,000 of the world's greatest bosses, the people of Montana. They are terrific and wonderful. I am just a hired hand working for them.

Combined with all of you and all the staff here, you are all people here who care about our great country. I thank you very much. I could not be more touched and appreciative. Thank you.

(Applause.)

AMENDMENT NO. 2580

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 2580 to be offered by the Senator from Arizona, Mr. MCCAIN.

The clerk will report.

The legislative clerk read as follows: The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2580.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike amounts available for procurement of C-17 aircraft in excess of the amount requested by the President in the budget for fiscal year 2010)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby reduced by \$2,500,000,000, the amount equal to the amount by which the amount available under that heading for the procurement of C-17 aircraft exceeds the amount requested by the President in the budget for the Department of Defense for fiscal year 2010 for the procurement of such aircraft.

Mr. MCCAIN. Mr. President, President Eisenhower warned us about the military-industrial complex. Well, we don't have to worry about the military anymore; it is now just the industrial complex and the lobbyists.

This amendment strikes the \$2.5 billion for 10 C-17 aircraft. Again, it used to be the military-industrial complex; now it is the industrial complex. The President, the Secretary of Defense, the Chairman of the Joint Chiefs, the Chief of Staff and Secretary of the Air Force, the commander of U.S. Transportation Command, and the chairmen and ranking members of the Senate and House Armed Services Committees have all agreed with the Secretary of Defense, who says that the "205 C-17s

in the force and on order, together with the existing fleet of C-5 aircraft, are sufficient to meet the Department's future airlift needs—even under the most stressing situations."

Mr. President, the spending goes on, the beat goes on, and at some time the American people are going to say "enough."

Mr. DODD. Mr. President, it may feel like Ground Hog Day for some of us. We soundly defeated a similar amendment proposed by the Senator from Arizona last week, by a vote of 34-64. The reasons are clear, and have remained unchanged.

The C-17 has proven its worth to our troops in Iraq and Afghanistan, to our taxpayers that foot the bill, and to the workers that labor day in and day out to provide our military with these critical planes. Our need for these planes is not shrinking—in fact, it is growing. Since the last formal assessment of our military's airlift requirements 4 years ago, our forces have been expanded by 92,000 troops. Our overseas commitments have dramatically increased, resulting in many C-17s flying nearly double the flight hours that were planned for. Why? Because the C-17 is the most versatile and capable airlift plane in our arsenal.

Despite these facts, the Senator from Arizona insists that we extend the life of our 40-year-old C-5 fleet, at a high cost to our taxpayer. Over the administration's objections, he coauthorized a bill recently that was approved by this body that actually prohibits the military from retiring C-5s. According to the Air Force, the C-5B has already reached 147 percent of planned life expectancy. This is a fleet we must begin to replace.

I urge my colleagues to join me in defeating amendment No. 2580, for the sake of our troops, our taxpayers, and America's workers.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I rise to oppose this amendment which seeks to eliminate funding on the C-17. I am certain the Senate is aware that Vice Chairman COCHRAN and I proposed and the committee unanimously accepted our recommendation to reallocate \$2.5 billion to procure 10 additional C-17s.

Last week, the Senate voted overwhelmingly to defeat the Senator's amendment which would have deleted funding for the C-17 program. I believe the sense of the Senate is very clear. Continuing with the C-17 program is a high priority. It is a critical national security enabler, providing the airlift our forces need for today's fight and for years to come.

I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2580.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the CHAMBER desiring to vote?

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 312 Leg.]

#### YEAS—30

Alexander	Feingold	McCain
Barrasso	Franken	McConnell
Bennet	Gregg	Merkley
Cardin	Kaufman	Sanders
Carper	Klobuchar	Sessions
Coburn	Kohl	Thune
Conrad	Kyl	Udall (CO)
Corker	LeMieux	Voinovich
Dorgan	Levin	Warner
Enzi	Lugar	Webb

#### NAYS—68

Akaka	Ensign	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Rockefeller
Burr	Isakson	Schumer
Burr	Johanns	Shaheen
Cantwell	Johnson	Shelby
Casey	Kerry	Snowe
Chambliss	Kirk	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Udall (NM)
Cornyn	Leahy	Vitter
Crapo	Lieberman	Whitehouse
DeMint	Lincoln	Wicker
Dodd	McCaskill	Wyden
Durbin	Menendez	

#### NOT VOTING—2

Byrd Specter

The amendment (No. 2580), was rejected.

#### AMENDMENT NO. 2623

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2623, to be offered by the Senator from Hawaii, Mr. INOUE. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, the McCain amendment rests on the assumption that congressional earmarks are for special treatment in awarding these contracts. But DOD's own inspector general concluded that the Department conducts identical oversight on earmarks and items funded in the President's budget. The McCain amendment also eliminates small business set-asides for earmarks. These set-asides benefit minority-owned, women-owned, disabled-veteran-owned businesses.

My amendment applies competitive contracting to earmarks for for-profit entities on the same basis as items in

the President's budget, and protects funding for small businesses. The items funded by Congress or the President ought to be awarded using the same rules of the road.

I urge Senators to support my amendment.

The amendment is No. 2623. I call that up.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE] proposes an amendment numbered 2623.

Mr. INOUE. I ask further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide full and open competition for congressionally directed spending items)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) NATURE OF FULL AND OPEN COMPETITION FOR CONGRESSIONALLY DIRECTED SPENDING ITEMS.—Each congressionally directed spending item specified in this Act or the report accompanying this Act that is intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) CONGRESSIONALLY DIRECTED SPENDING ITEM DEFINED.—In this section, the term "congressionally directed spending item" means the following:

(1) A congressionally directed spending item, as defined in rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark for purposes of rule XXI of the House of Representatives.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the side-by-side here is to basically neuter the intent of my amendment, which calls for competition for earmarks that are intended for for-profit companies. That is all it is, pure and simple. It is very well known how jealously the appropriators guard their earmarking, pork-barreling projects. My amendment, which is a side-by-side, would say we just put earmarks up for competition. The amendment of Senator INOUE will gut that provision.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. INOUE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 313 Leg.]

#### YEAS—77

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murkowski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Pryor
Bennett	Hutchison	Reed
Bingaman	Inhofe	Reid
Bond	Inouye	Roberts
Boxer	Isakson	Rockefeller
Brown	Johnson	Sanders
Brownback	Kaufman	Schumer
Burr	Kerry	Shaheen
Cantwell	Kirk	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Warner
Cornyn	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McConnell	Wicker
Durbin	Menendez	Wyden
Feinstein	Merkley	

#### NAYS—21

Barrasso	Ensign	LeMieux
Bunning	Enzi	McCain
Burr	Feingold	McCaskill
Coburn	Graham	Risch
Corker	Grassley	Sessions
Crapo	Johanns	Thune
DeMint	Kyl	Vitter

#### NOT VOTING—2

Byrd	Specter
------	---------

The amendment (No. 2623) was agreed to.

#### AMENDMENT NO. 2560

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 2560 offered by the Senator from Arizona.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2560.

The amendment is as follows:

#### AMENDMENT NO. 2560

(Purpose: To require that earmarks for for-profit entities be subject to full and open competition.)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Any specific project contained in the Joint Explanatory statement accompanying this Act that is considered a congressional earmark for purposes of clause 9 of rule XXI of the Rules of the House of Representatives or a congressionally directed spending item as defined in rule XLIV of the Standing Rules of the Senate, when intended to be awarded to a for-profit entity, shall be awarded under full and open competition.

Mr. MCCAIN. I ask for a voice vote on this amendment.

Mr. COCHRAN. Mr. President, I urge the Senate to oppose amendment No. 2560 offered by the Senator from Arizona.

This amendment would require all congressionally directed spending items to be competed but would allow items requested by the President to be executed with limited or no competition.

In practice, this amendment would create separate acquisition criteria for items funded in the bill. It does not allow for traditional exceptions to the competitive process for such programs as small business set-asides, socially and disadvantaged firms, or women-owned businesses.

I urge my colleagues to vote “no” on the McCain amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the McCain amendment purports to save tax dollars by requiring competition for earmarks for all businesses. However, it should be noted that if this amendment passes, small businesses would have to be competed against the big companies; women businesses will have to be competed; business by small Indian companies, Native Americans, will have to be competed, and disabled veterans. We have a choice here.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2560) was rejected.

#### AMENDMENT NO. 2583

The PRESIDING OFFICER. The next amendment is amendment No. 2583 from the Senator from Arizona.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2583.

The amendment is as follows:

#### AMENDMENT NO. 2583

(Purpose: To strike funding for the MARIAH Hypersonic Wind Tunnel Development Program.)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) MARIAH HYPERSONIC WIND TUNNEL DEVELOPMENT PROGRAM.—The amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY” is hereby reduced by \$9,500,000, with the amount of the reduction to be allocated to amounts available for the MARIAH Hypersonic Wind Tunnel Development Program.

Mr. MCCAIN. Mr. President, this would strike an unrequested \$9.5 million earmark for a hypersonic wind tunnel research project called MARIAH. It is up to now some \$90 million has been spent; nothing to show for it.

It is an Army program and here is what the Army says:

There are no current operational requirements for a hypersonic missile program

within the Army. No Army missions currently require flight technologies. The Army does not have the need for a hypersonic wind tunnel.

It is hard to be more clear than that. So let's have the pork barrelers vote for it again.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, the Air Force Material Command said last year that:

Hypersonic military and commercial flight vehicles, including space asset vehicles, global research, and missile defense systems, are envisioned future needs.

We are talking about the future, we are not talking about the past. The United States lacks capability to adequately test hypersonic propulsion. The MARIAH Project will fix that gap in research and development.

Russia, China, and others are aggressively developing a new type of missile that is believed to be too fast for the U.S. missile defense. India and Russia have a joint venture engaged in laboratory testing of supersonic cruise missiles capable of speeds beyond Mach V.

The fact is, folks, we need to look at the future. We need to look at what is going to happen in the next 5 or 10 years. MARIAH is about seeing a potential threat to our national defense that is on the horizon and finding a way to defeat it.

I would encourage you to vote against the McCain amendment. It is vital to our national security to defeat this amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a subject second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 314 Leg.]

#### YEAS—43

Alexander	DeMint	McCain
Barrasso	Ensign	McCaskill
Bayh	Enzi	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

## NAYS—55

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Kirk	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murray	

## NOT VOTING—2

Byrd	Specter
------	---------

The amendment (No. 2583) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2616, AS MODIFIED

The PRESIDING OFFICER. We will now proceed to 2 minutes equally divided on the Lieberman amendment, No. 2616, as modified.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, on behalf of my cosponsor, Senator SESSIONS, I want to speak briefly on the amendment, and then we will withdraw our request for a rollcall. The chairman and ranking member have agreed to accept the amendment on a voice vote.

To put this as simplistically and briefly as I can, as we all know, the administration has decided to terminate the ground-based midcourse ballistic missile defense system that was to go in Poland and the Czech Republic and substitute for it the so-called SM-3 system, an alternative system, to provide defense from missiles that are of short and medium range that would be fired from Iran, to protect our allies in Europe and the Middle East. Senator SESSIONS and I have been concerned that in doing so, we have put ourselves in a position where we do not have the guarantee of an adequate defense for that day and the next decade when Iran will have completed its development of a long-range missile, an intercontinental ballistic missile that it could fire at the United States.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The time of the Senator has expired.

Mr. LIEBERMAN. Mr. President, you were too happy telling me that. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Bottom line, we have developed a ground-based interceptor that was to

go in Poland. We have it. It is ready to be tested. The alternative the administration is proposing to give the United States of America, our homeland, protection from a missile fired from Iran is basically on paper. If it is fully developed, it will give us protection.

But Senator SESSIONS and I offer this amendment to make sure we set money aside so we continue to test the ground-based interceptor as a hedge against a failure of this alternative system, to be ready to protect the United States of America. That is why we offer this amendment, why I thank the leadership of the committee for being willing to accept it, and why I hope it will remain in conference when the bill returns to the Senate.

I thank the Chair.

Mr. HATCH. Mr. President, today I rise in strong support of Senator LIEBERMAN's and Senator SESSIONS' amendment No. 2616 which will provide \$151 million for the research and development of the two-stage ground-based interceptor missile.

I have always believed in having a plan B. Throughout my life I have learned the colloquial wisdom found in the saying "do not put all your eggs in one basket" has great merit.

In fact, in its most simplistic form, our Nation's strategic deterrent has been based upon the principle that you always need a backup plan. Specifically, for over 45 years our Nation's ultimate security guarantee for ourselves and our allies has been our Nation's nuclear triad composed of intercontinental ballistic missiles, bombers and submarine-launched intercontinental ballistic missiles. The idea was simple: If one leg of our defense system was knocked out or somehow rendered inoperable, the two other legs would maintain a more than credible deterrent.

Times have changed. But the continuing need for the triad was recently reaffirmed by Dr. James Schlesinger who was one of the principal members of the recently published final report of the Congressional Commission on the Strategic Posture of the United States.

However, the events of September 11 only underscored a new threat phenomena that is referred to in military circles as the asymmetric threat. Simply put, an asymmetric threat is the tactics which are used by our new adversaries, such as terrorists and rogue regimes, to counterbalance our Nation's traditional strengths in conventional warfare. The example which is seared in the mind of each American was the hijacking and crashing of civilian airliners on September 11.

Asymmetric threats are not just limited to terrorist activity and those nations which support it. It is also found in those nations which are developing ever more sophisticated ballistic missiles and even the ultimate weapon, the nuclear bomb.

But the asymmetric threat that I wish to discuss today is Iran's ballistic missile program. Though the President argues the Iranians are a decade away from deploying an intercontinental ballistic missile, this was not what our military experts were telling us just a few months ago. Specifically, the Air Force's National Air and Space Intelligence Center published an unclassified version of its Ballistic and Cruise Missile Threat report in April 2009—just 5 months ago—that "Iran has an ambitious ballistic missile and space launch development programs and, with sufficient foreign assistance, Iran could develop and test an Intercontinental Ballistic Missile capable of reaching the United States by 2015."

The report goes on to say "in late 2008 and early 2009 it launched the Safir, a multi-stage space launch vehicle, that can serve as a test bed for long-range ballistic missile technologies. The [Iranian] 2009 test successfully placed a satellite in orbit."

These conclusions are supported by the testimony of General Craddock, who while still Commander of U.S. European Command stated this March that "Iran already possesses ballistic missiles that can reach parts of Europe and is developing missiles that can reach most of Europe . . . By 2015 Iran may also deploy an Intercontinental Ballistic Missile capable of reaching all of Europe and parts of the U.S."

These are serious assessments and no doubt the President has good reason to believe the threat has changed and therefore made the decision to drop plans to deploy our ground-based midcourse interceptor, called GBI, to Europe. However, I am also mindful of the point the distinguished Senator from Connecticut made when he introduced his amendment. He astutely reminded the Senate that in 1998 the North Koreans tested their long range Taepodong missile just 7 days after our intelligence community concluded that North Korea was 3 years away from having that capability.

Which brings us back to the question: should we have a plan B?

We did until 2 weeks ago.

That plan B was to deploy a European-based GBI system to intercept intercontinental ballistic missiles fired from the Middle East at the United States and our European allies. According to the Bush administration this system was scheduled to be completed by 2013—2 years before our intelligence estimates, until recently, believed Iran would have an intercontinental ballistic missile.

However, under the new strategy, which relies on the continued development of the SM-3 missile, we and our allies must wait until 2018 to have a similar capability as planned by the previous administration and offered by the GBI in 2013. We also must remember the 2018 SM-3 deployment date can

only be reached if everything goes according to plan—an all too rare occurrence in modern weapons development.

Not much of a plan B when one remembers that Iran has received extensive outside assistance in developing their ballistic missiles. For example, the National Intelligence Center concluded the Iranian Shahab-3, which has a range of 1,200 miles is based on the North Korean No Dong missile. In addition, Anthony Cordesman and Martin Kleiber in their 2007 book titled “Iran’s Military Forces and Warfighting Capabilities” wrote that as early as October 1997 “Russia began training Iranian engineers on missile production for the Shahab-3.” The authors also pointed out that allegations have been made that various Chinese companies had assisted in Shahab-3s final development.

This, of course, begs the question what other outside assistance could the Iranians receive which could speed their development of an intercontinental ballistic missile?

That is why Senator LIEBERMAN and Senator SESSIONS’ amendment is so important. It provides us with a plan B. It continues the deployment of a two-stage GBI. This is not a pie-in-the-sky plan. Our Nation has already deployed a three-stage GBI in Alaska and California and until 10 months ago the Department of Defense believed the two-stage system could be deployed by 2013.

Therefore, I urge my colleagues to support the Lieberman-Sessions amendment to provide funding for a plan B which could provide us with capabilities to intercept Middle East ICBMs launched against our interests and allies years before the President’s plan.

The PRESIDING OFFICER. Who yields time in opposition?

If all time is yielded back, the question is on agreeing to the amendment, as modified.

The amendment (No. 2616), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

#### AMENDMENT NO. 2605

Mr. INOUE. Mr. President, I ask unanimous consent that amendment No. 2605 be called up.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. BINGAMAN, for himself and Mr. UDALL of New Mexico, proposes an amendment numbered 2605.

Mr. INOUE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Air Force, \$5,000,000 to carry out evaluations and analyses of certain laser systems)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) AMOUNT FOR EVALUATIONS OF CERTAIN LASER SYSTEMS.—Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE” and available for Advanced Weapons Technology (PE# 0603605F), up to \$5,000,000 may be available to carry out the evaluations and analyses required by subsection (b).

(b) EVALUATIONS AND ANALYSES OF CERTAIN LASER SYSTEMS.—The Secretary of Defense shall, in a manner consistent with the October 8, 2008, report of the Air Force Scientific Advisory Board entitled “Airborne Tactical Laser (ATL) Feasibility for Gunship Operations”—

(1) carry out additional enhanced user evaluations of the Advanced Tactical Laser system on a variety of instrumented targets; and

(2) enter into an agreement with a federally funded research and development center under which the center shall—

(A) conduct an analysis of the feasibility of integrating solid state laser systems onto C-130, B-1, and F-35 aircraft platforms to provide close air support; and

(B) estimate the cost per unit of such laser systems and the cost of operating and maintaining each such platform with such laser systems.

Mr. INOUE. Mr. President, this amendment has been cleared by both sides. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2605) was agreed to.

#### HMMWV FUNDING

Mr. DURBIN. Mr. President, I wish to engage my colleague, Senator INOUE, the chairman of the Appropriations Committee, in a colloquy.

I would first like to thank Senator INOUE and Senator COCHRAN for their hard work in developing the fiscal year 2010 Department of Defense appropriations bill.

As the chairman knows, the budget amendment submitted by the White House in August 2009 reduced the proposed spending for high mobility multipurpose wheeled vehicle, HMMWV, from the initial request level by \$375 million, leaving less than \$1.2 billion in the program in fiscal year 2010. This year’s reduction is in addition to a \$162 million reduction taken in the fiscal year 2009 supplemental appropriations bill.

HMMWVs provide enhanced protection for our troops and are much more mobile and versatile than older models of the vehicle. There are still extensive requirements for HMMWVs throughout all the Services because the vehicle operates as a platform for numerous systems that perform multiple missions.

The National Guard still has a majority of the older HMMWVs that cannot

meet current military, homeland security, or State disaster missions. Recently, the Adjutants General reported that by fiscal year 2011, 63 percent of their HMMWV fleet will be over 20 years old.

These critical military vehicles also provide high-paying manufacturing jobs in the heart of the Midwest. The HMMWV supports over 1,600 suppliers across 40 States—the majority of which are located in Illinois, Indiana, Ohio, and Michigan. These are skilled automotive workers and suppliers that have faced serious job losses over the last 2 years.

I am concerned that repeated funding reductions could erode the manufacturing base for this critical military vehicle and adversely affect our country’s manufacturing capacity.

I would encourage the chairman to closely consider this situation as we move to a conference committee with the House.

Mr. INOUE. I fully understand the Senator’s concerns and support funding to meet our Nation’s requirements for the HMMWV fleet. The HMMWV has proven its value over the years deployed in combat, in training at home and in homeland defense missions. I can assure you that we will carefully consider these factors as the fiscal year 2010 bill is completed.

Mr. FEINGOLD. Mr. President, I would like to address the growing interest in the Army’s recent contract award to the Oshkosh Corporation for the family of medium tactical vehicles, which is currently being reviewed by the Government Accountability Office, GAO. A number of my colleagues in Congress have expressed their concern about the contract. They have registered their concern and desire for greater oversight on the floor of the Senate, as well as with the Department of Defense and GAO.

I have long called for greater congressional oversight of the defense acquisitions process. Our acquisitions process is broken and costs are spiraling out of control. This has undermined our ability to provide the equipment our troops need when they need it. We must have full and fair competition in order to contain costs and ensure proper performance of defense contractors. To this end, I was a strong supporter of enacting the Weapons Systems Acquisition Reform Act earlier this year.

However, I am concerned about the manner and timing of my colleagues’ statements on this issue. The GAO is currently conducting an independent review of the contract. Congress should not be doing anything to foreclose or prejudice the GAO process, which would both undermine the GAO’s independence and set a bad precedent for future protests. I am afraid that some of the public statements that have been made during the ongoing review,

as well as letters to the GAO, may exceed Congress' proper role and could have the effect of undermining GAO's independence.

I, for one, am delighted that a company in my home State with a strong track record of providing vehicles to the military was awarded the contract. Wisconsinites take justifiable pride in the high-quality trucks and other products that Oshkosh Corporation designs and builds. I understand that some Members of Congress would have preferred a different outcome, and I respect that. But we must all recognize that the needs of the men and women of our armed services come first. The Armed Forces are best equipped to make decisions about their acquisition needs, as they have the expertise and experience needed to make decisions about the equipment needs of our troops. We should not try to substitute our judgments for those of experts in our military and at the GAO. I strongly urge my colleagues to refrain from passing judgment on the contract until we all have the opportunity to review the GAO's expert analysis. There should not be any room for politics in the acquisition process—our goal is to get the best product for the taxpayers' dollars.

Mr. DODD. Mr. President, I would like to take a moment to discuss a very important amendment that was adopted by the Senate. This amendment, which I was proud to cosponsor, expresses the sense of the Senate that the joint surveillance target attack radar system, known as Joint STARS, is one of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets in our Air Force. These aircraft provide critical imagery of tens of thousands of square miles to our troops every day, helping to protect the lives of our troops who are protecting our country so bravely overseas.

The Joint STARS fleet, although only 17 aircraft in size, has demonstrated immeasurable success in Iraq and Afghanistan. So far, they have flown over 55,000 combat hours, tracking the location and movement of enemy troops and discovering hundreds of improvised explosive devices. These aircraft consistently provide our troops on the ground with critical intelligence that helps them prepare for their missions in enemy territory.

The Joint STARS fleet has been protecting our troops for decades, and with that service has incurred expected wear and tear. With no aircraft being designed to replace them, it is absolutely critical that we provide the military with the funds they need to keep up with their heavy deployment cycles. These aircraft are in dire need of new engines, which are now more than 40 years old. Failure to do so will cost the taxpayer billions of dollars in maintenance and operating costs. Ac-

cording to Air Force estimates, however, replacing the engines will pay for itself within 8 years. This is the only sensible solution.

Workers in Norwalk, CT, have been working on the radar for this aircraft for years. This unique technology provides overall images of the battle space, ensuring our troops receive the most complete and accurate intelligence possible, from camouflaged insurgent camps and enemy vehicles to incoming cruise missiles. It is an incredible product which lends itself to some of the most industrious and dedicated workers in the field. There are hundreds of workers across the country like those in Norwalk that labor day in and day out to ensure that the Joint STARS fleet is able to continue to protect our brave men and women in uniform.

Our troops cannot afford a lapse in the critical surveillance capability provided by our Joint STARS fleet. Our warfighters depend on this cutting edge technology every day, and we must ensure that we do not deny our troops the intelligence they need to successfully and safely execute their missions overseas.

Mr. REID. Mr. President, I rise in support of the passage of H.R. 3326, the fiscal year 2010 Defense appropriations bill.

The legislation before us will fund critical priorities in the Department of Defense designed to protect our Nation from current threats and develop cutting-edge warfighting technologies for the future. It will provide the essential resources, equipment, and support for the nearly 200,000 military servicemembers now serving in Iraq and Afghanistan. And it will fund more than \$89 million in projects to create jobs in Nevada and help support Nevada's role in keeping our country safe.

During the course of the Senate's debate on this bill, we considered an amendment relating to U.S. operations in Afghanistan. The Obama administration is currently in the midst of an extremely important examination of our strategy in Afghanistan.

Getting that strategy right is critical. To make sure we have the right strategy, the President has rightly undertaken consultation with a wide range of military, civilian, and intelligence community officials, as well as with Members of Congress.

The amendment we considered was an attempt to cut off those discussions, to force the President's hand. This amendment was the wrong approach at the wrong time.

Right now, there are hundreds of servicemembers and civilians from my home State of Nevada serving courageously in Afghanistan. Many of these troops have been serving in the military since the 9-11 terrorist attacks on our country.

These troops have, in many cases, been deployed overseas three, four, and

sometimes even five times. That means 3, 4, or more years that they have been taken away from their families and loved ones during the last 8 years.

Many of them have missed the births of their children, or their babies' first steps. Many have been pulled away from their civilian jobs, and have taken significant pay cuts. And, unfortunately, many troops in Nevada and throughout the Nation have made the ultimate sacrifice in service to our mission in Afghanistan.

We owe these troops a rigorous and deliberative debate on the proper strategy in Afghanistan. We owe it to them to make sure we have examined every possible option so that we give them the best chance to win and to stay out of harm's way. To rush this process is to undercut the President's effort to protect to accomplish these objectives.

Unfortunately, a number of Senators have sought to do just that. They have called for military commanders to begin testifying about our strategy in Afghanistan before that strategy is set by the Commander in Chief. That approach is a blatant attempt to force the President's hand, to circumvent the rigorous, deliberative review that a decision of this magnitude demands. It would short-circuit the administration's review of our Afghanistan strategy, and it would cut many important voices out of the picture. Our troops and our national security cannot afford such a rash step.

Now, I agree that GEN Stanley McChrystal, Commander of U.S. Forces in Afghanistan, should testify to Congress about our strategy in Afghanistan. But, as his counterpart, GEN David Petraeus, did when this Chamber was debating our strategy in Iraq, I think it is appropriate for that testimony to occur after his Commander in Chief has arrived at a decision.

In the last several days, I have had the opportunity to meet with Secretary of Defense Robert Gates and GEN Jim Jones, the President's National Security Adviser, to discuss the questions now facing us on Afghanistan. Today, I had the opportunity, along with several of my colleagues, to have a similar discussion with the President.

All three of these officials have made it clear that they are in the midst of a vigorous, healthy discussion in which military commanders, including General Petraeus and General McChrystal, have key seats at the table. They are working through a disciplined and deliberate process in which they will determine a strategy that will best advance the security interests of the United States and then determine the appropriate resources to allocate in implementing that strategy.

Talking about changes in troop levels or other resources before we have worked out the right strategy simply puts the cart before the horse. Now is

not the time for such an irresponsible approach. Now is the time for all the best minds on the administration's national security team to take a hard look at our policy in Afghanistan, free from politics and other interference, and make sure we get it right.

As we move forward in this debate, my foremost priority will be to ensure that, no matter what the strategy, the brave servicemembers from Nevada and across America who are serving in Afghanistan have the support and resources they need to succeed in their mission. I am confident that the bill before us today takes an important step toward that goal, and I urge my colleagues to support it.

The PRESIDING OFFICER. Under the previous order, the committee-reported substitute, as amended, is agreed to and the motion to reconsider is considered made and laid upon the table.

The question is on the engrossment of the committee amendment in the nature of a substitute, as amended, and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The result was announced—yeas 93, nays 7, as follows:

[Rollcall Vote No. 315 Leg.]

#### YEAS—93

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Grassley	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Pryor
Bingaman	Hatch	Reed
Bond	Hutchison	Reid
Boxer	Inhofe	Risch
Brown	Inouye	Roberts
Brownback	Isakson	Rockefeller
Bunning	Johanns	Sanders
Burr	Johnson	Schumer
Burriss	Kaufman	Sessions
Byrd	Kerry	Shaheen
Cantwell	Kirk	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Specter
Casey	Kyl	Stabenow
Chambliss	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	LeMieux	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
Crapo	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Ensign	Menendez	Wyden

#### NAYS—7

Barrasso	Enzi	McCain
Coburn	Feingold	
DeMint	Graham	

The bill (H.R. 3326), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair is authorized to appoint the following conferees on the part of the Senate:

The Presiding Officer appointed Mr. INOUE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BENNETT, and Mr. BROWNBACK, conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Hawaii.

#### MORNING BUSINESS

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### DELAWARE ARMY NATIONAL GUARD

Mr. KAUFMAN. Mr. President, I rise today to welcome home the Delaware Army National Guard's 261st Tactical Signal Brigade from Iraq. Just over 1 year ago, on October 2, 2008, 110 brave citizen soldiers left behind their families in the great State of Delaware to serve their country with honor in Iraq. Nearly 1 year later, on September 30, 2009, all 110 members of the 261st returned to Dover Air Force Base to be reunited with their families.

I am extremely grateful that each member of the 261st has returned safely to Delaware, and I offer them my deep gratitude, respect, and admiration for their service. I know I speak for all Delawareans when I say just how proud I am of their contributions in Iraq.

Under the leadership of the Delaware National Guard Adjutant General, MAJ Frank Vavala, the 261st trained for 1 year to prepare for their deployment. Under the command of BG Scott Chambers they served with distinction at Camp Victory in Baghdad. I had the privilege of visiting the 261st in April and then again in September during my two visits to Iraq. I was enormously proud to see the tremendous work they were doing, and I was hon-

ored to spend time with these inspiring men and women from Delaware during my trip.

While in Iraq, the 261st played a critical role as the first National Guard unit to maintain and administer the communications network. They also ran the Baghdad Signal University which trained Iraqi nationals in communication skills. During each visit, I was impressed by the professionalism and the commitment of the members of the 261st. There is no question that their unique skill set and unwavering commitment greatly contributed to the U.S. mission in Iraq.

As we see progress in infrastructure and security in Iraq, it is due in no small part to the efforts of the Delaware National Guard. The 261st worked tirelessly to share their expertise and knowledge with their Iraqi counterparts, expanding the Iraqi capacity to manage their own communications networks and systems. The families of the Guard can rest assured knowing that despite their great sacrifice over the past year and the difficulties they faced in being separated from their loved ones, the 261st left Iraq a better place because of their service.

The volunteers of the 261st are part of a proud and historic Delaware tradition. For decades, the 261st has served its country with great honor and distinction. Since 1924, it has deployed in times of need, first, as a part of the Delaware National Guard 261st Coast Artillery Battalion. The 261st was activated again on January 27, 1941, to participate in coastal defense operations during World War II. Since then, the mission of the 261st has evolved from defending the homeland to a broader global mission, such as that in Iraq, where it played a vital role in building communication networks and engaging in information operations.

We are truly fortunate as a nation to have so many dedicated volunteers willing to serve on the front lines defending our interests at home and abroad, and I am especially grateful to the 261st for their courageous service.

As we welcome this unit home from Delaware, we also send our prayers for the safe return of all of those serving our Nation in Afghanistan and Iraq.

Mr. President, I yield the floor.

#### VOTE EXPLANATION

Mr. UDALL of Colorado. Mr. President, due to family-related reasons, I was unable to cast a vote for rollcall vote No. 306, the nomination of Thomas Perez to be Assistant Attorney General, Civil Rights Division, Department of Justice. Had I been present, I would have voted "yea" to confirm the nomination.



# **SOUTHGATE VOLUNTEER FIRE DEPARTMENT CELEBRATES ITS CENTENNIAL**

Mr. MCCONNELL. Mr. President, I would like to congratulate the Southgate Volunteer Fire Department for celebrating its centennial this October. Over the past century, the Southgate Volunteer Fire Department has been comprised of numerous men and women who have dedicated their lives to serving their community.

The record of excellence at Southgate Volunteer Fire Department has made all the difference in reaching this glorious milestone in its history. This year the department won its fourth State Fire Olympics; the State Fire Olympics hosts five different events that test the skills of firefighters and explorer teams. The extensive 3,000 hours spent per year on training has no doubt aided in the achievements made by the department. The Southgate Volunteer Fire Department became one of the first in Campbell County to develop life squads, and it has also been recognized as one of the first in Kentucky to carry semiautomatic external defibrillators.

The strength and dedication of the department was tested at the Beverly Hills Supper Club Fire in May of 1977, surely the most difficult day in its 100-year history. The Southgate Volunteer Fire Department was at the forefront of that firefighting effort and was aided by another 500 firefighters from throughout Kentucky, Indiana, and Ohio. There were 3,800 people rescued from the fire that night, all because of the valor and dedication shown by these heroes.

The department's current chief, John Beatsch, manages 75 members of the Southgate Volunteer Fire Department, and in 2004 and 2005 the Southgate Volunteer Fire Department boasted the induction of two previous chiefs into the Firefighters Hall of Fame. Early in 2000, with aid from the State, the department received a new administration office, sleeping quarters, new dress and work uniforms, and two new semiautomatic external defibrillators.

The foundation of excellence that began 100 years ago still stands as the volunteers of this brave department have dedicated their lives to protecting their community. I am confident that tradition will continue on for the next 100 years as the Southgate Volunteer Fire Department continues to keep the people of Kentucky safe. I know all of my colleagues join me in congratulating the men and women of the Southgate Volunteer Fire Department for their service and their heroism.

## **HONORING OUR ARMED FORCES**

CAPTAIN BENJAMIN SKLAVER

Mr. DODD. Mr. President, it is with a heavy heart that I rise today to honor

the memory of U.S. Army Reserve CAPT Benjamin Sklaver, who was killed on October 2, when his patrol came under attack in Muscheh, Afghanistan. He was 32 years old.

Captain Sklaver personified the values and qualities of a U.S. Army officer, and dedicated himself to improving his country and helping those most in need, both in uniform and as a private citizen. As a U.S. Army captain, Benjamin Sklaver distinguished himself as a capable and talented leader; and as an employee of the CDC and FEMA Captain Sklaver used his skills to help Americans prepare for and recover from disaster.

Perhaps the most inspiring chapter of his life came after a 2007 deployment to the Horn of Africa, where Captain Sklaver saw how hard it was for rural Ugandan villagers to obtain clean drinking water. Upon his return to the United States, Sklaver helped found the ClearWater Initiative to help bring access to clean water to war torn regions. In just 2 short years, Captain Sklaver's Initiative provided access to clean, potable water to over 6,500 people in Africa, where his charity work earned him the nickname "Moses Ben."

Guided by a deep sense of patriotism and the Jewish principle of Tikkun Olam, or fixing the world, Captain Sklaver touched the lives of thousands, and his contributions to his country and to those he helped around the world will not soon be forgotten.

All of us owe a deep debt of gratitude to Captain Sklaver and his family. I extend my deepest condolences to Captain Sklaver's parents Gary and Laura, his brother Samuel, his sister Anna, his fiancé Beth Segaloff, and to all those who knew and loved him.

SPECIALIST JUSTIN PELLERIN

Mrs. SHAHEEN. Mr. President, I wish to express my sympathy over the loss of U.S. Army SPC Justin Pellerin, a 21-year-old resident of Concord, NH. Specialist Pellerin was killed while conducting combat operations in Wardak Province, Afghanistan, on August 20, 2009.

Specialist Pellerin was a 2006 graduate of Concord High School. It was there that he met Chelsea, his high school sweetheart, whom he would later marry. The two had just celebrated their 1-year anniversary and were looking forward to Justin returning home in December. His family and friends remember him for his sharp sense of humor, his selflessness, and his love of American muscle cars.

Justin joined the Army because he wanted to make a difference in the world. For his distinguished service, he has been awarded the Bronze Star, the Purple Heart, the Good Conduct Medal and the National Defense Service Medal. He, and the thousands of brave men and women of the U.S. Armed Forces, represent the best in America's

long tradition of duty, sacrifice, and service.

In addition to his wife Chelsea, Specialist Pellerin is survived by his mother Melissa; stepfather Dale Farmer; and two younger sisters Molly and Hannah. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring the life of SPC Justin Pellerin.

SERGEANT MICHAEL C. ROY

Mr. President, I wish to express my sympathy over the loss of U.S. Marine SGT Michael C. Roy, a 25-year-old native of Manchester, NH. Sergeant Roy was killed while conducting combat operations in Nimroz province, Afghanistan on July 8, 2009.

Sergeant Roy was born in Manchester and grew up in nearby Candia before moving with his family to Florida. He served two tours of duty in Iraq prior to his deployment to Afghanistan as a member of the 3rd Marine Special Operations Battalion based out of Camp Lejeune, NC.

According to his family, Sergeant Roy loved being a marine. He joined the service at the age of 18 and often shared his stories of the Corps with his siblings. He was also a devoted husband and the loving father of three young children.

No words can diminish the loss of this devoted husband and father, but I hope Sergeant Roy's family will take solace in the deep gratitude and appreciation all Americans share in honoring his service to our country. He, and the thousands of brave men and women of the U.S. Armed Forces serving today, deserve America's highest honor and recognition.

In addition to his wife Amy and their children Olivia, Michael, and Landon, Sergeant Roy is survived by his father Michael and his mother Lisa Hickey. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring the life of SGT Michael C. Roy.

## **RECOGNIZING ACT, INC.**

Mr. GRASSLEY. Mr. President, I come before the Senate today to commemorate the 50th anniversary of an Iowa educational organization that has become a household word for Americans entering postsecondary education or the workforce, and which has gained a solid international reputation as well, ACT, Inc. Over those 50 years, this organization has grown to be one of the most significant gateways between secondary education and postsecondary education or the workplace. I would like to describe some of the work this institution has done that has made such an important contribution to American education.

ACT was founded in 1959 at a meeting in Iowa's old State capitol on the campus of the University of Iowa. It was



launched as the "American College Testing Program" by a University of Iowa professor of education, the University of Iowa's registrar, and representatives of 16 Midwestern States. Their goal was to help all students who wanted to attend college find a good match for their interests and abilities, and to help colleges and universities place students into appropriate freshmen-level classes. On November 7, 1959, about 75,000 students took the first ACT assessment. By comparison, in the high school graduating class of 2009, nearly 1.5 million students, or 45 percent of all high school graduates in the Nation, took the ACT.

ACT now conducts extensive research designed to help provide solutions to the complex education problems facing the country. For example, they have developed a college and career readiness system for students beginning in middle school and continuing through postsecondary education. This system helps students stay on target to be ready to succeed in college or workforce training programs when they graduate high school, without the need for remedial classes, and monitors their success in postsecondary education once they leave high school.

ACT is also involved in researching solutions to the Nation's workforce challenges. For example, ACT developed the National Career Readiness Certificate to confirm that individuals have essential core employability skills. ACT is one of several partners in a new manufacturing skills certification system designed by the National Association of Manufacturers, the Nation's largest industrial trade organization.

Furthermore, ACT is helping build bridges between the United States and many other nations to help them improve their education and workforce systems, and to help people in other nations learn the English language. For example, through local partners, ACT conducts a 9-month pre-university program in 13 countries, including China, Korea, Indonesia, Fiji, Australia, New Zealand, Canada, Mexico, and countries in South America. There are more than 30 teaching centers in China. This program prepares students to study in English-language universities in the United States and elsewhere. This contributes to our country's standing in the world. As a nation, we benefit from foreign talent, as students from other nations come to study in U.S. colleges and universities. Individuals who return to their home countries in turn go back with a greater understanding of Americans and our way of life.

I offer my congratulations to the over 1,000 Iowa residents employed with ACT, its directors, and other members of its State organizations on their 50-year history of helping people achieve education and workplace suc-

cess. I look forward to following their accomplishments for many years to come.

#### TRIBUTE TO DRS. WILLARD S. BOYLE AND GEORGE E. SMITH

Mr. MENENDEZ. Mr. President, I rise to extend my deepest congratulations to Drs. Willard S. Boyle and George E. Smith—two New Jersey scientists who have been awarded the Nobel Prize in Physics, an incredible honor for extraordinary ingenuity in their chosen field and fitting recognition for their outstanding achievement.

They have expanded the boundaries of science, inventing something most of us do not understand, but which has made a difference in our lives. The invention of the charged-coupled device, or CCD, now found in digital cameras used around the world and by NASA on the ground-breaking Hubble Telescope, revolutionized how we take photographs and manipulate and transfer images. It has given us insight into the deepest reaches of space, allowed us to see remarkable images that have made us better understand the vastness and magnificence of the universe, and better appreciate the simple images in our family photographs.

Dr. Boyle and Dr. Smith have done their work at Bell Laboratories in Murray Hill, NJ, and now have enriched our State's proud tradition of scientific breakthrough and innovation. We can add their names to those of Albert Einstein, who made Princeton his base, and Thomas Edison, who from his Garden State lab invented the incandescent light bulb that lit the world. The names of Boyle and Smith will now loom large in the scientific history of our State. They have made New Jersey and the United States very proud.

Their contribution to science is in their remarkable discovery, but their legacy to mankind is in their pioneering spirit, their ingenuity, and their quest to look further, think harder, and discover what no one else could.

I join with my colleagues and with every American in thanking them for making our lives better and wish them the very best as they continue careers that brought them to this place, having earned a Nobel Prize almost 40 years to the day after they began their long scientific journey.

To Dr. Boyle and Dr. Smith, we offer the best wishes of a grateful Nation.

#### 125TH ANNIVERSARY OF THE U.S. NAVAL WAR COLLEGE

Mr. REED. Mr. President, today I recognize the 125th anniversary of the U.S. Naval War College. The Naval War College was established on October 6, 1884, in Newport, RI, to provide an advanced course of professional study for both military officers and civilians.

The mission has evolved over the years to include developing strategic and operational leaders, helping the Chief of Naval Operations define the future Navy, strengthening maritime security cooperation, and supporting combat readiness.

The Naval War College serves as a center for research that develops advanced strategic, warfighting, and campaign concepts for future deployment of maritime, joint, and combined forces. The Naval War College works closely with the Navy Warfare Development Command and the Chief of Naval Operations Strategic Studies Group in developing and analyzing national security issues. Through the Naval Command College and the Naval Staff College, naval officers from around the world come to prepare for high command responsibilities, and to learn about the U.S. Navy's methods, practice, and doctrine. The Naval War College also supports combat readiness among the U.S. Navy's commanders through operational planning, analysis, and war-gaming to respond to changing operational environments.

Some of our Nation's greatest military and civilian leaders have attended the Naval War College including FADM Chester Nimitz, the Commander of the Pacific Fleet during World War II; RADM Alan Shepard, the first American in space; Ambassador Christopher Hill, the current U.S. Ambassador to Iraq; and Marine Corps GEN James Cartwright, the current Vice Chairman of the Joint Chiefs of Staff. Indeed, even our two combatant commanders in Afghanistan and Iraq, GEN Stanley McChrystal and GEN Raymond Odierno, are both graduates of the Naval War College.

I am proud of the talented men and women who have made the Naval War College the strong institution it is today, and I congratulate the entire Naval War College community on this important milestone.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE SIMPSON COUNTY HISTORICAL SOCIETY

• Mr. BUNNING. Mr. President, I wish to honor the Simpson County Historical Society on their 50th anniversary. This is a momentous occasion for their organization and for the residents of South Central Kentucky.

The society was founded in 1959 by 37 dedicated citizens who wished to preserve the historical treasures in the area. The society began by meeting in a private home, and soon the group acquired a small collection of books that were maintained at the local library.

As the society expanded, its leaders were able to persuade the government of Simpson County to provide the old jail and jailer's house as the permanent

facility of the society. This decision led to the creation of the Simpson County Archives and Museum that now holds thousands of books, city and county records, and other historical materials of significant value. The society has also continued the upkeep of the old jail and jailer's house, which date from the early 1800s.

However, the Simpson County Historical Society has not simply collected and preserved documents. They have also been active in encouraging the study of local history and culture. The society has provided scholarships for students wishing to pursue the study of history and maintained numerous historical markers in Simpson County. Finally, the group has positively impacted the economy by supporting tourist visits to historic sites throughout Kentucky.

I am very proud of the service the Simpson County Historical Society has provided to the Commonwealth of Kentucky. Their dedication through these many years makes them one of the oldest historical societies in the State, and I am confident that their impact will continue for many years to come.●

#### TRIBUTE TO DR. MICHAEL POSNER

● Mr. MERKLEY. Mr. President, today I wish to honor Dr. Michael Posner, Professor Emeritus, Department of Psychology, Institute of Cognitive and Decision Sciences at the University of Oregon. Dr. Michael Posner is one of nine scientists awarded the prestigious National Medal of Science award this year by President Barack Obama.

Dr. Posner received both his bachelor's degree in physics and his master's degree in psychology from the University of Washington in Seattle. In 1962, he received his doctorate in psychology from the University of Michigan. Dr. Posner joined the University of Oregon in 1965 and ever since has inspired students and impressed colleagues.

Dr. Posner is a pioneer in the field of cognitive science and neuroscience and has won numerous awards. His groundbreaking research on brain development and how the brain processes thought have been recognized by numerous organizations such as the American Psychological Association and the National Academy of Sciences.

Dr. Posner has dedicated his career to researching how the brain functions and most recently, on attentional networks in children and infants. He has made invaluable contributions to our medical, educational, and scientific communities. I am proud that Dr. Posner's groundbreaking work at the University of Oregon is helping put our State at the forefront of developing innovative medical and scientific research.

I encourage my fellow Oregonians to join me in celebrating the innovative

spirit of Dr. Posner and the entire University of Oregon faculty for their cutting-edge scientific research. Generations of Americans are in debt to Dr. Posner for his breakthroughs that have improved their lives. This recognition for his lifetime of achievement is well-earned. I hope that his example can inspire our State and our Nation to renew our commitment to education and academic research.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 2:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1687. An act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse".

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse".

H.R. 2121. An act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building".

H.R. 2913. An act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse".

S. 1289. An act to improve title 18 of the United States Code.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1751. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now or any other entity which has been indicted for or convicted of violations of laws governing election administration or campaign financing.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself, Mr. MERKLEY, Mr. LIEBERMAN, and Mr. BAYH):

S. 1754. A bill to amend the Internal Revenue Code of 1986 to provide for a standard home office deduction in the case of certain uses of the office; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1755. A bill to direct the Department of Homeland Security to undertake a study on emergency communications; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SPECTER, Mr. KOHL, Mr. SCHUMER, Mr. FRANKEN, Mr. SANDERS, Mr. BROWN, Mr. CARDIN, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. DODD, Mrs. BOXER, Mr. LAUTENBERG, Mr. KAUFMAN, and Mr. NELSON of Florida):

S. 1756. A bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT:

S. 1757. A bill to provide for the prepayment of a repayment contract between the United States and the Uintah Water Conservancy District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 1758. A bill to provide for the allocation of costs to project power with respect to power development within the Diamond Fork System, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 303. A resolution expressing the sense of the Senate that October 17, 1984, the date of the restoration by the Federal Government of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, should be memorialized; to the Committee on Indian Affairs.

By Mr. INOUE (for himself and Mr. AKAKA):

S. Res. 304. A resolution commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, and Mr. LUGAR):

S. Res. 305. A resolution expressing support for the victims of the natural disasters in Indonesia, Samoa, American Samoa, Tonga, Vietnam, Cambodia, and the Philippines; considered and agreed to.

By Mr. REED (for himself, Ms. COLLINS, Mr. KERRY, Mr. CARDIN, Mr. WHITEHOUSE, Mr. DODD, Mr. COCHRAN, Mr. ISAKSON, Mr. BROWN, Mr. NELSON

of Nebraska, Mrs. BOXER, and Mr. JOHANNIS):

S. Res. 306. A resolution designating the week of October 18 through October 24, 2009, as "National Childhood Lead Poisoning Prevention Week"; considered and agreed to.

By Mr. SPECTER (for himself, Mr. CASEY, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. FRANKEN, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Con. Res. 45. A concurrent resolution encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 169

At the request of Mr. ISAKSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 169, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 213

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 257

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 257, a bill to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, and for other purposes.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 473

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a co-

sponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 575

At the request of Mr. CARPER, the names of the Senator from Florida (Mr. NELSON) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 575, a bill to amend title 49, United States Code, to develop plans and targets for States and metropolitan planning organizations to develop plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes.

S. 831

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 883

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 1065

At the request of Mr. CASEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

At the request of Mr. BROWNBACK, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1065, *supra*.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from South Caro-

lina (Mr. GRAHAM) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1655

At the request of Mr. NELSON of Nebraska, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1655, a bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1672

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1678

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1682

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1682, a bill to provide the Commodity Futures Trading Commission with clear antimarket manipulation authority, and for other purposes.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1710

At the request of Mr. VITTER, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Texas (Mr. CORNYN), the Senator from Kentucky (Mr. BUNNING), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. DEMINT), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Dakota (Mr. THUNE), the Senator from Idaho (Mr. CRAPO), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Ohio (Mr. VOINOVICH), the Senator from Alabama (Mr. SESSIONS), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), the Senator from Tennessee (Mr. CORKER), the Senator from Mississippi (Mr. WICKER), the Senator from Idaho (Mr. RISCH) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 1710, a bill to prohibit recipients of TARP assistance from funding ACORN, and for other purposes.

S. 1749

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1749, a bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. RES. 263

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 263, a resolution designating October 2009 as "National Medicine Abuse Awareness Month".

AMENDMENT NO. 2570

At the request of Mrs. FEINSTEIN, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Mr. CARDIN), the Senator

from Pennsylvania (Mr. CASEY), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. SANDERS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 2570 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2588

At the request of Mr. FRANKEN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. MERKLEY), the Senator from Florida (Mr. NELSON), the Senator from California (Mrs. FEINSTEIN), the Senator from Ohio (Mr. BROWN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2588 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2594

At the request of Mr. SHELBY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 2594 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2596

At the request of Mr. BOND, the names of the Senator from Florida (Mr. LEMIEUX) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 2596 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2616

At the request of Mr. LIEBERMAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 2616 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SPENCER, Mr. KOHL, Mr. SCHUMER, Mr. FRANKEN, Mr. SANDERS, Mr. BROWN, Mr. CARDIN, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. DODD, Mrs. BOXER, Mr. LAUTENBERG, Mr. KAUFMAN, and Mr. NELSON of Florida):

S. 1756. A bill to amend the Age Discrimination in Employment Act of 1967

to clarify the appropriate standard of proof; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, today, I am pleased to join Senator HARKIN and other Senators to introduce the Protecting Older Workers Against Discrimination Act. This legislation overturns the Supreme Court's recent decision in *Gross v. FBL Financial Services*, a divided case that thwarted congressional intent, overturned well-established precedent, and delivered a major blow to the ability of older workers to fight age discrimination. This bill restores the intent of Congress to fully empower older workers to seek redress in the courts, and to root out discrimination in the workplace.

I thank Senator HARKIN for introducing this bill, and I commend him for his commitment and dedication over the years to ensure that the promise of equal opportunity is real for all Americans. We worked hard last year to enact into law the ADA Amendments Act, which clarified and expanded protections for Americans with disabilities. I am proud to once again join as an original cosponsor of legislation that will do the same for older workers. I am also pleased that Congressman GEORGE MILLER will introduce a companion bill in the House today as well.

This Nation was founded on the promise of equal rights and equal opportunity for all Americans. To fulfill this promise, Congress has enacted a full slate of civil rights laws to eliminate discrimination in society, including the workplace. In 1967, Congress passed the Age Discrimination and Employment Act, ADEA, with the intent to extend protections against workplace discrimination to older workers. We strengthened those protections in the Civil Rights Act of 1991, which the Senate passed by a vote of 93 to 5.

Last month, Senators from both sides of the aisle joined together to celebrate the life and accomplishments of Senator Ted Kennedy, whose legacy includes authoring and shepherding these civil rights measures into law. As Senator Kennedy said, "It has long been clear that effective enforcement of civil rights and fair labor practices is possible only if individuals themselves are able to seek relief in court."

However, contrary to the intent of Congress, the Supreme Court's decision in *Gross* will make it more difficult for older workers victimized by age discrimination to seek relief in court, and more difficult for those victims who actually get their day in court to vindicate their rights.

In passing the ADEA, Congress aimed to eliminate all forms of age discrimination in the workplace. Consistent with this goal, courts have for decades interpreted the ADEA to lessen the burdens on older workers victimized by

discrimination. Victims of age discrimination were only required to show that age was a "motivating factor" for an employer's adverse action, though other factors may have also motivated a company's firing or termination of an employee.

In *Gross*, however, the Supreme Court misinterpreted the intent of Congress and ignored the longstanding precedent in a way that resulted in weakening core civil rights protections for older workers. In a 5-4 decision, a majority of the Court concluded that under the ADEA an employee must now prove that age was the sole cause of an employer's adverse action. As a result, despite our intent to provide the same protections for older workers in the ADEA as we provided for racial minorities in Title VII of the Civil Rights Act of 1964, today older workers now have less protection against workplace discrimination.

I am concerned that the *Gross* decision will allow employers to discriminate on the basis of age with impunity as long as it is paired with other reasons. Older workers, who make up nearly 50 percent of the American workforce, are particularly vulnerable to suffering discrimination during difficult economic times. In fact, age discrimination complaints filed with the Equal Employment Opportunity Commission jumped nearly 30 percent between 2007 and 2008. I fear that in the wake of *Gross* few, if any, of these victims will attain justice.

The Protecting Older Workers Against Discrimination Act, which is modeled on the Civil Rights Act of 1991, would reverse the *Gross* decision, strengthen the safeguards of the ADEA, and restore fundamental fairness. The bill eliminates the high burden of proof that victims of age discrimination must meet after *Gross*. It clarifies that the standard for proving discrimination under the ADEA and other anti-discrimination and anti-retaliation laws is the same as the standard for proving race discrimination under Title VII. The bill makes clear that when a litigant shows that age was a motivating factor for an adverse employment action, the burden is on the employer to prove it complied with the law. This bill restores the law to what it was for decades before the Court rewrote the rule.

The bill also ensures that all workers will be treated equally in the workplace. Today, some lower courts have already applied *Gross* to weaken the protections in other anti-discrimination statutes. The legislation clarifies that the "motivating factor" standard applies to all anti-discrimination and anti-retaliation laws, and reflects a broader commitment to address the needs of all persons who suffer discrimination. It reaffirms that Americans' rights will be honored. It also restores the faith of the public that our

civil rights laws are just and fair. Those are timeless American values that we can all embrace.

We have drafted this measure after long and thoughtful consideration with the Leadership Conference on Civil Rights, a broad coalition of hundreds of civil rights and workers' rights organizations. The bill also has the support of AARP, the National Senior Citizens Law Center, the National Women's Law Center and the National Employment Lawyers Association. Their support gives me confidence that this legislation will improve the lives of all Americans.

Time has shown that the ADEA has been one of our Nation's most effective tools in combating discrimination. Its continued effectiveness is important to ensure that the great progress we have made in widening the doors of opportunity for all Americans continues in the future. The Protecting Older Workers Against Discrimination Act will restore vital protections that have long secured the promise of equal rights and equal opportunity for older workers. I hope all Senators will support passing this critical civil rights measure this year.

#### SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 303—EXPRESSING THE SENSE OF THE SENATE THAT OCTOBER 17, 1984, THE DATE OF THE RESTORATION BY THE FEDERAL GOVERNMENT OF FEDERAL RECOGNITION TO THE CONFEDERATED TRIBES OF COOS, LOWER UMPQUA, AND SIUSLAW INDIANS, SHOULD BE MEMORIALIZED**

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 303

Whereas the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714 et seq.), which was signed by President Ronald Reagan on October 17, 1984, restored Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians;

Whereas the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians historically inhabited land now in the State of Oregon, from Fivemile Point in the south to Tenmile Creek in the north, west to the Pacific Ocean, then east to the crest of the Coast Range, encompassing the watersheds of the Coos River, the Umpqua River to Weatherly Creek, the Siuslaw River, the coastal tributaries between Tenmile Creek and Fivemile Point, and portions of the Coquille watershed;

Whereas in addition to restoring Federal recognition, the Coos, Lower Umpqua, and Siuslaw Restoration Act and other Federal Indian statutes have provided the means for the Confederated Tribes to achieve the goals of cultural restoration, economic self-sufficiency, and the attainment of a standard of living equivalent to that enjoyed by other citizens of the United States;

Whereas by enacting the Coos, Lower Umpqua, and Siuslaw Restoration Act, the Federal Government declared that the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians were eligible for all Federal services and benefits provided to federally recognized tribes, provided the means to establish a tribal reservation, and granted the Confederated Tribes self-government for the betterment of tribal members, including the ability to set tribal rolls;

Whereas the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians have embraced Federal recognition and self-sufficiency statutes and are actively working to better the lives of tribal members; and

Whereas economic self-sufficiency, which was the goal of restoring Federal recognition for the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, is being realized through many projects: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that October 17, 1984, should be memorialized as the date on which the Federal Government restored Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

**SENATE RESOLUTION 304—COMMEMORATING THE CANONIZATION OF FATHER DAMIEN DE VEUSTER, SS.CC. TO SAINTHOOD**

Mr. INOUE (for himself and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 304

Whereas Father Damien de Veuster, SS.CC. was born Joseph de Veuster in Tremelo, Belgium, on January 3, 1840, and in 1859, at age 19, he entered the Congregation of the Sacred Hearts of Jesus and Mary in Louvain and selected Damien as his religious name;

Whereas in 1863, Father Damien received permission to replace his ill brother, and sailed to the Hawaiian Islands to perform missionary work;

Whereas Father Damien arrived in Honolulu, Hawaii on March 19, 1864, was ordained to the priesthood at the Cathedral of Our Lady of Peace on May 21, 1864, and began his pastoral ministry on the island of Hawaii;

Whereas the Hawaiian Government deported individuals infected with Hansen's disease, also known as leprosy, to a peninsula on the island of Molokai, to prevent further spread of the disease, and Bishop Louis Maigret, SS.CC. sought the help of Father Damien and other priests to provide spiritual assistance for the sufferers of Hansen's disease;

Whereas several priests volunteered to work on Molokai for a few months, but Father Damien requested to remain permanently with the individuals suffering from Hansen's disease, and was among the first to leave for the island of Molokai on May 10, 1873;

Whereas for 16 years, Father Damien served as a voice of hope and a source of consolation and encouragement for the individuals afflicted with Hansen's disease, accomplishing remarkable achievements, including building houses and hospitals, taking care of the patients' spiritual and physical needs, building 6 chapels, constructing a home for boys and a home for girls, and burying the hundreds who died during his years on the island of Molokai;

Whereas Father Damien died on April 15, 1889, after contracting Hansen's disease, and

his remains were transferred to Belgium in 1936, where he was interred in the crypt of the church of the Congregation of the Sacred Hearts at Louvain;

Whereas in 1938, the process for beatification for Father Damien was introduced at Malines, Belgium;

Whereas on April 15, 1969, a statue of Father Damien and a statue of King Kamehameha I, gifts from the State of Hawaii, were unveiled at the Capitol Rotunda;

Whereas on July 7, 1977, Pope Paul VI declared Father Damien "venerable", the first of 3 steps that lead to sainthood;

Whereas on June 4, 1995, Pope John Paul II declared Father Damien "Blessed Damien", and his feast is on May 10, the day Father Damien first entered the island of Molokai; and

Whereas Father Damien will be canonized a saint on October 11, 2009, by Pope Benedict XVI: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the canonization of Father Damien to sainthood; and

(2) honors and praises Father Damien for his legacy, work, and service to the Hansen's disease colony on the island of Molokai.

#### SENATE RESOLUTION 305—EXPRESSING SUPPORT FOR THE VICTIMS OF THE NATURAL DISASTERS IN INDONESIA, SAMOA, AMERICAN SAMOA, TONGA, VIETNAM, CAMBODIA, AND THE PHILIPPINES

Mrs. FEINSTEIN (for herself, Mr. KERRY, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 305

Whereas on September 30, 2009, an earthquake measuring 7.6 on the Richter Scale hit Padang, a city of nearly 1,000,000 people on the Indonesian island of Sumatra;

Whereas on October 1, 2009, another earthquake measuring 6.6 on the Richter Scale struck south of Padang;

Whereas the earthquakes have destroyed hundreds of homes, businesses, schools, hospitals, and hotels;

Whereas John Holmes, the United Nations Under-Secretary-General and Emergency Relief Coordinator, has estimated that more than 1,100 people have lost their lives due to the earthquakes;

Whereas the United States has responded to this tragedy by providing \$300,000 in aid, sending a disaster relief team to the area, and setting aside an additional \$3,000,000 in assistance;

Whereas on September 29, 2009, following an earthquake measuring 8.3 on the Richter Scale, a tsunami hit Samoa, American Samoa, and Tonga, killing 177 people and affecting approximately 30,000 people;

Whereas the United States has sent a 245-member disaster response team to American Samoa, as well as 20,000 meals, 13,000 liters of water, and 800 tents that have been provided by the Federal Emergency Management Agency;

Whereas on September 26, 2009, Typhoon Ketsana hit Manila, Philippines, resulting in the worst flooding in 4 decades and leaving the homes of approximately 2,000,000 people under water;

Whereas approximately 700,000 people in the Philippines have sought shelter in emergency relief centers;

Whereas 246 people have died as a result of the flooding, with the number of dead expected to rise;

Whereas the Government of the Philippines has estimated that the typhoon has caused at least \$100,000,000 in damage;

Whereas on September 29, 2009, Typhoon Ketsana hit Vietnam, killing more than 100 people, damaging more than 170,000 homes and forcing 350,000 people to evacuate, and resulting in approximately \$168,000,000 in damage; and

Whereas 11 lives were lost in Cambodia due to Typhoon Ketsana: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the loss of life resulting from the earthquakes in Indonesia, the tsunami in Samoa, American Samoa, and Tonga, and Typhoon Ketsana in the Philippines, Vietnam, and Cambodia;

(2) expresses its deepest condolences to the families of the victims of these tragedies;

(3) expresses its sympathies to the survivors who are still suffering in the aftermath of these natural disasters;

(4) supports the efforts already provided by the United States Government, relief agencies, and private citizens; and

(5) urges the United States Government and the internal community to provide additional humanitarian assistance to aid the survivors of these natural disasters and support reconstruction efforts.

#### SENATE RESOLUTION 306—DESIGNATING THE WEEK OF OCTOBER 18 THROUGH OCTOBER 24, 2009, AS "NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK"

Mr. REED (for himself, Ms. COLLINS, Mr. KERRY, Mr. CARDIN, Mr. WHITEHOUSE, Mr. DODD, Mr. COCHRAN, Mr. ISAKSON, Mr. BROWN, Mr. NELSON of Nebraska, Mrs. BOXER, and Mr. JOHANNES) submitted the following resolution; which was considered and agreed to:

S. RES. 306

Whereas lead poisoning is one of the leading environmental health hazards facing children in the United States;

Whereas approximately 240,000 children in the United States under the age of 6 have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, housing, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 18 through October 24, 2009, as "National Childhood Lead Poisoning Prevention Week"; and

(2) calls upon the people of the United States to observe National Childhood Lead Poisoning Prevention Week with appropriate programs and activities.

#### SENATE CONCURRENT RESOLUTION 45—ENCOURAGING THE GOVERNMENT OF IRAN TO ALLOW JOSHUA FATTAL, SHANE BAUER, AND SARA SHOURD TO REUNITE WITH THEIR FAMILIES IN THE UNITED STATES AS SOON AS POSSIBLE

Mr. SPECTER (for himself, Mr. CASEY, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. FRANKEN, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 45

Whereas, on July 31, 2009, officials of the Government of Iran took 3 United States citizens, Joshua Fattal, Shane Bauer, and Sarah Shourd, into custody near the Ahmed Awa region of northern Iraq, after the 3 United States citizens reportedly crossed into the territory of Iran while hiking in Iraq;

Whereas officials of the Government of Iran have confirmed that they are holding the 3 United States citizens; and

Whereas officials of the Government of Iran have allowed consular access by the Embassy of the Government of Switzerland (in its formal capacity as the representative of the interests of the United States in Iran) to the 3 young United States citizens in accordance with the Vienna Convention on Consular Relations, done at Vienna April 24, 1963: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to communicate by telephone with their families in the United States; and

(2) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2626. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2626. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, strike lines 4 through 15.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and



Urban Affairs be authorized to meet during the session of the Senate on October 6, 2009, at 9:30 a.m. to conduct a hearing entitled "Minimizing Potential Threats From Iran: Administration Perspectives on Economic Sanctions and Other U.S. Policy Options."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 6, 2009, at 2:30 p.m., to hold a hearing entitled "Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Treaty Doc. 110-21)."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on October 6, 2009, at 10 a.m., to conduct a hearing entitled "The Recovery Act for Small Businesses: What is Working and What Comes Next?"

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 6, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 6, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON THE CONSTITUTION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, on October 6, 2009, at 1:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Examining the History and Legality of Executive Branch Czars."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Sub-

committee on Human Rights and the Law, be authorized to meet during the session of the Senate, on October 6, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "No Safe Haven: Accountability for Human Rights Violators, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMEMORATING THE CANONIZATION OF FATHER DAMIEN DE VEUSTER TO SAINTHOOD

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 304, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 304) commemorating the canonization of Father Damien de Veuster, SS.CC to sainthood.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUE. Mr. President, today, I rise in support of this resolution commemorating the canonization of Father Damien de Veuster, SS.CC, to sainthood.

Joseph De Veuster, was born in Tremelo, Belgium, on January 3, 1840. At the age of 19, he entered the Congregation of the Sacred Heart of Jesus and Mary and took the religious name of Damien.

After his brother fell ill, Damien obtained permission from the Superior General to take his place for a mission in the Hawaiian Islands, although he was not yet an ordained priest. After a six-month boat ride, he arrived in Honolulu on March 19, 1864, and was ordained to the priesthood two months later.

During this time in Hawaii, an outbreak of Hansens' disease, also known as leprosy, occurred. Patients were sent away to the small island of Molokai to prevent the disease from spreading. Several priests took turns coming to Molokai to offer spiritual aid for three months at a time, but Damien chose to never leave, instead sacrificing his own life for those with Hansen's disease.

He worked tirelessly and continuously to turn this remote island into a colony of hope. He offered encouragement and spiritual guidance to those who were less able to help themselves. He built houses, chapels and hospitals and even built coffins and dug graves for those who lost the fight from Hansen's disease.

In 1884, Damien contracted Hansen's disease himself but continued working until months before dying on April 15, 1889. His remains were brought back to Belgium in 1936, and now rest in the crypt of the church of the Congregation of the Sacred Hearts at Louvain, where he first entered religious life.

On April 15, 1969, as a gift from Hawaii, a statue of Father Damien and a statue of King Kamehameha I, were unveiled at the Capitol Rotunda.

He was declared Venerable by Pope Paul VI on July 9, 1977, the first of three steps that lead to sainthood. On June 4, 1995, Pope John Paul II declared him Blessed Damien, and his feast is on May 10, the day he entered Molokai.

In observance of Father Damien de Veuster, SS.CC., I urge my colleagues to support this resolution recognizing his canonization to sainthood by Pope Benedict XVI on October 11, 2009.

Mr. President, I ask unanimous consent that Senator DANIEL AKAKA be added as a cosponsor to this Resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I am proud to join Senator INOUE in submitting a resolution commemorating the canonization of Father Joseph Damien de Veuster. Father Damien was born in Tremeloo, Belgium, on January 3, 1840. He is best known for his tireless efforts to provide material and spiritual comforts for leprosy patients at Kalaupapa, Molokai, during the latter half of the 19th century. Beloved by the people of Hawaii and the country of his birth, his selfless service to mankind serves as a model for all of us.

Father Damien arrived in Hawaii in 1864 to join the Sacred Hearts Mission in Honolulu. After several years of serving isolated communities on the island of Hawaii, Father Damien became concerned that many of his parishioners that were afflicted by leprosy were forced to separate from their families and sent to Kalaupapa, Molokai and virtually imprisoned. In 1873, Father Damien's request to reside at Molokai and devote his life to serving the people of Kalaupapa was granted.

Father Damien's selfless devotion to the patients was evident when in 1876, he told a U.S. medical inspector, "This is my work in the world. Sooner or later I shall become a leper, but may it not be until I have exhausted my capabilities for good." For 16 years, he labored to bring material and spiritual comfort to Kalaupapa's leprosy patients, building chapels, water cisterns, and boys and girls homes.

On April 15, 1889, Father Damien died of leprosy, at the age of 49. While his death was a devastating loss, the spiritual foundation that he established for the community of Kalaupapa would forever be remembered by the people of Hawaii.

Father Damien is a beloved figure in Hawaii's history, and so noteworthy are his deeds that he is one of the two people from Hawaii who are memorialized here in the Capitol, the other being King Kamehameha, the man who united the Hawaiian Islands. The statue of Father Damien stands proudly, as

a reminder of his stewardship and love for Kalaupapa.

We must take every opportunity to educate our Nation on Father Damien's life and the history of Kalaupapa. Out of concern that Father Damien's legacy and Kalaupapa's rich history not be forgotten, the Kalaupapa National Historical Park was established in 1980, with a provision that former leprosy patients may remain as long as they wish.

The Holy See ruled in April 2008 that Father Joseph Damien de Veuster was responsible for two miracles and The Congregation of the Causes of Saints at the Vatican voted to recommend raising Father Damien to sainthood. In February 2009, the Vatican announced that Father Damien would be canonized on October 11, 2009 in ceremonies at the Vatican. It will be my great honor to attend those ceremonies as part of President Barack Obama's official delegation. Through this recognition, Father Damien and the 8,000 leprosy patients will forever be remembered as a legacy of human spirit and dignity.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 304

Whereas Father Damien de Veuster, SS.CC. was born Joseph de Veuster in Tremelo, Belgium, on January 3, 1840, and in 1859, at age 19, he entered the Congregation of the Sacred Hearts of Jesus and Mary in Louvain and selected Damien as his religious name;

Whereas in 1863, Father Damien received permission to replace his ill brother, and sailed to the Hawaiian Islands to perform missionary work;

Whereas Father Damien arrived in Honolulu, Hawaii on March 19, 1864, was ordained to the priesthood at the Cathedral of Our Lady of Peace on May 21, 1864, and began his pastoral ministry on the island of Hawaii;

Whereas the Hawaiian Government deported individuals infected with Hansen's disease, also known as leprosy, to a peninsula on the island of Molokai, to prevent further spread of the disease, and Bishop Louis Maigret, SS.CC. sought the help of Father Damien and other priests to provide spiritual assistance for the sufferers of Hansen's disease;

Whereas several priests volunteered to work on Molokai for a few months, but Father Damien requested to remain permanently with the individuals suffering from Hansen's disease, and was among the first to leave for the island of Molokai on May 10, 1873;

Whereas for 16 years, Father Damien served as a voice of hope and a source of con-

solation and encouragement for the individuals afflicted with Hansen's disease, accomplishing remarkable achievements, including building houses and hospitals, taking care of the patients' spiritual and physical needs, building 6 chapels, constructing a home for boys and a home for girls, and burying the hundreds who died during his years on the island of Molokai;

Whereas Father Damien died on April 15, 1889, after contracting Hansen's disease, and his remains were transferred to Belgium in 1936, where he was interred in the crypt of the church of the Congregation of the Sacred Hearts at Louvain;

Whereas in 1938, the process for beatification for Father Damien was introduced at Malines, Belgium;

Whereas on April 15, 1969, a statue of Father Damien and a statue of King Kamehameha I, gifts from the State of Hawaii, were unveiled at the Capitol Rotunda;

Whereas on July 7, 1977, Pope Paul VI declared Father Damien "venerable", the first of 3 steps that lead to sainthood;

Whereas on June 4, 1995, Pope John Paul II declared Father Damien "Blessed Damien", and his feast is on May 10, the day Father Damien first entered the island of Molokai; and

Whereas Father Damien will be canonized a saint on October 11, 2009, by Pope Benedict XVI: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the canonization of Father Damien to sainthood; and

(2) honors and praises Father Damien for his legacy, work, and service to the Hansen's disease colony on the island of Molokai.

#### EXPRESSING SUPPORT FOR VICTIMS OF NATURAL DISASTERS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 305, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 305) expressing support for the victims of the natural disasters in Indonesia, Samoa, American Samoa, Tonga, Vietnam, Cambodia, and the Philippines.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 305

Whereas on September 30, 2009, an earthquake measuring 7.6 on the Richter Scale hit Padang, a city of nearly 1,000,000 people on the Indonesian island of Sumatra;

Whereas on October 1, 2009, another earthquake measuring 6.6 on the Richter Scale struck south of Padang;

Whereas the earthquakes have destroyed hundreds of homes, businesses, schools, hospitals, and hotels;

Whereas John Holmes, the United Nations Under-Secretary-General and Emergency Relief Coordinator, has estimated that more than 1,100 people have lost their lives due to the earthquakes;

Whereas the United States has responded to this tragedy by providing \$300,000 in aid, sending a disaster relief team to the area, and setting aside an additional \$3,000,000 in assistance;

Whereas on September 29, 2009, following an earthquake measuring 8.3 on the Richter Scale, a tsunami hit Samoa, American Samoa, and Tonga, killing 177 people and affecting approximately 30,000 people;

Whereas the United States has sent a 245-member disaster response team to American Samoa, as well as 20,000 meals, 13,000 liters of water, and 800 tents that have been provided by the Federal Emergency Management Agency;

Whereas on September 26, 2009, Typhoon Ketsana hit Manila, Philippines, resulting in the worst flooding in 4 decades and leaving the homes of approximately 2,000,000 people under water;

Whereas approximately 700,000 people in the Philippines have sought shelter in emergency relief centers;

Whereas 246 people have died as a result of the flooding, with the number of dead expected to rise;

Whereas the Government of the Philippines has estimated that the typhoon has caused at least \$100,000,000 in damage;

Whereas on September 29, 2009, Typhoon Ketsana hit Vietnam, killing more than 100 people, damaging more than 170,000 homes and forcing 350,000 people to evacuate, and resulting in approximately \$168,000,000 in damage; and

Whereas 11 lives were lost in Cambodia due to Typhoon Ketsana: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the loss of life resulting from the earthquakes in Indonesia, the tsunami in Samoa, American Samoa, and Tonga, and Typhoon Ketsana in the Philippines, Vietnam, and Cambodia;

(2) expresses its deepest condolences to the families of the victims of these tragedies;

(3) expresses its sympathies to the survivors who are still suffering in the aftermath of these natural disasters;

(4) supports the efforts already provided by the United States Government, relief agencies, and private citizens; and

(5) urges the United States Government and the internal community to provide additional humanitarian assistance to aid the survivors of these natural disasters and support reconstruction efforts.

#### NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 306, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 306) designating the week of October 18 through October 24, 2009, as "National Childhood Lead Poisoning Prevention Week."



There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 306) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 306

Whereas lead poisoning is one of the leading environmental health hazards facing children in the United States;

Whereas approximately 240,000 children in the United States under the age of 6 have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, housing, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 18 through October 24, 2009, as “National Childhood Lead Poisoning Prevention Week”; and

(2) calls upon the people of the United States to observe National Childhood Lead Poisoning Prevention Week with appropriate programs and activities.

#### ENCOURAGING THE GOVERNMENT OF IRAN TO ALLOW REUNITING OF FAMILIES

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 45, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 45) encouraging the Government of Iran to allow

Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 45) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

#### S. CON. RES. 45

Whereas, on July 31, 2009, officials of the Government of Iran took 3 United States citizens, Joshua Fattal, Shane Bauer, and Sarah Shourd, into custody near the Ahmed Awa region of northern Iraq, after the 3 United States citizens reportedly crossed into the territory of Iran while hiking in Iraq;

Whereas officials of the Government of Iran have confirmed that they are holding the 3 United States citizens; and

Whereas officials of the Government of Iran have allowed consular access by the Embassy of the Government of Switzerland (in its formal capacity as the representative of the interests of the United States in Iran) to the 3 young United States citizens in accordance with the Vienna Convention on Consular Relations, done at Vienna April 24, 1963: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to communicate by telephone with their families in the United States; and

(2) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

#### ORDERS FOR WEDNESDAY, OCTOBER 7, 2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, October 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day,

and the Senate proceed to a period of morning business for up to 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 2847, Commerce-Justice-Science appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. KAUFMAN. Mr. President, roll-call votes are expected to occur throughout the day in relation to amendments to the CJS appropriations bill and on any available conference reports, if we are able to reach an agreement on any conference reports.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KAUFMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:34 p.m., adjourned until Wednesday, October 7, 2009, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF THE TREASURY

MARY JOHN MILLER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ANTHONY W. RYAN, RESIGNED.

MICHAEL F. MUNDACA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ERIC SLOMON, RESIGNED.

##### THE JUDICIARY

DENNY CHIN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE ROBERT D. SACK, RETIRED.

O. ROGERIEE THOMPSON, OF RHODE ISLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE BRUCE M. SELYA, RETIRED.

#### CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, October 6, 2009:

##### DEPARTMENT OF JUSTICE

THOMAS E. PEREZ, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

## HOUSE OF REPRESENTATIVES—Tuesday, October 6, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. SCHRADER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 6, 2009.

I hereby appoint the Honorable KURT SCHRADER to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### HEALTH CARE PLAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to correct a misperception held by many in this Chamber and others throughout our great Nation. Members of my party claim that our colleagues across the aisle do not have a health care plan. Well, I'm here to break with my own caucus and say that's just not true. Our Republican friends do in fact have a plan.

Let me offer you some of their highlights. The plan so far offered by our Republican colleagues would allow health care premiums to double over the next decade; add more than two-thirds to the out-of-pocket expenses for individuals and their families who watched helplessly as premiums and deductibles grew three times faster than their wages over the last decade; and push more families to the brink of financial ruin because they can no longer afford basic health care needs.

In my district alone, more than 1,400 people were forced into bankruptcy last year because of expenses not covered by health insurance.

It doesn't stop there, Mr. Speaker. Their plan would also allow insurance companies to continue racking up profits by denying coverage using capricious standards.

Insurance companies in 45 States would be allowed to continue discriminating based on preexisting conditions for those attempting to purchase insurance on the individual market. It's estimated that more than 12.6 million Americans have been denied coverage because of preexisting conditions already.

Insurance companies in eight States and the District of Columbia would be allowed to continue denying coverage to survivors of domestic violence because they classify history of such violence as a preexisting condition, which is a particularly egregious example of cherry-picking by insurance companies, considering October is Domestic Violence Awareness Month.

Even those lucky enough to have health insurance will continue to find their coverage or their costs altered due to preexisting conditions, which affect up to 45 percent of us who already have health care insurance.

The Republican plan, or lack thereof, also will make it harder in the business community to continue meeting the needs of its workers and customers. A recent Kaiser Family Foundation study showed that 42 percent of employers are preparing to increase premiums next year; 39 percent of employers are preparing to increase out-of-pocket expenses for doctor visits next year; 37 percent of employers are preparing to increase out-of-pocket prescription drug costs next year; and 8 percent said they already have reached the tipping point and have decided to drop health care coverage altogether next year.

Mr. Speaker, small businesses in the Commonwealth of Virginia alone spent more than \$3 billion on health care premiums last year. That figure is expected to more than double to \$7.4 billion during the next decade if we do nothing.

Today, less than half of Virginia's small businesses offer health insurance to their employees, with three-fourths saying they're struggling to do so. The plan offered by our Republican colleagues would only exacerbate that situation and likely push more businesses into withdrawing health care coverage altogether.

But that's not what our businesses want. Not only do two-thirds of Virginia's small businesses say health care

reform will play an important part in getting the economy back on track, but more than half of them also say they, themselves, have a responsibility to help provide coverage for their employees.

A majority of Americans—57 percent—say it's now more important than ever to reform our broken health care system. Unfortunately, the plan from our Republican colleagues amounts to “do nothing and hope for the best.” Well, we can't afford that plan. And, thankfully, Americans are starting to come to the same realization.

That same poll found that 57 percent of the public faults our Republican colleagues for opposing health care reform more for political reasons than substantive argument.

Mr. Speaker, we cannot afford for premiums to climb 50 percent above the national poverty rate for a family of four. We cannot afford for more employers to pull the plug on providing health care coverage for their employees. We cannot afford to put even more families in the position of struggling to pay for basic needs like health care.

We must deliver reform that will make health care affordable and accessible; cap out-of-pocket expenses; stop the practice of cherry-picking based on preexisting conditions; and protect our small businesses from crippling costs.

We must deliver reform that will once again instill confidence in our Nation's health care system—and that is what we will do here in the House of Representatives this fall.

### AMERICA NEEDS MORE JOBS, NOT MORE GOVERNMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Thank you, Mr. Speaker.

A few days ago, the Labor Department released its monthly unemployment report. It was another month of bad news for unemployed Americans looking for work. In September, we lost 263,000 jobs and the unemployment rate rose to 9.8, a 26-year high. And, according to the Labor Department, the number of unemployed people now stands at 15.1 million.

This is an American tragedy. There are millions of breadwinners desperate for an opportunity to get back to work. But for far too many, these opportunities seem inaccessible. And Washington doesn't seem to get it.

Instead, it's business as usual here in Washington. Borrow and spend is Washington's prescription for our ailing economy. But Americans know that we cannot borrow and spend our way into prosperity. We've tried that already—and it didn't work.

Nevertheless, my Democrat colleagues insisted that passing a stimulus bill that borrowed another trillion dollars would create jobs "immediately" and unemployment would not rise above 8 percent. The facts tell another, more discouraging story.

More than 2.7 million jobs have been lost since the so-called stimulus was signed by President Obama. And the Labor Department keeps churning out these gloomy monthly unemployment reports. Today, there are about 12 million workers who would like to work full time but can't find a full-time job. U.S. auto sales plummeted in September and factory orders tumbled by the largest amount in 5 months.

The American people know that a true economic recovery starts with tax relief for American families and small businesses and fiscal discipline in Washington. After all, if American families have to buckle down and trim their budgets, Washington should, too. We can't keep running \$1.5 trillion deficits and expect economic growth as a result.

House Republicans agree with the American people. Washington needs to rein in the runaway spending. For example, this week Congress is poised to pass an agriculture spending bill which includes a 14 percent increase in discretionary spending. There's plenty of good to be said about some of the spending in this bill, but its unrestrained increase in spending is emblematic of Washington's intractable, profligate habits.

We can find a way to live within our means and create real incentives for employers to create jobs and get people back to work. How about using what remains of the stimulus money to create a jobs tax credit for employers who take risks and put Americans back to work?

Such a tax credit could spur new job creation and help reinvigorate our battered economy. Plus, it keeps taxpayer money out of wasteful government programs and politicians' pet projects.

Until we start to consider such real solutions to our jobs deficit, I will continue to oppose the Democrats' job-killing tax-and-spend policies and support real solutions to get the American people back to work.

#### ON THE DALAI LAMA'S VISIT THIS WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. The front page of the Washington Post yesterday featured a

story about the Dalai Lama's visit to Washington this week—a trip which will be marked by what doesn't take place. For the first time since 1991, this spiritual leader, a Nobel Peace Prize recipient, will not be afforded a meeting with the President of the United States. This is a mistake which has far-reaching consequences.

China has initiated a global effort to stop heads of state from hosting the Dalai Lama. As the Wall Street Journal editorial page pointed out yesterday, "China routinely assails countries whose leaders meet with the Dalai Lama, targeting France and Germany in recent years by cutting off diplomatic exchanges and canceling conferences and the like."

The Dalai Lama is set to travel to New Zealand and Australia later this year and, as the Post reported, "he has yet to secure a commitment from their leaders to meet." Will these countries follow our lead?

I've been to Tibet. I've seen the Buddhist monks and nuns in Drapchi prison. I've met frightened Tibetans who quietly showed me their forbidden photo of the Dalai Lama. I wonder if their plight received even passing mention during internal White House deliberations about whether to meet with the Dalai Lama before the President's November trip to China. Or, were they simply a nuisance in the context of a larger bilateral relationship?

An unnamed administration official in the Post story justified the decision by saying "this President is not interested in symbolism or photo ops but in deliverables." I, too, am interested in deliverables, as is the human rights community, but I'm interested in symbols. And the President should be, too. Symbolism is powerful. If we surrender to this Chinese government, we have surrendered something far greater than the President may realize.

The Tiananmen Square demonstrators of 20 years ago understood that symbols speak volumes. They carried papier-mache models of the Statute of Liberty. Ronald Reagan, too, understood symbols. He understood there was something symbolically stirring about him standing at the Brandenburg Gate and calling on the then-Soviet leader to tear down that wall that divided the people of East and West Berlin.

Ronald Reagan understood there was something symbolically powerful about invoking the name of Solzhenitsyn when he spoke at the Danilov Monastery in Russia—the very same dissident who more than a decade earlier, reminiscent of this week's events, was denied a visit with President Ford who was worried about upsetting the Russians prior to a summit.

This administration may not be interested in symbolism, but that will come as devastating, devastating news to millions around the world who yearn

for freedom, who cry out for basic human rights, and who expect America, our country, to be their champion when their own voices have been silenced.

What about the Coptic Christians in Egypt? The Baha'is in Iran? What about the oppressed citizens of Burma and North Korea and Vietnam? They should rightly be alarmed by the treatment of the Dalai Lama, as this is just one more example of a growing pattern in this administration of sidelining human rights.

It's not too late. I call on the President to invite the Dalai Lama to the White House; to reclaim the moral high ground and not kowtow to the Chinese government that brutally oppresses its people.

I call on the President to stand side by side with his holiness—a man of peace—and align America once again with the oppressed, not with the oppressors.

#### MOJAVE DESERT VETERANS MEMORIAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LEWIS) for 2 minutes.

Mr. LEWIS of California. Mr. Speaker, the United States Supreme Court will soon hear arguments in the case of *Salazar v. Buono*, which may determine the future of memorials all across the country that honor those who fought and died for our Nation. The center of this case is a memorial in my district known as the Mojave Desert Cross, which has stood proudly for over 75 years. It was erected by veterans of World War I and maintained by generations of veterans since 1934.

It was attacked 10 years ago by the ACLU, which convinced a judge to declare the memorial to World War I veterans unconstitutional. Clearly, they want to erase anything from public property that might be seen as religious in some way.

The monument was not established by government or maintained by the government, but it now stands in the Mojave National Preserve. It is a tribute to those who protected America and freedom, not a promotion of religion. If the critics of this memorial are successful, it could open the door to attacks on memorials and historic sites in all of our national parks, including Arlington National Cemetery and Gettysburg National Military Park.

I am proud to say that the Congress has understood the value of these materials and has voted overwhelmingly on numerous occasions to preserve the Mojave Desert Cross in honor of those who have defended our Nation. The will of Congress is to keep the cross in tribute to all veterans—and I sincerely hope the Justices will see the wisdom of that intent.

# FEDERAL REGULATORS MISLED DURING BAILOUT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise this morning to address my concerns as a result of the Special Inspector General for the Troubled Asset Relief Program's audit of the capital injections provided to Bank of America and other major banks through the taxpayer-funded TARP program.

Neil Barofsky, the Special Inspector General for the TARP, revealed yesterday in his official report that high-ranking Federal officials, including former Treasury Secretary Henry Paulson and current Federal Reserve Chairman Ben Bernanke, misled the American people about the true financial state of Bank of America and eight other initial TARP recipients that received over \$125 billion in this bailout.

We were told last October that the Treasury Department needed over \$700 billion, along with unprecedented and vast new authority, in order to stave off a total collapse of our financial system. They were going to buy the so-called toxic loans. Ten days later, after the bill passed, they changed their strategy and decided to give TARP funds to financial institutions.

We were told last October that this \$700 billion would enable the Secretary of Treasury to go and restore liquidity and stability and to our financial system through a series of capital injections into these financial institutions. And, most importantly, we were told last October that the Federal Government was going to inject this money into "healthy" financial institutions under the rationale that propping up these "healthy" banks would enable them to lend money and unfreeze the credit market so that none of the other major banks and private financial institutions would collapse. Almost exactly a year later, we have found out that the American people were not given the full truth.

The nine initial TARP recipients, which received \$125 billion in TARP funds, were actually not the stable, healthy institutions that Mr. PAULSON and Mr. Bernanke claimed they were. And, as we all well know today, none of these institutions were able to increase their lending activities.

□ 1245

Bank of America and Citigroup, in particular, actually ended up needing billions more in bailout money than they were initially given. Meanwhile, struggling financial institutions such as Merrill Lynch, which was on the verge of collapse months before the enactment of TARP, were largely ignored until the now infamous and coerced acquisition of Merrill Lynch by the not-so-healthy Bank of America.

Neil Barofsky's audit blankly states that "By stating expressly that the

'healthy' institutions would be able to increase overall lending, Treasury may have created unrealistic expectations about the institutions' condition and their ability to increase lending." The Federal Reserve, along with the Federal Deposit Insurance Corporation, also described the nine original TARP recipients as "healthy." Privately, however, other Federal regulators and government officials were concerned that some of these institutions were actually in a state of near financial collapse, bankruptcy. These institutions collectively held more than \$11 trillion in banking assets, or about 75 percent of total U.S. bank assets, as of mid 2008.

Special Inspector General Neil Barofsky's audit concludes that "government officials should be particularly careful, even in a time of crisis, of describing their actions in an accurate manner" and that "inaccurate statements could have unintended long-term consequences that could damage the trust that the American people have in their government." Unfortunately, the real damage has already been done. The American people continually put their trust in high-ranking Federal officials to do what is best for the good of the people in our country. However, the reality is that most Americans, including the majority of my constituents in the Sixth Congressional District of Florida, were already and still continue to be outraged by the \$700 billion bailout of Wall Street.

Finding out that they were also misled about the rationale and the criteria in which the Treasury Department, the Federal Reserve and other Federal regulators selected Bank of America and eight other institutions to be the first recipients of taxpayer-funded TARP money does nothing to lessen the concern or infuse confidence into the future decision surrounding financial regulatory reform. Many Americans these days feel like Washington is the problem, not the solution. This is an unfortunate perception that must be changed. Trust in our Federal regulators must be restored in the American people's minds for, as Thomas Jefferson once said, "Follow truth as the only safe guide and eschew error, which bewilders us in one false consequence after another."

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 48 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at 2 p.m.

## PRAYER

Pastor Greg Schanep, Faith Fellowship, Fort Hood, Texas, offered the following prayer:

As a Christian pastor, it is an honor to be here to pray for you in the name of my Lord, Jesus Christ.

President Abraham Lincoln said, "I have been driven many times upon my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom, and that of all about me, seemed insufficient for that day."

Dear God, we pray for our President today and for his wisdom and for the wisdom of those about him. May they know Your grace is sufficient for this day.

We pray for the Members of the House of Representatives, their staffs and their families.

We ask that they be men and women of strong character with sound morality, and people of principle who share a strong vision of a godly Nation with a bright future.

We pray that our leaders will lead with compassion and love, and be forever aware of their huge responsibility to the people of this Nation and of their greater responsibility to You.

We ask Your watchful care over our men and women in uniform—especially those in harm's way and their families.

And, please God, Bless America.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Minnesota (Ms. MCCOLLUM) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCOLLUM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## HONORING PASTOR GREGORY SCHANEP

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. CARTER) is recognized for 1 minute.

There was no objection.

Mr. CARTER. Madam Speaker, I rise today to talk about my friend and the leader of the prayer here in the House of Representatives today, Greg Schannep. Greg Schannep actually works for me as my regional director and my liaison to Fort Hood. He retired from the United States Army as chief of chaplains at Fort Hood, Texas, which is the largest military installation on Earth. He had over 90 chaplains that worked under him.

He started off his life in the Army as an enlisted man, ended up his career after 2 years in the Army as a Special Forces sergeant. Then the Lord called him, and after going back to school and becoming a minister, he served 28 years in the United States Army as a chaplain. That totals 30 years of active duty as a soldier for the United States.

He's worked for me almost 5 years—it will be 5 years in January—as my liaison to the military and as a regional director on our behalf.

Greg is a family man. He's got a beautiful wife and wonderful kids: Melissa, Sarah, Alison, Amy, James and Samantha. His hobbies are golf and grandchildren, of which he has four. And he has just recently—in fact, within the last 6 weeks—he has decided to start another church and come out of retirement and become a full-time builder of a church, and he started a church in Bell County known as Faith Fellowship. I went to the first service that Chaplain Schannep performed as Pastor Schannep, and he did a pretty darn good job.

He is a loved member of our community, and I am proud to call him my friend.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, October 5, 2009.

Hon. NANCY PELOSI,  
*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 5, 2009, at 9:37 a.m.:

That the Senate agreed to S. Con. Res. 42.  
That the Senate agreed to S. Con. Res. 43.  
With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, October 6, 2009.

Hon. NANCY PELOSI,  
*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 6, 2009, at 9:42 a.m.:

That the Senate passed without amendment H.R. 3663.

That the Senate passed S. 251.

That the Senate agreed to without amendment H. Con. Res. 178.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Friday, October 2nd, 2009:

S. 1707, to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

#### APPOINTMENT OF MEMBERS TO THE RONALD REAGAN CENTENNIAL COMMISSION

The SPEAKER pro tempore. Pursuant to section 4 of the Ronald Reagan Centennial Commission Act of 2009 (P.L. 111-25), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Ronald Reagan Centennial Commission:

Mr. FOSTER, Illinois  
Mr. MOORE, Kansas

#### CONCERN WITH HEALTH CARE RE- FORM MIRRORS CONCERN WITH BIG GOVERNMENT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the American people are not in favor of a government takeover of their health care. They have a real and legitimate concern about giving Washington power over something so personal.

The American people are not just concerned about Big Government intrusion; they're concerned that the government has already grown too big, too powerful, and too costly. Senior citizens will be squeezed, and the National Federation of Independent Business—the voice of small business—warns 1.6 million jobs will be lost. There remains a massive and growing debt threatening to devalue the dollar as it is kicked to future generations.

We must not sacrifice another part of our society to the control of government. Let's pursue targeted reforms to make health insurance portable, affordable, and available across State lines for families and small businesses regardless of preexisting conditions.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### THE NEW YORK TIMES IS OUT OF TOUCH WITH REALITY, AGAIN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the New York Times has again lost touch with reality. In its latest immigration-related editorial, it actually refers to illegal immigrants as “would-be Americans.” Never mind many illegals don't want to be Americans but just want the benefits of being here. And what an insult to the millions of jobless U.S. citizens and legal immigrant workers in our country and the millions of “would-be legal immigrants” who don't violate the law to come here.

The Times, in its elitist mentality, suggests that it is wrong for a company to fire 1,800 illegal workers in the United States. The Times forgot it's wrong for the company to knowingly hire 1,800 illegal immigrants in the first place, and it's wrong that the government did not arrest and deport them and then arrest the employer. Taking 1,800 illegal workers out of the workforce opens jobs for citizens and legal immigrants, as we have seen before.

Apparently, the New York Times cares more about illegal immigrants who violate the law than unemployed American workers who are looking for jobs.

And that's just the way it is.

#### GALLUP POLL FINDS AMERICANS DON'T TRUST MEDIA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, by overwhelming margins, Americans say they do not trust the national media and that the media are too liberal, according to a new Gallup poll. Gallup found that just 1 in 10 Americans have a “great deal of confidence in the media to report the news fully, accurately, and fairly.”

By a margin of 3-1, Americans said the media are too liberal rather than too conservative. Even most Democrats describe the media as “too liberal” rather than “too conservative.”

This is the third poll released in the last month that has found Americans don't trust the media. The national

media should recognize Americans' distrust and report the facts, not tell them what to think.

#### WHAT HAPPENED TO AUGUST?

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, what happened to August? August seems to have been lost in the Democratic Caucus; August seems to have been lost with the Democratic leadership; August seems to have been wiped out at the White House.

If you listen to the discussions that are taking place now about the health care bill that may be presented to us, there's something left out: it's the voice of the people that we heard in August. They told us loudly and clearly they did not want a public option. They told us loudly and clearly they didn't want a Democratic plan; they didn't want a Republican plan. No, Madam Speaker, they want an American plan—one that we can all rally around, one that takes into consideration what they told us in August, what they told us in September, and what they're telling us in October.

This is the U.S. House of Representatives. Let us represent the people of America.

#### HONORING STAFF SGT. ERIC COWIN FOR HIS SERVICE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today to express my gratitude for Pastor Dr. Robin Cowin and the congregation at First Baptist Church in Gentry, Arkansas, for the wonderful work they are doing spreading the good news of the Gospel. This past Sunday, I had the pleasure of attending a service at the church and honor the sacrifice, service, and celebration of the homecoming of Staff Sergeant Eric Cowin.

Serving in the Army for the last 6 years, Eric was on his second tour in Iraq when he was injured in an IED explosion in Baghdad in June. Now he is undergoing rehabilitation at Brooke Army Medical Center in San Antonio, and is in good spirits and on the road to recovery.

Eric is representative of so many American soldiers who have served this country honorably, stepping up to protect its citizens and people all around the world. I am grateful for the sacrifices Eric and all of our troops are making every day and for the hardships that they, as well as their families, face.

I wish Eric and his wife, Andrea, the best of luck in the future. Eric, you're

a true American hero. I ask my colleagues to keep Eric in their hearts and minds as he goes through rehabilitation and all of our American troops in their thoughts and prayers.

□ 1415

#### "WHITE COAT" MONDAY AT THE WHITE HOUSE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Madam Speaker, residents in our Nation's Capital have been in for a real treat over this past week. First was free T-Shirt Day at Nationals Stadium. But it got even better because yesterday, apparently, was Free White Coat Day at the White House.

Look at this photo. The administration is actually giving out the white coats.

Madam Speaker, the free white coats were for President Obama's publicity stunt with a handful of medical professionals, where he touted doctor support of his health care plan.

As a practicing physician for over 30 years, I can assure the President that the majority of physicians in this country are for health care reform, just not the government-run reform that he prefers. I wish he had taken the time to talk to the thousands of physicians who have traveled to Washington, or the millions of patients who attended town hall meetings in August to share their concerns about government-run health care, or even the 12 Republican physicians in this House who have contacted him about a meeting to share their concerns.

Madam Speaker, if these voices are not enough to get his attention, maybe my white coat will.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### SUPPORTING NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 707) expressing support for designation of the week of September 13, 2009, as Adult Education and Family Literacy Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 707

Whereas the literacy of its citizens is essential for the economic well-being of the United States, our society, and the individuals who can benefit from full participation therein;

Whereas literacy and education skills are a prerequisite to individuals reaping the full benefit of opportunities in the United States;

Whereas the economy and our position in the world marketplace depend on having a literate, skilled population;

Whereas the education skills of parents and reading to children have a direct impact on the educational success of their children;

Whereas, parental involvement is a key predictor of a child's success, the level of parental involvement increases as the education level of the parent increases;

Whereas parents in family literacy programs become more involved in their children's education and gain the tools necessary to obtain a job or find better employment;

Whereas, as a result, children's lives become more stable, and success in the classroom, and in all future endeavors, becomes more likely;

Whereas studies show that two important factors that influence student achievement are the mother's education level and poverty in the home, it is clear that if adults are not part of the learning equation, then there is no long-term solution to our Nation's education challenges;

Whereas many older people in the United States lack the reading, math, or English skills to read a prescription and follow medical instructions, endangering their lives and the lives of their loved ones;

Whereas many individuals who are unemployed, underemployed, or receive public assistance lack the literacy skills to obtain and keep a job with a family-sustaining income, continue their education, or participate in job training programs;

Whereas many high school dropouts do not have the literacy skills to complete their education, transition to postsecondary education or vocational training, or become employed;

Whereas a large portion of those in prison have low educational skills, and prisoners without skills are more likely to return to prison once released;

Whereas many of our Nations' immigrants do not have the literacy skills to succeed in their new home country;

Whereas the National Assessment of Adult Literacy reports that 90,000,000 adults lack the literacy, numeracy, or English language skills to succeed at home, in the workplace, and in society;

Whereas National Adult Education and Family Literacy week highlights the need for our government to support efforts to ensure each and every citizen has the necessary literacy skills to succeed at home, at work, and in society; and

Whereas the week of October 18, 2009, would be an appropriate date to designate as National Adult Education and Family Literacy Week; Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of National Adult Education and Family Literacy Week, including raising public awareness about the importance of adult education and family literacy;

(2) encourages people across the United States to support programs to assist those in

need of adult education and family literacy programs; and

(3) requests that the President issue a proclamation recognizing the importance of adult education and family literacy programs, calling upon the Federal Government, States, localities, schools, libraries, nonprofit organizations, community-based organizations, consumer advocates, institutions of higher education, labor unions, and businesses to support increased access to adult education and family literacy programs to ensure a literate society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman Colorado.

#### GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 707 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 707, a bill that supports the designation of the week of October 18 as Adult Education and Family Literacy Week.

Adult education and family literacy programs provide millions of Americans with the skills they need to lead productive lives, boost their academic achievements, and engage in the workforce and earn a living. Adult Education and Family Literacy Week recognizes the impact that adult education and family literacy programs have on our Nation's adult learners and their families in the next generation.

According to the National Assessment of Adult Literacy, there are approximately 90 million adults nationwide who lack the literacy skills to reach their full potential. Approximately 30 million of these individuals are at the lowest rudimentary levels of literacy.

Adult education programs work with these individuals as well as new immigrants striving to learn English, to help them gain and retain jobs, transition to postsecondary education or a training program, read to their own children, and fully participate in their own education and obtain the English language skills necessary to succeed in their new home country. These programs emphasize basic skills such as reading, writing, math, English language competency, and problem-solving techniques.

It is important to recognize that the supply of adult education and family literacy services has lagged significantly behind the growing demand. In my home State of Colorado, an estimated 585,000 adults, or 18 percent of

the State's population over 16 years of age, have not attained a high school diploma or equivalent and are not enrolled in school. Yet in school year 2007–2008, adult literacy programs have provided slots for less than 15,000 individuals, 79 percent of whom were between the ages of 19 and 44. More than half of the participants were unemployed, and more than two in three of those served were Latino.

At over 100 sites around the State, our critical programs provide adult basic education, adult secondary education and English as a second language to Colorado's most-in-need population, helping adult learners and their families to break the cycle of illiteracy and move toward self-sufficiency. In the 2007–2008 school year, 2,500 students earned their high school diploma or GED and almost 10,000 adults received English as a second language services.

Family literacy programs work with parents without a high school diploma or GED and their young children to help break cycles of illiteracy and poverty that plague some of our Nation's most vulnerable families. Most importantly, they provide parents with the knowledge and skills they need to be their child's first and most important teacher and role model and to be full participants in their child's education. For children, family literacy programs help ensure that they start school ready to learn and on an equal footing with their peers.

In Colorado's Second Congressional District, which I have the honor of serving, the Boulder Valley Family Literacy Program, in partnership with the Boulder Valley School District, operates a high-quality adult and family literacy program for low-level literacy adult learners and limited English speakers, both adults and children; 160 learners and families attend the program together, interacting in literacy activities as they learn. Parents participate in English classes or GED preparation and learn more about the public school system offers and how best to support their child. Schoolchildren receive homework tutoring and enrichment, and preschool children learn the skills they need to start their formal education.

Also in my district, the Colorado Mountain College has several satellite campuses serving 2,300 students. Most of their learners are ESL students, and their goal is to provide them with a pathway to college wherever possible.

Effective adult education and family literacy programs improve adults' lives by helping them develop a basic yet strong understanding of the English language. These skills lead to jobs, workforce readiness, higher education and successful outcomes in life. Furthermore, adult literacy contributes to self-sufficiency for adults and families across the Nation.

Again, I want to express my strong support for this resolution. I urge my

colleagues to endorse this measure by voting "yes."

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of the resolution before us, House Resolution 707, expressing support for the designation of the Adult Education and Family Literacy Week.

According to a June 2008 report of the National Commission on Adult Literacy, among the 30 OECD free-market countries, the U.S. is the only Nation where young adults are less educated than the previous generation. In the current U.S. labor force, more and more workers are required to have at least some postsecondary education or occupational training. By one set of measures, more than 88 million adults have at least one major educational barrier: no high school diploma, no college degree or English-as-a-second-language needs. Because of these educational barriers, a number of working-age adults may fall behind in their efforts to get higher-wage jobs or to qualify for the college courses or job training that will help them advance in their current jobs.

Studies also show that two important factors that influence student achievement are a mother's education level and poverty in the home. Parents in family literacy programs may become more involved in their children's education and gain the tools necessary to obtain a job or find better employment.

The National Assessment of Adult Literacy reports that 90 million adults lack the literacy, numeracy or English language skills to succeed at home, in the workplace and in society. By designating an Adult Education and Family Literacy Week, we can encourage people across the United States to support programs to assist those in need of adult education and family literacy programs.

I stand in support of designating National Adult Education and Family Literacy Week in order to raise public awareness about the importance of adult education and of family literacy.

I ask for my colleagues' support.

I yield such time as she may consume to my colleague from Tennessee, MRS. BLACKBURN.

Mrs. BLACKBURN. Madam Speaker, I do rise in support of Adult Education and Family Literacy Week.

I would like to begin by quoting one of my predecessors, a former Member from Tennessee who, while often my friends from Texas like to claim him as theirs, I think he was ours first, and that is Sam Houston. Congressman Houston said, "The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government."

This week is our opportunity to enhance the preservation of that liberty



by turning a very careful eye to adult education and family literacy. As I have before in this Chamber, I would like to highlight the accomplishments of my friend and constituent, Gretchen Wilson.

Gretchen was one of 43 million American adults who had not completed high school. Inspired by her young daughter, she earned her high school degree later in life. She knew that literacy was more than just knowing how to read and write. After all, she was already a Grammy Award winning artist. Literacy is also the implementation of that skill which empowers people with worlds of new information. It is the spark that ignites curiosity.

Gretchen knew how precious that spark of curiosity could be. The children of parents who have not completed high school are far more likely to drop out themselves. Indeed, children's literacy levels are strongly linked to the educational levels of their parents, especially to the levels of their mothers. Gretchen knew that her education was also her daughter's education.

In so many cases like Gretchen Wilson's, that spark of curiosity has grown into a desire to give back. She, like so many others who have benefited from adult education, now works to expand that benefit to others.

I will close by quoting Thomas Jefferson, whose words on the matter are more eloquent than mine could ever be, and he stated, "Enlighten the people generally, and tyranny and oppression of body and mind will vanish like evil spirits at the dawn of day."

Mr. HONDA. Madam Speaker, I rise today to express my support for H. Res. 707 and for designating the week of September 13, 2009 as Adult Education and Family Literacy Week.

I commend Representative JARED POLIS, sponsor of the resolution, and the House Education and Labor Committee for recognizing the importance of literacy among adults and families, particularly in relation to the economic well being of these individuals.

Having been an educator for over 30 years, I am keenly aware that education and literacy are crucial to helping individuals achieve economic success. It has been shown that parental involvement is a key indicator to a child's success, and parental engagement increases as educational attainment increases.

Sadly, however, many over 90 million adults in the United States lack the literacy, numeracy, or English language skills needed to succeed at home, in the workplace, and in society. These adults are unable to be involved in their children's education, which perpetuates the cycle of illiteracy.

Of this group, there are still over 54.8 million people who speak a language other than English at home. According to the Census Bureau, between 2000 and 2005, the native-born Limited English Proficient population nearly doubled, and it is increasing at a higher rate than the immigrant population. In spite of this growth, there continue to be 1- to 3-year waitlists for English literacy education in many

areas, leaving employers and communities with opportunities to invest in the education of their workforce.

As we work to address adult education and family literacy, we remember the need to extend literacy and education programs to new populations to help them fully integrate into our society. To help achieve this goal, I introduced H.R. 3249, the Strengthen and Unite Communities with Civics Education and English Skills Act of 2009. H.R. 3249 seeks to provide individuals with civics education and basic education programs and assist local communities in this integration process through impact aid and community-based solutions. This legislation will also provide businesses with tax credits for providing English-as-a-second-language programs to their employees, incentivize teachers with tax credits when they teach English Language Learners, and authorize more funding for such instruction.

I urge all of my colleagues to support H. Res. 707 and the laudable goal of designating the week of September 13, 2009 as Adult Education and Family Literacy Week. The resolution encourages people across the United States to support programs to assist those in need of adult education and family literacy programs, and I urge my colleagues to do so not only by supporting the resolution, but also by supporting the Strengthen and Unite Communities with Civics Education and English Skills Act of 2009, which would forge productive dialogues in our country about newcomers and provide real and concrete solutions to our communities by giving them the means and resources to help families learn English and integrate into U.S. society.

Mr. WAMP. Madam Speaker, I rise in support of H. Res. 707, which seeks to designate the week of September 13, 2009, as National Adult Education and Family Literacy Week and to raise the awareness of adult literacy programs. I am also a cosponsor of this resolution.

Education spans from conception to the grave. Earning a high-school diploma makes people better qualified for the work force, for raising a family, and for improving their standard of living. For those who were unable to complete their education in their youth, adult education programs can provide a second chance.

Unfortunately, according to a 2005 study by the National Assessment of Adult Literacy, 45 percent of all adults function below the high school reading level. For these adults, it is much harder to get a good job that can sustain them or their family. Sadly, when faced with this reality, some adults turn to crime. The more than 1 million incarcerated adults in the Nation had lower average literacy scores than adults in households on nearly every comparable scale—age, gender, and ethnicity.

The inability to read not only affects individuals' lives but also the lives of their family. Children of parents who are unemployed and have not completed high school are five times more likely to drop out than children of employed parents. In turn, parents who can read are more likely to be employed full time and receive a higher income. When parents can read, especially the mother, they will be more involved in their children's lives. They will read to their children and discuss school topics.

The importance of education and the ability to read doesn't end with the family. Its benefit also helps improve the community and even saves us all money in the long run. Putting that 2005 study into real terms, 93 million adults can't read or follow medical instructions. Individuals with limited literacy skills are more likely to have chronic conditions and are less able to manage them effectively or be aware of preventive care. These individuals will make greater use of emergency room and hospital services and less use of services designed to prevent health complications. Greater use of the emergency room raises health care costs for all of us.

In addition, American businesses lose more than \$60 billion in productivity each year due to employees' basic skill deficiencies. For our country to remain competitive in the global market place, more and more jobs will require advanced skills, and public schools produce only 2 percent of the workforce annually. Without adult education programs, important jobs could go unfilled holding back development or, worse yet, the jobs will go abroad to other nations.

Madam Speaker, literacy and education benefit so many aspects of our lives. I encourage my colleagues in the House to support this resolution and to raise the awareness of adult and family education programs.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 707 "Expressing support for designation of the second week of September as Adult Education and Family Literacy Week." The literacy of American citizens is essential for the economic well-being of our great Nation and I strongly believe that families play an important role in promoting and enabling learning at all levels.

Illiteracy is the root of many problems in our lives today. For example, in my home district, the 18th District of Texas approximately 68 percent of those arrested, 75 percent of welfare dependants, 85 percent of dropouts, and 72 percent of the unemployed are identified as functionally illiterate, Youth Plus. One in three adults in the greater Houston metropolitan area functions at the lowest level of literacy: They are unable to read and comprehend a menu or a street map, fill out a job application, or read the directions on a medicine bottle, Literacy Advance of Houston. And in Texas, 85 percent of teenagers appearing in juvenile court are functionally illiterate, Youth Plus.

No skill is more crucial to our future, nor to a democratic and prosperous society, than literacy. Basic literacy skills are the premise of reaching one's full potential as an upstanding citizen. President Lyndon B. Johnson once said, "A book is the most effective weapon against intolerance and ignorance," in order for us to utilize this priceless weapon, we must educate our citizens.

The education skills of parents along with reading to children have a direct impact on the educational success of their children. Parental involvement is an intricate part of a child's success and as the level of parental involvement increases the education level of the parent increases. Parents in family literacy programs have proven to become more involved in their children's education and gain the tools necessary to obtain a job or find better employment.



Advocating literacy across America will result in children's lives becoming more stable, leading to higher achievement in the classroom, and success in all future endeavors becomes inevitable. Studies have shown that two important factors that influence student achievement are the mother's education level and poverty in the home. It is clear that if adults are not part of the learning equation, then there is no long-term solution to our Nation's education challenges.

The National Assessment of Adult Literacy reports that 90 million adults lack the literacy, numeracy, or English language skills to succeed at home, in the workplace, and in society. National Adult Education and Family Literacy week would highlight the need for our government to support efforts to ensure each and every citizen has the necessary literacy skills to succeed at home, at work, and in society. I support the designation of National Adult Education and Family Literacy Week, which encourages people across the United States to support programs to assist those in need of adult education and family literacy programs. I call upon the Federal Government, States, localities, schools, libraries, nonprofit organizations, community-based organizations, consumer advocates, institutions of higher education, labor unions, and businesses to support increased access to adult education and family literacy programs to ensure a literate society.

Mr. MAFFEI. Madam Speaker, today I rise in support of House Resolution 707, expressing support for the week of September 13, 2009, as Adult Education and Family Literacy Week. Syracuse, NY, in my district, is considered the "home" of the adult literacy movement. It was in Syracuse that Dr. Frank Laubach established Laubach Literacy International to combat this ever growing problem. In my district, ProLiteracy continues the fight to encourage adult literacy in order to improve the lives of adults, their families and communities. ProLiteracy, the world's largest organization of adult literacy and basic education programs, provides advocacy, professional development, training, technical assistance, and materials to the programs that help adults learn to read, write, perform basic math, use technology, and communicate in English.

Fourteen percent of adults nationwide cannot read at an 8th grade level; that number rises to twenty two percent of adults in the state of New York. The ability to read is a key component for overcoming poverty, maintaining good health, finding a job that pays a living wage and preventing crime. Almost 63 percent of all inmates in state and federal prisons are almost totally illiterate.

For example, Carl Sodeberg from Minneapolis, Minnesota had a learning disability that made it difficult for him to read. When Carl was in high school, he was called to the front of the classroom to read something from the blackboard. When students and the teacher mocked him, Carl lashed out at the teacher verbally and was suspended from school. He never went back. Over the next 20 years Carl found himself in and out of work. He developed a drug problem and ended up in jail. When he finally realized he needed to learn to read, Carl was in his mid-40's. Carl worked with an adult literacy program in his commu-

nity—he learned to read, earned his high school diploma, and then went on to get a paraprofessional's license that enables him to work as a teacher's aide. He's now employed by the high school from which he was suspended, working with students who have fallen behind in their studies due to reading problems.

It is stories such as Carl Sodeberg's that remind us of the importance of encouraging adult literacy and the mission of organizations like ProLiteracy. I encourage other Members to join me in supporting H. Res. 707 to designate the week of September 13 Adult Education and Family Literacy Week.

Mr. POLIS. Does the gentleman from Wisconsin have any additional speakers?

Mr. PETRI. I have no additional speakers and yield back the balance of my time.

Mr. POLIS. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 707, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SUPPORTING CAMPUS FIRE SAFETY MONTH

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 167) expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 167

Whereas each year, States across the Nation formally proclaim September as Campus Fire Safety Month;

Whereas since January 2000, at least 129 people including students, parents, and children, have died in student housing fires, many of which were preventable;

Whereas over 80 percent of these deaths have occurred in off-campus occupancies;

Whereas a majority of the students across the Nation live in off-campus occupancies;

Whereas a number of fatal fires have occurred in buildings where the fire safety systems have been compromised or disabled by the occupants;

Whereas it is recognized that automatic fire alarm systems provide the necessary early warning to occupants and the fire department of a fire so that appropriate action can be taken;

Whereas it is recognized that automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of a building's occupants;

Whereas many students are living in off-campus occupancies, Greek housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas it is recognized that fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas students are not routinely receiving effective fire safety education throughout their entire college career;

Whereas it is vital to educate the future generations of our Nation about the importance of fire safety behavior so that these behaviors can help to ensure their safety during their college years and beyond; and

Whereas by developing a generation of firesafe adults, future loss of life from fires can be significantly reduced: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of Campus Fire Safety Month;

(2) encourages administrators and municipalities across the country to provide educational programs to all students during September and throughout the school year; and

(3) encourages administrators and municipalities to evaluate the level of fire safety being provided in both on- and off-campus student housing and take the necessary steps to ensure firesafe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

##### GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 167 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 167, which supports the goals and ideals of Campus Fire Safety Month.

Madam Speaker, college campuses host our students as they study and provide a safe place for them to live as they do. But all too often we are devastated by tragic events that take place on campuses. The Center for Campus Fire Safety reports that 129 people have died in student housing fires since January of 2000. Almost 80 percent of the fire fatalities have occurred in off-campus occupancies such as rented houses and apartments.

Common factors in a number of these fires include lack of automatic sprinklers, disabled smoke alarms, careless disposal of smoking materials, and alcohol consumption. In many instances, the death of students, children and faculty members caused by campus fires could have been easily prevented with proper safety technology and appropriate fire safety student training.

As recently as 2008, fires on the campuses of UCLA and Plattsburgh State University resulted in deaths.

Fortunately, Congress has taken important steps to address these devastating occurrences. The recently enacted Higher Education Act requires each higher education institution to publish an annual fire safety report that includes mandatory supervised fire drills, policies for evacuation and fire training education.

□ 1430

The Secretary of Education will highlight institutions with exemplary fire prevention procedures. As these provisions are implemented, I hope campuses and students alike will take needed precautions and prevent fires in the future.

Madam Speaker, once again, I express my support for National Campus Fire Safety Month and thank Representative PASCRELL for bringing this resolution forward. I ask my colleagues to support this measure.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 167, a measure to express the sense of the House of Representatives in support of the goals and ideals of Campus Fire Safety Month. I would like to thank my colleagues, the gentleman from South Carolina (Mr. WILSON) and the gentleman from New Jersey (Mr. PASCRELL), for working together to introduce this important resolution.

As we continue to see the effects of the California wildfires on the news, we are reminded that fires can strike anywhere, at anytime, and that includes on a college campus. September has been designated as Campus Fire Safety Month in an effort to remind college campuses and their communities about the dangers of fires on campus. This month reminds campuses that they need to check their fire sprinkler systems, their fire alarm and notification systems, and train students and staff in what to do in case of a fire on campus.

There have been a number of fire tragedies, some fatal, on college campuses in the past. It is for that reason that Congress regularly recognizes Campus Fire Safety Month. We also included a provision in the Higher Education Opportunity Act to ask colleges and universities to report annually on fire safety efforts. The report would include information such as a list of all student housing facilities and whether

or not each is equipped with a sprinkler system or other fire safety system, statistics on occurrences of fires and the injuries that occurred as a result of the fires, information on various fire safety rules and regulations, and information about training provided to students, faculty, and staff.

Our Nation's college students should be able to live on campus with the confidence that they will be safe in their dorms, apartments, or other housing. This measure will take a key step toward ensuring greater awareness of this issue.

I urge my colleagues to join in supporting this resolution.

I reserve the balance of my time.

Mr. POLIS. I would like to yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL), the sponsor of the resolution.

Mr. PASCRELL. Madam Speaker, I thank the gentleman from Colorado and the ranking member. I rise today in strong support of H. Res. 167, which recognizes the goals and ideals of the Campus Fire Safety Month. We just marked the start of a new school year for many college students across this great Nation. This is an opportunity to teach students about the dangers that fires pose both on and off the campus and the steps that students can take in order to remain safe and secure.

This year, over 27 States and the United States Senate have recognized the importance of Campus Fire Safety Month. I am proud that the House will soon join them in bringing awareness to this critical issue.

Madam Speaker, I first became deeply involved in the issue of campus safety after experiencing the aftermath of a catastrophic fire at Seton Hall University in South Orange, New Jersey, in 2000. That dorm fire killed three young freshmen—Aaron Karol, Frank Caltabillota, and John Giunta—and it could have been avoided. It injured 58 other students. One of those students came from my city of Paterson, New Jersey, Dana Christmas McCain. She was a survivor, but the reason she got burned so severely, she was helping others escape the fire.

Since that tragedy, we have seen thousands of fires rage through campuses and off campuses in our colleges and universities, killing 135 students since January 2000. Many of these deaths could have been prevented through effective fire prevention education and awareness, improved building and fire codes and legislation at the local, State, and Federal levels. A key to this is engaging today's college students, making them aware of their personal responsibility for fire safety and the role they play in protecting themselves, friends, and roommates. To reinforce this message, the theme for this safety month is "Fire Safety—It's Part of Living."

We are making progress. We passed the Campus Fire Safety Right-to-Know

Act. I introduced that with Congressman JOE WILSON. It was signed into law last year. Its provisions will soon go into effect nationwide. And I can remember and Mr. WILSON can remember how some colleges and universities fought us on this. Parents have a right to know what is going on on that campus when their children apply to that college, whether they take it seriously or they don't take it seriously. We need to require colleges and universities to provide those same students and parents with the report of the school's campus fire safety policies and records, providing a powerful incentive for them to voluntarily upgrade their safety systems and save lives.

Educating students about fire safety during their time in school will have a strong impact on the choices they make in the future. That is why I am working on new legislation that will provide schools with the resources to develop and deliver new and innovative campus fire safety education programs to their students.

On September 17, 2009, the launch of the fifth annual National Campus Fire Safety Month was held here on Capitol Hill. My brother, Mr. WILSON, was there. At that event, I met with and spoke to a contingent of people from across the Nation, including 20 students from the University of North Carolina at Chapel Hill, parents who have lost children in campus-related fires, fire officials, and advocates who came together for this launch to discuss the important issues of campus fire safety and the legislation currently moving through the Congress. They were led by four national leaders in campus fire safety, including Campus Fire Watch, the Congressional Fire Services Institute, Ohio Fire Safety Coalition, and the University of North Carolina at Chapel Hill.

I want to commend everyone who came to Capitol Hill and the thousands more around the country who work tirelessly each day to educate our students, our sons and daughters, their families, faculty, and staff about the danger of fires on our college campuses. Far too many families have had to suffer the unbearable horror of losing a loved one right at the beginning of a promising life.

I will continue to work hard every day to make our colleges safer, secure places for future generations to learn and to grow.

Mr. PETRI. Madam Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I thank you for your leadership, Mr. PETRI. I am very honored to be here.

And, Madam Speaker, I appreciate the hard work of my long-time friend, Congressman BILL PASCRELL of New Jersey. His efforts will save lives. I am

also particularly grateful to be here because I know of his hard work, of a lifetime of service. I know of his persistence since youth. He and my oldest son's father-in-law, Dennis Miskewicz, of Fairfield, New Jersey, were bag boys together at an A&P food store, so I already know what a hardworking person BILL PASCRELL is. And truly, he is making a difference.

I know those of us in South Carolina particularly appreciate his efforts because our State still mourns the loss of students from the University of South Carolina and Clemson at the very tragic fire at Ocean Isle, North Carolina. And as we are discussing the issue of fire safety on campus, we also should emphasize fire safety at vacation homes, rental homes, second homes, the importance of acquiring battery-operated fire detectors, fire alarms. That can make a difference, whether they are homes in the beaches or mountains.

I rise today in support of this resolution to bring needed attention to campus fire safety. I am honored to join again with the gentleman from New Jersey (Mr. PASCRELL) in supporting H. Res. 167, a resolution which supports the goals and ideals of Campus Fire Safety Month.

Last year, 33 States issued proclamations declaring September as Campus Fire Safety Month because it gives our communities an opportunity to raise national awareness of campus fire safety. We have an obligation to ensure students all across the country understand the danger posed by fires both on and off campus and what they can do to stay safe. The resolution supports the goals and ideals of Campus Fire Safety Month by encouraging administrators and municipalities across the country to provide educational programs to all students during September and throughout the year. It encourages our colleges and universities to evaluate the level of fire safety on and off campus at their institutions and to take the necessary steps to create a safe learning environment.

We want to encourage the use of fire suppression and detection systems and help our universities and colleges develop and enforce proper safety measures.

As I am sure all of my colleagues would agree, a child's safety is every parent's number one concern. Having sent four children to college, I know firsthand the pride we have in their achievements. We want the best for our children and we want to know they are safe. No family should have to face the tragedy of losing a daughter or son to a fire, and we should do all we can to provide families, students, teachers, and school administrators with every tool available to keep children safe.

I appreciate the opportunity to work with my colleagues on this issue. I encourage my colleagues to vote "yes."

Mr. PETRI. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. POLIS. Madam Speaker, I think the case has been made in eloquent and bipartisan fashion with regard to the importance of raising awareness and improving practices to protect American children attending colleges and universities across this country from the risks of fires. I encourage support of the resolution.

Mr. GINGREY of Georgia. Madam Speaker, I rise today to express my support for H. Res. 167, a resolution that supports the goals and ideals of recognizing September as Campus Fire Safety Month. This recognition would both heighten awareness and encourage improvements in the overall safety on our college and university campuses.

Since January 2000, 129 people including students, parents, and children, have died in student housing fires, many of which were preventable. Currently a majority of college students live off campus, and eighty percent of these deaths have occurred in off campus housing. One recent example is more personal for me. Over the 2008 Christmas break, there was a suspected arson at the Sigma Nu fraternity house at Texas A&M University. Thankfully, no one was residing in the house at that time, but as a Sigma Nu from my days at Georgia Tech, my prayers continue to be with the chapter in Texas for the rebuilding of their residence.

Nationally, more needs to be done to improve campus-wide fire safety awareness programs so as to prevent the loss of life and property damage on college and university campuses. Many of these fatal fires have occurred in buildings where the fire safety systems have been compromised, are obsolete, or have been disabled by occupants. College administrations must continue to make students aware of the need for automatic fire alarm systems and the safety they provide to occupants and local fire departments.

Madam Speaker, fire safety education is imperative on college and university campuses across the nation. This resolution encourages administrators and municipalities to evaluate the level of fire safety being provided in both on- and off-campus student housing. It further calls upon them take the necessary steps to ensure fire safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety. I urge all of my colleagues to support this resolution so that we can protect future generations of our nation's leaders from the devastating and potentially life threatening effects of campus fires.

Mr. POLIS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 167.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

# RECOGNIZING THE CONTRIBUTION OF COUNTRY MUSIC TO AMERICAN LIFE AND CULTURE

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 650) recognizing that country music has made a tremendous contribution to American life and culture and declaring country music to be a uniquely American art form.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 650

Whereas country music was created in the United States and its distinctive sound makes it a uniquely American institution;

Whereas country music is rooted in the folk traditions of the British Isles;

Whereas in the United States, those roots became entangled with the ethnic music of immigrants from other regions and African slaves to create a uniquely American sound;

Whereas in 1922, a country music performance was broadcast on the radio for the first time, and the earliest commercial recording of country music was made, featuring the song "Sallie Gooden", performed by fiddlist A.C. "Eck" Robertson;

Whereas throughout the 1920s, the earliest country music records and radio programs brought the music out of the rural heartland and into homes across the United States;

Whereas no institution is more closely associated with country music than WSM Radio's Grand Ole Opry in Nashville, Tennessee, which, since 1925, has introduced the United States to many of the great talents of country music through live Saturday night performances;

Whereas two of the top selling solo artists of all time, Elvis Presley and Garth Brooks, are rooted in country music;

Whereas Garth Brooks, with 128,000,000 records sold, is the top selling solo artist in United States history;

Whereas top country musician Willie Nelson said that country music is where "people tell their life stories"; and

Whereas country music continues to increase in popularity in the United States and around the world: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) declares country music to be a uniquely American art form; and

(2) recognizes that country music should be honored for its contributions to American life and culture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

## GENERAL LEAVE

Mr. POLIS. Madam Speaker, I ask unanimous consent that Members may have 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 650 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to recognize the tremendous influence that country music has made on American culture.

The themes invoked in country music resonate with important American values such as responsibility, determination, and hard work. Some country songs foster an appreciation of the important sacrifices made by our men and women serving in our Armed Forces. "Only in America," by Brooks and Dunn, and "Where the Stars and Stripes and the Eagle Fly," by Aaron Tippin, encourage patriotism and the pursuit of the American Dream. Other songs, like Dolly Parton's "Nine to Five" and Loretta Lynn's "The Pill," echo the struggles of rural and working class women and have become anthems of the women's equality movement.

In addition to powerful patriotic lyrics, the country music industry has also directly supported the causes of our Armed Forces. Portions of the proceeds from some patriotic compilations have even gone to support the United Service Organizations' active duty troops and families of fallen soldiers.

Country music is rooted in the folk traditions of the British Isles. In the New World, those roots meshed with immigrant and African influences. Many gospel, rock & roll, blues, and pop music derives from elements originally heard in country music. Famous artists such as Elvis Presley, Ray Charles, and Garth Brooks were influenced by the sounds and instruments of this music.

Every stage of country's long history has left an imprint on the music. Today, country is many sounds and many styles, some as old as the fiddle and bow, others as new as tomorrow's technology. But we will continue to hear about people's unique experiences through what we call country music.

□ 1445

Madam Speaker, once again I express my support for this resolution, and thank Representative STEARNS for bringing this bill forward. I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume. I rise today in support of House Resolution 650, recognizing that country music has made a tremendous contribution to American life and culture and declaring country music to be a uniquely American art form.

The creation of country music can be isolated to the United States. Its origins are rooted in the multitude of ethnicities found in the people of our country. The traditional music of the

British Isles mingled with the music of African slaves and several other immigrant groups to create the unique sound that is country music. The new music first became popular nationally in the 1920s and was then called "hill-billy music." The first country song was broadcast on the radio in 1922.

Since that time, numerous subgenres have developed within country music. Bluegrass, honky-tonk, country pop, and gospel are just four examples of genres that have developed within country music. Today more than 10 subgenres of country music exist.

Since country music first became popular in the 1920s, it has continued to increase in popularity. In the 1930s and 1940s, it made its debut in Hollywood movies and became even more popular. In the 1950s and 1960s, Elvis Presley and Johnny Cash topped the charts with their own brands of the music. The 1970s and 1980s saw Willie Nelson and Dolly Parton become music icons for their roles in the popularization of country music. Today, country music has its own television channel, a multitude of radio stations dedicated to it in every section of the country, and its own system of awards.

The popularity of country music has spread beyond the United States in recent years. Canada and Australia have grown increasingly fond of the music. But country music will always be recognized as a uniquely American art form. I ask my colleagues to support this resolution.

I yield such time as he may consume to my colleague from Florida, CLIFF STEARNS.

Mr. STEARNS. I thank my colleague, and I thank my Democrat colleague for recognizing this important bill, H. Res. 650. The history of this country and the history of country-western music sort of work together. The motto of the United States is "E Pluribus Unum," meaning out of many, one. It depicts the history and origin of this great country. Now, my colleagues, the history of country music resembles very similar characteristics, with the many styles that are prevalent today. As mentioned earlier, country music can trace its roots all the way back to the folk tradition of the British Isles and the Celts of Central and Western Europe.

However, here in the United States, early immigrants as well as African slaves contributed to a new distinct style that continued to develop through the 18th and 19th centuries. And as mentioned, in 1922, the first country music performance was broadcast on the radio, and it was a song entitled "Sallie Gooden" performed by fiddler, A.C. Robertson. It was clear at that point that America had created a brand new sound, and it started to take off.

And we know that the influence of American country music is pervasive.

Its popularity has extended beyond just the southern part of the United States or the Appalachian Mountains to everywhere in America, all over the world, in fact, with large fan bases in Canada and Australia. And there's many substyles of country-western music, like bluegrass, folk and gospel. They've all combined to provide a unique instrumentation of country-western music with powerful vocals to create one of a kind sounds.

As mentioned, Elvis Presley was one of these. Also Garth Brooks. I think most households will recognize those two names. Elvis Presley has all his faithful fans. In fact, he's imitated in Las Vegas all the time, and he has a charitable foundation that works to provide education and care for those in need. And of course, Garth Brooks, with over 128 million records sold, remains the top-selling solo artist in United States history. The live performances of Garth Brooks set the standard for musicians of all styles in all the world. He continues to use the power of his music to help others, in fact, performing a 2008 charity concert to raise money for victims of the California wildfires.

So having knowledge of history makes us more appreciative of what we have today in country-western music. Willie Nelson states that country music is where you tell your life stories. The history of country music is a great story; it's an American story. I should know. I had the opportunity to manage a Quality Inn, a 156-room hotel, and we had a restaurant, and we had a great country-western bar which I named the Ocala Corral. We taught the two-step dance, and I would bring in bands every 2 weeks—and, perhaps if it was a hot band, it would be six weeks—from Memphis, Tennessee.

And I'd bring these talented bands down to Ocala, Florida. We'd teach the two-step. The number of people that'd come in for a special band, when I hit the right country-western music talent correctly, would just storm the hotel. These bands would provide wonderful entertainment and provided a popular spot for country-western music in Ocala, Florida, which is the heart of Florida, really.

So my colleagues, I rise today in honor of country-western music, its heritage, and hope you all join me and celebrate the impact it's had on our American life.

Mr. POLIS. Madam Speaker, I would like to inquire if the gentleman from Wisconsin has any additional speakers. Mr. PETRI. I do.

Mr. POLIS. I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield such time as she may consume to our colleague from Nashville, Tennessee, MARSHA BLACKBURN.

Mrs. BLACKBURN. Madam Speaker, I join my colleagues today in joyfully

rising in strong support of House Resolution 650. The cultural and financial impact of country music on Nashville and indeed our State and our Nation cannot be overstated. From the daily recording sessions on Music Row to the annual CMA Music Festival in June, and the annual awards show that takes place this month, country music is the lifeblood of Nashville and the reason we are affectionately known as Music City USA.

The music industry creates employment opportunities in many industries, including musicians, songwriters, agents, managers, audio engineers, public relations and promotion firms, financial services, security, stage promotion, stage production, transportation operators, and business services. And Madam Speaker, most of these are small businesses, and they are fueled, not only by the love of the music, but also by that entrepreneurial spirit that draws so many people into the music industry.

This vital industry maintains tens of thousands of jobs. And it is responsible for generating hundreds of millions of dollars in revenue and in economic impact for our local economy. The entertainment product created is enjoyed not only coast-to-coast but also around the globe, and it plays a significant role in our Nation's trade products, certainly bringing joy to hundreds of millions of people around the world each and every day, many of those choosing to come to America and choosing to come to the home of country music to visit and experience this uniquely American art form.

So it is with great pride that I, along with my colleagues and on behalf of my constituents in Tennessee's Seventh Congressional District, rise today to take a moment to recognize the tremendous impact of country music, our unique American art form, and to join in asking my colleagues to join with us in this celebration.

Mr. POLIS. Madam Speaker, I would like to inquire if the gentleman from Wisconsin has any additional speakers.

Mr. PETRI. I have no additional speakers, and yield back the balance of my time.

Mr. POLIS. Madam Speaker, I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 650.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

#### SUPPORTING READ FOR THE RECORD DAY

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 741) expressing support for designation of October 8, 2009, as national Jumpstart's "Read for the Record Day," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 741

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas year-round, Jumpstart recruits and trains college students and community volunteers to work with preschool children in low-income communities, helping them to develop the language, literacy, and social skills they need to succeed in school and in life;

Whereas since 1993, Jumpstart has engaged nearly 21,000 adults to serve almost 80,000 young children in communities across the Nation;

Whereas Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is an annual campaign, now in its fourth year, that brings national attention to the crisis in early education by organizing the world's largest shared reading experience;

Whereas the goals of the campaign are to raise national awareness about the importance of early education by engaging 1,000,000 children reading the same book on the same day, provide books to children in low-income households through donations and book purchases and sponsorship, and prepare students for school success;

Whereas Jumpstart hopes to engage more than 1,000,000 children to read "The Very Hungry Caterpillar" in this record-breaking celebration of reading, service, and fun, all in support of the Nation's preschoolers; and

Whereas October 8, 2009, would be an appropriate date to designate as national Jumpstart's "Read for the Record Day" because it is the date Jumpstart aims to set a new world record for the world's largest shared reading experience on the same day: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of "Read for the Record Day";

(2) commends Jumpstart's Read for the Record in its fourth year; and

(3) encourages adults, including grandparents, parents, teachers, and college students to come together with children of all ages to create the world's largest shared reading experience to show their support for early literacy and Jumpstart's year-long program working with preschool children in low-income communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

#### GENERAL LEAVE

Mr. POLIS. Madam Speaker, I ask unanimous consent that Members may have 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 741 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 741, which supports the designation of October 8, 2009, as national Jumpstart's "Read For the Record Day."

I would like to yield 5 minutes to the sponsor of the bill, my colleague from the great State of Colorado, BETSY MARKEY.

Ms. MARKEY of Colorado. Madam Speaker, I rise today in support of one very hungry caterpillar and the thousands of children eager to hear his story. This Thursday, October 8, marks Read for the Record Day, a day in which we're striving to break the world record for the largest shared reading day ever. On Thursday, adults and children all around the world will gather to read Eric Carle's classic book, "The Very Hungry Caterpillar," in celebration of reading and service to preschool children.

In my own house, it was "The Polar Express" that captivated my children's imaginations and hearts at an early age. We would all snuggle up on the couch and enter the world of ringing bells, late-night train rides and the North Pole. Though the days when my three children could fit on my lap have long since passed, the tradition of reading continues. When a child is exposed to books at an early age, it can instill a love of reading and helps to build the foundation for success at school.

Jumpstart is a nonprofit dedicated to such success through early childhood education. College students and community volunteers tutor and mentor preschool children, empowering them with the tools necessary to be successful when they reach kindergarten. Since its inception, Jumpstart has worked with over 70,000 preschoolers.

Now in its fourth year, Jumpstart's Read for the Record Day highlights the importance of early involvement of adults in the lives of at-risk preschoolers. Most children in low-income communities have few, if any, age-appropriate books in their homes. Without the necessary tools and instructions, one in three schoolchildren arrives at the first day of school unprepared to learn, primarily due to economic instability. Jumpstart's Read for the Record campaign raises awareness about the importance of early literacy by encouraging adults to serve and read with young children. Through the campaign, thousands of books are

distributed to young children in low-income communities, and Jumpstart's year-round program is supported.

My resolution, House Resolution 741, designates October 8, 2009, as Read for the Record Day and encourages people of all ages to join us in reading for this record this Thursday. I urge support of this resolution.

□ 1500

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of the resolution before us, House Resolution 741, expressing support for the designation of this Thursday, October 8, 2009, as "Read for the Record Day."

Jumpstart is a national early education organization that recruits and trains college students and community volunteers to work with preschool children in low-income communities. These volunteers help young children to develop language, literacy and social skills. Since 1993, Jumpstart has engaged nearly 21,000 adults to serve almost 80,000 young children.

On Thursday, October 8, Jumpstart is working with its partners, including the Pearson Foundation, Walmart Stores, Inc., American Eagle Outfitters, Sodexo, Penguin Young Readers Group, Chase, and the American Association of Retired Persons, to continue its annual campaign to attempt to organize the world's largest shared reading experience.

In 2006, the international campaign was created to bring preschool children together with valued grownups to read the same book, on the same day, in communities all over the world. In 2008, a world record was set as nearly 700,000 readers shared the classic children's tale, *Corduroy*.

The goals of the campaign are to raise national awareness about the importance of early education. Jumpstart is working to provide books to children in low-income households through donations, book purchases and sponsorship in order to prepare more children for school success.

On "Read for the Record Day" in 2009, the hope is to engage more than 1 million children to read *The Very Hungry Caterpillar* and set a new world record for the world's largest shared reading experience on the same day. Thursday, October 8, can be a celebration of reading, service, and fun in support of the Nation's preschoolers.

I stand in support of designating October 8 as "Read for the Record Day" in order to encourage grandparents, parents, teachers, and students to come together with children of all ages to create the world's largest shared reading experience to show their support for early literacy.

I ask my colleagues' support, and I yield back the balance of my time.

Mr. POLIS. Madam Speaker, I yield myself such time as I may consume.

Research shows that the number of books in a home is the single strongest indicator of a child's future reading ability—setting him or her on a track record for success in school and in life. Unfortunately, many low-income children lack age-appropriate books in their homes. With this campaign, Jumpstart gives each participating Jumpstart child a copy of *The Very Hungry Caterpillar* for their home library. Jumpstart and its partners have asked libraries and schools to host a reading event so that all children can participate on October 8, even if the kids don't have a copy of the official book at home.

In addition to this campaign, numerous other programs work to enhance early childhood literacy. Jumpstart has sponsored Read Across America Day—which encourages parents to read to their children. Jumpstart also sponsors the Toys for Tots literacy program that promotes children's literacy while fighting poverty.

Recognizing Read for the Record Day encourages children, students, parents, and teachers to show their support for a shared reading experience. By planning a book drive, reading to children, or volunteering with Jumpstart, we can all play a significant role in helping to educate the youth of this country.

With that, I want to thank Representative MARKEY for introducing this legislation, and I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Madam Speaker. I rise before you today in support of H. Res. 741, "Expressing support for designation of October 8, 2009, as national Jumpstart's 'Read for the Record Day,'" I would like thank my colleague, Representative MARKEY, for introducing this resolution, as well as the co-sponsors.

As the resolution states, Jumpstart is a national early education organization, which is working to ensure that all children in the United States enter school prepared to succeed. Year-round, Jumpstart recruits and trains college students and community volunteers to work with preschool children in low-income communities, helping them to develop the language, literacy, and social skills they need to succeed in school and in life.

Since 1993, Jumpstart has engaged nearly 21,000 adults to serve almost 80,000 young children in communities across the Nation. Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is an annual campaign, now in its fourth year, that brings national attention to the crisis in early education by organizing the world's largest shared reading experience.

The goals of the campaign are to raise national awareness about the importance of early education by engaging one million children reading the same book on the same day, provide books to children in low-income households through donations and book purchases and sponsorship, and raise money to help bring Jumpstart to more children to prepare them for school success. Jumpstart

hopes to engage more than one million children to read "The Very Hungry Caterpillar" in this record-breaking celebration of reading, service, and fun, all in support of the Nation's preschoolers.

I join this body in supporting the designation of "Read for the Record Day," and agree that October 8, 2009, is the date Jumpstart aims to set a new world record for the world's largest shared reading experience, and, as such, is a perfect date for this designation.

I also join this body in commending Jumpstart's Read for the Record in its fourth year; and encouraging adults, including grandparents, parents, teachers, and college students to come together with children of all ages to create the world's largest shared reading experience to show their support for early literacy and Jumpstart's year-long program working with preschool children in low-income communities.

Mr. POLIS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 741, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING DYKE MARSH WILDLIFE PRESERVE

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 701) to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 701

Whereas the Dyke Marsh Wildlife Preserve on the west bank of the Potomac River just south of Alexandria in Fairfax County is one of the largest remaining freshwater tidal marshes in the Greater Washington, DC, area;

Whereas Congress expressly designated the Dyke Marsh ecosystem for protection in 1959, fifty years ago, under Public Law 86-41 "so that fish and wildlife development and their preservation as wetland wildlife habitat shall be paramount";

Whereas the Honorable John D. Dingell of Michigan, the late Honorable John P. Saylor of Pennsylvania, and the late Honorable Henry S. Reuss of Wisconsin were instrumental in passing this legislation and in preventing proposed development along the Potomac River, thereby protecting the Dyke Marsh ecosystem from further dredging, filling, and other activities incompatible with a preserve;

Whereas Dyke Marsh is 5,000 to 7,000 years old and is a unique natural treasure in the national capital region, with more than 6,500 species of plants, insects, fish, birds, reptiles and amphibians contained within an approximately 485-acre parcel;



Whereas the Dyke Marsh Wildlife Preserve is a significant element in the historic character of the Mount Vernon Memorial Parkway;

Whereas freshwater tidal marshes are rare, and the Dyke Marsh Wildlife Preserve is one of the few climax, tidal, riverine, narrow-leaved cattail wetlands in the United States National Park Service system;

Whereas wetlands provide ecological services such as flood control, attenuation of tidal energy, water quality enhancement, wildlife habitat, nursery and spawning grounds, and recreational and aesthetic enjoyment;

Whereas the Dyke Marsh Wildlife Preserve serves as an outdoor laboratory for scientists, educators, students, naturalists, artists, photographers, and others, attracting people of all ages; and

Whereas the Friends of Dyke Marsh is a conservation advocacy group created in 1975 and dedicated to the preservation and restoration of this wetland habitat and its natural resources: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the Dyke Marsh Wildlife Preserve of Fairfax County, Virginia, as a unique and precious ecosystem that serves as an invaluable natural resource both locally and nationally;

(2) recognizes and expresses appreciation for Representative John Dingell's, Representative John Saylor's, and Representative Henry Reuss's leadership in preserving this precious natural resource;

(3) celebrates the 50th anniversary of the Federal legislation designating the Dyke Marsh Wildlife Preserve as a protected wetland habitat;

(4) expresses the need to continue to conserve, protect and restore this fragile habitat, in which a diverse array of plants, animals and other natural resources is threatened by past dredging and filling, a gradual depletion in size, urban and suburban development, river traffic, stormwater runoff, poaching, and non-native invasive species; and

(5) commends the Friends of Dyke Marsh for its longstanding commitment to promoting conservation and environmental awareness and stewardship, so that the Dyke Marsh Wildlife Preserve may be enjoyed by generations for the next 50 years and into the future.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, this year marks the 50th anniversary of the Dyke Marsh Wildlife Preserve, one of the largest remaining freshwater tidal marshes in the greater Washington, D.C. area. Established in 1959

under the leadership of Representatives DINGELL, Saylor, and Reuss, this preserve provides habitat for more than 6,500 species of plants and animals along the Potomac River.

Freshwater tidal marshes are rare ecosystems providing ecological services and serving as an outdoor laboratory for scientists, educators, students, artists, birdwatchers, and many others to enjoy this unique and valuable environment.

I commend Congressman JIM MORAN of Virginia for introducing this resolution, and I urge its passage.

With that, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 701 that has been offered by my colleague from Virginia (Mr. MORAN). Fifty years ago, Congress designated Dyke Marsh, a section of the Potomac River shore in northern Virginia, as a wildlife preserve. It is appropriate that we take time today to recognize the 50th anniversary of that act because the marsh provides not only a great recreational setting for joggers, bike riders and birders, but also a place where people from a largely urban background can experience close up this example of the dynamic and resilient natural shoreline marshes provide.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the sponsor of this resolution, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend and colleague very much.

Madam Speaker, this resolution recognizes Dyke Marsh. It has been around for 5,000 to 7,000 years. It is a unique freshwater tidal marsh. But it also recognizes someone who may not have been around for 5,000 years, but has been around for 50 years, and that is our very distinguished colleague, JOHN DINGELL, who introduced the resolution 50 years ago to preserve Dyke Marsh as a habitat for wildlife and fish and the ecosystem in the Washington metropolitan area.

I want to note that my colleague in the United States Senate, Senator JIM WEBB, last week introduced a companion piece, Senate Resolution 297, which also recognizes this significant milestone.

In 1959, this body passed legislation that designated Fairfax County's Dyke Marsh as a protected ecosystem for the purpose of promoting fish and wildlife development and preserving their natural habitat. Now, at the time, Dyke Marsh was being dredged for commercial purposes. They were going deeper and deeper to get gravel. They were ruining the ecosystem.

For those who live in the Washington metropolitan area or may be visiting

the Washington metropolitan area, if you go down the George Washington Parkway toward Mount Vernon, right after the city of Alexandria, you will see Dyke Marsh. Belle Haven Marina is there.

Dyke Marsh is about 500 acres. It's preserved. It's a beautiful area. You can see bald eagles; you can see great blue herons. You can see snapping turtles; a whole lot of bullfrogs. There aren't a lot of places left in the Washington area where you can see this unless you go to the zoo.

But these creatures—the fish, the wildlife, and even the plants, some of which are rare, are in their natural habitat because of Chairman DINGELL's efforts. He got together with John Saylor from Pennsylvania—my friend Mr. SHUSTER knows him, as did Mr. SHUSTER's father—and the late Chairman Henry Reuss of Wisconsin. The three of them got together and they got this legislation through that stopped the dredging of Dyke Marsh, and it has been preserved to this day. Whether we can expand it and even restore it more to its natural habitat, I don't know. But I know because of this legislation we're at least going to be able to preserve what we have.

As the gentlelady suggested, it has over 6,500 species of plants and animals, some of which are threatened or endangered. It enhances water quality, stems shoreline erosion, and creates an aesthetic and recreational escape for people of all ages.

I urge my colleagues to join me in recognizing the significance of Dyke Marsh, in reaffirming our commitment generally to protecting our Nation's ecosystems, and in honoring three giants of the Congress—JOHN DINGELL, John Saylor, and Henry Reuss—whose leadership and commitment to environmental stewardship were instrumental in the Dyke Marsh's preservation.

I also want to recognize Ann Toohey, who has done the research and staff support on this. I want to express appreciation to my colleague, Congressman GERRY CONNOLLY, whose district is just to the south of Dyke Marsh, but who was the Chair of the Fairfax County Board when Fairfax County made the especially important efforts to preserve Dyke Marsh.

Again, I urge passage of this bill.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to salute my colleagues Congressman JOHN DINGELL and Congressman JIM MORAN for their support of a rare natural and national treasure in Northern Virginia, the Dyke Marsh Wildlife Preserve.

In 1959 Congress passed legislation to make this wetland ecosystem a National Park unit, which was introduced by Congressmen DINGELL, John Saylor and Henry Reuss. Congressman MORAN has introduced H. Res. 701, of which I am a proud cosponsor, to recognize their efforts and the 50th anniversary of Dyke Marsh.

The Dyke Marsh Wildlife Preserve, just south of Alexandria on the Virginia shoreline of the Potomac River, is a rare, 485-acre freshwater, tidal wetland in suburban northern Virginia, just north and east of my district. I was proud to represent this Wildlife Preserve during my tenure as Chairman of the Fairfax County Board of Supervisors. The marsh is 5,000 to 7,000 years old and is one of the most significant temperate, tidal, freshwater, riverine marshes in the National Park system. It is a remnant of the tidal wetlands that once lined the Potomac River.

Congress designated Dyke Marsh as a nature preserve "so that fish and wildlife development and their preservation as wetland wildlife habitat shall be paramount." Today it has 360 known species of plants, 6,000 arthropods, 38 fish, 16 reptiles, 14 amphibians and over 300 birds.

"Dyke Marsh Wildlife Preserve is a wonderfully complex ecosystem," says Georgetown Biology Professor Dr. Edd Barrows. "It may have as many as 18,000 species, from bacteria through bald eagles." Depending on the time and season, visitors can see bullfrogs, snapping turtles, great blue herons, black rat snakes, wood ducks, red-winged blackbirds and plants like pickerelweed, spatter-pond lily and wild rice. It is an important outdoor classroom for students of all ages and a laboratory for many area scientists.

Like all wetlands, Dyke Marsh provides ecological services including flood control, water quality enhancement, habitat, fish nursery, and shoreline stabilization.

I commend Congressman DINGELL for his vision, and Congressman MORAN for his commitment to preserving this ecological gem. I have been and will continue to be a proud supporter of the Dyke Marsh Wildlife Preserve.

Mr. DINGELL. Madam Speaker, I rise in strong support of H. Res. 701, honoring the 50th Anniversary of the Dyke Marsh Wildlife Preserve.

Fifty years ago, commercial dredging and dumping operations threatened the very existence of Dyke Marsh. In 1959, Congress designated Dyke Marsh as a protected wetland habitat, allowing it today to provide a vital habitat for over 6,500 species of animals and plants, and serve as one of the national capital area's most cherished wetland and wildlife preserves.

I am proud to have taken part in the designation of Dyke Marsh. The best times of my life were hunting and fishing with my dad and, later in life, with my children. I want to ensure others are able to enjoy the outdoors in that same meaningful way.

This anniversary reminds me of the great times John Saylor, Henry Reuss and I shared while working on environmental and conservation legislation together. They were great friends and legislators, and I am proud of what we were able to accomplish. John was wise to have once said: "We are a great people because we have been successful in developing and using our marvelous natural resources; but, also, we Americans are the people we are largely because we have had the influence of the wilderness on our lives."

I am also reminded of a quote by another great leader, Winston Churchill. Churchill, as you know, enjoyed the occasional drink. One

day he was meeting with a group of women who were offended by his consumption of alcohol. They said "Mr. Churchill, if you lined the walls of your office with the alcohol you have consumed, it would be up to here." Churchill looked up, thought for a moment, looked at the ladies and said, "So much to do, so little time." We should be proud of the good our work towards conservation has done, but remember we have more to do.

The Gentleman from Virginia, Mr. MORAN, is to be commended for his hard work in protecting Dyke Marsh and for the good work he has done from his perch in the House Appropriations Subcommittee on the Interior. Important conservation programs are better off because of his wisdom and diligence.

I also want to take a moment to recognize the hard work of the Friends of Dyke Marsh. This organization, currently under the leadership of Glenda Booth, has done a great job of protecting this beautiful space and getting the story of Dyke Marsh out. Friends of Dyke Marsh is an outstanding advocacy organization and they have much of which to be proud.

I urge all my colleagues to rise and commemorate the 50th Anniversary of the Dyke Marsh Wildlife Preserve.

Mr. SHUSTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I, again, urge Members to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 701.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MORAN of Virginia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SUPPORTING NATIONAL ESTUARIES DAY

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 710) supporting the goals and ideals of "National Estuaries Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 710

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of employment, and 49 percent of economic output located in such regions;

Whereas coasts and estuaries contribute more than \$800,000,000,000 annually in trade and commerce to the Nation's economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating \$8,000,000,000 to \$12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported through commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed over the last 100 years;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, and harmful algae;

Whereas sea level rise is accelerating the degradation of estuaries by submerging low-lying lands, eroding beaches, converting wetlands to open water, exacerbating coastal flooding, and increasing the salinity of estuaries and freshwater aquifers;

Whereas in the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), Congress found and declared that it is national policy to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone, including estuaries, for current and future generations;

Whereas estuary restoration efforts cost-effectively restore natural infrastructure in local communities, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits;

Whereas 62.3 percent of habitat restoration funds of the National Oceanic and Atmospheric Administration (NOAA) under the American Recovery and Reinvestment Act (Public Law 111-5) were awarded to projects in estuaries, and 90 percent of the total NOAA habitat restoration funding under such Act will benefit estuaries; and

Whereas September 26, 2009, has been designated "National Estuaries Day" to increase awareness among all citizens, including local, State, and Federal officials, about the importance of healthy estuaries and the need to protect them: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of "National Estuaries Day";

(2) acknowledges the importance of estuaries to the Nation's economic well-being and productivity;

(3) recognizes the persistent threats that undermine the health of the Nation's estuaries;

(4) applauds the work of national and community organizations and public partners to promote public awareness, protection, and restoration of estuaries; and

(5) reaffirms its support for estuaries, including the preservation, protection, and restoration thereof, and expresses its intent to continue working to protect and restore the estuaries of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.



The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

□ 1515

Ms. BORDALLO. Madam Speaker, National Estuaries Day was established in 1988 and is an annual celebration highlighting the need to protect our Nation's estuaries. Estuaries provide vital habitat for countless fish and wildlife species and contribute significantly to our economy through commerce and recreation. National Estuaries Day was celebrated on September 26 with numerous activities nationwide, from canoe trips in Washington to photography contests in Florida.

This annual public awareness campaign informs our citizens about their connection to these critical places and why these ecosystems need to be preserved, protected, and restored. I commend Congresswoman CASTOR from Florida for introducing this resolution, and I urge its passage.

With that, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself as much time as I may consume.

The gentlelady from Guam has sufficiently explained the resolution, supporting the goals of National Estuaries Day. As we all know, estuaries are an important component to many species of birds, fish, and mammals. They rely on the estuaries for food, spawning, and other lifecycle needs. Estuaries also provide many people with recreational opportunities, from birdwatching to fishing and many boating activities. Finally, estuaries provide us with critical flood control, protecting coastal communities during severe storms. I support the resolution and urge my colleagues to pass it.

Mrs. CAPPS. Madam Speaker, I rise today to express my support for H. Res. 710, a resolution supporting the goals and ideals of National Estuaries Day.

I want to thank my colleague KATHY CASTOR for introducing this resolution, which I have cosponsored. We both represent coastal districts that are home to amazing estuarine systems that are of great importance to our communities and constituents.

In my district, the Morro Bay National Estuary is an ecological treasure.

Lagoons and wetlands that were once common along the southern California coast are now nearly all filled and developed. But we are fortunate that the Morro Bay Estuary has largely survived. And we must continue to protect this natural resource.

The Estuary provides vital habitat for birds and fish. It is an important stop-over for over 150 species of migratory birds during their annual migration. And it is a critical winter home to several other bird species. The estuary also acts as a nursery for more than 75 percent of commercial fish species in the area.

Since the Morro Bay Estuary was incorporated into the National Program in 1995, the inspiring team of staff and volunteers has spearheaded numerous efforts to preserve and restore the estuary.

For example, partnering with local ranchers, the Estuary Program has installed riparian fencing along nearly 75,000 feet of creek to limit cattle access. This has protected water quality and improved riparian habitat on seven creeks.

The program has provided funding to the City of Morro Bay to remove derelict vessels before they pollute local waters and damage habitat.

They have also established the Estuary Nature Center and WaterFest, to educate the general public about the beauty of the estuary and its importance to water quality and conservation.

In addition, more than 75 dedicated volunteers collect and provide important water quality data for the Estuary Program each year. These data are critical to evaluating the health of the estuary and watershed, as well as compiling a plan to address problems.

Estuaries are among the richest habitats known on earth—providing immeasurable economic and ecological benefits. But they are threatened by pollution and other human activities. We must change our course and work harder to protect them.

I urge all of my colleagues to vote in support of H. Res. 710—to recognize National Estuaries Day and the community organizations that fight to preserve these invaluable resources.

Mr. SHUSTER. Having no further speakers, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, having no further speakers, again, I urge Members to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 710.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### HONORING EFFORTS TO CREATE A FLIGHT 93 MEMORIAL

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 795) honoring the people of Shanksville, Pennsylvania, and the Flight 93 Ambassadors for their efforts in creating the Flight 93 temporary memorial and encour-

aging the completion of the National Park Service Flight 93 National Memorial by the 10th anniversary of September 11, 2001.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 795

Whereas, on September 11, 2001, the passengers and crew of United Flight 93 courageously gave their lives, thereby thwarting a planned attack on our Nation's Capital;

Whereas the Flight 93 crash site is a profound national symbol of American patriotism and spontaneous leadership of citizen heroes;

Whereas the people of Shanksville, Pennsylvania, came together as a community to protect the sacred ground and construct a temporary memorial where Flight 93 crashed on September 11th;

Whereas the Flight 93 Ambassadors, created by members of the Shanksville community after the tragic events of September 11th, have exhibited selfless dedication and leadership by preserving and recounting the heroic story of the brave intervention of the passengers and crew against the terrorists to the memorial's visitors; and

Whereas in large part due to the efforts of the community and Flight 93 Ambassadors, Congress authorized the creation of a permanent national memorial as part of the National Park System under Public Law 107-226, the Flight 93 National Memorial Act: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors the Shanksville, Pennsylvania, community and Flight 93 Ambassadors for—

(A) their foresight, dedication, and leadership in protecting the Flight 93 temporary memorial, the preservation and sharing of the heroic story of the brave intervention of the passengers and crew against terrorists; and

(B) their efforts to establish a permanent national memorial to Flight 93; and

(2) encourages the Secretary of the Interior and the National Park Service to complete the Flight 93 National Memorial, as authorized by the Flight 93 National Memorial Act, by the 10th anniversary of the September 11th attacks.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, House Resolution 795, introduced last week by my colleague Representative BILL SHUSTER, honors the people of Shanksville, Pennsylvania. Eight years ago, the town of Shanksville entered

the history books in a tragic way. But since that dreadful day, the community, working with the Flight 93 ambassadors, has protected the temporary Flight 93 Memorial and pressed to establish a permanent national memorial to that plane's heroic passengers.

House Resolution 795, Madam Speaker, recognizes those valiant efforts and encourages the Secretary of the Interior and the National Park Service to complete the Flight 93 National Memorial by the 10th anniversary of the September 11 attacks.

Madam Speaker, we support this resolution.

I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

I thank the gentlelady from Guam for her support on resolution 795. On the morning of September 11, 2001, United Airlines Flight 93 was hijacked by al Qaeda terrorists, but their evil plan was heroically derailed when the brave passengers and crew aboard that flight performed the first counter-attack in the war on terror. They fought back. They sacrificed their lives so that others could live.

Madam Speaker, today we have a pretty good idea of what the terrorists intended to use Flight 93 for, an attack on Washington, D.C., and most likely the Capitol Building itself. The fact that the passengers and the crew ultimately crashed Flight 93 in Shanksville saved the lives of hundreds, if not thousands, of tourists, staff and Members of Congress who were in the building on that day. I was in the Capitol Complex that morning, and I know many of my colleagues serving today were here and are grateful for the passengers and crew of Flight 93.

The complete sacrifice made by those brave men and women who did an extraordinary thing in the face of an extraordinary circumstance deserves to be remembered and honored. Since that fateful day 8 years ago, the hallowed ground of the crash site has been visited by thousands of Americans from across the country to pay tribute to the memory of those extraordinary Americans.

Since the attacks, the people of Shanksville and Somerset County have come together to protect the crash site and welcome visitors to their community. Along with the Flight 93 ambassadors, tremendous progress has been made toward establishing a permanent memorial at the crash site, ensuring that their heroic story lives on and inspires current and future generations of Americans.

Eight years have passed since the 9/11 attacks, and we are encouraged by the progress that has been made towards completing the official national memorial to Flight 93. I am proud to sponsor this resolution which calls on the Sec-

retary of the Interior to complete the congressionally authorized memorial in Shanksville by the 10th anniversary of 9/11.

While we will never be able to repay the heroes of that infamous day, it is our hope that with this memorial, their sacrifice will be permanently recorded, and the site of their passing will forever be guarded for all to pay tribute.

I appreciate the opportunity to offer this resolution, and again, I thank my colleagues for their support.

I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my colleague from Guam.

I rise today in support of House Resolution 795. This legislation of the gentleman from Pennsylvania honors the people of Shanksville, Pennsylvania, and the Flight 93 ambassadors for creating a temporary memorial for the passengers of United Flight 93 and urges the National Park Service to complete a national memorial.

The men and women onboard Flight 93 prevented a fourth attack on September 11, 2001, against American citizens. Arming themselves with whatever they could find, they prevented the hijackers from mounting a potentially disastrous attack on a target in Washington, D.C. Without their sacrifice, it's very possible that many of us and the building in which we stand would not be here today. It's almost certain that many other innocent civilians would have died.

Of those brave souls onboard Flight 93, 18 of them were from New Jersey, including two from the 12th Congressional District, which I have the privilege to represent. One of those heroes was Todd Beamer, a respected businessman from Cranbury, New Jersey. He was a man of deep religious faith, a loving father, a caring and devoted husband to his wife, Lisa. And it was his famous phrase, "Let's roll," that helped inspire our Nation to meet his high standard of shared sacrifice and to remind Americans in those dark days following September 11 that America would not just survive but America would prevail against hate and extremism.

Lisa and Todd Beamer's children David, Drew and Morgan Kay will grow up knowing their father's act of valor saved the lives of others. He will always be remembered as a hero, along with his fellow passengers.

Richard Guadagno was another amazing passenger on Flight 93. Raised in Trenton, Richard was the manager of the Humboldt Bay National Wildlife Refuge in California, a truly outstanding person. He was on his way back to Eureka, California, after visiting his family in New Jersey and at-

tending his grandmother's 100th birthday party. He too made the ultimate sacrifice.

I have long supported and worked to get funding for a national monument honoring the passengers and crew of Flight 93. People will be able to find inspiration as they look at this memorial and reflect on the essence of America, that Americans are willing to sacrifice much to protect each other even in the face of mortal danger. It will remind us that this is not the last time America will need heroes, that the survival of American ideals depends on ordinary people stepping out of their roles to act in ways that are extraordinary and courageous.

I strongly support this resolution and urge the National Park Service to complete this memorial by the 10th anniversary of that terrible day.

Mr. SHUSTER. Having no further speakers, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the gentlewoman for yielding the time and commend my colleagues from Pennsylvania and New Jersey for this very thoughtful resolution. I would also like to speak to the previous resolution that just passed the House, establishing National Estuaries Day in recognition of these other beautiful and valued places across our country.

Our Nation's estuaries are essential to our economy, jobs, our hobbies and our culture. Estuaries are the vital links between our coastal ecosystems. They are the unique places where rivers and oceans meet, and their irreplaceable wetlands provide unmatched recreational opportunities and millions of jobs in tourism, fishing and other coastal industries.

This is especially true in my hometown of Tampa, Florida, where Tampa Bay provides the lifeblood and character of my community. A significant share of the Tampa Bay area's economy is dependent on our healthy estuary, and the same is true all across the United States, as 28 million jobs are supported through commercial and recreational fishing, boating, tourism, and other coastal industries. Coastal economies and estuaries contribute more than \$800 billion annually in trade and commerce in our great country.

September 26 marked National Estuaries Day, an interagency campaign led by NOAA. Since 1988, NOAA has promoted the importance of estuaries and the need to protect them. So this year was the first time that we introduced a resolution to recognize these important educational and recreational events all across the country. Events occurred in North Carolina, in Florida, in Louisiana, in California. These celebrations ranged from the planting of

seed grasses, the protection of marine mammals and other species.

Estuary groups from across the country also met here in the Capitol with representatives from NOAA, the Fish and Wildlife Service and the Environmental Protection Agency.

Madam Speaker, Pat Conroy's new novel, "South of Broad," contains elegant descriptions of estuaries that speak to everyone who values their beauty and riches. Conroy writes: "A freshwater river let mankind drink and be refreshed, but a saltwater river let it return to first things, to moonstruck tides, the rush of spawning fish, the love of language felt in the rhythm of the wasp-waisted swells."

He says: "The tide is a poem that only time could create, and I watched its stream and brim and make its steady dash homeward to the ocean." It is difficult to capture the beauty and value of many of America's national treasures, so we ask the House today to set aside a day to raise awareness and educate others about estuaries, and getting people excited about the natural beauty to be found there.

I thank my colleagues for voting today in support of these goals and ideals.

Ms. BORDALLO. Madam Speaker, I commend the gentleman from Pennsylvania (Mr. SHUSTER) for this important resolution, and I thank him for managing the resolutions this afternoon on the floor. Again, I urge my colleagues to support this very important resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of the H. Res. 795. The legacy of the events of September 11, 2001 still resonates today. We will never forget the harrowing experience of the loss of more than 3,000 lives that marked this national tragedy. We will never forget the events of that day, nor those who paid the ultimate price. We will forever remember how the country suffered profound sadness, the likes of which we as a nation hope to never experience again.

Madam Speaker, I recall vividly the intense emotions evoked as the attacks unfolded. The Nation watched in horror as two airliners crashed into the Twin Towers and brought down the World Trade Center. That horror intensified as we witnessed an attack on the Pentagon—and a crashed airplane in Pennsylvania. Horror turned to anger as it came to light that the attacks were the actions of hate-filled cowards who had no respect for human life. I remember too, that in the aftermath of these senseless attacks, we came together as a nation and with friends from around the world united in grief and sadness. That moment transformed our country and the world, as the resolve of our Nation strengthened and our principles hardened.

We remember the heroes from that day; those who ran into the danger, sacrificing themselves to save strangers. We remember the heroes from United Flight 93 who overpowered the terrorists and gave their own lives to prevent the deaths of countless others.

We hope that their families can take some small measure of comfort knowing that Americans have made a permanent place for those heroes in our hearts.

As a Senior Member of the Foreign Affairs and Homeland Security Committees, I believe that we must continue to honor the fallen by working to prevent needless deaths. In the years since September 11, 2001, Congress has worked hard to make sure that such a tragedy will never happen again. In large part, we have taken heed of the advice of the 9/11 Commission and built a strong system to prevent future attacks.

Madam Speaker, I rise before this body to say that our work is not yet done. Our Nation's rail and mass transit lines continue to be vulnerable. Millions of Americans rely on our rail and mass transit for transportation. Terrorist attacks in Madrid in 2004 and London in 2006 indicate that transportation routes continue to be potential security threats. We must not let another tragedy occur.

Preventing terrorism at home begins with addressing terrorism abroad. We must engage nations that are susceptible to the influence of extremists and arm them with the tools to fight radicalism. That means not only providing weapons of war but also increasing education, improving living conditions, and increasing the capacity to govern. The struggle against terrorism will be won in the hearts and minds of people around the world.

Madam Speaker, I urge all members to join me in supporting H. Res. 722. Let us remember this day and the tragedy that befell the Nation by properly honoring the victims with our renewed commitment to America's security.

Ms. BORDALLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 795.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 29 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1730

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. SERRANO) at 5 o'clock and 30 minutes p.m.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, by direction of the Committee on Armed Services, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FORBES. I have a motion at the desk, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Forbes moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2647 be instructed to not recede to the Senate on division E of the Senate amendment (regarding the Matthew Shepard Hate Crimes Prevention Act).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Virginia (Mr. FORBES) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. FORBES. I yield myself such time as I may consume.

Mr. Speaker, it is truly a sad day as we come before the House today to have to even bring this motion to instruct conferees. But essentially what the motion to instruct conferees does is to simply make sure, when we're dealing with something as important as the Defense authorization bill, that we're dealing with the Defense authorization bill—that we're not saddling it with the hate crimes legislation which, sadly, is what we are now doing.

Mr. Speaker, across America, people are becoming more and more disillusioned by the processes that they see taking place here in the House of Representatives and down the hall in the Senate. And this is a perfect example of what that process has come to be, when we take a hate crimes legislation

that should stand on its own accord, that has nothing to do with the Defense authorization bill, but we marry them together and saddle them and bring them to the House floor with the take-it-or-leave-it approach.

Mr. Speaker, we need to watch what's happening from this administration and unfortunately from the leadership in both the House and the Senate to destroy any even pretense of transparency anymore in the country.

I watched this year as we saw a sea change where so many of the policies have now led us to a point where our budget is driving defense posture instead of defense posture driving the budget. For the first time in my lifetime that I know of, this administration came down and literally issued a gag order to individuals in the Pentagon where they couldn't even talk to Members of Congress to tell us where they were cutting programs, where they were spending money, and to give us the reports that we needed, or even testify. In fact, the Army had to even cancel a hearing that it had before the Armed Services Committee because of that gag order.

In addition to that, Mr. Speaker, we have a situation where the law requires the administration to tell us a plan. How are you going to build ships? That just makes sense. Americans should know: How are you going to build ships? What's the plan? The law requires that they do it and certify that the budget meets that plan. They just refuse to do it because the law doesn't apply to them.

And then they came down with an aviation—they were supposed to give us an aviation plan. The law mandates it. It's in the statute. Again, they have to tell us what are you doing with planes; how many are you building; what's your plan—and certify that that aviation plan is going to be met by that budget. Mr. Speaker, they just refused.

When the House Armed Services Committee came together and every Member unanimously passed a congressional inquiry mandating that the administration give us that information before this conference report came to the House today, that it was supposed to be here on September 15—they just refused to do it. And they look at every soldier across the country and say, The law applies to you, but it must not apply to us.

And then, Mr. Speaker, we come down today to the situation we're in where we just made a motion to go to conference. And as we made the motion, they are literally writing the bill now in legislative services at this very time, and we haven't even had some hearings—the Readiness Subcommittee never even had a hearing.

Mr. Speaker, what this motion to instruct simply does is this: It says you may not give us all of the information

the law requires, you may not hold hearings that we need to get the facts straight, but for goodness sake, at least make sure that we do a Defense authorization bill. And if we're going to do hate crimes legislation, let's do it separately. This gives us a clean vote up or down on that.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, once again we see shenanigans going on on the floor of the House. And the idea is that we're going to sneak stuff through, and we're going to use the good will and the support of the American public for our warfighters in order to pass some particular specialized agenda that has nothing to do with the warfighters at all.

This is not new this year. There was a big bill we passed—it was called cap-and-tax—3 o'clock in the morning. Three hundred pages of amendments passed. It came here to the floor for us to debate, and we are asking is there a copy of the bill on the floor? And the answer was no, there's not even a copy of the bill on the floor because of the fact we're going to do this in the dark of night with tricky little procedures.

And here we go with a bill that many of us have labored hard for. I have an important amendment on the bill, and yet what's going on? We're going to slip into this bill to fund—my own son, in fact, who's going to Afghanistan in 3 weeks—we're going to use the good will of the voters of America to slip into this thing a bill called hate crimes which has nothing to do whatsoever with what's being passed.

It is more of the same cloak and mirrors, dark of the night, slippery kind of stuff the American public is fed up with, and I am fed up with it. I have three sons that have graduated from the Naval Academy. I have two sons who are in the Marine Corps right now. This bill talks about funding them and funding the defense of our country, which I take very seriously.

But to put into this bill this hate crimes bill which has been, I think, kicked around the Judiciary Committee for years and to try to connect that with something that's unrelated is just procedurally wrong. It's something that is shameful. It should not happen on this floor. And in that regard, I refuse to vote for this bill in spite of the fact that the bill is good underneath.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, it's important to note that the hate crimes legislation has passed as a

stand-alone bill in the House three times over the last decade, and now it's attached to a Department of Defense authorization bill. And I am happy, Mr. Chairman, to see this bill, which is an important and long overdue step in our continuing efforts to secure for all Americans the full blessings of liberty under our Constitution.

On several occasions, as I said, this bill has passed the House and the Senate. This year, with the support of the President, I am hopeful that we will finally see the bill signed and enacted.

Mr. Speaker, the incidence of hate crimes is continuing at a high rate. I think we've seen the degeneration of the level of political discourse in this country as it has descended into threats of misconduct and violence. I just want to point out a historical fact here because the incidence of hate crimes certainly is continuing at a high rate.

The incidence of brutal violence against individuals based on hateful bias against certain identifiable groups has unfortunately a long and shameful history in this country. For example, nearly 4,000 African Americans were tortured and killed between 1880 and 1930. In our day, since 1991—and I must confess to you, my days go back a little longer than that—but I must tell you that since 1991, there have been more than 118,000 hate crimes documented by the FBI. It has been 7,624 just in 2007. And those are only documented cases.

What this bill does, ladies and gentlemen who are viewing and listening to this message, it enables the Justice Department to come to the aid of State and local law enforcement agencies in investigating and prosecuting this bias-based brutality, and it helps to defer their cost when these kinds of crimes overwhelm State and local resources. And when necessary—and if approved by the highest Senate-confirmed department officials—it authorizes the department to step in and prosecute at the Federal level.

The bill expands existing Federal hate crimes law beyond the narrow confines of protecting access to a limited set of specified protected activities, and it adds to the current list of group characteristics deservedly recognized for protection—due to their being well-known targets for bias-based violence—four new ones that also clearly belong on the list: sexual orientation, gender, gender identity, and disability.

These crimes of violence are directed not just against those who are directly attacked—they are targeting the entire group with the threat of violence. No group should have to live under that kind of threat as they seek to go about their everyday duties and lifestyle here in America. Everyone should be protected.

So the groups in the bill differ from one another. They differ from other

groups that some have been trying to add on which do not share this same kind of history of being targeted for hate-based violence.

Our approach is consistent with the judgment made by the States that have State hate crimes laws. They've made the same judgment as we have made for Federal law that many groups should be protected elsewhere in the law, not in hate crimes law. An argument is often made that since that is a State offense, the Feds should not get involved with it. But I'll tell you, the sale of drugs, State law violation, also a Federal law violation.

□ 1745

Our Federal criminal code mirrors sometimes the State laws, and other times State laws mirror Federal law when it comes to certain activities that are against the law. And so this is no different. Our approach is consistent with the judgment made by the States that have hate crimes laws, and this bill is definitely consistent with the Constitution.

It applies only to bias-motivated violent crimes. It in no way impinges on constitutionally protected speech, writing or other expression, including expression of religious beliefs, but not limited to that. That would be true in any event. But we state it plainly in the bill.

This bill has widespread support, over 120 cosponsors, and more than 300 civil rights, education, religious and civic organizations, including the NAACP, the ACLU and the Leadership Conference of Civil Rights.

Virtually every major law enforcement organization in this country has endorsed the bill, including the International Association of Chiefs of Police, the National District Attorneys Association; and most district attorneys that I know of are certainly not flaming liberals. They believe in the rule of law and they believe in adherence to it. When there is a criminal law violation, they will prosecute to the full extent of the law. So that is very important. The National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum and 31 State attorneys general endorse the bill. That is very impressive.

And it is supported by over 45 leading mainstream religious organizations, who dismiss claims that the bill would somehow interfere with religious speech "unfounded fears."

Enacting the Local Law Enforcement Hate Crimes Protection Act is a critical step towards keeping our communities safe from hate-based violence and ensuring that all Americans can enjoy the blessings of liberty without fear.

I urge my colleagues to support this important legislation.

Mr. FORBES. Mr. Speaker, the gentleman from Georgia talked about the

rule of law. It is the rule of law that we are concerned with today, the rule of law that this administration refuses to obey with regard to sending us the documents and the information the statute requires so that we could make an intelligent decision about this conference report.

He talks about issues. Regardless of where you stand on this legislation, you could talk about transportation, space exploration, health care reform or immigration reform. But they have no place in the Defense authorization bill.

I just want to point out to the Speaker and to those listening to the debate, at 5:36 tonight we made the motion to go into conference. The report is already being written. It is a take-it-or-leave-it report. This is the only shot anyone will have at changing this report.

Mr. Speaker, I would like to yield 2 minutes to the distinguished ranking member from California, Congressman McKEON.

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding. And my good friend from Georgia that just gave a strong message of his support for hate crimes, I respect, and I have a strong feeling against it. But the issue that we are here on the floor talking about should be the defense of our Nation, especially when we are at a time of war.

While the Senate was considering the National Defense Authorization Act, division E was attached to the bill as an amendment. The NDAA is an inappropriate vehicle for this controversial and unconstitutional legislation. Hate crimes proponents are using this important national security bill to get this legislation to the President's desk through the back door.

This has no place on the Defense bill. It's not germane to the work of the committee, couldn't be added on in the House, had to be done in the Senate, and needlessly introduces a partisan matter in an otherwise bipartisan bill. We need a clean conference report that does honor to the men and women in uniform.

There is one thing that we all agree on, and that is that violent crime is deplorable, regardless of its motivation. That is why all violent crimes must be vigorously prosecuted. However, a decision to prosecute should not be based on the status of the victim or the thought process of the perpetrator. Violence is violence and should be dealt with accordingly.

We've had several meetings of the so-called "big four" talking about working on the conference report on this committee. Chairman SKELTON and I were in agreement on this issue. We felt that it should not be added to the conference report. This bill passed in the House. It passed in the Senate. I don't know why they can't bring it to

the floor as a freestanding bill and have it pass on its own. Why we need to attach it to a Defense bill is because the Defense bill needs to be passed, and people will vote for it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FORBES. I yield the gentleman 30 additional seconds.

Mr. McKEON. I think it's a crime to add it to a bill that is so important that we pass every year for our troops, for those men and women in uniform, that we have to muddy up the issue by putting a hate crimes legislation attached onto this bill.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK) who is the distinguished chairman of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I agree: it makes no more logical sense to add a hate crimes bill to the Defense bill than it would to take a bill requiring people to be allowed to use their guns in the national parks to a credit card bill. But that's what the Senate did. The Senate added a bill dealing with the rights of gun owners in the national parks to the credit card bill with which there was no logical connection.

Now, I wish the Senate wouldn't do things like that. I wish a lot of things. But when we are confronted with the reality of the Senate, we have to act.

Now, it is conceivable that you would have people who are so devoted to the principle of having no illogical attachment that they would oppose it in every case. I must have been in the Cloakroom when Republicans rose to denounce the Senate for adding the bill allowing the use of guns in parks to the credit card bill. That was done. Not a single Republican, to my recollection, objected. Indeed, quite to the contrary, they all voted for it, which makes it very clear: the objection here is not to the Senate adding an unrelated bill, because the Republicans in this House have voted for that time and time and time again. It is an objection to protecting against hate crimes people who are gay, lesbian, bisexual or transgender.

Now, some say we shouldn't have these hate crimes laws. But their inconsistency is I don't remember them trying to repeal the hate crimes laws that are on the books. There is nothing new about hate crimes here. There is nothing new about its constitutionality. By the way, if you say violence should be violence, how about somebody having the intellectual integrity to get up and repeal that statute that says, if someone assaults someone standing next to me, it might be a misdemeanor, but if somebody assaults me, a Member of Congress, it's a Federal felony. We have a major distinction. We are protected by special laws, older people, people who are religious. Then they say, it's a matter of

choice. The level of intelligence involved in thinking that being gay or lesbian is a matter of choice aside, religion is a matter of choice. People convert to religions. Does that mean we shouldn't protect people against hate crimes based on religion?

Finally, we are told this is being sneaked through. One of the earlier speakers, in a total flight from reality, said it is being sneaked through. It passed the House. It was debated. It went through the regular committee process, and it passed the House. Yes, from time to time, the United States Senate, which has no rules preventing it, adds unrelated bills. If there are Members who have consistently opposed that practice, they have the right to oppose it here and say that is the reason.

But Members who have voted for legislation which the Senate attached to unrelated legislation who claim now to be offended by that practice clearly have no logical or other basis on which to make that claim.

There are people who do not think we should add a very vulnerable category, particularly people who are transgender, to the hate crimes protection. They lost that fight when we had it in the House. I would have had it come up again, but it is clearly just another example of another time-tried practice.

Mr. FORBES. Mr. Speaker, I continue to scratch my head as I listen to the distinguished gentleman from Massachusetts who argues that just because the leadership of the House and the leadership of the Senate have followed the process time and again that the end justifies the means and that we ought to do it all the time.

But I would point out to the gentleman that this is not all the time. This is not a credit card bill. This is the national defense of the United States of America. It is our very freedoms. And we need to understand that just because some of us have had to vote on bills where we had no opportunity to debate them, where we didn't have time to read them and where we didn't have time to amend them doesn't make it right. And in this particular case, it doesn't make it right because the reality is only two individuals, the chairman of the Armed Services Committee and the chairman of Senate Armed Services Committee, had to agree to put this in. They might be good men. They might have done it for good reasons. It was wrong. This is the only way to stop it.

I yield 3 minutes to the gentleman from Texas, the representative to the conference report, had we been able to have him meet earlier, Mr. GOHMERT.

Mr. GOHMERT. Mr. Speaker, I do appreciate my friend from Massachusetts comparing the national parks bill to our national defense bill. But I see a real distinction in holding our soldiers'

well-being hostage to this sociological attack on what used to be the morals of America. And for those who say this is critical, and I heard my friend from Georgia talking about how these crimes have increased, actually, the crimes, according to the FBI, have decreased regarding hate. So there are no statistics that demand this bill be attached and that our soldiers be held hostage for this bill.

And then we have the name of the bill, the Matthew Shepard and James Byrd Hate Crimes Prevention Act. Those were horrible murders, and the people who perpetrated them deserve, in my opinion, to get the death penalty all. But this bill does not provide a death penalty. In fact, this bill will not change the outcome of those cases one iota.

In the Texas case, James Byrd, it would be fine with me if we passed a bill that said when you do what was done to James Byrd, then the victim's family gets to choose the vehicle and the rope or chains by which they are going to drag the defendant to his death. But this doesn't do that. In the Matthew Shepard case, the defendants now say it was a robbery gone bad. Regardless, they got life sentences, a couple of life sentences. This bill wouldn't have changed that whatsoever at all either.

Now, there are those who say it will not affect religious speech; but when we have debated this bill and people have looked at it carefully, you see that this situation can arise: a preacher preaching from the Bible, a rabbi preaching from the Tanach, or an imam teaching from the Koran says in his opinion homosexuality is wrong. Some nut hears him, goes out and commits an act of violence, and when arrested says, well, I was induced to do this by the preacher, the imam or the rabbi.

Well, under 18 U.S.C. 2(a), it says that anyone who induces another to commit a crime is just as guilty as the one who committed it. That's where the preacher, the imam, or the rabbi could be arrested.

And I appreciate in prior debate my friend from Massachusetts pointed to the folks in Philadelphia and said, well, they were arrested but the charges were dropped. Arresting and detaining has a chilling effect. There's no two ways around it.

□ 1800

Mr. SKELTON. I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. So little time, so many fallacies. The first fallacy is that we were not comparing the credit card bill to the defense bill; we were talking about a regular practice. It wasn't just the credit card bill. Regularly for years the Senate does this, and no Republican has ever risen

to object to it. Their objection is not to the procedure, but to the substance. Nothing is being held hostage. The bill will pass or fail. If it failed because of this, it would come back without it.

Secondly, the gentleman's last point is simply nonsensical: one arrest that was inappropriate. There have been other inappropriate arrests. Hate crimes bills have been in effect, hate crimes laws, at the Federal and State level for years. There is zero example of that happening. There is an amendment offered by the gentleman from Kansas that makes it impossible.

When people use wholly irrelevant arguments against the bill, it means that they can't find a real argument that they want to use.

Finally, the gentleman from California, the ranking member said, don't have these hate crimes, violence is violence, or one of the Members said that. I guess then he is opposed to that amendment which prohibits a tax on U.S. servicemen on account of service because that is in here. There is in here a provision that protects servicemen who are attacked on account of service. If you are opposed in principle to that, then you ought to be opposed to that in general.

It is clear there is an animus against those of us who are gay or lesbian, against people who are transgender, on the part of many in the House, and they are reflecting a strong political sentiment in the country. They are entitled to it. I do not lament the loss of their friendship and affection; I can live without it. But it should not lead them to deny protection to vulnerable people, and we are talking here about crimes, not just murder, but about assault and destruction of property which are too often ignored.

So let's be very clear. There is no consistency to the argument about the procedure. There is no consistency to the argument about hate crimes. There is no validity whatsoever to the argument that some clergy would be arrested or prosecuted because none have been. This is simply a declaration of unhappiness that gay, lesbian, bisexual, and transgender people are getting some protection.

Mr. FORBES. Mr. Speaker, we can pound on the desk all day long. We can say stuff about consistency, but the reality is the American people understand what is going on. They understand that it doesn't make sense, no matter whether they like it or don't like it, to have a hate crimes legislation attached to the National Defense Authorization bill. They understand that it doesn't make sense to put bills on the floor when people don't have an opportunity to read them before they vote on them.

They understand it doesn't make sense to not give time to amend bills. And, Mr. Speaker, they understand that when you go into a motion to go



into conference at 5:36 and you have already begun writing the report and this is the only way to keep this bill clean for the defense of the country, that it makes sense that this motion to instruct would pass.

I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to my friend, my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Missouri and let me particularly thank Chairman SKELTON for his open view as he fights for the men and women in the United States military. Your long years of history are appreciated, and I stand here to acknowledge that. Thank you for giving us this opportunity this afternoon.

I just want to say to my good friend from Virginia, to address the American people as we address our colleagues today, I count the American people as the smartest constituency that the world could know. They are compassionate. They are passionate. They are patriots. They love their country, and they understand a mother's love.

So let me explain to you procedurally so you would know that nothing has gone awry, has gone wrong, and no hostage-taking has taken place.

The hate crimes legislation, in particular named Matthew Shepard Hate Crimes Prevention Act, has been introduced and introduced in some form. Chairman CONYERS on the Judiciary Committee, of which I am a member, has introduced hate crimes legislation. I have introduced hate crimes legislation. We have seen hate crimes legislation pass 237-180, bipartisan.

But if you think of the armed services or the military authorization bill, just in your mind get a sense of the oath that our men and women of the United States military take as they affirm their allegiance to the United States. It is to protect every single citizen. Just this past weekend, I was privileged to be part of the send-off for the 72nd Combat Brigade in Texas, some 3,000 men and women as they take their oath, as they go off to be deployed, they are fighting for the freedom of this Nation.

The Matthew Shepard Hate Crimes legislation is about the freedom of every citizen. This was not an ordinary burglary. If you had the opportunity to meet Matthew Shepard's mother, as I have, as she pressed the case over and over again, this was a violent, heinous, hateful crime, the description of which was so painful for someone to be nailed on some open field fence to die with no one there. That is a hate crime. And the Senate, who has reviewed and had the opportunity for hearings, as we had in the House, is doing nothing more than procedurally adding an already passed bill by both of these institutions

that captures the characterization of what freedom in America is all about.

There have been 118,000 hate crimes since 1991, but the real key is most of the hate crimes go unreported. And they are all shapes and sizes. They are for race, they are for gender, and they are for sexual orientation. But every single one of these individuals is an American who is to be protected under the flag of the United States of America.

We do not ask citizens what their pedigree is. But if they are under this flag, they deserve our protection, and what better vehicle than this bill that has been reviewed and reviewed and reviewed and reviewed? The FBI knows that there have been hate crimes, and they are saddened by the fact that most of these hate crimes are not prevented and/or reported.

Just as we had attacks on churches some years ago because they were black churches, and we passed the Church Arson Prevention Act of 1996, it cured those church crimes because the Federal Government took its stand.

So I would say to my colleagues, understand the connection. What more is the United States military than the free and the brave protecting with courage any American that is within the boundaries of this Nation, giving them the sense that they can walk in dignity so mothers don't have to cry over brutalized bodies that are laid upon a fence because they are different.

I would ask my colleagues to oppose this conference motion and vote for the Matthew Shepard Hates Crimes Prevention Act so we can stand for freedom and bravery.

At one time lynchings were commonplace in our nation. Nearly 4,000 African-Americans were tortured and killed between 1880 and 1930. During this same period and thereafter, religious groups like Jews and the Mormons were also subject to attack because of their beliefs. As we all know too well, hate violence against minority groups—most recently focused on gay, transgender and Muslim communities—has a long and ignominious history that continues even today.

Bias crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. The FBI has the best national data on reported hate crime, though the program is voluntary. Since 1991, the FBI has documented over 118,000 hate crimes. For the year 2007, the most current data available, the FBI compiled reports from law enforcement agencies across the country identifying 7,624 bias-motivated criminal incidents that were directed against an individual because of their personal characteristics.

As in the past, racially-motivated bias accounted for more than half (50.8%) of all incidents. Religious bias accounted for 1,400 incidents (18.4%) and sexual orientation bias accounted for 1,265 incidents—(16.6%), followed by ethnicity/national origin bias with 1007 incidents—(13.2%). While these numbers are disturbing, it is important to note that, for a vari-

ety or reasons, hate crimes are seriously under-reported.

To protect the nation against this hate violence, I have introduced Hate Crimes legislation for many many years, with ever increasing support. This legislation will provide assistance to state and local law enforcement agencies and amend federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes. Last Congress, this legislation was approved by this Committee and passed the House with bipartisan support by a vote of 237-180. Bipartisan majorities also voted in favor of hate crime legislation in the 109th, 108th and 106th Congresses.

The bill has attracted the support of over 300 civil rights, education, religious, and civic organizations (including the LCCR, HRC and ADL). Importantly, virtually every major law enforcement organization in the country has endorsed the bill—including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, and 31 state Attorneys General.

Despite the deep impact of hate violence on communities, current law limits federal jurisdiction over hate crimes to incidents directed against individuals on the basis of race, religion, color or national origin—but only when the victim is targeted because he/she is engaged in a federally protected activities, such as voting. Further, the statutes do not permit federal involvement in a range of cases where crimes are motivated by bias against the victim's perceived sexual orientation, gender, gender identity, or disability. The federal government must have authority to be involved in investigating and prosecuting these crimes when state authorities cannot or will not do so.

This legislation will strengthen existing federal law in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors combat church arson: by addressing the unduly rigid jurisdictional requirements under federal law. The bill only applies to bias-motivated violent crimes and does not impinge public speech, religious expression, or writing in any way. In fact, the measure includes an explicit First Amendment free speech protection for the accused modeled on the existing Washington state hate crimes statute.

State and local authorities currently prosecute the overwhelming majority of hate crimes and will continue to do so under this legislation. The federal government will continue to defer to state and local authorities in the vast majority of cases; the Attorney General or other high ranking Justice Department official must approve any prosecutions undertaken pursuant to this law, ensuring federal restraint.

However, in appropriate circumstances, the federal government will be able to provide support for local prosecutions—an intergovernmental grant program created by this legislation will make Justice Department technical, forensic or prosecutorial assistance available. The legislation also authorizes the Attorney General to make grants to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

The Local Law Enforcement Hate Crimes Prevention Act of 2009 is a constructive and

measured response to a problem that continues to plague our nation. Hate crime statistics do not speak for themselves. Behind each of the statistics is an individual or community targeted for violence for no other reason than race, religion, ethnicity, sexual orientation, gender, gender identity, or disability.

Law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into wide spread tension that can damage the social fabric of the wider community. This problem cuts across party lines, and I am glad to be joined by so many of my colleagues on both sides of the aisle in supporting this legislation today. These are crimes that shock and shame our national conscience and should be subject to comprehensive federal law enforcement assistance and prosecution.

Mr. FORBES. Mr. Speaker, the gentlelady from Texas makes a good point when she references the fact that Americans understand a mother's love, and they also understand a few other things. First of all, they understand fairness. They understand it is not fair when only two individuals get to make a choice that impacts all of America as opposed to having a bill voted on on its own merits.

They also understand when there is always this disconnect between the rhetoric over here—what's the problem—and the solution or the fix over here, and the huge disconnect between the two. And they also understand, Mr. Speaker, just something that so often it just seems that there is a dearth of here, and that is common sense. Because if the speakers keep coming up and saying how overwhelmingly this bill has support and would pass, why don't they bring it in a separate bill? Why do they have to go through this subterfuge of the process of putting it on a bill that clearly isn't germane?

I would like to just respond to the question that was raised: What better vehicle? This legislation has never been under the jurisdiction of the Armed Services Committee. It has always come under the jurisdiction of the Judiciary Committee, and the reason is because the proper vehicle is a vehicle that goes through the Judiciary Committee and is a separate bill.

I continue to reserve the balance of my time, Mr. Speaker.

Mr. SKELTON. Let me point out, Mr. Speaker, under the new title 18 of United States Code section 1389, one of the classifications is Prohibition on Attacks on U.S. Servicemen on Account of Service.

Let me also point out this legislation includes the Brownback amendment which fully protects religious speech under the First Amendment, which says that nothing in this bill will burden religious speech or expression, including sermons from the pulpit on Sundays.

I yield 4 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Thank you, Chairman SKELTON.

I rise today in opposition to the minority's motion to instruct. As my colleagues know, hate crimes are acts of violence, motivated by hate and prejudice in which the victim is selected and targeted based upon a characteristic, such as their race, their religion, sexual orientation, or gender identity. Hate crimes have the consequence of harming not only their victims, but also all who share the same characteristics as the victim. Whole communities are terrorized by hate crimes.

In 1968 in response to horrific hate-based violence in our country, cross burnings, lynchings, fire bombings and the like, Congress acted to protect people who were targeted for violence on the basis of their race, color, religion, and national origin by passing our Nation's original hate crimes laws.

In April of this year, the House passed the Local Law Enforcement Hate Crimes Act of 2009 by a strong and bipartisan margin, strengthening our response to this form of domestic terrorism by adding protections for people targeted for violence because of their gender, disability, gender identity, or sexual orientation. We sought to add these new categories to the hate crimes statutes because of a history and a pervasive pattern of heinous violent crimes committed against individuals because of these characteristics. Yet the Local Law Enforcement Hate Crimes Act of 2009 is not yet law, and this motion to instruct could interfere with it becoming law, despite the support of the majority of the House and the majority in the other body and President Obama.

Mr. Speaker, I want to share with you a few reasons why I believe this legislation must urgently be signed into law. I am thinking today of Angie Zapata, an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado, last summer. Angie's killer beat her to death. Thankfully, Angie's killer was brought to justice under a State hate crimes law, but we know with staggering frequency, those who commit similar acts of violence and murder based on hate are not.

I think of Lawrence King, a 15-year-old in Oxnard, California. Larry had suffered harassment from his peers and then was killed by a 14-year-old classmate because of his sexual orientation and gender identity.

And I think today of Matthew Shepard who was brutally attacked by his homophobic assailants and left to die on a fence in Wyoming 10 years ago. Matthew's death generated international outrage by exposing the violent nature of hate crimes and the horrific effect upon targeted communities. And I think of the thousands of other victims of brutal hate crimes. The Department of Justice reported that over

1,500 Americans were victims of hate crimes based on sexual orientation in the year 2007.

Americans across the country, young and old alike, must hear Congress clearly affirm that hate-based violence targeting gays and lesbians and transgender individuals, women, and people with disabilities will not be tolerated.

Mr. Speaker, the arguments have been made, the evidence has been proffered, and, sadly, lives have been lost that more than justify this legislation becoming law. I strongly urge my colleagues to vote against this motion to instruct.

The SPEAKER pro tempore. The Chair will note the gentleman from Missouri has 8½ minutes remaining. The gentleman from Virginia has 14 minutes remaining.

Mr. FORBES. Mr. Speaker, I just want to respond to what the distinguished gentleman from Missouri said a moment ago, who is my dear friend and I hope will be my dear friend after today as well. He mentioned that this bill has a protection for individuals who were addressing their religious beliefs, and he mentioned that the Brownback amendment had been part of this, as I understood his referencing. In point of fact, the Brownback amendment nor the Leahy addition to the Brownback amendment contained what this report language says, which is this, Mr. Speaker. It says that they will be protected unless the government demonstrates that application of the burden to the person is in furtherance of a compelling government interest.

Mr. Speaker, I don't think most people across the country are going to trust that language to their religious protections, and I will just give you an example. The Constitution, which has no such limitations, also protects our right to freedom of religion, and yet 2 weeks ago we saw the government haul into Federal court for criminalization a principal who had worked in a school system 30 years and an athletic director for 40 years because of their great sin that they had a compelling government interest against, that they dared to ask a 15-second blessing over a meal.

□ 1815

And for that they went through an all-day hearing with the threat of 6 months in jail, a \$5,000 fine, and losing retirement benefits for 30 to 40 years. So I would just suggest, Mr. Speaker, this language is not nearly as protective as the Brownback amendment or the additional modifications in the Senate. And again, the only shot we have to change it will be right here, because the report's being written, and when it comes back it's going to be a take-it-or-leave-it basis. I hope that we will offer this instruction to the conferees.



I reserve the balance of my time.

Mr. SKELTON. I yield 4 minutes to my friend, my colleague, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Speaker, I rise in opposition to this motion to instruct conferees. For too long we have debated whether this Nation should take a stand against the scourge of hate crimes, crimes of violence in which the victim has been singled out because of who he or she is. It is remarkable that at this late date this should remain a controversial idea. The idea that someone could be singled out for a crime of violence because of his or her actual or perceived race or religion or color or gender or sexual orientation or gender identity or disability is simply disgusting. These crimes are real and they're all too frequent. That is a fact. It is not, as some would have you believe, a hoax.

Here are the most recent statistics from the FBI. In 2007 there were 7,621 violent hate crimes, 51 percent because of racial bias, 18 percent because of religious bias, 17 percent sexual orientation bias, 13 percent because of ethnicity or national origin bias, and 1 percent because of a bias against a disability. Those are real Americans being victimized because of who they are and not for anything they did. And when you victimize someone for who they are you are terrorizing an entire community. It sends a clear and unmistakable message that members of that group are not safe in your community. It extends well beyond the individual victim.

This House has already spoken clearly. On April 29 of this year, a bipartisan majority voted by a margin of 248-175 to pass this legislation. I do not believe that Members of this House will now turn their backs on that historic vote. If you believe it was right to vote for this legislation, then you know you have the chance to make it law and to make history. The Hate Crimes Prevention Act will in no way undercut the other purposes of this Defense bill. In fact, by protecting all Americans from the scourge of violent hate crime, we will be making everyone more secure.

A new section added by the Senate prescribes severe penalties for anyone assaulting a member of our military or destroying their property because of that person's being a member of the Armed Forces. I happen to think that's an important addition. I hope there won't be a single Member of this House who will fail to support that provision against hate crimes against the military. I certainly think it belongs in this bill. I also want to be sure everyone understand that this bill contains express safeguards against prosecutions based on someone's speech or religious beliefs. This legislation applies only to acts of violence.

And despite the statement a moment ago, the fact that somebody ignorantly arrested someone against the law and that the charges were subsequently dismissed says nothing about the validity of the law. Every crime requires that the government prove some element of intent, and we punish crimes differently based on the criminal's intent. Shooting someone as a crime of passion is not treated the same way as shooting someone in a murder-for-hire scheme, and it is certainly not the same as an accidental shooting. The law makes these distinctions, as it should. This does not make murder for hire a thought crime. Society simply judges such crimes more harshly, and it is right that we do so. It is the same with hate crimes. These are particularly disgusting crimes and they deserve to be treated differently than other assaults or murders. I realize that not everyone believes this, but there is a growing social consensus on this point, both in the States and at the national level.

For many years this Congress sat on its hands and refused to pass anti-lynching laws. Many of the same arguments we heard then against anti-lynching laws we are hearing now against this provision. It was a disgrace then. It is a disgrace now. It was a disgrace that we did not act then. It would be a disgrace if we do not act now. It would be a disgrace if we pass this motion to instruct conferees. I urge rejection of this motion.

Mr. FORBES. Mr. Speaker, the distinguished gentleman from New York is very conversant on this topic, as well he should be, because he sits on the Judiciary Committee, where this legislation normally comes, and I think that's where it properly should be. However, I would suggest two things. First of all, that the very rule of law that will be needed to enforce these provisions becomes meaningless when you look at the administration's refusal to comply with the law to even give the information needed to vote on this conference report, as they did by refusing to give the shipbuilding plan and the certification of the aviation plan and the certification.

And then to make the statement that the fact that someone improperly charges someone says nothing about the law misses the whole chilling effect that that has. When you have that possibility out there, many individuals are then very concerned about exercising their rights because they're concerned even if it's improperly, that the government will come in and do something that they're going to have to spend thousands and thousands of dollars and have that hanging over their head just to prove what they should never have had to prove.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. SKELTON. I have no more speakers, but I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I have sat here and listened to this debate, and I've heard all kinds of reasons why the hate crimes bill is so wonderful. But the more they make the argument, the more confusing the question becomes. If this bill is so wonderful, why don't we bring it to the floor and just vote on it and pass it? Why, instead, are we going to stick this bill together with a bill for funding our national defense? The two don't belong together. They're not in the same committee. They have nothing to do with each other. What they have in common though is the fact that, instead of taking a straight-up vote, what we're going to do is we're going to hold everybody who depends on national defense, the people such as myself, who has a son going to Afghanistan in 3 weeks, they're going to hold us hostage.

We're going say, look, if you want to fund the national defense of the United States of America, you're also going to have to vote for this hate crimes bill. And one thing that my good friend from Virginia has made clear, and that is the public is starting to see through the shenanigans that go on in this place. And this is an extremely frustrating situation. It wasn't so many weeks ago that at 3 o'clock in the morning we passed a 300-page amendment to a bill that we were discussing the next day, and there wasn't even a copy of that bill in this Chamber, the cap-and-tax bill.

And here we are, again, with a bill which is on national defense. It's actually a fairly decent bill on national defense, and we're going to stick on this something that has nothing to do with it. I could speak on hate crimes, but the point of the matter is if everybody's who's saying hate crimes is such an important piece of legislation, let's bring it up on its own bases. Let's see if it will stand on its own base.

No, instead what we're going to do is we're going to sneak it through, and we're going to put it in so that anybody who wants to vote for national defense now is stuck having to support hate crimes. This is not the way this House should be run. The American public doesn't like to care about procedure, but they're getting fed up with this.

Mr. SKELTON. How much time do I have remaining, please?

The SPEAKER pro tempore. The gentleman has 5 minutes remaining, and the gentleman from Virginia has 8½ minutes remaining.

Mr. SKELTON. Mr. Speaker, let me first thank the gentleman from California (Mr. McKEON) for his efforts in

the Defense authorization bill this year. It's important that I do so because he's been a great partner. He's been jumping in with both feet as ranking member from the day he began serving as ranking member. At a time when the Department of Defense is fighting two wars and simultaneously promoting and serving America's strategic interests around the world, I'm proud to say that our Congress is nearing completion on a strong and effective Defense authorization bill.

The bill that this House approved overwhelmingly on June 25, like its Senate counterpart, reflects the Congress' deep commitment in supporting American servicemembers and providing the necessary resources to keep our Americans safe. Both bills provide our military personnel with a 3.4 percent pay raise, an increase of .5 percent above the President's request. The House bill also includes a number of initiatives to support military families this year, which, of course, is the Year of the Military Family. We fully fund the President's overall budget request, and worked hard to provide robust funding for military training, equipment, maintenance and facilities upkeep.

The House bill continues the commitment to oversight of the wars in Afghanistan and Iraq, which has been a hallmark of our committee, as well as personal pride on my behalf. The bill also works to equip and modernize our military forces and extend our acquisition reform efforts which we passed a substantial bill here earlier this year.

With that, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding. It is certainly important to look at the procedure, Mr. Speaker, by which any piece of legislation comes to the floor. But I think it's more important to look at the substance. And hopefully later this week, this body will have an opportunity to work its will on a piece of legislation that strengthens our country, that increases what we pay our troops, that improves the respect that we show to their families, that protects our country against threats, both present and in the future. Now, the purpose of what's on the floor right now is to make a procedural point about whether or not legislation that deals to protect Americans against hate crimes should or should not be included. I believe that should be. And I think those who would argue that there's something irregular or unfair about that procedure are respectfully incorrect in two respects.

The first is that before such a provision would be included in the final conference report before this House, the House will have to work its will on a rule. And if a majority of the Members believe that that rule is fair, then we will proceed. If a majority of Members

believe the rule is not fair, we will not and have a different procedural setting. So there will be that opportunity for every Member of this House to take his or her position. Secondly, the hate crimes legislation has been thoroughly vetted in this Congress in hearings before the committees of jurisdiction, in markups in those committees and voting sessions in those committees, and on this floor repeatedly. There's nothing new, undebated, untested or unusual in the substantive legislation that will be before us.

So I believe that the right thing to do is to proceed with the plan that would include this legislation. But frankly, the majority of this House will get the chance to work its will as to whether we do that or not. I, for one, will be voting to proceed on that basis. Those who disagree will have a chance to have their day on this floor, and the majority will work its will.

Mr. FORBES. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we had one friend across the aisle cite the 2007 statistics. The trouble is you go back 10 years, 20 years and you see that the crimes being conducted, taking place based on any type of hatred, are diminishing, so that is not a valid argument. There are no limitations on the definitions. There should have been. In committees, we tried to get them so pedophiles would be included. But we had another friend say, this is only about acts of violence. And as my friend here from Virginia pointed out, there is an "unless" there. And that's where the law principles, 18 U.S.C. 18(a), comes into play. If you induce someone to commit a crime, that's the government interest; it will be used, and that's why you heard a national anchorperson say about the Matthew Shepherd crimes, Gee, I wonder if people like James Dobson induced that crime. This is not where we need to go in defense of this country.

□ 1830

Mr. SKELTON. I yield back the balance of my time.

Mr. FORBES. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 7½ minutes remaining.

Mr. FORBES. Mr. Speaker, we heard the distinguished gentleman from New Jersey essentially say this: It's more important to look at the substance of the bill than to worry about the rules. And how many of us have been tempted to ask that same question throughout our lives— isn't it more important that I look at the end than I consider the means?

But, Mr. Speaker, I plead with us, be careful when you go there, because those rules are designed to protect the

majority and to protect the minority. And when we start saying, The rules don't matter; the process doesn't matter; it's just the end game, we get to where we're moving to in this country.

I want to come back to what the distinguished gentleman, the ranking member of the Armed Services Committee from California, said. I didn't hear my good friend, the chairman of the committee, correct him—so I must assume it's correct—when he said that both of them agreed that this legislation should not be in the conference report.

If in fact that is true, Mr. Speaker, and I have no reason to doubt it, then why is it in here? We have to ask, Why place it in here?

Mr. Speaker, I come back because here's what we're going to hear. There's going to be people that come in here and they're going to recount over and over again all the great things that are in this bill and why can't we just do one thing that shouldn't be in the bill and one thing that's wrong.

Well, Mr. Speaker, I want to come back and I want to tell you a story about an individual that I knew 20, 30 years ago. He was a big, strapping guy. He was a football player. And I remember talking to him years before when I was in college. He had never told me the story.

One day he came up and he said that he had watched as he came into his house when he was a young boy over and over again and his father would come in and his father would end up slapping his mother in the face and sometimes hitting her. And he would sit there in awe at that process, watching it happen. And every time, as the father looked to the children, he'd then back off and he would say, Wait a minute. I'm sorry. That was a bad thing to do. But remember all the good things I've done. Remember, I went to work today and I earned money and I brought it in here and I put it on the table so that you could eat. I paid for your Christmas presents. I'm saving money for your college tuition. Remember the good things and overlook that bad thing.

And day after day and month after month he watched that, until all of sudden he became a senior in high school and he had picked up a lot of stature. One day, his father walked into the house and slapped his mother. And he stood up and the man turned around to him and said, Remember; remember all the good things that I've done. And he started recounting them.

And that young senior reached over and picked up his father and said, There aren't enough good things in the world to justify what you've done to my mother. And, Mr. Speaker, he looked at the door and he opened it and he said, You go out that door and don't ever come back again. And that's what his father ended up doing.

Mr. Speaker, I would say today, all across America, Americans are standing up and they're looking at us and they're tired of us walking in here and saying, Forget the bad things we're doing. Forget what we're doing to America. Remember the good things. Look at this; look at this; look at this.

And one day, I don't know when it's going to come, but they're going to stand up with the stature and look us in the eye and they're going to say, There aren't enough good things in the world to justify what you're doing to America and to my country. There's the door. You go out and don't come back.

Mr. Speaker, I only pray that that comes sooner rather than later so that we have a country that they remember.

This is wrong. I hope that we will pass this motion to instruct.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

# REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-287) on the resolution (H. Res. 799) providing for consideration of the conference report to accompany the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on

H.R. 2647 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to authorize closure of conference meetings will be followed by 5-minute votes on the motion to instruct conferees and suspending the rules with regard to House Resolution 707.

The vote was taken by electronic device, and there were—yeas 405, nays 7, not voting 20, as follows:

[Roll No. 753]

YEAS—405

Abercrombie	Castor (FL)	Giffords
Ackerman	Chaffetz	Gingrey (GA)
Aderholt	Chandler	Gohmert
Adler (NJ)	Childers	Gonzalez
Akin	Chu	Goodlatte
Alexander	Clarke	Gordon (TN)
Altmire	Clay	Granger
Andrews	Cleaver	Graves
Arcuri	Clyburn	Grayson
Austria	Coble	Green, Al
Baca	Coffman (CO)	Green, Gene
Bachmann	Cohen	Griffith
Bachus	Cole	Grijalva
Baird	Conaway	Guthrie
Baldwin	Connolly (VA)	Gutierrez
Barrow	Conyers	Hall (NY)
Bartlett	Cooper	Hall (TX)
Barton (TX)	Costello	Halvorson
Bean	Courtney	Hare
Becerra	Crowley	Harman
Berkley	Cuellar	Harper
Berman	Culberson	Hastings (FL)
Berry	Cummings	Hastings (WA)
Biggart	Dahlkemper	Heinrich
Bilbray	Davis (AL)	Heller
Bilirakis	Davis (CA)	Hensarling
Bishop (GA)	Davis (IL)	Herger
Bishop (NY)	Davis (KY)	Hersteth Sandlin
Bishop (UT)	Davis (TN)	Higgins
Blackburn	Deal (GA)	Hill
Blunt	DeGette	Himes
Boccheri	Delahunt	Hinchee
Boehner	DeLauro	Hirono
Bonner	Dent	Hodes
Bono Mack	Dicks	Hoekstra
Boozman	Dingell	Holden
Boren	Doggett	Holt
Boswell	Donnelly (IN)	Honda
Boucher	Doyle	Hoyer
Boustany	Dreier	Hunter
Boyd	Driebehaus	Inglis
Brady (PA)	Duncan	Inslee
Brady (TX)	Edwards (MD)	Israel
Braley (IA)	Edwards (TX)	Issa
Bright	Ehlers	Jackson (IL)
Broun (GA)	Ellison	Jackson-Lee
Brown (SC)	Ellsworth	(TX)
Brown-Waite,	Emerson	Jenkins
Ginny	Engel	Johnson (GA)
Buchanan	Eshoo	Johnson, E. B.
Burgess	Etheridge	Jones
Burton (IN)	Fallin	Jordan (OH)
Butterfield	Farr	Kagen
Buyer	Fattah	Kanjorski
Calvert	Filner	Kaptur
Camp	Flake	Kennedy
Campbell	Fleming	Kildee
Cantor	Forbes	Kilpatrick (MI)
Cao	Fortenberry	Kilroy
Capito	Foster	Kind
Capps	Fox	King (IA)
Cardoza	Frank (MA)	King (NY)
Carnahan	Franks (AZ)	Kingston
Carson (IN)	Frelinghuysen	Kirk
Carter	Fudge	Kirkpatrick (AZ)
Cassidy	Gallegly	Kissell
Castle	Garrett (NJ)	Klein (FL)

Kline (MN)	Murphy, Patrick	Scott (GA)
Kosmas	Murphy, Tim	Scott (VA)
Kratovil	Murtha	Sensenbrenner
Lamborn	Myrick	Serrano
Lance	Nadler (NY)	Sessions
Langevin	Napolitano	Sestak
Larsen (WA)	Neal (MA)	Shadegg
Larson (CT)	Nunes	Shea-Porter
Latham	Nye	Sherman
LaTourette	Oberstar	Shuler
Latta	Obey	Shuster
Lee (CA)	Olver	Simpson
Lee (NY)	Ortiz	Sires
Levin	Pallone	Skelton
Lewis (CA)	Pascarell	Slaughter
Lewis (GA)	Pastor (AZ)	Smith (NE)
Linder	Paulsen	Smith (NJ)
Lipinski	Payne	Smith (TX)
LoBiondo	Pence	Smith (WA)
Loeb sack	Perlmutter	Snyder
Lofgren, Zoe	Perriello	Souder
Lowey	Peters	Space
Lucas	Peterson	Speier
Luetkemeyer	Petri	Spratt
Lujan	Pingree (ME)	Stearns
Lummis	Pitts	Stupak
Lungren, Daniel	Platts	Sullivan
E.	Poe (TX)	Sutton
Lynch	Polis (CO)	Tanner
Mack	Pomeroy	Taylor
Maffei	Posey	Teague
Manzullo	Price (GA)	Terry
Marchant	Price (NC)	Thompson (CA)
Markey (CO)	Putnam	Thompson (MS)
Markey (MA)	Quigley	Thompson (PA)
Marshall	Radanovich	Thornberry
Massa	Rahall	Tiahrt
Matheson	Rangel	Tiberi
Matsui	Rehberg	Tierney
McCarthy (CA)	Reichert	Titus
McCarthy (NY)	Reyes	Tonko
McCaul	Richardson	Towns
McClintock	Rodriguez	Tsongas
McCollum	Roe (TN)	Turner
McCotter	Rogers (AL)	Upton
McGovern	Rogers (KY)	Van Hollen
McHenry	Rogers (MI)	Velázquez
McIntyre	Rooney	Walden
McKeon	Roskam	Walz
McMahon	Ross	Wamp
McMorris	Rothman (NJ)	Wasserman
Rodgers	Roybal-Allard	Schultz
McNerney	Royce	Waters
Meeks (NY)	Ruppersberger	Watson
Melancon	Rush	Watt
Mica	Ryan (OH)	Waxman
Michaud	Ryan (WI)	Weiner
Miller (FL)	Salazar	Welch
Miller (MI)	Sánchez, Linda	Westmoreland
Miller (NC)	T.	Wexler
Miller, Gary	Sanchez, Loretta	Whitfield
Miller, George	Sarbanes	Wilson (OH)
Minnick	Scalise	Wilson (SC)
Mitchell	Schakowsky	Wittman
Mollohan	Schauer	Wolf
Moore (KS)	Schiff	Woolsey
Moore (WI)	Schmidt	Wu
Moran (KS)	Schock	Yarmuth
Murphy (CT)	Schrader	Young (AK)
Murphy (NY)	Schwartz	Young (FL)

NAYS—7

Blumenauer	Kucinich	Stark
DeFazio	McDermott	
Johnson (IL)	Paul	

NOT VOTING—20

Barrett (SC)	Diaz-Balart, M.	Neugebauer
Brown, Corrine	Gerlach	Olson
Capuano	Hinojosa	Rohrabacher
Carney	Johnson, Sam	Ros-Lehtinen
Costa	Maloney	Shimkus
Crenshaw	Meek (FL)	Visclosky
Diaz-Balart, L.	Moran (VA)	

□ 1903

Messrs. PAUL and McDERMOTT changed their vote from “yea” to “nay.”

Mr. FRANK of Massachusetts changed his vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# **MOTION TO INSTRUCT CONFEREES ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2647 offered by the gentleman from Virginia (Mr. FORBES) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 178, nays 234, not voting 20, as follows:

[Roll No. 754]

YEAS—178

Aderholt	Frelinghuysen	Murphy (NY)
Akin	Gallegly	Murphy, Tim
Alexander	Garrett (NJ)	Myrick
Austria	Gingrey (GA)	Nunes
Bachmann	Gohmert	Paul
Bachus	Goodlatte	Paulsen
Bartlett	Gordon (TN)	Pence
Barton (TX)	Granger	Peterson
Berry	Graves	Petri
Bilbray	Griffith	Pitts
Bilirakis	Guthrie	Poe (TX)
Bishop (UT)	Hall (TX)	Posey
Blackburn	Harper	Price (GA)
Blunt	Hastings (WA)	Putnam
Boehner	Heller	Radanovich
Bonner	Hensarling	Rehberg
Bono Mack	Herger	Roe (TN)
Boozman	Hoekstra	Rogers (AL)
Boren	Hunter	Rogers (KY)
Boustany	Inglis	Rogers (MI)
Brady (TX)	Issa	Rooney
Bright	Jenkins	Roskam
Broun (GA)	Johnson (IL)	Ross
Brown (SC)	Jones	Royce
Brown-Waite,	Jordan (OH)	Ryan (WI)
Ginny	King (NY)	Scalise
Buchanan	Kingston	Schmidt
Burgess	Kline (MN)	Schock
Burton (IN)	Kratovil	Scott (VA)
Buyer	Lamborn	Sensenbrenner
Calvert	Lance	Sessions
Camp	Latham	Shadegg
Campbell	LaTourette	Shuler
Cantor	Latta	Shuster
Capito	Lee (NY)	Simpson
Carter	Lewis (CA)	Smith (NE)
Chaffetz	Linder	Smith (NJ)
Childers	LoBiondo	Smith (TX)
Coble	Lucas	Souder
Coffman (CO)	Luetkemeyer	Stearns
Cole	Lummis	Sullivan
Conaway	Lungren, Daniel	Tanner
Culberson	E.	Taylor
Davis (AL)	Mack	Teague
Davis (KY)	Manzullo	Terry
Davis (TN)	Marchant	Thompson (PA)
Deal (GA)	Marshall	Thornberry
Donnelly (IN)	McCarthy (CA)	Tiahrt
Dreier	McCaul	Tiberti
Duncan	McClintock	Turner
Edwards (TX)	McCotter	Upton
Ehlers	McHenry	Wamp
Ellsworth	McIntyre	Westmoreland
Emerson	McKeon	Whitfield
Fallin	McMorris	Wilson (SC)
Flake	Rodgers	Wittman
Fleming	Mica	Wittman
Forbes	Miller (FL)	Wittman
Fortenberry	Miller (MI)	Young (AK)
Foxx	Miller, Gary	Young (FL)
Franks (AZ)	Moran (KS)	

NAYS—234

Abercrombie	Gutierrez	Nye
Ackerman	Hall (NY)	Oberstar
Adler (NJ)	Halvorson	Obey
Altmire	Hare	Oliver
Andrews	Harman	Ortiz
Arcuri	Hastings (FL)	Pallone
Baca	Heinrich	Pascarell
Baird	Herseth Sandlin	Pastor (AZ)
Baldwin	Higgins	Payne
Barrow	Hill	Perlmutter
Bean	Himes	Perriello
Becerra	Hinchey	Peters
Berkley	Hirono	Pingree (ME)
Berman	Hodes	Platts
Biggert	Holden	Polis (CO)
Bishop (GA)	Holt	Pomeroy
Bishop (NY)	Honda	Price (NC)
Blumenauer	Hoyer	Quigley
Boccieri	Inslee	Rahall
Boswell	Israel	Rangel
Boucher	Jackson (IL)	Reichert
Boyd	Jackson-Lee	Reyes
Brady (PA)	(TX)	Richardson
Braley (IA)	Johnson (GA)	Rodriguez
Butterfield	Johnson, E. B.	Rothman (NJ)
Cao	Kagen	Roybal-Allard
Capps	Kanjorski	Ruppersberger
Cardoza	Kaptur	Rush
Carnahan	Kennedy	Ryan (OH)
Carson (IN)	Kildee	Salazar
Cassidy	Kilpatrick (MI)	Sanchez, Linda
Castle	Kilroy	T.
Castor (FL)	Kind	Sanchez, Loretta
Chandler	Kirk	Sarbanes
Chu	Kirkpatrick (AZ)	Schakowsky
Clarke	Kissell	Schauer
Clay	Klein (FL)	Schiff
Cleaver	Kosmas	Schrader
Clyburn	Kucinich	Schwartz
Cohen	Langevin	Scott (GA)
Connolly (VA)	Larsen (WA)	Serrano
Conyers	Larson (CT)	Sestak
Cooper	Lee (CA)	Shea-Porter
Costa	Levin	Sherman
Costello	Lewis (GA)	Sires
Courtney	Lipinski	Skelton
Crowley	Loebsack	Slaughter
Cuellar	Lofgren, Zoe	Smith (WA)
Cummings	Lowey	Snyder
Dahlkemper	Lujan	Space
Davis (CA)	Lynch	Speier
Davis (IL)	Maffei	Spratt
DeFazio	Markey (CO)	Stark
DeGette	Markey (MA)	Stupak
Delahunt	Massa	Sutton
DeLauro	Matheson	Thompson (CA)
Dent	Matsui	Thompson (MS)
Dicks	McCarthy (NY)	Tierney
Dingell	McCollum	Titus
Doggett	McDermott	Tonko
Doyle	McGovern	Towns
Driebeaus	McMahon	Tsongas
Edwards (MD)	McNerney	Van Hollen
Ellison	Meeks (NY)	Velazquez
Engel	Melancon	Walden
Eshoo	Michaud	Walz
Etheridge	Miller (NC)	Wasserman
Farr	Miller, George	Schultz
Fattah	Minnick	Waters
Filner	Mitchell	Watson
Foster	Mollohan	Watt
Frank (MA)	Moore (KS)	Waxman
Fudge	Moore (WI)	Weiner
Giffords	Murphy (CT)	Welch
Gonzalez	Murphy, Patrick	Wexler
Grayson	Murtha	Wilson (OH)
Green, Al	Nadler (NY)	Woolsey
Green, Gene	Napolitano	Wu
Grijalva	Neal (MA)	Yarmuth

NOT VOTING—20

Barrett (SC)	Gerlach	Neugebauer
Brown, Corrine	Hinojosa	Olson
Capuano	Johnson, Sam	Rohrabacher
Carney	King (IA)	Ros-Lehtinen
Crenshaw	Maloney	Shimkus
Diaz-Balart, L.	Meek (FL)	Visclosky
Diaz-Balart, M.	Moran (VA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1911

Ms. WATERS changed her vote from “yea” to “nay.”

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Conferees on H.R. 2647 will be appointed at a later time.

# **SUPPORTING NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 707, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 707, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 755]

YEAS—412

Abercrombie	Brown-Waite,	Davis (TN)
Ackerman	Ginny	Deal (GA)
Aderholt	Buchanan	DeFazio
Adler (NJ)	Burgess	DeGette
Akin	Burton (IN)	Delahunt
Alexander	Butterfield	DeLauro
Altmire	Buyer	Dent
Andrews	Calvert	Dicks
Arcuri	Camp	Dingell
Austria	Campbell	Doggett
Baca	Cantor	Donnelly (IN)
Bachmann	Cao	Doyle
Bachus	Capito	Dreier
Baird	Capps	Driebeaus
Baldwin	Cardoza	Duncan
Barrow	Carnahan	Edwards (MD)
Bartlett	Carson (IN)	Edwards (TX)
Barton (TX)	Carter	Ehlers
Bean	Cassidy	Ellison
Becerra	Castle	Ellsworth
Berkley	Castor (FL)	Emerson
Berman	Chaffetz	Engel
Berry	Chandler	Eshoo
Biggert	Childers	Etheridge
Bilbray	Chu	Fallin
Bilirakis	Clarke	Farr
Bishop (GA)	Clay	Fattah
Bishop (NY)	Cleaver	Filner
Bishop (UT)	Clyburn	Flake
Blackburn	Coble	Fleming
Blumenauer	Coffman (CO)	Forbes
Blunt	Cohen	Fortenberry
Boccieri	Cole	Foster
Boehner	Conaway	Foxx
Bonner	Connolly (VA)	Frank (MA)
Bono Mack	Conyers	Franks (AZ)
Boozman	Cooper	Frelinghuysen
Boren	Costa	Fudge
Boswell	Costello	Gallegly
Boucher	Courtney	Garrett (NJ)
Boustany	Crowley	Giffords
Boyd	Cuellar	Gingrey (GA)
Brady (PA)	Culberson	Gohmert
Brady (TX)	Cummings	Gonzalez
Braley (IA)	Dahlkemper	Goodlatte
Bright	Davis (AL)	Gordon (TN)
Broun (GA)	Davis (CA)	Granger
Brown (SC)	Davis (IL)	Graves
	Davis (KY)	Grayson

Green, Al	Manzullo	Raybal-Allard
Green, Gene	Marchant	Royce
Griffith	Markey (CO)	Ruppersberger
Grijalva	Markey (MA)	Rush
Guthrie	Marshall	Ryan (OH)
Gutierrez	Massa	Ryan (WI)
Hall (NY)	Matheson	Salazar
Hall (TX)	Matsui	Sánchez, Linda T.
Halvorson	McCarthy (CA)	Sanchez, Loretta
Hare	McCarthy (NY)	Sarbanes
Harman	McCaul	Scalise
Harper	McClintock	Schakowsky
Hastings (FL)	McCollum	Schauer
Hastings (WA)	McCotter	Schiff
Heinrich	McDermott	Schmidt
Heller	McGovern	Schock
Hensarling	McHenry	Schrader
Herger	McIntyre	Schwartz
Hersth Sandlin	McKeon	Scott (GA)
Higgins	McMahon	Scott (VA)
Hill	McMorris	Sensenbrenner
Himes	Rodgers	Serrano
Hinchey	McNerney	Sessions
Hirono	Meeks (NY)	Sestak
Hodes	Melancon	Shadegg
Hoekstra	Mica	Shea-Porter
Holden	Michaud	Sherman
Holt	Miller (FL)	Shuler
Honda	Miller (MI)	Shuster
Hoyer	Miller (NC)	Simpson
Hunter	Miller, Gary	Sires
Inglis	Miller, George	Skelton
Inslee	Minnick	Slaughter
Israel	Mitchell	Smith (NE)
Issa	Mollohan	Smith (NJ)
Jackson (IL)	Moore (KS)	Smith (TX)
Jackson-Lee	Moore (WI)	Smith (WA)
(TX)	Moran (KS)	Snyder
Jenkins	Murphy (CT)	Souder
Johnson (GA)	Murphy (NY)	Space
Johnson (IL)	Murphy, Patrick	Speier
Johnson, E. B.	Murphy, Tim	Spratt
Jones	Murtha	Stark
Jordan (OH)	Myrick	Stearns
Kagen	Nadler (NY)	Stupak
Kanjorski	Napolitano	Sullivan
Kaptur	Neal (MA)	Sutton
Kennedy	Nunes	Tanner
Kildee	Nye	Taylor
Kilpatrick (MI)	Oberstar	Teague
Kilroy	Obey	Terry
Kind	Olver	Thompson (CA)
King (IA)	Ortiz	Thompson (MS)
King (NY)	Pallone	Thompson (PA)
Kingston	Pascarell	Thornberry
Kirk	Pastor (AZ)	Tiahrt
Kirkpatrick (AZ)	Paul	Tiberi
Kissell	Paulsen	Tierney
Klein (FL)	Payne	Titus
Kline (MN)	Pence	Tonko
Kosmas	Perlmutter	Towns
Kratovil	Perriello	Tsongas
Kucinich	Peters	Turner
Lamborn	Peterson	Upton
Lance	Petri	Van Hollen
Langevin	Pingree (ME)	Velázquez
Larsen (WA)	Pitts	Walden
Larson (CT)	Platts	Walz
Latham	Poe (TX)	Wamp
LaTourette	Polis (CO)	Wasserman
Latta	Pomeroy	Schultz
Lee (CA)	Posey	Waters
Lee (NY)	Price (GA)	Watson
Levin	Price (NC)	Watt
Lewis (CA)	Putnam	Waxman
Lewis (GA)	Quigley	Weiner
Linder	Rahall	Welch
Lipinski	Rangel	Westmoreland
LoBlundo	Rehberg	Wexler
Loeback	Reichert	Whitfield
Lofgren, Zoe	Reyes	Wilson (OH)
Lowey	Richardson	Wilson (SC)
Lucas	Rodriguez	Wittman
Luetkemeyer	Roe (TN)	Wolf
Lujan	Rogers (AL)	Woolsey
Lummis	Rogers (KY)	Wu
Lungren, Daniel E.	Rogers (MI)	Yarmuth
Lynch	Rooney	Young (AK)
Mack	Roskam	Young (FL)
Maffei	Ross	
	Rothman (NJ)	

## NOT VOTING—20

Barrett (SC)	Capuano	Crenshaw
Brown, Corrine	Carney	Diaz-Balart, L.

Diaz-Balart, M.	Meek (FL)	Rohrabacher
Gerlach	Moran (VA)	Ros-Lehtinen
Hinojosa	Neugebauer	Shimkus
Johnson, Sam	Olson	Visclosky
Maloney	Radanovich	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. HALVORSON) (during the vote). Two minutes are remaining.

## □ 1918

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution expressing support for designation of the week of October 18, 2009, as National Adult Education and Family Literacy Week."

A motion to reconsider was laid on the table.

# PROVIDING FOR THE ACCEPTANCE OF A STATUE OF HELEN KELLER, PRESENTED BY THE PEOPLE OF ALABAMA

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 42 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. MAFFEI). Is there objection to the request of the gentlewoman from California?

There was no objection.

The text of the concurrent resolution is as follows:

## S. CON. RES. 42

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the "double dungeon of darkness and silence" by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became "America's Goodwill Ambassador to the World";

Whereas Helen pioneered the concept of "talking books" for the blind;

Whereas LIFE Magazine hailed Helen as "one of the 100 most important Americans of the 20th Century—a national treasure"; and

Whereas Helen's presence in the Capitol will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

# SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for

placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

# SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

# HONORING PRIVATE FIRST CLASS BRANDON A. OWENS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, on Friday, the United States of America and my hometown of Memphis lost one of its finest citizens, a brave soldier fighting in Operation Enduring Freedom in Afghanistan.

Private First Class Brandon A. Owens was 21 years of age when he died of injuries sustained from small-arms fire. His unit, the 118th Military Police Company, 503rd Military Police Battalion, from Fort Bragg, North Carolina, was stationed in Wardak province when it was attacked by enemy forces.

Prior to joining the Army, Private First Class Owens attended Wooddale High School in Memphis, where he played on the basketball team. He was a very well-liked gentleman, small in stature but big in heart.

Private First Class Owens is survived by his parents Eric and Lynda Owens of Memphis.

Let us take a moment to remember the sacrifice he made for the stability of Afghanistan and the protection of its people.

Mr. Speaker, I thank you for the time, and I thank the Owens family for their son. He paid the ultimate sacrifice, and I will join with his family in mourning this weekend.

# WHITE HOUSE CONFERENCE ON AUTISM IS NEEDED

(Mr. BURTON of Indiana asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, we have had an epidemic of autism for a long time in this country. It used to be 1 in 10,000 was autistic; then it went to 1 in 150; and in the *Journal of Pediatrics* this week, they said now more than 1 in 100 children are autistic. Something has to be done about that.

I believe one of the root causes is the mercury that's in the vaccinations that we're giving, the preservative called Thimerosal.

But even if you don't agree with me on that, we really need to get to the bottom of why so many children are suffering from this epidemic of autism. So we have a bill, H.R. 3703, which calls on the President to have a White House conference on autism to try to get to the bottom of this as quickly as possible.

These children are going to grow up; they are going to live long lives; they're going to be a real problem for themselves, their families, and the country. We've got to come to the realization that we have to find a cure for autism and to stop it. We need to do this now. We need this White House conference, and I urge my colleagues to join me in sponsoring this bill, H.R. 3703.

[Oct. 5, 2009]

#### STUDY: MORE CASES OF AUTISM IN U.S. KIDS THAN PREVIOUSLY REALIZED: 1 IN 100

(CNN).—A study published Monday in the *Journal of Pediatrics* indicates about 1 percent of children ages 3 to 17 have autism or a related disorder, an increase over previous estimates.

"This is a significant issue that needs immediate attention," Dr. Ileana Arias, deputy director of the Centers for Disease Control and Prevention said Friday. "A concerted effort and substantial national response is warranted."

The study used data from the federal government's 2007 national survey of children's health. The survey of parents was conducted by the Health Resources and Services Administration, and by the Centers for Disease Control and Prevention.

The results are based on a national telephone survey of more than 78,000 parents of children ages 3 to 17. iReport.com: How has autism affected your family?

In the study, parents were asked whether a health care provider had ever told them their child had an autism spectrum disorder. ASD is a group of brain disorders comprising autism and two less severe disorders: Asperger's disorder and pervasive developmental disorder not otherwise specified.

Children with the disorder show impairment in social interaction and in their ability to communicate. They often display repetitive behavior.

The investigators also asked a follow-up question: Were the children considered to have ASD now? Nearly 40 percent of the parents and guardians said no.

That finding led the authors to question whether some of the children originally diagnosed as having ASD may have been improperly diagnosed, since the disorders are not considered curable.

But Kogan said the two surveys cannot be compared because the earlier investigators did not ask the follow-up question about whether the children were still considered to have the disorder.

Still, based on the findings, lead author Dr. Michael D. Kogan of HRSA's maternal and child health bureau estimated the prevalence of ASD among U.S. children ages 3 to 17 at 110 per 10,000—slightly more than 1 percent.

Boys were four times as likely as girls to have ASD, and non-Hispanic black and multiracial children were less likely than non-Hispanic white children.

He estimated that 673,000 children have ASD in the United States.

Monday's findings of nearly 1 in 100 appear to indicate an increase from the average of 1 in 150 that was reported in 2003, the researchers said.

The researchers urged caution in interpreting the change, noting that an increase in diagnoses does not necessarily mean that more children have the disorder. It could simply reflect a heightened awareness of the disorder.

"We don't know whether the change in the number over time is a result of the change in the actual condition, in the actual number of conditions or in part due to the fact that the condition is being recognized differently," Arias said.

She said that preliminary results from a separate, CDC-funded study she is working on also indicate that about 1 percent of children in the United States are affected by ASD. That study is to be published later this year, she said.

"This is a behavioral diagnosis, and it's difficult to make, and it's difficult to make at young ages," said Dr. Peter van Dyck, HRSA's associate administrator for maternal and child health.

Half of the cases were considered mild by their parents, the study reported.

The results underscore the importance of creating policies that will result in early identification and intervention, the officials said.

The reports raise "a lot of questions about how we are preparing in terms of housing, employment, social support—all the issues that many of these people are going to need," said Dr. Tom Insel, director of the National Institute of Mental Health.

"It also raises questions about how well we're prepared in the educational system to provide for the special needs of many of these kids."

Insel said the federal government is beefing up the resources it is mobilizing to address autism and related disorders, with \$85 million being appropriated by the National Institutes of Health and \$48 million for next year by the HRSA.

#### WPA PROGRAM

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. The recent economic report indicates that unemployment is approaching 10 percent. That means that close to 15 million Americans officially are out of work, but tens of millions more are underemployed. We have a Nation that is yearning for a major jobs program. We have to go beyond the weak stimulus that spent a hundred billion—seems like a lot of money—but \$100 billion for capital im-

provements, when the fact of the matter is we have close to \$3 trillion in infrastructure needs.

If we can match the unemployment in the country with infrastructure needs, we can go back to what FDR did in the 1930s, which is to create a new WPA that puts millions of Americans back to work, restoring our economy and giving people a chance to restore their own lives.

It's time for a new WPA program. Let's put America back to work. Let's address this unemployment crisis directly.

#### THE PROBLEM WITH WHITE HOUSE CZARS

(Mr. INGLIS asked and was given permission to address the House for 1 minute.)

Mr. INGLIS. Mr. Speaker, in my district, many people are telling me about their concern about the excessive use by the administration of special staff or czars. Over 30 czars are now serving in the Obama administration.

The problem we have with that is they haven't been confirmed by the Senate, and that is a real problem. If you exercise authority over American citizens, we need the constitutional protection of making sure that they've been vetted by the Senate and given approval by the Senate to serve in those capacities when they are exercising authority over the American people.

That's why, Mr. Speaker, I urge my colleagues to join me in cosponsoring the excellent bill by our distinguished colleague from Georgia (Mr. KINGSTON), the Czar Accountability Reform Act of 2009. It would cut off funding for these special assistants unless they have the consent of the Senate to serve, the approval of the Senate, the confirmation of the Senate to serve. That's what the Constitution requires, Mr. Speaker. That's what we need to require.

#### THINK PINK KIDS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to call attention to two young and enterprising constituents from my district.

Two years ago, friends Max Woodrich and Doug Ellingson, decided to start a lawn mowing business, and their venture was unique in that they decided to use part of their profits to benefit breast cancer research.

Today, these 15-year-olds have had their idea turned into one of the most inspiring, philanthropic organizations in Minnesota's recent history. Think Pink Kids is now dedicated to providing education and awareness about breast cancer, constantly working to

earn, raise, and donate money for research. They also have the goal of forming Think Pink Clubs in every school and civic organization in Minnesota.

One out of eight women will be diagnosed with breast cancer at some point in their lives, but thanks to the commitment of people like Doug and Max—and organizations like Think Pink Kids—the fight will continue until we ultimately defeat this terrible disease.

#### ST. MARY MERCY HOSPITAL

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, I rise today to pay tribute to St. Mary Mercy Hospital in Livonia as they celebrate 50 years of serving the residents of southeastern Michigan.

The hospital opened its doors in 1959 with 170 beds, 99 physicians, and 300 employees. Today, the hospital includes the innovative “Our Lady of Hope Cancer Center,” as well as a heart and vascular center, and an in-patient rehabilitation unit. An essential part of our community, St. Mary Mercy Livonia continues to provide superior comprehensive health care.

Indeed in 2007, St. Mary Mercy Livonia received the Health Grades Clinical Excellence Award for the third straight year. Last year, the hospital was named a “100 Top Hospital” by Thomson Healthcare thanks to St. Mary Mercy Livonia’s doctors, nurses, and staff who devotedly work to help and heal patients and their families.

Mr. Speaker, St. Mary Mercy has served our community for over 50 years. I ask that we congratulate them on their devoted service in serving as a sanctuary for the sick and suffering of our community.

#### CZAR ACCOUNTABILITY ACT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON: Mr. Speaker, article II, section 2, clause 2 of the United States Constitution says that the President must seek advice and consent from the U.S. Senate when appointing his principal officers. That’s why it’s so alarming that this President has appointed 36 czars, most without the consent of the U.S. Senate.

It let people like Van Jones—an admitted Communist who came up through a Marxist organization called STORM in Oakland, California—and puts him as a principal adviser of the President of the United States without the Senate having any say-so.

I’ve introduced the Czar Accountability Act. So far, this doesn’t seem to bother one Democrat in the House of

Representatives that the President seems to be sidestepping the Constitution. Maybe what should bother them is the fact that not one czar has come before the Appropriations Committee to justify and ask for his or her budget, yet these people make \$150,000, \$170,000 a year. Where is the Democrat Party? Does party come before constitutional duty?

You know, the Founding Fathers moved for balance of government and equal division, and that’s what they had in mind.

□ 1930

#### APPOINTMENT OF CONFEREES ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SKELTON, SPRATT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Messrs. MCINTYRE, BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, MARSHALL, Ms. BORDALLO, Messrs. MCKEON, BARTLETT, THORNBERRY, JONES, AKIN, FORBES, MILLER of Florida, WILSON of South Carolina, LoBIONDO, BISHOP of Utah, TURNER and WITTMAN.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. REYES, SCHIFF and HOEKSTRA.

From the Committee on Education and Labor, for consideration of secs. 243, 551–553, 585, 2833 and 2834 of the House bill and secs. 531–534 and 3136 of the Senate amendment, and modifications committed to conference: Ms. WOOLSEY, Mr. ALTMIRE and Mrs. BIGGERT.

From the Committee on Energy and Commerce, for consideration of secs. 247, 315 and 601 of the House bill and secs. 311, 601, 2835 and 3118 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, MARKEY of Massachusetts and BARTON of Texas.

From the Committee on Foreign Affairs, for consideration of secs. 812, 907, 912, 1011, 1013, 1046, 1201, 1211, 1213–1215, 1226, 1230A, 1231, 1236, 1239, 1240, Title XIII, secs. 1513, 1516, 1517, and 2903 of the House bill and secs. 1021, 1023, 1201–1203, 1205–1208, 1211–1214, Subtitle D of Title XII, Title XIII and sec. 1517 of the Senate amendment, and modifications committed to conference: Messrs. BERMAN, ACKERMAN and Ms. ROS-LEHTINEN.

From the Committee on Homeland Security, for consideration of sec. 1101 of the House bill, and modifications committed to conference: Mr. THOMPSON of Mississippi, Ms. TITUS and Mr. BLIRAKIS.

From the Committee on House Administration, for consideration of Subtitle H of Title V of the Senate amendment, and modifications committed to conference: Messrs. CAPUANO, GONZALEZ and DANIEL E. LUNGREN of California.

From the Committee on the Judiciary, for consideration of secs. 583, 584, 1021 and 1604 of the House bill and secs. 821, 911, 1031, 1033, 1056, 1086 and Division E of the Senate amendment, and modifications committed to conference: Mr. NADLER of New York, Ms. ZOE LOFGREN of California and Mr. GOHMERT.

From the Committee on Natural Resources, for consideration of secs. 1091 and 2308 of the Senate amendment, and modifications committed to conference: Messrs. RAHALL, FALEOMAVAEGA and HASTINGS of Washington.

From the Committee on Oversight and Government Reform, for consideration of secs. 321, 322, 326–329, 335, 537, 666, 814, 815, 834, 1101–1107, 1110–1113 and Title II of Division D of the House bill and secs. 323, 323A–323C, 814, 822, 824, 901, 911, 1056, 1086, 1101–1105 and 1162 of the Senate amendment, and modifications committed to conference: Messrs. TOWNS, LYNCH and FORTENBERRY.

From the Committee on Science and Technology, for consideration of secs. 248, 819, 836, and 911 of the House bill and secs. 801, 814, 833, 834, 912 and Division F of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, WU and SMITH of Nebraska.

From the Committee on Small Business, for consideration of sec. 830 of the House bill and secs. 833, 834, 838, 1090 and Division F of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ and Messrs. NYE and GRAVES.

From the Committee on Transportation and Infrastructure, for consideration of secs. 315, 601 and 2811 of the House bill and secs. 311, 601, 933, 2835, 3301, 6002, 6007, 6008, 6012 and 6013 of the Senate amendment, and modifications committed to conference: Mr. CUMMINGS, Ms. RICHARDSON and Mr. MICA.

From the Committee on Veterans’ Affairs, for consideration of secs. 525, 583, 584 and sec. 121 of Division D of the House bill and secs. 573–575, 617, 711, Subtitle E of Title X, secs. 1084 and 1085 of the Senate amendment, and modifications committed to conference: Messrs. RODRIGUEZ, DONNELLY of Indiana and BUYER.

There was no objection.



# NO FEDERAL FUNDS FOR CORPORATIONS CONVICTED OF FELONIES

(Ms. McCOLLUM asked and was given permission to address the House for 1 minute.)

Ms. McCOLLUM. Madam Speaker, last week I introduced legislation to cut off Federal dollars to corporations that are convicted of felonies. Presently, corporate crooks are allowed to continue to receive taxpayer dollars, and that's wrong.

I urge my colleagues, Republicans and Democrats, to cosponsor H.R. 3679, the ACORN Act—the Against Corporations Organizing to Rip-off the Nation Act of 2009, and end waste, fraud, and abuse of billions of taxpayers' dollars.

Last month, Congress took action to defund nonprofits serving America, but it failed to act against the corporate crooks that are actually guilty of felonies—including defrauding taxpayers.

Why are companies that break the law as a business strategy allowed to receive taxpayer funds? A government contract is a privilege, not a right, and if a company commits a felony against the people of the United States, then that privilege must end.

It is time that Congress get serious and end taxpayer funding of corporate cheats, crooks, and criminals.

I urge support for H.R. 3679.

[From The Nation, Oct. 5, 2009]

## AN ACORN AMENDMENT FOR PFIZER

(By Jeremy Scahill)

In the wake of the Congressional witch hunt against the community organization ACORN, initiated by Republican minority leader John Boehner and supported by all but seventy-five Democrats in the House and ten in the Senate (Independent Bernie Sanders also voted no), a small number of Democratic lawmakers are pushing back. Last week, in response to the Defund ACORN Act, which seeks to prohibit federal funds to the community group, Minnesota Democrat Betty McCollum, a member of the House Appropriations Committee, introduced an ACORN act of her own. It is titled the "Against Corporations Organizing to Rip-off the Nation Act of 2009," also referred to simply as the ACORN Act. HR 3679 seeks to "prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote certain corporations or companies guilty of certain felony convictions."

While some lawmakers are focused on exposing the hypocrisy of targeting ACORN and allowing the fraud- and abuse-plagued war industry to go untouched, McCollum's legislation takes aim at massive healthcare corporations. "It's time Congress get serious about taxpayer funding of corporate cheats, crooks and criminals," says McCollum. "Last month Congress took action to defund a nonprofit serving poor Americans but failed to act against the corporate crooks that are actually guilty of felonies—including defrauding taxpayers. Why are companies that break the law as a business strategy allowed to receive taxpayer funds? A government contract is a privilege, not a right. If a company commits a felony against the people of the United States, then that

privilege must end." Significantly, McCollum's co-sponsors on the legislation include Wisconsin Democrat David Obey, chair of the House Appropriations Committee. Obey was one of those 172 House Democrats who joined Republicans in voting to defund ACORN on September 17. McCollum, who voted against the Defund ACORN legislation, says that her own legislation is "modeled after" that one but "respects the Constitution by requiring a corporation to be guilty of a felony before federal funds are cut off."

McCollum's bill cites the 2008 Corporate Fraud Task Force Report to the President, which found that in fiscal year 2007, "United States Attorneys' offices opened 878 new criminal health care fraud investigations involving 1,548 potential defendants. Federal prosecutors had 1,612 health care fraud criminal investigations pending, involving 2,603 potential defendants, and filed criminal charges in 434 cases involving 786 defendants. A total of 560 defendants were convicted for health care fraud-related crimes during the year."

McCollum's bill singles out Pharmacia & Upjohn Company Inc., a subsidiary of Pfizer. Last month Pfizer agreed to pay a \$2.3 billion settlement, which the Justice Department calls "the largest healthcare fraud settlement in the history of the Department of Justice." The settlement stemmed from Pfizer's "illegal promotion of certain pharmaceutical products," where the company marketed dosages that had not been approved by the FDA. The company will also plead guilty to a felony violation of the Food, Drug and Cosmetic Act for misbranding the anti-inflammatory drug Bextra "with the intent to defraud or mislead." Prosecutors allege that the company marketed "off label" uses of the drug, despite FDA bans. As the New York Times reported, "Pfizer instructed its sales representatives to tell doctors that the drug could be used to treat acute and surgical pain and at doses well above those approved, even though the drug's dangers—which included kidney, skin and heart risks—increased with the dose, the government charged. The drug was withdrawn in 2005 because of its risks to the heart and skin." Pharmacia & Upjohn will also pay a criminal fine of \$1.195 billion, "the largest criminal fine ever imposed in the United States for any matter," according to the DoJ. Federal prosecutors also stated:

Pfizer has agreed to pay \$1 billion to resolve allegations under the civil False Claims Act that the company illegally promoted four drugs—Bextra; Geodon, an antipsychotic drug; Zyvox, an antibiotic; and Lyrica, an anti-epileptic drug—and caused false claims to be submitted to government health care programs for uses that were not medically accepted indications and therefore not covered by those programs. The civil settlement also resolves allegations that Pfizer paid kickbacks to health care providers to induce them to prescribe these, as well as other, drugs. The federal share of the civil settlement is \$668,514,830 and the state Medicaid share of the civil settlement is \$331,485,170. This is the largest civil fraud settlement in history against a pharmaceutical company.

On September 2, 2009, federal prosecutors, White House officials and military criminal investigators praised the settlement. "Pfizer violated the law over an extensive time period," said Mike Loucks, acting U.S. Attorney for the District of Massachusetts. He added the fine against the company "demonstrates that such blatant and continued disregard of the law will not be tolerated."

Health and Human Services Secretary Kathleen Sebelius called it a "historic settlement" and said the government is looking "for new ways to prevent fraud before it happens. Healthcare is too important to let a single dollar go to waste."

Assistant Attorney General Tony West said, "Illegal conduct and fraud by pharmaceutical companies puts the public health at risk, corrupts medical decisions by healthcare providers and costs the government billions of dollars," adding that the plea agreements "represent yet another example of what penalties will be faced when a pharmaceutical company puts profits ahead of patient welfare."

Patrick McFarland, inspector general of the Office of Personnel Management, said the settlement "reminds the pharmaceutical industry that it must observe those standards and reflects the commitment of federal law enforcement organizations to pursue improper and illegal conduct that places healthcare consumers at risk."

The head of the Defense Criminal Investigative Service said that Pfizer's actions "significantly impacted the integrity of TRICARE, the Department of Defense's healthcare system," saying "This illegal activity increases patients' costs, threatens their safety and negatively affects the delivery of healthcare services to the over 9 million military members, retirees and their families who rely on this system."

Yet, despite all of these tough statements—and many more by top officials—Pfizer and its vast network of subsidiaries continue to win massive government contracts. Last year Pfizer made more than \$40 billion in profits, and in 2007 it had more than \$73 million in federal contracts.

Loucks points out that "at the very same time Pfizer was in our office negotiating and resolving the allegations of criminal conduct by its then newly acquired subsidiary, Warner-Lambert, Pfizer was itself in its other operations violating those very same laws." In other words, the criminal conduct continues even as the company settles cases. "The CEO and Board of Directors should have been indicted," wrote former New York City Mayor Ed Koch. "That is truly the only way to stop the practices which produce so much wealth for the company, its stockholders, officers and directors."

The glaring question here is, Why is the "corporate felon" Pfizer still on the federal dole? ACORN, which received a total of \$53 million in federal funds over fifteen years, much of it going toward low-income housing initiatives, was singled out for a ban on funding over the actions of a handful of employees that were promptly fired. The fact is, Congress went after ACORN with a legislative nuke but, for years, has greeted Pfizer with welcoming arms and open wallets.

McCollum's legislation states that no federal contract, grant or "any other form" of agreement "may be awarded to or entered into with the corporation or company for a 5-year period beginning 30 days after the date of the criminal conviction involved" and states that "no Federal funds in any other form may be provided to the corporation or company for such 5-year period." The legislation also goes after criminal corporations' ability to inject cash into the campaign coffers of politicians, prohibiting "corporate felons" from "contributing to a candidate for federal office, to a political party, or to a federal political action committee for five years."

In 2008 Pfizer gave \$980,048 in campaign contributions to Democrats, representing 52



percent of its total campaign contributions. It was the first year since 1990 that Pfizer gave more to Democrats than Republicans. The biggest recipients of Pfizer campaign dollars last year were Democratic Congressman Allen Boyd, who serves on the Appropriations Committee, and Democratic Senator Chris Dodd, a senior member of the Health, Education, Labor and Pensions Committee. In the 2010 cycle, the company has given 60 percent of its campaign cash to Democrats. Barack Obama blew out John McCain in contributions from the pharmaceutical industry, taking in some \$2.1 million compared to the \$668,000 contributed to McCain's campaign.

McCollum's legislation would limit the amount of lobbying expenditures by "corporate felons" to \$1 million a calendar year. In 2009 Pfizer has already spent \$11,720,000 on lobbying.

ACORN does not have high-powered lobbyists, and its 400,000 member families do not give major campaign contributions. If they did, the Defund Acorn bill would never have passed Congress. The question for those Democrats who voted to go after this community organization on dubious allegations is a simple one: will you apply that standard to actual corporate felons with real-life rap sheets whose actions have actually harmed ordinary Americans and ripped off taxpayers?

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### OLDER DRIVER AND PEDESTRIAN SAFETY AND ROADWAY ENHANCEMENT ACT OF 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ALTMIRE) is recognized for 5 minutes.

Mr. ALTMIRE. Mr. Speaker, I rise today in support of legislation that I have introduced that will help reduce the number of deaths and injuries occurring on our Nation's roadways.

H.R. 3355, the Older Driver and Pedestrian Safety and Roadway Enhancement Act of 2009, authorizes \$500 million annually to be distributed to States from the existing highway trust fund to make our roads safer for older Americans. These funds can be used to make roadway improvements as described in the Federal Highway Administration's Older Driver Handbook.

While older drivers have years of experience behind the wheel, they often require more time than younger drivers to react to changes on the road and are sometimes restricted in movement and cannot always meet the physical demands of turning to look at a blind spot or making sharp turns. According to the American Traffic Safety Services Association and the National Association of County Engineers' "Low Cost Local Road Safety Solutions" publication, simple changes to signs

and markings have a proven track record of being both affordable and extremely effective at reducing roadway deaths and injuries.

Some examples of these vital road safety improvements that would be funded by this legislation are signs with more legible font, retro-reflective sheeting and retro-reflective pavement markings, left turn lanes at intersections and improved sign placement to ensure that drivers have adequate time to make informed decisions on the road.

Last year, more than 37,000 men, women and children perished on America's roadways. This bill will be an effective step forward in reducing this sobering statistic. According to the AARP's Public Policy Institute, as of 2003, 80 percent of persons age 65 and older were licensed drivers, and 90 percent of all trips by older Americans are by automobile, whether as a driver or passenger. This is especially true in suburban and rural areas where mass transportation systems are limited or nonexistent. By 2020, one in five licensed drivers will be 65 years or older. By 2025, this number is expected to be one in four.

With Congress continuing to debate the next transportation authorization, it is important that we do not lose sight of the older citizens in our communities. By improving the safety of our roads and highways and making their daily travel as safe as possible, we increase road safety for all Americans.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this legislation that will improve road safety in every one of their districts. Please join me in raising awareness for road safety and the wellbeing of older and younger drivers alike by supporting H.R. 3355.

#### AMERICA FUNDING OFFSHORE DRILLING IN BRAZIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, just one short year ago, the ban was lifted for drilling for oil on the Outer Continental Shelf. We call that the OCS. And that was a good thing. We should be one year closer to all those high-paying jobs. We should be one year closer to that shot in the arm for the American economy. We should be one year closer to American energy independence. But we're not.

Not by a long shot, because, you see, Mr. Speaker, the government still stonewalls offshore drilling. And that's unfortunate for America. Between the OCS and oil shale resources, America could replace all of the oil Saudi Arabia sends us for the next 20 years. And that's a lot of oil.

During that time, we could explore and develop other alternative energies to power our economy in the future. Also, by providing for our own energy with natural gas, solar, oil and nuclear, all of those issues are national security issues, so we won't depend on foreign countries for our energy in the future.

Drilling off of our shore means jobs for Americans right now, real jobs, high-paying jobs, the kind of jobs that support whole families and pay to get kids into college. And it's not jobs on just oil platforms in the gulf. Think about all the other support industries, transportation, food, equipment, parts, insurers, construction and so. These real, high-dollar jobs would give a boost to our economy. These jobs are vital to America's families and to our economy, and it would keep American money in America. There's a real solution right in front of us for job and energy development.

But the government continues to move in the opposite direction. The cap-and-trade national energy tax, now called the climate change bill, will destroy the U.S. energy industry. Millions of jobs that go along with it will also be lost.

□ 1945

It is a national tax on energy consumption. Plus, it won't really help the climate. Instead of taxing energy, we should find more energy and encourage American energy development.

But we cannot drill off of our shores because I guess it will upset the blood pressure of the environmental elites. So, no new drilling.

However, Mr. Speaker, I do have breaking news. The administration does support offshore drilling. According to the Wall Street Journal, the government is loaning over \$2 billion in taxpayer money to a Brazilian company called Petrobras. Now, where did the United States, first of all, get that \$2 billion to loan to a foreign company? I thought we were broke. How come taxpayer money is going to a Brazilian oil company anyway? Why isn't that money staying here in America?

This Brazilian oil company is drilling off the shore of, not the United States, but Brazil. And are we getting that oil? Well, no, because China has a contract to purchase the hundreds of millions of barrels of oil those Brazilian oil fields will produce with taxpayer money. Isn't that lovely?

Let me explain it this way. Here is a chart. Right here this represents the United States. Of course we have these signs, no offshore drilling off the United States coast. We can't do that. But we are sending \$2 billion of American money down to a Brazilian oil company so they can, of course, drill off their shores. And is that money or oil coming back to us? I don't think so. That bag of money is going to China.

Now, this seems a bit strange to me. Why are American taxpayers footing

the bill in Brazil without getting the oil or getting the money? Why aren't we expanding our own offshore drilling instead of sending American money to Brazil? Does anybody have the answer to that question? It seems like we should drill off our own coast, keep American money in America and take care of our own energy needs. We have millions of jobs just sitting there waiting to be created off our shores. Drilling on the Outer Continental Shelf and extracting oil shale would provide the much-needed boost to the American economy. And we should stop funding oil-producing countries that support terrorism and the Middle East.

So what are we waiting for? If we would have started a year ago when the ban was lifted, our economy would be better than it is today. We would have had more jobs, jobs, jobs. It is way past the time for us to get started taking care of America. Don't drill in Brazil with American money. Don't take care of China. Drill American and take care of America.

And that's just the way it is.

#### WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, I come from the great State of Michigan where we currently have the highest unemployment in the Nation and where our citizens have suffered more than most in this economic downturn. And every week when I come to Washington, I am constantly amazed that this Congress isn't laser focused on creating jobs, because the question being asked by the American people is: Where are the jobs?

When President Obama said he wanted an economic stimulus bill principally focused on tax cuts and infrastructure investment, I was all for it. But the bill that was passed by the Democrat majority in Congress really was unrecognized from what was originally proposed. That bill focused much more on expanding the size of government than expanding jobs in the private sector. Americans were told that if this huge expansion of government were passed, that 2 to 3 million new jobs would be created and unemployment would not reach 8 percent. And what are the results actually?

Well, since that time, our economy has shed nearly 3 million jobs and the unemployment rate has now reached nearly 10 percent. In my home State of Michigan, it is in the 15 percentile.

Nine months after the passage of the failed stimulus plan, Americans are still asking: Where are the jobs?

After passing a jobs bill that did not create jobs, House Democrats passed a cap-and-trade national energy tax. This national energy tax will destroy

millions of jobs in this struggling economy. Manufacturing, which is so important in my home State of Michigan, would be especially hard hit when millions more good-paying jobs are shipped overseas to nations that are not going to put this jobs-killing tax on their manufacturing companies.

Struggling American families will also be very hard hit. The Obama administration's own estimates project that this legislation would cost our economy \$200 billion every year, which means an increase of \$1,700 for every American household. That means hard-pressed Americans are going to pay more for energy while at the same time having their jobs put at risk.

I would ask this, Mr. Speaker, as the American people continue to do: Where are the jobs?

Congress is now considering a health care reform bill that would amount to a government takeover and would be funded with job-killing tax increases and cuts to Medicare impacting the coverage of millions of American seniors. That bill, H.R. 3200, places an 8 percent tax on payroll for every business in this Nation that does not offer health care coverage to their workers.

Well, I have talked to countless employers, and they tell you that their costs run much higher than 8 percent, so they would end the private coverage that they currently give to their employees and dump them all out on the public plan.

Republicans have been accused of being the party of no because we have stood against this job-killing agenda, but we have offered alternatives, better alternatives, and it is actually the Democrats in Congress who have said no to these ideas. Let me cite a few specific examples.

We have offered an alternative to the stimulus plan that, according to the formula created by President Obama's own economic team, would create twice the jobs at half the cost. We have offered an all-of-the-above national energy plan as an alternative to the Democrats' national energy tax. Our plan would encourage the development of clean alternative energy while allowing the development of domestic supplies, which would bring energy costs down instead of driving them up. And it would create jobs here in America, and it would make America more energy independent.

We have offered commonsense approaches to health care reforms that would provide greater competition, increase access to care, and reduce costs. We feel that individuals should be able to purchase health care across State lines, and small businesses should be able to group together to open up more options and reduce costs to protect private health care. And we believe we need to enact real medical liability reform to end junk lawsuits that drive up costs by forcing doctors to practice defensive medicine.

I raise these points because I truly believe we have to have bipartisan consensus to address the challenges that are facing our Nation.

Mr. Speaker, the American people are way ahead of the politicians here in Washington. They understand the need for jobs. They understand that bigger government will not increase jobs but will put millions more jobs at risk.

Mr. Speaker, it is long past the time we start listening to commonsense Americans who continue to ask: Where are the jobs?

#### CELEBRATING CHICAGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, George Will once said, "Chicago Cub fans are 90 percent scar tissue."

So as we stand here 4 days after the city of Chicago, and all of the United States, were disappointed by the IOC's decision, I can assure you that there is no city better equipped to handle a little disappointment.

And despite the tremendous efforts of President and Mrs. Obama, Mayor Daley, Pat Ryan, and thousands of volunteers, that is exactly what we felt in my hometown last week: disappointment.

But the city of Chicago has already shaken it off and is waiting with open arms for the world to visit. Because as I have said before, Chicago was a world-class city before the Olympic decision and will be a world-class city tomorrow.

My hometown is often referred to as "The Second City," but most people don't realize that the nickname has nothing to do with our relationship to other cities. The name refers to a city which was rebuilt in the years following the Great Chicago Fire, a city where we pull ourselves up by our bootstraps, dust off our shoulders, and get back to work.

So with congratulations to Rio, I would like to offer a list of the top 10 reasons the world should stop by for a slice of deep dish in Chicago, the greatest city in the world.

Number ten: The architecture. One of Chicago's great residents, Daniel Burnham, was known for saying: "Make no little plans; they have no magic to stir men's blood." From the Louis Sullivan buildings downtown to Mies van der Rohe's collection at IIT to the neighborhood bungalows to the Sears Tower that scrapes the sky, Chicago's architecture is distinct and historic.

The schools. I am a proud graduate of Roosevelt University, the University of Chicago, and Loyola University, and had the honor of teaching young Chicagoans as well. Chicago is a place that inspires great ideas, but the

Windy City is also a destination for the world's greatest minds. Close to 90 Nobel laureates have passed through the halls of the University of Chicago and Northwestern University.

Green space. My district is home to one of the country's largest urban parks, Lincoln Park, which is also home to the oldest public zoo in the country, still free admission. Want to play 16-inch softball? We have 552 parks to choose from. No glove needed. And the forest preserve system is home to 68,000 acres of open space.

The lake. Chicago has one of the most beautiful shorelines in the world, 26 miles of lakefront with 15 miles of beaches. It is a front row seat to one of the largest freshwater sources in the world, and a reminder of our responsibility to conserve it.

The museums. The Art Institute of Chicago, just one of our museums, displays some of the most famous pieces of previous centuries and trains artists to produce the finest works of this century.

The arts. Chicago's music is played all around the world wherever people love the blues, gospel, jazz, or rock. And we are home to the preeminent Chicago Symphony Orchestra and the Lyric Opera. Most of the great comedians on Saturday Night Live and 30 Rock came through Chicago, home of The Second City troupe.

I guarantee you, Mr. Speaker, that no one in Copenhagen has ever had a proper hot dog or slice of pizza unless they have spent a little time in Chicago. From breakfast at Ann Sather's to chicken dinner at MacArthur's, to a midnight snack at the Wiener's Circle and all the pierogies, tacos, and steaks in between, it is the finest eating on Earth.

Sports. All of our teams are among the oldest in their leagues, and all of them played right in the city. They have all won championships. Some more recently than others, but everyone is entitled to a bad century.

Number two, the neighborhoods. Chicago has a beautiful downtown. Nothing is more majestic than coming northbound or southbound on Lake Shore Drive, but it is the diverse neighborhoods that make us world class. In one sense, the world doesn't need to come to Chicago; it already has. From Bowmanville to Bronzeville, Portage Park to Albany Park, Pilsen to Pullman, take the "L" around Chicago, and you have visited dozens of countries without ever leaving the city limits.

Finally, the number one reason the world should come to Chicago is the same reason I never left: the people. The Second City has always been second to none. Why? Because the people of Chicago look not at what we lost last week in Copenhagen but at what we now have the opportunity to accomplish. We know that our organizing efforts were not wasted. We can build

better schools on safer streets. We can build better transit with greener technology. And beyond our bid plans lay big plans for our future.

In the words of Superdawg, one of Chicago's iconic hot dog stands, I look forward to welcoming you by saying, "Hiya, from the bottom of my pure beef heart."

Mr. Speaker, I look forward to coming back next summer with Chicago's Stanley Cup.

#### AARP: HELPING SENIORS OR HELPING ITSELF?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, when seniors across the country found out that the Medicare plan that was proposed by my colleagues on the other side of the aisle was going to cut Medicare and Medicare Advantage by \$500 billion over 10 years, they became very concerned, and they became very, very concerned about the organization called AARP supporting that plan that was going to make great cuts to seniors' medical coverage.

And so about 60,000 of those people said they were going to quit AARP because of AARP's endorsement of the very costly and benefit-cutting plan proposed by the Democrats. So AARP came out with this statement: "None of the health care proposals being considered by Congress would cut Medicare benefits or increase your out-of-pocket costs for Medicare services."

That's what AARP has been telling their seniors. But let me just read to you the facts from people who are working on the bills here in Washington, D.C., in the Congress.

The first one is the \$113 billion is a reduction in the extra benefits, the added, additional benefits that Medicare Advantage enrollees have available to them. That statement was made by a staff member of Senator BAUCUS's committee, the Finance Committee in the Senate. That contradicts what AARP said.

The Medicare Advantage cuts contained in the Democrats' health bills pending in Congress "could lead many plans to limit the benefits they offer, raise their premiums, or withdraw from the program." That statement was made by our Congressional Budget Office. Again, they refute what AARP said.

The next statement, "While these programs need to be made more efficient, if the proposed funding cut levels become law, millions of seniors and disabled individuals could lose many of the important benefits and services that Medicare Advantage health plans make so valuable." That statement was by Humana.

Humana is an organization that sells these plans, the Medicare Advantage

plans, and they have been stopped because they told their enrollees what was going on with the Medicare Advantage cuts in the Democrats' proposals. As a matter of fact, late last month the Centers for Medicare and Medicaid Services, CMS, directed Medicare Advantage plans to discontinue any communication with their enrollees about this thing that is taking place cutting their benefits.

□ 2000

This is absolutely terrible. There's no doubt that Medicare Advantage is going to be cut. The Republicans in the House have pointed out time and again that the Democrats' plan in this body will cut Medicare Advantage and other benefits of Medicare by over \$500 billion. In the Senate it runs anywhere from \$200 billion on up. We don't know how much because we've never even seen their final bill. It hadn't come out of committee, so we really don't know. But I can tell seniors this: They are going to lose benefits. They're going to lose Medicare Advantage. And so why is AARP saying that there's no change going to take place if we pass these plans?

It's because they have a benefit that they're going to get if Medicare Advantage is cut. And what is that benefit? They sell what's called Medigap, and Medigap coverage is more expensive than the Medicare plans we're talking about. And so they would get a tremendous kickback. Let me just tell you what it says here. There was an article written in Bloomberg, and the article said very clearly that the AARP is getting \$652 million a year in royalties and fees. That's an increase of 31 percent over last year when they got about \$500 billion.

And according to Bloomberg, the analysis published in December 2008, those royalties comprise 60.3 percent of what AARP gets. And if we do away, this body and the other body, does away with Medicare Advantage and seniors want more coverage, they're going to have to go to Medigap. That's sold by AARP, and AARP will be the beneficiary, and that's why 60,000 seniors have left AARP, because they don't want this to happen.

Let me just read to you what a couple of seniors said after they found out about this. One said, AARP has great buying power, and people should be able to get the best deal. What they're doing is unconscionable, what AARP has allowed to happen. Another disillusioned senior wrote to the organization's leadership and asked whether AARP had a special relationship with insurance carriers by which it receives commissions and kickbacks. And it does. Seniors need to know that Medicare and Medigap is going to take the place of Medicare Advantage. There's going to be big cuts.

## THE SAGA OF THE MCKAY FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate this opportunity of being here today. Hopefully I'll be here again tomorrow and the next day as well. And I do want to address an issue that is close to me as well as somewhat difficult. I admit that I have a romantic view of the world. Much of it is shaped by a lifetime having grown up watching television shows and movies. I like British mysteries and have enjoyed the fact that in Utah we have more of them available on PBS than they have back here in Washington. I think I've seen every episode of Law and Order and NCIS, and I grew up on Perry Mason which, once again, back home in Utah, there was a rerun every night on television at 10:30.

And I like those because in every sense of the word, each of these shows a good guy and a bad guy, and eventually the good guys were able to prevail against the bad guys. But I have to admit, much of that was the spin of Hollywood. So as I have looked in my life I try and see the world in maybe this dichotomy that's unfortunate, of good versus bad. To me the Drug Enforcement Agency, a part of the judicial system, Judiciary Department of the United States, were always the good guys. Their job was to try and take drug traffickers off the street, for indeed, those illegal drugs coming into our society harmed society. They harmed kids.

I had students I taught in school who I saw the byproduct of having them on illegal drugs. And I have seen the court system and been able to talk to those who work in the court system that recognize that even though the court case may be one of assault or one of burglary or vandalism, in each case there is often the core problem being illegal drugs.

Now, with that as a background, I want to introduce you to, today and tomorrow, a family in my hometown of Brigham City, the McKay family. I know this family primarily because of the four kids of the McKay family. I taught them all in school. Two boys and two girls, varying stages of academic ability, but in each case, I recognized within each of those kids there was a core quality. These were good, decent and honest kids. And I think my attitude towards the McKay family was shaped by the respect I have for the kids that came from that family.

Dr. McKay, in our community, has had a 30-year career as a respected board certified orthopedic surgeon. I guess the best compliment I can give is that when my own kid broke his arm, we went to Dr. McKay to have it set and fixed. Dr. McKay is an Army veteran, serving 10 years in the military,

retiring with the position of a lieutenant colonel. For 20 years he's been part of the Boxelder Search and Rescue Team. He was part of the Boxelder Medical Examiners team. The Boy Scouts of America have awarded him the Silver Beaver Award. When I was announcing football games at the local high school he was down on the field assisting with medical needs on a volunteer basis. He plays the organ in church.

I know that this family has supported me politically when I first ran. I hope it was because they saw something in me. My fear is that I was the first person from Brigham City city running for federal office, and therefore they were supportive. I also have worked with his wife in charities. This family has a criminal record that has nothing higher than parking tickets, and I have never thought of this family as a threat to my kids. But on June 5, 2008, there was a raid by the DEA on the home of the McKay family. Two weeks later, after this first 4-hour raid, there was another raid to find a copy of their will which, if they asked, they could have simply got. And in the fall of that same year another raid on his office with six armed agents asking for charts that they would have provided had they simply asked.

I was surprised when the first raid took place. But I decided I'll have to wait for a judgment because after all, the DEA are part of the good guys. Obviously, there has to be some kind of a reason. And in our system of justice, we are insured by the Constitution of a speedy trial and then a jury of the peers deciding guilt or innocence. At least that's what I used to teach my kids in civic classes. We are now in October 2009, 14 months later. I still do not know whether there is guilt or innocence in this situation because, in that entire period of time, there has not been a single charge filed against this family. However, the personal property of this family has been confiscated and not returned in that period of time.

At that June occurrence in 2008, there was a hard knock at the door. Dr. McKay said he was fearful at some particular time that had he not answered it quickly they may have kicked in the door. At that time he did open the door, and what happens in that, Mr. Speaker, is quite simply this: It is my intention of returning tomorrow and explaining what took place at that time and at that place, and to try and go on what has happened on this particular family, because it breaks my vision and my image of what the future should be. Mr. Speaker, I appreciate the time, and I hope to return tomorrow as I continue the saga of the McKay family.

## HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Mr. Speaker, I'm glad to be here on the House floor this evening, joined by many of my colleagues representing the class of 2006, to come down to the floor this evening to talk to our colleagues on both sides of the aisle about an issue that doesn't discriminate between Republicans and Democrats, an issue that doesn't care whether you're liberal or conservative. It is the lack of access to affordable health care in this country. The voters of this Nation gave the House and the Senate and the President a mandate last November. It was to come here and do something that has not been done in the modern history of this government, to finally make fundamental reform of our health care system so that the people that we represent do not go bankrupt by the current system, and the government that we are constituted to protect doesn't go bankrupt because of health care costs.

So we're here to talk this evening about what we think is an amazing opportunity for this House and for this country to pass a health care reform bill that, at the same time, expands coverage to people that either don't have health care insurance or today have inadequate health care insurance and, in doing so, reduces the cost of health care for all Americans and all of the countless businesses, small and large, that are struggling to pay for health care costs.

Mr. Speaker, I'm going to turn this over to my colleagues to begin the discussion. But before we do, I just want to share one important chart and statistic with my colleagues. This is a chart that simply shows what has happened over the last 10 years to health care costs in this country, a 119 percent increase in the premiums that families and businesses are paying. During that same time, a 117 percent increase in the money coming out of workers' pockets to pay for that health care. A 119, 120 percent increase, let's round it off, in health care costs for businesses around this country.

That is unsustainable. And what it has meant is that during that time, any additional money that businesses have made over the last 10 years has largely gone not to workers' pockets, not to increased wages, but to pay health care bills. So we'll talk tonight about a lot of the visible costs of our very broken health care system, the scars on the outside that people have due to our neglect of the problems in our health care system.

But there are a lot of invisible costs as well. And what this chart very clearly shows is that when employers, over

the last 10 years, are paying 120 percent increases, that means that a lot of workers out there aren't seeing raises, or are only seeing 2 percent when they should be getting 5 percent because their employer is sending all of that money into their insurance plan. And so we're going to talk about that tonight. We're going to frankly also talk about a lot of the mythology that's out there.

We had a speaker on the Republican side of the aisle earlier tonight come down here and use the now familiar Republican talking point of the government takeover of health care. Well, I think if any of our constituents out there do what every Member of Congress should do, which is read the bill, they'll find that there is no truth in that statement. That statement, though is anchored in a 28-page memo that made the rounds around the House of Representatives earlier this year by Frank Luntz, a very well known Republican pollster who laid out to Republicans how they could kill health care reform.

He said very clearly, don't pay attention to the details. Don't pay attention to the substance. Just say government takeover again and again and again. That memo is strewn with one piece of advice: If you say government takeover, you can stop health care reform from happening. And if you stop health care reform from happening, you can preserve the status quo.

That's what's happening here. Talking points and sound bites designed to stop health care reform from happening, designed to stop the reforms that will pass on lower costs to our constituents, that will guarantee access to people that don't have it, that will end these discriminatory practices of insurance companies. That's the agenda that is going to play out on the House floor over the coming weeks and months, an agenda anchored in reform, anchored in cost-cutting, anchored in expanding our access and a political agenda designed to use talking points and sound bites to stop health care reform from happening.

I'm glad to be joined here on the House floor by several of my colleagues to talk about the stakes of this debate, to talk about what is really in the bill versus what folks are claiming is in there. And we have some great leaders in this effort joining us tonight, led by my good friend from Colorado, Representative PERLMUTTER.

Mr. PERLMUTTER. And I thank my friend, Mr. MURPHY, for kicking off tonight. And let's start where you were ending, about the status quo. Republicans in Congress just want to maintain the status quo. And I know in Colorado that's unacceptable, because what we've seen, like your chart, but even more so, the acceleration of the cost to keep people healthy and well is going through the roof. Whether it's a

small business or a family, an individual, the premiums are going up. The deductibles are going up. I know at my old law firm, where it's in a position now where, after decades of providing coverage to everybody who works in the firm, there's a real question whether the firm can afford it anymore.

□ 2015

That's just not right—not in a country like our country. Not in America. We can do better than that. Change is what needs to take place. The status quo is no longer an option.

There's a fundamental flaw with the system that we have right now in that it allows discrimination against people who have prior health conditions. And that's just wrong. It's something that should not be allowed here in America.

I have a daughter with epilepsy. So, for me, it's a very personal kind of setting. She's a wonderful kid. She's no longer a kid. She's a young woman, college graduate, but still has seizures from time to time. She's not insurable unless she's in a big group insurance setting. She can't get insurance. She didn't ask to have epilepsy. But she's discriminated against because she has it.

That's just got to change. And I know in my district and in Colorado more than 80 percent of the people want to see change so that people with prior health conditions, preexisting conditions, get coverage and are not discriminated against.

We have a fundamental flaw in our health system today that has to be corrected. It's wrong. And it's probably unconstitutional under the equal protection clause of the 14th Amendment to our Constitution. We've got to change that.

So we need to rein in costs for small businesses and for individuals. We need to eliminate discrimination against people based on preexisting conditions. But there's a third component to this that I really think does offer hope and promise when we bring about this change and that is the research that we have going on in prevention, health and wellness.

There are some things coming down the pike if we continue to do research that will really advance medicine when it comes to cancer and heart disease which will help individuals and their quality of life and it will help this country rein in the costs that we see just growing every single day. This is a challenge that we must take, that we must tackle. We cannot shrink from it. America doesn't shrink from tough problems. We tackle them.

Our friends on the other side, the Republicans in Congress, they like to avoid this. They're not willing to take on tough issues. We are. We are going to take this on. We are going to change the health care system for the better of America and Americans. And we're going to do it this year.

With that, I yield to my good friend from New Hampshire (Mr. HODES).

Mr. HODES. Thank you.

I am glad to be with you tonight to talk about what is perhaps the most critical issue we face as a nation if we are to thrive, if our economy is to prosper again, and if we are to deliver to the American people, people of my State of New Hampshire, what they have been long asking for, which is real reform on health care.

We are going to lower costs for everybody, we're going to deliver better quality care, and we are going to put the people of this country back in control of their health care. Because right now, with all the noise that's been out there—and you've referenced the notion that's been put forward of a government takeover of health care. Well, nothing could be further from the truth. But at the moment what is between us and our health care are insurance company bureaucrats who are making life-and-death decisions and are able to discriminate against the American people based on profits for the insurance companies. That simply has to end.

I'm going to tell you a story. It's a story of how change happens. It's a story of tragedy and it's a story, ultimately, of triumph. But it talks to the issue of what kind of situation we're in with our insurance companies.

In my district in New Hampshire at Plymouth State College there was a young woman named Michelle Morse. She was in her senior year. Beautiful young lady, 3.6 grade average, an honor student. She was looking forward to graduating at the end of her senior year and moving on with a happy life.

She woke up one day with a stomachache. By the next morning, she was diagnosed with cancer—serious, aggressive, fast-moving cancer. And her doctors said to her, You've got to leave school and take a leave of absence in order to get treated for your cancer.

And so she and her family—because she was on her family's insurance policy—went to their agent. They called their insurance company and they explained the situation and they said Michelle has to leave school to get treated for cancer.

What came back from the insurance company was, Well, that's up to you. That's fine. If Michelle needs to leave school, she leaves school. Let her take a leave of absence. But if she's not a full-time student, if she takes a leave of absence, she will no longer be covered by your insurance.

The Morse family couldn't believe it. But, sure enough, buried in the print of that insurance policy was exactly that—unless Michelle was a full-time student, she wouldn't be covered.

So they made the difficult decision. Michelle stayed in school. She took three courses of chemotherapy. She finished with honors—an incredible achievement. And sadly, Michelle died.

Now her mother, Ann Marie Morse, is a teacher. She's a teacher that teaches elementary school kids. She had never been involved in politics a day in her life. But she decided that what happened to her daughter, what happened to her family, was wrong. She decided that she would make it her business to make sure that what happened would never happen to another family again.

Now this is just a very small slice of the larger debate about health care; a very small piece of what it takes.

So first, Ann Marie Morse, a teacher, went and lobbied everybody in Concord, New Hampshire, the capital of New Hampshire and got a State law passed, thanks to her efforts, that said college students can take a 1-year leave of absence without getting knocked off their parents' insurance policies. But that wasn't enough because it's Federal law that controls. ERISA controlled. And ERISA needed to be amended.

So I worked with Ann Marie Morse. We worked here in Congress on a bipartisan basis. We got every health insurance association, we got everybody involved, because even the health insurance companies knew that what happened to Michelle Morse was wrong and it shouldn't be allowed to happen. Even the insurance companies knew that.

So with Ann Marie Morse in the gallery of this House, the House by unanimous vote passed Michelle's Law to allow college students to take a 1-year leave of absence for serious medical conditions without getting knocked off their insurance. Because the Morse family had nowhere to go because now Michelle couldn't find other insurance. She had a preexisting condition. And they couldn't afford private insurance—single, private, individual insurance—because it was just priced too far out of the market because the insurance companies had a monopoly. There was nowhere to go. She couldn't get Medicaid. She couldn't get Medicare. She couldn't find any alternative. She had to stay in school.

So when the House passed it, then the Senate passed the bill. President Bush signed it into law. And this Friday, October 9, Michelle's Law becomes the law of the land. So that what happened to Michelle Morse will never again happen to any college student in this country.

Thousands, thousands of college students are affected. MIKE CASTLE on the other side of the aisle was the cosponsor. He understood. A responsible Republican understood that what was wrong shouldn't happen again. So he worked on the law because he had somebody in his district who it happened to. I'm betting if we all look, all my colleagues who are here tonight, we'd find people in our districts, other people that this has happened to.

It took 2 years to get that done, this small slice of the health care problem.

Two years. And now we face a bigger test. Are we going to hold the insurance companies responsible for reasonable action on the part of the insurance companies?

The insurance companies now are regulated by a patchwork of 50 different State rules and regulations. Fifty different schemes for regulating. We are talking about, finally, for the first time, saying to the insurance companies, as the people of the United States of America, No discrimination for preexisting conditions like diabetes or heart condition or cancer, no dropping your coverage because you become sick—both of the things that happened to Michelle Morse, which Michelle's Law is designed to affect for that small slice of college kids.

No refusal to renew your coverage if you paid in full and become ill. No more job or life decisions made based on loss of coverage. No need to change doctors or plans if you like the coverage you have. No copays for preventive and wellness care. No excessive out-of-pocket expenses, deductibles, or copays. Yearly caps on what you pay, but no yearly or lifetime cost caps on what insurance companies cover.

These are reasonable rules that we are finally going to set down on the insurance companies. Reasonable rules. The kind of rules of the road that the American people deserve and that our health care reform plan is going to deliver so that what happened to Michelle Morse will never happen to any family or anybody, whether they're in or out of college. It's time for real reform.

With that, I'm going to turn it over to my colleague, JOHN SARBANES of Maryland.

Mr. SARBANES. Thank you very much. I appreciate it. I want to thank Congressman MURPHY for bringing us here tonight to talk about this very, very important issue.

I just had a couple of things I wanted to talk about. First of all, we're bringing this thing across the finish line very soon. I know a lot of folks are excited about that. But I want to make sure people understand we are not limping across the finish line. We're going to cross that finish line with a burst of energy that comes from understanding that we have finally addressed so many of the grievances that millions of Americans have had with this health care system for so many years.

There are a lot of things we can talk about that are wrong with the existing system. And it's important to point those out. But we need to spend just as much time about the good things that are going to happen if we can get this health care reform passed.

There's so much in all of the core components of the health reform legislation that has come out of all the different committees, both in the Senate and the House—there's so much in

there that addresses these concerns people have had for so long.

I want to talk a little bit for a moment about the Medicare portions of this bill, because the other side has presented a very sort of cynical scenario about what is going to happen to the Medicare program under this bill.

In fact, every effort that we've made in shaping these bills when it comes to Medicare has been to strengthen the program, to make sure that the Medicare trust fund lasts longer, to make sure that we're looking after seniors, as we should, and protecting their interests. So let me talk a little bit about that.

We are going to parts of the Medicare program where we can find responsible savings—and I'll be more detailed about that in a moment—but just conceptually understand that those savings are then being turned around and reinvested back into the Medicare program.

So, in other words, this is not a case of finding savings that go someplace else. The savings that we're looking to get out of the Medicare program from a more responsible approach is going to be taken and turned right back into an investment in the Medicare program.

So where are we getting some of the savings? Well, there's something called preventable readmissions to a hospital. This is a situation where somebody is discharged from the hospital too quickly. Often this occurs because the insurance companies, who don't want to pay to keep people in the hospital because they're trying to keep their costs down so they can pocket more of the profits that they get from your premium dollar, they push people out of the door too quickly. Well, that means folks are leaving the hospital before their situation has been completely stabilized or addressed—with what consequence? The consequence that a few days later, a week later, 2 weeks later, suddenly they've got complications. They've got to come back into the hospital. That's not good for them, but it also costs the system a lot of money.

The estimates are that you can save billions of dollars if you insist on better thinking at the point of discharge, so that when people leave the hospital, it's time for them really to leave the hospital and their situation has been addressed so they're not going to have to be readmitted a few days later. We're taking those savings and we're reinvesting them in the program.

□ 2030

You all remember the stories we used to hear about years ago about the \$600 toilet seat that the Pentagon used to purchase as an example of wasteful spending. Well, there was just an article the other day in the newspaper about a company that makes motorized wheelchairs. It costs them about \$1,000 per wheelchair to make this.



They've been turning around and selling it to the Medicare program for \$4,000. A 400 percent markup.

Well, that's wasteful. We can rein that spending in. We can take the savings, and we can plow it into things that make sense for the Medicare program. What are some of those reinvestments that are important? Number one, we are going to make sure that physicians get reimbursed at the level they should. Many seniors I have talked to have expressed alarm because either they or people they know have talked to physicians who say, We can't afford to stay in the Medicare program any more. We're going to opt out.

Well, when President Obama came in, he said, We're not going to play games any more with physician reimbursement. We're going to reimburse them fairly. And this bill does that. This bill makes sure that a cut of up to 20 percent that was supposed to occur, with respect to physician reimbursement, that's not going to happen. It will keep more doctors in the network. That is going to be better for our seniors.

Another place we are reinvesting the savings is to begin closing the doughnut hole in the part D prescription drug program, which has really hit many seniors between the eyes when they have to come out of pocket to cover their prescription drug costs. We are going to begin to phase in filling in that doughnut hole so that coverage is there, another benefit of finding savings in one place and reinvesting it in another.

The last thing that I mentioned that is very important is we recognize that there are certain preventive kinds of services that make absolute sense, and we don't think that seniors should have to have copayment related to those services anymore.

So what's an example? The initial exam. Under the new bill, no longer will there be a copayment requirement. You don't have to come out of pocket for that service. Glaucoma screening, no longer will there be a copayment requirement, and other services like this that make sense because they save the system money overall, and they are good for the individual patient.

There is so much about this bill that makes sense. There is so much that we fashioned based on the recommendations of experts and ordinary citizens who came forward and said, We need to see a change. That's what we've done. We've answered that call. I am very excited about the prospects of crossing the finish line with that burst of energy that says, We have accomplished something that the American people sent us to do. That's what we are going to be doing over the next few weeks.

I really appreciate the opportunity to speak here this evening, and I now yield to my colleague from Vermont, PETER WELCH.

Mr. WELCH. Thank you very much. It's a pleasure to be here. It's an in-

credible debate that we have. It's long overdue. We have to have affordable, accessible health care for all our citizens, and we have to have it be affordable for our employers and our taxpayers. We don't have that now. You know, right now in 2009, health care spending eats up about 19 percent of every family's income. Under present trends, that would go up to 31 percent in 2019, and anybody who is working for a paycheck, a wage or a salary, has faced over and over again year in and year out that grim choice of accepting a very small raise—if they're lucky enough to get a raise—in exchange for hanging onto the health care benefits that they have.

So the real challenge of health care is to make it affordable and accessible for the people who have it, but for whom the quality of health care and the cost of health care is slipping beyond their reach.

Now, there are three elements to the health care bill: one is insurance reform, two is extension of coverage to the uninsured, and three is a public option. As my friend from Connecticut (Mr. MURPHY) mentioned, insurance reform is overdue. The insurance companies make their money, and a lot of it, not by paying claims, but oftentimes by rejecting claims. Not by covering everyone who needs coverage, like my friend from Colorado's daughter who has a preexisting condition, but by writing policies to exclude folks who have a preexisting condition or illness or by refusing to continue insurance for somebody that was covered but gets sick and then needs it.

You can't have a health insurance system that operates that way because at some point each and every one of us is going to need health care coverage. And if health care insurance companies that are supposedly getting paid to provide coverage reject us when we need it so they can pad their bottom line, it's good for them, but it's not sustainable for us.

So health insurance reforms are immensely important. Anybody who has had to use their health care coverage has probably run into the hassles that they've had to deal with, with the pages and pages of billing, with the disputes about whether a particular service is or is not provided, even though it was recommended by your physician; and anybody who's talked to their own physician about the frustrations in that office, all the back-office personnel that they have to have just to process these claims, knows that it's a nightmare of confusion, incredible inefficiency and very, very expensive.

Now, the sad truth is that this system is as inefficient and frustrating for doctors as it is frustrating for fathers, mothers and families. It works great for the insurance companies. What we've seen with insurance companies is that they're making a lot of money.

The head of Aetna one year made \$24 million in 1 year. And for what? It's to process claims. The work is done by the medical providers, by the nurses, by the hospitals; and the insurance companies are processing claims. It's something that needs to be done.

But \$24 million for the head of the company, where much of what they're doing is slicing and dicing who they'll insure in order to boost up those profits? We've got to change that. We have got to have a system where your health care dollar is paying for your health care needs, not for the \$24 million salary of the head of Aetna.

You know, even in my own State of Vermont, which is very small, and we don't have these huge executive salaries, by and large, the head of Blue Cross/Blue Shield, who was there for 9 years, when he walked out the door, he left with \$9 million. That's unbelievable in Vermont.

Our farmers are struggling to hang onto a way of life, our workers are working a second and third job to try to make ends meet. When they have to use health care, they can't afford the copay and deductible. Oftentimes they are pulling back from getting the care they need.

So one of the major elements of this health care reform is really cracking down on insurance company practices that, yes, work fine for them but are digging a deep hole for the American economy, families, and businesses. Health care reform is going to require that all insurers compete on a level playing field, that they offer policies regardless of preexisting condition, that they don't have a lifetime cap on what your benefits are if you get an illness that requires significant care, that they can't yank your insurance because you need it.

Then you're going to have insurance companies competing for your business on the basis of the service and the value, not on the basis of how cleverly they can write their policies to surprise you when you think you're going to get it. So insurance reform is a major component. Second is extending coverage to the uninsured. More and more folks are becoming uninsured. Obviously, if we can extend affordable coverage to them, it's very good for them. But, Mr. Speaker, it's very good for any of us who have coverage because it means about an \$1,100 savings for each and every one of us.

Finally, is the public option. There has been a lot of debate about that, but what it's about very simply is extending choice to you and me so that if we want to select a public option insurance program that competes on a level playing field with the private insurance companies, we can. It also is not a cram-down for our providers. Our doctors, our hospitals, our medical care folks, they can decide yes or no to be in that public option. So this is a choice.

It's adding a choice for us. It's adding a choice for our medical providers, and it's going to create some competition for the insurance companies who, in all candor, have been running roughshod over the American consumer and our small businesses for years.

So I thank my friend from Connecticut for bringing us together, and I yield back to you.

Mr. MURPHY of Connecticut. I thank my friend from Vermont. He talks about the public option. It gets a lot of attention out there. A lot of rhetoric gets thrown back and forth on the news networks at night, the cable TV shows, and right here about the public option. I think President Obama, in his speech before this Chamber, said it right: this isn't about ideology. A public option isn't about a liberal philosophy versus a conservative philosophy. The public option represents our best chance to start holding private insurers accountable and putting some real downward pressure on premiums. That's what we're all about. I mean, there should be total bipartisan agreement on that basic premise, that health care reform should be about bringing down the cost of premiums for all of our constituents.

Now, maybe there are a few people here who are so in bed with the health care industry that they like the fact that patients and consumers are paying through the roof for health care insurance and drugs and devices. But I think for most of us on both sides of the aisle we want to get to lower premiums, and what President Obama said, which I think laid it out pretty clearly, he said, I am for a public option because it's the best chance we have to put some pressure on the private insurers to bring costs down. But he said, if you can find me something else that does that, I am for that too or I'm for that instead. I agree.

I'm not for the public option because I think that the government has to have an insurance plan that's available to individuals because that is a baseline of my political ideology. I'm for it because that's the best way to bring down cost. And that's not just me saying that. That's the Congressional Budget Office. The Congressional Budget Office, when analyzing the House and Senate bills, says that having the choice of a public option in that exchange that any small business or individual could choose is a real pressure point as a nonprofit plan that doesn't have to pay marketing costs, advertising costs, big CEO salaries and doesn't have to make a return on its investment.

A nonprofit plan will reduce the cost of the bill and reduce the cost to our health care system by \$100 billion. The whole bill together every year costs about \$100 billion. So the public option alone essentially brings down the cost of the bill by the equivalent of 1 year of

health care reform. So I think that if our friends on the Republican side of the aisle want to say "no" to the public option, well, that's their right to do so. But I think that they should come to the table with an alternative to try to deliver some cost savings to our constituents.

Now, maybe I oversimplify things when I say that this is about reform versus no reform. I'm sure there are people on the other side of the aisle that want to do something. But we have yet to see a reform plan from the Republicans that can prove to us that they're going to be able to lower costs for our constituents. I think once they do that, Mr. PERLMUTTER, we can have a real debate.

Mr. PERLMUTTER. I thank my friend from Connecticut. Let's talk about why this works, why this concept works. You have millions of people out there, small businesses and individuals, who can't get insurance today. It's just too costly. They don't create a big enough pool. The actuaries say this doesn't work. You put them in one big pool like the Federal Government, like State governments, like Boeing, like some big company that can go to insurance companies, go to other types of mechanisms and really drive down the cost per employee or the like.

So we create a marketplace. We call it an exchange in this bill, but there is a marketplace for small businesses and individuals to go to. They're going to be able to select from private insurance companies, Blue Cross/Blue Shield, Aetna, CIGNA, United Health and the like; but there will also be another choice, another option which is being called the public option, but it gives another choice for consumers, another choice for small business, another choice for individuals.

Because there are now millions of people in the pool, it's going to be something that many companies would like to have. They would like to be able to attract those kinds of customers, get new paying individuals into their pool. We think that that's going to drive down prices, or at least contain the costs that all of us have seen go up and up and up. So I think that there is a real opportunity for us, both in terms of cost to the public as well as cost to private business, to really rein in these costs and make sure all Americans are covered by insurance in case something bad happens, but also make it so it's affordable for each and every one of us.

With that, I will yield to my friend from New Hampshire because he looks like he has something he wants to add.

Mr. HODES. I think it's a very important discussion because really what we're talking about, Mr. Speaker and my colleagues, is consumer choice. It is a hallowed principle here in this country. The American consumers want choice. And what we are doing

here with the House bill is really designing a uniquely American system that delivers more choice, more competitiveness, and more control for consumers of health care. It's especially important in my State of New Hampshire because in New Hampshire, small business is big business. Some 65 percent of people in New Hampshire are employed by small businesses.

What has happened in small business on the health care front is a lot worse. As bad as it is for many individuals and big businesses, for small businesses, it's a lot worse. In the same time that individual premiums have gone up 100 percent or 117 percent, for small businesses in this country premiums are up 129 percent. Since the early 1990s when 68 percent of small businesses offered health care, we are now seeing that drop off; whereas today it's about 38 percent of small businesses who are able to offer health care to their employees because the costs are simply too high. There is not enough choice in the marketplace.

□ 2045

So what we are doing is what many of us talked about to our constituents, which is saying we think that you folks ought to have the same kind of choices that we have as Members of Congress. If an exchange, the choice, is good enough for us, it ought to be good enough for you. And what the exchange does is finally deliver stability and security and choice. Stability, security, and choice.

It's the security of knowing that if a small business can't find private insurance that they like—and, by the way, what's really critical to say is if people like their insurance, there is nothing in this bill, nothing that says you've got to give up your insurance. You keep your insurance if you like it. But if you don't, you have the option. You have a choice and the security of knowing that there is a consumer choice provision. It's called public option, consumer choice, available to you that will insure you on a level playing field with competitive provisions and competitive costs that means you will be able to find insurance. That's what is critical.

Mr. MURPHY of Connecticut. Reclaiming my time, I think we need to get at where the Republicans are coming from here because a lot of them just hate the public option. They hate it because apparently government-run medicine, a government-administered plan, shouldn't be an option for our constituents. They just do not want people out there to have the choice of a publicly sponsored plan. But then when you ask them whether it's still good enough for people that are 65 or older, no, Medicare is fine. We like Medicare. Well, how about is it good enough for our soldiers who are fighting for us overseas? No, it's good



enough for our soldiers. What about for our veterans? No, government-sponsored medicine's good enough for our veterans. What about for Members of Congress? Well, yes, I want it for Members of Congress.

Well, publicly sponsored insurance is good enough for seniors. It's good enough for veterans. It's good enough for soldiers. It's good enough for public employees, for Members of Congress. All we want is for our constituents to have the ability to decide whether it's good enough for them, too. That's the choice that you're talking about, Mr. HODES.

Mr. HODES. Thank you. And that's exactly the point. We are simply saying that it's time for everybody in this country to have real choice in their health care because I trust the people of this country to make good choices when they have the choices to make. And I find it somewhat surprising that my colleagues in this Chamber, most of them across the aisle, say it's good enough for me, but what I've got, oh, no, you don't need it, you don't want it. Let's just leave it all to the private insurance companies. Let's just leave it all there.

I don't know what's going on with that, but I would think certainly choice is the right way to go. And I can't imagine any constituent, any person we represent, wouldn't want more choice in their health care because we thrive on choice, and our competitive system in this country, our economy thrives on competition. So having it out there where private insurance companies, now there are some real rules. Folks, you're going to have to compete on a level playing field with the people of this country. Here's our choice, and the people of the country get to make the choice.

I think it's a really important statement that we are making in terms of trusting the American people to make the right choices if they have the right choices, and it's high time that we gave it to them.

Mr. WELCH. If the gentleman will yield, one of the things that I hear from a lot of Vermonters is that they're frustrated that in Vermont there are only two or three insurance plans that they can choose from. And a lot of times people say what they'd like to do is buy, or have the opportunity to buy insurance from out of State. And the reason that many States don't do that is that the private insurance companies, including some so-called non-profits, by and large dominate their local market areas. So the frustration that many Vermonters have, very limited choice about what insurance they can buy, that's a frustration folks have in Texas, in Colorado, in New Hampshire, in Connecticut, all over the country.

Now, we regulate insurance with a set of rules that levels the playing field

that applies to them and to the public option. So when you as a consumer purchase a policy, you can have some confidence that you actually are going to get coverage for your wife, for your daughter, for your husband. Then that will create the circumstances where we will have competition. And you know what? The insurance companies don't like competition, and they have been very good at restricting it. And then when you deny that choice and you deny competition, the prices, in fact, do go up. The market power of the insurance companies to boost prices, the pharmaceutical companies to boost prices beyond what the competition would allow if there were a freer market is costing the American people an awful lot of money.

So we add a level playing field, a new choice of a public option that's the choice of you from Colorado, me from Vermont. It's going to create competition that is, as many people know from their own experience, going to drive down costs and we hope improve quality, Mr. PERLMUTTER.

Mr. PERLMUTTER. I appreciate my friend from Vermont.

I think within the system, the insurance companies have done what they are supposed to do. They're supposed to maximize profits for their shareholders. So I don't blame them. I think that we need to change the system, and that's what we're doing. And I guess I have confidence in them to really deliver health care insurance and coverage to people at a much more affordable level. I think they're going to be able to compete just fine. The system right now doesn't really mandate that or require that of anybody.

So we have got to take a look at a whole variety of these insurance reforms so that everyday Americans aren't placed into having to go to the emergency room as their first place of care. I mean, if you want to talk about the most expensive way to deliver health care to Americans across our Nation, it's if they have to go to the emergency room instead of to their doctor or instead of to the local clinic. To go to the emergency room drives up prices like crazy. That's got to stop, and that's what we're going to change. That's the reason we are willing to tackle a very tough subject.

The last time America and Congress really addressed the health care system in this country was 44 years ago in 1965 with the Older Americans Act. This is not easy to deal with this. A lot of people have different opinions. The health care system touches each and every one of us. But we are not going to shrink from this. We have to tackle it, and we are. We're going to tackle it in a way that it improves the system and improves the lives of everybody across the country.

And my friend from Connecticut, I would like to say that we have most of

New England represented here with Vermont and New Hampshire and Connecticut, and the New England Patriots are playing the Broncos on Sunday, and I'd wager, although that's probably something I shouldn't do on the floor of the House, but my guess is my Broncos are going to defeat your New England Patriots.

Mr. MURPHY of Connecticut. Mr. PERLMUTTER, I don't really care. I'm a New York Giants fan. So you can have that bet with somebody else. But I like the fact that you just lump all of us New Englanders all in together that we believe and think the same things. We're diverse, despite what you may think.

Mr. PERLMUTTER, let me back you up on your discussion on what insurance companies are doing now. You're right. Insurance companies are playing by the rules today, and they've got shareholders, they've got investors. In the end, they've got to put a return out there for the people that are investing in their companies. That's why they call the money they spend on health care "medical loss," because to them, as a business, that's a loss. Now, that doesn't mean that these are bad people that are running the business. It doesn't mean that they don't want to keep people healthy. But in the end, every dollar they spend on health care is less money that they can return to their shareholders.

So to try to gain a competitive advantage against each other, they engage in these practices, like keeping out people that are sick and charging more for people in their plans when they get sick, rescinding policies when you get sick because you didn't cross your "T" or dot your "I."

But, frankly, Mr. PERLMUTTER, a lot of the insurance companies that are part of the health care reform debate don't really have a problem with the rules changing with respect to pre-existing conditions and rescission, because as long as they apply to everybody, as long as none of their competitors can get an advantage over the other by excluding sick people or charging more for sick people, then they're okay, as long as everybody's doing the right thing.

Frankly, that's why it's bewildering to me that we are still sitting here today having not done this 10 years ago, 20 years ago. And it's why I doubt some of my Republican friends who all of a sudden are for these reforms, because they had 12 years when they controlled the House. They could have done it during any of that time.

So I think there are clearly places, as Mr. WELCH outlined, where we are going to depart from the insurance companies. They don't want this competition from the public option. They don't want to have that pressure for their costs to come down. But I think there are going to be some places

where we can get some agreement here. And my hope is that as we try to get to the finish line, that we set the lines in the sand where we're not going to be able to compromise with the health insurance company, with the drug industry, but we also understand there are going to be some places that we can come together here on, Mr. HODES.

Mr. HODES. Thank you. I want to speak to the importance of finding common ground if we can find it, because health care is not a partisan issue as far as I'm concerned and I think most of us are concerned. Democrats need doctors and hospitals. Republicans need doctors and hospitals. Independents need doctors and hospitals. We are all in this health care system together. And I would hope that my colleagues on the other side can begin to put aside the name calling and fear tactics that have characterized so much of the debate and speak directly to the real needs of the American people for a system that delivers stability and security, that delivers real choice in health care, that keeps the good that we have in the system because we have terrific hospitals and terrific doctors who are laboring under real impediments to delivering high-quality care.

If you think about what the typical doctor has to go through to fill out the forms for the insurance companies, and the stories that I have heard from my physicians in New Hampshire about the advocacy and fighting that they have to do just to deliver basic health care to their patients because of all the forms and the paperwork and the bureaucracy and administrative costs that go into it, you begin to get a picture of why costs are going up so high and what we have to do for our doctors to help them deliver better care.

One of the things that we haven't talked about in the bill is an important investment in cost-saving measures like medical information technology. Currently, many of our doctors, most of our doctors and hospitals, are dealing with paper records. They're dealing with paper records and there is not a coordination of records. It has led to less quality of care than we could have. And what we are going to do in this bill is make significant investments in information technology that help all our doctors and our hospitals deliver better care.

Now, my mom is 83 years old. The last time I talked to her, she was up to about six different doctors for her various needs and ailments. As far as I can tell, she has to walk from office to office carrying her records and her x rays and her pills in bags under her arm, trying to tell one doctor what the other doctor said or did, and you can see in there the kind of problems that our current system has.

We have the ability to make an investment in medical records tech-

nology, which is going to deliver better care for everybody. It's an important part of the bill, and it's one of the things that has to happen to bring our system into the 21st century.

We're going to protect privacy. We're going to preserve patient confidentiality. But we are going to make the necessary investments to bring the medical records technology into a place where we reduce medical errors, which reduces costs for everybody and improves the quality of care throughout our system. It's a very important component of this bill. And I can't begin to think that my colleagues on the other side of the aisle would object to making that kind of investment, because in the end, when we invest in health care reform and health insurance reform, two different things, by the way, when we invest in health care reform and health insurance reform, we save billions and billions and billions of dollars over time because the system, as it is, is unsustainable.

There are investments we have to make to make sure that our economy thrives and that we deliver choice, we deliver better care and better quality, and we put the American people in control of their own health care with a stable and secure system. That means they can't get thrown off their insurance. They'll have access to the medical care they need when they need it. It will be portable and affordable. And those are the hallmarks of a system that will help this country's economy thrive and, I dare say, is perhaps the single biggest economic boon we can deliver to businesses large and small, reduce our deficit, and keep us competitive in the global economy.

□ 2100

Mr. PERLMUTTER. I thank you, Mr. HODES.

And just for me, I would like to wrap up this way: that this is a system where there are parts that are broken, there are parts that are working, and there are parts that haven't been addressed in a long time. We're going to fix what's broken, we're going to keep—and to the degree we can—improve what's been working, and we're going to work on ways to make Americans or help Americans be healthier and to have research that directs them towards better cures and prevention of very difficult illnesses, whether it's heart disease or cancer.

This is a tough subject that we have tackled, but we're not going to shy away from it. We can't. Change is what has been demanded of us. The system requires change. The status quo is not an option. We will tackle this, and we will make this better, and we're going to do it right now. There is no more time to waste—as much as our friends on the Republican side of the aisle would like to just avoid this at all costs. The trouble is it's costing America too much, and we will take it on.

With that, to my friend in Connecticut to wrap it up.

Mr. MURPHY of Connecticut. Thank you.

Thank you to Mr. HODES, Mr. WELCH for joining us down here for this hour.

Listen, I think we have heard loud and clear from the businesses we represent, from individuals, from doctors, from hospitals: Things need to change.

Just take this one last statistic home with you. If we do nothing, if we allow the status quo to continue, within 30 years health care costs will consume almost half of every dollar spent in this country—every dollar that businesses are spending and individuals are spending and the government is spending. That is ruinous for this Nation. That course cannot stand.

So I hope that as we debate this over the coming weeks and coming months that we can have some coming together here, we can agree on the bottom lines of health care reform, get coverage to people who don't have it, and lower costs to everybody. And we will shut out the people who scream government takeovers and death panels and all of the rest. All of the people either inside this building or outside this building whose agenda is to either stop health care from happening or to score political points shouldn't have a place at the table. But anyone who wants to have an honest debate about how we make the system work better for people we represent I think should be there. I think that's something we can all come together on.

I thank my colleagues for joining us this evening. We will be back as much as we can.

#### ACORN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, for about the last 3 to 5 months I have been down here pretty regularly talking about maintaining and restoring the rule of law to certain areas of our activities as a government. And I think this is important. I've stated it over and over and over. We created a Republic by creating a Constitution that set up that form of government.

But our Founding Fathers knew that the moral underpinnings of a Republic were required for that Republic to succeed. And they knew that there had to be implanted and instilled in the hearts and minds of Americans who would be—would maintain this Republic, a certain inbred understanding that there were rules that governed our society and our behavior and that there were morals and ethics which should be applied to what we do as we operate this Republic.

You will recall that when Benjamin Franklin was asked, when he walked outside of the Constitutional Congress, and they said, "Mr. Franklin, what kind of government have you given us?" He said, "We have given you a Republic."

Now, God help us that we can keep it. And the whole purpose of that statement is to point out that he was fairly confident, as was every one of our Founding Fathers, that at that point in time in the United States of America there was a moral and ethical underpinning of society, and that if we would maintain that moral and ethical underpinning of society, we would be able to keep our Republic.

But I don't think any Founding Father envisioned a society in which individuals thought they would make the choices as to which rules applied to them and what rules did not apply to them, and they would not abide by the rules that society had set but rather the rules that they had chosen to govern their own lives. Because that's not a Republic; that's anarchy.

Now, we've been talking about some things that are going on in our society and in this Congress that have to concern everybody. And they have to concern them in a big way because they affect the attitudes of those who govern here in the Congress and those who are involved in this governmental process.

I've tried to raise and point out some things that I think are of dire concern, and I will continue to do this because I spent most of my entire adult life basically following as best I could and trying to enforce those rules that this society has established for itself to operate in.

And when I came to this Congress as a new Member of Congress almost 8 years ago now, I was told there were rules that govern this body—all of the people who serve in the United States Congress—and I very quickly tried to do my best—as I am sure every Member here has—to learn what those rules were. And they were not only just parliamentary rules, but they were fundraising rules, they were political rules, they were reporting rules, they were tax-paying rules. There's lots of rules that govern the activities in this body.

I had started talking about this because I see a trend, and I see things that are happening that make me concerned that there are those who don't think certain rules apply to them.

I am going to point out what the President of the United States said as he started out his term: "I campaigned on changing Washington and bottom-up politics. I don't want to send a message to the American people that there are two sets of standards: one for the powerful people and one for the ordinary folks who are working every day and paying their taxes." This was stated by Barack Obama to CNN February 3, 2009. And it's a noble statement by the President.

That's sort of what I am trying to talk about right now.

And I've got a laundry list that I went over last week, and this list is pretty much the same list but with some exceptions. I've added some things and taken up another subject.

But I want to start with something that's made the headlines here very recently, and that's this organization known as ACORN, which we discovered by watching television and seeing events on television, that people who were established to do certain things under the rules in fact forgot those rules and did others. And this House voted 345-75 for an amendment to bar the Federal funding to ACORN after these undercover investigators uncovered four ACORN offices engaged in blatant mortgage loan fraud and aiding and abetting prostitution.

In my opinion, that was the right vote. I am proud of my colleagues who voted for it, and I think we need a stand-alone bill—not a bill that's an amendment to another bill—that would restate the very obvious: That no Federal moneys should be distributed to those who would blatantly commit mortgage fraud and aiding and abetting prostitution. And many of us saw that, saw it live and in color on television.

But in addition to those videos, we have had our bodies here in this Congress out doing some investigations of ACORN, and they have found a lot to be concerned about.

They found a nationwide history of crime—most of it relating to the last election, but not all of it; some of it relating to mortgages and other things that they were supposedly there to advise the uneducated and the uninformed as to what was available for them, especially the poor and the underprivileged, so that they might attempt to prosper in our society. They sounded like a good cause.

But if you will examine with me this list for just a moment, these are things that our Oversight Committee has found and brought forward. There are things that have been brought forward by the press, and there are things that have been brought forward by court records.

In Colorado we had allegations of voter fraud with multiple counts with convictions. So people were convicted of that crime. In Florida, voter fraud with cases pending in the courts; in Michigan, vote fraud with multiple counts with convictions in the State of Michigan; Minnesota, vote fraud with multiple counts with convictions in Minnesota; Missouri, mail fraud and identity theft, multiple counts with convictions in Missouri; Nevada, vote fraud, multiple counts pending; Ohio, vote fraud, multiple counts with convictions; Pennsylvania, vote fraud, multiple counts with convictions; Washington State, vote fraud, multiple counts with convictions.

Notice how many times the words "with convictions"—which means—I think everybody knows what that means. It means a finder of fact and a ruler of law made a judgment that these people had violated the law, and they convicted them of breaking that law, and I assume they assessed some form of punishment against them.

So this is a case, I would argue, of just what I was talking about when I started talking today, that someone—and I would argue a whole group of someones—have made a decision that certain laws don't apply to them and therefore, they blatantly—across the United States in a very short period of time, basically the last election cycle—they went out and violated these laws and these rules because they made their personal judgment that the law that we as a society established didn't apply to them.

This is moral relativism run amok, and it's done with \$55-plus million of United States money because that's how much money we have heard that we have allocated and given to ACORN to do their business.

And by the way, we have bills that have passed this House that the Democrat majority have put in other funding mechanisms to the tune of \$8 billion, and that's why when we address this very issue that we would no longer fund ACORN, we need to make sure that that includes those things already approved for sources of revenue for ACORN. Because if you're not going to follow the rules of law, there needs to be consequences in our society.

So we start off with this supposedly great helping organization called ACORN.

□ 2115

The next thing I want to address here tonight, and I see that I'm joined by one of my good colleagues, and if he would like to have some of the time, I would be sure glad to give him some, is the fact that Dr. RON PAUL has raised an issue before this body that I think we ought to be concerned about and that we ought to think about, and that issue that he has raised is that we have turned over an awful lot of money to the Federal Reserve, and the Federal Reserve has independently of this body issued an awful lot of additional indebtedness and printed an awful lot of additional money, and we would like an accounting of what is going on.

I think it's kind of important, and I would venture to say that if anybody walks up to anybody who serves in this House of Representatives and says, Where is the money we put in the TARP bill? Can you account to me where that TARP money is? Can you tell me where the stimulus money is and what has happened to it? I have been asked the question all the time. How much have we spent? Well, what we know is that the press says we've

spent this or the press says we've spent that, but we should know that. I mean, we are the people that were sent here by the American folks to take care of their business.

The Federal Reserve has been designed because it has an effect on our economy. The theory is you've got to keep their activities sort of off in a dark mist so nobody really knows what is happening so you don't cause a run on one part or the other of the economy. And I don't have a problem with that.

But it comes down to the fact that this Congress has turned over \$1 trillion worth of American indebtedness, basically money we don't have, money we are borrowing from other nations like China and others that are buying our paper so that we can issue these huge amounts of money. And if you take the TARP and the stimulus bill, it's \$1 trillion, well, you've got to ask—and there's more than that, you've got more than that—but we ought to know.

So Congressman PAUL has introduced H.R. 1207, and he is asking that we look into what's going on with our money. He says that we've given the Fed \$700 billion in Bush TARP funds, and the Congress has given \$787 billion in Obama stimulus funds, so that's \$1.4 trillion and some change that we've given to the Fed, and yet the taxpayers and the Members of Congress have no way to independently verify what in the world the Fed has done with this money or where it is or who it went to or anything.

Now, we read about it in the newspapers. I used to tell juries when they would come before me, I would say, now we've got a case on trial here today that may be in the newspapers or on television or on radio, or there may be something out there in the news about this case. But I don't want you to listen to any radio broadcast, view any television programs or read anything in print about this case because, believe it or not, they don't always get it right. And we want you to only base your opinion on the evidence you hear in this courtroom under the rules of evidence. I'm sure my friend, Mr. GOHMERT, Judge GOHMERT, has done exactly the same instruction. And the reason is, you don't really know if the newspapers know what they're talking about. I like to hear what they have to say, but you don't know.

So why should the people that sit in these chairs around this whole big room, why should those people not have an answer to that question, Where is my money? Who is spending it? Where is it going to? How much is left? I think the guy that owns the garage on the corner down the street from me, he pays his taxes, he is entitled to know. His children, grandchildren, and great grandchildren are inheriting the debt we have created for them. They ought to be able to know what we are doing with it today.

And do you know what? That kind of number is a potential for disaster if somebody is crooked. Because it's such a big number, how are you going to know? There can be people stealing billions of dollars, and we don't know. So we ought to know.

I think Dr. PAUL has a good bill here. Let me ask my friend, LOUIE GOHMERT from east Texas and a fellow judge, I will yield such time as he may wish to spend on this subject of the Federal Reserve and the fact that we probably ought to have an audit that is reported back to this Congress.

Mr. GOHMERT. I appreciate my friend yielding.

This is a very important issue, and actually if you go back to the original bailout bill a year ago, as I read through it, and I did, I didn't read the extra pages that were added for pork at the end, but one of the things that caught my eye was here was a bill for \$700 billion for bailout, basically a slush fund for the Treasury Secretary; but in the bill it raised the debt ceiling \$1.3 trillion. Now that caught my eyes, because I know \$700 billion is less than \$1.3 trillion. So I went back through reading again for any loopholes that might allow for the expenditure of more than \$700 billion.

Well, we know that before the bill finally passed, there was about \$100 billion in pork added in order to get enough votes so that it would pass. That still leaves half a trillion dollars between what the debt ceiling was raised and how much was appropriated in that bill. So I went back through, and one of the things that intrigued me was a provision that allowed the Secretary of the Treasury to hire, utilize whatever personnel was necessary in order to carry out the intentions of the bill.

Well, I was impressed and went to one of the Treasury people privately and asked, what does that mean? Are we going to have a new department of asset management? Are we going to set up a whole new bureaucracy here in Washington? Is there going to be \$500 billion spent setting up this kind of extra bureaucracy? And the answer I got was basically, and it was unofficial and informal, but was basically, look, we will hire some people, but ultimately this is going to be so much work we'll have to outsource it.

Well, I don't know if my friend from Texas noticed, but it turns out that the favorite firm of the former Secretary Paulson and the current Secretary Geithner had its biggest profit in the history of Goldman Sachs in the second quarter of this year.

So when my friend talks about transparency, wouldn't it be nice to know how much of that \$3.44 billion in clear profit that Goldman Sachs made came from taxpayers, came from the United States Government? But do you know what? There is only one way we really

get to know exactly where all that money came from and how much went from the Federal Government. Sure, Goldman Sachs will have to file reports and whatnot, but it would really be nice to see from the government's own reports just how much Federal money is going Goldman Sachs' way, and how much money is being funneled from here in Washington to Wall Street. That would be important to know.

I think one of the things that we have seen, especially in the last several months, is that just because it's good for a Wall Street firm doesn't mean it's good for the stock market and it doesn't mean it's good for rank-and-file Americans who are paying their taxes to keep this government running who also were called upon as they saved and scrimped and tried to meet the demands of the day to be called on to bail out the Wall Street firms. And so it would be nice if maybe they would share a little more than what we are able to see.

I also want to point out the subject of transparency is so important. There is not much that is more cleansing than sunshine. Sunshine, you get enough of it, the mold and mildew just dries up and dies. You get enough sunshine, and things clean up, you get rid of all the mold and nastiness. And yet what we get around here is people are left in the dark and fed lots of manure. Well, that will grow plenty of mushrooms, but that is not what we are supposed to be about here in Congress.

So the rules of the House, the rules of the Federal Reserve it seems like right now, they are just being played fast and loose, which parenthetically that gives rise to a situation we have right here tonight this week where we played fast and loose with the rules so you have a Defense appropriation, a defense authorization bill where you bring in a hate crimes bill, and I know there's a lot of agreement over what its effect will be; but clearly, one of the effects will be that it will make homosexuality and transgender a protected class.

The elderly were rejected. We weren't going to give them any added protection. Of course, some of us fought for the elderly. If you're going to give anybody protection, how about the elderly? They are commonly sought out. But, no, they weren't protected. And they certainly hadn't been protected in this administration's proposals for Medicare cuts, half a billion—I'm sorry—half a trillion basically in Medicare cuts. So I guess the thinking is we're not going to protect the elderly as much as homosexuals, transgender or even pedophiles. We tried to have an amendment that would exclude pedophiles from a protected class under the hate crimes bill, and that was rejected along party lines basically. So anyway we are not going to protect elderly as much as these sexuality lifestyle groups.

And then we turn around and we tack that hate crimes bill on to the military or Defense appropriation or Defense authorization. We've got soldiers out in the field needing this bill, and we're going to play fast and loose with the rules. We will not be allowed to amend this on the floor; we will not be allowed to change anything about this. It's take it or leave it. And I just think it is so outrageous while we have soldiers in the field to use this Defense authorization bill that's going to help our soldiers protect us, it's going to protect them while they protect us, and you tack on a hate crimes bill to the Defense authorization? Just how much disrespect can somebody have for the rules of this body and for procedure to do that kind of thing? It is just outrageous.

But then as you see these kinds of things coming into play, you see the lack of what really is strong morality in our financial laws, in our transparency. And it was Chuck I heard earlier this year was pointing out that when you lose morality, you're going to have economic chaos; you're going to have economic instability. And when you lose economic stability, people—and this is so tragic—but people throughout history, when they have economic chaos are always willing to give up liberties to gain economic stability. You lose morality in the Federal Reserve, in the Treasury of the United States, and in ACORN and all the voting laws and the procedure of this body. You lose what is just right. You lose that, and it contributes to economic instability, and then that gives rise to economic chaos. And people always give up their liberties trying to get economic stability.

So I think we get back to that sense of morality when you start having transparency, when you're able to see what's going on, when it's not behind closed doors, when it's not some private group with an agenda out there drafting the Employment Non-Discrimination Act who has their own lifestyle agenda, when it's not some group behind closed doors saying let's push through this stimulus bill, it may not stimulate America, it won't spend money, most of it for 2 years, it really won't do what we are saying is stimulus, but, boy, will it enrich our friends.

□ 2130

We have to get away from that or we are going to lose this country. We cannot continue down this road with a lack of candor, with a lack of openness and honesty. We have got to return to transparency. That will help address the issues of this country. Sunlight always has a way of doing that.

Mr. CARTER. I thank my colleague for his passion. You know, it is very simple: We expect the Fed to look at our banks back home and make sure

that they are handling our money right. I don't think anybody I know has close to a billion dollars in the bank, and yet we expect the people that we put in charge of our money to have somebody looking over their shoulder to make sure that they are doing the right thing.

This is the largest chunk of money on the face of the Earth right here, and I don't think it is too much to ask somebody to look over their shoulder and decide what is going on.

Mr. GOHMERT. If my friend would yield, this is such an important point.

Through the economic downturn over the last year or so, a lot of people across America have confused community banks and investment banks. They have just lumped them all in together, and there is a major difference. You have community banks who have to have complete transparency. They have Federal regulators who come in and check every dot and tittle. They have to make sure that everything is just the way the Federal regulators want it. Some of us have been concerned that over-aggressiveness by Federal regulators in the most stable of our financial institutions, the community banks, has helped dry up a great deal of the credit.

So imagine the hypocrisy to have Federal regulators just swarm in like locusts to community banks which are the most stable and have been the most careful in Federal banking, and they are being regulated by people who will not open their books to this Congress. That in itself is such an outrage that it alone ought to be a basis for getting RON PAUL's bill here to the floor, get it passed, and let's open them up. I love what Newt Gingrich said: If transparency is good enough for the CIA, it really ought to be good enough for the Federal Reserve.

Mr. CARTER. That is very good.

I am going to change gears here because I have serious business on the floor of this House tomorrow. For every week of this year, just about, I have come before this body and I have discussed with them the fact that we have serious allegations that have been made against the chairman of the Ways and Means Committee, Mr. RANGEL. I have asked repeatedly that Mr. RANGEL do the right thing and resign his position as the chairman of the Ways and Means Committee until such time as these allegations have been dealt with by the appropriate authorities. A lot of this is supposed to have been dealt with and we have been promised would be dealt with by Speaker PELOSI. She told us, by the end of 2008, the Ethics Committee would have resolved Mr. RANGEL's issues.

So I am going to just go briefly over a few.

Mr. RANGEL admits to underreporting income and assets for 2007 by more than half, including failure to report

income from his Caribbean resort property again. By the way, I say "again" because that's the allegation that started all of this information about Mr. RANGEL.

Mr. RANGEL's aides have now also filed amended disclosure forms revealing similar underreporting by them.

The Committee on Standards is still investigating Mr. RANGEL's lease of multi rent-controlled apartments in Harlem; his use of the House parking spot for long-term storage for his antique Mercedes; his failure to report and pay taxes on rental income on his resort villa in the Dominican Republic; an alleged quid pro quo trading legislative actions in exchange for donations to a center named for Mr. RANGEL at City College of New York; a gift rule violation on trips to the Caribbean sponsored by the Carib News Foundation in 2007 and 2008; and now Mr. RANGEL has the audacity to push through a bill in this body today increasing tax penalties on his fellow taxpayers on the heels of Secretary Geithner's crackdown on UBS depositors for failure to pay taxes.

So, you know, tomorrow I will be offering to this body a very important piece of legislation, a document called a privileged resolution, asking this body to consider what Mr. RANGEL refuses to do, and that is the right thing.

We cannot have the chief taxing authority of this body with the allegations, and there are many more than these, these are just a few. There is another full page just like this of different allegations. We cannot have the chief of values over the IRS, the man who writes the tax laws for this House of Representatives, as the chairman of the Ways and Means Committee. It is a travesty of justice for him to serve as the chairman of that committee when the American citizens back home, they realize that he has been getting special treatment on his tax problems and those problems he has not faced, the onerous issues that they have to face when they have the IRS finding that they haven't paid their taxes, and he is doing, we are seeing just what President Obama said he didn't want to see, and that is people of power being treated differently than the ordinary American citizen. That is why I have raised this issue.

When I read what the President said, that gave me the incentive to do this. It does not please me at all to raise issues against any Member in this body, but I am telling you, this gives an appearance of wrongdoing and an appearance of impropriety at the least on behalf of Mr. RANGEL, and good governance tell us he should not be in this position of power until the issues are resolved.

I will be the first to say if they are all resolved and concluded to be irrelevant and not any kind of wrongdoing or breaking of the rules, I will be the first

to say Mr. RANGEL ought to be the chairman of the Ways and Means Committee. He ought to be put back in there. But it is not right for him to be there.

So tomorrow, I will ask this body to remove him from that position.

Does the gentleman wish to comment on the issues with Mr. RANGEL?

Mr. GOHMERT. It goes back to the issue of transparency. Everybody needs to be accountable under the same rules no matter who it is. And actually, this weekend, I had a number of people commenting on how unfair it was of Congress to be judged by one standard, and specifically mentioning the chairman of the Ways and Means, and the rest of America to be judged by another standard. It is difficult for the American people to understand.

If that were me, I couldn't do this. I would have had to pay the penalty and interest. I mentioned to my friend previously about my constituent, Mr. de la Torre, and he was very proud of his Hispanic descent. He said de la Torre meant "of the tower." Apparently he had some royalty back in Spain some centuries ago.

But here he had four permanent employees, four part-time employees, and he had a sheet metal business, and he had no problem with me mentioning his name and his own situation. And with the downturn in the economy, he wanted to protect his employees. He did not want to let them go. He knew they were struggling, and he certainly was struggling. And, of course, he is the last one to get paid. He didn't have any money. And yet the quarterly payment had to be made for the portions of Social Security and the Federal tax on that payroll, and he did not have the money. And because of the additional pressures being brought to bear by the Federal Reserve, who will not be transparent against community banks, which are doing everything they can and have been transparent, he wasn't able to get a loan. He could not get a loan or a line of credit to make his payment, his quarterly payment to the government.

So he notified them, filed how much he owed, but said, I don't have any cash. I don't want to fire any of my employees, and I can't get a loan or a line of credit to make my quarterly payment.

They let him know you owe penalty and interest. We are coming after you. He was telling me that he has since been notified that they are going to start seizing his accounts and his assets, sell them off if necessary, but seize his assets if he does not make his penalty and interest payment.

So it is kind of hard for a guy like that who is being loyal to these people, the eight people who work with him and for him, how a guy that is chairman of the committee that writes the tax laws can do far worse and not be

open, not just be completely transparent in what has happened.

The chairman of the committee doesn't have to pay penalty or interest, and yet this poor man does. It is hard for him to understand, and it is hard for rank-and-file Americans to understand. It is not the standard that this Congress should be establishing. I so hope that we can get back to being a Congress that leads by example.

You know, I think about the words of George Washington. He was a man who had incredible bravery. We would not have the Nation as we know it if it were not for his humility, his willingness to resign and go home after winning a revolution. His words, his exact words were, "A people unused to restraint must be led; they will not be drove." And that was okay English back in those days.

I look at what we are doing now. We are dealing with a country that is not used to restraint, and yet the financial taxation laws are restraining Americans like never before, not so much because of the percentage but because of the actual effect on Americans. And we are not leading as Washington implored. We are trying to drive Americans to do what this Congress has not done and should be doing, and that is lead by example.

And we were promised by the Speaker that this would be the most transparent and open and accountable Congress. That simply has not happened. In fact, to the contrary. I don't know that there has ever been one that has been more closed and protective of its own, and that really has to change.

I yield back to my friend.

Mr. CARTER. I agree. There will be more about Mr. RANGEL tomorrow.

I want to bring up something else. We have had a lot of issues to do with automobiles in this country, and now we have somebody at least that is trying to say, you know, the United States Constitution, section 10, says no State shall pass any ex post facto law or law impairing the obligation of contracts or grant any title of nobility.

This is the Auto Dealers Economic Rights Restoration Act, and this bill prohibits automakers in which the Federal Government has ownership interest or which receives loans from the Federal Government from depriving an auto dealer of its economic rights.

What they are talking about is it seems that these automobile dealerships when they were in the bailout position with the Federal Government—and, quite frankly, General Motors stands for "Government Motors," as far as I am concerned, and Chrysler is sort of in the same boat. I understand Fiat was buying some of that. I am not sure that they made the purchase.

These people went out and made choices to break contracts with one auto dealer and award his customers to another auto dealer. There have been

allegations made that these were political decisions. I have no evidence of that. But it is, you know, a right of contract, and they had a contract with these dealers, and because they were pressured, I would argue that they breached contracts with one group of dealers to put their sales into the hands of another dealer. For what reason is beyond my understanding.

□ 2145

But I think this is a good law because it says, this is a violation of the Constitution. This is not the way we do business in the United States. And you know what? We did the Cash For Clunkers, and oh, boy, the government was involved and the money was flowing and all's right with the world, although the government hasn't even started to pay for the clunkers yet. They're still out there processing the deals. And, you know, I think that's a great example, Cash For Clunkers is the perfect example. Do you really want the government running your health care if they can't even pay for junk cars on time? My Lord. I mean, but anyway, that's all part of another tangent.

Mr. GOHMERT. If the gentleman might yield on that point.

Mr. CARTER. I will yield to my friend.

Mr. GOHMERT. On the Cash For Clunkers program we know that there are many foreign vehicles that are manufactured here in the United States, and the American workers do a fantastic job. But it is worth noting that in this program that was rushed through so quickly without going through the proper order, without getting the proper scrutiny through committees and through proper chance for amendment here on the floor, where you can take a law that may have some problems and make it better, we're not allowed any of that opportunity.

And so what we got was a Cash For Clunkers program in which four of the five top vehicles that were purchased were foreign vehicles. Now, some of those were made in America, but most of them were made in foreign countries. In other words, the Cash For Clunkers vehicles helped foreign governments and foreign companies more than it helped American companies. And they want to run my health care. My goodness. Is that sad? If it weren't so tragic, how much we help foreign companies over our own U.S. companies, it would be a comedy. It's just outrageous.

Mr. CARTER. Reclaiming my time for just a moment. I will also point out that, to date, according to my auto dealers, they still haven't paid all the dealers for all the clunkers that they bought. So you know, that program has closed out, finished out, done, and there are some dealers with millions of

dollars owed to them and the government hasn't processed those dollars in that thing. The important part of this bill is—

Mr. GOHMERT. If I might, on one other point. Unforeseen consequences too. Because we didn't have a chance to go through the proper channels and really look at this legislation, the Cash For Clunkers bill, one of the effects has been that the working poor in America have been the hardest-hit, because they were not able to come in and buy a brand new car with this attractive program because they didn't have the money to make the payments after that.

So it really didn't help the working poor in the United States. And, in fact, it hurt them because what happened under this Cash For Clunkers program is thousands of vehicles, used vehicles that would be sold cheaply to the working poor in America, cars they could afford, were just fixed to where they could not be run, could not be operated, could not be sold. That drives up the price of the used vehicles that the working poor in America really need to get to and from their jobs. So it hurt those who needed help in America the most and helped foreign companies over domestic companies. Now that's a government program that we're going to use, I'm sure, to model health care after.

Mr. CARTER. And you know, reclaiming my time, the reports this week have been that the sales from our two bailed-out automobile firms that are now part of Government Motors, are tragically low, and there's a lot of talk that they don't know if General Motors can even pull this out. So it's important. Mr. GOHMERT has hit upon something that's very important. It's important that we follow procedures and follow the rules. That's what we're talking about, the rule of law, follow the rules. We need to follow the rules of this House so we give a proper examination of every bill and every idea that passes through these halls.

And that's why we've got a bill by GREG WALDEN and JOHN CULBERSON and BRIAN BAIRD that says how about us following the rules that are written into our book that was written by the Honorable Thomas Jefferson in the rules of this very House of Representatives, that says we're supposed to get three days to read a bill? And as Mr. GOHMERT pointed out, just the Cash For Clunkers bill didn't go through any committees, rushed in here. We saw it when we were voting on it and, bam, it was out there. And has it done any good for the automobile industry?

Maybe there was an idea sitting in one of these chairs that would have been a little bit better than the idea that came from who knows where, because it didn't go through a committee system to get through floor, and none of us had time to read it or come up

with an idea or amend it, because the rules didn't allow us to amend it.

And that's what's happened on every bill that's been offered this year of any importance. It is brought to us, crammed down our throat, and we're not given the chance to even read it. The American people have made an outcry, and they're making an outcry about bills that are hard to read. I'll admit they're hard to read. But they're saying, why don't you read the bill that's going to change health care in America permanently? And so many of us struggled through it and did. But we're not enforcing a rule that says we should have 3 days to read this bill. We should.

If Americans send us to Washington to be their voice and cast their vote in Washington, D.C., and we are handed a document that may be 2,000 pages long and spend \$700 billion, and it gets to us at midnight and we're expected to vote on it at 10:00 the next morning and they drop in amendments after that, how in the world can we do the job the American people sent us to do here?

So this bill right here, the 3-day reading rule, is just ordinary good courtesy and common sense in a place where we spent, in the last year, in the last 6 months we've spent more than we spent in the history of the Republic. So maybe we should slow down. Maybe we should follow the rules and give us 3 days to read these bills. Sorry, but that's kind of a passion, I think, Mr. GOHMERT. I'll yield.

Mr. GOHMERT. Thank you. And the point about having time to read the bill could not be illustrated more clearly than on the stimulus bill that was basically crammed down this body's throat. We were promised by the President back when he was running for office that he was going to have, what is it, 4 or 5 days it would be up on the Internet, where all America could read these bills for days before we voted on them. But it gets a little hard to take the administration, the President, leaders of this body seriously when they all parroted that stuff and how they were going to do that.

And then on the stimulus bill we were told over and over, we didn't have time to read the bill. We just didn't. It was filed, I think, after midnight. We're voting on it, over 1,000 pages. There was no time for anybody to read it. We were told that there were thousands of people losing their jobs every day. It had to become law immediately. There's no time to read it; just do it. Just do it. Just vote on it. Well, some of us still wanted to see what was in it. We voted against it, and yet it passed on that Friday, and so because it was such an emergency, they said, and we didn't have time to read the bill, we passed it on Friday, and then Saturday came and went, and Sunday came and went, and Monday came and went, and Tuesday, when the photo op was set up

in Colorado for the President to sign the bill, he finally got around to signing the bill.

Why couldn't we have had those 3 days and voted on it on Monday if it was such an important bill and if the President had been serious and the leadership of this House had been serious about the importance of reading bills? Why couldn't we have had Friday, Saturday, Sunday, and then debated on Monday? But we were denied that, even though the President never had any intention of signing that bill for 4 days after it was signed. So it gets a little hard to take some of the acrimony on the floor seriously, as in that case, when we were just ridiculed for not being willing to sign it immediately and for wanting to read it when there just was no time to waste. Four days later, the President signed it.

Mr. CARTER. Reclaiming my time, I call that the Chicken Little syndrome. The sky is falling. We've had the sky falling in this Chamber on more than one piece of legislation. Oh, my God, the sky is falling; the banks are dropping off a cliff, the economy's going to hell in a handbasket, and you've got to vote now. Don't bother to read it. Don't ask any questions. Give us the money. Trust us. Sign the check.

Well, and I'm telling you this, the same thing happened in the last waning months of the Bush administration, and I didn't support that then, and I won't support it now, because the sky's not falling. We're sent here to do a job, and we ought to be given the chance to read these bills. And I think this is a good bill. And I hope our leadership will let us bring this up. I'm coming down to the last thing I want to talk about tonight, and that is, we are setting history, because we now have more czars by twofold than the Romanovs in all the history of Russia, Imperial Russia.

And so we have a couple of bills, both of them dealing with czars, which say that they want to—Mrs. BLACKBURN wants to deal with the czars. And we'll start with Mr. SCALISE. Mr. SCALISE defines czars. We have now, and I may be corrected by my friend, Judge GOHMERT, but I believe we're at 34 czars, or maybe 36 czars have been created by this administration, which is like head and shoulders above any bunch of czars we've ever had. We've got czars for everything in the world.

In fact, the compensation czar today announced some compensation rules which were kind of interesting, and I think there's going to be some contract law matters that will probably come up on that. But we have a compensation czar. We have a czar probably, you know, furniture polish czar, for all I know. But sunset the czars. In other words, let's look at them, see what



they're doing. If they're not doing anything worth having or they're duplicating efforts that are done by the people who've gone through the Senate appointment process and been vetted by the Senate, the secretaries of the various departments of this government, maybe we ought to just eliminate the czars.

Then our friend, MARSHA BLACKBURN, has a bill that the President is to report the responsibilities and qualifications that authorizes the special assistance of czars. The President will certify that the czars will not assert powers beyond those granted by the law to a commissioned officer on the President's staff, and Congress will hold hearings on the President's report and certification within 30 days.

In other words, Mr. President, tell us what those folks are going to do, how qualified they are to do the job. We're going to pay them somewhere between \$175,000 and \$200,000 a year to do the job. And the Congress ought to be able to see that report and have the ability to deal with it. Both of these are good laws, and both of these have to do with czars. My friend, LOUIE GOHMERT, has been here with me for almost the full hour. We're about 5 minutes from conclusion, so I'll yield a couple of minutes to my friend, LOUIE GOHMERT.

Mr. GOHMERT. With regard to the czars, we've seen over and over examples of people who have been placed in these positions, and it doesn't do me any good or anybody in America any good to say, well, you know, prior presidents have used czars. Not to this extent. Not ever, and I never really cared for them, no matter who the President was. I didn't like the bailout last year. I thought, until this administration, it was possibly the worst domestic action that's been taken in the last 50 or 60 years. That is, until this administration just left \$700 billion in the sand as it blew through more and more money. But then, to have this massive spending spree that's, while we've got people appointed by the White House, not properly vetted, and the more we find out about these people, the more we're concerned they should never have been in those positions in the first place.

And as we know, we've already had one recently step down, he should have never been there in the first place, whereas, if you went through regular order there and had advice and consent of the Senate, it doesn't mean they're going to be perfect. Nobody is. No process is. But there was real ingenuity in the process that was set up by the Founders, and the advice and consent is an important issue. But the whole reason our Founders set up a President outside the main stream of Congress, unlike the parliament that elects a prime minister from this body, it was going to be from outside this body so that there would be more checks and

balances, and the czars have done nothing but create Scars upon Thars—with all deference to Dr. Seuss—scars across America, as they have been unaccountable to the Congress, to the courts, to America. And that really has to be changed.

□ 2200

We need the sunlight. We need transparency. We don't need czars.

Mr. CARTER. Reclaiming my time, I agree with my friend and fellow judge from Texas. We don't need czars that don't answer to the people. We intentionally designed the executive department to stand with checks and balances over it, just like the legislative department is designed that way. We intended it. This is not the way our Founding Fathers intended this country to be run.

We've been talking tonight about the rule of law. It's about the rule of law. It's about following the rules. You know, if we don't hold each other to the standards that are required by this body, if we don't hold our colleagues to the standards that are required by this body, then why would we expect the American people to trust us? I will tell you, all of us need to be worried about the issue of trust. So I will continue to raise these issues, and I will be glad to be joined by anyone in this discussion to discuss following the rules and obeying the law.

#### MODIFICATION IN APPOINTMENT OF CONFEREES ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore (Mr. NYE). Without objection and pursuant to clause 11 of rule I, the Chair removes the gentleman from Texas (Mr. REYES) as a conferee from the Permanent Select Committee on Intelligence on H.R. 2647 and appoints the gentleman from Florida (Mr. HASTINGS) to fill the vacancy.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

#### REPEAL THE DON'T ASK, DON'T TELL POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) is recognized for 60 minutes.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, tonight, October 6, at 10:03 p.m., we have a very special night. My colleagues and I stand here tonight to champion the repeal of the Don't Ask, Don't Tell policy. Repealing Don't Ask, Don't Tell is important. It's important for three reasons.

Number one, it is vital to our national security that we repeal Don't Ask, Don't Tell. We have kicked out over 13,000 troops since we enacted this law 16 years ago. We have kicked out over 400 troops just this year, in 2009. When our commanders on the ground are desperate for troops in Iraq and Afghanistan, now is not the time to throw them out—not for any type of sexual misconduct, but just because they're gay.

Number two, do we need to repeal Don't Ask, Don't Tell because it is doing right by our taxpayers? It is costing the American taxpayer \$1.3 billion to throw these young American heroes out of our military just because of their sexual orientation. It costs the American taxpayer \$60,000 to recruit these young heroes to come in, to train them up, to make them warriors, and then we just disregard them just because of their sexual orientation.

And, lastly, the Don't Ask, Don't Tell policy goes against the very fabric of what makes our country the greatest country on Earth, the fact that we're all created equal.

Mr. Speaker, we have colleagues, Members of this great House here tonight to argue about the repeal of Don't Ask, Don't Tell. There are 176 cosponsors to repeal this act, but one of these Members is the highest-ranking enlisted soldier ever to serve the United States Congress. He was a command sergeant major. That is the highest rank you can become in the United States Army in the enlisted ranks. He is a sophomore Congressman from Minnesota. His name is TIM WALZ. He is an American patriot and a hero, and I'd like to turn it over to my colleague and my friend, TIM WALZ from the great State of Minnesota.

Mr. WALZ. Thank you to my colleague, the gentleman from Pennsylvania. Thank you for your service in the military. Thank you for your leadership in this Congress and, especially, thank you for standing forward on this important issue. The colleagues who have joined us here tonight understand this issue is one of civil liberties, of basic human dignity and of national security.

As my colleague said, I had the privilege and the honor to serve this Nation for 24 years in uniform. I can tell you, there is no greater privilege than putting on the uniform of the United States Army and trying to do the best you can to make sure that our personal liberties and our security of this Nation are maintained. The idea of denying that privilege and that honor to



any American is simply unfathomable to me. It makes no sense. I can tell you, approaching this from a perspective—I'm a schoolteacher by profession—I had students that I taught in the classroom, coached on the football field, trained in my Guard unit, and they went off to Iraq to fight for this Nation. They went off to Afghanistan to fight for this Nation. Not once, not once in my career did the question of sexual orientation come up. Not once was the ability of that unit to deliver the security and deliver their mission ever predicated on sexual orientation. Not once did I see that this Nation was safer because a soldier was removed because of sexual orientation.

This issue and in the position I was in as a senior enlisted soldier, my whole purpose in life was to make sure our troops were trained; make sure they were prepared to do the mission and make sure their well-being was taken care of; make sure they could pass their physical proficiency test, make sure they could fire their weapon to the best of their ability; make sure they understood the mission and they understood the tactics to carry out the mission that was assigned to them to protect this Nation.

The professionalism of our troops is beyond question. The professionalism to be able to carry out a mission as assigned to them and to fall back upon their training has led us to have the most successful and proficient military in the world. The idea that these soldiers would be degraded because of the sexual orientation of someone doing the exact same thing alongside them is not only a fallacy; it is degrading to the professionalism of most soldiers there.

We serve today, right alongside in Afghanistan, 12 nations that allow their military to serve as openly gay and lesbian soldiers. Not one incident in that conflict has arisen because of that. And as my colleague from Pennsylvania so clearly pointed out, as that generation of young people willingly raise their hand at a time of two wars to serve this Nation, we're turning out some of the most skilled warriors and turning them out of the military for a bias on sexual orientation that has no place, has no need, and is not undermining our security.

My colleagues here tonight are going to make and have already made a very eloquent case for this. The United States public has a very strong preference that we allow people to serve in the military. We allow them to do their duty. We make sure that our Arab linguists are there, and we've sent many of them out the door because of this archaic and outdated policy. It doesn't reflect the values of this Nation. It doesn't reflect what we know in the military as a sense of trust amongst comrades.

There is a very eloquent quote—I think one of the most powerful speech-

es ever given, and it was given by the Marine Corps' first rabbi, Rabbi Gittleston on Iwo Jima. Rabbi Gittleston was chosen and asked to give the eulogy over the dead at the Battle of Iwo Jima. There was a strong bias about having a rabbi give last rites over Christian soldiers. The decision was made to have three different services. But during Rabbi Gittleston's remarks, he was very clear about this: an enlisted man and an officer lay dead together, black and white, rich and poor, sons of immigrants and fourth-generation Americans. Not one of those people asked the other why they were there. His point was, theirs was the purest democracy, arm in arm, brothers and sisters in arms fighting for this Nation. And for any of us to discriminate against another because of any perceived bias was to disregard and disrespect the valor and the memory of those who have served.

So I want to thank my colleague from Pennsylvania, Captain MURPHY, an Airborne soldier, served honorably in Iraq and has served this Nation well. He came to Congress to do the same thing and has courageously stood up time and time again for what's right, what's for the best security of this country and what keeps in the best traditions of civil liberties in this country.

So I stand with my captain side by side on this. I can assure the American public, the professionalism of our force and the unwavering commitment to this country of the military is in absolutely secure hands, and to give other Americans the ability to serve and be a part of that is something that this Congress must do. So Captain MURPHY, I congratulate you. I thank you for doing this. I'm proud to stand with you. You have over 170 of our colleagues with you on this. It's time to move this forward. It's time to erase this mistake for our security and for Americans. I'll be with you every step of the way. So thank you for that.

With that, I yield back to the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from Minnesota. There are two points that he mentioned that I would like to highlight. The first is the fact that there are 27 other nations that allow their troops to serve openly. Some of our toughest allies—Great Britain, Israel, the Aussies—they all allow their troops to serve openly with no detrimental effects.

□ 2210

Secondly, the command sergeant major mentioned Iwo Jima. I spoke to 250 senior leaders in the United States Army yesterday, and, unsolicited, I got an e-mail this morning from one of those colonels that I met with. And this Army colonel wrote me a note, and he said, "In fact, gay men and women

have been serving honorably in our military for decades." He sent me a moving passage from a book about World War II entitled, "Stories from the Pacific." Reflecting on his experiences, a Marine wrote:

"That lesson of tolerance was well learned by the men in our company. During three amphibious campaigns in which we took part in Bougainville to Iwo Jima, valor and unselfishness were commonplace. I saw bravery and sacrifice all around me.

"One of the most courageous men I met was our Navy corpsman, Billy Hauger, a teenage boy who always put our well-being ahead of his own. In combat, he cared for us. He bandaged our wounds and comforted our men as they died. Often he would leave his position of relative safety and move out into the hail of enemy gunfire to treat a downed marine or pull a man to safety.

"On Iwo Jima, he risked his life time and time again to take care of his fellow men. On his last rescue attempt, he was badly wounded when a Japanese Nambu machine gun put a round through his thigh and another high in his chest. Billy's wounds were life-threatening, and he was quickly transported out to the hospital ship for treatment. But Billy didn't make it.

"Billy was posthumously awarded the Navy Cross, our Nation's second highest honor for extraordinary heroism under fire. I loved Billy Hauger then and I will always love him. Billy Hauger was a homosexual. Every single marine in our company will be proud to stand with him and call him friend and brother."

He's looking down from heaven right now, and he's looking at us in this hall today. And I'm proud to stand with every one of you as we champion the repeal of Don't Ask, Don't Tell.

With that, I yield to my colleague, the congresswoman from California, Mrs. LOIS CAPPS.

Mrs. CAPPS. I thank my colleague from Pennsylvania, Mr. MURPHY, for yielding.

I am so honored to be with you this evening, and I thank you for organizing this time and for your leadership on this issue.

It's a humbling experience to come to the podium and come to the well following the eloquent testimony that you and our colleague TIM WALZ have given us, the two of you having distinguished yourselves in uniform serving our country on the battlefield. And your eloquence in your statements and also your testimony to the importance of this legislation gives credibility to it and credence to it that you alone uniquely, I believe, in this body have that ability to do, and I thank you that you are stepping up and leading this effort.

I am honored to join you. I believe it takes those of you who served to express your leadership in this way, but I

also believe that the rest of us who didn't have that experience of serving but who are so grateful to those who did want to join you in this kind of effort. I am so honored to stand here this evening tonight with our colleagues from different parts of the country, from different backgrounds and experiences, all with this conviction that we have and lending our support to the Military Readiness Enhancement Act.

It's been stated already, and it's going to be stated again, Don't Ask, Don't Tell is discriminatory, detrimental to the productivity of our Armed Forces, and it really contradicts the very foundation of equality that the United States of America is founded upon. Plain and simple, it is way past time for this prejudiced policy to end.

As you stated before, over 12,000 men and women have been discharged from the military since 1993 because of their sexual orientation, because of their sexuality. That's over 12,000 gifted and qualified individuals our military could not afford to lose in the first place.

We must keep the repeal of Don't Ask, Don't Tell on our priority list in this Congress, and this issue must also remain on the national conscience as well. We have to seek out every opportunity that we can to educate our constituents that Don't Ask, Don't Tell threatens not only our national security but all of our inherent rights as Americans.

I'm very grateful for the countless individuals who are working in our communities to do just that. Many of them are current and former members of the military, and they do their service and they do our country a great honor by doing that, but I want us to widen that. We can't leave it up to those who have served to tell their story out of their own personal experience. We have to also join them because we are part of that movement as well. And there are numerous organizations working across the country to inform people and citizens, all citizens, about the injustice of this policy.

I am very proud that one of these organizations, the Palm Center, is located at the University of California, Santa Barbara, in my district. Nathaniel Frank is a senior research fellow at this center. I have listened to him and had him explain his research to me, but he has written also extensively about how detrimental this policy is in a book that he has published entitled, "Unfriendly Fire."

He explains how Don't Ask, Don't Tell has added to the challenge of recruiting and keeping qualified soldiers in the military, and he also describes how the ban undermines the unit cohesion that it is supposedly designed to protect. The very reasons for establishing this policy have had the effect of undermining troop morale and troop discipline. And this is evidence that

has been gathered now, substantial enough, that it is way past time, as I said, for us to act on it.

With the assistance of organizations like the Palm Center, important volumes like "Unfriendly Fire," and the testimony of our civilian and military allies, we can and really we must overturn the ban on gays in the military.

I applaud our President's stance on this issue, and I look forward to getting the Military Readiness Enhancement Act to his desk as soon as possible. I believe that's our goal, and I'm grateful, again, for the effort of this hour to lay the groundwork for it.

Every day that passes with the Don't Ask, Don't Tell policy continuing in place, the United States military loses out on more and more qualified applicants. For a country at war, this is simply inexcusable, and it threatens the safety and security of our overstretched deployed troops today. Every effort needs to be taken to ensure that those serving in our Armed Forces have the materials, the support, and the work environment that they need to function most effectively.

□ 2220

The brave men and women serving today in our Armed Forces deserve nothing less than the ability to be honest about who they are.

Thank you again, Mr. MURPHY. Thank you to my colleagues for organizing this hour for giving us the opportunity to speak out on this very important issue, for holding this special order to bring further attention to the Military Readiness Enhancement Act.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the lady from California.

I would like to highlight the fact that Nathaniel Frank and Aaron Bell can do a great job at the Palm Center. They are truly our battle buddies in this cause to do what's right by our soldiers, our marines, our airmen, our sailors, and our coastguardsmen. And that's our job tonight.

Now it's my honor to turn it over to the gentleman from Colorado, Mr. JARED POLIS, who happens to be my sister and brother-in-law's Congressman, and I know Brian and Kathy Mergolis out there in Westminster, Colorado, are probably watching, and I would like to turn it over now to their Congressman, Mr. POLIS.

Mr. POLIS. Thank you for highlighting some of the research that was done in your district regarding this matter. And I would like to thank Representative PATRICK MURPHY for taking this challenge on, making our military stronger, saving taxpayer money.

I would like to bring the attention of our viewers to a very recent report that was published. It's called "The Efficacy of Don't Ask, Don't Tell" by Colonel Om Prakash. You can find it on the Internet. This was a study that

was done by a student at the National War College. It actually won recently the 2009 Secretary of Defense National Security Essay Competition.

One of the quotes on the cover is from General Omar Bradley, and it says, "Experiments within the Army in the solution of social problems are fraught with danger to efficiency, discipline, and morale."

Now, of course this was not in relation to our current discussion. It was in reference to the racial integration of the United States military by Harry Truman in 1948.

At some point the experimentation, the so-called experimentation, becomes the exclusion. At this point in the evolution of our society, it is more experimental to use the military as a social incubator to try and deny gay and lesbian soldiers from serving than simply allowing them to serve. The military isn't the place for evaluating whether or not we as a society accept or don't accept homosexuality. It should be designed as a fighting force to defend our Nation. And anything that compromises that weakens our military and is not in our interest as a country.

The report by Colonel Prakash—allow me to quote from it—it says, "If one considers strictly the lost manpower and expense, 'Don't Ask, Don't Tell' is a costly failure."

Colonel Prakash further quotes the GAO's estimates that the cost is \$190.5 million for the previous 10 years of Don't Ask, Don't Tell. Not only does it cost money, but it costs lives. Whenever we put anything other than our best foot forward in terms of the very most capable personnel for every particular mission, we jeopardize the lives of other men and women serving in our military. We owe it to the men and women serving in our military to ensure that the most capable person is in every job, regardless of the race or the sexual orientation of that individual.

Colonel Prakash's report ends, "Based on this research, it is not time for the administration to reexamine the issue; rather, it is time for the administration to examine how to implement the repeal of the ban."

We have a number of other speakers here tonight, Mr. MURPHY, and that is a testimony to your leadership and the importance of this issue. I look forward to engaging in a discussion after we've all had a chance to say a few words.

Mr. PATRICK J. MURPHY of Pennsylvania. I would like to highlight of this report—which is a terrific report—Colonel Prakash writes, "There are potential lessons to learn from other countries that have lifted the ban on homosexuals serving openly. There was no mass exodus of heterosexuals, there was no mass 'coming-out' of homosexuals. Prior to lifting their bans, in Canada 62 percent of servicemen stated that they would refuse to share show-ers with a gay soldier, and in the

United Kingdom, two-thirds of males stated that they would not willingly serve in the military if gays were allowed. In both cases, after lifting their bans, the result was “no effect.”

In a survey of over 100 experts from Australia, Canada, Israel, and the United Kingdom, it was found that all agreed the decision to lift the ban on homosexuals had no impact on military performance, readiness, cohesion, or ability to recruit or retain. Nor did it increase the HIV rate among troops.”

He concludes his article by saying, as you mentioned, “Don’t Ask, Don’t Tell has been costly both in personnel and treasure. In an attempt to allow homosexual servicemembers to serve quietly, a law was created by this Congress that forces a compromise in integrity, conflicts with the American creed of ‘equality for all,’ places commanders in difficult moral dilemmas, and is ultimately more damaging to the unit cohesion its stated purpose is to preserve.

“Furthermore, after a careful examination, there is no scientific evidence to support the claim that unit cohesion will be negatively affected if homosexuals serve openly. In fact, the necessarily speculative psychological predictions are that it will not impact combat effectiveness.

“Based on this research, it is not time for the administration to reexamine the issue; rather, it is time for the administration to examine how to implement the repeal of the ban.”

And that, my friends, is from the Joint Force Quarterly. That is a publication from the chairman of the Joint Chiefs of Staff of our country.

With that, I would like to now turn it over to the congresswoman from California, Ms. LYNN WOOLSEY.

Ms. WOOLSEY. I would like to thank the gentleman from Pennsylvania for organizing tonight’s Special Order because the men and women who serve in our military deserve nothing less than our respect, our support, and our admiration, yet the Department of Defense continues to deny them the respect they have earned by pursuing a devastating policy that is nothing less than discrimination against gay servicemembers.

Don’t Ask, Don’t Tell requires that the military discharge gay, lesbian, and bisexual servicemen and women because of their sexual orientation. A servicemember could be the best sharpshooter, the best medic, or the best language specialist in the military; it doesn’t matter if he or she is a captain or a cadet having served 3 days or 30 years. If that Member is openly gay, he or she is fired.

Don’t Ask, Don’t Tell denies our Nation their service, it denies our Nation—makes us less safe because this terrible and open discrimination in the military does no good. It takes away great members that should be working

in what they want to do and helping us be safer day in and day out.

It’s clear that Don’t Ask, Don’t Tell is a failed policy that not only punishes the thousands of highly qualified servicemembers who have been discharged from the military, but it wastes millions of taxpayer dollars as well. When you add up the cost of the training, the food, the lodging, the equipment, the uniforms, the staff support, and the transportation, our country makes a huge investment in our servicemembers to be the best in the world. But because of Don’t Ask, Don’t Tell, all of this training and funding is wasted if a trained servicemember is openly gay.

□ 2230

How can we invest the tens of millions of dollars in these young men and women, all of whom are desperately needed by the military, yet tell them they can’t serve our country?

This inflexible policy continues to weaken our Nation’s ability to protect and defend itself by retaining qualified servicemen and -women. We must stop this. Don’t Ask, Don’t Tell has to go away. I was a freshman when we put this terrible policy in place, and believe me, I worked really hard trying to defeat it, but it’s there. Let’s get rid of it.

Thank you, PATRICK, for doing this.

PATRICK J. MURPHY of Pennsylvania. I thank the gentlelady from California, and I look forward to partnering with her to do that, to right the wrong from 16 years ago in this Congress and to finally overturn that discriminatory piece of legislation and to make it right for our troops.

With that, I would like to turn it over to a fellow hockey player from the great State of Illinois, although he is a Black Hawks fan and not a Flyers fan. By the way, the Flyers won their home opener tonight 6-5 against the Washington Capitals, MIKE QUIGLEY.

Mr. QUIGLEY. Thank you. I want to thank the gentleman from Pennsylvania for his service as well.

Let me briefly try to put a human face on this. When you don’t put a person on it, you can imagine it is hard to really understand the human cost with such a policy. I will give you two.

First of all, Lee Reinhart, 4 years after graduating from high school and after spending time at both public and private universities, Lee Reinhart decided he had simply not found his calling. So in September of 1995, Lee surprised his friends and family by joining the Navy. Lee served on board the USS *Cowpens* as an operations specialist working his way up to becoming a second class petty officer in the Combat Information Center, tracking both surface and air contacts.

While serving, Lee earned several medals and ribbons, including the Navy-Marine Corps Achievement

Medal. Lee’s tour of duty in the Navy was completed in August of 1999. After time in the Reserves and the events of September 11, 2001, Lee wanted to return to active duty, this time to make it a career. This time he chose the Coast Guard. But soon after joining, Lee became a target and was being investigated. Lee was given two choices: he could admit he was gay and be allowed to leave the military peacefully, or he could stay and undergo an investigation with the same end result, discharge.

The point of this story is obvious. Lee had completed a full enlistment in one branch and earned an honorable discharge, but while serving in another branch, the uneven and inequitable implementation of Don’t Ask, Don’t Tell ended his career.

The implementation of Don’t Ask, Don’t Tell is uneven and subject to individuals such as Lee to the whims and prejudices of individuals.

Second Lieutenant Sandy Tsao, like the President of the United States, our dear friend Sandy is a fellow former South Sider, this time from the Bridgeport neighborhood. Sunday, February 8, 2009, marked the 1-year service anniversary of her active duty full-time service to her country. Shortly thereafter she received an honorable discharge because of her orientation.

Ms. Tsao wrote a letter to the President of the United States. She writes: “I am a second lieutenant currently serving in the U.S. Army. In addition to being an officer, I am a Christian, a woman and a Chinese American. I am proud of all these identities. Lastly, I am also a lesbian. On September 21, 2007, I was appointed as an Army officer. In the oath of office, I swore that I would support and defend the Constitution of the United States against all enemies foreign and domestic. Unfortunately, I will not be able to fulfill this oath because the current policy regarding sexual orientation contradicts my values as a moral human being.

Today is the Chinese New Year. I hope it will bring good fortune to you in your newly elect office. Today is also the day I inform my chain of command of who I am. One of the seven Army values is integrity. It means choosing to do the right thing no matter what the consequences may be. As a Christian, this also means living an honest life. I cannot live up to these values unless my workplace ‘provides an environment free of unlawful discrimination and offensive behavior.’” That is an excerpt from the U.S. Army’s Equal Opportunity Branch.

“We have the best military in the world, and I would like to continue to be part of it. My mother can tell you it is my dream to serve our country. I have fought and overcome many barriers to arrive at the point I am today. This is the only battle I fear I may lose. Even if it is too late for me, I do

hope, Mr. President, you will help us win the war against prejudice so that future generations will continue to work together and fight for our freedoms regardless of race, color, gender, religion, national origin or sexual orientation."

For 24-year-old Sandy Tsao, we are too late. For the many other gay and lesbian servicemembers, our repeal may just be in time.

In my mind, having gone to Iraq, I looked at the brave men and women willing to make the ultimate sacrifice for our country, many of them as young as my own children. And I will tell you what I didn't see. I didn't see those as black or white, men or women, straight or gay, Democrats or Republicans. I saw Americans. I saw warriors. Don't Ask, Don't Tell is a policy so fundamentally hypocritical that it encourages citizens to put their lives on the line to serve a country built on freedom and democracy as long as they lie about who they are.

Lastly, I'm reminded always at times like this what President Lincoln said at Gettysburg. Now, it has been interpreted many ways, but I would like to think that the essence of what President Lincoln was getting to was, 87 years ago we created a country based on certain principles, the most important of which is that all of us are created equal.

What he was saying in Gettysburg is, Did we really mean it? Did we really mean everyone? And I ask my colleagues to think about that, especially in time of two wars, with storm clouds gathering over North Korea and Iran. Did we really mean it? Do we really mean it today, that all of us are created equal? I think we all are warriors, at least that much. Thank you.

PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from Illinois. Those personal stories of our heroes that wrote to you are very powerful and very moving. I will tell you since I took over the leadership of repealing Don't Ask, Don't Tell by enacting the Military Readiness Enhancement Act, I have gotten letters from all over the country and from overseas in Iraq and Afghanistan. And one of those letters that touched my heart and frankly broke my heart was from a soldier in Afghanistan. See, when I served in Iraq 6 years ago, I had 19 of my fellow paratroopers in the 82nd Airborne Division that gave the ultimate sacrifice. But one of them committed suicide. One of those 19 never made it home to see his family again. But this letter broke my heart because, and you will see, this hero was dealing with the Don't Ask, Don't Tell policy.

He writes: "Sir, as you know, military spouses and other family members are important parts of the larger 'team' that is essential for our national defense. But such support is fundamentally closed off to the partners of gay

servicemembers, even though these partners may be making the exact same sacrifices as their straight counterparts.

"And it's even worse. Gay servicemembers and their committed partners have to worry that an overheard phone call, an intercepted email, or other type of compromised private communication could lead to a humiliating, career-destroying investigation. This is no way to treat American patriots.

"I write of these matters from personal experience. When the 9/11 terrorist attacks occurred, I was in a serious long-term relationship. The extensive active duty I did after 9/11 put a serious strain on this relationship. The relationship fell completely apart during my first deployment to Afghanistan in 2003.

"One of the big risk factors contributing to soldier suicides is the breakup of serious relationships. This is exactly what I experienced, and in the context of a combat zone deployment. I can still vividly remember sitting alone in Afghanistan, cradling my government-issued pistol in my hands and fighting the urge to blow my own brains out.

"What made that personal struggle in Afghanistan particularly difficult was the isolation that was imposed on me as a consequence of the Don't Ask, Don't Tell policy. A straight soldier in a similar state of crisis could go to his commander, his first sergeant, or his 'battle buddy' for support. But if I as a gay soldier had gone to my commander with the details of my situation, he would have been obligated to start the process of kicking me out of the Army.

"The Don't Ask, Don't Tell policy is wrong. I say this not just as an individual soldier, but also as someone with extensive experience as both a platoon leader and company commander. When I have been in such leadership positions, I have had straight soldiers share with me some of the most shockingly intimate details about their personal lives. I was glad that these straight soldiers put their trust in me, because I was able to offer each one the counsel or moral support that he or she needed at that time.

□ 2240

"Gay soldiers should also have that right to go to a commander, a first sergeant, or a battle buddy and not have to the worry about the ramifications of the Don't Ask, Don't Tell policy. The Don't Ask, Don't Tell policy shackles the hands of leaders like me. It prevents us from giving all of our troops the supportive leadership they deserve. The Don't Ask, Don't Tell policy throws up walls between battle buddies. It is an ugly stain on our national honor."

I now yield to the new freshman, the gentlewoman from the great State of Maine (Ms. PINGREE).

Ms. PINGREE of Maine. Thank you so much, Congressman MURPHY. Thank

you for gathering us here at this late hour and also for taking on the leadership role in this extremely important issue. I am very proud to be here with you and my other colleagues tonight who are taking the time to talk about how important this is. And I would like to add a few words that can't come close to expressing what people have done in letters and stories that have already been told, but I do want to add a few words from my own perspective.

In 1993, as we have talked about today, Congress passed the Don't Ask, Don't Tell law that mandates the discharge of openly gay, lesbian, or bisexual servicemembers. Under this law, as we all know and have been talking about, at least one individual a day on average is fired because they are gay or lesbian. Since 1994, that amounts to 13,000 servicemembers who have been discharged under the authority of this discriminatory act.

I am a freshman, as you mentioned, and I know this bill was passed in a different time, but as a freshman, coming in here with different eyes, as a new Member, nothing seems fair or reasonable about this policy. And as a member of the House Armed Services Committee, it is clear to me that this policy does nothing to keep our country safe. And it does nothing to move our country forward in protecting the very rights that the brave men and women of the military are fighting to protect.

In fact, I believe this policy has the opposite effect. Don't Ask, Don't Tell has been responsible for the dismissal of highly qualified soldiers, as we said, almost 13,000 soldiers, that our country desperately needs at a time when we are engaged in two active conflicts overseas.

We have talked a lot about this report which has just been recently released. And As Colonel Om Prakash recently said, as others have said in the Joint Force Quarterly, Don't Ask, Don't Tell has been costly both in personnel and treasure, and is ultimately more damaging to the unit cohesion its stated purpose is to preserve.

We talk a lot about the numbers, about our need for trained members, like experienced Arabic translators, which we know this damages. Tonight we have heard thousands of stories of the men and women who willingly serve our country and, oh, by the way, happen to be gay.

I heard a story recently of a soldier whose partner died while he was serving in Iraq. Because he was gay and because his partner was a male, he couldn't openly grieve or talk, just as you mentioned, to his commanding officer or to any other troops.

I heard about a young woman who wanted to follow in her father's footsteps but because she was openly gay, a lesbian, she could not serve in the military, and it was her life goal.

I, like many of my colleagues, have visited in Iraq and Afghanistan and I

have seen the chaos and the confusion, the danger that our soldiers take on every day in which many of them serve.

In my State, like many other States, I attend the ceremonies where we send them off, where we welcome soldiers home, and I look at them, young and old, men and women. And I, like many others, attend the funerals when those soldiers don't come home, and I have hugged the parents of military members who don't come home and know the grief that they feel. But of all of those soldiers, whether you see them in Iraq and Afghanistan, you see them as they are going off, I just see young men and women, older men and women in the Guard who are willing to serve our country. I don't see anyone who is gay or straight. I see, as one of my colleagues said, Americans, people who are willing to serve.

I stand here today in support of every single one of our soldiers, no matter what their sex, their ethnicity, or their sexual orientation. They deserve our respect and deep gratitude and support, and every single one of them deserves the honor just as they are to serve our country.

Thank you so much for taking on this issue and being here tonight.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentlelady from Maine. That was powerful. I tell you, you are doing a fantastic job as a new Member of Congress. We are proud to have you and lucky to have you in this Hall.

With that, I would like to turn it over to gentleman from New York (Mr. ARCURI), the former prosecutor from Utica, an Italian Catholic like my mother, who came in in the 2006 class.

Mr. ARCURI. I thank my friend from Philadelphia and for his courage and determination in being here.

This issue, I was sitting there and I turned the TV on this evening and I didn't know you would be here, and I saw you on the floor and I really wanted to come down. My comments pale in comparison to some of the comments made and stories told, but I think it is very important that people weigh in on this issue. This is not the kind of issue that is just reserved for people who have been in the military, but this is an issue that affects all Americans. We are so proud of the freedom our country represents, and there are so many thousands of people who have given their lives over the years to protect that freedom, and they did it to ensure freedom for future generations and to ensure that prejudice and discrimination did not continue as a blemish upon our country.

Don't Ask, Don't Tell is a blemish on our country and it needs to be repealed. It needs to be removed in the same way that any prejudice and any discrimination should be removed from the books of laws of our great country.

I am here tonight to say, first off, for your leadership in this very, very important issue and for stepping forward in the courageous way you have, and for leading the charge to do not just the right thing but the important thing, the critical thing for the future of our country, I stand with you. I am proud to be a cosponsor of your bill, and I am proud to be with you here tonight.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from New York. As Mr. ARCURI said, we should all weigh in and we shouldn't just leave it to those who have served in uniform. I tell you, in the Congress 40 years ago, over 75 percent had military experience. Now it is 23 percent of us here have military experience. I will tell you that you don't need to be a veteran, someone who wore the cloth of our country, to weigh in. And that is why it is great to have patriots like MIKE ARCURI, CHELLIE PINGREE, and like MIKE QUIGLEY, from all over this country, to stand up and do the right thing.

With that, I now turn it over to one of the true champions of equality in this Congress. The Congresswoman from Wisconsin has been in my home district in Bucks County, Pennsylvania, and we keep asking her to come back because she has more fans there than I do, I think. Luckily, she is not running against me in a primary. But I will tell you, Ms. TAMMY BALDWIN is a true champion for all of us with what is right in America.

Ms. BALDWIN. I want to thank my friend and colleague both for your service to your country and for your leadership on this very critical issue. And also thank you for yielding me some time this evening to talk about it.

I join you in strong support of H.R. 1283, the Military Readiness Enhancement Act. We have heard throughout the evening in 1993 Congress passed Don't Ask, Don't Tell, a law mandating the discharge of openly gay, lesbian, or bisexual servicemembers.

At the time, this law was intended as sort of a compromise to allow gay and lesbian servicemembers to serve in the military so long as they did not disclose their sexual orientation, so long as they hid being gay, lesbian, or bisexual. In other words, this compromise required our servicemembers to conceal, at best, or to lie, at worst. And in an organization such as our military where trust and unit cohesion is so important, this was just untenable.

Fifteen years later, we know that Don't Ask, Don't Tell is misguided, unjust, and, flat out, it is a discriminatory policy. Not only does Don't Ask, Don't Tell damage the lives and livelihoods of our military professionals, it deprives our Armed Forces of their honorable service and needed skills.

The armed services have discharged almost 800 mission critical troops and

at least 59 Arabic and nine Farsi linguists under Don't Ask, Don't Tell in the last 5 years. This is just indefensible.

Further, the financial cost alone of implementing Don't Ask, Don't Tell from fiscal year 1994 through 2003 was more than \$363 million. Now, we can't afford to lose any more dedicated and talented servicemembers to Don't Ask, Don't Tell, and surely we can put these dollars, these resources, to much better use.

□ 2250

Earlier this summer I had the pleasure of meeting Air Force Lieutenant Colonel Victor Fehrenbach. He's an exceptional serviceman who's being discharged under the Don't Ask, Don't Tell law. Lieutenant Colonel Fehrenbach has honorably served his country for 18 years as an F-15E pilot. He received nine Air Medals, including a medal for heroism during the 2003 invasion of Iraq. And he was handpicked to protect airspace over Washington, D.C. after the Pentagon was attacked on September 11, 2001.

Lieutenant Colonel Fehrenbach, who has flown combat missions in Iraq and Afghanistan, against the Taliban and al Qaeda, continues to serve while the recommendation for his honorable discharge moves forward to a review board and eventually to the Secretary of the Air Force. Just 2 years away from his 20-year retirement, this dedicated serviceman stands to lose \$46,000 a year in retirement and medical benefits for the rest of his life if he's discharged.

There are approximately one million lesbian and gay veterans in the United States today, as well as 65,000 lesbian and gay servicemembers currently serving in our Armed Forces. Like Lieutenant Colonel Fehrenbach, these brave servicemembers are fighting and dying for their country in two wars. They're making sacrifices, and some are making the ultimate sacrifice, just like their straight counterparts. It makes no sense, and I just believe it's flat out wrong to discharge capable servicemembers for something as irrelevant as their sexual orientation.

Now, as my colleagues have discussed this evening, the Military Readiness Act would prohibit discrimination on the basis of sexual orientation against any member of the Armed Forces or any person seeking to become a member. Further, the Act would authorize the re-accession into the Armed Forces of otherwise qualified individuals previously separated under Don't Ask, Don't Tell.

Finally, the Act would require that regulations governing the personal conduct of members of the Armed Forces are written and enforced without regard to sexual orientation. It's long past time for Congress to act to end discrimination against gays, lesbians and bisexuals in our Armed

Forces by passing the Military Readiness Enhancement Act. So I stand ready to join my colleagues in repealing this dishonorable law as soon as possible and restoring justice and equality in our Armed Forces.

Mr. Speaker, before I conclude, I really do want to commend you, my colleague from Pennsylvania, Congressman PATRICK MURPHY, for your bold leadership and your work in helping us move closer to repealing Don't Ask, Don't Tell. You have taken the lead in advancing this bill, and I look forward to working with you to see that day come.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentlelady from Wisconsin. And as she mentioned Lieutenant Colonel Fehrenbach, the fact that we trained him and spent millions of dollars on his training to do what's necessary to keep our family safe here at home and in a faraway place like Iraq and Afghanistan, and just to throw him out and just discharge him like that is really a stain. It is a stain on our military. And it's a stain on this Congress for not acting quick enough.

It reminds me—you know, I had the great honor to teach at West Point. I taught constitutional law at the United States Military Academy at West Point. I was there from 2000 to 2003. And *Forbes Magazine* just rated West Point the number one college in America. It costs the American taxpayer about a quarter-million dollars to train each one of those cadets to become second lieutenants, to become leaders of character, not just for the 5-year active duty military commitment, but for a lifetime of service.

One of those cadets when I taught there was Lieutenant Dan Choi. Lieutenant Choi is an Arabic speaker, an Army officer, an Iraq war veteran and another one, one of the 13,000 that we just threw out of the military, not for any type of sexual misconduct. And let's be clear. If there's sexual misconduct, whether homosexual or of a heterosexual nature, throw them out. But just because he was gay, just because of his sexual orientation, and that is wrong. I'd now like to turn it over to my colleague, Mr. JARED POLIS, for any comments that he may have.

Mr. POLIS. You know, I'm struck by the sharing of the number of stories, a lot of similarities, many service men and women over the last decade and a half since this policy has been implemented, kicked out for no good reason. You know, what company, and I come from the business sector, could do this kind of thing? It doesn't increase your competitiveness. If you have people that you put hundreds of thousands of dollars into training, and then you don't like who they date and so you say, you're fired. You have people with excellent performance ratings, top of the category and you are saying, sorry, we're going to put somebody who

might have a lower rating in your job because, again, we don't like who you date.

That's no way to run a company. It's no way to run a country. It's no way to run the best military. And what we owe to every one of our men and women who are in uniform, who put their lives at risk every day, is to make sure that we put our best foot forward militarily and do everything in our power to protect every life of every man and woman who serves. And when we remove people who would perform better, who are needed for certain functions, who have to cost more to retrain, we jeopardize the lives of other soldiers who are serving with them.

This also has an effect on recruitment and retention within the military. I heard a few weeks ago from somebody who's currently serving. He was facing a decision of whether to reenlist for another few years. He said, You know, when do you think don't ask don't tell will end? If you think it's going to end soon I'm going to re-up for another 5-year period. If not, I'm probably going to get out now.

I didn't know what to tell him. I said, well, Representative MURPHY's working on it, and I have every degree of confidence in him. I said, I hope that we will get it done in the next year or two. I think we will.

If he chose to leave the military, that's our loss. That's our military's lost. The cost of replacing that individual, the cost of training somebody to get up to speed at a time when we need more men and women to serve in uniform, is a cost to taxpayers and a cost to our national security. All of these stories resound that we are engaging in an extremely short sighted policy. How can be it be argued that all of these excellent men and women with great command, great evaluations that are kicked out for no particular reason other than who they date, how can it be argued that that makes our military stronger? It simply doesn't. And we need to correct this policy to ensure that we have the very best military to defend our national interests here and abroad.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from Colorado. I know our time is almost over. But I will tell you, you know, one way to run a company, one way to run the military, but I will tell you that there are military leaders that have served our country that are adamantly opposed to discriminating and going further with this Don't Ask Don't Tell policy. I will note one of them was the Chairman of the Joint Chiefs of Staff, a four-star general, General John Shalikashvili. He's written two op-eds, and I particularly want to point out the one where in 2007 he wrote an op-ed in *The New York Times* entitled "Second Thoughts on Gays in the Military."

He particularly points to a generational shift in the attitudes of our servicemembers towards gays and lesbians. So he writes: "When I was Chairman of the Joint Chiefs of Staff, I supported the current policy because I believed that implementing a change in the rules at that time would have been too burdensome for our troops and commanders. I still believe that to have been true."

"The question before us now though is whether enough time has gone by, 16 years, to give this policy serious reconsideration. Much evidence suggests that it has."

"Last year I held a number of meetings with gay soldiers and marines, including some with combat experience in Iraq, and an openly gay senior sailor who was serving effectively as a member of a nuclear submarine crew. These conversations showed me just how much the military has changed, and that gays and lesbians can be accepted by their peers."

"I now believe that if gay men and lesbians served openly in the United States military, they would not undermine the efficacy of the Armed Forces. Our military has been stretched thin by our deployments in the Middle East, and we must welcome the service of any American who is willing and able to do the job."

"By taking a measured, prudent approach to change, political and military leaders can focus on solving the Nation's most pressing problems while remaining genuinely open to the eventual and inevitable lifting of the ban. When that day comes, gay men and lesbians will no longer have to conceal who they are, and the military will no longer need to sacrifice those whose service it cannot afford to lose."

□ 2300

In conclusion, Mr. POLIS, I am proud that you are my battle buddy in this endeavor. Again, there are 176 of us. We are hoping to get more of our colleagues. We need 218 votes. I will yield to you for 30 seconds and any closing comments you may have.

Mr. POLIS. In addition to General Shalikashvili, one of the original co-sponsors of the bill, former Representative Barr of Georgia, has come out in favor of the repeal. The former Commander in Chief of the United States military, President Bill Clinton, who signed Don't Ask, Don't Tell, has come out in favor of a repeal. The times have changed, and what was, in our judgment at one time, a decision of military preparedness, it might have been that good minds disagreed with whether it was in our interest back in the early nineties, that idea has changed. The tone of the country has changed, and it is more than time. The time has long passed to end this policy of discrimination within our military.

Mr. PATRICK J. MURPHY of Pennsylvania. I appreciate those comments.

Also, another former chairman of the Joint Chiefs, Colin Powell, has actually come out and said that it is now time to reevaluate it. So in conclusion, Mr. Speaker, to the men and women at home, across our country and overseas in places like Iraq and Afghanistan, now is the time to act in the sense of urgency to repeal Don't Ask, Don't Tell. It is vital to our national security. No longer can we afford to let go of 13,000 qualified and honorable troops. We must do right by our taxpayer. It makes no sense that we spend \$1.3 billion to train these heroes up and then to just kick them out because of their sexual orientation.

And lastly, this policy is simply un-American. It goes against the very fabric which makes our country great, that we're all created equal.

Mr. HONDA. Mr. Speaker, I rise this evening to express my support for repealing the United States military's "Don't Ask, Don't Tell" policy.

I want to thank my colleague, Congressman PATRICK MURPHY for organizing this Special Order Hour on the importance and urgent need for repealing "Don't Ask, Don't Tell."

I have long been a friend and an ally of the lesbian, gay, bisexual and transgender (LGBT) community and I am committed to the cause of equality.

I understand first hand discrimination based on racial prejudice, war hysteria, and a failure of political leadership. President Franklin Delano Roosevelt signed Executive Order 9066 on February 19th, 1942 which forced 120,000 Japanese Americans into internment camps during World War II.

Many of these families, including mine, lost their property and possessions during the several years they were jailed behind barbed wire.

Once again we find ourselves in perilous times. Our country and our civil liberties are constantly in jeopardy after the attacks of September 11th launched our nation in a "war" against terror.

It is more important than ever to speak up against unjust policies. There is much to be learned from my experience during World War II, as well as the experience of other groups about the destructive consequences of discrimination.

For over 60 years, it has been the U.S. military's official policy to exclude individuals based on their sexual orientation and gender identification. Reflecting one of our country's last officially sanctioned forms of bigotry, this policy stigmatizes patriotic Americans by excluding them from military service.

In 1993, President Clinton introduced the "Don't Ask, Don't Tell" policy as a 'compromise' when he was not able to overcome Congressional opposition to lifting the ban on LGBT participation in the armed forces. Unfortunately, this policy works to silence LGBT personnel among the ranks of our military, making them invisible to the American public they bravely volunteer to protect and defend.

Notwithstanding the "Don't Ask, Don't Tell" policy, countless veterans have served and continue to serve selflessly in the defense of our nation. Yet while thousands of our men

and women continually serve to protect our freedom and liberty and put their lives on the line to do so, many are dismissed once their orientation or identification becomes known.

This policy is not only unfair to LGBT individuals, it also hinders our military's ability to perform its mission. Despite our need for language specialists, almost 800 mission-critical troops and at least 59 Arabic and nine Farsi linguists have been discharged under "Don't Ask, Don't Tell" in the last five years solely based on their sexual orientation.

It is the right of all Americans to live open lives within society, free from prejudice, intolerance, and fear, irrespective of race, ethnicity, age and perceived sexual orientation and gender. The contributions made by LGBT veterans, and those in active duty in an atmosphere hostile to them, underscores the tremendous sacrifices they make to serve this nation and I commend and thank them for their commitment and perseverance.

I have the honor of knowing Ashwin Madia, a former Marine Corps JAG officer now living in Minnesota, who was one of the first attorneys to successfully defend a fellow Marine from treatment under the "Don't Ask, Don't Tell" policy and who told me about his work on this case. If convicted this Marine would have faced an "Other Than Honorable Discharge" and lost his benefits.

When this Marine returned to service, he was welcomed by his comrades and was treated with respect and honor. Sadly, since the "Don't Ask, Don't Tell" policy went into effect in 1994, nearly 13,000 servicemembers were not as fortunate and were discharged.

Today there are over one million gay and lesbian veterans and over 65,000 LGBT members of the military serving in fear of being discharged for simply being themselves.

Repealing "Don't Ask Don't Tell" is long overdue. On this the military courts have spoken, military leaders have spoken, servicemembers have spoken, and our President has spoken. Today Congress is speaking as well. The Military Readiness Enhancement Act of 2009, H.R. 1283, has 176 cosponsors united and committed to ending this discriminatory policy.

It is time to support our troops by honoring their right to live and serve as their true selves. It's time to ask, it's time to tell, and it's time to get over it.

As policy makers, we are often faced with choices between what is urgent and what is important. But it's a false choice. The urgent issues of the day should never drown out what's important. Full equality for every person under the law is both urgent and important.

Thank you to our active military and to our veterans for their service to this great country. It is in your honor that this Congress will ensure every woman and man wishing to serve can do so, without fear or prejudice.

I look forward to working with my colleagues to end discrimination of LGBT people in the workplace and in our immigration policies as well expanding hate crimes to include perceived sexual orientation and gender identity and providing Federal recognition of the commitment between same-sex couples.

Ms. LEE of California. Mr. Speaker, thank you, Congressman PATRICK J. MURPHY of Pennsylvania, for arranging this special order

on ending the outdated and discriminatory policy of "Don't Ask, Don't Tell".

Thank you for taking up, H.R. 1283, which was originally introduced by our former colleague Congresswoman Ellen Tauscher.

I'm proud to serve as a vice chair along with several of my colleagues of the Congressional Lesbian, Gay, Bisexual, and Transgendered Equality Caucus which we established last year under the leadership of Congresswoman TAMMY BALDWIN and Chairman BARNEY FRANK.

We've made a lot of progress as a nation, in terms of society's recognition of the need to support basic fundamental human rights for all people—regardless of what their sexual orientation or gender identity happens to be.

I am pleased that we will finally take up legislation to extend hate crimes protections to the LGBT community.

However, we still have a long way to go to achieve the very simple and basic goal that we all seek—equal treatment for all under the law.

One critical step on the path to that goal is ending discrimination based on sexual orientation in our military.

The experience of our allies shows that having openly gay servicemembers does nothing to reduce the capability or effectiveness of the military. Our strongest allies have ended the ban in their militaries and have not suffered the exaggerated fears about weakening "unit cohesion" or lowering morale.

The misguided concerns about gays in the military, which precipitated the adoption of "Don't Ask, Don't Tell" have proven to be completely unwarranted.

Our military served as a leader in ending discrimination and segregation of minority troops in their ranks and helped to lead the nation as a model of fairness.

It should do so again, by ending this policy and giving every American the opportunity to proudly and openly and equally serve their nation.

It makes no sense to kick out thousands of trained and capable soldiers even as recruiters pay huge bonuses to find new recruits.

Just look at the numbers, since 1993:

Numbers of Don't Ask Don't Tell discharges—13,000;

"Mission Critical" soldiers discharged—800;

Arabic linguists discharged—58;

Estimated LGBT currently serving—65,000.

Fixing the clear discrimination of "Don't Ask Don't Tell" doesn't end the fight.

We've got to go further.

We must:

Pass the Employee Non-Discrimination Act;

Pass comprehensive immigration reform legislation that ends discrimination against the LGBT community;

We must ensure that federal benefits are extended to cover LGBT partners;

Repeal the Defense of Marriage Act.

Despite the challenges ahead, I know that as a nation, we will continue down the road of progress and equality under the law.

I will continue to do my part to support the rights of the LGBT community.

Let me, again, thank Congressman PATRICK J. MURPHY of Pennsylvania for this important Special Order.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to voice my support



for the repeal of the Department of Defense's policy of "Don't Ask, Don't Tell" that bans openly gay men and women from serving in the military.

Under this law, our military loses on average one person a day, and since "Don't Ask, Don't Tell" became law in 1994, almost 13,000 servicemembers have been discharged. It is startling to think that we are allowing some incredibly qualified and thoroughly trained individuals to fall out of the armed services simply for being themselves. Honesty and integrity are two of our highest ideals, and the notion that our servicemembers sacrifice their personal integrity and capacity to be honest simply to serve our country seems unhealthy and hypocritical. At this time, the contributions of every service man and woman should be highly valued, and it is important that Americans embrace these openly gay individuals as equal and essential to our nation's armed services.

Furthermore, I believe that we must work towards ending discrimination against every racial, religious, and sexual minority. It is imperative that we create more opportunities for all Americans, rather than intensify existing divisions. "Don't Ask, Don't Tell" is discrimination at its very worst, and we must end this policy that violates the fundamental American values of fairness and equality.

Truly, this law does harm to so many individuals, and it is time to see its end. I ask my fellow colleagues to join me in supporting the repeal of the antiquated policy "Don't Ask, Don't Tell" so that our military can reach its highest potential.

Ms. BERKLEY. Mr. Speaker, I would like to thank Congressman MURPHY for providing me with the opportunity to speak on this important issue. As a cosponsor of the Military Readiness Enhancement Act, I fully support the repeal of the unjust, unnecessary, and unsound "Don't Ask, Don't Tell" policy. I believe we must reject current practices that have institutionalized discrimination against many valuable members of our armed services for too long. Instead, we must establish a new policy of nondiscrimination on the basis of sexual orientation.

"Don't Ask, Don't Tell" is simply unjust. It flies in the face of the fundamental American value of equality for all. No individual, including those in our armed forces, should be discriminated against based on his or her sexual orientation. Members of our armed services have fought honorably to protect our safety and freedom, so the least we can do in return is to fight to protect their freedom and equality as well. My hometown of Las Vegas includes Nellis Air Force Base, one of the premier Air Force facilities in the U.S., and I believe the courageous men and women who serve there deserve to be treated with equality and respect, regardless of their sexual orientation.

The "Don't Ask, Don't Tell" policy is also completely unnecessary. The vast majority of Americans believe our troops deserve the opportunity to serve with honesty and honor. And most importantly, a majority of servicemembers have said they would have no reservations about serving alongside gay and lesbian troops, proving the problems this policy supposedly prevents are not, in fact, problems at all.

Not only is this practice unjust and unnecessary, it is also unsound. Our military should not fire valuable servicemembers simply for being gay, particularly during a time of war when we need every American who is willing and able to serve. Furthermore, repealing "Don't Ask, Don't Tell" would increase, not undercut, unit cohesion by fostering openness and trust among troops.

Ultimately, "Don't Ask, Don't Tell" does nothing to contribute to our national security. In reality, it only undermines the strength and integrity of our military system. I believe this practice should be repealed immediately, not only for the benefit of our armed forces, but for the safety of Nevada and our Nation as a whole.

#### VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the ordering of a 5-minute Special Order speech in favor of the gentleman from Texas (Mr. GOHMERT) is hereby vacated.

There was no objection.

#### HATE CRIMES LEGISLATION ATTACHED TO THE DEFENSE AUTHORIZATION BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for the remaining time until midnight.

Mr. GOHMERT. Thank you, Mr. Speaker.

I have listened to most of the last hour with great interest. I was owed the Army 4 years from a scholarship I had at Texas A&M. Most people my age can tell you exactly what their draft number was. I can't. I didn't care. I was going into the Army. I expected to go into Texas A&M and finish my 4 years, come out as a second lieutenant and end up in Vietnam, as many of my friends did. But Vietnam ended before I graduated. I spent 4 years in the Army. I asked on my dream sheet to be sent to Germany. So the Army sent me to Georgia, to Fort Benning. Pretty close. It begins with G-E.

We've heard many examples here of people saying, Well, gee, if gays are not allowed, they might not reenlist. If you listen to the current commanders of our U.S. military, you listen to the vast majority of the military, then they're concerned not about gays in the military but about openly gay individuals in the military. This isn't a debate. When we talk about Don't Ask, Don't Tell, it's not a debate about whether or not there will be people who practice homosexuality in the Army, Navy, Marines, Air Force, Coast Guard. That's not the issue at all. There are people who practice homosexuality who are in the service, as my friends have already indicated.

The issue is, will they be allowed to be very openly practicing such things.

The current policy is, if it's not where it's openly offensive to people who think it's inappropriate, then certainly we welcome your service in the military. It's just amazing where we are right now in America. You know, going back to last September, early October, we crammed a bailout bill down America that most Members hadn't had a chance to read. I read it. Then we come through with these stimulus bills, land omnibus bills, all this stuff that's coming down. And you just go, where have we gotten to in America? The military is not a social experiment. It's not. I think my friends know that. I heard one of the gentlemen across the aisle mention, Anything that distracts from the goals of the military should not be in the military. Whether it is heterosexual open acts or homosexual open acts, indications are it's a distraction.

So this isn't an issue about whether there will be gays in the military. It's about whether or not there will be people who are openly gay in the military. And still the commanders in the field seem to fairly uniformly indicate that it will be a problem for them completing their missions at maximum efficiency. That is what needs to be known. For every example of any individual saying, Gee, if gays are not allowed to be open in the military, I may not reenlist or I won't reenlist or I didn't, you have no idea how many people apparently have indicated, If the Don't Ask, Don't Tell is eliminated, I'm not joining. I'm not reenlisting. I'm about done with the social experimentation in the military. It's no place for it.

But, actually, it seems like this hour tonight follows, interestingly, just as a hate crimes bill has been added to the Defense authorization bill. Here we've got soldiers in harm's way needing us to authorize the money that they need to have the equipment and all that they need to protect us and to protect themselves, and we're playing games with them, attaching a hate crimes bill on a Defense authorization. Most people would say, Defense authorization is a must-pass piece of legislation, and therefore, people will be afraid to vote against it, especially conservatives, moderates. So you add a hate crimes bill to the Defense authorization? Are there no bounds to which this Congress will not stoop?

We can't just say to our military members, Here is what you need. Oh, no. We're going to go beyond Don't Ask, Don't Tell. We're going to stick a hate crimes bill on this bill and hold our soldiers, who are in the field trying to protect us, hostage unless you are willing to pass this hate crimes bill with what the soldiers need. It's just mind-boggling that people in positions of authority in this Congress would be willing to do that. It's just unbelievable.

Now, we have fought over this hate crimes bill in committee and on the

floor and over and over. We made amendments, offered amendments because we could see that the definition of sexual orientation is wide open to all kinds of interpretation. And someday some court somewhere will say, You know what, sexual orientation means exactly what those words mean. If you're oriented—I hope it doesn't offend. But this is part of the law. It's laws in most States or it has been certainly in many States. If you're oriented toward animals, bestiality, then that is not something that could be held against you or any bias could be held against you for that, which means you would have to strike any laws against bestiality. If you're oriented toward corpses, toward children, there are all kinds of perversions—what most of us would call perversions. Some would say it sounds like fun, but most would say were perversions, and there have been laws against them.

□ 2310

This bill says whatever you are oriented towards sexually, that cannot be a source of bias against someone. Well, that's interesting.

Someone said, well, surely they didn't mean to include pedophiles or necrophiliacs or what most of us would say are perverse sexual orientations. But the trouble is we made amendments to eliminate pedophiles from being included in the definition. In fact, we made an amendment to use the definition in another part of Federal law that would have restricted sexual orientation to only talking about heterosexuality and homosexuality. We were willing to agree to that. But that also was voted down. The majority who is in control of Congress today made it very clear in committee, through rules, through the floor here, that they did not want any limits on sexual orientation on that definition.

"Gender identity," who knows what that will some day be interpreted to mean. There is no definition for that. It's whatever anybody wants to think it means. All of this stuff is just unbelievable.

We even went so far as to say, you know what? If you're going to try to protect transgender or homosexual individuals more than other people in society, then at least give the elderly that same protection. That amendment was voted down. We're not going to give the elderly the same heightened protection we would give transgender individuals, even though elderly are frequently picked out, targeted, because they're older and considered less able to protect themselves. If anybody deserved to be in that protected class, certainly the elderly would be. But this isn't about that. This is about forcing some type of sexual practices on those who are bothered by them on the country.

It's obviously not about run-away crime regarding hate crime that's just

growing and growing. In the debate earlier today on this floor, the most we heard were statistics cited from 2007, and the reason for that is that the FBI statistics show that the numbers of hate crimes have been reduced over the last 20 and 10 years. They're going down. The laws in effect are carrying out their purpose.

Also, it should be noted that there is no act of violence that the Federal hate crimes bill covers that is not already a crime in every State in the Union. It makes no sense to hold our soldiers hostage to this hate crimes bill being added on there.

Now, when you look at the status of hate in America, there is hate in America. There is. And I don't know of anybody in this congressional body that likes the idea of hatred of one for another. It's not appropriate. Those of us who are Christians believe we are to love one another. In fact, when Jesus was asked what's the most important commandment, he said love God. The other is like it: Love each other. On these two commandments hang all the law and the prophets: Love God and love each other. That's what a Christian is supposed to do.

Certainly, though, some people struggle with how anyone can love and care deeply about someone when they disagree strongly with the lifestyle that person is in. All I can suggest is that if someone is a true Christian, it's easier than you might imagine to love someone and totally object to a lifestyle.

But I keep hearing about how it's all about racial hatred. There is some racial hatred in this country. There's no question that there still is. But thank God that has been diminished tremendously over the years.

I am aware back in the 1980s, well over 20 years ago, I had some new neighbors move in. My wife and I and our three children, we had some neighbors move in. And we were excited because we had a doctor moving in next door. And I realized back in those days there still apparently is some feeling among some people of, gee, if somebody's of darker skin than I am, maybe I don't want them in our neighborhood.

That became apparent one night when I got a call from a neighbor who said, Did you know that our new neighbors who are living right next door to you are black? And I said, You know, we had them over here for dinner last night and I kept sitting there through dinner thinking, you know, there's something different about these people, and you know what? I think that's it. I believe you're right. I think they must be black.

Well, I was being sarcastic, for those who don't know sarcasm. As I told that neighbor, Look, I don't care what color he is. These are wonderful people. They're obviously going to be great neighbors, and I have a feeling someday he may save one of my kids. Who

knows. Well, it turned out Larry Irvin did.

One night, my 5-year-old's fever spiked. I was not there. My wife was frantic, and she called Larry. He rushed over, got her in a tub of ice, got her temperature down. We didn't lose her. And I'll always be grateful that I had a neighbor, never mind that he happened to be African American. He was a wonderful person. I say "was" because we lost him. But a good man. But I realized from that phone call there are some people that still have these issues of race out there.

I've heard some people say that if you question our President because he happens to be black that you must be a racist. Well, that's kind of tough for me because I voted for Alan Keyes back in 1996. I never told Senator Gramm, but I liked the way Alan Keyes was able to articulate things that I believed in. I thought he was a fantastic candidate and would have made a great President back at that time. And so it would never have crossed my mind to think that those who countered Alan Keyes in 1996 must be racists. That didn't cross my mind.

So I'm very saddened when I hear somebody these days say if you're against our President, you must be a racist. That's ridiculous. Does that mean that everybody that disagreed with George W. Bush who is black was being a racist? I don't think so. So I hate to hear especially colleagues in here drag that up as being a motivation and we have to end racial hatred in America and this bill will be the way to do it.

I was very privileged to stand with dozens of African American Christian brothers and sisters who'd also been ordained, and they were so much more articulate than I am and could ever hope to be, but they were pointing out that it seems that the gay rights agenda attached its wagon, basically, to the racial movement, and now that they have arrived here in Washington, now the gay rights movement is attempting to tell them, as these African American ministers pointed out, they can't teach about what they believe and they believe the Bible teaches is sexual immorality.

Now, we have heard people on the floor here today say that this hate crimes bill is not about anything but violent acts, which I am sure they believe what they say, but it's simply not true. Not true at all.

□ 2320

Now, one good example, yes, it pertains to violent acts, and it does have a provision that some people stuck in here that says basically that nothing could be used that burdens a person's exercise of religion, speech, expression, or association—but unfortunately there's not a period there. There is an "unless." Well, that's what makes this

worth little more than the paper it's written on unless the government demonstrates an application burden to the person is in furtherance of a compelling government interest.

Now, that's the key here—unless it is in furtherance of the compelling government interest—because you see, 18 U.S. Code 2 is the law of principles in the Federal law. Most States have a similar “law of principles,” it's usually called, which means they're not really accomplices. Anybody that aids, abets, induces—that verb is in the Federal law—induces someone to commit a crime is just as guilty as if they perpetrated the crime. That's where this bill does so much damage to religious free speech.

And I brought this up because this has been debated in past Congresses, and I brought this up previously. What if a preacher preaching from a Bible, a rabbi teaching from the Tanach, or an imam preaching from the Koran were to say that homosexuality is just wrong in God's eyes and that such conduct merits punishment in God's eyes? Well, if some nut were to hear that and go out and commit an act of violence and he says, Well, you know, I heard these sermons or the teachings of the preacher, the rabbi, or the imam, that's what induced me into doing it, would the preacher be protected or the rabbi?

And the answer is no, they would not be protected. And you can bet that under the right prosecutor that those individuals would have DVDs, CDs, sermon notes, anything that a prosecutor could get his hands on would certainly be shown to be in furtherance of a compelling government interest, that being whether or not he induced or incited the criminal act.

So that would be a very chilling effect on anyone who teaches or preaches such things in such religious formats. It's not protected. It's not protected.

And so imagine the incredible irony of having a Defense Authorization Bill to give our valiant defenders in harm's way what they need to protect us, and we add on a bill that will limit religious moral teaching. Just amazing. Just amazing.

Now, as an example of exactly how 18 U.S.C. 2A could be applied here. I wanted to give this example. Say the preacher specifically went to Romans 1, verse—well, let's see—let's start with 18. And this is the New King James version. And say a preacher were to stand up and just do nothing but read straight from the Bible, and this is verse 18, For the wrath of God is revealed from heaven against all the ungodliness and unrighteousness of men who suppress the truth in unrighteousness, because what may be known of God is manifest in them, for God has shown it to them.

For since the creation of the world, His invisible attributes are clearly

seen, being understood by the things that are made. Even as eternal power and Godhead, so that they are without excuse, because although they knew God, they did not glorify him as God, nor were thankful but became futile in their thoughts and their foolish hearts were darkened. Professing to be wise, they became fools.

I love that part.

Professing to be wise, they became fools, and changed the glory of the incorruptible God into an image made like corruptible man and birds and four-footed animals and creeping things.

Therefore, God also gave them up to uncleanness in the lust of their hearts to dishonor their bodies among themselves, who exchanged the truth of God for the lie and worshipped and served the creature rather than the Creator who is blessed forever. Amen.

This is verse 26: For this reason God gave them up to vile passions. For even their women exchanged the natural use for what is against nature. Likewise also the men, leaving the natural use of the woman, burned in their lust for one another, men with men committing what is shameful and receiving in themselves the penalty of their error which was due.

Now, suppose a preacher is preaching from those verses and just reads those verses actually, and some nut hears them. Even though the preacher didn't advocate violence, some nut hears that and goes out and commits an act of violence. Says, Well, it was that reading straight from the Bible of Romans 1 that the preacher did, that's what induced me to do this.

Well, you can bet this language will not protect that preacher.

We also know that there are many who believe and teach that—the Koran teaches that the penalty for homosexual conduct is death, of all things. And we know that in Iran, Ahmadinejad I believe had said they didn't have any people practicing homosexuality in Iran. Well, apparently not. I mean, they may kill them, for all we know.

But this is the United States of America, and we do—or used to—believe in religious freedom and the freedom to teach religious morality as it has been taught in the greatest book ever written.

But this hate crimes bill is going to take care of that for us. And how ironic that a movement that would allow a certain conduct to be of a more heightened protected class than even the elderly is going to be attached to the Defense Authorization Bill. It's just mind-boggling that we have stooped this far. It's just unbelievable.

Now, with regard to the hate crimes bill, it should also not be lost that when we talk about protected classes—I think the defense authorization did add the military as a protected class—

but just the ability to go into a church and forcefully get a preacher's notes, DVDs, it's going to have a chilling effect. There's no question about it.

And in every country where Federal law has adopted laws like this, this has an extremely chilling effect. And I go back to what our friend Chuck Colson had pointed out earlier this year, and that is when you lose morality in a Nation, you create economic instability leading to economic chaos. And when you have economic chaos, it is tragic, but people have always been willing to give up their liberties, their freedoms, in order to gain economic stability.

□ 2330

It happened in 1920s and 1930s Germany. They gave up their liberties to gain economic stability, and they got a little guy with a mustache who was the ultimate hate-monger. And this is scary stuff we are doing here when we take away what has traditionally been an important aspect of moral teaching in America.

Now, some of the same people are all upset about the plaque I was trying to have added to Statuary Hall here. We filed a bill called the Church Act, and we had research done by the Congressional Research Service so there would be no question that it wasn't slanted one way or another, that it was all accurate according to the Congressional Research Service. It would simply educate people who do not understand that the term “separation of church and State” is not in the Constitution. It was in a letter that was written by Thomas Jefferson.

But anyway, this is the language that's proposed in the bill to be on the plaque: “The first Christian church services in the Capitol”—that is the U.S. Capitol and again this is all researched by CRS, all accurate, but “The first Christian church services in the Capitol were held when the government moved to Washington in the fall of 1800. They were conducted in the Hall of the House in the north wing of the building. In 1801, the House moved the church services to temporary quarters in the south wing, called the ‘Oven,’ which it vacated in 1804, returning services to the north wing for 3 years. During church services, the Speaker's podium was used as the preacher's pulpit.

“Within a year of his inauguration, President Thomas Jefferson began attending church services in the Chamber of the House of Representatives. Throughout his administration, which was 1801 to 1809, Thomas Jefferson permitted and encouraged church services in the executive branch buildings. Sermons regarding the Old and New Testaments of the Bible were even conducted in the Supreme Court Chambers while the judicial branch was located in the old north wing of the Capitol.

“The term ‘separation of church and State,’ not found in the Constitution,

was rather first used by Thomas Jefferson in a letter to the Danbury Baptists. Though Jefferson saw no problem about having nondenominational Christian services in government buildings, he affirmed that the government should not choose an official Christian denomination. The worship services in the government-owned House Chamber—a practice that continued until after the Civil War—were acceptable to Jefferson because they were non-discriminatory and voluntary.

“President James Madison, the recognized author of the Constitution, followed Jefferson’s example. In keeping with Madison’s understanding of the First Amendment, church services were permitted in the Halls of State on Sundays during his administration. That was 1809 to 1817. However, unlike Jefferson, who rode on horseback to attend church in the Capitol, Madison traveled in a coach pulled by four horses. The services were interrupted in 1814 after the interior was burned by the British and had to be repaired.

“Preachers of every Christian denomination preached Christian doctrine in this Chamber. On January 8, 1826, Bishop John England of Charleston, South Carolina, became the first Catholic clergyman to preach in the House of Representatives. The first woman to preach before the House, and likely the first woman to speak officially in Congress under any circumstances, was the English evangelist, Dorothy Ripley, who conducted a service on January 12, 1806.”

So that is a history of the Christian movement, the Christian church being very much a part of the early founding of this country and the early days. And we could have quote after quote. History is replete with them, of the role of the Judeo-Christian beliefs and the founding of this country. And, in fact, through the 1800s, most of the time, somebody proposed a bill, they liked the idea of having a Scripture to back it up. They thought that would help win the support of the other Members here.

And if you look at the signing of the Declaration of Independence, the 56 signers who pledged their lives, their fortunes and their sacred honor, between one-third and one-half of those signers were ordained Christian ministers. And they helped give us this great start.

The first Speaker of the House, Mr. Speaker, was a Christian minister, was Frederick Muhlenberg, originally from Pennsylvania, as was his brother, Peter, also a minister. But those were the early days.

So it was troubling that the Constitution, that incredible document that was not first established in 1783, that was Articles of Confederation, but then 1787 we get to the Constitutional Convention during which Benjamin Franklin was there. But all 13 colonies

had made clear, we are only coming back if George Washington presides. He is the only one we trust. They talked Washington into coming back to the Constitutional Convention to preside. How much that says about an individual, that the 13 colonies would only trust this person. Washington came back. He presided. We got the Constitution.

But even then, after nearly 5 weeks, they had accomplished basically nothing. And that is when Benjamin Franklin stood up, was recognized by President Washington, president of the Constitutional Convention, and basically said, we’ve been going for nearly 5 weeks and we have accomplished virtually nothing. We have more “noes” than “ayes” on these votes. He said, When we met in this room during war with Great Britain, we had daily prayer in this room. How is it, sir, that we have not once called upon the Father of Lights to illuminate our understanding? He went on to say that if a sparrow cannot fall to the ground without God taking notice, is it possible that an empire could rise without his aid?

He said, We are told in the sacred writing that unless the Lord builds the house, they labor in vain that build it. Firmly he said he believed that, not only that, but that without God’s concurring aid, they would fare no better than the builders of Babel. He went on, spoke some more and ultimately made a motion that henceforth, every day of the Congress of the United States start with a prayer. From that day in 1787 until this very day, every session starts with prayer.

So that was very much a vital part of that. But we had a Constitution that was the most incredible founding document of any country in the history of the world. It is tragic, also, that it did not come to mean the same thing that all people truly were equal for over 100 years, actually, until 18—well until the Civil War. And Lincoln was a devout Christian. He was a phenomenal theological thinker as evidenced by his second inaugural address that is etched in the north wall of the Lincoln Memorial.

That’s why he came forth with the Emancipation Proclamation. That’s why if you go back to his two brief years in the House of Representatives, Lincoln was supposedly asked after he was President, Did you ever remember anything occurring memorable during your brief time in the House of Representatives? And he had said nothing other than this; and, of course, history records that we had one President, after he was President, run for the House of Representatives, John Quincy Adams. He believed God was calling him to bring an end to slavery in the United States as a Christian in England had done who got elected in 1785, fought 20 years and finally had the re-

peal of the slave trade, that was William Wilberforce, the slave trade in 1805, then he fought for 28 more years and in 1833 slavery was outlawed completely in England.

John Quincy Adams felt that was his calling. That was something he felt he was supposed to do here in the United States, what Wilberforce was doing and had done in England.

And so after he was defeated by Andrew Jackson in 1828, he ran for the House of Representatives; 1830 he got elected. For 17 years that man preached on the evils of slavery, basically asking how could God bless America, continue to bless America when we are mistreating our brothers and sisters by putting them in chains and bondage. That was the church.

The church was all involved in the Underground Railroad in trying to protect slaves who were getting away because the churches recognized, and those who were really devout truly understood, they recognized them as being brothers and sisters and treated them accordingly.

□ 2340

And then you come even up to the civil rights movement in the 1960s, Dr. Martin Luther King, Jr., he was an ordained Christian minister. And there are many who believe in this country that all of his work, all of his effort, his peaceful protests, actually did one thing and that was get us closer to the day when people were judged by the content of their character rather than the color of their skin. But many think what he did was have African Americans in an atmosphere where they are treated more evenly. But he did something more. For white people who are Christians, he helped free them to be true Christians and treat every man and woman as brothers and sisters. He helped people across all races.

But he did believe in the Bible. He was quite the Christian evangelist preacher. So this movement has been throughout.

And now all of these years later we come to the point where there is going to be legislation. It has already been attached to the Defense Authorization bill. I guess that is to give people in the Senate protection who are afraid to vote because people back home may actually figure out that this is going to have a detrimental effect on the freedom to discuss immorality as the Bible teaches particularly, but certainly the Koran and the Tanach. And if you want to get right down to it, the term “sodomy” does come from the city of Sodom.

But this bill, the hate crimes bill, it will affect the ability of preachers to preach sexual immorality, as I have just read earlier from Romans 1, or to talk about, and both in the Koran and in what we call the Old Testament, the Tanach, the Torah, books in what we

call the Old Testament and the Koran both talk about Sodom. Both talk about Gomorrah. Both talk about Lot and his family being there in Sodom. And both talk about the attraction of men for men, and that when the angels came there to Lot in Sodom, the men did not want Lot's daughters for sexual pleasure, they wanted the angels, and that was too much for God for those who believe the account as written out in the Old Testament.

But if this bill passes on the back of a Defense Authorization, a bill that is going to equip our soldiers to defend our freedoms and then take away religious freedom at the same time, it is amazing.

Something Chuck Colson said years ago was you cannot demand the morality of Woodstock and not expect a Columbine. If the morality of the country is if it feels good do it, at some point some warped soul is going to wonder about what it feels like to kill people and what it feels like to do other things.

What is really offensive to me, this hate crimes bill, on committee, on the floor, could have been amended, but the majority would not allow us to restrict the definition even of what sexual orientations were protected. They wanted it left. They wouldn't even restrict pedophilia, wouldn't restrict necrophilia, wouldn't restrict the other definitions of sexual orientation. They wanted it wide open. And for that, you are going to hook this on the backs of our soldiers and they don't get what they need in the field unless we pass this hate crimes bill into law.

How far have we come? How far have we come? There was a reason Jeremiah cried when he fell for his country.

We were promised the most open and fair, procedurally fair Congress in history before the 2006 election. What we have seen is the most closed, fewer amendments allowed. Even when the Republicans took the majority in 1995, in the 1994 election and then were sworn in in 1995, they allowed open rules on their points of the Contract with America. It was openly debated, and yet this has been the most closed Congress.

So the only chance we have to discuss this is not in an amendment process, not on the bill itself that may be jointly in a conference report with nothing but the hate crimes bill. Oh, no, it is on the back of our soldiers and their money and supplies they need in their Defense Authorization.

This is not an open Congress. This is not what was promised. This is not what was on the Speaker's Web site for so long that would occur in this House. It is just sad.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today on account of a family medical issue.

Mr. HINOJOSA (at the request of Mr. HOYER) for today on account of official business and extended travel in district.

Mr. NEUGEBAUER (at the request of Mr. BOEHNER) for today on account of medical reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Mr. HASTINGS of Florida, for 5 minutes, today.

Mr. ALTMIRE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, October 7.

Mr. BROWN of Georgia, for 5 minutes, October 7.

Mr. POE of Texas, for 5 minutes, October 13.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, today.

Mr. JONES, for 5 minutes, October 13.

Mr. PENCE, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

#### SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 251. An act to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities; to the Committee on Energy and Commerce; in addition, to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 43. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke, to the Committee on House Administration.

#### ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3663. An act to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

On Friday, October 2, 2009:

H.R. 1687. An act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse".

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse".

H.R. 2121. An act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building".

H.R. 2913. An act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse".

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature on October 2, 2009, to enrolled bills of the Senate of the following titles:

S. 1289. An act to improve title 18 of the United States Code.

S. 1707. An act to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 7, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3960. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2008-09 Crop Natural (Sun-Dried) Seedless Raisins [Doc. No.: AMS-FV-08-0114; FV09-989-1 FIR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3961. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Change in Reporting Requirements [Doc. No.: AMS-FV-08-0017; FV08-920-2 FR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3962. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vegetables, Import Regulations; Partial Exemption to the

Minimum Grade Requirements for Fresh Tomatoes [Doc. No.: AMS FV-08-0097; FV09-980-1 FR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3963. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0048; FV09-993-1 IFR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3964. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Order Amending Marketing Order No. 905 [Doc. No.: AO-85-A10; AMS-FV-07-0132; FV08-905-1] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3965. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon and Imported Irish Potatoes; Relaxation of Size Requirements [Doc. No.: AMS-FV-08-0062; FV08-945-1 FR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3966. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerances [EPA-HQ-OPP-2008-0806; FRL-8427-7] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3967. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Private Security Contractors (PSCs) Operating in Contingency Operations [DOD-2008-OS-0125] (RIN: 0790-A138) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3968. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8087] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3969. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certification and General Administrative Provisions [FNS-2007-0009] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3970. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certification and General Administrative Provisions [FNS-2007-0009] (RIN: 0584-AD73) received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3971. A letter from the Deputy Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Vocational Rehabilitation Service Projects for American Indians

with Disabilities [Docket ID ED-2009-OSERS-0008] (RIN: 1820-AB63) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3972. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Vaulting and Paying Benefits received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3973. A letter from the Department Director, Regulations Policy And Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Charging for Investigational Drugs Under an Investigational New Drug Application [Docket No.: FDA-2006-N-0237] (formerly Docket No.: 2006N-0061) (RIN: 0910-AF13) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3974. A letter from the Dep. Dir., Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays [Docket No.: FDA-2009-N-0344] received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3975. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [EPA-R09-OAR-2009-0079; FRL-8945-1] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3976. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and Santa Barbara County Air Pollution Control District [EPA-R09-OAR-2009-0385; FRL-8948-6] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3977. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Boise, Idaho) [MB Docket No.: 09-96] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3978. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Prohibitions on Market Manipulation [Project No. P082900] (RIN: 3084-AB12) received September 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3979. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to Certain End-User Controls under the Export Administration Regulations; Clarification Regarding License Requirements for Transfers (in-country) to Persons Listed on the Entity List [Docket No.: 090126062-91139-01] (RIN: 0694-AE54) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3980. A letter from the Deputy Assistant Administrator for Regulatory Programs,

NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Emergency Rule; Extension [Docket No.: 090206152-9249-01] (RIN: 0648-AX61) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3981. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf—Changing Proprietary Term of Certain Geophysical Information [Docket ID: MMS-2008-OMM-0006] (RIN: 1010-AD41) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3982. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Technical Changes to Production Measurement and Training Requirements [Docket ID MMS-2008-OMM-0023] (RIN: 1010-AD55) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3983. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors (TCM) IO-520, TSIO-520, and IO-550 Series Reciprocating Engines with Superior Air Parts, Inc. (SAP) Cylinder Assemblies Installed [Docket No.: FAA-2007-0051; Directorate Identifier 2007-NE-37-AD; Amendment 39-15986; AD 2009-16-03] (RIN: 2120-AA64) received September 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3984. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331-10 and TPE331-11 Series Turboprop Engines [Docket No.: FAA-2009-0555; Directorate Identifier 2009-NE-18-AD; Amendment 39-15996; AD 2009-17-05] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3985. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0532; Directorate Identifier 2008-NM-024-AD; Amendment 39-15994; AD 2009-17-03] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3986. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Plentywood, MT [Docket No.: FAA-2009-0225; Airspace Docket No. 09-ANM-4] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3987. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Limited Model PC-7 Airplanes [Docket No.: FAA-2009-0509; Directorate Identifier 2009-CE-029-AD; Amendment 39-15985; AD 2009-16-02] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3988. A letter from the Chief, Publications and Regulations Branch, Internal Revenue



Service, transmitting the Service's final rule — Modification of Revenue Procedure 2007-44 (Rev. Proc. 2009-36) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3989. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revocation of Elections By Multiemployer Defined Benefit Pension Plans to Freeze Funded Status under section 204 of WRERA (Revenue Procedure 2009-43) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3990. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Program allowing Department of Treasury to partner with private investors to form public-private investment partnerships to acquire legacy securities (Rev. Proc. 2009-42) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3991. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting of Discharges of Indebtedness (RIN: 1545-BH99) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 719. Resolution commending Russ Meyer on his induction into the National Aviation Hall of Fame; with an amendment (Rept. 111-282). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 138. Resolution recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas (Rept. 111-283). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3371. A bill to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes (Rept. 111-284). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 465. Resolution recognizing the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary, and for other purposes; with amendments (Rept. 111-285). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3305. A bill to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the "H. Dale Cook Federal Building and United States Courthouse" (Rept. 111-286). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 799. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-287). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BUYER (for himself and Mr. MICHAUD):

H.R. 3719. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs a Veterans Economic Opportunity Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARE (for himself, Mr. SCHOCK, Mr. BRALEY of Iowa, and Mr. BOSWELL):

H.R. 3720. A bill to direct the Secretary of Transportation to promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California (for himself, Mr. CONYERS, Mr. ANDREWS, Mr. NADLER of New York, Mr. COURTNEY, Ms. CHU, Ms. CLARKE, Mr. HOLT, Mr. HARE, Mr. KILDEE, Mr. LOEBACK, Mr. SABLON, Mr. SCOTT of Virginia, Ms. HIRONO, Ms. WOOLSEY, Mr. BISHOP of New York, and Mr. SESTAK):

H.R. 3721. A bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona:

H.R. 3722. A bill to amend the Small Business Investment Act of 1958 to improve the New Markets Venture Capital and Renewable Fuel Capital Investment Programs, and for other purposes; to the Committee on Small Business.

By Mrs. HALVORSON:

H.R. 3723. A bill to amend the Small Business Act to improve the activities carried out under section 7(a) of such Act, and for other purposes; to the Committee on Small Business.

By Ms. BERKLEY (for herself, Mr. ABERCROMBIE, Mr. BRADY of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Ms. SCHWARTZ, Mr. SENSENBRENNER, and Mr. THOMPSON of California):

H.R. 3724. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Ways and Means.

By Mr. CASTLE (for himself and Mr. CAPUANO):

H.R. 3725. A bill to relieve traffic congestion; to the Committee on Transportation and Infrastructure.

By Mrs. CHRISTENSEN:

H.R. 3726. A bill to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Ms. DEGETTE (for herself, Ms. BERKLEY, Mr. BLUMENAUER, Ms. MATSUI, Mr. POLIS, Ms. TITUS, Mrs. NAPOLITANO, and Mr. PERLMUTTER):

H.R. 3727. A bill to enhance the ability of drinking water utilities in the United States

to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Science and Technology.

By Mr. HASTINGS of Florida:

H.R. 3728. A bill to make certain improvements in the laws applicable to the detention of individuals at United States detention facilities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 3729. A bill to amend section 31 of the Small Business Act with respect to awarding contract opportunities to qualified HUBZone small business concerns, and for other purposes; to the Committee on Small Business.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3730. A bill to provide for financial literacy education; to the Committee on Education and Labor.

By Mr. LUJÁN (for himself, Mr. SIRE, Mr. MILLER of North Carolina, Mr. GONZALEZ, Mr. WU, Ms. MATSUI, Mrs. NAPOLITANO, Mr. SABLON, Mr. BACA, Mr. LARSON of Connecticut, Mr. OLVER, Mr. CROWLEY, Ms. ROYBAL-ALLARD, Ms. HIRONO, Mr. TONKO, Mr. GRIJALVA, Mr. HINOJOSA, Mr. REYES, Mr. ORTIZ, Mrs. CHRISTENSEN, Mr. PERRIELLO, Mr. TEAGUE, and Mr. HEINRICH):

H.R. 3731. A bill to require the Secretary of Energy, in coordination with the Secretary of Labor, to establish a program to provide for workforce training and education, at community colleges, in sustainable energy; to the Committee on Education and Labor.

By Mr. MITCHELL (for himself and Mr. HELLER):

H.R. 3732. A bill to prohibit an agency or department of the United States from establishing or implementing an internal policy that discourages or prohibits the selection of a resort or vacation destination as the location for a conference or event, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SESTAK:

H.R. 3733. A bill to amend title 10, United States Code, to expand the eligibility of members of the Armed Forces to participate in programs of higher education offered by the Community College of the Air Force; to the Committee on Armed Services.

By Mr. SIRE (for himself, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mrs. MALONEY, Mr. TOWNS, Mr. ROTHMAN of New Jersey, Mr. MCMAHON, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. RUSH, Mr. QUIGLEY, Mr. GUTIERREZ, Mr. LIPINSKI, Mr. DAVIS of Alabama, Mr. COHEN, Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. KENNEDY, Mr. SERRANO, and Mr. CAPUANO):

H.R. 3734. A bill to authorize the Secretary of Housing and Urban Development to establish and carry out an urban revitalization and livable communities program to provide Federal grants to urban areas for the rehabilitation of critically needed recreational areas and facilities and development of improved recreation programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be



subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. MOORE of Kansas, Ms. JENKINS, and Mr. MORAN of Kansas):

H.R. 3735. A bill to authorize and request the President to award the Medal of Honor posthumously to Captain Emil Kapaun of the United States Army for acts of valor during the Korean War; to the Committee on Armed Services.

By Mrs. LOWEY:

H. Con. Res. 194. Concurrent resolution supporting the goals and ideals of "Lights On Afterschool!", a national celebration of after-school programs; to the Committee on Education and Labor.

By Mr. DANIEL E. LUNGREN of California:

H. Con. Res. 195. Concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H. Res. 796. A resolution expressing the sense of the House of Representatives that no American should be penalized for failing to purchase Government-mandated health coverage; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE (for herself, Mr. DANIEL E. LUNGREN of California, Mr. WU, Mr. THOMPSON of Mississippi, Mr. KING of New York, Mr. GORDON of Tennessee, Mr. CUELLAR, Mr. CARNAHAN, Mr. HIMES, Ms. KILROY, Mr. LUJÁN, Mr. LANGEVIN, Ms. RICHARDSON, Ms. LORETTA SANCHEZ of California, and Ms. FUDGE):

H. Res. 797. A resolution expressing the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States, and supporting the goals and ideals of the sixth annual National Cyber Security Awareness Month; to the Committee on Science and Technology.

By Mr. McDERMOTT (for himself, Mr. ROYCE, Mr. CROWLEY, Mr. PALLONE, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, and Mr. ACKERMAN):

H. Res. 798. A resolution conveying the best wishes of the House of Representatives to those celebrating Diwali; to the Committee on Oversight and Government Reform.

By Ms. SPEIER (for herself, Ms. HIRONO, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. SABLAN, Mr. CAO, Mr. SCOTT of Virginia, Mr. FILNER, Ms. CHU, Ms. RICHARDSON, Mr. GEORGE MILLER of California, Mr. BACA, Mrs. CAPPS, Mr. THOMPSON of California, Mr. ROSS, Mr. SIRES, Mr. HONDA, Mr. BILBRAY, Mr. GRIJALVA, Mr. COSTA, Mr. CONNOLLY of Virginia, Mr. RUPERSBERGER, Mr. INGLIS, Ms. WOOLSEY, Mr. BURTON of Indiana, and Mr. WU):

H. Res. 800. A resolution expressing sympathy for the citizens of the Philippines dealing with Tropical Storm Ketsana and Typhoon Parma; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. TOWNS, and Mr. RANGEL):

H. Res. 801. A resolution expressing congratulations and support for the appointment of former President William J. Clinton as United Nations Special Envoy for Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SESTAK (for himself and Mr. McGOVERN):

H. Res. 802. A resolution recognizing the commencement of the 9th year of Operation Enduring Freedom and the sacrifice and contributions of United States service members and their families in support of Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. SPACE (for himself and Mr. TERRY):

H. Res. 803. A resolution expressing the support of the House of Representatives regarding the merits and benefits of the Laundry Environmental Stewardship Program (ESP) program, which improves the environment through textile services industry wide conservation of water and energy, reducing pollutants, and using safer surfactants; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. ROTHMAN of New Jersey.  
H.R. 25: Mr. HALL of Texas and Ms. GRANGER.  
H.R. 29: Mr. DAVIS of Illinois.  
H.R. 86: Mr. CHAFFETZ.  
H.R. 124: Mr. YOUNG of Alaska.  
H.R. 197: Mr. HARPER, Ms. GRANGER, and Mr. TURNER.  
H.R. 198: Mr. PITTS.  
H.R. 305: Mr. HEINRICH.  
H.R. 406: Mr. ARCURI, Ms. NORTON, Mrs. SCHMIDT, Mr. CARDOZA, Mr. BRALEY of Iowa, Ms. HIRONO, Mr. CAPUANO, Mr. PIERLUISI, Mr. INSLEE, Mr. FORTENBERRY, Ms. BEAN, and Mr. JACKSON of Illinois.  
H.R. 453: Mr. COHEN.  
H.R. 510: Ms. SHEA-PORTER and Mr. TERRY.  
H.R. 571: Mr. LARSON of Connecticut, Mr. POLIS, and Mr. BOCCIERI.  
H.R. 574: Mr. OBERSTAR.  
H.R. 597: Mr. KILDEE.  
H.R. 614: Mr. JONES.  
H.R. 616: Mr. DAVIS of Alabama and Mr. YOUNG of Alaska.  
H.R. 621: Mr. OBERSTAR.  
H.R. 624: Mr. ELLISON.  
H.R. 635: Mr. CLEAVER.  
H.R. 678: Mr. NYE, Ms. KAPTUR, Mr. JOHNSON of Georgia, and Mr. SIRES.  
H.R. 690: Mr. PALLONE.  
H.R. 789: Ms. MOORE of Wisconsin.  
H.R. 840: Mr. SESTAK.  
H.R. 881: Mr. ROE of Tennessee.  
H.R. 916: Mr. LEWIS of Georgia, Mr. CHANDLER, and Mrs. DAVIS of California.  
H.R. 958: Mr. YARMUTH.  
H.R. 988: Mr. HEINRICH, Mr. PAULSEN, and Mr. ETHERIDGE.

H.R. 995: Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, and Mr. MCINTYRE.

H.R. 1021: Mr. ALTMIRE.

H.R. 1067: Mr. ENGEL and Mr. SMITH of Washington.

H.R. 1074: Ms. MARKEY of Colorado and Mr. HARPER.

H.R. 1079: Mr. SCALISE, Mr. TOWNS, Mr. ELLISON, and Mr. SCHIFF.

H.R. 1093: Mr. ROTHMAN of New Jersey.

H.R. 1101: Mr. GENE GREEN of Texas.

H.R. 1126: Mr. DAVIS of Illinois.

H.R. 1166: Ms. RICHARDSON.

H.R. 1188: Mr. PUTNAM.

H.R. 1190: Mr. COHEN.

H.R. 1205: Mr. DONNELLY of Indiana.

H.R. 1207: Ms. CHU, Ms. PINGREE of Maine, Ms. SUTTON, and Mr. DRIEHAUS.

H.R. 1227: Mr. SHERMAN.

H.R. 1230: Mr. BUTTERFIELD.

H.R. 1237: Ms. WASSERMAN SCHULTZ.

H.R. 1278: Ms. SHEA-PORTER.

H.R. 1298: Mr. MARSHALL, Mr. BARTLETT, Mr. COSTELLO, Mr. RAHALL, Mr. GOODLATTE, and Mr. TIERNEY.

H.R. 1303: Mr. MEEKS of New York.

H.R. 1339: Mr. MURPHY of Connecticut.

H.R. 1362: Mr. BOOZMAN, Mr. SCHIFF, Mr. KIRK, and Mr. ROE of Tennessee.

H.R. 1407: Mr. MARSHALL.

H.R. 1428: Ms. DEGETTE.

H.R. 1447: Mr. WOLF.

H.R. 1505: Mr. BLUMENAUER.

H.R. 1528: Mr. DAVIS of Illinois.

H.R. 1530: Mr. DAVIS of Illinois.

H.R. 1531: Mr. DAVIS of Illinois.

H.R. 1547: Mr. ROGERS of Michigan.

H.R. 1570: Mr. MACK.

H.R. 1625: Mr. LYNCH, Mr. KLEIN of Florida, Mr. DENT, Mr. MILLER of North Carolina, Mr. SHADEGG, Ms. WATERS, and Mr. MICHAUD.

H.R. 1646: Mrs. MILLER of Michigan.

H.R. 1691: Mr. KISSELL and Mr. YARMUTH.

H.R. 1693: Mr. FARR.

H.R. 1708: Mr. ORTIZ.

H.R. 1722: Ms. ZOE LOFGREN of California, Mrs. CAPITO, and Mr. DOGGETT.

H.R. 1740: Mr. COSTA, Mr. SPACE, and Mr. KUCINICH.

H.R. 1769: Mr. JACKSON of Illinois.

H.R. 1778: Mrs. HALVORSON.

H.R. 1796: Mr. McGOVERN.

H.R. 1820: Ms. WATERS, Mr. SHERMAN, Mr. FARR, Ms. CHU, Ms. SPEIER, and Ms. LORETTA SANCHEZ of California.

H.R. 1826: Mr. MARKEY of Massachusetts, Ms. HIRONO, Ms. HARMAN, and Mr. MURPHY of New York.

H.R. 1835: Mr. RYAN of Ohio.

H.R. 1875: Mr. BRALEY of Iowa.

H.R. 1884: Mr. LARSEN of Washington, Mr. MURPHY of New York, Mr. ALTMIRE, Mr. DENT, and Ms. CHU.

H.R. 1891: Mr. PITTS.

H.R. 1894: Mr. GONZALEZ.

H.R. 1912: Mr. SESTAK.

H.R. 1927: Mr. MORAN of Virginia.

H.R. 1977: Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, and Ms. KAPTUR.

H.R. 1995: Mr. PAYNE.

H.R. 2017: Mr. COLE, Mr. COSTELLO, Mr. WAMP, and Ms. SLAUGHTER.

H.R. 2055: Mr. HINCHEY.

H.R. 2060: Mr. LUJÁN.

H.R. 2067: Mr. COSTELLO and Mr. ACKERMAN.

H.R. 2135: Mr. MOORE of Kansas.

H.R. 2149: Mr. FORTENBERRY and Ms. BALDWIN.

H.R. 2190: Mr. GEORGE MILLER of California.

H.R. 2194: Ms. ROYBAL-ALLARD, Mr. GUTIERREZ, Mr. HARPER, Mrs. DAVIS of California, Mr. NYE, and Ms. TSONGAS.

- H.R. 2198: Mrs. BIGGERT.  
H.R. 2254: Mr. MELANCON, Mr. MILLER of North Carolina, Mr. CARDOZA, Ms. SLAUGHTER, Mr. BERMAN, Mr. LANGEVIN, Ms. KILPATRICK of Michigan, Mr. AUSTRIA, Mr. ROGERS of Kentucky, Mr. CUMMINGS, and Mr. SHULER.  
H.R. 2262: Mr. COSTELLO and Ms. HERSETH SANDLIN.  
H.R. 2269: Mr. DAVIS of Illinois.  
H.R. 2279: Mrs. CHRISTENSEN and Mr. GENE GREEN of Texas.  
H.R. 2280: Mr. GRIJALVA, and Mr. PETERSON.  
H.R. 2324: Mr. SERRANO and Ms. ZOE LOFGREN of California.  
H.R. 2358: Mr. GENE GREEN of Texas.  
H.R. 2377: Mr. CARDOZA and Mr. LATOURETTE.  
H.R. 2381: Mr. DEFazio.  
H.R. 2418: Mr. SESTAK.  
H.R. 2425: Ms. SPEIER, Mrs. LOWEY, and Mr. GENE GREEN of Texas.  
H.R. 2427: Mr. DOGGETT.  
H.R. 2452: Mr. WITTMAN, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. WILSON of South Carolina, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. BISHOP of New York, and Mr. MINNICK.  
H.R. 2476: Mr. GALLEGLY.  
H.R. 2493: Mr. MURPHY of New York, Mr. ISRAEL, and Mr. SOUDER.  
H.R. 2499: Mrs. DAHLKEMPER, Mr. BUCHANAN, and Mr. TERRY.  
H.R. 2515: Ms. EDWARDS of Maryland.  
H.R. 2517: Ms. CHU.  
H.R. 2527: Mr. POLIS.  
H.R. 2567: Mr. JACKSON of Illinois and Mr. PETRI.  
H.R. 2597: Mr. SCOTT of Virginia.  
H.R. 2607: Mr. SMITH of New Jersey.  
H.R. 2625: Mr. WU.  
H.R. 2628: Mr. BISHOP of Georgia.  
H.R. 2642: Mr. TURNER.  
H.R. 2648: Mr. CLEAVER.  
H.R. 2655: Mr. LATOURETTE.  
H.R. 2730: Mr. GENE GREEN of Texas.  
H.R. 2732: Mr. FORBES.  
H.R. 2740: Mr. GRIJALVA.  
H.R. 2746: Mr. BRALEY of Iowa and Ms. RICHARDSON.  
H.R. 2753: Mr. PITTS, Mr. OBERSTAR, Mrs. EMERSON, Mr. ROGERS of Kentucky, and Mr. WHITFIELD.  
H.R. 2766: Mr. ROTHMAN of New Jersey and Mr. BERMAN.  
H.R. 2807: Mrs. MALONEY, Mr. FILNER, and Mr. DOGGETT.  
H.R. 2831: Ms. BALDWIN.  
H.R. 2842: Mr. HOEKSTRA and Mr. BLUNT.  
H.R. 2868: Mr. HINCHEY.  
H.R. 2879: Mr. MINNICK and Mr. WALZ.  
H.R. 2897: Mr. MCGOVERN, Mr. HILL, Mr. COSTA, Mr. WILSON of Ohio, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, and Mr. MORAN of Kansas.  
H.R. 2935: Mr. BLUMENAUER, Mr. WAMP, and Mr. POMEROY.  
H.R. 2936: Ms. SUTTON.  
H.R. 2964: Ms. TITUS, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mrs. CAPITO, Mr. HARPER, Mr. HENSARLING, Mr. ROSKAM, Mr. LAMBORN, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. SMITH of Nebraska, Mr. MCCARTHY of California, Mr. WALDEN, Mr. KINGSTON, Mr. JORDAN of Ohio, and Mr. SCALISE.  
H.R. 3011: Mr. SESSIONS and Mr. BRALEY of Iowa.  
H.R. 3012: Ms. CHU.  
H.R. 3015: Mr. KLINE of Minnesota.  
H.R. 3035: Mr. COHEN and Mr. VAN HOLLEN.  
H.R. 3043: Mr. FARR, Mr. MEEKS of New York, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mr. ISRAEL, Ms. WATERS, Ms. DEGETTE, Mr. TONKO, Mr. LANGEVIN, and Mr. MASSA.  
H.R. 3050: Mr. CONNOLLY of Virginia and Mr. THOMPSON of California.  
H.R. 3075: Mr. SESTAK.  
H.R. 3077: Mr. OLVER.  
H.R. 3078: Ms. DELAULO and Mr. FILNER.  
H.R. 3105: Mr. MCCLINTOCK.  
H.R. 3116: Mr. KILDEE, Mr. WAMP, and Ms. SLAUGHTER.  
H.R. 3186: Mr. HINCHEY.  
H.R. 3202: Mr. KAGEN.  
H.R. 3217: Mr. SMITH of Nebraska.  
H.R. 3238: Mr. ORTIZ.  
H.R. 3245: Ms. CHU, Mr. ELLISON, and Ms. LEE of California.  
H.R. 3258: Ms. SHEA-PORTER, Mr. HINCHEY, and Mr. COHEN.  
H.R. 3271: Mr. FILNER.  
H.R. 3286: Ms. BERKLEY, Mr. DOGGETT, and Ms. KAPTUR.  
H.R. 3312: Ms. TITUS.  
H.R. 3328: Ms. HIRONO and Mr. JOHNSON of Georgia.  
H.R. 3348: Mr. SHIMKUS, Mr. LATTA, Mrs. MILLER of Michigan, Mr. CALVERT, Mr. LEWIS of California, Mr. CASSIDY, Mr. TURNER, Mr. ROYCE, Mr. ORTIZ, Mr. MCKEON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SMITH of New Jersey, Mr. WOLF, Mr. PITTS, Mr. BOUSTANY, Mr. DAVIS of Kentucky, Mr. ALEXANDER, Mr. LUCAS, Mr. COLE, Mrs. LUMMIS, Mr. THORNBERRY, Mr. CONAWAY, Ms. GRANGER, Mr. FRANKS of Arizona, Mrs. MCMORRIS RODGERS, Mr. HERGER, Mr. SOUDER, Mr. POSEY, Mr. GARRETT of New Jersey, Mr. KLINE of Minnesota, Mr. BRADY of Texas, Mr. CARTER, Mr. KING of New York, Mr. MCCAUL, Mr. ROGERS of Michigan, Mr. FLEMING, Mr. PAULSEN, and Mr. OLSON.  
H.R. 3365: Mr. RAHALL, Mr. ALTMIRE, Mr. BACA, and Mr. MASSA.  
H.R. 3375: Mr. WAMP.  
H.R. 3385: Mr. SAM JOHNSON of Texas.  
H.R. 3408: Mr. HIGGINS, Mr. GEORGE MILLER of California, Mr. WALZ, Ms. SUTTON, and Mr. CAPUANO.  
H.R. 3413: Mr. AL GREEN of Texas, Ms. JENKINS, Mrs. MYRICK, and Mr. MICHAUD.  
H.R. 3421: Mr. HONDA and Ms. RICHARDSON.  
H.R. 3430: Mr. CLEAVER.  
H.R. 3441: Mr. MOORE of Kansas.  
H.R. 3480: Mrs. LOWEY.  
H.R. 3502: Mr. TAYLOR and Mr. MASSA.  
H.R. 3518: Mr. WILSON of Ohio and Mr. ALTMIRE.  
H.R. 3545: Mr. FILNER.  
H.R. 3549: Mr. LINCOLN DIAZ-BALART of Florida and Mr. ROTHMAN of New Jersey.  
H.R. 3554: Mr. SCHIFF, Mr. ROTHMAN of New Jersey, Mr. LARSEN of Washington, Mr. COSTELLO, Mr. KENNEDY, and Ms. SCHAKOWSKY.  
H.R. 3569: Mr. HALL of Texas.  
H.R. 3571: Ms. GINNY BROWN-WAITE of Florida.  
H.R. 3585: Mrs. BONO MACK and Mr. HEINRICH.  
H.R. 3590: Mr. JOHNSON of Georgia, Mr. COURTNEY, Mr. PLATTS, Mr. FILNER, Mr. MOORE of Kansas, Ms. TITUS, Mr. GUTIERREZ, Mr. MCGOVERN, Mr. PETERS, and Mr. AL GREEN of Texas.  
H.R. 3608: Mr. WU, Mr. ISSA, and Mr. FILNER.  
H.R. 3610: Mr. PENCE, Mr. SMITH of New Jersey, and Mr. CALVERT.  
H.R. 3613: Mrs. BACHMANN, Mr. BROUN of Georgia, Mr. WOLF, and Mr. PETRI.  
H.R. 3633: Mr. WELCH.  
H.R. 3636: Mr. JACKSON of Illinois, Mr. SERRANO, and Mr. HINCHEY.  
H.R. 3644: Ms. KILPATRICK of Michigan, Mr. BLUMENAUER, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Ms. RICHARDSON.  
H.R. 3650: Mr. FARR, Mr. BOYD, and Mr. CAPUANO.  
H.R. 3668: Mr. FRANK of Massachusetts and Mr. MORAN of Virginia.  
H.R. 3670: Mr. SNYDER, Ms. TSONGAS, Mr. SOUDER, and Ms. RICHARDSON.  
H.R. 3677: Mr. WAMP and Mr. HALL of Texas.  
H.R. 3679: Mr. SERRANO.  
H.R. 3696: Mr. PENCE.  
H.R. 3710: Ms. JACKSON-LEE of Texas.  
H.R. 3712: Mr. ROTHMAN of New Jersey, Mr. THOMPSON of Pennsylvania, and Mr. PATRICK J. MURPHY of Pennsylvania.  
H. J. Res. 26: Mr. LATOURETTE.  
H. J. Res. 47: Mr. MOLLOHAN.  
H. Con. Res. 18: Mr. CULBERSON.  
H. Con. Res. 144: Mr. ROE of Tennessee.  
H. Con. Res. 147: Ms. RICHARDSON.  
H. Con. Res. 158: Mr. CALVERT, Mr. HASTINGS of Florida, and Mr. ROTHMAN of New Jersey.  
H. Con. Res. 160: Mr. HASTINGS of Florida and Mr. MOORE of Kansas.  
H. Con. Res. 169: Mrs. MILLER of Michigan and Ms. JENKINS.  
H. Con. Res. 170: Mr. CONAWAY, Mrs. MCMORRIS RODGERS, Mr. CAO, and Mrs. BLACKBURN.  
H. Con. Res. 177: Mr. ROONEY and Mr. COSTELLO.  
H. Res. 159: Mr. CROWLEY, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RYAN of Ohio, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BLUMENAUER, Ms. BORDALLO, Ms. WASSERMAN SCHULTZ, Ms. LINDA T. SANCHEZ of California, Mr. MCGOVERN, Ms. NORTON, Mr. COHEN, Mr. FILNER, Mr. DAVIS of Illinois, and Mr. BISHOP of New York.  
H. Res. 185: Mr. HALL of New York and Ms. RICHARDSON.  
H. Res. 252: Mr. ISSA and Mr. BILBRAY.  
H. Res. 395: Mr. SMITH of New Jersey and Mr. MCGOVERN.  
H. Res. 416: Mr. PAYNE.  
H. Res. 480: Mr. CARSON of Indiana.  
H. Res. 516: Mr. WOLF.  
H. Res. 531: Mr. FOSTER, Mr. SCHOCK, Ms. BEAN, Mr. RUSH, and Mr. KILDEE.  
H. Res. 554: Mr. CUELLAR, Mr. MACK, Mr. BACHUS, Mr. SENSENBRENNER, Mr. LUCAS, Mr. MCCARTHY of California, Mrs. MYRICK, Mr. TEAGUE, Mr. JORDAN of Ohio, Mr. DAVIS of Kentucky, Mr. HELLER, and Mr. BOOZMAN.  
H. Res. 567: Ms. LEE of California.  
H. Res. 568: Mr. PLATTS, Mr. HENSARLING, Mr. HARPER, Mr. HELLER, Mr. BROWN of South Carolina, Mr. COFFMAN of Colorado, Mr. COLE, Mr. ROSKAM, Mr. LATOURETTE, Mr. ROE of Tennessee, Mr. MILLER of Florida, Mr. INGLIS, Ms. FALLIN, Mr. PETRI, Mr. MORAN of Kansas, Mr. POE of Texas, Mr. COBLE, Mr. UPTON, Mr. CASTLE, Mr. DAVIS of Kentucky, Mr. LANCE, Mr. SMITH of Nebraska, Mr. MCCARTHY of California, Mrs. BIGGERT, Mr. KIRK, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. BOUSTANY, Mr. DENT, Mr. AKIN, Mr. ROGERS of Michigan, Mr. ISSA, and Mr. TIAHRT.  
H. Res. 603: Mr. DANIEL E. LUNGREN of California.  
H. Res. 614: Mr. MINNICK.  
H. Res. 630: Ms. PINGREE of Maine.  
H. Res. 650: Mr. COOPER, Mr. GENE GREEN of Texas, Mr. DUNCAN, Mr. KILDEE, Mr. ROGERS of Kentucky, Mr. PETRI, Mr. FILNER, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROE of Tennessee, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. CAO, Mr. THORNBERRY, Mr. INGLIS, Mr. WOLF, Mr. UPTON, Mr. BRADY of Texas, Mr. TIBERI, Mr. CHAFFETZ, Mr. HUNTER, Mrs. LUMMIS, Mrs. BIGGERT, Mr. POE of Texas, Mr. DANIEL E. LUNGREN of California, Mr. ROYCE, Mr. POSEY, Mr. PLATTS, Mr. BILBRAY, and Mrs. BLACKBURN.

H. Res. 660: Mr. CUMMINGS.

H. Res. 700: Mr. HARE.

H. Res. 704: Mr. DANIEL E. LUNGREN of California, Mr. MCCLINTOCK, Mr. BILBRAY, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, and Mr. LATHAM.

H. Res. 707: Mr. MAFFEI, Mr. CAPUANO, and Mrs. BLACKBURN.

H. Res. 716: Mr. ROE of Tennessee and Ms. CLARKE.

H. Res. 727: Mr. HUNTER, Mr. DENT, Mr. BERMAN, Mr. GERLACH, Mr. SOUDER, Mr. PETERS, Mr. KIRK, Mr. MORAN of Kansas, Mr. TURNER, Mr. ROTHMAN of New Jersey, and Mr. PATRICK J. MURPHY of Pennsylvania.

H. Res. 729: Mr. RANGEL, Mrs. BLACKBURN, Ms. FUDGE, Mr. JONES, and Mr. RYAN of Ohio.

H. Res. 736: Mrs. EMERSON, Mr. MURTHA, and Mr. ROTHMAN of New Jersey.

H. Res. 741: Mr. GEORGE MILLER of California.

H. Res. 748: Mr. PITTS.

H. Res. 749: Mr. DANIEL E. LUNGREN of California.

H. Res. 752: Mr. TONKO.

H. Res. 763: Mr. FORBES.

H. Res. 780: Mr. BERMAN, Mr. ABERCROMBIE, Ms. BORDALLO, Ms. SPEIER, Ms. RICHARDSON, Mr. JACKSON of Illinois, Mr. SABLAN, Ms. ROYBAL-ALLARD, Mr. BILBRAY, Ms. CORRINE BROWN of Florida, Mr. GEORGE MILLER of California, Ms. LEE of California, Ms. HIRONO, Ms. CHU, Mr. HONDA, Mr. AUSTRIA, Ms. SCHAKOWSKY, and Mr. WU.

H. Res. 782: Ms. SCHAKOWSKY, Mr. MARKEY of Massachusetts, Mr. LINDER, Mr. BISHOP of Georgia, Mr. LANCE, Mr. MARSHALL, Mr.

PRICE of Georgia, Mr. GINGREY of Georgia, and Mr. BARROW.

H. Res. 783: Mr. CAO, Mr. PRICE of Georgia, Mr. DANIEL E. LUNGREN of California, and Mr. SHULER.

H. Res. 787: Mr. PETERS, Mr. OLVER, Mr. QUIGLEY, Mrs. HALVORSON, Ms. TITUS, Mrs. DAHLKEMPER, Mr. SNYDER, Ms. BALDWIN, Mr. KENNEDY, Mr. GEORGE MILLER of California, Mr. MURPHY of Connecticut, Ms. RICHARDSON, and Mr. PIERLUISI.

H. Res. 789: Mr. QUIGLEY.

H. Res. 790: Mr. PERLMUTTER.

H. Res. 793: Mr. GORDON of Tennessee, Mr. ROTHMAN of New Jersey, Ms. RICHARDSON, Mr. LUJÁN, Mr. WOLF, Mr. WU, Mr. BILBRAY, Mr. MEEKS of New York, Ms. BORDALLO, Mr. GONZALEZ, and Ms. EDWARDS of Maryland.

## EXTENSIONS OF REMARKS

### HONORING THE 50TH ANNIVERSARY OF THE JAROSCH BAKERY

#### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 50th anniversary of Jarosch Bakery in Elk Grove Village, Illinois in my Congressional District.

Jarosch Bakery was founded in 1959 by father and son George and Herbert Jarosch in order to provide quality baked goods to the northwest suburbs of Chicago. George emigrated from Germany where he had grown up learning the art of baking from his father's business. His son Herbert, a veteran of the Korean War and a trained baker, worked with his father to establish this successful business in downtown Elk Grove.

Together with their wives and children the business has grown today into a successful company that employs more than 50 employees, many of whom have worked for the bakery for over 20 years. The bakery has grown by leaps and bounds, creating a welcoming environment for customers and producing some of the community's most sought-after treats. Through the years, the success of this business has depended on the tireless work of the Jarosch family and their dedicated employees.

Madam Speaker and Distinguished Colleagues, please join me in recognizing this 50th Anniversary as we celebrate Jarosch Bakery's legacy of hard work entrepreneurial spirit.

### IN RECOGNITION OF CHEROKEE COUNTY, NORTH CAROLINA, HOSTING THE VIETNAM VETERANS MEMORIAL MOVING WALL

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SHULER. Madam Speaker, I rise today to celebrate Cherokee County, North Carolina, hosting the Vietnam Veterans Memorial Moving Wall. Because of the outstanding efforts of the Cherokee County Marine Corps League, Western North Carolina residents can visit the Moving Wall at the Koneheta Park in Murphy, North Carolina.

The Moving Wall, a half-size replica of the national Vietnam Veterans Memorial Wall in Washington, DC, allows veterans around the country to experience the Memorial with their families and friends in their communities. The Wall will also provide area schools with valuable hands-on educational opportunities for

children to gain better understanding of the Vietnam War. The Memorial honors members of the U.S. armed forces who served in the Vietnam War and made the ultimate sacrifice for our country. I am honored that Cherokee County has the opportunity to host the Wall as a commemoration to the sacrifices made and the respect earned by our veterans in Western North Carolina.

Madam Speaker, it is with greatest appreciation that I recognize the outstanding contributions made by our veterans in Western North Carolina to ensure our nation's freedom and safety. I urge my colleagues to join me in recognizing the importance of the Vietnam Veterans Memorial Moving Wall as a tribute to the invaluable service of our veterans, and to celebrate the unique opportunity it provides people around the country to honor our veterans in their home towns.

### THE MARKET IS RESPONDING TO FAILING MORTGAGES

#### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SMITH of Texas. Madam Speaker, one of America's top concerns during this difficult economic time has been the frequency of home mortgage foreclosures.

Last week, there was news to encourage us. Efforts by banks, borrowers and the Administration to modify troubled mortgages have begun to produce much larger numbers of modifications.

As banks have stabilized their balance sheets and raised fresh capital, their officers even have been able to reduce borrowers' mortgage principal when they work out loans. Modifications that reduce the balances that borrowers owe on their homes have more than tripled.

Earlier this year, Congress debated legislation to change the Bankruptcy Code and force principal reductions on the market. The measure was rightly defeated. To send homeowners into bankruptcy is not the answer and forced principal reductions will chill future lending.

Recently, calls for bankruptcy legislation re-emerged in the House. Last week's news shows once more that the measure is not needed. The market has found a better solution.

Americans need Congress to do something else to help homeowners. Let's pass effective legislation to bring growth and jobs back to America. That is the better way to help people keep their homes.

### RECOGNIZING ITALIAN HERITAGE SOCIETY OF AUBURN AND CAYUGA COUNTIES

#### HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. ARCURI. Madam Speaker, I stand today in recognition of the Italian Heritage Society of Auburn and Cayuga Counties for providing over 30 years of service and hard work promoting the achievements of Christopher Columbus and local citizens who dedicate themselves to improving the community. The approaching Columbus Day holiday marks an opportunity to celebrate the rich heritage of Italian-Americans in our country and reflect on the important work of organizations like the Italian Heritage Society.

I would like to express special recognition of the late Professor Joseph Camardo, Sr., founder of the Italian Heritage Society of Auburn and an educator at Cayuga Community College for nearly 50 years.

Professor Camardo was a distinguished member of the Italian Heritage Society, described as the glue that bound the organization and kept its work on track. Never a stranger to long hours and working on weekends, Professor Camardo was inspired by the sacrifice and dedication embodied by our ancestors—both Italian and non-Italian alike—when they arrived in this great country many years ago. He knew that to attain a better life and a brighter future for our children and grandchildren, we must carry on the tradition of hard work established by our ancestors.

Professor Camardo leaves big shoes to fill, and I am confident that those who knew him understand the importance of his legacy and the need to continue his work. To the Camardo family and all whose life he touched, I offer my sincerest condolences. He will be remembered as a great friend, a wonderful husband and a loving family man.

The Italian Heritage Society continues carrying out its mission to promote civic engagement in the community by recognizing the men and women who go above and beyond, day-in and day-out, but don't always receive the recognition they've earned. With the help of a strong committee of leaders, each year the Society recognizes four or five members of the community who work hard to better the lives of those around them.

Madam Speaker, I offer my best wishes to all members of the Italian Heritage Society of Auburn and Cayuga Counties and encourage them to keep up the great work. It's truly an honor to serve as your representative in Congress.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING RESURRECTION  
ELEMENTARY SCHOOL

**HON. BRUCE L. BRALEY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate Resurrection Elementary School in Dubuque, Iowa. The students, parents, faculty, and staff at Resurrection Elementary have earned the 2009 No Child Left Behind Blue Ribbon School Award. Resurrection is one of 320 schools in the United States and one of only 50 private schools that have earned the Blue Ribbon award this year.

The Blue Ribbon School Award is given annually to a select number of schools that demonstrate dramatic gains in student achievement. These schools are exemplary models that other schools can learn from. The students, families, faculty, and staff at Resurrection are a caring community. As part of the Holy Family Catholic School system, Resurrection is shaping students who believe in justice, peace, stewardship, academic and personal excellence, and civic responsibility.

Resurrection Elementary has worked hard to be one of the best schools in the country. I'm proud to represent Resurrection Elementary and the entire Holy Family Catholic Schools community in Congress and look forward to their continued success.

HONORING THE 50TH ANNIVERSARY OF CAROL STREAM, ILLINOIS

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 50th Anniversary of the incorporation of Carol Stream, Illinois, a vital part of my Congressional District.

The Village was founded by Jay Stream, a leading figure the city's first residential housing development, Carol Stream Estates, in 1959. Named after Jay's daughter Carol, the Village was incorporated on January 5th, 1959. From its early origins, Carol Stream has been a model for other cities and towns to follow, through its continued dedication building a friendly and welcoming community for residents and visitors alike.

On the occasion of this 50th Anniversary, we join together to celebrate Carol Stream's legacy of growth and prosperity and to look ahead to the opportunities facing our state and our nation. Today both marks 50 years of working together to build a brighter future, and reminds us that our work continues.

Madam Speaker and Distinguished Colleagues, please join me in recognizing Carol Stream Mayor Frank Saverino, the Carol Stream Village Legislative Board and the citizens of Carol Stream, and in wishing them every happiness on this special occasion.

RECOGNIZING OLIVIA PATRICIA THOMAS, THE OLDEST LIVING NATURAL BORN U.S. CITIZEN

**HON. CHRISTOPHER JOHN LEE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. LEE of New York. Madam Speaker, I rise today to recognize Williamsville, New York resident Olivia Patricia Thomas, who recently became the oldest living natural born United States citizen.

Born on June 29, 1895, Olivia, or Pat as she prefers to be called, recently celebrated her 114th birthday with family and friends. Originally from Iowa, Pat met her late husband Frederick in grade school in 1923, and the couple then moved to Buffalo in 1946 when Frederick began teaching engineering at the University at Buffalo.

Described as a "social butterfly" by friends, Pat can often be seen moving to the beat of music in group activities classes at St. Francis Home, where she has lived for the last few years.

An avid plant lover, Pat is affectionately referred to as "the plant lady" by her former neighbors for her love of foliage and always keeping a beautiful garden at her previous home, where she lived by herself until she was 109 years of age.

Pat is a wonderful woman and an inspiration to us all.

Madam Speaker, in recognition of her incredible achievement, I ask that this Honorable Body join me in honoring Olivia Patricia Thomas.

HONORING LOGAN SMITH

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Logan Smith, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Logan has been very active with his troop, participating in many scout activities. Over the many years Logan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Logan Smith for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE DR. HECTOR P. GARCIA DAY  
IN TEXAS

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. ORTIZ. Madam Speaker, I rise today to recognize the State of Texas for honoring Dr.

Hector P. Garcia, with its first official Day of Recognition as a civil rights leader and founder of the American G.I. Forum of the United States.

During this past legislative session, the lawmakers of the State of Texas saw it fitting to honor September 16 as the Dr. Hector P. Garcia Day of Recognition throughout the great State of Texas.

Dr. Garcia was born on January 17, 1914, in the Mexican village of Llera, Tamaulipas, Mexico, to Jose and Faustina Garcia. In 1918, at the age of four, Dr. Garcia's parents and his six brothers and sisters left Mexico during the Mexican Revolution and relocated to Mercedes, Texas. During a time of unprecedented Hispanic uprising, he along with five of his brothers and sisters became doctors.

He went on to earn his bachelor's degree from the University of Texas and his medical degree from the University of Texas Medical Branch at Galveston in 1940. In 1942, he enlisted in the United States Army and served in World War II. Army officials would go on to discover later during Dr. Garcia's enlistment that he was a medical doctor and he was asked to treat his fellow soldiers, a task he accepted.

While serving in Italy, he earned the Bronze Star Medal with six battle stars and also met his future wife, Wanda Fusillo, whom he married in 1945. In 1946, he was honorably discharged from the Army with a rank of major.

After the war, he moved to Corpus Christi, Texas, where he opened a medical practice, and founded the American G.I. Forum on March 26, 1948, to fight for the rights and benefits promised to returning Hispanic veterans' under the G.I. Bill. His civil rights movement would then grow to also combat discrimination in housing, jobs, education and voting rights.

Congress honored Dr. Hector P. Garcia, who died on July 26, 1996, at age 82. President Bill Clinton eulogized him as a national hero. Congress paid homage to Dr. Garcia in 1998 by granting the American G.I. Forum a congressional charter. This prestigious status places the American G.I. Forum on equal footing with the American Legion, Veterans of Foreign Wars and other such veterans organizations. The American G.I. Forum is the largest Hispanic veterans organization in the country, with over 500 chapters throughout the United States.

Dr. Hector P. Garcia is survived by his three daughters; a brother, Dr. C.P. Garcia of San Antonio; and Dr. Dalia Garcia of Corpus Christi. A son, Hector Jr., died in 1962 at age 13.

Today, I ask that my colleagues join me in commemorating the Dr. Hector P. Garcia Day of Recognition in which his service and dedication to the State of Texas and this country will be remembered on September 16 for years to come.

CHINA'S MESSAGE OF SUPPORT  
TO THE PEOPLE OF AMERICAN  
SAMOA TRANSMITTED THROUGH  
SECRETARY CLINTON IN AFTER-  
MATH OF DEVASTATING TSU-  
NAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from the Minister of Foreign Affairs, Yang Jiechi, of the People's Republic of China in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

Hon. HILLARY RODHAM CLINTON,  
*Secretary of State, Department of State, Wash-  
ington, DC, October 2, 2009.*

DEAR MADAM SECRETARY, I wish to extend to you, and through you to the people of American Samoa, my deepest condolences and sympathy following the recent powerful tsunami which has caused severe casualties and damage. We mourn the loss of so many lives and it is our sincere wish that the people in the affected areas will overcome the disaster and rebuild their homes as quickly as possible.

Sincerely yours,

YANG JIECHI,  
*Minister of Foreign Affairs,  
People's Republic of China.*

AOSIS'S MESSAGE OF SUPPORT TO  
THE PEOPLE OF AMERICAN  
SAMOA IN AFTERMATH OF DEV-  
ASTATING TSUNAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from the Permanent Mission of Grenada to the United Nations as Chair of the Alliance of Small Island States (AOSIS) in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

PERMANENT MISSION OF  
GRENADA TO THE UNITED NATIONS,  
*New York, NY, October 1, 2009.*  
NOTE No. 080/09

Hon. ENI HUNKIN FALEOMAVAEGA,  
*Office of the Representative for American  
Samoa, Washington, DC.*

The Permanent Mission of Grenada to the United Nations in its capacity as Chair of the Alliance of Small Island States (AOSIS) presents its compliments to the Office of the Representative for American Samoa, and with regret wishes to express utmost sympathy on the devastation and loss of life, which occurred as a result of the recent Tsunami.

On behalf of the Member States of AOSIS, the Permanent Mission of Grenada to the United Nations expresses deepest condolences to the Government and people of American Samoa, and to the grieving families and friends of those who lost their lives in this tragic occurrence.

The Permanent Mission of Grenada to the United Nations avails itself of this oppor-

tunity to renew to the Office of the Representative for American Samoa the assurances of its highest consideration.

NAURU'S MESSAGE OF SUPPORT  
TO THE PEOPLE OF AMERICAN  
SAMOA IN AFTERMATH OF DEV-  
ASTATING TSUNAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Marlene Moses of the Republic of Nauru in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF THE REPUBLIC OF NAURU  
*New York, NY, October 1, 2009.*

Hon. ENI F.H. FALEOMAVAEGA,  
*Rayburn House Office Building,  
Washington, DC.*

DEAR CONGRESSMAN FALEOMAVAEGA, I wish to express my heartfelt condolences to you and the people of American Samoa for the tragic loss of life and devastation caused by the recent tsunami that has affected American Samoa. The thoughts and prayers of the people of Nauru are with you as you work towards recovery after this disaster.

If there is anything I can do to be of assistance, please let me know.

Yours sincerely,

H.E. MARLENE MOSES,  
*Ambassador Extraordinaire  
and Plenipotentiary.*

UZBEKISTAN'S MESSAGE OF SUP-  
PORT TO THE PEOPLE OF AMER-  
ICAN SAMOA IN AFTERMATH OF  
DEVASTATING TSUNAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Abdulaziz Kamilov of the Republic of Uzbekistan in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF THE REPUBLIC  
OF UZBEKISTAN,  
*Washington, DC, September 30, 2009.*

Hon. ENI FALEOMAVAEGA,  
*Congressman of the United States of America,  
Washington, DC.*

DEAR CONGRESSMAN FALEOMAVAEGA, I have learned with deep sorrow the news of the tragic event in your country, resulting in numerous casualties.

Please accept my heartfelt condolences and convey our sympathy to the families and friends of the victims.

ABDULAZIZ KAMILOV,  
*Ambassador.*

INDONESIA'S MESSAGE OF SUP-  
PORT TO THE PEOPLE OF AMER-  
ICAN SAMOA IN AFTERMATH OF  
DEVASTATING TSUNAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Sudjadnan Parnohadiningrat of the Republic of Indonesia in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

KEDUTAAN BESAR REPUBLIC OF INDO-  
NESIA, EMBASSY OF THE REPUBLIC  
OF INDONESIA,

*Washington, DC, October 1, 2009.*

Hon. ENI F.H. FALEOMAVAEGA,  
*Chairman, House Sub-Committee on Asia and  
the Pacific, Rayburn House Office Building,  
Washington, DC.*

DEAR SIR, I have followed with sadness the distressing developments shown recently on the news channels regarding the massive tsunami that has struck your home islands of American Samoa causing numerous loss of lives and a great deal of suffering among the islanders.

On behalf of my staff, and in my own behalf, may I offer our deepest condolences and heartfelt sympathy to you and the people of the islands of Samoa on account of the suffering that they are enduring at this time.

We, Indonesians, understand all too well the situation now being faced in Samoa and share in your pain and suffering, as we are being reminded of our own Tsunami in December of 2004. Even at this writing we, too, are experiencing a massive earthquake that is spreading disaster on the island of Sumatra and exacting upon us a very heavy human toll.

May we join you in your prayers to God Almighty for mercy to those who have lost their lives, and for strength and fortitude to those who have to continue in the face of nature's fury.

Sincerely yours,

SUDJADNAN PARNOHADININGRAT,  
*Ambassador.*

HUNGARY'S MESSAGE OF SUP-  
PORT TO THE PEOPLE OF AMER-  
ICAN SAMOA IN AFTERMATH OF  
DEVASTATING TSUNAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Bela Szombati of the Republic of Hungary in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

*October 1, 2009.*

Hon. ENI F.H. FALEOMAVAEGA,  
*Congressman, Rayburn House Office Building,  
Washington, DC.*

DEAR CONGRESSMAN FALEOMAVAEGA, I was deeply shocked to learn about the terrible tsunami and earthquake near the coast of American Samoa on 29 September, 2009 taking the life of 31 people.

The news about the tragic catastrophe shocked the entire Hungarian community in the United States and the citizens of Hungary as well.

On behalf of the Republic of Hungary and myself I express my sincere condolences to the relatives of those who lost their lives in the earthquake and tsunami in American Samoa.

Yours sincerely,

BELA SZOMBATI,  
*Ambassador of Hungary.*

**GRENADA'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI**

**HON. ENI F.H. FALÉOMAVAEGA**

OF AMERICAN SAMOA  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, October 6, 2009*

Mr. FALÉOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Dessima M. Williams of Grenada in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

PERMANENT MISSION OF GRENADA TO  
THE UNITED NATIONS,  
*New York, NY, October 1, 2009.*

Hon. FALÉOMAVAEGA ENI HUNKIN,  
*Representative for American Samoa, Rayburn House Office Building, Washington, DC.*

HON. HUNKIN: It is with a sense of grief that I express, on behalf of the Government and people of Grenada and myself, our deepest sorrow and sympathy to the Government and people of American Samoa and yourself on the loss of lives and destruction caused by the recent Tsunami. Our heartfelt condolences go out to your people and, in particular, to the grieving families and friends.

As you are aware, Grenada is very concerned about the vulnerability of island nations to such natural disasters and of the negative effects such disasters bring to the development of our countries. However, it is our sincere belief that through the strength, resilience, and persistence of the people as well as the diligence of the Government of American Samoa, the challenges caused by this extremely difficult circumstance could be overcome.

I take this opportunity on this grave occasion to extend Grenada's commitment and solidarity to the Government and people of American Samoa.

Sincerely yours,

DESSIMA W. WILLIAMS,  
*Ambassador,  
Permanent Representative.*

**REPUBLIC OF CHINA (TAIWAN) MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI**

**HON. ENI F.H. FALÉOMAVAEGA**

OF AMERICAN SAMOA  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, October 6, 2009*

Mr. FALÉOMAVAEGA. Madam Speaker, I submit the following message of support from Jason C. Yuan, representative of the Republic

of China (Taiwan) to the United States in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

TAIPEI ECONOMIC AND CULTURAL  
REPRESENTATIVE OFFICE IN THE  
UNITED STATES,  
*Washington, DC, September 30, 2009.*

Hon. ENI FALÉOMAVAEGA,  
*House of Representatives,  
Washington, DC.*

DEAR CHAIRMAN FALÉOMAVAEGA: On behalf of the government and the people of the Republic of China (Taiwan), I am writing to express our deepest condolences and support for the people of American Samoa after a massive tsunami hurled by a powerful earthquake yesterday.

I was greatly saddened by the tragic loss of life, as well as the damage to property, livelihoods and power outages. My thoughts and prayers are with the injured, the families who lost their loved ones and those who remain missing.

I also have offered our willingness to help in our most recent communications with officials in the Obama Administration. Please do not hesitate to inform me if we can be of assistance for the relief and recovery efforts.

With deepest sympathy,

JASON C. YUAN,  
*Representative.*

**PALAU'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI**

**HON. ENI F.H. FALÉOMAVAEGA**

OF AMERICAN SAMOA  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, October 6, 2009*

Mr. FALÉOMAVAEGA. Madam Speaker, I submit the following message of support from President Johnson Toribiong of the Republic of Palau in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

DEAR MR. CHAIRMAN: I was shocked and deeply saddened this morning when I found out that your beautiful islands were devastated by an earthquake and tsunami. I became more and more distressed throughout the day as the news reports advised just how devastating the tsunami had been. Words cannot truly express how heartrending that news was to me.

My deepest sympathies go out to you and to the people of American Samoa, especially the victims of this tragic disaster. Please convey my heartfelt condolences to your elected and traditional leaders and to your people. The Republic of Palau and I stand ready to assist your recovery efforts in whatever way we can. Please do not hesitate to call upon us.

Sincerely yours,

JOHNSON TORIBIONG.

**THE PACIFIC ISLANDS FORUM'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI**

**HON. ENI F.H. FALÉOMAVAEGA**

OF AMERICAN SAMOA  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, October 6, 2009*

Mr. FALÉOMAVAEGA. Madam Speaker, I submit the following message of support from Prime Minister Kevin Rudd of Australia as Chair of the Pacific Islands Forum in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

SEPTEMBER 30, 2009.

On behalf of the membership of the Pacific Islands Forum, I wish to formally convey our deepest condolences to Samoa, American Samoa and Tonga for the tragic loss of life as a consequence of the tsunami that struck on the morning of 29 September. Our prayers go out to all of those families who have lost loved ones and those injured or displaced by this tragic event.

I am confident that the Pacific family will do all it can to support the relief efforts in Samoa, American Samoa and Tonga.

As Chair of the Forum, I urge the broader international community to mobilise in support of the relief and recovery efforts and long term reconstruction of the villages and infrastructure devastated by the impacts of both the tsunami and the earthquake.

KEVIN RUDD,  
*Chair.*

**AUSTRALIA'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI**

**HON. ENI F.H. FALÉOMAVAEGA**

OF AMERICAN SAMOA  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, October 6, 2009*

Mr. FALÉOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Dennis Richardson of Australia in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF AUSTRALIA,  
*Washington, DC, October 5, 2009.*

Hon. ENI F.H. FALÉOMAVAEGA,  
*Chairman, Sub-Committee on Asia, the Pacific and the Global Environment, Committee on Foreign Affairs, House of Representatives, Washington, DC.*

DEAR CHAIRMAN, I am writing to extend my condolences for the loss of lives and large-scale damage experienced in American Samoa following the 30 September 2009 earthquake and the resulting tsunami.

Australia was pleased to be able to respond immediately to requests for assistance from our Pacific neighbours Samoa and Tonga, both of which were also devastated by the earthquake. Australia is providing both countries with disaster relief items, including food, clothing, shelter and medical supplies, and stands ready to offer further assistance as needed.

I understand you travelled immediately to American Samoa to survey the damage first



hand and lend your support to relief efforts. I wish you well in these endeavours.

I have attached a 30 September 2009 statement by the Australian Prime Minister, the Honourable Kevin Rudd, in his capacity as the current Chair of the Pacific Island Forum, conveying his deepest condolences to Samoa, American Samoa and Tonga for the tragic loss of life as a consequence of the tsunami.

Yours sincerely,

DENNIS RICHARDSON.

#### HONORING ERIC DEAN WALLACE

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Eric Dean Wallace, a very special young man, who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many Scout activities. Over the many years Eric has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Eric Dean Wallace for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### IN RECOGNITION OF HURLEY MANNING

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Hurley Manning, a Northwest Florida community leader, upon the dedication of Hurley Manning Field at Milton High School. Coach Manning spent his career serving and teaching, and I am proud to honor his dedication and service.

Hurley is a life-long Floridian. He grew up in Milton, Florida, attending Allentown School, Berryhill Elementary, and Milton High School, graduating in 1956. He played football for Milton on the old Overman Field, and during his senior season played in the very first football game on the field being dedicated in his honor.

After graduating from Troy State University in 1960 and coaching football in Georgia and in Gainesville, Florida, Coach Manning eventually returned to Milton High School in 1968 as the head football coach. He served as head coach for 21 years, winning numerous District and Regional titles. He is the only football coach in the history of Santa Rosa County, Florida to win a state championship, which Coach Manning did twice in back-to-back years 1978 and 1979. He was extremely dedicated to the teaching profession, teaching for

almost 30 years, and he continues to keep up with his athletes, who are known as "Hurley's Boys."

Madam Speaker, on behalf of the United States Congress, I am honored to recognize Coach Hurley Manning for his lifetime of service to the students and families of Northwest Florida. My wife Vicki and I wish him, his wife of 41 years, Shirley, his children Lynette Peterson and Heather Couper, and his grandchildren, all the best for continued success.

#### "THE IRAN REFINED PETROLEUM SANCTIONS ACT OF 2009—THE BILL IS RIGHT, AND THE TIME IS RIGHT"

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SMITH of New Jersey. Madam Speaker, I rise in support of H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009, which my good friend and colleague Chairman BERMAN introduced on April 30, and of which I am a co-sponsor.

Madam Speaker, this bill amends the Iran Sanctions Act of 1996 to impose sanctions on persons who sell to or service, or otherwise commercially or financially support, Iran's petroleum industry. The bill responds to Iran's lack of refining capabilities—Iran imports 40 percent of its gasoline and relies on foreign companies to develop its energy industry. Limiting Iran's access to refined petroleum could have a major effect on the Iranian economy—and on Ahmadinejad's policies.

Even as President Obama opens diplomatic talks with Iran, we know, from all our experience with Iran and so many other dictatorships, that a serious effort to peacefully stop Iran's development of nuclear weapons will require the strongest political and economic pressure our country can muster.

Madam Speaker, it will not only be worth the effort, but it's absolutely necessary that we make this effort. In this regard, I want to point out that we have repeatedly seen the correspondence between the way a government treats its own people and the way it behaves internationally. It seems to be almost a law of international relations: massive human rights violators behave deceitfully and aggressively, and the more massive the violations, the greater the deceit and aggression.

The law has certainly held in the case of the Ahmadinejad government, whose deceit in hiding a previously secret uranium enrichment facility was revealed several weeks ago, and whose support of Hezbollah and other terrorists and declarations of genocidal intent toward Israel are notorious. When we read the State Department's Country Reports on Human Rights Practices—I will attach the Iran summary as an addendum—we should keep in mind that all these outrages and atrocities Ahmadinejad and his cronies commit on their own citizens are more evidence of the aggression Ahmadinejad and his cronies are fully prepared and preparing to commit on Israel, toward whom they don't even pretend to have anything other than the most malevolent intent.

As former Senators Coats and Robb and General Wald wrote in the Washington Post on September 21: "By ratcheting up pressure on Iran before we sit down, Western negotiators would gain both sticks (additional measures) and carrots (repealing sanctions) with which to induce Iranian cooperation."

This is exactly right: the time to move this bill is now, before the administration opens its talks with the Ahmadinejad government. This House is ready to send a clear signal to the Iranian regime—that, though our President is negotiating, this country has not weakened one bit its fundamental commitment to defend Israel, that we will not tolerate nuclear threats to Israel, and we will not permit the Ahmadinejad government to obtain nuclear weapons.

Madam Speaker, I urge you and Chairman BERMAN to move this bill, which now has over 325 co-sponsors, to the floor for passage by the full House as soon as possible. The bill is right, and the time is right.

#### 2008 COUNTRY REPORTS, IRAN SUMMARY

The government's poor human rights record worsened, and it continued to commit numerous serious abuses. The government severely limited citizens' right to change their government peacefully through free and fair elections. The government executed numerous persons for criminal convictions as juveniles and after unfair trials. Security forces were implicated in custodial deaths and committed other acts of politically motivated violence, including torture. The government administered severe officially sanctioned punishments, including death by stoning, amputation, and flogging. Vigilante groups with ties to the government committed acts of violence. Prison conditions remained poor. Security forces arbitrarily arrested and detained individuals, often holding them incommunicado. Authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities. There was a lack of judicial independence and fair public trials. The government severely restricted civil liberties, including freedoms of speech, expression, assembly, association, movement, and privacy, and it placed severe restrictions on freedom of religion. Official corruption and a lack of government transparency persisted. Violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals; trafficking in persons; and incitement to anti-Semitism remained problems. The government severely restricted workers' rights, including freedom of association and the right to organize and bargain collectively, and arrested numerous union organizers. Child labor remained a serious problem. On December 18, for the sixth consecutive year, the UN General Assembly (UNGA) adopted a resolution on Iran expressing "deep concern at ongoing systematic violations of human rights."

IN HONOR OF CHARLES J.  
"CHARLIE" VIZZINI

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. MURTHA. Madam Speaker, I rise today to honor a great American, Charles J. "Charlie" Vizzini. He was born in Colver, Pennsylvania on March 8, 1924 to John and Lillian Vizzini. He passed away on August 11 of this year.

Throughout his life, he dedicated himself to God, his country, and to his fellow man. In particular, he focused on remembering and helping his fellow veterans. His commitment stemmed from an incident during World War II when, as a young Army private stationed in France, Vizzini was wounded. He was struck in the chest by bullets from a German automatic pistol. An Army doctor was quoted in a 1944 article as saying that even though Vizzini sustained tremendous injuries, his life was saved because the bullets hit a New Testament in one of his breast pockets and a Catholic missal in the other. In a 1998 interview, Vizzini said, "I believe it is a miracle from the Lord that I am here today. That is the biggest reason I do the things I do to help veterans." While recovering from his injuries, he stayed in a European hospital for almost a year before returning to Colver. For his courageous efforts serving his country, he received two Purple Hearts and the Bronze Star.

After returning to Cambria County, Vizzini married the former Glendora Waterhouse, his loving wife of 60 years. He worked in Pennsylvania's Ebensburg Center and served as commander of Ebensburg Post 4963, Veterans of Foreign Wars. He also served on the Pennsylvania Democratic Committee and was a member of Holy Name Catholic Church in Ebensburg.

Madam Speaker, Vizzini was particularly active in honoring veterans. He would organize annual Veterans Day memorial services to honor veterans. He would also hold services on the anniversary of the bombing of Pearl Harbor and to honor the memory of fellow Cambria County native Marine Sgt. Michael Strank who helped to raise the flag at Iwo Jima.

Vizzini was often the voice for those who did not have one. He was known for rallying at the Cambria County Courthouse for causes that he felt passionately about. To honor the 63 miners who died at the 1940 Sonman Mines explosion in Portage, Pennsylvania, he organized a memorial service. He also was influential in honoring the 112 who lost their lives in the Cambria Steel Company's 1902 Rolling Mine Mill explosion in Johnstown, Pennsylvania.

Madam Speaker, I wish to conclude my remarks by saying that Charlie Vizzini will be remembered as a great American. He was a war hero who continued to serve his country by honoring his fellow veterans throughout his life. His selfless service to others in all walks of life will not be forgotten. Madam Speaker, Charlie Vizzini will truly be missed.

IN MEMORY OF COLONEL DONALD  
BLAKESKLEE

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SKELTON. Madam Speaker, it is with sadness that I inform the House of the death of Donald Blakeslee, Colonel, United States Army (Ret.) of Miami, Florida.

Col. Blakeslee was born in Fairport Harbor, Ohio. During his teenager years, he became fond of airplanes after watching them race every year at the National Air Races in Cleveland. Consequently, he and a friend, in the mid-1930s, bought a Piper Cub.

Prior to U.S. entrance into World War II, Col. Blakeslee's enthusiasm for fighting became clear when he joined the Royal Canadian Air Force. After pilot training, he was deployed to Britain, where he flew combat missions for the Royal Air Force (RAF) alongside a group of American volunteers known as American Eagle Squadrons. Ultimately, he became commander of the 133rd RAF Eagle Squadrons. When the Eagle Squadrons joined the U.S. Army Air Forces in September 1942, he became commander of the 335th Fighter Squadron. Then on January 1, 1944, Col. Blakeslee was named commander of the 4th Fighter Group of the 8th Fighter Command.

After four years in the European theater, Col. Blakeslee flew nearly 500 missions and had about 1,000 combat missions. According to Barrett Tillman, a former executive secretary of the American Fighter Aces Association, Col. Blakeslee had more missions and hours "than any other American fighter pilot of World War II." Some of his achievements include leading the first escort mission to Berlin on March 6, 1944, in which his group protected Boeing B-17s and Consolidated B-24s while dropping bombs over the German city and setting a record for most enemies shot down in one day at 31 planes on April 8, 1944.

On April 11, 1944, Col. Blakeslee was awarded the Distinguished Service Cross by General Dwight D. Eisenhower. For his service in the Korean War, he received the Legion of Merit. In all, his military service earned him two Distinguished Service Crosses, seven Distinguished Flying Crosses, two Silver Stars, six Air Medals and the British Distinguished Flying Cross.

After World War II, Col. Blakeslee remained in the Air Force. He led the 27th Fighter Wing in Korea and served in Vietnam. In 1965, he retired to Florida to live with his wife, Leola Fryer. Col. Blakeslee is survived by his daughter Dawn Blakeslee.

Madam Speaker, Col. Donald Blakeslee was an honorable officer in the military. I am certain that the members of the House will join me in extending their heartfelt condolences to his family and friends. He will be greatly missed.

TRIBUTE TO MR. AND MRS. PAUL  
PRYOR HONORING THEIR 70TH  
WEDDING ANNIVERSARY

### HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SCHAUER. Madam Speaker, I wish to take this opportunity to extend my congratulations to Paul and Arlene Pryor, who celebrated their 70th wedding anniversary earlier this year. Through their devotion to one another, their commitment to their children and grandchildren, and their involvement in community life, Mr. and Mrs. Pryor have contributed a great deal to the State of Michigan and its future.

Standing by each other, Mr. and Mrs. Pryor have demonstrated the power of love for seven decades. This momentous anniversary only epitomizes the devotion they have shared for so many years. Paul and Arlene Pryor are truly an inspiration to many.

Madam Speaker, please join me in celebrating their joyous occasion.

IN RECOGNITION OF THE 125TH AN-  
NIVERSARY OF MAE EDWARDS  
MEMORIAL UNITED METHODIST  
CHURCH

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the 125th Anniversary of Mae Edwards Memorial United Methodist Church in Milton, Florida. Mae Edwards Memorial has long been a positive force in Northwest Florida, and I am proud to honor their tremendous contributions to the community.

Mae Edwards Memorial United Methodist was started in 1884 on the Andrew Jackson Brown property. Since there were no other churches in the local community, all of the families moving to the area attended the same church regardless of denomination. In 1916, a new community church was constructed and used by members of the Methodist, Baptist, Presbyterian and Christian churches. During this time, Mae and Cliff Edwards moved to the area and joined the church. After their passing, the church was named as a memorial to Mae Edwards, who dedicated her time and her effort to the church's progress and spiritual growth.

In 1936, the old church building was torn down, and wood from the building was used to construct a community hall and church alongside the local school. Church services were originally held in the community hall, but later moved inside the school after it was renovated. The old hall was converted into a kitchen, social area, and classrooms. The church continues to grow and serve the community, and in 2001, Mae Edwards Memorial was named the small membership church of the year for the Pensacola District. In a testament to the church's strength, many of the current members are descendants of the original church founders.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Mae Edwards Memorial United Methodist Church upon 125 years of dedicated service to our community. My wife Vicki and I wish the best for continued growth and service to Reverend Byrd Mapoles and the entire church family.

INTRODUCING THE DETAINMENT  
REFORM ACT OF 2009

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce the Detainment Reform Act of 2009, a bill to ensure that we can defend our national security while also ensuring the highest standards of human rights and justice. We owe such an effort not just to ourselves but to an entire world that looks to the United States for leadership. We are a nation where the rule of law is king, and our detainment policies must reflect not the whim of our emotions but the perseverance of our reason.

Great thinkers have long noted that a society can be judged by the way it treats its prisoners. Since the terrorist attacks of September 11, 2001, the United States has detained—for periods long and short—thousands of individuals captured in Iraq, Afghanistan, and elsewhere around the world. Many of those detained are guilty of committing terrible crimes. Many are innocent. We ought to have the authority to protect ourselves by detaining those who use murder, terror, and reckless violence to attack our country. But it must also be apparent that we cannot indefinitely detain those who mean us no harm.

Unfortunately, many of those we capture and detain do not easily fit into our criminal justice system. This has complicated the efforts to provide the same constitutional protections accorded accused persons in the United States. To compound the problem, there exists no agreed-upon procedural standard in United States courts to govern the detention of individuals arrested outside the zones of active military operations. This lack of judicial coherence has created a vacuum in which the current method of combating terrorism is not only inadequate to protect our country, but also fails to adhere to the Constitution, federal law, international human rights law, and the laws of armed conflict.

Under the detention regime in place since 2002, several detainees in United States control have died under mysterious circumstances. Many have been tortured. Still others have been held for years without access to a lawyer, no right to hear the charges against them, and no way of appealing rudimentary reviews of their status. They are outside our laws but inside our prisons, at the mercy of a process that is bad for our national security, bad for human rights, and downright horrible for America's image in the world. When we detain individuals for years without ensuring that they have access to a fair and accountable system of justice, we undermine hundreds of years of democracy. This system of arbitrary justice risks replicating the very

authoritarianism we fight against. It is far past time to change.

Madam Speaker, as I mentioned, we are a nation of laws, and Congress makes those laws. I am aware that many pundits, columnists, television talk show hosts, and others, have suggested that Congress cannot act intelligently or courageously on this matter. They argue that the members of this body are too bogged down in "Not In My Backyard" arguments, and too quick to accuse each other of being weak on national security. While the President has insisted on closing Guantanamo Bay, many Members of Congress have argued to keep it open. But the debate before us today is not about the place. It's about the policy. The fact of the matter is that this issue cannot be left to the Executive Branch to make it up as they go along. Congress has the responsibility to legislate on this issue in a manner that reflects reason, clarity, and an understanding that our detention policies reflect who we are as a nation.

The Detainment Reform Act presents a plan for dramatic change, contemplating policies and guidelines to address not only current detainees but those who we will need to detain in future conflicts. This legislation creates specific definitions for those who can be detained and provides for a process of judicial review upon their initial detention. This model ensures that we will hold only those persons who pose a danger to our security, and that those who mean us no harm will not have to fear languishing in prison. This bill further provides for judicial proceedings to determine whether an individual can be charged with an offense, transferred to either his country of origin or another country, or whether he can continue to be held should the government petition for his detention. But in this last instance, the government will have to demonstrate enough cause to hold someone as a threat.

Ultimately, Madam Speaker, this bill achieves what we are all seeking: a transparent and accountable process. Frederick Douglas once noted that "the life of the nation is secure only while the nation is honest, truthful, and virtuous." If we follow his advice in this debate, we can better protect our national security, maintain the sanctity of human rights, and hold fast to the notion that America is a nation committed to justice for all.

PERSONAL EXPLANATION

**HON. DEAN HELLER**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. HELLER. Madam Speaker, on rollcall No. 748, had I been present, I would have voted "yea".

REGARDING THE TSUNAMI IN  
AMERICAN SAMOA

**HON. HENRY E. BROWN, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. BROWN of South Carolina. Madam Speaker, as the Ranking Republican Member

of the Natural Resources Subcommittee of Insular Affairs, Oceans and Wildlife, which has jurisdiction over the U.S. territories, including American Samoa, I was saddened to hear of the severe devastation that occurred after a tsunami hit the island. My deepest sympathies go out to the island nation of 65,000 people.

News outlets are reporting that four tsunami waves 15 to 20 feet high roared ashore on American Samoa. Many of the island towns are located near the sea and the devastation that followed the tsunami event appears to be immense, with pictures of the island showing buildings destroyed, cars and boats displaced and the local people trying to recover. The island is without power and water at this time as it is in the early stages of the recovery effort. Sadly, it has been reported that many people have lost their lives and the casualty numbers may increase as the recovery effort expands.

Madam Speaker, it is my understanding that the airport and sea port are open and emergency supplies and assistance are en route to the island. The Coast Guard will be inspecting the sea port and is bringing in much needed medical and other necessary supplies from Hawaii. In addition, the USS *Ingram* is headed to the island to assist with medical support, rescue efforts and water needs. Shelters are open on the island to assist displaced citizens and efforts are underway to clear roadways. It will most likely take months to recover from this event and we should do all we can to help assist and support American Samoa in their recovery from this tsunami.

I had the privilege of traveling to American Samoa where I received the utmost hospitality. My thoughts and prayers are with their people as they cope with the effects of this sudden natural disaster.

IN RECOGNITION OF REVEREND  
FRED ROGERS UPON HIS 40TH  
ANNIVERSARY AS PASTOR OF  
MILTON FIRST ASSEMBLY OF  
GOD

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the Reverend Frederick E. Rogers upon his 40th anniversary as pastor of Milton First Assembly of God in Milton, Florida. He is a true spiritual and community leader, and I am humbled to honor such a dedicated servant of God.

Pastor Rogers is a lifelong Floridian who has always been dedicated to the church. He graduated from Milton High School and received his undergraduate degree from Southeastern Bible Institute in Lakeland, Florida. In 1957, he married Jacquelyn Shelton, and the couple recently celebrated their 50th wedding anniversary. Pastor Fred and Jackie pioneered a church in Eustis, Florida, and then moved on to pastor churches in Greensboro and then Panama City. In August of 1969, they returned to Milton and began pasturing at Milton First Assembly of God.

Pastor Rogers has led a life of service. He has served in a variety of roles for the church,

and is currently the Executive Presbyter in the West District of Florida. He has been a member of the Milton Kiwanis Club since 1970, and served as its president from 1977–1978. In 1977, he was named Santa Rosa county Chamber of Commerce Man of the Year for his continued dedication.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Fred Rogers on his 40 years with Milton First Assembly of God. Pastor Rogers is a Northwest Florida leader and part of the fabric of our community. My wife Vicki and I wish the best for continued growth and service to Reverend Fred Rogers, his wife Jackie, his children Andy, Robin, and Cheri, his grandchildren, and the entire Milton First Assembly of God church family.

HONORING HENRY BIENEN ON HIS  
RETIREMENT AS PRESIDENT OF  
NORTHWESTERN UNIVERSITY

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. LIPINSKI. Madam Speaker, I rise today to honor Henry Bienen on his retirement as president of Northwestern University, one of the world's top universities and my alma mater. Mr. Bienen's retirement on August 31, 2009 leaves a legacy of nearly 15 years of academic excellence and relentless institutional improvement at Northwestern.

Mr. Bienen's tenure as president yielded truly amazing results. Under his leadership, Northwestern enhanced its academic excellence, doubling its number of undergraduate applicants, raising the average SAT score for incoming freshmen by 150 points, and vastly increasing the number of National Merit Scholars. Larger investments in undergraduate research and expanded programs continue to present students with engaging and innovative learning experiences. Mr. Bienen surpassed all expectations when he led "Campaign Northwestern," raising \$1.55 billion in a five-year period. Mr. Bienen also helped solidify Northwestern's financial stability by quintupling the endowment and raising research funding from outside sources by 140 percent.

Of particular interest to me, Mr. Bienen recognized the need for an even greater commitment to scientific research. He put his efforts behind Northwestern's Institute for Nanotechnology and constructed new research facilities that have made Northwestern a world leader in nanotechnology. Mr. Bienen's commitment to nanotechnology and scientific research at large went far beyond the construction of new buildings, as he was personally invested in the recruitment and hiring of distinguished researchers and instructors. His accomplishments and commitment were recognized in 2005, when Mr. Bienen was one of the first three university presidents awarded the Carnegie Corporation Academic Leadership Award for innovative leadership in higher education.

As a devoted fan of Northwestern athletics, Henry Bienen was proud of the accomplishments of the school's student-athletes. During

his tenure, 17 athletic teams won Big Ten championships, including three in football and an unprecedented nine straight in women's tennis. In addition, Northwestern captured five straight NCAA national championships in women's lacrosse and Northwestern's football team went to five post-season bowl games.

I rise today, Madam Speaker, to commend the dedication, service, and indelible legacy of Henry Bienen as he retires as president of Northwestern University. I am proud to have such an exemplary model of a devoted academic and leader as a friend. I wish Henry Bienen great success in his future endeavors.

A PROCLAMATION HONORING JIM  
MONIGOLD FOR WINNING THE  
BOYS' DIVISION III STATE BASE-  
BALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Jim Monigold showed hard work and dedication to the sport of baseball; and

Whereas, Jim Monigold was a supportive coach; and

Whereas, Jim Monigold always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Jim Monigold on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

RECOGNIZING THE PEA ISLAND  
LIFE-SAVING STATION

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. BUTTERFIELD. Madam Speaker, I rise to remind my colleagues about the rich history of Pea Island, North Carolina.

On January 24, 1880, Captain Richard Etheridge became the first African-American to command a United States Life-Saving Service station after being appointed as keeper of the Pea Island Life-Saving Station. At the time, Captain Etheridge was one of only eight African-Americans in the entire Life-Saving Service. Because of his skill and expertise, he was promoted from the lowest rank at the neighboring Bodie Island station to take over the incompetently run station at Pea Island.

In order to avoid repeating the previous failures at the Pea Island station, Captain Etheridge developed and implemented rigorous lifesaving drills. Under his leadership and direction, the station earned a reputation as the best on the east coast. Captain Etheridge became renowned as one of the most able, prepared, innovative, courageous and resourceful lifesavers in the Service.

On October 11, 1896, Captain Etheridge and his alert Life-Saving Service crew at Pea Island station were put to the test when the *E.S. Newman* ran aground nearby during a hurricane. Despite the raging storm and enormous waves, the surfmen succeeded in swimming to the ship and heaving a line aboard. Starting with the ship captain's three-year-old son, all nine people aboard the schooner were rescued one by one.

On February 29, 1992, the Coast Guard Cutter *Pea Island* was commissioned at Norfolk, Virginia, in memory of the African American crews at Pea Island, including Captain Etheridge and his lifesavers. And in 1996, Coast Guard Rear Admiral Stephen W. Rochon successfully spearheaded the effort to award the Gold Lifesaving Medal in recognition of the daring 1896 rescue.

Captain Etheridge served at Pea Island for twenty years. In January 1900, he fell ill and died at the station. Pea Island continued to be manned by all-black crews through the Second World War. The station was decommissioned in 1947, and, in 1949, turned over to the U.S. Department of the Interior's Fish and Wildlife Service to be used in connection with the Pea Island Migratory Waterfowl Refuge.

Today, Pea Island provides nesting habitat for loggerhead sea turtles, piping plover and other shorebirds. Despite its small size, the refuge receives over 2.5 million visitors annually.

Madam Speaker, I ask my colleagues to join me in recognizing and applauding the brave efforts of the life-saving crews on Pea Island.

HONORING WESTERN CAROLINA  
UNIVERSITY'S "PRIDE OF THE  
MOUNTAINS" MARCHING BAND  
FOR RECEIVING THE SUDLER  
TROPHY

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SHULER. Madam Speaker, I stand before you today to recognize the outstanding success of "Pride of the Mountains," the Western Carolina University Marching Band. This outstanding marching band, led by director Robert Buckner, has been awarded the 2009 Sudler Trophy. This prestigious award, made possible by the John Philip Sousa Foundation, is a world-class mark of distinction for college marching bands.

The Sudler Trophy is awarded biannually to collegiate marching bands and their directors who raise the bar for college marching bands across America. This year, the Sousa Foundation has recognized Mr. Buckner and "Pride of the Mountains" for their exciting and artistically outstanding performances. I believe that this national recognition of their dedication to excellence will inspire other college musicians to follow in their path.

Marching bands motivate our sports teams and their fans on the field, and "Pride of the Mountains" has been energizing Western Carolina University's students and football team since 1938. "Pride of the Mountains" is indeed a source of pride not only for Western

Carolina University, but for everyone in the mountains of Western North Carolina.

Madam Speaker, I urge my colleagues to join me in commending Western Carolina University's "Pride of the Mountains."

TRIBUTE TO LIEUTENANT  
COLONEL ROBERT GOULD

**HON. J. RANDY FORBES**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Lieutenant Colonel Robert Gould, who will retire from the United States Army on 1 February 2010.

America has long been called the land of opportunity, and the United States Army has served as the launching pad for many young men and women to reach the highest of heights. Rob Gould enlisted in the U.S. Army in April 1984 to commence a military career that would span nearly 26 years. As an enlisted man, Rob completed the requisite school and was awarded the military occupation skill of Chaparral Air Defense Missile Crewman. He served 42 months in the enlisted ranks and achieved the rank of Sergeant before being selected for the Army's officer commissioning program, Green to Gold.

Lieutenant Colonel Gould earned his commission as an Army officer through Army's ROTC program at the University of Arkansas. As a cadet, he was awarded the Chancellor's Trophy in recognition of his selection as Outstanding Cadet of the Year. Following commissioning, Lieutenant Colonel Gould entered flight school and finished second in his class.

As an aviator, Rob proudly served his country wherever duty called. He deployed in support of operations in Somalia, and during his company command, he moved his 122 man troop from Fort Bragg, NC to Fort Polk, LA and later deployed in support of Operation Joint Guard in Bosnia-Herzegovina.

Lieutenant Colonel Robert Gould subsequently joined the Army's Acquisition Corps and earned an advanced degree at the Florida Institute of Technology. As a member of the Acquisition Corps, Lieutenant Colonel Gould completed assignments at the Army Logistics Management College and the Defense Contract Management Agency. He supported Operations Iraqi Freedom during two tours to Amman, Jordan and Baghdad, Iraq, where he served as the DCMA Officer in Charge for the International Zone.

Nearly twenty-six years of service to our country, ascension from the enlisted ranks to a field grade officer, and excellence in flying and buying for the Army demonstrate that this soldier has been, and always will be, Army Strong!

The lasting legacy Lieutenant Colonel Robert Gould has blazed over the years will be the impact on the men and women he served with and that of his family. This successful journey could not have been completed without the support of his loving wife, Cheryl, and his children, Jessica, Janna and Wesley. On behalf of the U.S. House of Representatives, the citizens of the Fourth Congressional Dis-

trict of Virginia, and the citizens of a grateful Nation, congratulations on your well-deserved retirement, and thank you for your service to our country.

HONORING THE 70TH ANNIVERSARY OF THE JAPANESE SOCIETY FOR RIGHTS OF AUTHORS, COMPOSERS AND PUBLISHERS

**HON. MICHAEL E. McMAHON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. McMAHON. Madam Speaker, I rise today to celebrate the Japanese Society for Rights of Authors, Composers and Publishers (JASRAC) on its 70th anniversary and salute this organization for its lasting and productive international partnership with the American Society of Composers, Authors and Publishers (ASCAP) in protecting the rights of musical creators and its commitment and leadership in promoting and advancing copyright standards in Japan and around the world. I wish JASRAC much success in the future in their mission and commitment to protect the intellectual and creative property of the people of Japan.

A PROCLAMATION HONORING  
LUCAS RIPLEY FOR WINNING  
THE BOYS' DIVISION III STATE  
BASEBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Lucas Ripley showed hard work and dedication to the sport of baseball; and

Whereas, Lucas Ripley was a supportive team player; and

Whereas, Lucas Ripley always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Lucas Ripley on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

NEW YORK TIMES DOWNPLAYS  
THE TRUTH

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SMITH of Texas. Madam Speaker, a new Pew survey has found that one-third of Mexican nationals would move to America, and more than half of them would come illegally, if they could.

But when the New York Times reported on the study, the paper injected it with one of the

most common forms of bias: they treat illegal status as a circumstance that just "materialized" for illegal immigrants.

Instead of reporting that half of these individuals would come to the U.S. illegally, the Times said: "more than half . . . would move even if they did not have legal immigration documents."

Apparently, the Times just can't bring themselves to use the word "illegal." In that case, why not downplay all illegal activity? The Times could refer to burglars as "building inspectors," for example.

The fact is that those who broke U.S. laws aren't just "without documents;" they are not entitled to documents. Downplaying that fact won't change it. And, even if the news media try to hide the truth, the American people know that illegal immigrants have broken the law.

INTRODUCTION OF LEGISLATION  
TO AMEND SECTION 31 OF THE  
SMALL BUSINESS ACT WITH RE-  
SPECT TO AWARDED CONTRACT  
OPPORTUNITIES TO QUALIFIED  
HUB ZONE SMALL BUSINESS  
CONCERNS, AND FOR OTHER  
PURPOSES

**HON. WALLY HERGER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. HERGER. Madam Speaker, today I introduced a bill that would level the playing field for small businesses in my Northern California Congressional District competing for federal contracts. Under current law, federal contractors are required to give first priority to businesses that are HUB Zone certified, often times precluding worthy non-HUB Zone small businesses from having a fair opportunity to compete for federal contracts.

Numerous small businesses in my Northern California Congressional District have contacted me to explain that the HUB Zone program in its current form is preventing them from bidding on contracts with the U.S. Forest Service (USFS) with a value over \$100,000. For instance, an engineering firm in Redding, California, a company that had previously received USFS contracts, informed me that they are no longer able to bid for such contracts because they are not a HUB Zone certified company. They were told that USFS had changed its contracting policies based on a 2007 Government Accountability Office (GAO) report that found that the USFS was not in compliance with the small business contracting rules established by the HUB Zone Act of 1997. The new requirements stipulated that only companies with HUB Zone certification could bid for these contracts.

The limitation to HUB Zone certified companies is not in the best interest of all areas. The unemployment rate in my Northern California District exceeds 14% in some areas, but because of the way the HUB Zone criteria were written, only small portions of Redding, California are classified as a HUB Zone. The criteria are based on the long term unemployment rate for an area along with its income

levels, two variables that change frequently. Secondly, the maps that define the boundaries are haphazardly drawn, resulting in different sides of a street or even offices in a building having different HUB Zone statuses. Most important, the boundary lines are rarely updated and years may pass before the boundaries note a change in an area's economic situation.

The legislation that I have introduced would provide federal contracting officers with the flexibility to select from the various types of small business classifications. In doing so, HUB Zone classified small businesses would no longer have automatic first preference for federal small business contracts. This legislation would fix the current rigid preference system and give discretion to federal contracting officers to select small businesses based solely on the circumstances of the contract and quality of the bid.

The legislation would make only a one word change to the HUB Zone statute. It takes away the automatic preference given to the HUB Zone program for federal contracts going to small businesses, thereby leveling the playing field for other small businesses. With federal law mandating that 23% of federal contracts go to small businesses, it is important that federal policy promote competition to ensure that U.S. taxpayer dollars go to the most worthy contractor.

In short, my legislation would level the playing field for small businesses in a manner that is responsible to the taxpayers while continuing to provide assistance to small businesses in economically-disadvantaged areas. I look forward to working with my colleagues to move this legislation through Congress.

#### CELEBRATING 40TH ANNIVERSARY OF NATIONAL WOMEN'S HALL OF FAME OF SENECA FALLS, NEW YORK

**HON. MICHAEL A. ARCURI**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. ARCURI. Madam Speaker, it is with great pleasure that I rise today in honor of the National Women's Hall of Fame of Seneca Falls, New York on their 40th anniversary.

It was in Wesleyan Chapel in Seneca Falls in 1848 that activists like Elizabeth Cady Stanton, Susan B. Anthony and Lucretia Mott laid the cornerstone of the Women's Rights Movement. At the conclusion of this two-day, first ever Women's Rights Convention, 68 women and 32 men signed their names to the Declaration of Sentiments, signaling their commitment to pursuing suffrage and equal rights for women. This historic event, which we remember with a statue in the rotunda here in the U.S. Capitol, paved the way for generations of women who yearned to fully participate in and contribute to American society.

In 1969, the women and men of Seneca Falls established the National Women's Hall of Fame as a permanent showcase for the extraordinary contributions of American women. Forty years later, the organization has grown to include important artifacts and 230 inductees from around the nation, as women con-

tinue to influence and shape the arts, athletics, business, education, government, humanities, philanthropy and science.

Madam Speaker, I call on my colleagues to join me in recognizing the National Women's Hall of Fame on achieving this milestone. Their anniversary provides an important opportunity to honor the many women, both past and present, whose vision and hard work have contributed so much to the strength and progress of our nation.

#### A PROCLAMATION HONORING LOGAN COZART FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Logan Cozart showed hard work and dedication to the sport of baseball; and

Whereas, Logan Cozart was a supportive team player; and

Whereas, Logan Cozart always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Logan Cozart on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008-2009 baseball season.

#### EARMARK DECLARATION

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3183, "Making appropriations for energy and water development and related agencies programs for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: Energy Efficiency and Renewable Energy

Project Amount: \$500,000

Legal Name of Requesting Entity: NTRCI, 2360 Cherahala Boulevard, Knoxville, TN 37932

Description of Request: NTRCI will conduct over-the-road, heavy vehicle testing and research to validate the benefits and reliability of the Legacy rotary engine to demonstrate the capability of the Legacy engine to deliver greater fuel efficiency and thus lower consumption and reduced emissions for the \$7 billion Class 8 heavy vehicle engine market.

#### RECOGNIZING OUR NATION'S SUBMARINE VETERANS

**HON. JOHN BOOZMAN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. BOOZMAN. Madam Speaker, I rise today to commemorate the United States World War II Submarine Veterans and the important roles they played in the Allied victory.

Approximately 3,500 submariners gave their lives to protect the liberties and freedoms of the United States. The U.S. Submarine Force suffered the highest loss rate of the U.S. Armed Forces during World War II, losing a total of 52 American submarines in battle. The War in the Pacific could not have been won without the brave and selfless efforts of these men.

It is also a great honor to be able to attend the decommissioning ceremony for World War II Submarine Veterans, Diamond Chapter, hosted by the USS Snook Base of the United States Submarine Veterans in Rogers, Arkansas.

The recognition of our World War II submarine veterans has been long overdue. I am pleased and honored to recognize these servicemen, who risked their lives for their country and made the World War II victory possible in House Resolution 773. I thank Congressman SESTAK for his service to our country and for his leadership on this Resolution and encourage my colleagues to cosponsor this important bill.

#### CONGRATULING THE DALAI LAMA ON HIS TRIUMPHS FOR HUMAN RIGHTS

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. RANGEL. Madam Speaker, I rise today to congratulate the Dalai Lama as the first-ever Tom Lantos Human Rights Prize honoree. The award acknowledges the Dalai Lama's role as an unsung hero in the fight for human rights. He is already a Nobel Peace Prize and Congressional Gold Medal recipient.

The Dalai Lama was recognized as the reincarnation of the 13th Dalai Lama when he was two years old and enthroned at the age of 15. For more than 50 years, he has fought on behalf of Tibetan Buddhists and made history as the first Dalai Lama to travel to the West. The late Congressman Tom Lantos—who serves as the namesake for the prestigious award—was fittingly the first Congressman to invite a Dalai Lama to the U.S. Congress.

The Dalai Lama serves as a role model to us all. His courageous spirit in the fight for equal rights, democracy, freedom, and religious harmony are the things that will help not only strengthen Tibet, but the world over.

Annette Lantos and the Lantos Foundation for Human Rights and Justice are committed to recognizing and applauding individuals who continue to fight for human rights in America and abroad, in the great spirit of my former

colleague Congressman Lantos. May we join them—with enthusiasm and fervor—in that endeavor.

#### PERSONAL EXPLANATION

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. CAPUANO. Madam Speaker, last week I missed several rollcall votes and I wish to state for the record how I would have voted had I been present:

Rollcall No. 740—"yes"; rollcall No. 741—"yes"; rollcall No. 742—"no"; rollcall No. 743—"yes"; rollcall No. 744—"yes"; rollcall No. 745—"yes"; rollcall No. 746—"no"; rollcall No. 747—"yes"; rollcall No. 748—"yes"; rollcall No. 749—"yes"; rollcall No. 750—"yes"; rollcall No. 751—"yes"; rollcall No. 752—"yes".

#### HONORING FEMALE CIVIC LEADERS OF WATERLOO

### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. BRALEY of Iowa. Madam Speaker, I rise today to honor eight influential women of Waterloo, Ruth Anderson, BJ Furgerson, Joy Lowe, Lou Porter, Dorothy Sallis, Dorothy Turner, Anna Weems and Willie Mae Wright. These women define what it means to be a champion for equal rights.

Over the past five decades, these women have helped shape the lives of all residents of Waterloo through their efforts to ensure that equality is attained and maintained. Through their work, the city of Waterloo has become an example of moving beyond what divides the community and instead focusing on what strengthens it.

These women have made remarkable strides in bringing forth equality. They were instrumental in bringing Reverend Dr. Martin Luther King Jr. to their community, establishing and maintaining Iowa's longest running African American radio station, serving in city and county government, working tirelessly to improve the lives of children, and ensuring that the rights of all citizens of Waterloo are honored. Through their work more people are now invested in their communities and giving back to their neighbors.

These women have dedicated their lives to bringing about the sort of change that we now recognize as fundamental to a full and vibrant society. They are a constant reminder of how far we have come and that we should all strive for fairness in our work and provide opportunities for all. I am proud to represent these women in Congress and wish them well in their future endeavors.

#### A PROCLAMATION HONORING LOGAN GRAY FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SPACE. Madam Speaker: Whereas, Logan Gray showed hard work and dedication to the sport of baseball; and Whereas, Logan Gray was a supportive team player; and

Whereas, Logan Gray always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Logan Gray on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

#### HONORING THE SERVICE AND DEDICATION OF SARAH M. TUKE

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the service and dedication of Sarah R. Tuke, a member of my staff who is leaving my office to pursue the next phase in her career.

Sarah Tuke is a Tennessee native, raised in the Nashville area. After graduating from the University of Virginia with a bachelor's degree in History, she moved to St. Louis to work for a non-profit organization. Sarah quickly realized, however, that working in politics interested her more, and she returned to Tennessee to volunteer for Harold Ford Jr.'s U.S. Senate campaign in 2006.

Following the campaign, Sarah moved to Washington, D.C. to further pursue her interests in politics and the legislative process. She joined my staff in February 2007 after an internship with the House Science and Technology Committee.

From the first day she walked into my office, her enthusiasm and kind spirit impressed me and everyone she worked with. Her commitment to helping Middle Tennesseans has always been strong—I have never had a staffer with the patience and kindness that Sarah exudes, especially when answering questions from constituents and volunteering to help her co-workers with projects. She has also worked hard to understand the complexities of adoption and veterans issues, which has helped me in pursuing my legislative priorities.

Madam Speaker, if you would like to package kindheartedness, you could just put a bow on Sarah. It's Sarah's "can-do" attitude, combined with her genuine compassion to others that has led this wonderful individual to rise and succeed as she has done in my office.

Sarah, we're all going to miss you. I wish you the best of luck in your new position with the Japanese Embassy.

#### RETIREMENT OF COLONEL STEPHEN M. CHRISTIAN, UNITED STATES ARMY

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. HOLT. Madam Speaker, I want to take a moment to honor a fine officer who will shortly be leaving active duty. COL Stephen M. Christian will be retiring from the United States Army on October 12, 2009, after more than 30 years of active military service, culminating as Garrison Commander for the United States Army Garrison, Fort Monmouth, New Jersey.

Colonel Christian enlisted in the Army in 1978 and in 1984 attended Officer Candidate School and was commissioned as an Air Defense Artillery Officer. Throughout his career Colonel Christian has held numerous high level command and staff positions, including tours with the 7th Infantry Division (Light) at Fort Ord, California; the 25th Infantry Division (Light) at Schofield Barracks, Hawaii; and the 10th Mountain Division at Fort Drum, New York. He commanded at the battalion level on two occasions and served two tours of duty in Afghanistan in support of Operation Enduring Freedom, during which he was awarded two Bronze Star Medals. Colonel Christian's civilian education includes a master of science in administration and a master of security strategy from the National War College, National Defense University. Colonel Christian is married to Laura Christian and they have two adult children, Captain Nicholas Christian and Leslie Roop.

Madam Speaker, our active duty families make many sacrifices for the rest of us, and this is especially true of those who make the military their career. I thank Colonel Christian for his long and honorable service to our Nation, and I wish him and his wife Laura the very best as they prepare to enter a new phase in their life journey together.

#### PERSONAL EXPLANATION

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SMITH of Washington. Madam Speaker, I rise to correct my vote on the Motion to Instruct Conferees for the Fiscal Year 2010 Homeland Security Appropriations Act that was considered on the House floor on October 1, 2009.

The Motion to Instruct Conferees (rollcall No. 746) made recommendations that would prohibit the transfer of detainees currently held at Guantanamo Bay to the United States, even for prosecution. My vote in favor of this motion was a mistake and contradicts my views on our detention policies.

To be clear, I strongly support President Obama's decision to close the detention facility at Guantanamo Bay and move our detention policies forward in a responsible manner, even if that means transferring some detainees to the United States. I intended to vote "yes" on rollcall vote No. 663.



## TRIBUTE TO FRED NELSON

## HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. DUNCAN. Madam Speaker, I wish to pay tribute to an exemplary public servant from my District in Tennessee.

Fred Nelson recently retired as the General Manager of the Lenoir City Utilities Board in Lenoir City, Tennessee. His career is a testament to the American dream and community service.

Fred began working at the Lenoir City Utilities Board in an entry-level position for \$1.90 per hour. More than four decades later, he retires following a successful tenure as General Manager. Dedicated public servants such as Fred are the seeds of any great community, and I only hope that more people follow in his footsteps.

Like many of his generation, Fred also served his country admirably in the Marine Corps in Vietnam. We owe a debt to Fred and many others who selflessly put their community and country before themselves.

Recently, the News-Herald in Lenoir City published an article commemorating Fred's service, which is reprinted below. I gladly bring the service of Fred Nelson to the attention of my colleagues and other readers of the RECORD, and I wish him all the best in his much-deserved retirement.

[From the Lenoir City (TN) News-Herald, Sept. 23-24, 2009]

## NELSON SET TO RETIRE

(By Greg Wilkerson)

After a more than 43-year career with Lenoir City Utilities Board, General Manager Fred Nelson announced his retirement Monday, effective Jan. 22.

"It's been my life," Nelson said as he reflected on his long career.

Nelson got his start with the utility after leaving the Marine Corps in 1966.

He said his plan had been to make a career in the armed forces, but his mother did not want him to return to Vietnam, so he left to start a civilian career.

He considered a position he was offered in Florida within the space program, but ultimately decided to come to Loudon County because of an offer to work at the Hosiery Mill.

That job paid \$1.80 an hour and the LCUB job paid \$1.90 an hour and he's been working there ever since.

"I think the Lord's led me and actually guided me in ways I needed to go," he said. "It's always been right."

Nelson said health concerns were a major factor in his leaving. Doctors have encouraged him to retire for years because of advanced artery disease in his heart and he said he recently had his sixteenth and seventeenth stints put in.

"I'm going to start walking on the trail and try to lose weight and hopefully play golf," Nelson said. He also said he plans to do more travelling and see more of his out-of-town friends.

When Nelson started with LCUB he worked for about six months as a groundman before starting a four-year apprenticeship to become a lineman. He said he still pays his lineman dues to stay a part of their union.

"There's not much I haven't got to do here," he said.

His career has included the title of foreman, assistant superintendent, superintendent, manager of operations and in 2004, general manager.

"It's been a wonderful ride," he said.

He said he will miss the employees the most.

"We have a great bunch of employees and everybody is very friendly," Nelson said. He recognized there have been disagreements through the years but everything always gets worked out.

"If somebody was to need something, the employees are always ready to help," he said. "Since I came to work at LCUB in 1966, 46 people have passed away that I worked with. I have a lot of good memories with all of them."

Nelson was quick to thank the board for giving him the opportunity to be general manager and said he was proud of the accomplishments of the utility in the five years he's been in charge. He also attributed much of the success to his department heads.

"We've built five new substations in the last three years and we paid for them in-house without having to borrow any money," he said. They also haven't been to the bond market since 2001, and Nelson said they used to go every three years.

"We've really tried to buy the best equipment you can get," he said. "We've had an excellent safety record."

Nelson's wife, Judy, retired from Y-12 two years ago. They have two daughters and five grandchildren, all living in Loudon County.

## HONORING THE 100TH ANNIVERSARY OF THE WEST END SILVER POINT CHURCH

## HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the 100th anniversary of the founding of the West End Church of Christ congregation in Silver Point, Tennessee.

In 1909, Pastor George Phillip "G.P." Bowser relocated the Laurel Hill congregation to Silver Point and established the Putnam County Normal and Industrial Orphanage to provide housing, education, vocation, and religious instruction to the African American children of the region. In 1913, the school became the Silver Point Christian Institute, educating grades one through eight. A small printing press was operated by the school, which led to the development of the Christian Echo—a publication that is still printed today.

By 1915, the church and school combined into the West End Church of Christ Silver Point. A new building was constructed, which still stands to this day. In December 2007, the building was included in the National Register of Historic Places by the U.S. National Park Service.

The geographically isolated Highland Rim area of Middle Tennessee has always focused on small-scale agriculture and timber resources grouped into small towns. Farms were tended by individual families with little outside help. Until the early 20th century, these small communities in Silver Point had few religious organizations and even fewer schools. Class-

es were often taught in buildings that could not afford proper maintenance or enough supplies for students.

The school that Pastor Bowser established in 1915 provided the young children of the community with educational opportunities never before seen in the area. Though the school closed in 1959, the Church remains active.

Many prominent and nationally-acclaimed leaders have been personally involved with the Church, including Sam Womack, Alexander Campbell, Marshall Keeble, Henry Clay, J.S. Winston, R.N. Hogan, G.E. Stewart, and Levi Kennedy.

Through its 100 year history, the West End Church of Christ in Silver Point has provided a place of identity and congregation for the African American community of western Putnam County. I congratulate the congregation on its centennial anniversary.

## SUPPORTING THE MISSION AND GOALS OF NATIONAL BREAST CANCER AWARENESS MONTH

## HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. TOWNS. Madam Speaker, I rise today in support of the observance of National Breast Cancer Awareness Month. This October 2009, we celebrate the 25th anniversary of National Breast Cancer Awareness Month and honor those women who lost their lives to the disease, along with those who are fighting the disease and those who are survivors.

For the past quarter century, October has been dedicated to the awareness and education of breast cancer. This monthly observance, most notably marked by the color pink which is now recognized worldwide as the color of breast cancer awareness, has also allowed us to trace the tremendous milestones in science and innovation that are producing promising results to combat the disease, such as proven better treatment and lower fatality rates.

I am currently a co-sponsor of H.R. 1691: The "Breast Cancer Patient Protection Act of 2009" introduced in this Congress by my colleague from Connecticut, Rep. ROSA DELAURO. The legislation requires health plans to provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations. Currently, the legislation is before the House Committees on Energy and Commerce, Ways and Means and Education and Labor. I urge my colleagues to take steps toward bringing this legislation for a vote on the House floor as soon as possible.

This year alone, more than 190,000 new cases of invasive breast cancer are expected to be diagnosed among women in the United States, and an estimated 40,170 women are expected to die from the disease. With those statistics in mind, I encourage all women over the age of 40 to put their health first this month. That may mean taking precautionary steps, such as doing yearly mammograms and other early detection procedures.

On this silver anniversary of National Breast Cancer Awareness Month, I honor those women who are currently fighting the disease and extend to them my warmest blessings for a speedy recovery.

#### EARMARK DECLARATION

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010:

Requesting Member: JO ANN EMERSON  
Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia

Address of Requesting Entity: 101 Park DeVille Drive, Suite E, Columbia, MO

Description of Request: Provide \$1,339,000 for the Food and Agriculture Policy Research Institute to provide objective, quantitative economic analysis of agricultural policy alternatives. Approximately \$188,000 or 14% will be used to continue a cooperative agreement with the University of Wisconsin relating to dairy policy; \$340,000 or 25% will be used to conduct analysis of rangeland, cattle and hay, sheep and specialty crops with the University of Nevada—Reno; \$811,000 or 61% will be divided between the University of Missouri and Iowa State University to provide a ten-year baseline and policy analysis for U.S. and world agriculture.

Requesting Member: JO ANN EMERSON  
Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia

Address of Requesting Entity: 101 Park DeVille Drive, Suite E, Columbia, MO

Description of Request: Provide \$595,000 for the Food and Agriculture Policy Research Institute (FAPRI) and the Agricultural and Food Policy Center (AFPC) to provide Congress with information regarding farm financial risk and farm structure and the impacts of alternative agricultural policies on these factors. Approximately \$244,000 or 41% is for FAPRI at the University of Missouri to provide stochastic and deterministic baseline and policy scenarios, and \$351,000 or 59% is for AFPC at Texas A&M University to provide representative farm analysis.

Requesting Member: JO ANN EMERSON  
Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia Delta Research Center

Address of Requesting Entity: Highway 61, Portageville, MO 63873

Description of Request: Provide \$174,000 for the University of Missouri—Delta Research

Center to continue research on rice production in the mid-South. Approximately \$140,610 will be for multiple personnel costs, \$29,000 for materials and supplies, and \$5,000 for other costs.

Requesting Member: JO ANN EMERSON  
Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia

Address of Requesting Entity: 214 Middlebush Hall, Columbia, Missouri 65211

Description of Request: Provide \$889,000 for the Rural Policies Institute to provide unbiased analysis and information on the challenges, needs, and opportunities in rural people and places; and to spur public dialogue and help policymakers understand the impacts of public policies and programs on rural people and places. Salaries and fringe benefits \$654,000 or 74%, for Center Investments \$60,000 or 7%, for conferences and events \$50,000 or 6%, for consultants \$25,000 or 2%, for office expenses \$40,000 or 4%, for travel \$60,000 or 7%.

Requesting Member: JO ANN EMERSON  
Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia Delta Research Center

Address of Requesting Entity: Highway 61, Portageville, MO 63873

Description of Request: Provide \$556,000 for continued soybean cyst nematode research at the University of Missouri—Delta Research Center. Of the \$556,000, 85% is for salaries and benefits, the remaining 15% is for travel, supplies, and costs for a winter seed nursery.

Requesting Member: JO ANN EMERSON  
Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service—Salaries and Expenses

Legal Name of Requesting Entity: Bootheel Resource Conservation and Development, Inc.

Address of Requesting Entity: 18450 Ridgeview Lane, Dexter, MO 63841

Description of Request: Provide \$207,000 to the USDA—APHIS—Wildlife Services in Southeast Missouri. Of the \$207,000, 80% would be utilized for salaries and benefits, 17% for APHIS—Wildlife Services program support and 3% for vehicle maintenance and fuel. A portion of the operating budget will also be provided by local municipalities, commodity organizations and university support.

Requesting Member: JO ANN EMERSON  
Bill Number: H.R. 2997

Account: General Provision  
Legal Name of Requesting Entity: Congressional Hunger Center

Address of Requesting Entity: Hall of States Building, 400 North Capitol Street, NW., Suite G100, Washington, DC 20001

Description of Request: Provide \$3,000,000 for the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program. Of the \$3,000,000 in funding 54% would be for salaries, benefits, healthcare and other costs associated with the Emerson National Hunger Fellowship Program and 46% for similar costs associated with the Mickey Leland International Hunger Fellowship Program.

Requesting Member: JO ANN EMERSON  
Bill Number: H.R. 2997

Account: Agriculture Research Service—Salaries and Expenses

Legal Name of Requesting Entity: University of Missouri Center for Agroforestry

Address of Requesting Entity: 203 Anheuser-Busch Natural Resources Building, Columbia, Missouri, 65211

Description of Request: Provide \$660,000 to support research on viable alternative production and protection options to help revitalize the economic and environmental health of rural farms and communities in Missouri and surrounding states. Approximately, \$438,882 [or 66%] is for salary and fringe to support professional track faculty, research associates, field research specialists, graduate and undergraduate students; \$201,982 [or 31%] for materials and supplies in support of laboratory and field-based research on campus and at five MU farms and centers; \$19,137 [or 3%] for travel.

Requesting Member: JO ANN EMERSON  
Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—Research and Education Activities

Legal Name of Requesting Entity: Center for Grapevine Biotechnology at Missouri State University

Address of Requesting Entity: 9740 Red Spring Road, Mountain Grove, Missouri, 65711

Description of Request: Provide \$422,000 to research the ability of wild grapevines to defend themselves against pathogens, and their capacity to synthesize health-promoting properties. Of the funds available 46% for salary and benefits, 21% for other direct costs including materials and supplies, and 25% for F&A.

#### TRIBUTE TO BILL HARRISON

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to Bill Harrison, the recently retired president of the Coweta County Development Authority, who died September 29 after a battle with cancer.

I had the great privilege of knowing Bill personally. He was a professional, a dedicated husband and father, an avid outdoorsman, and an all-around great guy.

He put his heart and soul into bringing new businesses and opportunities to Coweta County, and that's how he and I became acquainted. He would take business recruits under his wing like a mother hen. He would often bring them into my district office personally, assuring they had a friendly, familiar face in the room and that they got all of their needs met and all of their questions answered. He also saw to it that nothing got lost in translation between us Georgians and our international business partners.

As the Newnan Times-Herald reported upon his death, "Harrison assisted with locations or expansions of numerous companies, including PetSmart, SYGMA Networking, Kingwasong, Winpak Films, D&H Distribution, and MC Pre-cast. He considered the planned location of

the Cancer Treatment Centers of America to Coweta County the highlight of his professional career."

It's fitting that his crowning achievement will be a center to fight the ravages of cancer, the disease that took him from us much too soon. The cancer treatment center will bring at least 500 new jobs and hundreds of millions of dollars in economic impact for Coweta County.

When Bill retired this summer, the Times-Herald editorialized: "Bill Harrison is a good guy. If he were in an old western movie, he would be wearing a white hat. . . . When Harrison took the economic development job in Coweta, our community's industry-recruiting effort was a mess. It was fragmented. There was no single go-to person or organization. It had gotten so bad that prospects would simply look elsewhere. That changed after Harrison was hired to preside over the Development Authority and that group became the go-to agency here."

Bill was more than a fierce advocate for the community; he was also a beloved figure. On a web site set up for his family, more than 2,000 people expressed their condolences.

All of Coweta County mourns the loss of our dear friend Bill Harrison. Our thoughts and prayers are with his wife of 43 years, Virginia Heitzman Harrison, and their family.

#### CONGRATULATIONS TO HOWARD CHO, PRESIDENT OF CVE TECHNOLOGY GROUP IN PLANO

#### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. SAM JOHNSON of Texas. Madam Speaker, congratulations are in order for Howard Cho, president of CVE Technology Group in Plano.

It is an honor and a privilege to salute him for winning the distinguished Minority Manufacturer of the Year Award. Presented on behalf of the United States Department of Commerce's Minority Business Development Agency, this prestigious award pays tribute to the minority entrepreneurs who have demonstrated industry leadership, business success, and community impact.

Founded by President Cho in New Jersey in 1986, the company specializes in consumer electronics, has revenues of \$50 million and employs over 1,200 people. In 2002, CVE Technology Group relocated to Plano, Texas, where it now provides refurbishment of cell phones and remanufacturing business with Samsung Telecommunications America, LLC. CVE plans for more growth through continued cellular phone manufacturing, expanding their operation and sales revenue.

In fact, the city of Plano honored Mr. Cho and the company with a citation creating "CVE Technology Group Day."

Economic data demonstrates minority-owned firms are poised to generate long-term employment and economic growth in their communities. Howard Cho's CVE Technology Group in Plano is a shining example of that.

Congratulations again, and thank you, to Mr. Cho and CVE Technology Group in Plano, Texas. I salute you.

#### TRIBUTE TO BEN LEWIS ATUAHENE

#### HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. PERRIELLO. Madam Speaker, Ben Lewis Atuahene—also known as Kofi Kwarteng—was born to Dora Yaa Akyea Kyerematen and Samuel Kwadwo Atuahene on January 23, 1942 in Kumasi, Ghana. He attended Ghana National Secondary School in Cape Coast and briefly worked at the President's Castle in Ghana before moving to London, England in 1965 to study law. In 1969, he was admitted to the Honorable Society of the Inner Temple, and was called to the Bar in 1971. During that same time he met and married the love of his life, Beatrice Achampong, in London. They later moved to New York in 1972, where they started their family. Opportunities arose for the couple in California and they moved with their two daughters, Nannette and Bernadette, to Los Angeles in 1976, where he began work as legal counsel for C & R Clothiers in Culver City. In 1984, he passed the California Bar and immediately began the independent law practice he ran until his untimely death. Ben was an invaluable asset to the Ghanaian community and touched the lives of thousands of people through his legal practice, philanthropy, and mentorship. Ben's untiring generosity, strength of character, determination to succeed, and desire to make those around him realize their full potential survive in his daughters, Nannette and Bernadette, and his grandchildren, Abdeena, Aliou, Alim, and Afia Nyarko. He is also survived by brothers, Yaw Kankam, Oppong, Frimpong, Dixon, Kwame, Ernest, and sister, Eva Atuahene, as well as extended family both here and abroad. Ben will be deeply missed by his family and his community, where he served as a guide, a counselor, and a friend.

#### HONORING SOUTH PADRE ISLAND CHIEF OF POLICE ROBERT RODRIGUEZ ON HIS RETIREMENT

#### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. ORTIZ. Madam Speaker, I rise today to recognize the service and dedication of Police Chief Robert Rodriguez for his service and commitment to the Town of South Padre Island, where he worked for 25 years, and retired from the police force on September 1, 2009.

Chief Rodriguez has been instrumental in working during the years with the many law enforcement agencies in the Rio Grande Valley as each of the town's police officers, including him, strove to serve and protect South Texans and guests who visit South Padre Island year-round.

During the past few years, Chief Rodriguez, along with those that call South Texas home, has seen South Padre Island grow. We have

seen new development come in, new businesses open, and hotels and condominiums constructed.

Through these significant changes, we know South Padre Island continues to evolve even after suffering from great loss in revenues and services brought about by Hurricane Dolly. South Padre Island continues to accommodate, protect, and serve its many residents and tourists.

Chief Rodriguez has been able to adjust his staff and manpower to the growing needs of South Padre Island. On any given day, you can spot Chief Rodriguez, while on or off duty, visiting with locals and residents. He works around the clock.

In 1984, he began his work for the Town of South Padre Island as a dispatcher, and later was promoted to the police force. From then on, Chief Rodriguez has climbed the ranks within the South Padre Island Police Department and on August 18, 2000, he was sworn in as police chief.

Chief Rodriguez has been instrumental in his work with South Padre Island, and although I am sad to see him leave, I know he is ready to enjoy his much needed retirement with his family, friends and loved ones.

Madam Speaker, I ask my colleagues to please join me in commemorating the service of Chief Robert Rodriguez, who served the Town of South Padre Island, the State of Texas, and the United States of America, in his capacity of law enforcement officer for 25 years.

#### HONORING COL. JIM MUDD

#### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a true leader, dedicated public servant, and a dear friend, Col. Jim Mudd, Collier County Manager.

Jim served his country honorably for 26 years in the U.S. Army, achieving the rank of Colonel and retiring as the Commander and District Engineer of the U.S. Army Engineer District in Rock Island, Illinois. He graduated from the U.S. Military Academy at West Point in 1974 and earned a Master's degree in operations research from the Naval Postgraduate School in 1982. He was formerly Assistant Director of Civil Works, Central Region, U.S. Army Corps of Engineers, Washington, D.C., and Chief of the Assessment Division, U.S. Central Command, MacDill Air Force Base, Florida, and Riyadh, Saudi Arabia. He is also a veteran of the Gulf War. He and his wife Annette have two children who are also serving in the armed services. His son Ryan is a Lieutenant in the U.S. Navy and his daughter Kati is a Captain and physician in the U.S. Army.

After completing his military service in 2000, he moved to Collier County where he became the Public Utilities manager followed by nine months as the Deputy County Manager and eventually earning the top leadership position as County Manager on July 15, 2002.

Throughout the years I have had the privilege of working with Jim to advance the needs

of Collier County and the Southwest Florida Community. He has been committed to the people of Collier County for almost a decade even continuing his service after being diagnosed with brain cancer. Through this most difficult battle of his life Jim has shown grace and dignity. He has dedicated his life to his country and to the people of Southwest Florida and truly embodies the spirit of public service. Speaker, I ask that you join me in thanking County Manager Jim Mudd for his service to this country and the people of Southwest Florida. It is an honor to know such a great man, and a personal privilege to call him a friend.

THE RETIREMENT OF PAUL  
COWEN AS CHIEF OF STAFF TO  
STATE SENATOR EDDIE LUCIO,  
JR.

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. ORTIZ. Madam Speaker, I rise today to recognize the dedication of Paul Cowen, who is retiring after 20 years as Chief of Staff to State Sen. Eddie Lucio, Jr.

Paul has worked day in and day out with our office on policy that has greatly impacted South Texas. His vision, perseverance and commitment to helping the less fortunate is remarkable.

In 1989, Paul got a call from then-candidate Eddie Lucio, Jr., the soon-to-be Senator asked Paul if he would run his campaign for the Texas 27th Senatorial District, Paul agreed. The rest is history.

Paul is one of 10 children of Louis and Virginia Cowen. He has been married to Tamara Cowen for 37 years and has three children: Tara Jean, Jonathan Paul, and Timothy Patrick. I take this time on the House Floor to wish Paul a happy retirement, and at the same time, thank him for the many lives he impacted and changed through his work in the Texas Legislature alongside Sen. Lucio.

Although Paul will no longer be Chief of Staff to Sen. Lucio, he will forever remain in the hearts and souls of those he impacted.

Today, I ask that my colleagues join me in commemorating the retirement of Paul Cowen as Chief of Staff to Sen. Eddie Lucio, Jr. I wish you the best of luck, amigo.

ACCEPTANCE OF STATUE OF  
HELEN KELLER PRESENTED BY  
THE PEOPLE OF ALABAMA

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 30, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the Congressional Tribute commending the dedication of the statue of Helen Keller.

The life of Helen Keller is one that we continue to praise because of her tenacious spirit. Having her sight and hearing stolen by illness

as an infant in rural Alabama did not stop her from accomplishing incredible feats. Ms. Keller is not only a champion for the blind and deaf in the United States, but also worldwide. Her miraculous breakthrough came at a simple well-pump, learning the spelling of the word "water" as it ran over her hand. From this moment, she went on to graduate from Radcliffe College, author several books and be awarded the Presidential Medal of Freedom.

As a Representative, as a woman, and as a nurse, I can appreciate the societal and medical challenges Ms. Keller overcame to become the triumphant figure that she is. Young women have a great role model in Helen Keller. She has also inspired medical professionals and humanitarians across the globe to fight preventable blindness and malnutrition.

It is with great respect for this American hero that I urge my colleagues to join me in supporting the Congressional Tribute commending the dedication of the statue of Helen Keller.

TRIBUTE TO ART VAN FURNITURE

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. UPTON. Madam Speaker, I rise today to pay tribute to Art Van Furniture. Throughout the month of October, Mr. Art Van Elslander and Art Van Furniture are celebrating 50 years as a family-owned and Michigan-based company.

In my district, the city of Kalamazoo is home to an Art Van Furniture store that has been dedicated to supplying guests with quality furniture and superior customer service. They have continued to provide jobs and revenue to the local economy during a time when Southwest Michigan has needed it most.

As Michigan's largest furniture retailer with 32 locations, Art Van Furniture has brought recognition and notoriety to our State by receiving numerous distinguished honors. One recent accolade was the 2009 Retailer of the Year Award from Furniture Today, a furniture industry publication. In acknowledgment of their green efforts, the Michigan Retailers Association named Art Van Furniture a 2007 GreenTailer. This inaugural honor is given to retailers who are protecting the environment by adopting energy conservation and Earth-friendly practices.

Providing continual and vital economic growth to local communities statewide by employing more than 2,500 Michiganders, Art Van Furniture has been continually named one of West Michigan's 101 Best and Brightest places to work. Furthermore, Art Van Furniture has an exceptional record of giving back to area charities and communities through a variety of generous financial contributions.

Again, it is my honor to rise today in honor of Art Van Furniture on the monumental occasion of its 50th anniversary. Congratulations and best wishes for another five decades.

TRIBUTE TO THE CONGREGATION  
GEMILUTH CHASSODIM

### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. ALEXANDER. Madam Speaker, I rise today to pay tribute to the Congregation Gemiluth Chassodim of Alexandria, LA, originally known as the Hebrew Benevolent Society of Rapides. Chartered on October 2, 1859, the congregation recently celebrated its 150th anniversary of distinguished service to the Jewish community, as well as to providing faithful dedication to the Alexandria area.

The congregation first held religious services in various private homes with lay leadership. The initial Jewish sanctuary was built in 1870, and the first rabbi, Marx Klein, came in 1873. On October 14, 1873, the young congregation became one of the original charter members of the Union of American Hebrew Congregations, presently known as the Union for Reform Judaism, which today represents 900 affiliate congregations in the United States and abroad. The present sanctuary was constructed in 1952.

The congregation has been served by 23 rabbis and 33 board presidents. It grew to a peak of nearly 300 families during the mid-twentieth century.

Many members of the Temple have held various leadership roles in civic and charitable organizations throughout Central Louisiana. In addition, they have made significant contributions in the fields of medicine, law, government, social services, education and the cultural life of the region.

The Temple, the Rabbi and individual members continue to play an integral part in achieving better interfaith understanding, working to strengthen the quality of life for all citizens in the communities of the region.

Madam Speaker, I ask my colleagues to join with me in commending the Congregation Gemiluth Chassodim.

INTRODUCTION OF THE PRO-  
TECTING RESORT CITIES FROM  
DISCRIMINATION ACT OF 2009

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. MITCHELL. Madam Speaker, earlier today I, along with Representative DEAN HELLER of Nevada introduced the Protecting Resort Cities from Discrimination Act of 2009.

If enacted, the bill would prohibit federal agencies from discriminating against cities like Scottsdale, Arizona, and Reno and Las Vegas, Nevada, simply because they are great places to visit.

Scottsdale, and resort destination cities like it, are reeling right now—not just from an economic downturn, but from stigma. Business travelers are reluctant to avail themselves of the great facilities and great value we have to offer, out of fear that they will be accused of inappropriately vacationing on the company dime.

In Arizona, some are calling it the "AIG effect."

As a result, an already difficult situation has become dire.

Earlier this year, the Arizona Republic reported that, in Scottsdale alone, an estimated 80 events and business meetings had been canceled and local resorts had lost a combined \$23.9 million from groups fearing a public-relations backlash.

Scottsdale's hotel occupancy is down nearly 12 percent, and revenue per available room is down nearly 30 percent.

The ripple effect this has had on our economy is even worse. Restaurants, suppliers—you name it—they're all suffering.

And it doesn't help when the federal government tells the business community that they're afraid of giving us their business, too.

Cities like Scottsdale, Reno and Las Vegas should have every bit as much right to win federal meeting and conference business as anywhere else. If we can provide the right facilities at the right price, we shouldn't be punished because we also happen to be great places to visit.

If enacted, the Protecting Resort Cities from Discrimination Act would stop that from happening. The bipartisan bill would prohibit federal agencies from discriminating against cities that are perceived to be resort or vacation destinations when planning events, meetings or conferences.

I want to assure my colleagues that nothing in this bill will encourage federal agencies to undertake any additional or unnecessary travel. I firmly believe that federal agencies have an obligation to ensure that tax dollars are not wasted or misused.

All this bill would do is ensure that, when appropriate, cities like Scottsdale have a right to compete.

I want to thank Rep. HELLER for his partnership on this legislation and I urge my colleagues to support it.

H.R. 3590, SERVICEMEMBERS HOME OWNERSHIP TAX ACT OF 2009

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. AL GREEN of Texas. Madam Speaker, I extend my support to H.R. 3590, the Service Members Home Ownership Tax Act of 2009, and thank my friend from New York, Mr. RANGEL, for introducing this legislation.

When Congress passed the first-time homebuyer tax credit in the American Recovery and Reinvestment Act in January of this year, it sought to reverse the downturn in the housing market by helping qualified homebuyers purchase their first home with a maximum \$8,000 tax credit. To ensure that the credit benefitted ordinary Americans and not speculators, we required that borrowers who took advantage of the credit repay it if they sold their home within three years of the purchase date.

At the time, we thought this was good policy. However, it is clear now that an exception should have been made for our servicemen and women and their families, who are often

required by federal orders to redeploy overseas within a three-year period. The chance for us to correct this oversight has now come.

The Service Members Home Ownership Tax Act amends the federal tax code to provide an exemption for members of the military, CIA, and Department of State that would not require them to repay the homebuyer tax credit if they are called for overseas duty and are forced to sell their homes within three years of purchasing it. It also extends for one year the deadline for utilizing the first-time homebuyer tax credit for service members who served outside the country for at least 90 days in 2009. This provision would help returning veterans take full advantage of the tax credit, which is set to expire on November 30, 2009.

In exchange for service in war zones abroad and the sacrifices that our servicemen and women make everyday, it is only fair that our military families be able to take full advantage of the programs we enact in Congress. The Service Members Home Ownership Tax Act of 2009 is deficit neutral and reaffirms our commitment to our men and women in uniform. I am proud to provide my support to H.R. 3590.

"BRINGING HER LIGHT"—IN HONOR OF HELEN KELLER AND THE UNVEILING OF HER STATUE AT THE UNITED STATES CAPITOL

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. ADERHOLT. Madam Speaker, I rise today to honor an American heroine, Helen Keller, on the occasion of the unveiling of her statue at The United States Capitol on Wednesday, October 7th 2009, in the Great Rotunda. Born in Tuscumbia, Alabama, Helen would rise up to be one of the greatest daughters of the South. Stricken at the age of 19 months as a baby, losing both her hearing and her sight. Against all odds, armed with but only her will, courage and persistence, would come out of the dark to teach the world. And become admired for her shining example of faith and courage. Providing hope to all and championing the betterment of others. I ask that this poem penned by Albert Caswell of the Capitol Guide Service be placed in the RECORD.

#### BRINGING HER LIGHT

Out of the darkness . . .  
 Into the light . . .  
 From out of the darkness . . .  
 Can so come the light . . .  
 From out of such silence . . .  
 Can so come one's soul . . .  
 A voice heard, so sounding . . . so very  
 bright, to behold!  
 All in the Keller, the color of one's soul . . .  
 Of which so ignites . . .  
 All in it's brightness . . .  
 All in it's brilliance . . .  
 As ever so there, so Bringing Her Light . . .  
 with but her glow . . .  
 Of the one who could not so see . . .  
 And yet, saw even clearer . . . all in what  
 hope can so be . . .  
 Of the one who could not so hear . . .  
 And yet, heard all of those answers . . . so  
 very clear . . .

Lessons, for woman and mankind . . . to help  
 win that fight . . .

Inspiring us all, with but her heart and her  
 mind . . .

A Miracle Worker . . .

Showing us all . . .

How faith and courage, all in ones soul . . .  
 ever burns bright to behold . . .

While, coming out of the darkest . . . out of  
 that night . . .

That, against all odds . . .

Only, with ones soul . . .

Can ones heart, so be heard and so seen . . .  
 so all in its light!

Coming Out of The Darkness!

Bringing Her Light!

### INTRODUCTION OF THE SMALL BUSINESS TAX EQUALIZATION AND COMPLIANCE ACT

### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Ms. BERKLEY. Madam Speaker, I am very pleased to re-introduce the Small Business Tax Equalization and Compliance Act, legislation that would extend the existing tip tax credit—the 45(b) credit—to employers in the salon industry and at the same time encourage tax compliance through education and improved tip reporting requirements. This legislation makes needed changes to the tax code to help support a vital and growing sector of America's economy, the salon industry.

The salon industry is one of America's most diverse industries and home to a large number of entry-level jobs, but with room for advancement and opportunities that go far beyond minimum-wage. The industry is also a significant employer of women, particularly working mothers who need flexibility in their work schedules.

In 1993, Congress formally recognized that employers should not be responsible for paying FICA taxes on income that was not paid by them, and granted the restaurant industry a dollar-for-dollar tax credit on the employer's share of FICA taxes paid on tip income above the minimum wage. Much like restaurants, salon employees receive a large portion of their income in the form of tips. As a matter of tax fairness, it is time to extend similar treatment to the salon industry.

My bill also includes provisions to improve tip reporting to ensure that all salons—whether the traditional employer-employee model or the non-employer salons where independent contractors report their own tips—are fully complying with reporting requirements.

I believe that small businesses are the backbone of the American economy, and salons are an important part of the small business community. Eighty-two percent of salon establishments have fewer than 10 employees and 98 percent of salons are single-unit operations. Extending the tip tax credit to these small businesses would provide much needed tax relief, particularly in these challenging economic times, and allow them to reinvest in their businesses, employees, and communities.

A strong economic recovery will depend on the health and strength of our small business

sector. It is imperative that we work to ensure our tax rules governing this sector are fair, simple, and encourage compliance. I urge all of my colleagues to join me in supporting this legislation.

---

CELEBRATING THE 25TH ANNIVERSARY  
OF GOODRICH  
AEROSTRUCTURES IN FOLEY,  
ALABAMA

---

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 2009*

Mr. BONNER. Madam Speaker, I want to extend my congratulations to Goodrich Aerostructures Original Equipment Manufacturer and the Alabama Service Center on their 25th anniversary in Foley, Alabama. For a quarter of a century the hard working men and women of Goodrich have been manufacturing, assembling, maintaining, repairing, and serv-

icing aircraft engine components and structures such as nacelles, pylons, fan and inlet cowls, and thrust reversers for both military and commercial aircraft.

Goodrich Aerostructures, originally known as Rohr Industries, became part of the Baldwin County community in 1984. In December 2006, Goodrich began an expansion project to increase its size in Foley to more than 425,000 square feet. Since 2005, Goodrich Aerostructures has become the second largest employer in Foley with more than 800 people working at the facility. Most recently, the Aerostructures team in Foley was recognized by General Electric for delivering its 500th CF34-10 nacelle; they have also received production contracts to supply the pylons and nacelle systems for the Air Force C-5 Galaxy strategic airlifter as part of the Reliability Enhancement and Re-engining Program and, for eight consecutive years, workers at Goodrich in Foley have been recognized by the FAA with Aviation Maintenance Technician (AMT) awards.

As a good corporate citizen, Goodrich has been a leader in the Foley community. Goodrich has partnered with Alabama Industrial Development Training to offer training classes with more than 900 graduates. Earlier this year, the United Way of Baldwin County recognized Goodrich as the top contributing industry in the county. Goodrich is also recognized for supporting education, arts, and civic activities in the local community such as the Baldwin County Sheriff's Boys Ranch in Summerdale, Community Hospice for Baldwin County, and putting together and sending care packages to family members and friends of employees who are serving our country in Iraq and Afghanistan.

Madam Speaker, I am proud to represent the working families of Goodrich Aerostructures in Foley, and I ask my colleagues to join me in offering heartfelt congratulations on 25 years of dedication, hard work, and leadership in the community. Needless to say, I wish them much continued success in the future.